

Engström, Viljam (Ed.); Mustaniemi-Laakso, Maija (Ed.); Stark, Laura (Ed.)

**Book**

## Social Justice Innovation in Africa

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*Routledge Studies in African Development*

# **SOCIAL JUSTICE INNOVATION IN AFRICA**

Edited by  
Viljam Engström, Maija Mustaniemi-Laakso  
and Laura Stark



# Social Justice Innovation in Africa

Adopting a multidisciplinary approach, this book discusses the potential of social innovation in the pursuit of social justice in Africa. In the twenty-first century, social innovation and entrepreneurship have attracted renewed attention as a way of promoting social justice and addressing challenges of poverty and inequality.

Drawing on perspectives from human rights, economics, business, development studies and anthropology, this book illustrates the entangled relationship between societal areas and activities, as well as different actors (individuals, communities, business actors, non-governmental organisations and public authorities) in social innovation. It identifies various models of social innovation, ranging from grassroots initiatives to public policymaking, and discusses their impact on socioeconomic welfare. It analyses a broad range of original research data and incorporates localised understandings of social innovation, highlighting both the empowering potential of social innovation and the possibility that it could sustain or create inequalities. As such, this book deepens an understanding of what makes social innovation ‘social’ and ‘just’.

Arguing that social justice innovation can only be understood in context, this book will be of interest for researchers and policymakers across the fields of human rights, economics, business, development studies, anthropology and African studies.

**Viljam Engström** is Head of research in Public International Law at Åbo Akademi University School of Law, Finland. His main research interests are international institutions, social protection and the function of law and legal concepts.

**Maija Mustaniemi-Laakso** is Postdoctoral Researcher at Åbo Akademi University School of Law/Institute for Human Rights, Finland, with research interest in issues related to vulnerability, accountability and international human rights law.

**Laura Stark** is Professor of Ethnology at the University of Jyväskylä, Finland. Her research interests include gender, sexuality and urban poverty in Africa, and she has led five externally funded, multi-researcher projects.



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*“Social Justice Innovation in Africa* is an essential exploration of social innovation’s role in addressing global inequalities exposed by the COVID-19 pandemic. Authored by scholars and practitioners, this book offers a multidisciplinary lens, dissecting the complex interplay of human rights, economics and development. A unique blend of literature analysis and empirical research, it delves into diverse innovation approaches, from grassroots initiatives to technological advancements. This comprehensive work not only unveils the entangled relationships within African societies but also provides invaluable insights applicable worldwide. A must-read for anyone passionate about fostering just and impactful social change.”

**Professor Jill Kickul**, *Lloyd Greif Center for Entrepreneurial Studies,  
Marshall School of Business, University of Southern California*

*“Social Justice Innovation in Africa* is a timely exploration of the vital role social innovation plays in addressing global inequalities. Authored by African scholars and practitioners, this multidisciplinary work offers a contextual and comprehensive understanding of diverse social innovation approaches, making it an indispensable resource for anyone seeking insights into the multifaceted pursuit of social justice.”

**Patricia Kameri-Mbote**, *Director, Law Division,  
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### **Social Justice Innovation in Africa**

*Edited by Viljam Engström, Maija Mustaniemi-Laakso and Laura Stark*

# Social Justice Innovation in Africa

Edited by  
Viljam Engström,  
Maija Mustaniemi-Laakso and  
Laura Stark

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# Contributors

**Kellen Aganyira** is Lecturer and Postdoctoral Researcher at the Department of Adult and Community Education, Makerere University – Kampala, Uganda. Her interests are in natural resources governance, climate change policy and sustainable livelihoods. She currently works with local and international multidisciplinary research teams that aim to document the voices of marginalised communities in the global south.

**Elias Yitbarek Alemayehu** is Associate Professor at the Ethiopian Institute of Architecture, Building Construction and City Development (EiABC), Addis Ababa University, Ethiopia. He is educator, researcher and practitioner in the field of urban development, focusing on housing and livelihood continuity.

**Sidy Lamine Bagayoko** is Associate Professor, Director of the Laboratory of Collaborative Visual Anthropology, LAVISCOL (Laboratoire Anthropologie Visuelle Collaborative), head of the Master program in Collaborative Visual Anthropology, Université des Lettres et des Sciences Humaines de Bamako. He earned his PhD in 2014 from the University of Nice, Côte d'Azur, and he has directed several research films related to education and poverty in Mali. His research focuses on visual and digital anthropology, economic anthropology, urban poverty and education in Mali.

**Malin Brännback** is Dean and Professor of International Business at the School of Business and Economics at Åbo Akademi University, Finland. Her main research interests are entrepreneurship, entrepreneurial intention, motivations and cognition. She has published 11 books and more than 50 peer-reviewed journal articles. She is Associate Editor of the *Journal of Small Business and Entrepreneurship*.

**Arthur van Coller** is Associate Professor at the Faculty of Law, University of Fort Hare, South Africa. He was admitted as an attorney in 1996 in South Africa, and he has acted as a magistrate. His research interests concern international humanitarian law, children's law and legal ethics.

**Viljam Engström** is Head of research at Åbo Akademi University School of Law, Finland. His main research interests are international institutions, social protection and the function of law and legal concepts.

**Ilia Gugenishvili** is Assistant Professor at the Department of International Marketing at Åbo Akademi University, Finland. His research interests include mobile applications, engagement, consumer behaviour, culture and social psychology. He has published in the *Journal of Consumer Behavior*, *International Journal of E-Services and Mobile Applications*, and *Voluntary Sector Review*, among others.

**Sharon Hofisi** has PhD in law majoring in transformative transitional justice and International Human Rights Law from the University of Pretoria, lectured on international legal justice and practised law in Zimbabwe. His recent works focus on social protection in Zimbabwe.

**Kennedy Kariseb** is Senior Lecturer in the School of Law at the University of Namibia, Namibia. He holds a PhD in law from the University of Pretoria, South Africa. His areas of specialisation include labour law, public international law and international human rights law.

**Tiina Kontinen** is Associate Professor at International Development Studies at the University of Jyväskylä, Finland. She leads a research group on Citizenship and Civil Society in Development. She has published on civil society, NGOs, and North-South partnerships, and she has led various projects with global research teams.

**Anne Kotonya** is Lecturer in Law and Advocate of the High Court of Kenya. She holds a PhD from the University of the Witwatersrand, South Africa. She has published in the *African Journal of Legal Studies*, *International Journal of the Legal Profession* and *International Journal of Legal Education*, among others.

**Irene Kujala** is Assistant Professor at the Department of International Marketing at the School of Business and Economics, Åbo Akademi University, Finland. Her research interests include international marketing strategies, network and relationship development in internationalisation, and small-to medium-sized firm (SMEs) internationalisation and emerging market strategies. She has publications in *Industrial Marketing Management*, *Entrepreneurship Education and Pedagogy* and *International Journal of Entrepreneurship and Small Business* (IJESB).

**Dorothy Kyagaba Sebbowa** is Senior Lecturer and Ag. Coordinator, Centre for Teaching and Learning Support, College of Education and External Studies, Makerere University, Uganda. Her areas of interest include history education, cultural heritages, slavery, decolonization, digital archives, educational technologies and digital humanities.

**Nicholas Mugabi** is Lecturer at the Department of Sociology and Anthropology, School of Social Science, College of Humanities and Social Sciences,



Makerere University, Uganda. He has a PhD in sociology from Makerere University and a PhD in social work from Gothenburg University. He has published articles in the areas of ICT4D, financial inclusion, development evaluation, community livelihoods and children's rights, agricultural extension and social innovations.

**Maija Mustaniemi-Laakso** is Postdoctoral Researcher at Abo Akademi University School of Law/Institute for Human Rights, Finland, with research interest in issues related to vulnerability, accountability and international human rights law.

**Dennis Ndambo** is Lecturer in Law at Jomo Kenyatta University of Agriculture and Technology, Nairobi, Kenya, and a practicing advocate. His teaching and research interests include international legal subjects, gender and the law. He has an LL.D from the University of Pretoria.

**Ntandokayise Ndlovu** is Senior Lecturer at the Faculty of Law, University of FortHare, South Africa and an African Union Commission Expert Member of the Working Group on Death Penalty, Extra-judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa 2022–2024. He holds an LL.D from the University of FortHare, South Africa. His research interests include international human rights law, child protection, SDGs and the law.

**Anna-Greta Nyström** is Professor of Business Administration (International Marketing) at the School of Business and Economics, Åbo Akademi University, Finland. Her research interests include business networks, innovation and market creation in high-tech industries. She has published in the *Journal of Business Research*, *Industrial Marketing Management* and *Technological Forecasting & Social Change*, among others.

**Douglas Sheil** is affiliated with the Forest Ecology and Forest Management Group at the Wageningen University & Research, AA Wageningen, The Netherlands; the Faculty of Environmental Sciences and Natural Resource Management, Norwegian University of Life Sciences, Ås, Norway; and the Center for International Forestry Research (CIFOR), Kota Bogor, Indonesia. His research focuses broadly on forests, forestry and conservation.

**John R S Tabuti** is affiliated with the Department of Environmental Management, Makerere University, Kampala, Uganda. His research interests include ethnobotany, climate change mitigation, floristics and agroforestry. His ethnobotanical research interests are focused on identifying priority species for management and promotion.



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# Preface

The Finland-Africa Platform for Innovation (FAPI) is a network composed of 26 Finnish higher education institutions supported by the Finnish Ministry of Education and Culture, which aims to build and strengthen partnerships between African and Finnish higher education institutions in order to promote innovation. The network falls within Sustainable Development Goal 9 on creating resilient infrastructures, and inclusive and sustainable industrialisation, and on fostering innovation. This book is the result of collaboration within the FAPI framework between Åbo Akademi University, the University of Jyväskylä and African scholars.

This book proposes the concept of social justice innovation. Innovations can include new services, goods, organisational structures and methods. Although innovation is frequently applied to economic activities, a focus on its social dimension puts emphasis on novel approaches to action and collaboration for the purpose of promoting justice.

There is a pressing need to uphold and improve justice, considering the multiple crises of climate change, armed conflicts and economic hardship that the world is facing at the time of writing in late 2023. The emphasis of the UN Agenda 2030 on no one being left behind has remained extremely relevant amid current polycrises. This book takes a broad approach to innovation. In order to ensure that everyone is included and able to contribute fairly to society, innovative ideas and actions by governments, members of civil society, business actors and individuals are needed. The book's chapters demonstrate how new social practices can emerge at various levels of society, from modest-scale experiments by individuals and organisations to regulatory and judicial action.

In recent discussions about North-South collaboration, there has been a call for new, more ethical and mutually beneficial approaches. This requires changing the habits and traditions of research agendas set by Northern scholars and carried out by Southern collaborators, who are occasionally treated as mere research assistants and data collectors. "He who pays the piper calls the tune" is frequently what happens when funding is provided by Northern sources. In this case, the financing by the Ministry of Education and Culture was not project-specific, opening up opportunities for more flexible partnerships.

The book process that started in late 2021 builds upon previous research and ongoing collaborations that were further nurtured during research visits by the authors of the book and through two joint author workshops. This book is the outcome of a shared interest to collect and share knowledge on the theme of social innovation and to engage in a critical discussion on the various forms and functions of such innovation. By conceptualising the notion of social justice innovation, providing empirically embedded studies on social innovation in Africa and showcasing a process of effective and enjoyable academic collaboration, we hope this book will mark the beginning of better inclusion of social justice in debates on innovation in everyday life, business activities, legislative action, government policymaking and the development policies of donor countries.

Every collaboration requires robust administrative efforts. We would like to acknowledge the invaluable efforts of network coordinators Frank Ojwang at the University of Jyväskylä and Michel Rouleau-Dick at Åbo Akademi University, in facilitating various calls and selection processes, mobility arrangements and workshops. The biggest thanks, however, go to the editors for their persistent, caring and professional way of leading throughout the process.

December 2023

Tiina Kontinen & Laura Stark,  
University of Jyväskylä, Finland

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This book is the result of collaboration between Åbo Akademi University (ÅAU) and the University of Jyväskylä (JYU) within the Finland-Africa Platform for Innovation (SDG 9) (FAPI). FAPI is one of the eight global networks supported by the Ministry of Education and Culture of Finland under its internationalisation programme (2021–2024). In addition to the work on this book, the collaboration has entailed joint workshops, joint teaching, mobility opportunities for African scholars, authors' workshops, outreach events and more. These activities would not have been possible without the FAPI funding from the ministry together with funding from the Åbo Akademi University Foundation, and the University of Jyväskylä Coalition of Africa Networks.

However, funding alone is not enough to make things happen. Any successful research collaboration also requires a common scientific interest and a shared enthusiasm. In this respect, we, the editors, wish to warmly thank all the authors for contributing to this book with their insights and expertise. We are grateful for all the interesting discussions at authors' meetings, the smooth cooperation, openness for suggestions and swift responses despite stressed-out calendars.

We also extend our gratitude to the two host universities, ÅAU and JYU, the support of which has been essential for the realisation of this book. The enthusiasm for the project has been present since the very first meeting between the ÅAU Institute for Human Rights, the School of Business and Economics at ÅAU, and the Faculty of Humanities and Social Sciences at JYU in 2021. An eagerness to find common ground across scientific boundaries made it possible to formulate concrete goals for the collaboration. This eventually materialised in the publication of this book and in the creation of a new cross-disciplinary course at ÅAU, which will both carry on the legacy of the FAPI collaboration. Special thanks go to Tiina Kontinen and Katarina Frostell for their continuous engagement in driving the collaboration further and to Frank Ojwang at JYU and Michel Rouleau-Dick at ÅAU for their skilful and tireless coordination work. Their efforts have also been invaluable in ensuring pleasant research stays for many of the authors of the book at the two host universities. In terms of institutional support, the commitment of Elina Pirjatanniemi, Wilhelm Barner-Rasmussen, Malin Brännback and Jari Ojala has

been crucial. Other key persons in developing the FAPI collaboration include Anna-Greta Nyström, Irene Kujala, Ilia Gugenishvili, Astrid Huopalainen and Meiraf Tesfaye. Gratitude also goes to the two host universities for their generous funding for open access publication, which we hope will vastly increase the outreach of the research done by the authors.

Finally, we wish to thank Routledge for offering us the opportunity to publish this book. From the very first comments on the book proposal (thanks to the anonymous reviewers!), the reception and feedback have been insightful and encouraging. We want to thank Katerina Lade for her engagement and for guiding us through the publishing process, and Kathrin Immanuel for finalizing the book.



# Introduction

## Understanding social innovation in Africa

*Viljam Engström and Maija Mustaniemi-Laakso*

### Setting the scene

The role of social justice and access to equitable social protection are recognised as central factors in combating poverty and inequality. This is highlighted, for example, in the Agenda 2063 adopted by the African Union in 2015, setting forth a framework for achieving well-being and equality, and inclusive socio-economic development in Africa (African Union 2015a, 2015b). In practice, social justice however remains unequally fulfilled both globally and locally (UNDP 2022). Concerns in this regard are particularly enduring in Africa, a fact that has been recently underscored by the socio-economic consequences of the COVID-19 pandemic (DFI/OXFAM 2022). While research shows that Africa has made progress since the adoption of the United Nations Sustainable Development Goals (SDGs) any progress is uneven. With multiple and intersecting global and regional crises, and with rapid rates of population growth and urbanisation, Africa is still a continent facing considerable challenges in meeting the SDG objectives (AU/UNECA/AfDB/UNDP 2022). Serious shortcomings persist, for example, in respect of access to education for girls, equal access to the job market and health services and food security (ILO 2022b). Social protection coverage continues to be low due to underinvestment, particularly in Sub-Saharan Africa (ILO 2022c, 15), and Africa at large remains the continent with the lowest levels of access to social protection (ILO 2021a, 13). This can translate into a “responsibilisation” (O’Malley 2009) of communities and individuals who are being tasked with their own welfare.

Social innovation, and overall, the interaction between social and innovation policies, is seen to have great potential as a catalyst for more inclusive and sustainable development in Africa (ILO 2022b; Millard 2018; World Economic Forum 2023). Different forms of citizen-led innovation, such as social (micro) enterprises and cooperatives, can be claimed to be at the forefront of non-state-driven societal transformation, taking major roles in job creation in response to the challenges of sustainable development (Barran et al. 2020a, 2020b). Also, the social and solidarity economy is today widely recognised as

an important “lever for local, sustainable and inclusive development” within Africa, and as having a role in informing the increased interest taken by governments in “human-centred economic models” that bring together social, economic and environmental concerns (ILO 2021b, 2022b, 23). Research on some parts of Africa has shown particularly strong potential for social innovation on the African continent in the sectors of education and socio-professional integration; health and access to social protection; and agriculture (ILO 2022b, 34).

As will be discussed more in detail below in the chapter by *Gugenishvili et al.*, in the African context, social innovation, including social entrepreneurship, has a long tradition. Social innovation in the form of cooperatives has existed for over a hundred years and different forms of community enterprises have been operational for decades (Littlewood et al. 2022, 260). A variety of informal institutional systems have been in place to compensate for the implementation gaps of formal policies and mechanisms (Foster and Heeks 2013, 350), and non-governmental organisations taking important roles in service production and development (Littlewood et al. 2022, 260). However, Littlewood (2022, 260) notes, it is particularly within the last decade that the *idea* of social innovation has picked up momentum and become an object of research. As a reaction to the failure by public/state actors and/or the market to deliver, Millard et al. (2019, 218, 221) note that in a global comparison, the capacity for civil society innovation and social entrepreneurship seems to be relatively high in Africa.

Despite this capacity, the share of innovations with an explicitly social objective in Africa may not be as high as in other parts of the world (Millard et al. 2019, 197–199). This can be explained by the fact that many social innovations in the African context take a markedly crosscutting character, addressing interrelated and acute developmental concerns behind phenomena such as hunger and poverty, which bisect across not only social but also other policy fields, such as the environment and the economy (Millard et al. 2019, 198). Furthermore, research reveals that many African social and solidarity economy organisations do not conceptualise themselves as “social innovators” as such, even if their activities would have a clear social innovation agenda, nor does social innovation figure prominently in the policy agendas of public authorities in relation to such organisations (ILO 2022b, 34, 74). In fact, research indicates that in African social and solidarity economy organisations, social innovation is often perceived not as an objective *per se* but more as a culture or a way of doing things, to address an unmet need or to compensate for a scarcity of resources (ILO 2022b, 34, 74). As such, social innovation can be seen to take both remedial and transformative roles in filling gaps and contributing to the existing societal systems (ILO 2022b, 35).

A need for further knowledge exists to better understand and contextualise the dynamics of social innovation in the African context. This is where this book taps in. The concept of social justice innovation used in the book’s title is a hybrid of the concepts of *social innovation* and *social justice*. It highlights that

a guiding theme for the book is to assess the possibility of promoting social justice through social innovation and entrepreneurship. This requires taking an analytically critical approach to any claim to social innovation. Whether the impact of an innovation is critical and transformative and what preferences and values are promoted through it are key questions to be asked. Through a multidisciplinary lens, the book explores the entangled relationship between human rights, livelihoods and social justice, as well as the roles that different actors, such as individuals, communities, businesses and governments, play in this regard. Drawing on insights from African research data, it incorporates localised understandings of social innovation and underlines the need for contextualised analyses of social innovation in a rapidly developing continent. At the same time, many of the social innovations discussed in the book will also be relevant beyond the African context.

This introductory chapter sets the scene for the subsequent social innovation analyses. It does so by placing social justice innovation in a wider context and by introducing the reader to some of the key themes and questions that emerge from the individual chapters.

### **Social innovation in context**

The yet unfulfilled promise of the SDGs globally and locally has elevated “the social question” (Orford 2019) into a new paradigm of global development. There is enthusiasm to “build back better” (UNGA 2020; World Bank 2020), which is manifested in a range of interlinking global social justice initiatives. There are calls for “kinder capitalism” (Srinivas 2023, 177) and a new “social contract” (Cichon 2021; Razavi et al. 2020) among activists and academics. In more concrete policies, this transforms into initiatives on the establishment of “social protection floors” (ILO 2012); a strive for a “human rights economy” (OHCHR 2019); an encouragement for “transformative change” (UNRISD 2016); and a push for a “social and solidarity economy” (ILO 2022d; RIPESS 2015). These initiatives can be a part of a “social turn” in global policymaking (de Haan 2014; UNRISD 2016), expressing an acknowledged need to pay more attention to the social consequences of political and economic activities at all levels of policymaking.

Alongside the “social turn” of the past 10–15 years two other “turns” can be identified. A “private turn” in development policy has taken place over the first two decades of the 2000s and has brought private actors into development processes as active agents and contributors of development financing (Tan 2022, 14; van Waeyenberge 2016). This “new landscape” of development financing (Tan 2022, 6) has had profound impacts on the development aid architecture and has given rise to new forms of public-private partnerships, with also global actors such as the International Monetary Fund calling for public incentives for private projects, for example, in Africa (Eyraud et al. 2021). Similar trends are discernible at the national level where private investment is becoming more and more crucial, for example, through the

concession model for infrastructural development where private partners provide and operate infrastructures on behalf of the state (Dewulf et al. 2012, xiii; Hoppe & Schmitz 2013). Cooperation between public and business actors is increasing in order to find novel solutions for the production of public services (Brogaard 2021). This takes place in parallel with different “grass-roots”, “below the radar”, “frugal” and “bottom of the pyramid” innovation approaches (Chataway et al. 2014, 35–39; Cozzens & Sutz 2014, 14–16; Kaplinsky et al. 2010; Papaioannou 2014; Prahalad 2010). The trend is likely to persist, as a reconfiguration of the public-private relationship is also considered inevitable for mitigating climate change impact (e.g. Georgieva & Adrian 2022).

Predating the “private turn”, the idea of a civil society was rediscovered in the 1980s (Lewis 2002). Social groupings have played important roles, for example, in political liberalisations and reforms in the African region in the early 1990s (Chazan et al. 1992). As many states in Africa have failed to institutionalise democratic governance, civil society organisations have grown into important service providers, filling a space between citizens and the state. As a result, civil society organisations in the form of non-governmental organisations and community-based organisations are a “dynamic part of African societies” (Daniel & Neubert 2019, 180). Given the first-hand participation and the mobilisation of the shared knowledge and other resources of the stakeholders, localised and bottom-up initiatives have often been successful in responding to the developmental challenges of individuals and communities. As a result, for example, cause-driven social entrepreneurship, the forms of which can range from cooperatives to corporations and combine civic agency with economic goals, has become a widely used broker for social justice and development. The initiatives can be non-profit yet self-sustaining or combine altruistic aims with for-profit goals while operating for a social purpose. The picture is, however, not uniform across the continent. While civic participation proliferates in countries where democracy prospers, in some countries, the operational environment of civil society is more hostile (Kew & Oshikoya 2013, 16–17).

As part of these more general “turns”, as also this book testifies, social innovation as a phenomenon in Africa is attracting renewed and growing attention as a way of addressing societal challenges such as poverty and inequality through different types of bottom-up action. While the “social turn” comes with a demand on policymaking at all levels to pay particular attention to social questions, it at the same time indicates a development whereby various non-state actors, including social enterprises and non-governmental organisations assume a role alongside the state as social protection providers. In this way, the “civil society turn” and the “private turn” come together through practices of social investment and social entrepreneurship (Then & Mildenberger 2022).

At the level of institutional policies, social innovation is often linked to the proliferation of so-called social and solidarity economy organisations (ILO

2022b; OECD 2022). As a term, social solidarity economy evades a clear-cut definition, but generally refers to organisations and enterprises, which have “explicit economic and social (and often environmental) objectives; involve varying degrees and forms of cooperative, associative and solidarity relations between workers, producers and consumers; and practice workplace democracy and self-management” (UNTFSSSE n.d.). The Recommendation on Social and Solidarity Economy and Social Innovation adopted by the OECD (2022, 6) defines social and solidarity economy as consisting of “organisations such as associations, cooperatives, mutual organisations, foundations, and, more recently, social enterprises [...] community-based, grassroots and spontaneous initiatives [...] in addition to non-profit organisations”. Social innovation is considered a central element in building a social economy framework, underlining also its broader societal role (OECD 2022).

### Research voids

As an object of research, social innovation is not new but can be dated back to thinkers such as Durkheim, Weber and Marx exploring the change in society caused by technological innovations. In the 1930s, Schumpeter discussed social innovation as a means of structural change in society (or within enterprises), with a specific focus on the relationship between development and innovation. Between these early accounts, some differences in emphasis can be found, with Durkheim and Weber emphasising changes in social relations within political and economic communities, whereas Schumpeter underlined the role of the entrepreneur in driving technical innovation, which in turn produces societal innovation and change (for a discussion, see Moulaert 2009, 12).

While traces of these lines of thinking can also be found in current social innovation discourses (Moulaert 2009), a distinct feature of the present “social turn” is the desire to harness social innovation for actively challenging and changing current socio-economic structures (Portales 2019, 4). Whereas the debate on social innovation for long mainly focused on addressing the changes brought about by the introduction of new technologies in production processes, by the 1990s, the concept had gained broad acceptance and had entered the vocabulary of a range of disciplines. Alongside this, the process of innovation itself has become regarded as social action. Innovation is no longer only seen as a tool for solving a social problem, but also as a process for bringing about social change (Cajaiba-Santana 2014, 44; Portales 2019, 4).

With the spread of social innovation across societal areas and scientific disciplines, its inadequate conceptualisation has also become apparent. Research on social innovation is fragmented across scientific fields and there is a marked absence of paradigms enabling a unified discussion (Cajaiba-Santana 2014, 42–43). Social innovation takes multiple forms and takes place at various levels. Calls for more systematised and critical approaches to social innovation that reach beyond the traditional “core of innovation studies” have

therefore been made, in particular with a view to conceptualise social innovation in context (such as Africa) (Lema et al. 2021, 204; Littlewood et al. 2022, 262, 265).

In addition to calls for conceptual and theoretical rigour, a need exists to further understand and contextualise the dynamics of social innovation as an element of the “social turn”. As Buchanan et al. (2011, 306) note, “[...] the significance of innovation for justice – the opportunities for promoting justice that it creates, and the risks of injustice that it poses – has not been adequately appreciated [...]”. Papaioannou (2011, 335) also observes that mainstream innovation literature may for long have failed to address justice issues owing to an overreliance on economic growth as a source of improved social justice. Political theorists, as Papaioannou (2011, 335) notes, on the other hand, may have given inadequate consideration to the economic viability of “moral and political ideals of global justice”. This may also hold true for human rights scholars and activists.

The pronouncedly cross-sectoral nature of social justice initiatives bears a promise of bridging the conventional divide between social and economic concerns. As such, social justice initiatives present themselves as possible avenues towards a shift that elevates people and their capabilities to the core of societal debate, both globally and locally. However, for the eradication of structural causes of poverty and inequality, the global social turn remains a yet unfulfilled promise. The global social justice initiatives meet criticism, for example, for failing to deliver (Leisering 2021; Mariotti et al. 2022), for inadequate conceptualisation of “justice” (Papaioannou 2014), for sustaining dominant power structures (Buchanan et al. 2011), for distorting core concepts such as the “universality” of social protection (Sibun 2022), and for reproducing conventional dichotomies (Jenkins 2023). The idea that social innovation, and the social turn overall, contributes to social justice should therefore not be taken at face value.

Questions of “what, where, how, and why” need to be posed, with a corresponding focus on “definitions, agents, processes, and motives” (Srinivas 2023, 164). As societal problems are socially embedded, moral and ideological assumptions shape the selection of issues that become identified as problems, as well as affect the choice of whose problems are being prioritised. This is not only a question of whether and how a social innovation manages to fill identified social voids, but also with what societal impact and at what cost (economic, cultural, political, human rights, environmental, etc.). As social innovation is never normatively or ideologically neutral, the question also arises of what choices and preferences are made, and ultimately whose values (i.e. whose justice) an innovation promotes.

Posing these questions is particularly acute with respect to Africa as to date the proliferation of social innovations in Africa does not appear to be extensively reflected in research on innovation in general nor in that on social innovation in particular. A certain Western bias is reported in innovation thinking, while novel, non-Western types of innovation such as frugal



innovation gaining ground in some emerging economies may currently be challenging it (Chaturvedi 2023, 284–286). A similar trend is visible in research on innovation within social sciences. While the literature focusing on innovation in developing countries has expanded considerably over the past decades, research indicates that this has mostly focused on innovation in upper-middle-income countries and emerging economies, such as China, whereas the position of low-income countries in innovation research remains somewhat peripheral (Lema et al. 2021). The finding by Cozzens and Sutz (2014, 6–7) that innovation research primarily has focused on the formal sector is also a relevant observation, given that some 80 per cent of employment in Africa is within the informal sector (ILO 2022a).

The body of literature on social innovation and entrepreneurship in Africa is growing but is fragmented in terms of, for example, theory building and addressing possible disparities within Africa (for an overview, see Littlewood et al. 2022, 259–262). An ILO study on five African countries indicates that there appears to exist a clear gap in the perceptions of social innovation between science and practice in terms of how innovation is identified in the operations of different actors in Africa (ILO 2022b, 34). Increased research efforts are therefore called for to accumulate evidence-based knowledge both on the role of various actors, such as those involved in the social and solidarity economy, and public policies in inducing social innovation (ILO 2022b, 81). A more in-depth understanding is necessary in particular on the interaction between various levels of social innovation, on the enablers of social innovation, as well as on how social innovation actors navigate between multiple objectives (such as economic, social and environmental, Littlewood et al. 2022, 262, 264–265).

### **The book's contribution**

This book is an outcome of a collaboration between African scholars and Åbo Akademi University and the University of Jyväskylä in Finland within the Finland-Africa Platform for Innovation (SDG 9) (FAPI, <https://fapi.utu.fi/>) project. FAPI is a large-scale thematic network supported by the Ministry of Education and Culture of Finland under its Global Internationalisation Programme 2021–2024. Contributing to the implementation of Finland's Africa Strategy and advancing the SDGs, FAPI facilitates joint research, education and innovation collaboration between Finnish higher education institutions and African partners.

The book addresses an acknowledged need for further research on both the conceptual dynamics and societal function of social innovation as an instrument for promoting social justice. It builds knowledge on the enablers, obstacles and the transformative potential of social innovation. Throughout the chapters, the book explores the entangled relationship between societal structures, livelihoods and social justice, as well as the varied roles that different actors (individuals, communities/groups, societies, business actors,

organisations, state authorities) play in enabling and initiating social innovation. The aim of the book is to develop a better understanding of what makes social innovation, in its multitude of forms, “social” and “just”, and whether such initiatives should be seen as complementary to or a substitute for public policies. Notably, as both “social innovation” and “social justice” lack unitary definitions, the authors add their own take also to the ongoing conceptual discussion.

The book is premised on the understanding that there is no “one-size-fits-all” model for social innovation (Jalonen et al. 2019, 7). Rather, it is accepted that “context matters” and that globalised policy responses to innovation will not be the response to the equality gap between the North and the South (Arocena & Sutz 2003, 172–173). This means that the solutions, policy tools and institutional arrangements for facilitating innovation in the North do not necessarily work in the South (Arocena & Sutz 2003, 173), and vice versa. This is a natural outcome of the fact that any social innovation will be shaped by contextual circumstances when it comes to, for example, infrastructure, institutions, political stability and resource distribution. In the African context, the history of social policy is very much one about ideology, with a strong tradition of contestation against different forms of neo-colonial oppression and neo-liberal policymaking. Such opposition finds expression, for example, in the scholarship by Mkandawire whose work on transformative social policy challenges the domination of neoliberal knowledge production (for a discussion, see Phiri 2022). As Mkandawire’s (2011) legacy highlights, for any conception of social justice or social innovation to have practical value, it should be embedded in and articulated based on an informed understanding of the local lived-in realities.

The book starts off with two opening chapters in Part I that conceptualise social justice innovation. The first chapter by *Engström and Mustaniemi-Laakso* discusses the multidimensional nature of conceptions of both social innovation and social justice. The authors identify core complexities and tensions that social innovation can give rise to. In their literature review in Chapter 2, *Gugenishvili, Nyström, Kujala & Brännback* outline different forms of social enterprises and highlight ways in which such actors operate and countervail failures of the market and the state in the African context.

With this conceptual background, the chapters in the subsequent Parts II–IV of the book engage in in-depth discussions on different types of social innovation. Through empirical studies on innovative initiatives and practices of enhancing social justice, the chapters discuss the impact of social innovation on livelihoods and welfare in localised contexts in Africa. They do so from the perspectives of law, economics/business, development studies and anthropology. In unpacking the meanings of social innovation and entrepreneurship in their respective fields of disciplinary expertise and in different lived-in contexts, the authors highlight the broad variety of what can be included within the umbrella of social innovation. By exploring social innovation

as a tool for operationalising social justice, the chapters also discuss the role of the state in instrumentalising social innovation. In so doing, the chapters showcase not only the potential of social innovation in Africa but also the importance of adopting a critical stance towards the delivery of justice. By this, the book answers to the identified research needs of exploring “proactive types of equality” in the Global South (Arocena & Sutz 2003, 180), and critically challenging “taken for granted assumptions” in this regard (Littlewood et al. 2022, 266).

Part II of the book introduces the reader to three different types of social entrepreneurship and discusses their innovative features in meeting social needs. In problematising some of the equalising and unequalising factors related to their operation in the juncture between the formal and the informal, the authors also examine the role of states and municipalities as enablers of social entrepreneurship. In his chapter, *Alemayehu* does so from the perspective of the Ethiopian “iddir” culture, studying the ways in which the iddirs operate as social enterprises and by exploring the broader social function that iddirs have, reaching far beyond the traditional funerary task. Relatedly, in his chapter on self-organised waste picking, *Bagayoko* explores the self-organisation of waste-pickers, looking into how this promotes their social conditions and what remains to be done to lift them from their marginalised position. *Hofisi* illustrates how baron/baroness’ food-get-together celebrations act as catalysts for entrepreneurial innovation, with both a socialising and financial impact in rural communities. Finally, focused on social policies as possible sources of both equality and inequality, *Ndambo* discusses mobility as an enabler for resorting to innovative entrepreneurial practices within the informal sector in Kenya in the aftermaths of the COVID-19 crisis.

Part III of the book illustrates ways in which technological innovations are harnessed and operationalised to address social needs and to contest entrenched power imbalances in the African context. In a study on small-holder farming in Uganda, *Mugabi* investigates the use of mobile agricultural extensions as channels to disseminate information among farmers, pointing to its empowering impact, but also to concerns of inequality. The ensuing chapter by *Sebbowa & Kontinen* reflects on wikis as educational tools in higher education, discussing their potential for enhancing social justice by challenging existing authoritarian teaching models.

As noted above, to overcome the barriers to social justice innovation and to enable the contestation of power imbalances, social justice innovation needs to be anchored in societal structures and practices that facilitate transformative change. Enablers need to be in place for innovation to materialise. Innovation, after all, is dependent on a complex set of processes that need to interlink. The chapters in Section IV of the book take hold of this perspective of social justice innovation. To that end, the chapters by *Ndlovu & van Coller* and *Kotonya* explore the role of the law and legal actors not only as potential structural obstacles for social justice innovation but also as possible facilitators of change. *Aganyira, Sheil & Tabuti*, on their behalf, analyse distributional

and procedural questions related to forestry carbon projects in Uganda. In exploring community perceptions of fairness, they call attention to the role of participation in both mitigating and sustaining inequality in the context of social innovation. Finally, *Kariseb* studies Namibia's pension system from the perspective of policy innovation, asking how such societal functions could promote the mitigation of inequality and leverage social justice in the country.

### **Main findings**

Through its chapters, the book illustrates the necessity and function of social innovation in addressing social injustices. The studies showcase three overarching features of social innovation in particular. First, the empirical studies indicate that social innovation can be successfully enacted for multiple purposes and in response to various social needs. The chapters illustrate how citizen-led social innovation can address gaps in social justice production, for example, in the provision of legal aid, waste management and social security. Social innovation also engages a variety of actors, ranging from governmental institutions to civil society and entrepreneurs. Importantly, while social innovation often arises from the lived-in experiences of individuals in a bottom-up manner, the authors also call attention to the importance of structural innovation by public actors. As the chapters by *Ndlovu & van Coller* and *Sebbowa & Kontinen* indicate, this can take the form of, for example, the judiciary or educational institutions adopting innovative approaches to leveraging injustices experienced by groups and individuals in marginalised positions. Another example, suggested by *Kennedy*, could be the adoption of legislation that steers pension funds towards more responsible investment that contributes to sustainable development and to eradication of poverty and inequality.

Second, the chapters of the book underscore that any social innovation is always part of a broader (institutional) environment. For that, it needs to be recognised that there are both internal and external factors affecting the possibility of social innovation as well as its sustaining and transformative impact. To this effect, the chapters identify several potential challenges and highlight different roles that the state and the municipalities can take as “enablers” of social innovation. Lack of recognition, gaps or lack of clarity in regulatory structures and insufficient access to assets arise as some of the foremost impediments for grassroots social innovation to be operational and effective. The authors also call attention to the fact that as long as social entrepreneurship, such as self-organised waste management or small-scale vending, remains within the realm of informal employment, the workers remain unprotected, which can exarbate the vulnerability and marginalisation of workers, and leaves the states without the tax revenue accruable from such work. Stronger recognition of the role of bottom-up social innovations not only for marginalised individuals and groups but

also of the contribution of such innovations to society at large is therefore called for.

Third, while social innovation and entrepreneurship undoubtedly can constitute important contributions to social justice, the chapters of this book indicate that social innovation may also come with inherent preconditions and biases that sometimes may sustain existing inequalities rather than mitigate them. In assessing the transformative potential of social innovations, access to assets is brought up as one factor that differentiates between individuals in terms of accessing the benefits of social innovations. *Ndambo*, for example, points to lack of access to mobility as a factor that puts individuals in different positions in resorting to street vending. Similarly, access to secure tenure is brought up by *Aganyira, Sheil & Tabuti* as an issue that affects the distribution of benefits of forest conservation projects. Insufficient digital access is another factor that may limit the possibility of some individuals benefiting from social innovation, as both *Sebbowa & Kontinen* and *Mugabi* point out. This follows from the fact that while the emergence and growth of new technologies can have a substantial impact on meeting the needs of the poor and promoting more equitable growth, the diffusion of these technologies is neither equal nor fair by automation (Papaionnaou 2011). In planning and operationalising social innovations, care should therefore be taken to duly consider existing structural inequalities that may affect the accessibility of and the distribution of benefits from those innovations. An important insight in this regard is that the design and operationalisation of social innovation should be inclusive and participatory, as *Aganyira, Sheil & Tabuti* underline.

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**Part I**

# **Conceptualising social justice innovation**



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# 1 Social justice innovation

## A cross-disciplinary and multilayered agenda<sup>1</sup>

*Viljam Engström and Maija Mustaniemi-Laakso*

### On the concept of social justice innovation

“Social justice innovation” is a composite of the concepts of “social innovation” and “social justice”, expressing their intertwined nature. To start with the former, social innovation can be considered an independent subfield of innovation studies and policies. As such, it refers to the adoption of ideas, strategies, and practices that aim at social (and environmental) improvement. In this form, social innovation frequently occurs at the local level through conjoint efforts of non-state actors such as community organizations, social enterprises, and civil society networks. Social innovation can also be regarded as an umbrella concept for innovations in various societal areas and across scientific fields. In a rough categorization, it can cover policy, institutional, social, conceptual, and technological innovation (UNRISD 2016, 37). Innovations commonly transverse several categorizations, one example being service innovations that produce social outcomes (Rubalcaba & Solano 2023). Policy innovation can, for example, consist of extended social services, assistance programmes, public policies, or tax reforms. This can be coupled with institutional innovation, including new regulatory initiatives and judicial action, changes in participatory democracy, as well as in public-private partnerships, financing, and decision-making processes. Technological innovation on its part can introduce new technologies that provide solutions to improve livelihoods, hereby promoting social conditions (UNRISD 2016, 37).

As to its basic form, much like any other innovation, a social innovation can be a product, a process, or a technology, but it can also take the form of “an idea, a principle, a piece of legislation, a social movement, [or] an intervention” (Buckland & Murillo 2013, 114). This means that “innovators” can consist of public actors, such as governments and governmental organizations; individuals, such as social entrepreneurs; and different civil society, private and social actors, such as non-governmental organizations, collectives, companies, and cooperatives (Portales 2019, 8). Frequently, social innovation is driven by actors at the local level. However, as discussed further below, social innovation also depends on certain prerequisites, which governments are often in a good position to provide. The creation of an enabling environment for social

innovation may require changes in institutions and policies through conceptual and discursive innovation (UNRISD 2016, 6).

Characteristically, any social innovation should display three central features: novelty, address a social problem, and create social value (Buckland & Murillo 2013, 114). The first aspect takes hold of the fact that social innovation indicates a discontinuity with previous practices. This does not mean that it is limited to “doing new things” but can concern doing or implementing something in an alternative and new way (Portales 2019, 4). As to the social problem that the innovation addresses, it can be of any nature, including social, environmental, and ethical. The third element distinguishes social innovation from purely economic innovations that mainly advance commercial or financial goals and elevates social change into one of the core goals of innovation (Portales 2019, 7). This adds a particular value aspect to social innovation. Social innovation, therefore, is not solely about addressing a specific problem or need but also characterized by the aim of systemic transformation of society and in particular society’s capacity to act (Cajaiba-Santana 2014; Portales 2019).<sup>2</sup> This idea of systemic change implies a necessity for involving actors across societal and policy fields in social innovation (a finding also confirmed in practice, Howaldt et al. 2018).

Any social innovation will always be contextual. Societal needs, preconditions for innovation, and social impact will all be shaped by economic, technical, political, cultural, and social circumstances. This means that there is not only great diversity in social innovation worldwide but also in respect of the justice concerns that the innovation seeks to remedy. In the face of this variety, and to understand the relationship of social innovation to the promotion of social justice, the focus needs to be turned to conditions of social innovation by which to ensure just outcomes. Without entering a discussion on theories of social justice (see, e.g., Levidow & Papaioannou 2018), some elements can be identified as likely to enhance the socially just nature of an innovation. One of these is addressing inequality as a major impediment to social inclusion and cohesion as well as to economic growth. This concern has become even more apparent during and in the aftermath of the financial crisis of the 2010s (Chataway et al. 2014) and the COVID-19 pandemic. An enduring core challenge is the failure of governance reforms to address root causes that uphold poverty and inequality, with a corresponding lack of empowerment and inclusiveness (UNRISD 2016, 2).

### **Which social – whose justice?**

As defined above, a shared primary goal in a cross-sectoral conceptualization of social innovation is the pursuit of social objectives and the generation of value. This, however, can only be the beginning of the discussion, as the qualifying requirements of being “social” as well as that of “value” can assume multiple meanings. Moreover, social innovation can be done at multiple levels: globally, regionally, and on the governmental level; within municipalities,

local communities, groups, and families; or through organizations, industries, and business actors. While this is indicative of the comprehensiveness of social innovations, it also illustrates the difficulty of pinpointing where social innovation resides, how it materializes, and for what purposes it is used. The social goals as well as the values promoted may be multiple, raising the question of whether they are complementary or competing. At the same time, different dimensions of justice are also inherently interrelated (Craig 2018, 6). As a result, the utility and impact of any social innovation need to be critically assessed (Howaldt & Schwarz 2010, 31).

Moreover, this inevitably translates into a need for situating social innovations not only in context but also in relation to competing conceptions of justice. Understanding who defines social innovation, how that definition is negotiated, and how the values and interests promoted resonate across societal layers become crucial for further developing our understanding of social innovation. To capitalize on the transformative potential of social innovation, any analysis should be mindful of the socio-economic context in which it is embedded, the restrictions and possibilities within that context for the innovation to reach its potential, and whether the innovation contributes to rethinking conventional hierarchies and structures. After all, innovation is not inherently “social” nor “just”. In fact, innovation outcomes and processes can affect individuals differently, as Hollander (2023) notes, with potentially negative effects for some. Innovation can also reinforce existing and create new inequalities (Arocena & Sutz 2003, 172). Where the benefits of innovations are not equally distributed, innovation can also feed into “domination and exclusion” (Buchanan et al. 2011, 306). Gendered norms, for example, can be both challenged but also upheld through social innovation, especially considering that innovation practices traditionally are portrayed as predominantly male (Just & Dahlman 2023). A distorting effect may also result from the “dominant trajectory of innovation” that focuses on capital and scale as well as from the concentration on highly developed infrastructures and qualified employees, all of which exclude large parts of the world’s population (Chataway et al. 2014, 34). It is, in other words, necessary to adopt a critical approach to social innovation that is attentive to the context in which the innovation emerges, potentially pre-existing structural inequalities and the trade-offs that the innovation makes.

### **Inclusive processes of social justice innovation**

To enable both procedural justice as well as equitable outcomes, innovation should be inclusive (e.g. Foster & Heeks 2013). “Inclusive innovation” can address immediate issues of socio-economic exclusion but is also a source for empowerment and the creation of favourable conditions for mitigating inequality more broadly (Chataway et al. 2014; Levidow & Papaioannou 2018). Hence, a strong case can be made for underlining inclusiveness and anchorage in the “bottom-up principles of equity, recognition, and participation” in all

areas and among all actors in innovation (Papaioannou 2018, 24). Interestingly, while regional differences exist, research suggests that social innovation in Africa often takes a distinctly “people-centred” and “people-driven” approach, characterized by a bottom-up and informal character, often with a focus on the alleviation of poverty and exclusion, as well as the empowerment of target groups (Millard et al. 2019). In this work, solidarity and networks between individuals and groups are important drivers (Littlewood et al. 2022, p. 265; Millard et al. 2019).

The conceptualization of inclusive innovation underlines its inherent element of social justice not only in terms of outcomes but also in terms of the processes of innovation (Papaioannou 2014). In other words, social innovations should be “social in both their ends and their means” (European Commission et al. 2011, 9). As articulated, for example, by Nussbaum (2000) and Sen (1999), empowerment, participation, and agency are key entry points to individual’s capability for choice and activism. Questions such as “innovation by whom” and “for whom” are critical in this regard, as is the question of addressing root causes for non-participation in innovation and in benefiting from its results. Such an approach finds resonance also in the human rights-based approaches to policymaking, where the ideals of equality and justice are not only desirable outcomes but also vital procedural elements in the work towards that goal (e.g. United Nations Development Group (UNDG) 2003).

The linkage to the framework of internationally recognized human rights (law) turns the interest in social innovation to questions of accountability, non-discrimination, empowerment of rights- and duty-holders, active, free, and meaningful participation and to the protection of individuals in vulnerable positions. It should be underlined that a claim to human rights cannot as such resolve situations of competing claims (Koskenniemi 2001). After all, as resources are always finite, also the design of social policies and distribution of benefits is an inherently political process (Lawrence et al. 2014, 325; Parvin 2018, 27). However, a human rights-based approach does come with a requirement of inclusiveness as well as of justifications for the prioritizations made. A human rights-based approach underlines the position of individuals as active agents in policymaking. As such, when transformed into expectations of social innovation initiatives, embedding innovation in human rights highlights requirements of representation, ownership, empowerment, inclusion, and participation of individuals, in particular of the vulnerable, marginalized, and excluded, for the purpose of increasing their socio-political capability (UNRISD 2016, 222; also see Foster & Heeks 2013, 335; Moulaert et al. 2005, 1976).<sup>3</sup> It also shifts the focus to the role of the state as the ultimate duty-bearer for protecting and promoting rights, and by extension, to ensuring an inclusive environment for social innovation in fulfilling those duties.

Eventually, to address structural concerns of social justice, social innovation also needs to be mindful of the process of knowledge production by which social challenges are identified and defined. The question needs to be asked:



“[w]hat needs to be equalized, and in what ways” (Parvin 2018, 25). Participation in the production and sharing of knowledge is an essential factor in inclusive innovation. Policy choices should not be made without engagement with the individuals that the innovation concerns. This also underlines the importance of actively involving stakeholders and of consulting, for example, the social solidarity economy organizations in Africa on public policies on social innovation, in order to bring in knowledge on lived-in realities (Arocena et al. 2015, 13; ILO 2022a, 75). On a larger scale, the question of knowledge production also raises issues about global learning divides and the persistent inequality that affects the possibilities of less developed countries overall to tap into innovations at an equal footing (Arocena & Sutz 2003, 176–178). In this form, access to knowledge gathers a significant role as a “resource of power relations” that can cause social exclusion and inequality, but that also can work for overcoming them (Arocena & Senker 2003; Arocena et al. 2015, 12–13; Soares et al. 2008, 1). At the local level, this translates into a need to support local learning processes, which enhance access to knowledge, as well as empower the use of localized knowledge in innovation processes (Soares et al. 2008, 1–2, 6; also see Cozzens & Sutz 2014, 22).

### **On the role of the state**

Different social innovation discourses each come with their own public policy priorities (Hulgård & Ferreira 2019). All discourses are also contextualized in particular societal circumstances. Consequently, there is no one correct model for the role of the state in social innovation. At the domestic level, the role of the state enters perhaps most clearly at the level of system innovation, which can be defined as “a horizontal approach to innovation policy directed at problems that are systemic in nature” (OECD 2016). As innovators, public actors can design and implement laws, policies, and structures that seek to remove structural impediments to innovation and ensure sustainable impacts on society (Rubalcaba & Solano 2023, 153–154). For “genuinely transformative change”, the state can also be expected to have an important role in breaking boundaries between different kinds of social policies and between social and other policy priorities (UNRISD 2016, 62). As sectoral “silo-thinking” can fail to assess social justice concerns holistically, the state can also mitigate this concern by promoting cross-sectoral and integrated innovation policies (Portales 2019, 23; UNRISD 2016, 222).

In relation to other societal actors, the state may assume various roles. This can entail enhancing socially responsible business practices, but also, for example, supporting social innovation ecosystems, enhancing competition, and creating new funding sources (Hulgård & Ferreira, 2019; UNRISD 2016, 223–224). In a related perspective, the state’s role in social innovation can be to provide legitimacy to the “value-laden political process[es]” of innovation and for the risk-taking inherently involved in such processes (Papaioannou 2020b). In yet another role, the state may have an important role in

institutionalizing and disseminating innovation (Howaldt & Schwarz 2010, 34–35; ILO 2022a, 85–88) as well as in directing innovation towards certain goals by means of, for example, allocating resources (for the direction of innovation, see, e.g., Hopenhayn & Squintani 2021).

To facilitate inclusive innovation, a “socially just state” has been called for in innovation studies, one that not only facilitates innovations but also attends to undesired consequences of innovation (such as displacement of workers by new technologies) and creates equal opportunities in respect of the innovation process itself (Papaioannou 2020b, 216–217). Where such concerns are not dealt with, or where they are not sufficiently supported by social or governance reforms, innovations tend to remain superficial, sustaining “business as usual” (UNRISD 2016, 40). This may be the case also where innovation partnerships are not genuinely challenging existing power structures (UNRISD 2016, 40). The state’s enabling role should not be seen as competing with the non-state actor and citizen-led character of social innovation but rather as a facilitator of such processes. The state can have an important role, for example, in regulating the market and in institutionalizing platforms for collective learning (Schutter & Dedeurwaerdere 2021b, 115; 2021a, 1–2). The idea of inclusive innovation also requires an institutional culture that facilitates – and incentivizes – the involvement in priority- and policy-setting by the poor and marginalized (The World Bank 2010, 338). In all these respects, the state can assume the task of an “enabler” (Schutter & Dedeurwaerdere 2021a, 1–2, 6; Schutter & Dedeurwaerdere 2021b). Only in an approach to social innovation that is solely based on volunteerism does state action seem to be minimal (Hulgård & Ferreira 2019, 27–28).

Focusing on the role of the state as a particularly central actor in social innovation derives from its position as the ultimate duty-holder towards individuals within its jurisdiction for ensuring and promoting a non-discriminatory and equal society. Also, while the state can rarely enact social innovation without interacting with other segments of society, it cannot outsource its human rights responsibilities to those actors (for a discussion, see, e.g., McBeth 2004). Social policy, defined as “collective intervention, in particular state intervention, that directly affects social welfare, social institutions, and social relations” (UNRISD 2016, 8), despite its inherently political nature, is not a *carte blanche*, but is accompanied by a legal obligation of the state to provide “social security” as well as, more broadly, “social protection” as a matter of human rights (ILO 2012).

In terms of obligations of states, increasing attention is also being paid to special protection in both human rights law and in social policy, whereby individuals in vulnerable situations receive special protection to level their access to rights and assets (Engström et al. 2022; Fineman 2017; Heikkilä & Mustaniemi-Laakso 2020). Central in this approach is the understanding that vulnerability arises out of contextual factors, such as embedded discrimination or historical marginalization, coupled with a failure of the state and other responsible actors to mitigate such sources

of vulnerability. As such, to respond to and to mitigate vulnerabilities, the state needs to take special distributive and other measures that go beyond formal equality to achieve substantive equality of opportunities (Heikkilä et al. 2020). Similarly, in a structural approach to poverty and injustice whereby the social reproduction of inequality and disempowerment is acknowledged as “relational” and arising from historically entrenched structures and power relations, the state can have an important role to play in challenging and overcoming these (Deveaux 2021; Hickey & du Toit 2007; Mosse 2010).<sup>4</sup>

Whether this role of the state as an enabler in the intersection between multiple actors of social innovation finds sufficient support in the structures of global governance is open to question. While the actors in social innovation are being diversified, the structures of global governance, such as the international norms protecting human rights, are still largely state centred, possibly creating tension between the operation of local social justice initiatives and the promotional means existing internationally. Some developments within global governance are on the other hand likely to enhance state action on social justice innovation. A case in point is the strong focus in the 2030 sustainability agenda (UNGA 2015) on partnerships for innovation and social responsibility, which highlights the complementary roles that actors at multiple levels can have in the promotion of social justice. However, the state can also find its enabling role undermined if not supported by internationally institutionalized policies. An example is the regime of intellectual property rights, which raises concern not only for widening the global knowledge gap by rationing access to knowledge but also for not sufficiently protecting the intellectual property rights of the Global South (Dosi & Stiglitz 2014; for a discussion on possible alternatives, see, e.g., Papaioannou 2018).

Important differences exist in how the enabling role towards social innovation is being taken on by different states. While the state has been an important catalyst of innovations with long-term effects in many advanced economies (Papaioannou 2020a, 249), in many African states, this role has to date remained more limited. The recent overall decline in democracy in Africa is likely to contribute to this, as is the role of authoritarian and (semi) authoritarian governments that limit the space for civil society and freedom of expression (IDEA 2021). In contexts where the state actively restricts third and private sector involvement, or actively marginalizes segments of the population, the state can instead become an impediment to social innovation (Portales 2019, 23).

Lack of, or insufficient, legal and institutional frameworks, lack of awareness of societal challenges by public authorities, and lack of institutional recognition and supportive structures are recognized as some of the hurdles for scaling up social innovation within Africa (ILO 2022a, 24, 78–81). This may sometimes be coupled with shortages in terms of relevant and qualified human resources, knowledge, and leadership skills, as well as difficulties in securing funds and political support (ILO 2022a, xv–xvi, 75–77; Millard et al. 2019, 212). Increasing use of formalized arrangements for

cooperation between the civil society and the public and private sectors in Africa, including international donors and investors, is one tool for addressing such challenges (Millard et al. 2019, 218–221). In terms of the legal and policy setup, a number of countries have also introduced frameworks for implementing a social and solidarity economy, while others are in the process of doing so (ILO 2022b). Likewise, regional and national supportive structures for social and solidarity economy organizations have surfaced over the past decade (ILO 2022a, 28). At the regional level, a new ten-year strategy for Social and Solidarity Economy Strategy for Africa was validated in 2022 by civil society and social innovation actors, as well as governments', employers', and workers' organizations (ILO 2022b). These models are hoped to bring about increasing support and collaboration for social innovation to both corporate and state actors. This is needed in order to scale up effectiveness and to help social innovators co-create and refine innovations that can address broad-based structural challenges and to ensure outreach to a maximum number of beneficiaries.

## Notes

- 1 The authors wish to extend their thanks to Chloe Kihlman for her support in collecting the literature for this chapter.
- 2 For example, Portales 2019 accounts this as the fourth aspect of social innovation.
- 3 There are several follow-up questions that can be posed both concerning the identification of marginalized or vulnerable groups, as well as concerning the definition of “inclusion”, see Heeks et al. 2013.
- 4 For a discussion on distributive justice in science and technology policy, see Cozzens 2007.

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## 2 Contextualizing and conceptualizing the social enterprise

### The cooperative as an enabler of social justice in Sub-Saharan Africa

*Ilia Gugenishvili, Anna-Greta Nyström,  
Irene Kujala, and Malin Brännback*

#### Introduction

Social enterprises have become a core means for addressing social issues, injustice, and global challenges in various contexts. Addressing societal issues through social enterprises requires that organizations deploy entrepreneurial skills and methods, which can ultimately create economic, social, and civic benefits (Abu-Saifan 2012; Lumpkin & Bacq 2019). For example, access to clean water is one of the most pervasive issues on our planet, especially in the Sub-Saharan region. According to a United Nations 2022 report, a staggering two billion people worldwide live without clean, and thus safe, drinking water (United Nations 2022). This denial of one of the most basic human rights puts people at risk of chronic disease, poverty, and social inequality. It is hard to pinpoint any single cause or to find a magical solution to fix the problem instantly. However, several individuals have taken up the challenge by creating for-profit organizations to address it. Social enterprises, such as Jibu, Safe Water Entreprises, and Sanitation and Water for All, sell safe drinking water at profitable, yet affordable prices in several Sub-Saharan African (SSA)<sup>1</sup> countries (JibuCo 2023; Safewater Entreprises 2023; Sanitation and Water for All 2023).

Social enterprises take on some of the most difficult and intractable problems in existence (Boschee 1995), acknowledging that even small changes can have a significant impact (Kucher & Raible 2022). Their role is especially important in SSA, where many countries face numerous developmental challenges (cf. Govender 2016), such as poverty, inequality, and corruption (Anwana 2020; Otim et al. 2020). Most of the SSA populations reside in conditions that exempt them from access to resources, economic activities, and better livelihoods (Ofori 2021). The impact of global capitalism should also be acknowledged as it affects local governments and plays a part in sustaining unemployment, poor housing and infrastructure, poor health facilities, crime, and inequality. Many of these issues are historically rooted and structurally



embedded. As a result, a vast amount of SSA populations remain excluded from economic activities and deprived of opportunities to acquire resources and improve their livelihoods (Mhembwe & Dube 2017).

Following the Shumpeterian view of entrepreneurship (entrepreneurship in itself implies innovation), we adopt the view that social entrepreneurship leads to social innovation. The aim of social entrepreneurship through social innovation is to enhance social justice. While a shared definition of social justice is lacking (Mor Barak 2020), the term is often presented as “the definitive manifestation of what social good is intended to enhance and improve in the world” (Levin 2020, 187) or “advocating for people who are under-resourced” (Walton & Jones 2013, 31). The concept incorporates a wide variety of concerns, including equity, diversity, and opportunity (Lewis 2016). Bosu et al. (2011), for example, state that social justice can be associated with fairness or equal opportunity. According to Gewirtz and Cribb (2002), there are three types of social justice: distributive justice, which refers to economic distribution; cultural justice, which concerns respect for individuals; and associational justice, which focuses on the agency of individuals belonging to minority groups.

Cooperatives, as one form of social enterprise, can promote social justice due to their focus on participation, democracy, equity, and solidarity (cf. King et al. 2013). In this chapter, drawing on existing literature, we seek to contextualize and conceptualize the role of social enterprises, particularly cooperatives, in advancing social justice within the Sub-Saharan African context. Additionally, we aim to pinpoint gaps in existing research that require further attention and exploration. Our research is guided by the following research questions: How do cooperatives help address the identified social justice issues in SSA? What are the primary challenges and opportunities faced by cooperatives in effectively promoting social justice within SSA, and how can these challenges be mitigated?

Studying social justice requires contextualization at different levels, including the regional level (Giacomazzi et al. 2022). For instance, the need for selling clean drinking water mentioned at the beginning of this introduction is not relevant or value-adding in many geographical, cultural, or business contexts. We argue that to understand how business and innovation can enable social justice in SSA, we must pay particular attention to that context. Consequently, we base our chapter on literature that explicitly addresses the SSA, and we conceptualize how the cooperative can enable social justice in that context. It is essential to note that SSA, as a region, is highly heterogeneous, with diverse economies, social structures, and cultures. However, in this study, we will base our discussion on commonalities that exist within the region, as identified in previous research.

To begin, we provide an overview of the different types of social enterprises, including cooperatives. Then we discuss how cooperatives contribute to addressing the social justice issues in the region. Lastly, we address some of the challenges faced by cooperatives and identify gaps in the current understanding of their potential.

### **Types of social enterprises**

Social entrepreneurship initiatives cover a broad spectrum, ranging from civic engagement to corporate social responsibility and many categories in between (Nicholls 2008). These organizations can show a multitude of different structures and take various organizational forms. The choice of the structure largely depends on factors such as purpose, key metrics, operational processes, and funding models (Kucher & Raible 2022). One of the most common ways of categorizing social enterprises is by their profit status: for-profit versus non-profit. For-profit enterprises are tied to a commercial logic, which focuses on generating economic value by selling goods and services. Meanwhile, non-profit enterprises align with social welfare logic that aims to address social needs (Guo & Peng 2020).

For-profit social enterprises are formally established to make a profit, but they also actively support social objectives to varying degrees (Guo & Peng 2020). Some of these have an explicitly dual objective of making money for investors while also advancing social causes (McDonnell 2017), while others are primarily profit-driven enterprises engaged in socially beneficial activities (Kerlin 2006). Nonprofit enterprises, or nonprofits, on the other hand, are tax-exempt organizations that participate in commercial activities to carry out mission-related tasks and/or raise money to sustain their social goals (Young 2007). Nonprofits are not permitted to distribute profits among owners or shareholders (Guo & Peng 2020). In addition to the profit status, for-profit and nonprofit social enterprises have distinct institutional logics that affect their objectives and governance structures (Smith et al. 2013).

Typically, in other words, for-profit and nonprofit social enterprises can be placed on a continuum between the two extremes: for-profits that are only focused on generating a financial profit and nonprofits that primarily rely on philanthropy. Other types of social enterprises exist, but they are variations of for-profit organizations (Kerlin 2006; McDonnell 2017). Most social enterprises operate in the “third sector”, meaning that they are private and non-profit (Defourny & Nyssens 2008). A practical example of an emerging social enterprise of this type is provided, for example, by Alemayehu in this volume, discussing the “iddir” in Ethiopia as a case study.

### **Cooperatives as a form of social enterprises**

Cooperatives as social enterprises aim to meet the economic and social needs of their members and the community at large (Afranaa Kwapong & Hanisch 2013; Birchall & Simmons 2007; MacPherson 1995). The International Cooperative Alliance (ICA) defines a cooperative as “an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly owned and democratically controlled enterprise” and emphasizes democratic management, voluntary membership, and socio-cultural responsibilities as some of its characteristics (ICA 2023). Self-help, self-reliance, democracy, equality, equity, and solidarity are the foundations of cooperative principles, which help to direct the

aims and decision-making towards fair distribution of benefits to its members (Borda-Rodriguez & Vicari 2015). Those members typically share ownership rights based on membership, rather than capital, and can vote for decisions (Aniodoh 2018).

Cooperatives exist in various social contexts, including consumer, worker, and producer cooperatives. They can also focus on a variety of issues such as housing, agriculture, and credit (Aniodoh 2018). Some researchers classify cooperatives according to factors such as financial structure, tax laws, type of membership, decision-making structure, or size (Cheney et al. 2014). Additionally, a recent research stream focuses on platform cooperatives, which have arisen from the need to democratize the internet and increase shared governance of internet platforms (Borkin 2019; Cohen 2017; Sandoval 2020; Schneider 2016).

As social enterprises, cooperatives have dual missions of attaining social goals and creating economic value (Cheney et al. 2014). They differ from collective farms, community, and district associations and focus on providing goods and services to their members. While they share similarities with nongovernmental organizations (NGOs), such as being private and self-governing, cooperatives are not always nonprofit or official, setting them apart from NGOs (Birchall & Simmons 2007).

Cooperatives have gained scholarly attention from a multitude of theoretical perspectives. Outside of the SSA context, researchers have looked at their impact on the regional economy and prosperity (Bernardi & Miani 2014; Kalmi 2013), rural development (Johnson & Shaw 2014), and poverty reduction (Birchall & Simmons 2018; Develtere et al. 2008), but also regarding their governance (Cheney et al. 2014), social equity and democracy (Rothschild 2009; Shakir et al. 2020), and underlying logic (Faulk 2008; Tremblay et al. 2019; van Oorschot et al. 2013). In addition, cooperatives have been studied in different industries and contexts, such as agriculture (Galicia Gallardo et al. 2021), coffee production (Borda-Rodriguez & Vicari 2015), education (Meek & Woodworth 1990; Tkacz et al. 2015), and entrepreneurship (Aniodoh, 2018; Guzman et al. 2020; Petridou & Glaveli 2008).

### **Cooperatives as an enabler of social justice in Sub-Saharan Africa**

Cooperatives emerged in Europe to counter extreme poverty. As cooperatives recorded success, the model started spreading around the world in the late 19th century (Mhembwe & Dube 2017). In SSA, cooperatives were initially promoted by colonial governments, often as a tool for the modernization of traditional economies but, deviating from the basic cooperative ideals, this model was often forcefully imposed on locals (Afranaa Kwapong & Hanisch 2013). Numerous cooperatives served as a forum for nonelite interests to be defended during the fight for independence against colonial governments, foreign economic actors, and nonindigenous local capitalism (Wedig & Wiegratz 2018). Today, SSA has a high adoption rate of cooperatives, with at least 40 per cent of households belonging to them, making the cooperative movement Africa's largest nongovernmental entities (Mhembwe & Dube 2017).

Cooperatives in SSA face several challenges, such as a lack of governmental support, limited access to finance and markets, as well as education and training. For instance, Wedig and Wiegratz (2018) identify the harsh political environment and intense rivalry with big buyers as substantial hurdles for coffee cooperatives in Uganda. In particular, the capacity of a cooperative to function successfully has been constrained by the deterioration of governmental institutions responsible for supporting them, as well as by the failure of donor-driven and presidential initiatives. Moreover, Wedig and Wiegratz (2018) point out that the semi-authoritarian democracy of the nation, as well as the country's rising militarism and securitization, has an impact on rural politics. As a result, cooperative membership is discouraged by the government's political discourse, which also limits producers' ability to influence how public-sector support is distributed. The agricultural modernization agenda has also made cooperative development more difficult. It does so by favoring hierarchical structures and increasing the small-scale farmers' reliance on "demonstration farmers". Local governments typically choose these "demonstration farmers", who are often their supporters, to receive specialized assistance and supplies, intending to set examples for the rest of the farmers. Due to the limited participation in cooperative bulk sales and the predominance of international businesses, there are few selling choices available to small producers. Furthermore, Mhembwe and Dube (2017) point out with regard to Zimbabwe that most cooperatives face several challenges, the most profound being a lack of financial support. Another challenge is the poor or limited management of cooperatives in SSA, which is related to the lack of education and training. Finally, self-selection tends to be a major issue with rural cooperatives; some studies show that wealthier farmers are more likely to join cooperatives (Molla et al. 2020). This makes it difficult to determine the precise effect of cooperative membership on rural prosperity.

Despite the challenges, some of the pressing social justice issues in SSA are being addressed by cooperatives. Cooperatives are often regarded as solutions for reducing poverty and promoting economic, social, and cultural growth (Afranaa Kwapong & Hanisch 2013; Birchall & Simmons 2007). They are uniquely designed to address the special needs of their members, allowing them to mitigate external hazards and provide access to resources and opportunities that may not be readily available otherwise (Afranaa Kwapong & Hanisch 2013). For instance, by pooling resources and using their collective bargaining power, cooperatives can increase the competitiveness of smallholder farmers against larger producers and give them access to advanced processing technology (Wedig & Wiegratz 2018).

Ideally, as discussed above, cooperatives have democratic management and carry out tasks with sociocultural significance. As cooperatives come in a variety of forms and shapes, they can address social justice issues in various industries and areas including housing, agriculture, finance, health, and social care. They can empower their members regardless of race and gender, mitigate external hazards, and offer high-quality goods and services that are responsibly priced. Cooperatives also open doors to various opportunities that

would otherwise be unavailable. In addition, they increase the competitiveness of smallholders against larger producers, are more economically resilient, and foster social inclusion and development, particularly in times of economic and financial crisis that many Sub-Saharan countries face. In addition, as cooperatives often invest a proportion of earnings back into local communities, they further contribute to poverty reduction and community building.

Additionally, cooperatives exhibit higher economic resilience compared to other business models, with an 80 per cent survival rate in the first five years of operation (Aniodoh 2018; Birchall & Ketilson 2009; Webb & Cheney 2014). This can be largely attributed to their nature and working principles, which enable a flexible structure, and therefore enable adaptation in times of economic difficulties (Guzman et al. 2020; Moore & Kraatz 2011). This may entail, for instance, prioritizing the preservation of jobs over the maintenance of high profits by reducing salaries and working hours rather than letting workers go (Núñez-Nickel & Moyano-Fuentes 2004). Moreover, cooperatives are found to increase resilience on an individual level. Members benefit from the opportunities to participate in running the business, acquire knowledge and expertise, and actively engage in decision-making processes, regardless of their gender or the number of capital shares they hold (Afranaa Kwapong & Hanisch 2013; Birchall 2003). This democratic and inclusive structure often leads to social inclusion and development, especially during economic crises (Borda-Rodriguez & Vicari 2015). Furthermore, cooperatives often reinvest in local communities, contributing to poverty reduction and community building (Aniodoh 2018).

Drawing on existing literature, Table 2.1 summarizes some of the main challenges that cooperatives are addressing currently in the context of SSA, highlighting their role in tackling the identified sociocultural and economic challenges.

*Table 2.1* Challenges cooperatives address in SSA

<i>Challenges</i>	<i>Role of cooperatives</i>
<i>Lack of access to formal financial services</i>	Cooperatives provide access to finance and credit facilities to members who are often excluded from traditional banking systems.
<i>Limited market access</i>	Cooperatives facilitate collective marketing and bargaining power for small-scale producers, enabling access to broader markets and fairer prices.
<i>Insufficient infrastructure and resources</i>	Cooperatives pool resources and invest in infrastructure development, such as storage facilities, processing units, and transportation networks.
<i>Social exclusion and marginalization</i>	Cooperatives promote social inclusion and empowerment by giving voice and representation to marginalized groups, including women and rural communities.
<i>Lack of education and training</i>	Cooperatives invest earnings back into local communities, and provide training, capacity building, and knowledge-sharing platforms to improve members' skills and enhance agriculture practices.

## Conclusions

In the landscape of SSA which is troubled by various social justice concerns, our chapter outlines the important role that cooperatives can play in advancing social justice. While cooperatives have a long history in this region, their role as enablers of social justice remains underexplored. While the potential of cooperatives is evident, there are substantial gaps that need to be addressed by researchers and practitioners. Bridging these gaps will be essential to unlock the full potential of cooperatives in addressing pressing social issues. As pointed out above, cooperatives hold not only economic but also sociocultural relevance. However, several challenges undermine their operation and effectiveness.

First of all, we call for more empirical research that aims to understand the impact of cooperatives in addressing various social issues such as poverty and exclusion. This stream of research has the potential to generate insights that are valuable both from a practical and theoretical perspective and, for example, by exploring possible mechanisms for governmental entities to monitor, evaluate, and enhance the social impact of cooperatives.

Second, research shows that self-selection, implying the situation in which individuals join a group (cooperatives), is a concern in cooperatives in the region (e.g., Molla et al. 2020). Thus, the question of how to ensure democracy and inclusivity should be studied further. This will allow cooperatives in SSA to more successfully carry out what they are designed to do, that is, to ensure equal opportunities for all members, regardless of their gender, ethnicity, or social status. To ensure social justice and sustainable economic transformation, the active participation of various stakeholders and groups of individuals in the community is necessary.

Third, further research is needed to address the challenges that limit the growth and sustainability of cooperatives, such as poor governance, weak management, inadequate legal and regulatory frameworks, and limited access to finance and markets (Mhembwe & Dube 2017). Oduaran (2019) insists that regaining responsibility for social justice requires a broad approach to continuous education and learning by both citizens and corporate actors in the SSA region. The author contends that this should involve enabling an environment where citizens will have the opportunity to initiate ideas and activities and to take their destiny into their own hands. Thus, in the context of SSA, implementing ongoing education by both corporations and public institutions is at the heart of the quest for sustained social justice. Along the same lines, Ofori (2021) recommends that for social justice to be sustainable in the SSA region, policymakers need to concentrate more on building policies and institutions of social protection and inclusion.

Both international and domestic approaches should adopt a long-term perspective where various actors invest in domestic communities and create partnerships with the locals. By investing in social justice and partnership with socioeconomic development programs, businesses will invest in future markets and sustainability. The private sector can incorporate measures to uplift



such communities and safeguard social justice through education in SSA. This will contribute to a more beneficial, just, and vigorous environment in SSA, potentially translating into strong communities and a sustainable environment for people and businesses alike. The role of governments should not be overlooked in this regard. This is especially relevant where governmental policies act as barriers to the successful operation of cooperatives, and cooperative membership is discouraged by political discourse. One example brought up in this chapter is Uganda. In addition to contextualizing the role of cooperatives and building capacity to promote the value and potential of cooperatives, another area where governments could have an important role is in monitoring and evaluating the social impact of cooperatives. Creating indicators by which to assess the contribution to alleviating social injustice is important for critical reflection, learning, and improvement.

## Note

- 1 Sub-Saharan Africa refers to the geographical area and regions of the continent of Africa that lie south of the Sahara.

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**Part II**

# **Social entrepreneurship**



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### 3 From Coffins to Coins

#### Ethiopian “*iddir*”<sup>1</sup> navigating the frontier of social enterprise

*Elias Yitbarek Alemayehu*

##### Introduction

The *iddir* in Ethiopia is a social innovation that arose from the challenge of deprivation and needs that could not be met by either the public or the private sector (Nicholls, Simon & Gabriel, citing Moulaert et al. 2014). As this chapter will show, *iddir* is a practice in which both the ends and means are social, simultaneously meeting “social needs” and creating “new social relationships”, which are both “good for society” and enhancing “society’s capacity to act”, characteristic of social innovations (Murray, Caulier-Grice & Mulgan 2010, 3). *Iddir* is a membership-based indigenous institution, originally created for funerary purposes in the early 20th century. Among other things, *iddir* members assist in arranging funerals and accompanying the bereaved during the mourning period. It is led by a periodically elected executive committee, has its own organizational structure and bylaws, and is supported by regular contributions from its members.

According to an annotated bibliography on the topic of *iddirs* (Amsalu, Bisailon & Tiruneh 2020), the first study on them appeared in 1958 and since then an extensive body of research focusing on the history and description of *iddirs* and their role in community development has been produced. Based on the annotated bibliography of Amsalu et al. (2020), no study has been done on *iddirs* from the perspective of social enterprise. Rather, research on the role of *iddirs* in community development has been examined from the perspective of civil societies or community-based organizations (Teshome, Zenebe, Metaferia & Biadgilign 2014; Aredo 2010; Shiferaw 2010; Alemayehu 2008; Pankhurst 2008; ACORD<sup>2</sup> 2003; Pankhurst & Mariam 2000). Civil society is here understood as a level of organization characterized by: “public life”, “dynamism”, “voluntariness”, “autonomy”, “nonviolence” and functioning “within the state legal framework” (Udegbumam 2014). A notable study that came close to the study of *iddirs* in relation to social enterprise is that of Aredo (1993), which examined the contributions of the informal sector to domestic savings and to the promotion of small enterprises in Ethiopia. However, that study did not examine the social enterprises embedded within

iddirs themselves. Another example is the study by Abiche (2012), exploring rural iddirs from the perspective of entrepreneurship as cooperatives. Regarding social enterprises, according to a study conducted by the British Council (2017), the research in Ethiopia is overall limited. The existing research that is relevant to social enterprise focuses on formal organizations only (Eniyew 2018; Abdulmelike 2017; British Council [BC] 2017). This excludes iddir by virtue of its informality.

Filling this gap, this chapter explores iddir from the perspective of research on social enterprise by asking the following questions. How does the informal institution of iddir function as a social enterprise? How does iddir interact with the government in doing so? The chapter posits that iddir, by engaging in business, is transforming itself into a semi-formal social enterprise, a type of social enterprise hitherto unidentified by previous studies. It responds to the call stated by, among others, Amsalu et al. (2020, 63): “How is it that 60 years of evidence has not cemented the iddir in the role for which it is so naturally suited, which would so valuably benefit Ethiopians throughout the country?”. Amsalu et al. (2020) further recommends that “A line of investigation setting out to explore answers to these queries, designed to move thinking beyond speculative accounts for the iddirs’ underuse, would produce helpful theoretical and practical insights”.

## **Data and methods**

A qualitative method is used in answering the aforementioned questions. The data includes a review of secondary documents, key informant interviews, focus group discussion and field observations. Iddirs from old, relatively new and new neighbourhoods in Addis Ababa were purposefully selected, with the main study area being the Yeka sub-city, the city’s oldest settlement. In each neighbourhood, iddirs at different levels in engagement of social enterprise were studied. Interviews with ten community iddir leaders, two iddir council leaders and five government officials were undertaken until data saturation was reached, meaning that no new topics came up in interviews. In the Yeka sub-city, the main study area, all leaders concerned from both the government and iddir sides were interviewed covering the Woreda<sup>3</sup> and sub-city governance structures. Iddirs from the Nefas-silk Lafto and Bole sub-cities were included for comparative purposes. The sub-cities were selected based on their age of establishment and the depth of experience they had in relation to the practice of iddirs. In conducting the research due consideration was given to ethical considerations to respect the rights, values and desires of the respondents, through informed consent including voluntary participation, the right to refrain from answering any question and identity protection through anonymity.

## **Iddirs**

According to Pankhurst (2008), more than 85 per cent of Ethiopia’s population belongs to an iddir. Residents join voluntarily because of the status given

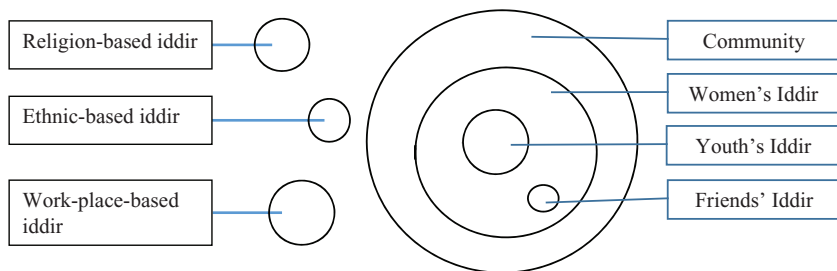
to funeral arrangements, the need for social and psychological support during the mourning period, and the government's lack of adequate support to poor and vulnerable groups. Ethiopia has an estimated population of 120 million people, out of which about 5 million live in Addis Ababa. In Addis Ababa, 23.5 per cent of the city's population lives below the World Bank's previous international poverty line of 1.9 USD per day (Addis Ababa City Administration [AACA] 2020).

While there are differing views as to how and where the iddir system originated (Amsalu et al. 2020; Yimer 2012; Aredo 2003), Pankhurst (2008, 143, 175) argues that the origin of iddir can be traced back to the early 20th century, as a result of urbanization and monetization of the economy, in which migrants coming to Addis Ababa created the iddir in order to cope with weakening family ties and to deal with the challenges of modernization. Through time, the iddir has become a ubiquitous social institution, to which the majority of the city's inhabitants belong, as a result of "growing economic insecurity" and the "disintegration of traditional support systems" (Aredo 2003, 49). Particularly, it is widely viewed by low-income people as a form of life insurance (Aredo 2003, 2010) that comes to their aid at times of difficulties, such as illness, loss of a job or loss of a family member because of death. What is also valued is the psychological support and accompaniment accorded to the bereaved or to those in difficulty, which helps them pass through a healing process. Aredo (2003, 45) further portrays iddir as a form of social capital that includes "trust among members, obligations, cooperation, shared knowledge, positive norms and sanctions and networks". Thus, iddir can be viewed as a contributor to social justice and a coping mechanism to localized social problems; enhancing and capitalizing on the social network and sense of belonging that exist in a given neighbourhood.

There are various types of iddirs. Pankhurst (2008, 167, 177) develops iddir "typologies", classifying them into ten "forms" on the basis of membership criteria, namely: "locality, ethnicity, institution, gender, age, friendship, kinship, religion, displacement and resettlement." Community iddirs, which are the focus of this study, are the most common form, and usually the largest in membership size (Alemayehu 2008).<sup>4</sup> Community iddirs embrace all voluntary residents, irrespective of, for example, their ethnicity, gender or age. An individual can belong to more than one iddir within the same neighbourhood and/or outside the neighbourhood, based on workplace, religion, ethnicity or other factors (see Figure 3.1).

One characteristic that makes the iddir accessible to the majority of the residents is its low membership fee, generally ranging from 10 to 50 Birr/month (0.19–0.94 USD).<sup>5</sup> Accordingly, the amount that iddirs pay to bereaved members is also small. For example, if the deceased is a household head or his/her spouse, the payment ranges from 1,500–20,000 Birr (28.12–374.87 USD). For other household members, the amount is even less.

Iddirs' sources of funding are member contributions and sometimes the leasing out of facilities, equipment and furniture (see Figure 3.2). The income generated from this is generally used for funerary functions and sometimes



*Figure 3.1* How an individual may belong to more than one iddir group (photo by the author).

to support the destitute or invalided members. It is also a common practice for iddirs to support development initiatives, and often security issues when they are called upon by the government to do so. For example, all interviewed iddirs had financially contributed to the on-going construction of the Grand Ethiopian Renaissance Dam (GERD) and to the people displaced in connection to the war in the Northern part of the country. At various levels, depending on their situation, iddirs have contributed towards, for example, the support of HIV-AIDS victims and their dependencies, neighbourhood road construction and lighting and neighbourhood security. The funds of iddirs were also used to pay the salaries of hired staff, such as a storekeeper, and the herald who blows the horn to announce the death of a member.

Both the support given to the government and to needy iddir members occurred on a case-by-case basis rather than in a systematic fashion. Both interviewed government officials and iddir leaders recognize the support given, both to outside development initiatives and to iddir members. They also agreed that this support was ad-hoc, event driven and needed systematization and organizational structure.

One of the strategies used by iddirs to enhance their contribution to socio-economic development has been the creation of coalitions of iddirs or umbrella organizations, sometimes simply through the merger of two iddirs. This form of organization, while allowing the autonomy of member iddirs, has enabled greater engagement in development efforts. In this regard, the Woreda 1 Iddir council (located in the Yeka sub-city, *Ferensai legasion* area) and the Kolfe area coalition of iddirs (Tesfa Social and Development Association) can be cited (Alemayehu 2008; Pankhurst 2008). Interviewed Iddir leaders who had been part of a greater coalition agree that such an arrangement is conducive to development in that while the constituent iddir would focus on funerary functions, the coalition would carry out developmental tasks. This is in line with government officials' proposal that iddirs should organize themselves into councils so that they can get land and support.

Apart from iddirs, there are also other indigenous voluntary associations of which the main ones are *equb* and *mahiber*. *Equb* is a rotating credit





*Figure 3.2 Tents and furniture owned by iddirs that were used to generate income by being rented (photo by the author).*

association established between friends, relatives, neighbours or co-workers to encourage the saving and provision of credit to its members. Mahiber, again, is a religious-based association, mainly practiced among the followers of the Ethiopian Orthodox Church to commemorate a patron saint's day and to promote love and fellowship among its members. Although equbs and mahibers share similarities with iddirs in that they are informal and voluntary, the former have specific and targeted membership groups, which are non-inclusive, and they have not shown the same depth of transformation towards social entrepreneurship. For those reasons, they are not included in this study.

### **Social enterprises**

In determining the size and types of social enterprises in Ethiopia, a British Council (2017) study uses three criteria, namely: an organization's "core mission", "income source" and "profit/surplus use". This excludes those organizations with a mission emphasizing "profit first" and sharing of profit with owners and shareholders, rather than serving a "social/environmental" purpose (or both profit and social/environmental mission). Organizations with an income source of greater than 75 per cent from grants were also excluded from the category of social enterprises. According to the British Council

(2017), there are an estimated 55,000 social enterprises in Ethiopia, mainly coming from micro and small enterprises (MSEs) and non-governmental organizations (NGOs) sectors.

While the British Council (2017) defines social enterprise based on set criteria, other countries have developed parallel definitions. A study conducted by the European Commission (2015) found that there were definitions for social enterprises in 20 out of the 29 countries studied. The study revealed that the difference is in the details. While there is a consensus regarding the broad characteristics of a social enterprise, i.e., “an autonomous organization that combines a social purpose with entrepreneurial activity” (Ibid, 14), this definition does not mention whether “social purpose” or “entrepreneurial activity” should be given priority. Filling this gap, Kerlin (2017, 1) describes social enterprise as “market-based revenue generation with social benefit as a primary aim”. Narrowing down the definition of social enterprise to a universally agreed definition “would limit not only the kinds of problems and issues it could address but also the kinds of environments where it would be appropriate, or even, feasible” (Kerlin 2009, 2).

In line with defining what social enterprises are, different countries have also created various, context-based legal forms to suit their needs. In this regard, mention can be made of Italy’s social cooperatives, the United Kingdom’s Community Interest Companies (CIC), and Canada’s Community Contribution Companies (C3s) (European Commission 2015). Italy’s social cooperatives serve the mutual interest of their members by doing business without distribution of dividends while including social purpose for non-members; UK’s, CICs and Canada’s C3s are hybrids integrating social missions with profit making for investors (European Commission 2015).

In contrast to the above, in Ethiopia, there is no legislation concerning social enterprises. In addition, the existing legal system regarding for-profit business is not conducive to the characteristics and needs of social enterprises (Eniyew 2018; Abdulmelike 2017). The Ethiopian legal system recognizes civil societies and businesses, but not social enterprises, which fall in between these two categories (Eniyew 2018; Abdulmelike 2017). Civil societies can have a business arm that is governed by business laws, without any special provision (Organizations of Civil Societies Proclamation No. 1113/2019; Eniyew 2018; British Council 2017). In addition to the need for putting in place legislation for social enterprise, Eniyew (2018) identifies some regulatory issues that should be included to support and govern social enterprises. These include criteria for the evaluation of non-financial missions; regulations for the allocation of profit, asset transfer, sales and mergers; transparency regarding social performance; standards for the accountability of directors and managers to stakeholders; tax requirements and the need for a supervising authority.

In terms of organization, social enterprises can be described as situated between the civil society and the market, making a distinction between a “differentiated hybrid” organization and an “integrated hybrid” organization (Ebrahim, Battilana & Mair 2014). In a differentiated hybrid, the customers

for income generation and the target group for its social mission are different from each other, whereas in an integrated hybrid, the customers and beneficiaries are the same persons. In the latter, profits from commercial activities are utilized for social activities and the commercial and social activities merge to achieve the social mission (Ibid). Considering this important distinction, the iddirs studied here are mainly differentiated hybrid organizations.

As mentioned earlier, previous studies on Ethiopia's social enterprises have focused on those that are formal/legal in structure. Internationally, too, the focus in the literature is predominantly on formal social enterprises (e.g., Anderson, Youni, Hashim & Air 2019), with an emphasis on the dichotomy between formal and informal types of social enterprises. The semi-formal social enterprises that fall in between have been overlooked. Formal organizations are characterized as "rigid and prescribed", the semi-formal as "flexible and voluntary" and the informal as those "built around social ties, homophily, and affinities unrelated to core work tasks and falling beyond the reach of administrators" (Biancani, McFarland & Dahlander 2014, 1322). In connection to the financial sector, Aredo (1993, 36) characterizes semi-formal organizations as those which lie "outside the control of the central authorities with respect to ownership of assets and management" and gives the example of savings and credit co-operatives (SACCs). On the other hand, Kamrava (2004, 63) defines the semi-informal sector as "one whose activities appear to be governed by formal rules and procedures but are, in fact, largely unregulated and unrecorded by the state". Further, Kamrava (2004, 63, 67) adds that the sector "helps the perpetuation of a mutually beneficial relationship of mutual neglect between state and society; and deliberately straddles the worlds of formality and informality".

### **Iddir navigating the frontier of social enterprise**

The concept of iddir and its funerary function have been an integral part of Addis Ababa's city residents' way of life since the early 20th century. According to interviewed iddir leaders, a significant functional transformation of iddirs emerged as a consequence of the HIV-AIDS pandemic in the late 1990s. The pandemic caused the deaths of many iddir members, and iddirs had to pay the bereaved families a sizable amount of money. This contributed to the depletion of the financial capital of iddirs to the extent that it became difficult for them to assist their members. As a result, several iddirs started to look for alternative avenues of supplementing their income by collaborating with like-minded NGOs. Having embarked on such collaboration, and with the assistance of NGOs such as ACORD Ethiopia, iddirs started to forge a new mind-set – "assisting members beyond death – while they are alive". With this new motto and attitude, iddirs started to help HIV-AIDS victims by covering their medical expenses and, in the event of death, assist their children by covering school expenses (Alemayehu 2008). As many of the orphaned children were also left in the custody of their grandparents, iddirs started to support

the elderly to the extent of providing food hand-outs (Ibid 2008). Gradually, the impact of the HIV-AIDS pandemic lessened, but as stated by iddir leaders, they learned the important lesson that it is equally important to assist members throughout their life-cycle. However, as most of the funds available from the NGOs were project-based with time limits, iddirs had to look for other ways of generating income in order to sustain their newly found need of assisting members.

As a result, there is a growing tendency for iddirs to generate income from businesses and allocate revenues to meaningfully support their members and the community development at large. This is being done informally as there is no clear policy or legislation that support iddirs' functioning as social enterprises. (Eniyew 2018; Abdulmelike 2017). Thus, the civil society and business actors that claim to function as social enterprises are registered as civil societies with a business branch, individual traders, private sector business, cooperatives or MSEs (British Council 2017). Since iddirs are generally treated as a part of civil society, they have no official mandate to enter into business relationships although some of them do so nonetheless.

Iddirs are increasingly involved in business to secure a sustainable source of income. The vague legal framework governing iddirs, discussed below, is reflected in the perception of iddir leaders regarding this function. The understanding of the majority of the iddir leaders interviewed was that the law does not allow iddirs to formally do business. One iddir leader said that "the law neither allows nor prohibits"; and three interviewees preferred not to comment on the issue. One of those who said that the law does not allow iddirs to do business cited cases in which an iddir was prohibited from selling its building after merging with another iddir which owned property. The reason given to them, by the concerned officials, was that the iddir's property belonged to the community and that they could not generate income from the sale of such property. Another example of the impact of iddirs not being able to do business is that iddirs are prevented from establishing consumer cooperatives. The fact that some of the iddir leaders preferred not to comment on the question indicates that there is either no clarity on the issue or they are afraid of incriminating themselves, as they are generating income outside the legal framework.

Those iddirs that gain income by doing business directly or by buying bank shares or renting out housing and vending facilities or constructing mixed-use multi-story buildings for commercial purposes (see Figures 3.3 and 3.4) argue that they should not pay taxes. The justification they give is that they are using the profit for the purpose of socio-economic development of the community and supporting vulnerable groups. The income generated by iddirs is distributed to their members in the form of gifts during holidays, through reducing the monthly membership contribution and/or through increasing the amount paid to the bereaved. Some of the iddirs also give loans to their members free of interest, or simply offer cash to the destitute. This is done, interviewees stated, because iddirs are not entitled by law to directly share dividends or profit. The fact that iddirs cannot legally do business and share profits was





*Figure 3.3* Iddir-owned mixed-use building with upper floors incrementally constructed so that one or two floors can be used for income generation (*photos by the author*).

confirmed by a government official at the Woreda level, although the official did acknowledge that some iddirs are engaged in business, but in the name of individuals.

Interviewed iddir leaders have reiterated their opinion that if iddirs are officially allowed to do business, then they must be exempted from tax or should pay a reduced amount, because they use their profit to assist the poor, indirectly sharing the government's burden. It should be noted here that those iddirs that have been running the largest businesses and making the most profit are mostly engaged in renting out commercial spaces and housing that they do pay taxes on. Others, with little income from such activities, do not pay taxes at all.



*Figure 3.4* Iddir-owned mixed-use building (*photos by the author*).

An important enabler for iddirs to engage in significant income generation is the ownership of a piece of land. Iddirs with large businesses are usually those that own a piece of land on which they build properties. As a result, all the interviewees recognized that land is critical for the transformation of

an iddir. Iddirs that do not own land name it as the first priority that should be delivered by the government. In 2019, iddirs were promised by the then mayor that each iddir would be given 40 m<sup>2</sup> of land, but this did not materialize. Iddirs in possession of land argue that their land should be free of lease fees. On the other hand, a government official stated that iddirs should not be given land for free as “there is a tendency to sell such land thus, to curb this, iddirs should contribute some money in acquiring the land”. He argued that this would ensure community ownership and commitment.

Since its founding in the late 19th century, Addis Ababa as the capital city of the country has passed through three governance systems: Imperial, Derg<sup>6</sup> and EPRDF.<sup>7</sup> Currently, a fourth one (led by the Prosperity Party) is in place following the political change that occurred in 2018. In all the three past regimes, though to varying degrees, the relationship between iddirs and the regime has been fraught with mistrust, the iddirs always being on guard not to be political instruments and the governments looking for control and, at times, partners in development and security endeavours (Pankhurst 2008). In one interview with an official at the city level, it was indicated that the current government justifies its interference in the affairs of iddirs with the understanding that “iddirs are public institutions” and thus it has the responsibility to “protect the public from any potential abuse [by iddirs] such as financial embezzlement”. Iddirs, for their part, have a strong fear of co-optation or of being perceived as appendages to political parties. During all the regimes, attempts were made to register and organize iddirs into “umbrella committees” or councils, aware of the fact that iddirs enjoy a wide grassroots base and have a potential for political and, to a limited extent, developmental gain (Ibid 2008). In this regard, iddirs have been cooperating with governments to the extent that their autonomy has not been compromised. Historically, when they have felt the heavy hand of a government, they have retreated to their fundamental funerary function (Ibid 2008).

### **Iddir’s interaction with the state in navigating the realm of social enterprise**

There are two categories of iddirs, informal and semi-formal, and the status is determined on the basis of registration with the local government.<sup>8</sup> While iddirs are considered as traditional and/or informal actors, based on cultural norms rather than government policies (KMU 2022; Yimer 2012; Aredo 2010), attempts have been made by past and current governments to register them. The current government registers iddirs and iddir councils at the Woreda level with the purpose of issuing licenses, “providing support and encouraging them to strengthen their participation in the social and economic development endeavours”.<sup>9</sup> According to a study conducted by the Kotebe Metropolitan University [KMU] (2022), there are more than 6,000 registered iddirs in Addis Ababa. The number of registered iddirs was only 4,000 in 2007 (De Weerd, Dercon, Bold & Pankhurst 2007), which shows the



proliferation of iddirs with the passage of time and the increase of those who are willing to register. Woreda Iddir Councils comprise iddir leaders of the Woreda's iddirs. The Councils are established to liaise iddirs with respective government structures and to facilitate experience-sharing. The Addis Ababa City Administration's Children, Women and Social Affairs Bureau is tasked with supporting and overseeing the activities of iddirs through its structure that goes down to the Woreda level.<sup>10</sup>

Unless an iddir has registered and has a license it cannot open a bank account. However, not all iddirs opt to register. Unregistered iddirs function by opening a joint bank account in the name of two or three of their leaders. Registered iddirs are given a certificate of registration renewed every year. To renew its license, the iddir should submit a report that includes a financial statement audited by an internal auditor. According to a Woreda official, to register, an iddir should hold a general assembly, have a bylaw and elect its leaders. Iddirs are also organized into Woreda, sub-city and City Councils. According to a government official, the iddir councils are perceived by the constituent iddirs to be related to politics since they are organized through the government's initiative. The implication of this is that the iddirs hesitate to collaborate with the Councils. This is exacerbated by the fact that iddirs complain that their collaboration with the government is not reciprocated. The main reason for this assertion is that their request for acquiring land from the government free of lease charge has not been fulfilled.

Despite the registration and acquisition of license at the local Woreda level, as mentioned earlier, iddir is considered by the central government as informal. Being seen as informal means that iddirs are not governed by the Authority for Civil Society Organizations (ACSO) at the level of the central government. This is clear from Proclamation No. 1113/2019, which states that "This Proclamation shall not be applicable to: .... Edir,<sup>11</sup> Equib and similar traditional<sup>12</sup> Institutions...". Nevertheless, Proclamation No. 64/2019, later revised as Proclamation No. 74/2021, delineates the roles and responsibilities of the executive organs of the Addis Ababa City Government, and puts iddirs under the Bureau for Women, Children and Social Affairs (WCSA). It is the mandate of the WCSA to

register the basic 'idir<sup>13</sup>' and 'idir' councils that are found at every level in the city; issue licenses; provide support for them to preserve their cultural and historical values; encourage them to strengthen their participation in the social and economic development endeavours.<sup>14</sup>

In a directive issued in 2019 to delineate the "registration, permit delivery and administration of iddirs" and iddir Councils, a "basic iddir" is defined as

a home grown and community-wide developmental association for mutual assistance, established on the basis of funerary function to solve social problems; without precondition or prejudice to religion, race,



gender, kinship, wealth, knowledge, upbringing and political outlook, having its own bylaws and legal recognition.

Based on the aforementioned proclamations, a WCSA official said that, when it comes to iddirs, the Bureau's task is "providing technical support and capacity building and involving iddirs in development and social work".

The Organizations of Civil Societies Proclamation (2019) allows NGOs to do business under the trade law of the country. However, since iddirs are not officially recognized as civil society organizations, they have no mandate to do business. Thus, income generation is generally done informally. Nevertheless, Addis Ababa City iddir Councils' Bylaw (2021),<sup>15</sup> a document prepared in 2020 and currently under circulation, contains a provision by which iddirs can enter into business and generate income and use the profit for the good of their members. This provision, when put into practice, may help in clearing the grey area as to whether iddirs can do business and may enable interested iddirs to formally generate income.

As a result of the acts mentioned above, registered iddirs are transforming themselves into semi-formal institutions. As defined by Aredo (1993, 36) semi-formal actors are those "outside the control of central authorities". Similarly, Kamrava (2004, 63) characterizes semi-informal institutions as institutions "whose activities appear to be governed by formal rules and procedures but are, in fact, largely unregulated and unrecorded by the state". Both Aredo's (1993, 36) and Kamrava's (2004, 63) descriptions of semi-formality capture the case of iddirs to a large extent. Further, in that iddirs are managed by voluntary members without salary and are governed by flexible rules and regulations that address the needs of members, they fulfil the criteria of semi-formality by Biancani et al. (2014), that of flexibility and voluntarism. On the other hand, the unregistered iddirs remain informal. All iddirs would have been turned into formal organizations if they had been duly recognized by the ACSO and governed by its laws.

In addition to the recent willingness to support iddirs to engage in social entrepreneurship, the WCSA has also another plan for iddirs. Drawing on its mandate of strengthening the participation of iddirs in "social and economic development endeavours", the WCSA plans to establish a "Community Case Coalition (3C)" at the city's Block level. The city is divided into 11 sub-cities, 121 Woredas and 6,885 Blocks. Each block contains 50–150 households.<sup>16</sup> The purpose of the 3C is to support vulnerable groups based on the principle of solving "neighbourhood problems through neighbourhood solutions". According to WCSA's official, the 3C document was ready in 2020<sup>17</sup> to be implemented at a Ketena<sup>18</sup> level, but during implementation, people realized it is not workable as it covered too large an area. It was then reviewed in 2021<sup>19</sup> and was presented to the Justice Office but remained unapproved. However, another government official said the reason for the failure of the 3C is that iddirs felt they were just added as members and not properly represented in the committee that would run the affairs of the Block. The iddirs perceived

the whole concept as an attempt to co-opt them politically. According to the recently issued Addis Ababa City Administration Community Care Coalition Organization Directive (2022),<sup>20</sup> the committee is designed to have nine members composed of representatives from iddirs, religious institutions, prominent persons, a youth association, a women's association, the elderly, the physically challenged, the youth and wealthy people. This time, the iddir representative will be the leader of the Committee. According to a government official, this was done to reassure iddirs that they are in charge, “enabling them to manage their own affairs, since they are the ones who know their communities”.

On the other hand, there is already an organizational structure in place, namely, the Block Council, established “to safeguard the development and security of the block’s residents”.<sup>21</sup> This council is part of a structure that goes up to the city level and is led by the city’s Mayor. According to a government official, the members of the council are elected by a given community. It is not clear as to how the 3C, described above, – if implemented – will be coordinated with the existing Block council. The interviews suggest that that there is a great interest on the part of the government to involve iddirs not only in its governance structures but also in its development and security affairs. However, given the fact that iddirs are increasingly wary of the government’s interest, claiming that the support iddirs are giving is not reciprocated, it remains a challenge for the government to convince iddirs to collaborate.

To sum up, when it comes to the interaction between iddirs and the government, the main challenges mentioned by both iddir leaders and government officials are the following: iddirs’ unresolved requests for land to construct iddir offices and properties; lack of a clear policy and legal framework; shortage of funds; lack of capacity in financial management and unwillingness to serve at the leadership level. In addition to these, interviewed iddir leaders reported attempts on the part of the government to use iddirs as political instruments and the emergence of “artificial” [fake] iddirs, established simply to take advantage of the iddirs’ privileges. On the other hand, government officials said there was a lack of clarity and awareness as to which government body is responsible for iddirs and that there was minimal awareness regarding the need for participation in development initiatives.

Interviewees all agreed, however, that iddirs could be beneficial for the government due to their broad membership and potential for sustainable development. Iddirs were aware of the potential role they could play not only in alleviating the problems of their compatriots but also in contributing to the overall development initiatives of the city, thereby contributing to social justice. As one iddir leader said,

Iddirs are of unique value to Ethiopia (እድሮች ለኢትዮጵያ ብቸኛ እሴት ናቸው). They are undug gold mines, not used by the government (መንግስት ያልተጠቀመበት ያልተቆፈረ የወርቅ ማዕድን ማለት ዕድሮች ናቸው).

According to a government official at the city level, iddirs have a great potential for socio-economic development in that:

[a]bout 80% of Addis Ababa's residents belong to an iddir. Particularly, upon establishing a family, a household becomes a member of an iddir using it as a mechanism of insurance. Its members are from diverse backgrounds and professions, hence making it conducive for development. They have accumulated wealth. Financially, an average of 100,000 Birr (1886.79 USD) is available in their bank account at a given time. About 90% of iddir leaders are mature individuals, free of corruption. They have equal participation/vote of members, making it a democratic institution and they have the flexibility to modify their bylaws as needed.

Interviewed iddir leaders agreed that iddirs must change their focus from simply funerary functions to doing business for the public good. They aspire to engage in the running of consumer cooperatives and MSEs, constructing buildings for business and philanthropic purposes, creating libraries and children's play grounds, assisting the destitute and orphans, owning a funeral van for transporting the remains of the deceased, greening their environment and preparing and selling traditional foods. To do this, iddir leaders suggested that the government could support iddirs by making a proclamation and a clear policy that enables iddirs to engage in business. This would change the notion that "iddirs are established to bury the dead and not to make a profit"; and allow them, without political interference, to own land free of lease charge; control burial grounds; and have permanent office facilities, especially in condominium housing newly built by the government. Iddirs, the interviewees stated, should establish a national Iddir Council and strengthen iddir leadership and management by hiring fulltime staff.

Government officials, for their part, suggested that to enable iddirs, the state should go beyond proclamations and put in place a detailed legislative framework with a clear policy that defines iddirs and identifies a government structure within which iddirs would work, having clear rights and obligations. They suggested that since it will be difficult to give each of the city's many iddirs a plot of land, land should be provided at the Woreda Council level. Further, they stated, cemeteries should be administered by iddirs.

## **Conclusions**

By describing the iddir as a "traditional" and culturally embedded institution, the government has largely left them on their own, except for the requirement of voluntary registration, at the local level. The chapter revealed that many registered iddirs functioning as social enterprise have converted themselves into semi-formal institutions. Those unregistered, on the other hand, are functioning as informal institutions. Functioning as a semi-formal institution was

found to perpetuate, in the words of Kamarova (2004, 63), “a mutually beneficial relationship of mutual neglect” between the iddirs and the government. Semi-formality helped to mediate the fear of co-optation on the part of iddirs and the fear of abuse on the part of the government. Further, semi-formality has enabled the iddir not to be manipulated and “captured” by the government, thus maintaining the trust of members.

Registering with the local government, at the Woreda level has enabled iddirs to function as social enterprises. However, in the absence of legislation specific to social enterprises, iddirs are lacking the advantage of generating more income. Thus, it is high time that the government puts in place legislation for social enterprises. Issuing legislation for social enterprises may contribute to the scalability of iddirs engaged in social entrepreneurship in that the interested and capable ones may achieve the semi-formal status with confidence.

By looking at iddirs from the perspective of social entrepreneurship, the study revealed that there is indeed a way for iddirs to take their rightful position in the often-touted scenario in which grassroots communities can take charge of their own socio-economic development and contribute to social justice, on a massive scale. This becomes even more urgent as citizens, and particularly the poor, are increasingly challenged by the inequalities which are being exacerbated by the ever-escalating cost of living, the COVID pandemic, political unrests and urban renewal projects that disrupt both economic and social networks.

The salient features of iddirs and the way they navigate the frontier of social enterprise can have implications for similar grassroots initiatives elsewhere. Some of the lessons that can be learned and possibly adapted by like-minded institutions that aspire to contribute to social justice include: iddirs’ resistance to co-optation by the government; its democratic practices; the sense of volunteerism among its leadership; its flexibility to engage in economic activities and its willingness to register at the local administrative level, without being fully regulated by the central state, thereby assuming semi-informality.

My analysis indicates that community iddir members, when it comes to funerary functions, share a common moral value, based on religious principles. This value seems to be the reason why iddirs can maintain common bonds among their members and sustain their functions. As such, this feature becomes a precondition for the promotion of social justice through the iddir. From the perspective of social innovation more generally, future research should build on this, and further examine the role of shared values among community members, as a precondition for sustainable social enterprises.

## Notes

- 1 Spellings include Idir, Edir, and Eddir. In this study, Iddir is used.
- 2 Agency for Cooperation and Research in Development (ACORD).
- 3 The smallest and lowest government administrative unit.
- 4 This is also confirmed through an interview with the Addis Ababa City Administration, Women, Children and Social Affairs Bureau (WCSAB), official.

- 5 1USD at a rate of 53 Birr.
- 6 The military junta that ruled Ethiopia from 1975 to 1991.
- 7 Ethiopian Peoples Revolutionary Democratic Front (EPRDF).
- 8 This categorization was confirmed by an interview with a WCSA official.
- 9 A Proclamation to Provide for the Establishment of the Executive Organs of the Addis Ababa City Government No.74/2021, #31/ Par 23.
- 10 A Proclamation to Provide for the Establishment of the Executive Organs of the Addis Ababa City Government No.74/2021, #31/ Par 23.
- 11 As spelled in the proclamation.
- 12 Bold added by author.
- 13 As spelled in the proclamation.
- 14 Proclamation No.74/2021.
- 15 This document, prepared in Amharic, does not state who prepared it but bears the seals of both the Addis Ababa City Iddir Council and the WCSA Bureau.
- 16 From an interview with an official from the Community Engagement and Volunteer Service Coordination Commission.
- 17 2012 Ethiopian Calendar.
- 18 A level of structure below a Woreda but above a Block, created by the police for security reasons.
- 19 2013 Ethiopian Calendar.
- 20 Issued in Amharic and yet to be gazetted (published and circulated).
- 21 From an interview with an official from the Addis Ababa City Administration Public Participation and Movement Directorate.

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# 4 ‘Baron/Baroness’ food-get-together celebrations and *mukando* village contributions as tools for entrepreneurial socialization and innovation in Chikonye, Maheya, and Murairwa villages in rural Zimbabwe

*Sharon Hofisi*

## Introduction

In Zimbabwe, villagers engage in informal baron/baroness (*mabharoni*) festivities to showcase their social entrepreneurial skills. The baron/baroness festivities are an example of rotating community marketing models (RCMMs), in which community members take turns in buying and selling goods and services from each other, creating a circular economy that empowers local businesses and entrepreneurs. The festivities include lending initiatives (*mukando*) where members can borrow money from each other. Both initiatives are part of group thinking business models and are self-regulated platforms of social entrepreneurship. Villagers often use these initiatives to secure their money in hard currency in the hands of friends and acquaintances, as they cannot afford meaningful solid investments like buying houses or financing start-up businesses.

Social entrepreneurship is in this chapter discussed as an avenue for individuals to identify and exploit opportunities for social and economic development, rather than simply responding to immediate needs and challenges (Williams 2007). The chapter is based on an understanding that in the context of low-income countries such as Zimbabwe, social entrepreneurship is about taking a proactive and innovative approach to address both social and economic challenges. It goes beyond simply responding to acute needs and focuses on identifying opportunities for positive change. These opportunities may involve unique income-generating initiatives, such as food and drinking festivals, which not only address economic needs but also foster social cohesion and community development. Social entrepreneurs in these settings aim for sustainability by reinvesting profits and considering the long-term well-being of their communities. In what I call Zimbabwe’s Humpty Dumpty



economics, characterized by high inequality and economic instability, such social entrepreneurship models take on a crucial role in empowering individuals and communities (Hofisi et al. 2022).

The chapter examines how baron/baroness ceremonies have been used in the Chikonye, Maheya, and Murairwa villages in Zimbabwe to unite villagers and encourage them to come together to raise funds. The chapter is guided by three research questions. First, it investigates what role the income-generating food festivities play in the livelihoods of the three villages under consideration. By analysing the economic impact, social dynamics, and sustainability of the ceremonies, the chapter provides insights into their role in addressing economic challenges in low-income villages. Second, the chapter explores how the traditional leadership structures, including village heads, influence, and support the income-generating food festivities as social entrepreneurship initiatives. By examining decision-making processes, interactions between community leaders and organizers, and the impact of leadership approval, the chapter contributes to understanding the dynamics of traditional authority in fostering social entrepreneurship. The third research question takes hold of the social and economic implications of income-generating food festivities in rural Zimbabwean villages and calls attention to the ways in which these events contribute to community development and empowerment. By exploring the social and economic consequences of income-generating food festivities, including their impact on community cohesion, cultural preservation, and empowerment, the findings also have a broader bearing on understanding rural development. Overall, a better understanding of the implications of the activity can provide insights into the potential of social entrepreneurship initiatives to address multifaceted challenges in low-income village settings.

### **Baron and baroness festivities and *mukando***

In rural Zimbabwe, the village represents the heart of traditional communal life. Villages vary in size but typically consist of anywhere from 50 to as many as 300 households. The villages of Chikonye, Maheya, and Murairwa studied in this chapter comprise around 200–250 households each. The villages are situated in reserves (*ruzevha*), known as tribal trust lands under colonial era laws. Life in these villages revolves around close-knit communities where subsistence agriculture is the primary source of income. Inhabitants cultivate crops such as maize, millet, and sorghum and engage in livestock farming. In these rural settings, power and leadership are traditionally vested in the village head, who represents the local chief within a broader chieftaincy system. Traditional leadership structures in rural Zimbabwe, including village heads, hold significant influence over community affairs. Village heads are typically respected community members chosen through a combination of hereditary and consensus-based processes, with the chief's approval playing a significant role in their selection. These leaders are important in maintaining social cohesion, resolving disputes, and overseeing communal activities within the village.

They also play a crucial role as gatekeepers to social entrepreneurship in granting approval for different social entrepreneurship initiatives. Village heads are respected community leaders and upholders of community values and interests. As such, traditional leadership's involvement and support can shape the success and acceptance of social entrepreneurship initiatives.

*Mukando* and baron/baroness festivities are essential components of communal life in rural Zimbabwe, serving as both social and economic mechanisms to support community members. In economically constrained societies such as Zimbabwe, villagers rarely enjoy access to social services. Zimbabwe does not have justiciable social protection or social security rights, even though social welfare is part of the Constitutional principles. In this context, the baron meetings have evolved since the 1990s when Zimbabwe was hit by a drought in 1992. Zimbabwe's Economic Structural Adjustment Programme was aligned with the International Monetary Fund's structural adjustment programmes (SAPs), but Zimbabwe's exclusion from the Heavily Indebted Poor Countries initiative, together with the 1992 drought, had a detrimental impact on its economy. Poor villagers were particularly affected and had to innovate on ways to raise income to support their families. In the aftermath of SAPs, the government occasionally initiated so-called food for work programmes, where villagers would engage in repairing community roads in exchange for food. However, this approach proved unsustainable as the distribution of food often followed partisan lines, leading to inequitable outcomes. In response to these challenges, villagers displayed remarkable resilience by harnessing their social capital. They came together to form village baron/baroness clubs as a strategic move to address their economic needs. These clubs started operating as communal savings and support networks, pooling resources and funds contributed by members. The funds accumulated through the clubs were put to practical use by the villagers, either by purchasing essential food supplies for their families in times of scarcity or by covering school fees for their children.

Baron/baroness festivities are income-generating events where villagers collaboratively pool their resources to purchase various items from one of their community members. A 'baron' or 'baroness', that is, a male or female social entrepreneur, respectively, typically assumes the role of hosting the festival and offering items for sale within the community. The barons/baronesses are selected from the baron/baroness clubs on a rotational basis, with volunteers taking turns to initiate and lead the festivities. There may be situations where the designated baron/baroness for an event is unable to afford it or chooses not to host. In such cases, any member can take the initiative to step in and become the baron or baroness for that occasion. This flexible approach ensures that the responsibility for hosting the events is shared among community members, promoting inclusivity and ensuring the continuity of these vital gatherings.

The festivities typically involve the village baron/baroness preparing a buffet where the baron/baroness club members are obligated to buy the prepared meals. This entails the preparation and sale of traditional and modern

foods such as traditional beer or the staple *sadza* from maize or finger millet and meat, attracting both residents and visitors from neighbouring areas. The barons/baronesses prepare or buy traditional beer (*ndari/7 days*) and soft drinks from shops at nearby townships and sell the products to each other on a rotating basis. The festivities are characterized by a sense of collective participation, as villagers come together to make purchases. In this way, the baron/baroness festivals not only boost household income but also foster a sense of community, cultural preservation, and social interaction. The collective efforts of villagers are observable in organizing, supporting, and participating in these events, which often involve showcasing traditional practices, culinary skills, and artistic talents based on social capital. To an observer, these events are vibrant gatherings where community members unite in a festive atmosphere. They typically feature a delightful spread of local dishes and are accompanied by the lively tunes of traditional music and dances like *mbakumba* and *ngororombe*, as well as more contemporary music, known as *sungura* or Zim-dancehall.

*Mukando* village loans serve as platforms for community support or shared entrepreneurial support. The baron/baroness buffets and *mukando* loans were adopted by villagers as forms of *edutainment* (education and entertainment) tools that allowed villagers to build synergies for resilience and embossing social capital. *Mukando* is a lending scheme intricately connected to the framework of the baron/baroness festivities. In most cases, these loans are primarily available to members who participate in these gatherings. This lending system is built on trust and the knowledge of the availability of funds within the community, fostering a sense of financial support and solidarity among members. The loans themselves are not exclusively offered at the gatherings. While it is common for members to approach each other during or after these events to request a loan, there is also flexibility in the lending process and a lender may choose to provide financial assistance to a member even outside the context of the festivities.

In the context of *mukando*, the concept of 'set off' refers to a practice where a lender may choose to provide a loan to a member during a baron/baroness event. If the borrower fails to repay the loan, the lender retains the right to set off the amount owed when the debtor hosts their own baron/baroness event. This means that if the borrower eventually becomes the host of such an event, the lender can recoup the owed amount from the proceeds or funds generated during the borrower's gathering. This practice ensures that financial obligations are honoured and helps maintain the integrity of the lending system within the community. As such, *mukando's* essence lies in the interconnectedness of community members, trust, and the willingness to support one another financially, whether through the structured framework of the gatherings or in other informal arrangements.

The members would join one or more *mukando* clubs in the same village or in other villages. The participants do not generally deposit their funds in banks due to inflation that erodes the value of the local currency. Instead, they rely on the *mukando* system to provide financial assistance when needed. Typically,

these lending schemes consist of 10–12 members who are drawn from one to three neighbouring villages. *Mukando* promotes financial flexibility and mutual assistance, offering individuals access to resources without the challenges associated with traditional banking in an environment of economic instability.

## Methodology

In May 2023, I conducted a visit to the village of Chikonye in Zimbabwe to identify the study locations and immerse myself in the local context, gaining a deeper understanding of the village communities. Before the visit, I established contact with a local individual who played a crucial role in facilitating the research process. This liaison within the village community connected me with potential research participants and assisted with research logistics. A total of 20 participants from the villages Chikonye, Maheya, and Murairwa took part in the study, consisting of 3 women and 17 men. These participants were primarily drawn from those who attended the *ndari* baron/baroness festivals. The *ndari* festivals are variations of the traditional baron/baroness festivities organized in rural Zimbabwe.

Before my visit, I utilized WhatsApp as a communication platform to reach out to the contact person in Chikonye village and to initiate communication with them about the events in the villages of Chikonye, Maheya, and Murairwa. WhatsApp was selected because of its widespread use in rural areas of Zimbabwe and its familiarity with residents. Through WhatsApp, I sent a series of carefully designed questions and voice notes to the contact person, who, being familiar with the village and its residents, played a vital role in sharing this information with the community members present at the *ndari* festivals. WhatsApp and voice notes continued to be used for data collection with the participants, offering flexibility to accommodate their schedules and preferences. This method allowed participants to respond in their own words and voices, providing a rich source of qualitative data. Furthermore, WhatsApp offered a secure and confidential channel for participants to share their thoughts and experiences, establishing trust between the researcher and the participants, which is essential for the quality and reliability of the collected data. By following this step-by-step process, the study effectively leveraged the accessibility and familiarity of WhatsApp to engage with the village community both before and during the physical visit, ensuring the collection and relevant data from a diverse group of participants.

A functional and autoethnographic approach, inspired by the ideas of Brink and Madison (2015), was employed to analyse the collected data and to gain a deeper understanding of the cultural and social context. By taking this approach, I aimed to uncover the underlying functions and meanings of the social phenomena as observed in the village setting. This approach involved personal engagement, reflective journaling, and informal conversations with villagers, which collectively constituted the autoethnographic aspect of the study. In terms of personal engagement, as recommended by Brink and Madison (2015), I actively

participated in the one-day baron festivities during my visit to the Chikonye village in May 2023. This involved not only observing but also engaging in the cooperative and collaborative aspects of the event. For instance, I bought a 20-litre tin of traditional beer at a beer baron's place and joined in the preparation and serving of traditional dishes, allowing me to experience first-hand the social dynamics and solidarity that were central to the event. In the context of the Chikonye, Maheya, and Murairwa villages, the beer baron refers to the individual who hosts and organizes the baron/baroness event, including the preparation and serving of traditional dishes and the sale of traditional beer. The beer baron plays a central role in these gatherings, and in this instance, I, as the researcher, engaged with the beer baron to gain first-hand experience of the social dynamics and solidarity associated with the event.

Following the autoethnographic approach suggested by Brink and Madison (2015), throughout my stay in the village, I maintained a reflective journal where I recorded my personal observations, experiences, and interactions with community members. This autoethnographic approach helped me document experiences for later reflection on the practices and traditions of the community from a first-hand perspective. Finally, as recommended by Brink and Madison (2015), I engaged in informal conversations with villagers, both during and outside of the festivities, to better understand their perspectives, challenges, and aspirations. These dialogues provided valuable context and personal narratives that enriched the data collected.

By combining functional analysis with these autoethnographic elements, the research aimed to provide a comprehensive and nuanced interpretation of the social phenomena under study. Functional analysis, as employed in this research, refers to a methodological approach that seeks to understand the purpose and significance of social phenomena within a specific cultural context. This approach involves examining how certain practices, behaviours, or traditions fulfil functional roles and serve functions within a community or society. In the context of this study, functional analysis was used to explore the underlying reasons and roles of the baron/baroness festivities, the *mukando* lending schemes, and the reciprocal buying and selling dynamics within the villages of Chikonye, Maheya, and Murairwa. Through direct engagement, personal experiences, and interactions with community members, the research aimed to decipher the multifaceted roles and meanings these practices held for the villagers. This approach, informed by Brink and Madison's principles, allowed for a holistic interpretation of these phenomena, minimizing potential researcher bias by anchoring the analysis in the lived experiences and perspectives of the community members themselves.

### **Defining social entrepreneurship and 'opportunity entrepreneurship'**

The prevailing argument that social entrepreneurship in Sub-Saharan Africa is often associated with informality, poverty, colonial legacies, and ethnic identity

(Rivera-Santos et al. 2015) tends to frame social entrepreneurship as a *response* to existing challenges rather than a proactive force for positive change. In contrast, the concept of ‘opportunity entrepreneurship’ aligns with empowering social entrepreneurship. It emphasizes the *proactive* identification and exploitation of opportunities for both social and economic development, highlighting innovation, creativity, and market-based solutions to address social challenges (Williams 2007; Dove 2020).

At the cultural level in the three villages, the idea of empowering social entrepreneurship echoes the view that social entrepreneurship is regarded as a variation of social, cultural, and environmental differences (Bahena-Alvarez et al. 2019). This recognizes the diversity and adaptability of social entrepreneurship in responding to and addressing various social, cultural, and environmental challenges. It implies that social entrepreneurship has the capacity to harness these differences and use them as strengths to drive positive change, foster innovation, and create solutions that empower communities and individuals. Empowering social entrepreneurship also acknowledges the potential for leveraging diversity to promote social and economic development. This view avoids the idealistic approach of attempting to create regulatory procedures for social institutions, especially in rural areas in less developed countries (Habermas 1996, 296).

This view resonates with the case studies of mingling festivities and *mukando* contributions in the villages of Chikonye, Maheya, and Murairwa as they serve as platforms for villagers to harness opportunities for economic growth and social change. These events enable reflective and reflexive engagement, particularly for those lacking access to social protection mechanisms (Hofisi et al. 2022). In the context of the three villages under consideration, the introduction of the opportunity entrepreneurship frame serves as an analytical tool. It is employed to highlight the proactive pursuit of opportunities for both economic and social development within the community. This is done to assess the empowering aspects of social entrepreneurship, emphasizing how seizing opportunities can lead to positive change. The assertion that social entrepreneurship in this context is empowering is substantiated by my research data. Villagers engage in lending schemes, supplement their subsistence farming, and pay their children’s school fees through these communal initiatives. This way the initiatives directly contribute to economic resilience and improved livelihoods within the community.

### **Classification of *mukando* and baron/baroness festivities**

*Mukando* and baron festivities represent unique community-based economic models in rural Zimbabwe. Some scholars have loosely linked *mukando* to rotating savings and credit associations – ROSCAs – and compared them to events like Tontines in West Africa, Hui in China, Muzikis or Likelambas in Democratic Republic of the Congo, Ekub in Ethiopia, Stokvel in South Africa, Isusu in Nigeria, Susu in Ghana, Tandas in Mexico, and Chits or Kuries in

India (Mbizi & Gwangwava 2013, 181; Kabuya 2015, 95). This study rather likens *mukando* and baron/baroness events to RCMMs.

It is important to clarify the distinction between RCMMs and ROSCAs. Unlike traditional entrepreneurship models where a single entrepreneur may take centre stage for example by simple brewing and selling of traditional beer, RCMMs involve a collective approach to marketing and economic activities within the community. As such, the RCMMs harness the collaborative efforts of community members to come together under baron/baroness festivities to promote economic development and resource-sharing. What sets the lending system under baron/baroness activities apart is the proactive nature of these gatherings, in line with the idea of opportunity entrepreneurship discussed above. While ROSCAs primarily focus on financial transactions and savings normally within the framework of a bank, microfinance or some other well-established structure, the lending system within baron/baroness activities extends beyond mere monetary exchange. It serves as a platform for proactive economic activities, including exchange of materials in kind, where community members collectively address their economic needs through diverse initiatives, such as lending, supplementary farming, grain exchanges, and education support. This multifaceted approach distinguishes the lending system within baron/baroness festivities from conventional ROSCAs. In other words, the *mukando* arrangements under the auspices of baron/baroness festivities embody the principles of community-driven problem-solving (Gartner 1988; Dimov 2011).

In *mukando* and baron/baroness festivities, members contribute fixed amounts of money regularly, with each member taking turns receiving the entire sum at designated intervals, such as weekly, fortnightly, monthly, or yearly. Unlike ROSCAs, where members pool their money into a savings fund, *mukando* and baron/baroness participants take turns buying and selling goods and services from one another, creating a circular economy that empowers local businesses and entrepreneurs and enabling a community-based lending scheme. The contributions are often made in United States (US) dollars due to the unstable value of the Zimbabwean dollar under the government's economic policies (Hofisi et al. 2022). They allow individuals to access funds without the need for a separate microfinance savings account, making financial resources readily available to those who may not have access to traditional banking services. The interest paid within the lending scheme, if any, is typically determined through individual agreements among members and does not follow a predetermined distribution method as in ROSCAs.

### **Model specification and the rotating community marketing model**

Model specification is a fundamental component of research, as highlighted by scholars such as Walter and Dohse (2012), and Johansen (2013), particularly in the study of community marketing models and social entrepreneurship.



In the context of the mingling festivities organized by baron/baroness and *mukando* members in rural Zimbabwe, the precise specification of models is essential for a comprehensive understanding of the dynamics and outcomes of these events and initiatives. A well-defined model allows researchers and practitioners to pinpoint the key variables that influence the success or failure of the RCMMs and social entrepreneurship endeavours. For instance, one could investigate the impact of factors such as community involvement, leadership, marketing strategies, and access to resources in determining the effectiveness of these events. Furthermore, model specification, as outlined by Walter and Dohse (2012) aids in the design of effective interventions and policy solutions that can support the success of these initiatives. This includes identifying best practices, evaluating the required resources and support for sustainability, and anticipating potential obstacles during implementation. By developing a well-specified model that is tailored to the local context, the researcher who is intimately acquainted with the living conditions, language, and challenges faced by participants, researchers, and practitioners, as per Johansen's insights (2013), can identify strategies to foster the growth and sustainability of these initiatives.

The model of RCMMs as a social entrepreneurship endeavour serves as a valuable framework to guide the research process and informs the findings in this chapter. The RCMM model aligns with social entrepreneurship models that emphasize entrepreneurial knowledge about modes and contexts of entrepreneurship, as discussed by Walter and Dohse (2012). By applying the RCMM model, I was able to structure the research inquiries and data collection around three key variables. First, as applied in this study, the RCMM framework puts emphasis on the significance of community involvement as a key variable. Through extensive engagement with community members in three villages and by actively involving the community through interviews, autoethnography, and participant observations, I gained insights into community members' perspectives, needs, and aspirations regarding social entrepreneurship and RCMMs. Leadership within village RCMMs was the second key variable and focal point of investigation. I examined the roles and qualities of individuals leading baron/baroness events and *mukando* lending schemes. Through qualitative data collection, I identify the leadership dynamics that influence the success of these initiatives and the extent to which effective leadership contributes to their empowerment. RCMMs inherently involve marketing strategies applied collectively by community members for their collective benefit. My research delved into the specific marketing tactics used during baron/baroness events, such as product diversification, pricing, and promotion. By analysing these strategies, I discerned their effectiveness in attracting customers, providing customer satisfaction, providing flexible lending arrangements, and generating income. The third variable is access to resources. I explored how RCMMs facilitate resource mobilization within the community, including financial capital, social networks, and knowledge sharing. The findings reveal the interconnectedness of these resources and their impact on the sustainability of social entrepreneurship endeavours.



The RCMM model, as extrapolated from empirical data in this research, helps understand the intricate interactions and processes that contribute to the success of community marketing models and social entrepreneurship initiatives. Incorporating the scalability aspect into the model specification further enhances the understanding of RCMMs within the broader context of social entrepreneurship. Within the RCMM framework, scalability is a crucial dimension that highlights the inherent limitations that RCMMs face due to their reliance on a relatively small community of participants. The model acknowledges that expanding the scope of these initiatives may pose challenges, particularly in resource-constrained environments where festival profits are typically modest, ranging from USD 15 to USD 30. By integrating scalability as a model variable, the practical constraints that RCMMs encounter in their efforts to grow and have a wider impact become visible. This helps shed light on the feasibility and potential barriers to extending the reach of social entrepreneurship endeavours based on the RCMM model.

Additionally, the reliance on community skills and resources in RCMMs may limit product and service diversity, potentially restricting consumer choice and failing to meet the needs of all community members. Nevertheless, these drawbacks can be leveraged by social entrepreneurs, as suggested by Walter and Dohse (2012), by creating new businesses and social enterprises that build upon the community's strengths. Incorporating the reliance on community skills and resources, as well as the potential limitations and opportunities it presents into the model specification further enriches the understanding of RCMMs within the context of social entrepreneurship. Furthermore, this model dimension acknowledges that RCMMs may initially have limitations in terms of product and service diversity due to their reliance on community skills and resources. This limitation could potentially restrict consumer choice and not fully meet the diverse needs of all community members. However, the model highlights that these drawbacks can serve as opportunities for social entrepreneurs to leverage the community's strengths. This perspective is informed by existing literature, such as the works of Walter and Dohse (2012) and is confirmed by my research, including interviews and participant observations, which revealed instances where social entrepreneurs identified market gaps and introduced tailored products like various types of traditional beer, such as *chikwakubidiri* and one-day beer to cater to different preferences within the community. By incorporating this dimension, I aim to provide a more nuanced understanding of how RCMMs evolve and adapt to the diverse needs of communities. It underscores the potential for social entrepreneurs to not only overcome challenges but also contribute to product and service diversification, enhancing the overall impact of RCMM-based social entrepreneurship initiatives.

### **Findings of the research**

A key overarching conclusion that emerges from the insights and observations of the research participants in this study is the remarkable adaptability

and resilience of rural communities in Chikonye, Maheya, and Murairwa in response to economic challenges. Despite facing changing economic landscapes and government policies that sometimes overlooked their welfare, these communities have creatively transformed their income-generating food festivities into vibrant economic hubs. This transformation reflects the community's ability to innovate and adapt, highlighting their resilience in the face of adversity. It underscores the notion that entrepreneurship, even in its cultural and traditional forms, is a dynamic and adaptive force that responds to the evolving needs and circumstances of the community. This finding resonates with broader discussions on the adaptive nature of entrepreneurship in the context of economic challenges and policy changes.

Drawing on the research data gathered from the contact person and research participants, and scholarly insights, the study arrives at three findings, related to the three research questions asked above. Firstly, according to information gathered from discussions with a local contact person, the income-generating food festivities have undergone significant transformations over the years. According to the contact person, in the early postindependence period, these events initially emerged as a response to government policies that often overlooked the welfare of rural villagers, particularly in Chikonye, Maheya, and Murairwa. It was noted that certain essential services, such as the Better Education Assistance Model (BEAM), were accessible to only a select few pupils, primarily in primary schools. However, the true proliferation of these festivities began after the above-mentioned devastating drought in 1992, which significantly impacted the livelihoods of the villagers.

The economic challenges and currency fluctuations prompted the villagers to adapt their income-generating food festivities, emphasizing the shift from a multicurrency system to the Zimbabwean dollar and broadening their customer base, ultimately ensuring the economic viability of their festivals. Participants in the study acknowledged the economic challenges posed by the depreciation of the Zimbabwean dollar. In response, villagers have adapted by leveraging foreign currency, primarily the US dollar, within RCMMs. This aligns with my earlier observations regarding the relative stability of foreign currency compared to the devaluing Zimbabwean dollar (Hofisi 2021). In the face of the Zimbabwean dollar's declining value, the income generated from these festivities in foreign currency provides a more stable means to address basic needs like school fees, medical expenses, and village taxes (Hofisi 2021). This dual currency approach, with foreign currency retaining its value, underscores the adaptability and resilience of the RCMM model in the context of economic challenges.

Analytically, participants 17–20 corroborated the historical context provided by the contact person. They shared that during times of economic instability, including the transitions from a multicurrency system to the volatile Zimbabwean dollar, the villagers adapted their festivities to remain economically viable. These modifications included shifting the focus to the use of the Zimbabwean dollar and expanding the customer base beyond members to

include patrons who were not necessarily villagers themselves. In these modified beer festivals, the emphasis shifted towards the sale of beer and the preparation of staple foods like rice or *sadza* to cater to a broader audience. This strategic shift enabled villagers to sell their beer quickly and generate essential income for their households. Consequently, these events evolved into vibrant economic hubs that served to supplement household incomes, foster social cohesion, and contribute to community development.

The finding is buttressed by what the participants remarked. For instance, participant 17 noted that:

When things got tough with the economy and our own currency was up and down, we had to change. We started focusing on the Zimbabwean dollar and invited more people, even those from other areas, to come to our festivals.

This was supported by participant 18 who indicated that:

It was a smart move to switch to the Zimbabwean dollar. We knew people had money, and they came for the beer. We also cooked rice and *sadza* for them. That way, we could sell out quickly and make a good profit.

Participant 19 also weighed in and indicated that:

These festivals changed over the years. It used to be just us villagers and members of the baron/baroness arrangements, but when the economy got shaky, we welcomed everyone and responded to the changing times. We knew it was a chance to make more money and keep our festivals going since patrons still support us.

Participant 20 further noted that:

The times changed, and we changed with them. Selling beer and food to more people was once a great idea. Now it's not just about our village anymore; it's about survival, and we found a way.

These findings align with the observations of scholars such as Johansson (2004), who have highlighted the adaptive nature of entrepreneurial endeavours in response to economic and policy dynamics. Johansson's work suggests that entrepreneurial narratives are often deeply rooted in the motivations of entrepreneurs, and this is evident in the way these festivities transformed to address economic challenges. In this context, the income-generating food festivities have become not only sources of additional income but also platforms for cultural preservation, social interaction, and the nurturing of collective identity within these rural communities. Furthermore, the research participants

viewed social capital as a linchpin, connecting villagers to each other, to financial support programmes, and to financial intelligence. Within the RCMM context, participants shared ideas, empowered themselves through increased financial knowledge, and made informed financial decisions. However, concerns were expressed about threats such as social exclusion and cultural differences potentially undermining the ability to build social capital, echoing the insights of Cardon et al. (2005) and Yitshak and Kropp (2016).

In addition, as noted by Kabuya (2015) and supported by Dobrev and Barnett (2005), RCMMs, like informal credit institutions such as ROSCAs, are essential sources of financial support for vulnerable populations. These systems enable community members to cope with unexpected financial demands and provide stability as the organizations age and grow. The absence of serial founders or alpha leaders in RCMMs aligns with the hybrid model described by Fouchart and Gruber (2011). In this hybrid model, community members imprint their self-concepts on key issues affecting them, allowing for risk management and resilience through collective decision-making and shared ownership of the income-generating food festivities. This interconnectedness between social capital, financial support programmes, and community resilience reinforces the significance of these festivals as multifaceted tools for both economic and social development.

In line with the views of Fouchart and Gruber (2011), the bottom-up character of the food festivities allows villagers to affect and take ownership of them, and to have a direct and active role in initiating, organizing, and shaping these events according to their community's unique needs, resources, and challenges. The grassroots approach also fosters a sense of collective ownership, responsibility, and solidarity. Decisions are decentralized, ensuring swift and responsive actions when unforeseen circumstances or hardships arise amongst the participants. The shared ownership and flexibility empower the community to adapt the focus, activities, or strategies of the festivities to meet emerging needs. In essence, the community's agency in the baron/baroness festivities, coupled with local knowledge and collaboration in lending each other money or recouping same in cash or kind, positions the food festivities as dynamic and efficient tools for risk management and resilience.

The second finding arising from the study is that social entrepreneurship is shaped by the social fabric shared by the three villages under review. In the context of these rural communities, the research illuminates the pivotal role played by traditional leadership, including village heads, in shaping and nurturing the initiatives. Through the engagement with the community members, it became evident from the research data that the support, approval, and active participation of the leaders are not merely helpful but indeed paramount for the successful execution of such events. Village heads, revered as the custodians of local customs and traditions, are not merely ceremonial but emerge as central figures who guide and facilitate these initiatives.

Participants 1–10 consistently emphasized the pivotal role of traditional leaders, specifically that of the village heads, 'sabhukus', in the baron/baroness

festivities and lending arrangements. Participant 1 underscored the tradition of seeking the sabhuku's blessing by sharing a pot of beer, stating:

We can't even start without informing our sabhuku. It's our tradition. We take him a big pot of beer and share it as a sign of respect. He blesses the festivities, and it brings us good fortune.

This sentiment was echoed by Participant 2, who stressed the sabhuku's role as an anchor for these events, saying: "Our sabhuku is like the anchor of these events. He ensures things run smoothly and resolves any disputes. We trust his wisdom and leadership." Participants 3, 7, and 8 highlighted the essential role of women in lending arrangements and their reliance on the sabhuku to protect their interests and uphold fairness. The overwhelming consensus among participants was that traditional leaders, through their wisdom and fair leadership, not only represent cultural values but also ensure the success and effectiveness of the *mukando*.

The presence of leaders adds meaning, order, and unity to the festivities, reinforcing the importance of trust-based discourse and leadership in building social capital and fostering entrepreneurial skill sets, as noted in the study's findings. For instance, participants 4, 6, 9, and 10 echoed the protective role of traditional leaders when barons/baronesses faced challenges recouping their money. Participant 4 stated, "Our sabhuku's presence is essential. It's a tradition, and it ensures unity and respect among us. Without him, the festivities wouldn't be the same," highlighting the sabhuku's role in preserving the event's integrity. Participant 6 emphasized, "The sabhuku's word is final. We trust him to oversee our lending arrangements and ensure that everyone plays by the rules," indicating their role in enforcing fairness. Participant 9 added, "We honour our sabhuku because he represents our traditions and values. His presence adds meaning to our festivities and ensures harmony," underlining their significance in maintaining the cultural fabric of these events. Participant 10 concurred, saying, "Our sabhuku is respected by all. He's like a father figure to us, and his involvement in these events brings a sense of order and unity," demonstrating their role as unifying figures in the community. The unanimous consensus among participants reinforces the study's conclusion that traditional leaders are integral to building social capital and nurturing the entrepreneurial spirit within these communities. In other words, the sabhukus are not mere figureheads but serve as anchors, guiding and facilitating these initiatives. Their influential roles reflect the enduring significance of traditional authority in rural development, as participants place their trust in the sabhuku's wisdom and leadership. Furthermore, women in the community recognize the vital role of sabhukus in upholding lending arrangements, as they rely on these leaders to protect their interests and ensure fair resolutions through community dispute resolution mechanisms. Thus, these accounts reaffirm the importance of trust-based discourse and leadership in building social capital and fostering entrepreneurial skill sets, aligning with insights from scholars

such as Anderson and Warren (2011) and Shepherd and Hayne (2009). Furthermore, the research reaffirms the enduring influence of traditional leadership structures in rural Zimbabwe and sheds light on their role in catalysing and sustaining social entrepreneurship endeavours.

Thirdly, the study's findings underscore the significant social and economic implications of income-generating food festivities in rural Zimbabwean villages, especially in the context of the Zimbabwean dollar's depreciation. These events transcend mere economic transactions; they are instrumental in community development. Indeed, these insights are derived from the research data, specifically from the experiences and perspectives shared by the research participants. The income-generating food festivities were perceived as empowering by the villagers, as they provided opportunities for economic engagement, supplemented subsistence farming, ensured payment of school fees, acted as an alternate source of social security, and facilitated flexible learning schemes among members. Participants 11–20 echoed a resounding sentiment regarding the baron/baroness festivities, emphasizing their profound impact on the community. Participant 11 stated: "These festivities aren't just about food and music; they're a lifeline for us, especially in these tough economic times." This sentiment was shared by Participant 12, who remarked: "When the dollar lost its value, we had to find new ways to make ends meet. The baron/baroness gatherings became our financial safety net." Participant 13 also highlighted the economic opportunities, saying: "We use these events to supplement our subsistence farming; it's like an extra harvest for our families." The importance of securing education was reflected by Participant 14, who emphasized: "Thanks to these festivities, we can ensure our children's education. It's a blessing." Furthermore, Participant 15 spoke of the gatherings as a source of social security, stating: "In times of illness or need, we lean on these events, knowing our community has our back." Lastly, Participant 16 highlighted the adaptability of these gatherings, saying, "We've developed flexible learning schemes among our members, fostering skills and knowledge exchange."

These quotes underscore the multifaceted significance of the baron/baroness festivities. Through them, local communities found ways to supplement their subsistence farming, ensure the payment of school fees, establish an alternate source of social security, and develop flexible learning schemes among members. Additionally, these festivities contribute to cultural preservation, social interaction, and the cultivation of a collective identity.

### **Implications of the findings**

The implications derived from the study's findings hold significant relevance for the future of social entrepreneurship in Zimbabwe, especially within rural communities like Chikonye, Maheya, and Murairwa. The study's emphasis on the reciprocal buying and selling practices within these communities unveils the potential of social entrepreneurship as a catalyst for economic development and social empowerment. It underscores the capacity of residents to

harness their cultural practices and social networks to drive positive change. The study shows how this instance of indigenous social entrepreneurship challenges conventional notions of entrepreneurship and highlights the need to recognize and support indigenous entrepreneurial models. Furthermore, the findings indicate that these rural communities have the agency to innovate and adapt their traditional practices to modern economic and social challenges. The role of RCMMs and the integration of cultural festivities in economic endeavours offer valuable lessons for policymakers and development organizations seeking sustainable and community-led solutions.

Firstly, the success of these RCMMs underscores the profound importance of community-driven social enterprises firmly rooted in local knowledge, culture, and social norms. These findings emphasize the critical need for a bottom-up approach to sustainable social entrepreneurship in Zimbabwe, where local communities actively participate in designing and implementing initiatives tailored to their unique contexts. Moreover, the study underscores the pivotal role of social networks and shared trust in the success of these community-driven models. It highlights the imperative for future social entrepreneurship endeavours in Zimbabwe to prioritize the cultivation of robust social capital and trust-building mechanisms within communities. This includes recognizing the central role played by traditional leadership structures, as evidenced in the study, and actively engaging leaders in initiatives to leverage their influence and guidance.

Furthermore, the findings suggest that RCMMs can extend their impact beyond economic resilience and significantly contribute to overall community well-being. Given Zimbabwe's multifaceted challenges related to personal safety, access to basic needs, and the pursuit of improved living standards, these models hold the potential to play pivotal roles in enhancing community well-being and development. In contemplating the future of social entrepreneurship in Zimbabwe, here is a compelling opportunity to expand the successes observed in Chikonye, Maheya, and Murairwa villages to other communities. The success of RCMMs serves as a testament to how grassroots, community-driven approaches can foster innovation uniquely tailored to the distinctive needs and resources of local communities.

## **Conclusion**

This study illuminates the distinctive model of social entrepreneurship thriving in the villages of Chikonye, Maheya, and Murairwa in Zimbabwe. The festivities, underpinned by a foundation of trust and camaraderie, enable members to extend financial support to one another, bolster their enterprises, and efficiently address urgent financial needs. This relaxed collaborative approach positions RCMMs as a sustainable antidote to social discord, empowering villagers to allocate their entrepreneurial focus strategically amid Zimbabwe's economic challenges. The findings underscore the pivotal role of social capital in forging connections among villagers, fostering a supportive community



network, and facilitating economic resilience. It also highlights the potential for communitarian models of social entrepreneurial growth to flourish by adopting and adapting the RCMM model. Further, it emphasises the importance of factoring social capital into community happiness and development indices. Lastly, it underlines the critical need to empower villagers through resilient initiatives like RCMMs, given the absence of robust legal and social safety nets in Zimbabwe.

While recognizing substantial benefits, it is also essential to acknowledge that RCMMs may inadvertently foster dependency and perpetuate traditional gender roles and power dynamics. The lack of a regulatory framework can, for example, expose villagers to potential exploitation and fraud by influential individuals within the community. The mutual mingle festivities exemplify the transformative potential of social entrepreneurship, fostering positive change and sustainable grassroots solutions. These festivities serve as potent empowerment tools, nurture a sense of community and trust, enable collective action, and enhance problem-solving capacities among villagers. However, the cumulative impact of the festivities on villagers' empowerment hinges on contextual nuances and individual perspectives. When executed with care and in alignment with a sustainable opportunity entrepreneurial culture, these initiatives can mitigate societal problems and propel inclusive community development. Understanding the preconditions for successful implementation of this indigenous model of social entrepreneurship is, however, still in need of further exploration.

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## 5 Self-organized waste pickers

### Marginalized yet vital to the African city of Bamako

*Sidy Lamine Bagayoko*

#### Introduction

According to the World Bank, “[t]he quantity of waste produced in the world is exploding: it is expected to increase up to 69 per cent between 2012 and 2025” (Kasa et al., World Bank Group 2018). The increase is driven in part by the population and urban growth in sub-Saharan African countries. City councils in developing countries commonly lack the means to adequately manage this rapid increase in waste. Mali, the capital of Bamako, has 93 neighbourhoods with more than 2.1 million people (Mesplé et al. 2014, 581). The quantity of waste produced is enormous. According to data published in 2018, the city of Bamako produces approximately 1470 tons of waste per day, and the majority of that is plastic (Média terre 2018). Yet, as there is no formal system of waste management, this waste creates a continuous threat to everyday living in the city. At the same time, in Bamako as in other cities in the global South, this garbage contains items that can be quite lucrative if collected and recycled. Most of the waste dumps in the city of Bamako are known to the city council authorities. Even if they are not official, people have no other place to throw away their garbage. These dumps are considered to be “transit deposits” (*dépôts de transit*). Waste pickers are not authorized to work in them, but both authorities and the surrounding population know that waste pickers are useful for the community and the chain of waste management.

This chapter studies people who work and live in literal “dumps”, picking through garbage as a way to survive financially. The overwhelming majority of the people living in these garbage dumps are women. In Mali culturally, cleaning is seen as a woman’s job although it is physically demanding. The fact that those working in the dumps are mostly women can also be explained by the fact that the majority of women interviewed did not receive a formal education and were therefore unemployed. Waste picking was therefore their only means of earning money. Female waste pickers have often also ended up in this occupation by following in the footsteps of their elders. Waste pickers earn just enough for survival, enabling the obtainment of food, water, clothes, and possibly even a place to sleep in the garbage dump. Women of all ages who work in these dumps explained how they ended up working in this particular

occupation, what kind of materials they look to resell, where they live, and who their potential clients are.

From Monday to Sunday, and from early morning to dusk, waste pickers are busy collecting materials they estimate can be sold to buyers. Being a waste picker means searching through food residues, plastic bags, rusty metals, and empty cans in dangerous conditions for uncertain pay. They do not need any particular skills or competence to do this job. In fact, however, they have gained competence to perform it as they have needed to learn how to use different tools such as pickaxes, gloves, boots, and masks and how to deal with the waste in order to avoid sickness and injury. Individually, they rush after the donkey cart that comes to dump its load of new trash starting around 6:00 AM, and they can continue until 11:00 AM: "It is possible to find all kind of items in the waste discharged here, if you are lucky, you can find gold here" (F.D. waste picker 2021). Waste pickers mostly use their hands without gloves to sort out the rubbish. Seventy-five-year-old T.D. told me that waste picking is full of hazards such as becoming ill from breathing toxic dust, getting tuberculosis, or being infected with tetanus from sharp rusted metal. She told of one time she was critically injured by a huge stone of concrete and managed, with the support of her workers' association, to recover. However, she said that she had sometimes found money and valuable objects such as small gold jewellery, which was her explanation for why she was addicted to waste picking.

The work of waste pickers is societally important in that it helps manage the overflow of waste at a given site. Through middlemen, waste pickers provide used materials to factories. In Bamako, more than half of recycled waste is recovered informally, which also allows the city to reduce its expenses. The most important item collected by waste pickers is plastic, in the form of used plastic bags and plastic cans. Plastic is sold easily because factories need it to produce shoes, cups, and buckets. The plastic items collected by waste pickers are sold by the kilo. The kilo price depends on the fluctuation of the market and the need of the factories for plastic. Waste pickers sort the trash and once a week meet with buyers who take the waste to sell to factories: "We collect a bunch of waste when we separate different kinds of waste. We take plastic apart, aluminium apart, iron apart, zinc apart and old shoes apart" (C.C., waste picker 2021). After the process of waste sorting, trucks come to transport waste directly to factories in order to be recycled.

Waste picking exists because of extreme poverty. Waste picking is therefore also an expression of marginalization. Bénédicte Florin (2015) has studied waste pickers in Cairo and presents them as people on the margins of the margins. Whereas the waste pickers in Cairo sought to recycle some of the waste they picked to use as food for their pigs, in Mali, waste pickers wait for the trash to arrive at the transit deposit where they collect waste that still has some resale value in order to sell it. They do this with both organic and non-organic (plastic and metal) wastes. Non-organic waste is recycled by selling it directly to shoe factories and other kinds of factories or to middlemen reselling it to

those factories. Organic waste is sold to people caring for sheep and goats at home.

Because of the failure of public authorities to organize waste management, waste pickers have created an alternative institutional arrangement by self-organizing themselves into informal unions that can be seen as a form of social entrepreneurship. These associations help consolidate their market positions, share innovations that increase productivity, and protect their rights as workers in the informal sector of the economy. They appoint a representative who speaks on their behalf to the city council and other formal institutions in charge of bringing garbage to the transit deposit. The more senior waste pickers who have been involved in waste picking for a longer time teach their juniors or the most recently arrived about their union and about how they can work together in harmony to protect their rights and interests. As another round of new people converge on the transit deposits, the cycle continues. The younger waste pickers sometimes also organize themselves into separate youth associations.

Addressing the current self-organization of waste pickers, this article asks the following: How do waste pickers and self-organized youth groups impact the city, its environment, and industry? How do waste pickers self-organize and how does this self-organization affect them? How could the status of waste pickers be improved and what would be the impact of their improved status?

## Data and methods

In this research, I was simultaneously a cultural insider (Malian) and a cultural outsider (male, educated, and non-waste picker). I used qualitative methods employed in social anthropology including interviews and observation in the places occupied by the people I studied. Among the total of 47 people whom I interviewed, the youngest was 13 years old and four persons were between 65 and 75 years of age. The oldest waste pickers claimed to have been involved in this income-generating activity for more than 30 years. Twenty-seven waste pickers were between the ages of 35 years and 58 years and the average number of years in this activity was 12 years, with two or three having more than 20 years of experience. Fifteen participants were aged between 13 and 35 years. The majority of waste pickers were women, because they are the ones most likely to find themselves in the situation of poverty.

The research took place in Bamako, the capital city of Mali. According to the Institute of Statistics (INSTAT)<sup>1</sup> (2021), at the moment of my research from 2020 to 2021, there were 36 transit deposits in Bamako. I focused my research on two large transit deposits, *Lafiabougou Cimetière* and *Badalabougou Colline*. Most of my time during the field research was spent in *Badalabougou Colline*, and the majority of the interviews were carried out in that place. The transit deposit *Badalabougou Colline* takes its name from the neighbourhood of Badalabougou where it is located. Badalabougou is a neighbourhood

located in Commune V of Bamako District. It is the first neighbourhood on the right bank of the Niger River that intersects the city. Badalabougou was created in 1951 and includes the first bridge of Bamako, called now the Bridge of *Martyrs*, linking the two banks of Bamako. Between the neighbourhoods of Badalabougou and Daoudabougou, there is a large hill called the hill of Badalabougou (*Badalabougou Colline*) and the transit deposit of Badalabougou is located on that hill.

In addition to prior qualitative data collected from participant observation *in situ*, I interviewed 57 persons in February and March 2021 from both sides of the river passing through Bamako. Participants were chosen according to their level of involvement in recovering items at the illegal landfills in the neighbourhoods of Lafiabougou and Badalabougou. Interview participants included, besides waste pickers, city counsellors responsible for environment and waste management; middlemen who haul away the scavenged materials; and recycling firms that transform waste into new products such as shoes, buckets, and cords. At the illegal landfill sites, I mainly interviewed women and youth. I conducted another round of data collection in May–July 2022, spending several weeks visiting people who worked as waste pickers on different sites in Bamako. To gather data, I utilized a still photo camera and a dictaphone. The photographs that I took of the waste pickers, taken with their full written consent,<sup>2</sup> were used to enrich my data and for analytical purposes. The discussions I had with interview participants were audio recorded.

## Results and findings

### *Waste pickers with limited rights to the city*

Waste pickers serve the city as cleaners and recyclers, but they are not compensated by the city. In fact, informal garbage workers are considered illegal workers because they do not have formal permission to undertake garbage picking. While they do not directly violate any laws, they also do not have authorization to work or live in the waste dump. Waste pickers are thus confronted by two kinds of discrimination. They are seen as outcasts because they work and live in dirt and trash; their work is not officially recognized as legal, which means pickers can lose their source of income at any time through eviction by authorities. The insecurity of waste pickers' lives exacerbates their experiences of social injustice in the urban area they depend on.

At the same time, waste picking work is valuable not only for the city but also for individuals in the sense that it gives pickers some degree of autonomy and self-sufficiency. One of the oldest waste pickers I interviewed, T.D., was 75 years of age and from the neighbourhood of Daoudabougou. She explained how and why she had ended up doing the job of waste picking. In 2000, when civil war broke out in the Republic of Côte d'Ivoire, she was forced to come back to her home country of Mali. She did not have any job in Bamako

because she was unqualified for any formal position and was already 52 years old. Her husband had died long before, and her daughters were not able to provide for her. She did not want to beg on street corners or along the road, so she began work as a waste picker. D.S. and Y.T. told me that they are seen in their community and families as “dirty waste pickers”. Their reply to this accusation was as follows: ‘Who is going to take care of us?’ In other words, people do not pick garbage by choice, but out of necessity and to avoid being a burden on others. According to the waste pickers, they are involved in that activity to earn a living and become respectable in their neighbourhoods (cf. motorcycle taxi drivers studied by Wamala-Larsson 2022; also, Agbiboa 2018; Wamala-Larson 2019). Through the activity of waste picking, waste pickers strive to express their rights to the city (Lefebvre 1991; Wamala-Larsson 2019, 2022).

#### *Self-organization of waste pickers*

My research revealed that to counter the social injustice in their lives, women garbage pickers have self-organized into an informal association with a leader. When they searched for valuable trash or usable or sellable tools, they seemed to work alone or in small family groups. Everyone sought objects for their own personal use or resale, but when I went deeper to interrogate them, I found that they were, in fact, united and connected because they were organized into an informal cooperative. They had a leader who spoke on their behalf when the city council wished to discuss something with them related to the management of the transit deposit site where they worked:

My name is M.S., I have a professional card provided by the city council which shows that I work a waste picker, I am a kind of interface between waste pickers and the city council of our Commune. I was appointed mainly by the group of women but also men working on this garbage to pick wastes.

(M.S., waste picker 2021)

The people involved in the cooperative are from different backgrounds in terms of sex, age, and ethnicity, but almost all of them come from rural areas and are currently living in neighbourhoods considered inner cities such as Daoudabougou and Sabalibougou. Waste pickers working informally in the waste management sector are aware of their poverty and know they lack sufficient food, housing, health, and education. By collaborating and organizing with other waste pickers, they have laid the groundwork for an entrepreneurial activity that allows them to organize their lives and gives them hope for the future. According to M.D.:

the fact that waste pickers are organised in association with an appointed leader has been a factor that they are respected by the city council. Being

in a group made it easy to discuss and protect some basic rights like the price of the items they collect.

(M.D., waste picker 2021)

Actually, we were considered we are still considered like dirty garbage workers, but with our initiative to be organized in association, we have now a kind of self-confidence.

(M.D., waste picker 2021)

The waste pickers' association is an informal cooperative, organized locally. This informal cooperative constitutes a spontaneous collaboration because waste pickers do not go through any bureaucratic membership processes (cf., Matt et al. 2012). Their activity of waste picking includes collaboration between them as workers on waste dumps, maintaining good relationships with the persons bringing waste from households in the donkey carts, and, finally, working for good business relationships with the persons coming to buy reusable waste with them. The roles and duties of the waste pickers' association are to inform and fix the price of the products they collect in order to protect the rights of its members. For example, in the case of announcements coming from the city council or emergency announcements, the waste pickers' informal association organizes a general assembly to inform its members and to hold a discussion if needed. A committee acting on behalf of all the association members is also periodically informed about the price of a kilo of plastic, aluminium, iron, zinc, etc., to be sold to resellers. For example, if resellers decide to lower the prices of plastics or aluminium due to lower demand from factories, they need to discuss it with the leader of the waste picker association, who in turn should discuss it with all the waste pickers in a general assembly or meeting (Figures 5.1–5.3).

### **Discussion: waste pickers are vital to the urban environment**

Sonia Dias (2020) calls the phenomenon of waste dumps an unprecedented social-environmental crisis that, due to a lack of management, threatens cities such as Bamako (but is scattered over many African cities). Given that the government of Mali does not have a consistent plan to deal with the situation of solid waste, waste pickers are vital to the informal system of waste management.

Although the work of waste pickers involves competition over who finds a valuable discarded object first or who finds the best one to be sold, their activities are characterized by a high level of connectivity and interdependence (cf. Ruoslahti 2019), and they end up collaborating and organizing an informal industry of recycling that keeps the city relatively clean and enables factories to reuse plastic waste.

According to the interviews, waste pickers are conscious of the fact that their work is beneficial to society. They are aware of the supply and refinement chain of reusable materials onward to resellers as a whole, and they know the





*Figures 5.1* A female waste picker with her grandchild under their improvised shelter built on a waste dump (by Sidylamine Bagayoko, May 2021).



*Figures 5.2* A female waste picker with her grandchild under their improvised shelter built on a waste dump (by Sidylamine Bagayoko, May 2021).





*Figure 5.3* The shelter of a female waste picker built on the waste dump (by Sidylamine Bagayoko, May 2021).

factories for plastic shoes, small plastic bags, cups, buckets, and organic wastes constituted of horns and foodstuffs that they dry. Substances from the horns of cows and sheep are sold to China to be made into knife handles, guitar necks, plates, salt and pepper shakers, and other kitchen utensils.

Because of our role as waste pickers, several industries can buy second-hand cheap raw materials with the solid wastes like plastics, aluminium, iron, etc., we collect.

(F. D., waste picker 2012)

The societal function performed by waste pickers also includes waste transformation in Bamako. This part of the work of waste pickers is facilitated by a separate youth association that has organized a small company that transforms plastic wastes into briquettes and cobblestones. This youth association comprises less than ten persons, the majority of whom were previously unemployed. Both young men and young women are involved, working together in the association because of their commitment to a clean and healthy urban environment. The difference between the usual waste pickers and the youth association is that the latter is a self-owned company. The youth association delivers garbage cans and pots for plants – both recycled from plastic – directly to consumers or through a middleman. The youth association uses a barrel-shaped container of roughly 50 litres to cook the plastic. They first put in used engine oil, then add the plastic waste, and melt it in different moulds to make briquettes and cobblestones. The used engine oil aids in the process of melting and produces a dark colour. A. S., the leader of the association, said:

We make garbage cans based on the recycled materials. The women who collect those plastic wastes proceed to clean them. When those plastics arrive here, we crush and squeeze them in a machine and build them into trash cans.

Thus, from plastic wastes, tools are built for collecting other kinds of waste. The trash cans used by families throughout Mali help reduce difficulties in the management of domestic waste. According to M.S:

If we have enough small used water cans in plastic, we can make more than 500 trash cans per month.

In addition to the manufacturing of trash cans, they make pots for plants in which people can grow flowers or small vegetables and easily move the plants from one place to another. Garbage cans and mobile gardens are the youth association's priority for manufacturing, but the rest of the plastic waste is also crushed and transformed into small round plastic stones used for building roads and other surfaces such as football fields. The informal recycling process is in itself an innovation, creating tools for waste collection and plastic that replace aggregates, sand, gravel, and cement in construction work. These innovations would not be possible without the self-organization of waste pickers and the assistance of youth associations (Figures 5.4–5.8).

## **Conclusion**

The case of Bamako waste pickers shows that innovation can come from unlikely activities as long as there is a minimum of organization. Waste pickers and self-organized youth associations are crucial in the management chain of processing and recycling waste. Their work reduces the huge number of plastics, iron, copper, zinc, etc., in the environment, and so in fact reduces



*Figure 5.4* Waste pickers in the dump struggling to find useful objects (by Sidylamine Bagayoko, May 2021).



*Figures 5.5* Piles of animal horns as organic waste needed for selling to Chinese or Malian industries that transform them into chicken food (by Sidylamine Bagayoko, May 2021).





*Figures 5.6* Piles of animal horns as organic waste needed for selling to Chinese or Malian industries that transform them into chicken food (by Sidylamine Bagayoko, May 2021).

environmental pollution. In the end, waste pickers also contribute to the work of industries because they provide cheap raw materials for the manufacture of shoes, buckets, rubbish cans, and other plastic products useful to Malian communities.

Waste pickers have organized themselves to escape marginalization and illegality and to survive. In so doing, they both ensure the continuation of their livelihoods and reduce the waste problem in the city. The self-organization is so far very limited, as the priority has been to protect waste pickers and establish solidarity between them. Since they know now that self-organization has been very useful for them, they wish to continue manufacturing final products made from waste that they collect from garbage piles. To this end, further formalization of the status of waste pickers is needed because their current self-organization does not enable them, for example, to raise funding from banks, which would be needed in order to develop their means of waste picking and the processing of waste.

In terms of society at large, waste pickers play a crucial role in the management of waste in cities that lack resources to collect and manage properly all the transit deposits of waste. Yet, governments in sub-Saharan cities still treat these waste pickers as informal, which means that they are not entitled to formal assistance from central or municipal authorities. The example of Bamako illustrates that waste pickers are in need of rights to attain a minimum level of



*Figures 5.7* Bags made of old mosquito nets and other materials filled with plastics gathered by women waste pickers, waiting for buyers. In general, the trucks of buyers come every week or every two weeks to collect the bags gathered by waste pickers. They always buy whole bags once they need the indicated product in them (by Sidylamine Bagayoko, May 2021).



*Figures 5.8* Bags made of old mosquito nets and other materials filled with plastics gathered by women waste pickers, waiting for buyers. In general, the trucks of buyers come every week or every two weeks to collect the bags gathered by waste pickers. They always buy whole bags once they need the indicated product in them (by Sidylamine Bagayoko, May 2021).



*Figures 5.9* Bags made of old mosquito nets and other materials filled with plastics gathered by women waste pickers, waiting for buyers. In general, the trucks of buyers come every week or every two weeks to collect the bags gathered by waste pickers. They always buy whole bags once they need the indicated product in them (by Sidylamine Bagayoko, May 2021).

living conditions. With official status, waste pickers could directly assist city councils, and they could pay taxes and ensure their own well-being through demanding a better working environment (Wamala-Larson 2022). With funding and training, they could also create their own companies and develop their tools of work further, such as making their own boots from the plastics and bags they collect and using wheelbarrows to make their work easier.

## Notes

- 1 Institut national de la statistique (INSTAT), National Institute of Statistics of Mali, 2021.
- 2 A formal document of written consent was given to people interviewed in the field. When persons were not able to read or write, I read out to them a description of my research telling why I was doing it and what would happen to the information they gave me. They signed with a symbol or something else. Both I as the researcher and the person studied received a signed copy of the written consent document.

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## 6 Surviving on the margins of legality

Familial ties, the informal economy, and re-imagining social protection in Kenya

*Dennis Ndambo*

### Introduction

Social innovation may be defined as

a new program, policy, procedure, product, process and/or design that seeks to address a social problem and to ultimately shift resource and authority flows, social routines and cultural values of the social system that created the problem in the first place.

(Westley, Zimmerman & Patton 2006; Westley et al. 2011)

This definition gives primacy to novel inventions, aimed at transforming social institutions from the micro- to macro-levels (McGowan, Westley & Tjörnbo 2017).

Social innovation occurs when an innovator comes up with an idea, guided by his belief in a better future (the social phenomenon/fact), which highlights a desired potential outcome (the adjacent possible) (McGowan, Westley & Tjörnbo 2017). In other words, a social innovator, after identifying an injustice in the social system, comes up with a solution that could positively adjust the system and improve the lives of the members of that society. When that innovator's idea is supported by institutional resources (the institutional/system entrepreneurship) through a window of opportunity (the opportunity context), and the innovation is scaled up, the innovator becomes a social entrepreneur (McGowan, Westley & Tjörnbo 2017).

Social protection involves implementing policies and programmes aimed at addressing inequalities in society (United Nations Research Institute for Social Development (UNRISD) 2010). Social protection policies may, however, have unintended consequences. One example of such consequences is the tax cuts introduced by the Kenyan government during the coronavirus disease 2019 (COVID-19) pandemic. The tax cuts were applied to 3 million formal workers but not to 15 million informal workers. Moreover, as will be discussed below, the tax cuts were not uniformly applied even among the



formal workers. In addition, there were no measures in place to cushion those formal workers who lost their jobs. Under these circumstances, many Kenyans had to come up with innovative ways of coping.

This chapter analyses the social protection mechanisms in Kenya as a microcosm of the state of the current structure of social protection in Africa. First, the chapter proposes that there is a need to reformulate the current social protection measures to address the inequalities in African countries. As will be discussed below, the Kenyan government has provided more social protection measures for formal workers than for the numerous informal workers. This is even though informal workers have less income and are more susceptible to poverty. Second, the chapter analyses some of the innovative practices that emerged in Kenya in response to the vagaries of the COVID-19 pandemic. As will be shown later, some middle-class Kenyans in urban areas who had lost their jobs converted their vehicles from luxury items into resources for fruit and vegetable vending on roadsides. Through the vending, many jobless Kenyans received tax-free income and were able to sustain themselves for some months. Mobility proved to be a key factor in facilitating the vendors' access to customers and in evading regulators. Third, the chapter discusses the impediments to the sustainability of such vending as social innovation and the role of the law in creating an enabling environment for social entrepreneurship practices. Drawing on a historical perspective on the development of social protection measures, the chapter suggests ways of institutionalising and enhancing novel social entrepreneurship activities.

In terms of methods, the chapter is based on a desk analysis of demographic data, budgetary allocations, and trends in tax revenue collection to provide the context of Kenya's current social protection measures. In addition, it involves key informant interviews with national-level policymakers and implementers, and vendors. This approach aids in understanding the formulation of the policies and laws on social security and the experience of implementing them. It also provides some insight into the state's responsiveness to the evolving conditions of the populace. Semi-structured guides were used for all interviews to allow the respondents to provide as much information as they felt was relevant. The interviewees provided information on the accessibility of the current social security programmes and their efficacy, some of the appropriate interventions that should be implemented to make the social security programmes more equitable, and some of the social innovations that Kenyans have used to secure social protection in response to the COVID-19 pandemic.

The snowball sampling technique was used to identify relevant respondents, whereby the initial subject was recruited and was then used to recruit a second subject and so on (Parker, Scott & Geddes 2021). The author identified one vendor in the Kilimani area of Nairobi, who later referred the author to another vendor in the same area, until four vendors were interviewed. The author interviewed one security guard in a neighbourhood where two of the vendors operated. The key informants were purposely selected for their

knowledge and experience in implementing social protection policies. The author used his contacts in the Ministry of Education (MOE) to gain access to one government official in the National Employment Authority (NEA) and another official in the State Department for Social Security. The respondents comprised three men and four women.

### **Social protection in Kenya**

Globally, four billion people lack social protection, while 71 per cent of the world's population lacks comprehensive social security (International Labour Organization (ILO) 2017). Social protection in sub-Saharan Africa is mainly focused on providing access to education, health, housing, nutrition, and generally alleviating poverty. Most of these social protection measures involve cash transfers and grants, food aid, school feeding schemes, subsidies, health insurance, and social security programmes (Bailey & Turner 2002). State social security programmes are very few in sub-Saharan Africa, with mostly the urban middle and upper classes benefitting. Because of the large informal economies in African states, there are barely enough financial resources to support comprehensive social security programmes. In addition, the social security programmes in existence provide low benefits because the programmes suffer from contribution evasion and high administrative costs (Omilola & Kaniki 2014). The social protection systems in many African countries are therefore examples of unjust social systems.

In Kenya, the national poverty level in 2018 was 35.3 per cent or 16.4 million Kenyans with 8.6 per cent or 3.9 million being extremely poor (Kenya National Bureau of Statistics (KNBS) 2018). The unemployment rate in 2019 was 5.01 per cent and rose to 5.74 per cent in 2021, which corresponds to almost 3 million Kenyans (KNBS 2022). The number of people employed in the formal sector in 2019 was about 3.091 million, while about 15.051 million were working in the informal sector (KNBS 2020b). By 2021, the number of formal sector employees had declined to 3.071 million, while informal workers had increased to 15.261 million (KNBS 2022). Therefore, informal workers account for 84 per cent of Kenya's workforce (KNBS 2019).

In other words, informal workers outnumber formal workers by five times, while unemployed Kenyans are about 3 million. The combined total of unemployed adults and informal workers is about 18 million. Despite forming a huge section of Kenya's population, these two groups are not adequately covered by current social protection measures. Kenya does not have an unemployment insurance scheme (Ministry of Gender, Children and Social Development (MGCSO) 2011). Informal workers and the unemployed do not receive state benefits such as medical insurance, pensions, and other allowances (MGCSO 2011). In view of the high poverty and unemployment levels, and the low sustainability and unpredictability of informal workers' income, informal workers and the unemployed cannot consistently make payments to contributory social insurance schemes (Torm, Kinyondo, Mitullah & Riisgaard 2022).

There is therefore a dire need for the government to implement social protection measures that cover a larger percentage of the population.

In 2011, the Kenyan government finalised the National Social Protection Policy (NSPP) (MGCSD 2011). The policy proposed several programmatic interventions, including social assistance (cash transfers, food aid, affordable health care), social security (health insurance schemes, pensions, unemployment, health care, sickness, and maternity benefits), livelihood promotion (conditional cash transfers, public works, school feeding), and transformative measures (statutory minimum wages, anti-discrimination legislation, and fee-free education policies) (Omilola & Kaniki 2014). However, only some of these interventions are actually being implemented. Kenya's social protection system is structured on three main pillars: social assistance, social security, and health insurance (Ministry of Labour and Social Protection (MLSP) 2017). The main social assistance programmes that the government provides are cash transfers to orphaned and vulnerable children, older persons, and persons with severe disabilities (KNBS 2020a). The government wholly finances these social assistance programmes, the coverage of which is about 1.23 million households, mainly in rural areas (Doyle & Ikutwa 2021). In addition, there are several conditional cash transfers and school feeding programmes that are funded by donors, but these are primarily in hardship areas such as the arid parts of the country (MLSP 2017).

There are various transformative measures that the government has implemented. The government periodically reviews the minimum wage, but this is subject to budgetary constraints (Omilola & Kaniki 2014). The Employment Act mandates sickness and maternity benefits for employees while proscribing discriminatory labour practices (Employment Act 2007, 2023). On paper, the government has implemented fee-free education for public primary schools and public day secondary schools (MOE 2020). However, parents still must pay other charges to cover staff and administration costs. In addition, the funds disbursed by the government to public schools have often been delayed and the amount has been significantly reduced (Otieno 2023).

Kenya has two main social security schemes: the National Social Security Fund (NSSF) and the National Health Insurance Fund (NHIF) (MLSP 2017). The NSSF operates both a pension fund and a provident fund to provide for contributions to and payment of benefits out of the funds. Membership is compulsory for employees but voluntary for self-employed persons and informal workers (MLSP 2017). Effective coverage is low, with only 6.8 per cent of formal workers and 3 per cent of informal workers covered (Dolye & Ikutwa 2021). In addition, benefits are inadequate due to the low monetary ceiling for contributions and the fact that the NSSF pays a retirement benefit as opposed to a pension (Torm, Kinyondo, Mitullah & Riisgaard 2022). The NHIF provides medical insurance coverage to members and their declared dependents. Again, membership is mandatory for formal sector employees and voluntary for informal workers (MLSP 2017). Coverage is also relatively low with contributors numbering 9 million, while total beneficiaries are about

18.4 million (MLSP 2017). In both funds, there is a high dropout rate by the informal sector workers. As a result, the active beneficiaries are about a quarter of the country's population of 50 million (Torm, Kinyondo, Mitullah & Riisgaard 2022).

### **Social protection in Kenya during the COVID-19 pandemic**

The inadequacy of the country's social protection system became apparent during the COVID-19 pandemic. When the first case of COVID-19 was reported in Kenya in March 2020, the government took several measures to slow down the pandemic. Some of the measures included imposing countrywide dusk-to-dawn curfews, lockdowns of the major urban areas, suspension of passenger air travel, banning of large public gatherings, closure of educational and service sector facilities, and work-from-home directives (Ouma 2021). Consequently, close to 2 million Kenyans lost their jobs by the end of 2020 (KNBS 2022). This figure does not capture the plight of the informal workers. The informal workers who were negatively affected by the government's restrictions could be double the number of formal workers (Nafula, Kyalo, Munga & Ngugi 2020).

The Kenyan government implemented several social protection responses to the pandemic. First, the government maintained cash transfers of KSh. 2,000/- per beneficiary per month to orphaned and vulnerable children, older persons, and persons with severe disabilities. Second, the government rolled out a multi-agency COVID-19 cash transfer of KSh. 1,000/- per household per week targeting those Kenyans not covered in the already-mentioned cash transfers (Doyle & Ikutwa 2021). Third, the government established a COVID-19 Emergency Fund for households in urban areas adversely affected by the pandemic with a payout of KSh. 2,000/- per household per month that lasted for three months (Doyle & Ikutwa 2021). Fourth, the government implemented the *Kazi Mtaani* National Hygiene Programme, which was a labour-intensive public work programme targeting youth living in urban informal settlements. The youth carried out activities such as street and drainage cleaning, fumigation, and garbage collection, for which they would be paid KSh. 600/- per day (Doyle & Ikutwa 2021). It is difficult to assess the impact and effectiveness of these cash transfers because there are little data on which households received the cash (Ouma 2021). In addition, the selection criteria were not clear and there was a lack of coordination of the cash transfers (Population Council 2020). Furthermore, the cash transfers are criticised for being inadequate in terms of the amount and in the context of lack of basic services such as health, water, and sanitation (Ouma 2021). Moreover, the cash transfer programmes do not take into account cases of double vulnerability, such as being both elderly and living with a disability, or where a household has more than one vulnerable person (University of Nairobi's Women's Economic Empowerment (UON WEE) Hub 2022a).

To further alleviate the plight of Kenyans, the government introduced tax cuts for individuals and businesses through the Tax Law (Amendment) Act of

2020. First, the government reduced the maximum individual income tax rate from 30 per cent to 25 per cent (Kenya Revenue Authority (KRA) 2020). This reduction in the income tax rate basically benefitted all formal workers but would not have applied to informal workers (Nafula, Kyalo, Munga & Ngugi 2020). Second, the government granted 100 per cent tax relief to employees earning less than KSh. 24,000/- per month (KRA 2020). Again, this benefit was applicable to formal workers and not informal workers (Nafula, Kyalo, Munga & Ngugi 2020). As a result, both of these measures were more impactful on formal employees in urban areas than in rural areas (Nafula, Kyalo, Munga & Ngugi 2020). Also, the measures did not benefit those employees who lost their jobs or income because of the pandemic (Deloitte & Touche 2020). Third, the government reduced the turnover tax rate from 3 per cent to 1 per cent (KRA 2020). The reduction primarily benefitted those traders whose annual turnover did not exceed KSh. 5 million (Deloitte & Touche 2020). Fourth, the government reduced the resident corporate tax from 30 per cent to 25 per cent, thereby assisting corporations to stay afloat during the pandemic (KRA 2020). These two tax reductions for businesses may have indirectly benefitted the informal workers who relied on those businesses. However, the total benefit was minimal and was experienced more in urban areas than in rural areas (Nafula, Kyalo, Munga & Ngugi 2020). Fifth, the government reduced the value-added tax (VAT) rate from 16 per cent to 14 per cent, in the hope of inducing price reductions on consumer goods and services (KRA 2020). This move may have reduced the cost of living for all Kenyans (Nechifor et al. 2021).

Primarily, however, these tax measures benefited formal workers because the measures were not directly targeted at the informal sector. Therefore, many informal workers did not benefit much from the government's tax measures. In addition, the government did not implement any tax measures to assist those who lost their employment because of the COVID-19 pandemic. Furthermore, even the formal workers may not have benefitted from the government's tax measures. For instance, one respondent, (R5), a security guard, stated that she did not notice any positive change in her payslip during the pandemic. Even though her income was less than KSh. 24,000/- and so she should have benefitted from the 100 per cent tax relief, her payslip remained the same. In addition, she did not recall there being a significant drop in the prices of the foodstuffs and household goods that she usually purchased. Many of her colleagues' working hours were reduced because the businesses that they had been guarding were closed.

R5 further reported that she did not receive any government assistance during the pandemic period, despite being a low-income earner and living in Kibera, an informal settlement in Nairobi. She, however, received financial and medical assistance from a non-governmental organisation (NGO) called Shining Hope for Communities (SHOFCO) that was based in Kibera. R5 reported that, during the pandemic period, she received KSh. 3,500/- per month from SHOFCO. The funds were sent through the mobile money service M-PESA,

and she received the funds for three consecutive months. SHOFCO provided free medical services to everyone who registered their details at the clinic and then used the registration details to contact the patients and inform them of other services that it provided. In addition, SHOFCO organised the registered patients into rotating savings and credit associations (ROSCAs). The ROSCAs comprised 20 members who would make monthly contributions, and about KSh. 100/- per member would go to SHOFCO as administration fees. Each member of the ROSCA was eligible to apply for a loan from the savings and credit co-operative organisation (SACCO) that was operated by SHOFCO. The other members of the ROSCA would act as the guarantors for the loan. R5 explained that because of the intricate relationship between the community, the SHOFCO and the SACCO, there was less risk of the borrowers defaulting.

A respondent who worked for the NEA, R6, stated that there was no government programme to address unemployment. She said that the NEA formulates and implements employment policies and programmes for the creation of sustainable employment. There is therefore no government programme that provides cash or other forms of assistance to the unemployed. During the pandemic, the NEA implemented a donor-funded programme that gave cash every month to small businesses such as barber shops. The programme lasted only three months, and R6 said that she did not know the criteria used for selecting the beneficiaries. She said that there was no government programme in place with a similar mandate.

Another respondent who worked for the State Department for Social Protection, R7, stated that the 2011 social protection policy was based on three pillars: social assistance through direct transfers to the poor and vulnerable throughout the life cycle; social security for formal and informal workers; and universal access to health care and health insurance. However, she added that over the course of the policy's implementation, it had become apparent that many Kenyans were still not benefitting from the social protection measures. For instance, it had been observed that while the government and many external donors had concentrated their social assistance efforts in arid areas, this had led to neglecting the poor and vulnerable populations in the non-arid areas. In addition, R7 stated that the pandemic period had exacerbated some of the inequalities. She said that while the Social Assistance Act of 2013 contained a provision for giving social assistance to unemployed youth, the government had not fully implemented it due to concerns with sustainability. She mentioned that successive governments had implemented social assistance programmes for unemployed youth, such as the *Kazi Kwa Vijana* and *Kazi Mtaani* programmes. *Kazi Kwa Vijana* and *Kazi Mtaani* are labour-intensive public work programmes targeting youth living in urban informal settlements. R7's observation that the number of youth who had benefitted from the programmes was significantly small has been documented elsewhere (UON WEE Hub 2022b).



The above examples highlight the flaws in the current structure of the social protection system in Kenya and the fact that there is a need to formulate innovative social protection measures. As has been mentioned above, the Kenyan government overly relies on cash transfers while neglecting public health and social insurance measures. One of the main shortfalls of the cash transfers is that they are targeted and not universal. Targeting social assistance often excludes some people in need (Ouma 2021). The current targeting criteria in Kenya focus on women, children, individuals with disabilities, youth, and older people (Ministry of Labour and East African Affairs (MLEAA) 2016). This excludes informal workers who engage in temporary, insecure jobs with unsustainable incomes and no insurance (Ouma 2021). There is, therefore, a need for the government to implement universal schemes that are responsive to informal workers' precarious sources of livelihood.

The experiences during the COVID-19 pandemic demonstrate that amending the laws on business and taxation to accommodate the informal sector could have offered more appropriate social protection measures than the government's tax measures discussed above that were primarily targeted at formal workers. Any benefits enjoyed by informal workers were incidental, such as the reduction in the VAT rate. Even so, the tax measures were not strictly applied, leading to some formal workers not benefitting from them either. As many formal workers lost their jobs, the government could also have implemented tax exemptions on compensation for loss of employment during the pandemic period and operationalised unemployment benefits.

### **Agency and social innovation during the pandemic**

During the pandemic, a significant number of Kenyans in urban areas who had lost their jobs turned to fruit and vegetable vending from their vehicles on roadsides. The vendors were supplied by family-owned farms that had lost their customer base – hotels and restaurants – due to the government lockdowns and business closures. Through the vending, many jobless Kenyans resumed receiving income and were able to sustain themselves for some months. The uniqueness of these vendors was that they had converted luxury vehicles for use in vending and that they used to access gated communities to sell their products.

One of the respondents, R1, stated that his family had owned a farm since the 1990s. The family reared dairy cattle and grew vegetables on a farm on the outskirts of Nairobi City. He said that he started marketing their products using a bicycle and that he eventually acquired a vehicle in 2017. His main customers were institutions such as hospitals. However, due to the closure of several institutions, he diversified his customer base by supplying households. R1 stated that government restrictions on movement had made it difficult for customers to access their farms. However, having a vehicle – a Toyota station wagon – helped with mobility as he was able to deliver the farm products to



the customers. He also stated that he did not access any of the government's incentives for businesses for coping with the pandemic.

Another respondent, R2, who was selling eggs, stated that his family had owned a chicken farm for the past 17 years. He had helped with selling chicken and eggs until he got a job selling insurance in South Africa. However, when the COVID-19 pandemic hit, he was declared redundant. When he got back to Kenya, he could not get a job and started vending the family farm's products to households. Due to the government's restrictions, their customers' movement had been affected, reducing the farm's revenues. In addition, with the closure of many restaurants, their primary customers were left with a lot of eggs that got spoiled. The cost of farm inputs also increased during the same period. To adapt to the situation, R2 started using the online media in marketing the farm's products, a method that he had found to be convenient and cost-effective while conducting insurance sales at his work in South Africa. Through this, he was able to garner a new customer base comprising households and he would deliver orders to their doorstep. R2 was using his Mercedes SUV to make deliveries as it was the only readily available vehicle for him. He also said that he did not benefit from any of the cash transfers or tax cuts.

Two other respondents shared similar stories of losing their employment and of taking up vending farm products. Their families owned farms on the outskirts of the city, and their normal customer base was affected by the government's restrictions on movement. The respondents had taken up delivering their families' farm products to gated communities, and they received orders through phone calls or when residents noticed the respondents' presence in the neighbourhood. None of the respondents benefitted from the cash transfers or tax cuts. The respondents adapted to the situation caused by COVID-19 by converting their high-end vehicles for use in vending fruits and vegetables. Ordinarily, people would use low-end vehicles such as old pickups and trucks to transport farm produce. However, due to the rapid and disruptive implementation of government restrictions, the respondents were not immediately capable of acquiring alternative vehicles (R2). In addition, the respondents felt that the vending was only temporary, and therefore, there was no need to acquire an alternative vehicle (R3). Thus, high-end vehicles ceased being status symbols and became resources for vending activities. A notable feature of using high-end vehicles was that the respondents benefitted from the restrictions on movement. First, because they used high-performance vehicles, the respondents could easily continue their activities close to the curfew hours without the risk of getting caught by the police. Second, the respondents made the most of the lockdowns by traversing various parts of the city where the residents' movements were restricted. The respondents did not incur capital expenses because they already owned the vehicles, and the vehicles did not need to be converted to be suitable for vending.

Apart from not incurring capital costs, the respondents did not incur significant advertising costs either. Most of the respondents reported that

parking near the gate or along an access road while displaying their products was enough to generate interest from residents. The residents would then pass on information regarding the respondents to their neighbours via Short Message Services (SMS) or WhatsApp messages. This form of communication between vendors and customers was relatively novel for the middle-class neighbourhoods in which the respondents operated. In addition, the respondents were able to carve out a niche as their clientele changed from institutions to middle-income households. Due to the government's restrictions on movement, most middle-income households could not carry out their usual grocery shopping. Shopping for groceries had also become inconvenient as supermarkets would be crowded as the opening hours had been shortened. Many of the households quickly embraced the convenience provided by the respondents' availability and flexibility.

### **Observations on some unintended consequences**

The respondents' experiences show that mobility was very important during the pandemic period. The government's restrictions on movement curtailed the ability of many informal workers to continue providing their services. For example, many informal workers live in informal settlements and have to walk long distances to look for work. During the pandemic period, most informal workers had to find work closer to home for fear of being arrested for flouting both curfews and lockdowns. Since most construction sites, factories, and warehouses were located far from the informal settlements, many of the informal workers did not work for several weeks.

The respondents' experiences also show how access to different assets was affected and how different social groups were able to adapt to the pandemic. Whereas using handcarts and motorcycles for vending would ordinarily make it easy to manoeuvre in densely populated areas, they were unsuitable during the pandemic period due to the government's restrictions on movement. With customers' movements restricted, vendors who were usually stationed at street corners were disadvantaged as their customers stayed indoors. Vendors using handcarts or motorcycles had to travel longer distances to reach them, and often, the vendors who used handcarts were unable to traverse large distances in the few hours between curfews, while those using motorcycles could not carry many items. In contrast, the respondents were able to use their readily available vehicles to transport their produce to their newly established customer bases and hence were able to circumvent these barriers in several ways. This enabled the respondents to easily compete with members of the lower-income class who primarily use handcarts and motorcycles. The convenience offered by the respondents certainly attracted the customer base that would ordinarily have frequented vendors on street corners. Therefore, an unintended consequence of the respondents turning to vending using their vehicles was that they became competitors for other vendors and diverted business away from the traditional vendors. This, in turn, contributed to a loss

of income for the vendors stationed on street corners and those using handcarts or motorcycles.

Another unintended consequence is that whereas the respondents earned income from the vending, this income was not taxed. Ordinarily, all businesses have to pay for licences from the county government and pay income tax to the national government. The respondents avoided having to pay taxes in various ways. First, they made their deliveries in gated communities, which were sheltered from the scrutiny of government officials. Second, they used high-end vehicles, which did not raise suspicions of government officials on patrol. Third, even if there was a likelihood of being detected, the respondents were able to change locations relatively easily. Fourth, those respondents who relied on online or telephone orders would make their deliveries at certain times and for brief periods to avoid getting detected by the authorities. Still, the respondents always faced the danger of being arrested for not being licensed and not paying income tax.

In summary, the disruptive consequences of the COVID-19 containment measures exposed Kenya's unpreparedness to handle major health emergencies. The respondents found ways to adapt to the lack of social protection by using readily available resources to generate income. In the process, they met the food security needs of people whose movement had been restricted. However, while responding to one form of injustice, this created another form of injustice. The respondents' actions resulted in disruptions to income-generating activities of typical vendors.

### **The role of law in facilitating social innovation in Kenya**

The unintended consequences of the respondents' actions in coping with the pandemic problematise the role of law in securing social justice. In an ideal situation, adequate social protection measures should be anchored in the law. Where this is not the case, laws should at the minimum facilitate the ability of individuals to live with dignity. However, the respondents' experience shows that social protection was unavailable to them as they did not qualify for cash transfers and tax cuts implemented by the government. Some of the respondents had lost their jobs, but they did not receive assistance from the government because there was no unemployment benefit scheme in place. Despite these facts, the respondents were in danger of being penalised for engaging in income-earning activities without being licensed. This exposes a gap in the social protection system.

Currently, the Kenyan government finances social protection measures through tax revenue and donor funding, in addition to member contributions (MLSP 2017). Due to the measures that the government implemented to reduce the spread of COVID-19, there was a significant drop in revenue collection (KRA 2020). The drop could, however, also be attributed to missed opportunities for tax collection. As mentioned above, the respondents neither paid for licences for vending nor were they taxed for the proceeds that they

made from the vending. This revenue from taxes and licences, had it been collected, could have been used by the government to provide social protection to the population.

Still, the respondents' experiences highlight the risk that the government faces when relying on taxation in an economy predominantly made up of informal workers. A major reason for many individuals and businesses not paying taxes is that Kenya's taxation system relies on self-registration (Mutai 2023). Most businesses are required to register for VAT if their annual income exceeds KSh. 500,000/-. However, enforcement of this requirement is weak owing to the discretion enjoyed by the business owners on whether to declare that their income meets the required threshold (Moyi & Ronge 2006). Again, while it is possible for the authorities to inspect the accounting records of a business located at a particular address, there are numerous small businesses located in residential areas, where inspections by authorities are not easy to perform (Ndaka 2017). In addition, it is difficult to monitor the activities of individuals who are mobile. Since informal workers receive payment in cash, it is impossible for the government to ascertain their income and enforce taxation (Mpapale 2014). Also, there are numerous individuals who walk from one industrial site to another, selling food to the informal workers. Although these hawkers are occasionally arrested by local government officers for not obtaining licences, they usually pay small fines and are released within a day. Therefore, such small traders are not compelled to register for income taxation (Moyi & Ronge 2006).

Evidently, the government needs to find a balance between enforcing revenue collection laws and encouraging social entrepreneurship. The government has overly focused on financing cash transfers, which are inadequate and short term. Instead, the government should concentrate on providing basic services such as health, water, and sanitation. Again, the government needs to encourage the collective provision of social protection that embraces the unique nature of Kenya's informal economy. Therefore, the government should deliberately incentivise social entrepreneurs to provide solutions to the inadequacies of the government-run social protection system. As will be discussed below, there are several informal measures that the government can utilise to ensure that more people benefit from social protection.

### **Current reforms of the social protection system**

The State Department for Social Protection has noted the inequalities that existed prior to and after the pandemic. Consequently, the government is in the process of formulating a new social protection policy that is based on the United Nations (UN) and International Labour Organisation (ILO) Social Protection Floor (SPF) Initiative (MLSP 2017). The SPF initiative comprises access to education and essential health services; income security through family or child benefits; unemployment benefits; disability benefits; and income security in old age (through both contributory and non-contributory

pensions) (“The Social Protection Floor Initiative” n.d.). According to R7, a government official working for the State Department for Social Protection, this new policy will be based on four pillars. First, the policy will provide income security for all age groups. Second, the policy will enhance access to health services to achieve universal health coverage. Third, the policy will provide responses to shocks for people living in fragile zones of the country. Fourth, the policy proposes complementary socially protective interventions within the labour, health, and education sectors.

At the time of interviewing R7, she said that the draft policy was undergoing review by the cabinet before being released to stakeholders for validation. The proposed policy is designed using a lifecycle approach that will ensure that Kenyans of all ages receive the four basic guarantees mentioned above. This approach means that all Kenyans would receive some form of social protection from birth to old age. The government has attempted to implement the lifecycle approach by piloting universal health coverage programmes in several counties. However, the rollout has been slow and underfunded (Torm, Kinyondo, Mitullah & Riisgaard 2022).

Some legal developments in social protection took place in 2023, but it is not clear whether they were in line with the draft social protection policy. First, the government established an Affordable Housing Fund through an amendment to the Employment Act of 2007 (Finance Act 2023). The Fund is to be used to construct affordable houses and associated social and physical infrastructure and to provide affordable home financing (Employment Act 2007). The Fund is financed through a compulsory levy of 1.5 per cent of the gross monthly salary of an employee that is matched by their employer (Employment Act 2007). There are several deficiencies with this new law that may create various difficulties. Unlike all other mandatory statutory deductions that are anchored in tax statutes, the new levy is prescribed in an employment statute. Thus, there could be potential clashes between the tax statutes and the employment statutes (Klynveld Peat Marwick Goerdeler (KPMG) 2023). Again, the new law does not provide definitions for crucial terms such as “gross monthly salary”. This creates difficulties in the implementation and interpretation of the law and will likely lead to disputes between taxpayers and the government (KPMG 2023). Also, the new Fund is not in harmony with the previously created Affordable Housing Programme, a 2017 government initiative for building and selling low-cost houses (KPMG 2023). Moreover, both the Affordable Housing Scheme and the Affordable Housing Fund are not backed by any social protection policy, something that may lead to uncoordinated government measures.

Second, the Court of Appeal recently dismissed a constitutionality challenge to the National Social Security Fund Act of 2013. The implementation of the 2013 Act had been suspended by the Employment and Labour Relations Court in 2014, meaning that the 1987 Act continued to be in force. The recent decision paves the way for the immediate implementation of the 2013 Act (Anyango 2023). The Act increases the monthly matching contributions

by both employees and their employers from the current KSh. 400 to 12 per cent of a worker's monthly pensionable income (NSSF Act 2013).

Third, the president assented to four laws: the Social Health Insurance Act, the Primary Health Care Act, the Facility Improvement Financing Act, and the Digital Health Act (Aradi 2023). The Social Health Insurance Act replaces the NHIF with the Social Health Insurance Fund and increases the minimum monthly contributions to the fund to 2.75 per cent of a worker's salary (Social Health Insurance Act 2023). These laws have been criticised for drastically increasing the minimum contributions by employees, and the increased contributions have been criticised as unsustainable following the recent economic downturn (Anyango 2023; Aradi 2023). In addition, the laws explicitly refer to formal workers and therefore are discriminatory of informal workers and the unemployed (Aradi 2023).

A major criticism of Kenya's social protection system is that it is market-centric and individualistic (Ouma 2021). The current system privileges self-provision and pushes the vulnerable to seek social protection from private providers. However, private providers increase social inequalities in access and quality of services offered. This further compromises society's solidarity and social cohesion (Ouma 2021). A 2017 review of Kenya's social protection system recommended developing

synergies within social security and across the social protection spectrum, by harmonizing benefits where possible and by coordinating and integrating a system of providing multi-pillar retirement schemes, supported by integrated coordinated information systems and reliable contributor and beneficiary databases.

(MLSP 2017, 163)

However, the government's recent reforms to the social protection system appear uncoordinated and asynchronous. There is a need for the government to focus on long-term and inclusive social protection policies. In so doing, the government should be guided by principles of universality, solidarity, and sustainability in formulating social security policies.

### **The relevance of informal social protection systems**

As has been emphasised, the respondents for this study did not benefit from the formal social protection measures. The respondents reiterated that they relied on their families during the pandemic. They used their family farms and vehicles as readily available resources to generate income. Access to the farm produce provided the respondents with commodities that could be exchanged for cash. In addition, access to the families' vehicles provided the respondents with mobility that enabled them to reach new customers and to manoeuvre around the restrictions on movement. Moreover, the respondents' involvement in vending had mutually beneficial results for the family. Since the family farms

had lost their usual customer base, leading to wastage of the farm produce, the respondents' involvement in vending ensured that the family farms gained new customers and revenue, and it reduced the amount of spoiled farm produce.

The respondents' experiences show that familial ties remain important sources of social protection even in urban areas. Families can provide protective, preventive, and promotive social protection measures (Oduro 2010). Generally, therefore, extended families and communities are important institutions for informal social protection (Oduro 2010). There are various forms of informal social protection mechanisms that existed in sub-Saharan Africa prior to the advent of formal ones (Devereux & Getu 2013). These informal social protection mechanisms persist in rural, peri-urban, and urban areas due to the failures of the under-resourced and fragmented formal mechanisms (Verpoorten & Verschraegen 2008). Due to the complex human welfare problem in sub-Saharan Africa, there is a need to combine informal social protection systems with formal ones. While both state-based and community-based social protection systems have disadvantages, these can be mitigated by carefully crafting approaches that are relevant to the prevailing situation (Muiruri 2013). Aspects of state-based social protection programmes can be implemented through informal social protection measures such as family and kinship networks, welfare societies, self-help groups, ROSCAs, and accumulated savings and credit associations (ASCAs) (Muiruri 2013).

## **Conclusion**

The respondents' experiences confirm that Kenya's social protection system was inadequate in responding to the needs that arose during the COVID-19 pandemic. The interviews in this study revealed that whereas the government had put in place some social protection mechanisms, the pandemic had rendered these mechanisms inadequate. The current programmes only cover a small population, and the programmes are not well known. A major gap in the system is the lack of a programme to provide unemployment benefits. Many of the study's respondents had lost their jobs because of the measures implemented to stop the spread of COVID-19, but they did not receive any assistance from the government. They also did not benefit from the cash transfers or tax cuts because they did not fit the criteria for their allocation.

A major observation made in this study is that the formal social protection system in Kenya is both discriminatory and exclusionary. In some cases, informal social protection mechanisms offered better financial security to the respondents in this study. It is recommended that state-based social protection mechanisms should be carefully combined with community-based mechanisms. The respondents who took up vending farm products had connections with family farms and essentially relied on their families for social protection. Through the vending, the respondents assisted their family farms to get alternative revenue streams. Relatedly, the respondents received an income from the sales and were able to live relatively comfortable lives.



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## Part III

# Social technologies



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# 7 Livelihood outcomes of social innovations for mobile agricultural extension service delivery in South-Central Uganda

*Nicholas Mugabi*

## Introduction

The 21st century ushered in an influx of massive technological innovations and inventions with several technology platforms and tools. Information and communication technologies (ICTs) are a combination of tools used to handle information and communication, namely hardware, software, media, and presentation of information in any format (voice, data, text, and image), computer, the Internet, telephone, radio, television, video, and digital cameras (Fernando et al. 2016; Okyere & Mekonnen 2012). The World Bank presents a number of mobile phone-based agricultural extension social innovations, including the potatoes – Short Message Service (SMS) platforms in West Bengal, India; crops – SMS platforms in the Philippines, Morocco, and Niger; vegetables – SMS platforms in Sri Lanka; traders – SMS mobile phones in Ghana; Kenya’s wholesale traders – SMS mobile phones; and Zambia National Farmers Unions – SMS mobile phones (WB 2011). Additional mobile phone-based extension platforms include Esoko in Ghana, Kenya, Burkina Faso, Nigeria, Malawi, Zimbabwe, Benin, Madagascar, and Mozambique; Rural eMarket in Madagascar; M-Shamba and iCow in Kenya; and Nigerian-based Hello Tractor (Mavhunga 2017). In Sub-Saharan Africa, the most common ICT extension tools include radio and television programmes, mobile telephones, video shows, rural telecentres, farmer call centres, offline multimedia compact discs (CDs), and open-distance learning (Gakuru et al. 2009; Okyere & Mekonnen 2012). These have been conceptualized as social innovations that directly impact the lives, livelihoods, well-being, and human rights of end users.

The concept of social innovation has gained significant attention and interest in recent times in academics, policy, and practice (Eichler & Schwarz 2019). Despite the growing popularity of social innovations, there is still widespread uncertainty regarding what social innovations are, how they come into being, and what can be expected of them (Franz et al. 2012). The concept of social innovation attracts several definitions across disciplines and has no universal conceptualization. However, in this article, I adopt the understanding that social innovations are innovations that address social needs and



social justice outcomes and are emancipatory for the improvement of human well-being (Martinelli 2012). Social innovations are suitable for solving many of the most challenging problems facing today's societies and for mitigating inequalities inherent to traditional solutions (Eichler & Schwarz 2019). Innovations are made in a number of fields, including health, education, agriculture, and agricultural extension services. Often social innovations are geared towards boosting the livelihood experiences of vulnerable groups and individuals. In this study, social innovations for mobile agricultural extension services (m-Agri services) were deployed to enable smallholder farmers (SHFs) to have real-time access to and utilize vital agricultural extension services in south-central Uganda.

The chapter explores two research questions: (i) What are the diffusion channels of mobile agricultural extension delivery and social innovations? (ii) Have m-Agri services empowered SHFs or reproduced social injustices and inequalities? The book chapter unravels the diffusion of social innovation for m-Agri services' delivery and the anticipated livelihood outcomes for SHFs. The chapter is structured into four main sections. Section 2 describes the theoretical stance, Section 3 presents the study methodology, and Section 4 is about the presentation and discussion of the results. The last section presents the conclusions and recommendations of the study. The chapter brings new knowledge on the nexus between social innovation, enjoyment of socio-economic rights, social justice, and inequality in access to and utilization of social innovations in Uganda.

### **Technological innovation**

The diffusion of social innovations has been enabled by new technological infrastructures and inbuilt environmental resources. In Uganda, by 2019, for instance, there is an increase in the network coverage of 2G (98 per cent), 3G (78 per cent), and 4G (23 per cent) and the geographical network coverage of 2G (83 per cent), 3G (44 per cent), and 4G (4 per cent) (Okeleke 2019). Total Internet subscriptions increased by 8 per cent from 21.92 to 23.77 million, mobile phone subscriptions increased from 28.88 to 31.26 million, total phone subscriptions increased by 8 per cent from 28.99 million to 31.3, and telephone penetration increased by 5 per cent per 100 subscribers from 67.6 in 2020/21 to 72.6 in 2021/22 (NITA-U 2022). There is also wide coverage of mobile telephone operators in Uganda, including MTN Uganda, Airtel, Uganda Telecomm, Orange Telecomm, Smile Telecomm, Smart Telecom, K2 Telecomm, Africell, and Tangerine (Okeleke 2019). This infrastructure supports social innovations and an increased level of awareness about mobile communication, information dissemination, and mobile money transfers, *inter alia*, among rural SHFs.

In Uganda, telecommunication development began in 1977 with the establishment of the Uganda Post and Telecommunications Corporation (UPTC). This was accelerated in the 1990s when the arrival of Global System

for Mobile Communication (GSM)-based technology and private investments in the telecoms sector led to the rollout of mobile networks (Okeleke 2019). The number of people with access to a digital service has increased significantly since the 2000s, expanding beyond voice and text communication to a variety of services across multiple sectors (Okeleke 2019). The penetration of ICTs is also enabled by the agency–structure relationship where, on the one hand, end users choose from the available options the kind of ICT tools to use for a particular purpose. On the other hand, the diffusion of ICTs is facilitated by structures such as physical infrastructure, telecommunication companies, government ICT policies, and social structures of end users.

It is worth noting that the adoption of mobile phone-based social innovations is also empowered by a robust government ICT policy. The government of Uganda, through Vision 2040 and the third National Development Plan (NDP III) 2020/21–2024/25, underscores the contribution of ICT to national development. Social innovations are anchored in government policies such as the National ICT Policy (2014), the National ICT Policy Framework (2003), and the Telecom Policy (2011), which facilitate increasing access to and use of digital services and platforms (Okeleke 2019). The National ICT Policy fosters innovation, creates a positive socio-economic impact by empowering people through ICT-based services, and provides an enabling environment for the rollover of several social innovations, such as m-Agri services' delivery.

Social innovations for m-Agri services' delivery in Uganda include Agri-Net, FIT Uganda, Community of Latin American and Caribbean States (CELAC), and AgriFin, which provide market information, market analyses, weather forecast information, and agricultural tips to farmers and traders through mobile phones, email, and information boards. Access Agriculture, Centre for Agriculture and Biosciences International (CABI), Farm Radio International, and Sasakawa Global 2000 are among other mobile agricultural extension providers (UFAAS 2016). Other m-Agri services that have been implemented include Vet-Africa, AGMIS-Infotrade, Fertilizer Optimizer Tool (FOT), WeFarm, and National Agricultural Research Organization (NARO) (Emeana et al. 2020). This chapter, however, focuses on the *Kulima* mobile agricultural extension delivery implemented by the Sustainable Enterprises for Trade Engagement (SENTE) project in south-central Uganda.

The *Kulima* was implemented by Lutheran World Relief, an international non-governmental organization (NGO), in partnership with a consortium of three local producer organizations. The producer organizations were the Community Enterprise Development Network (CEDO), West Buganda Coffee Farmers Cooperative Union (WEBCOFU), and South Western Electric Power Company (SWEPCO) (Mugabi et al. 2018). The essence of *Kulima* was to create a pathway to transform SHFs from being predominantly subsistence farmers to farming as a business and aligning with modern and industrial economies. This is underscored by the NDP II (2015/16–2019/20) and NDP III (2020/21–2024/25) with the view of achieving the long-term plan of Vision

2040 (NPA 2020). To explore the functionality of the *Kulima* platform, I critically reflect on the following questions: How does the *Kulima* mobile platform work? What exactly is happening through *Kulima* technology? Who is communicating what to whom, what is the information communicated, and why?

The *Kulima* platform is named after the Luganda word *Kulima*, which means to dig or till. The *Kulima* mobile agricultural extension platform involves village enterprise agents (VEAs) clouting agricultural information using a digital platform to share information with farmers. The VEAs are lay extension agents that were selected from groups of SHFs as model farmers to support their peers with m-Agri services' delivery. The selection of the VEAs hinged on the social networks of farmer groups, where VEAs were voluntarily contested and democratically selected by members through open voting by raising their hands in support of a particular candidate (Mugabi et al. 2018). VEAs were also empowered with tailored training in the effective use of smartphone technology for extension delivery, e-tools, the application of the *Kulima* platform, and mobile data collection. The mobile platform integrates text, image, and audio data to assist VEAs in explaining good agricultural practices to SHFs (Mugabi 2019). The VEA model was structured in such a way that each VEA is assigned monthly targets of at least eight farmer group meetings, visits to at least six individual farmers, and outreaches on the farm or home visits (Gutsinda 2014). The *Kulima* mobile platform is customized for smartphones as an offline application with varied agricultural information. The phones were only given to VEAs, and SHFs depend on the VEAs' support for extension services.

*Kulima* content is in English but translated into Luganda, a local language widely spoken by VEAs. The VEAs periodically conduct field visits to support SHFs, either at their farms or within the farmer groups, and train them on good agricultural practices. As a result, it is envisaged that the *Kulima* service would lead to livelihood improvement, enhance social justice, and secure decent employment for SHFs, who mostly live in precarious social and economic conditions. A livelihood involves using available assets for people to undertake activities to earn a living; it comprises the capabilities, assets, and activities required for a means of living (Chambers & Conway 1992).

### **Theoretical stance**

In rural development, diffusion of innovation has been a major focus through which, for example, extension services and new agricultural technologies spread to end users. Most extension workers depend on the diffusion model as the main guide to transferring new agricultural technologies to SHFs. In this study, I adopted the diffusion of innovation theory (DOIT) to analyse the kinds of diffusion channels of social innovations and the livelihood outcomes of this diffusion. DOIT was developed by Everett Rogers in 1962 and originated in the field of communication to explain how, over time, a new idea or product gains momentum and spreads through a specific population or social system (Rogers 1995). Diffusion is a process by which an innovation

is communicated through certain channels among members of a social system (Dearing & Cox 2018; Rogers 1995, 2010). In this case, the new idea is the social innovation of *Kulima* m-Agri services' delivery. The diffusion process of this innovation follows a decentralized system where decisions are more widely shared by clients and potential adopters (horizontal networks among SHFs).

DOIT has four focus areas: innovation, communication channels, time of decision-making, and social systems. However, the study adopted the concepts of innovation, communication channels, and social systems due to their relevance in analysing the study findings. Firstly, the concept of innovation is an idea or practice that is perceived as new by an individual or other unit of adoption. The perceived newness of an idea influences the actor's decision to adopt or not to adopt. Secondly, communication channels are means by which messages are transmitted from one individual to another. For example, using the face-to-face approach or mass media channels (radio, television, and other digital media) is often the most rapid and efficient means to inform an audience of potential adopters. This can also be described as an innovation–creates awareness–knowledge process. Lastly, a social system is a set of interrelated units that are engaged in joint problem-solving to accomplish common goals, for instance, individuals, groups, and organizations. The social system constitutes the structures upon which innovation diffuses. It is important that diffusion occurs within a social system, including systems of norms and values, leaders, and change agents (Dearing & Cox 2018; Rogers 2010). However, the concept of time was not relevant to studying the research questions of this study.

## **Methodology**

In this study, I adopted a survey research design with a questionnaire as the primary method of data collection. The survey design was used to gain a greater understanding of SHFs' perspectives on accessing and utilizing mobile agricultural extension social innovations in south-central Uganda. A survey questionnaire typically consists of a set of structured questions where each question is designed to obtain a specific piece of information (Creswell & Clark 2017; Leech & Onwuegbuzie 2009). The study was conducted in the greater Masaka sub-region in south-central Uganda, comprising the districts of Masaka, Kyotera, Lyantonde, Kalungu, and Lwengo. The districts were purposefully selected because they are part of the *Kulima* service that has been implemented since 2014. The survey data were collected from 390 randomly selected SHFs as part of the end users of *Kulima* in south-central Uganda.

## **Presentation and discussion of study findings**

### *Socio-demographic characteristics*

The findings of the study answer the two research questions identified for this study: What are the diffusion channels of mobile agricultural extension delivery

social innovations? Have m-Agri services empowered SHFs or reproduced social injustices and inequalities? First, the chapter underscores the socio-demographic characteristics of the study participants. The socio-demographic characteristics are vital for understanding the agency of SHFs in negotiating structures of access to and utilization of social innovations.

Out of the 390 study participants, 52 per cent were female SHFs and 48 per cent were male SHFs. In terms of geography, 30 per cent were from Masaka, 27 per cent from Kyotera, 24 per cent from Lwengo, 10 per cent from Lyantonde, and 9 per cent from Kalungu. The majority of study participants were married (72 per cent), 7 per cent were unmarried or single, 11 per cent were divorced or separated, and 10 per cent were widowed. SHFs were mainly from large households with five or more members (68 per cent), households with 3–4 members (26 per cent), and households with less than two members (6 per cent). As far as age is concerned, 27 per cent were above 54 years, 26 per cent between 45 and 53 years, 23 per cent between 36 and 44 years, and 24 per cent below 24 years of age. The majority of participants had a primary level of education (60 per cent), 27 per cent had a secondary level of education, and 8 per cent and 5 per cent had no formal education or tertiary training. It was also found that most SHFs had small landholdings with a median of three acres (3 acres); 17 per cent had between 0.5 and one acres, 50 per cent had two to four acres, 22 per cent had between five and seven acres, and only 11 per cent had above eight acres of land. The above combination of socio-demographic characteristics facilitates SHFs' access to and utilization of mobile agricultural extension social innovation. For example, access, use, control, ownership, and disposal of land influence the uptake of some agricultural technologies and social innovations. Equally so, education levels may influence the use of social innovations. SHFs with higher levels of education may be more likely to have access to and use social innovation to improve their farming systems as compared to SHFs with lower levels of education.

The study also ascertained the ICT tools owned by the SHFs, which are important, as these tools enable information exchange and diffusion of new social innovations. Results revealed that the majority owned or had access to a mobile phone (92 per cent), radio (89 per cent), and wall clock/watch (14 per cent). Computer, and television sets were the least owned, with 1 per cent and 18 per cent, respectively. Most SHFs are resource constrained and do not have access to high-end ICT tools such as televisions and computers. This further reinforces social inequalities based on income and access to vital information using high-end tools. However, radio and mobile phones are leveraged by the majority of households. Access to m-Agri services was enabled by SHFs' broad ownership of mobile phones in particular.

### *Diffusion of social innovations*

The study sought to establish how social innovations for m-Agri services' delivery spread to SHFs. Study results show that all study participants were

members of multiple social groups and networks. All SHFs were members of farmer groups (100 per cent) and cooperative unions (97 per cent), and 42 per cent belonged to the Village Savings and Loan Association (VSLA), Savings and Credit Association (23 per cent), and religious groups (3 per cent). The main channel of diffusion of mobile agricultural extension social innovation was the SHF groups. These farmers' groups were established on strong ties built on geographical proximity, shared livelihood activities, and experiences of access to and utilization of *Kulima* social innovation. The SHF groups were channels that influenced the way SHFs interact, as forms of social support and identity. Results revealed that SHFs had frequent meetings in groups, sharing information and exchanging knowledge through peer-to-peer learning.

The novelty of *Kulima* is that it is facilitated by the VEAs with a mobile application used to disseminate information to rural farmers, as opposed to the orthodox extension model. The VEAs deliver agricultural information to SHFs in a style similar to Fangohi et al.'s (2017) description of blended explanation by audios, visuals, physical meetings, and written text approaches. Prior to the *Kulima* service, the SHFs could not easily access agricultural extension services in real time. Instead, they relied on the few government extension workers who were poorly facilitated and motivated, with only 22 per cent of rural farmers having access to agricultural extension workers (UBOS 2014; Walakira et al. 2016). Thus, access to m-Agri services strengthens a blend of human agency, farmers' social structure, and mobile application infrastructure to enable farmers to realize their economic right of a decent farming livelihood.

In the survey, the participants enumerated the main sources of agricultural extension services within their reach. Study findings indicate that overall, VEAs (90 per cent), radios (36 per cent), fellow farmers (32 per cent), and mobile phones (22 per cent) were the main sources of agricultural extension services. Other sources of extension service included civil society organizations (CSOs), other media, National Agricultural Advisory Services (NAADS), and agro-input dealers. Mobile phones and VEAs were distinct sources of extension information because mobile phones refer to farmers' personal phones, contrary to information from VEAs who use *Kulima* mobile platforms (see Figure 7.1).

Through the SHF groups, there was a high frequency of VEA and farmer interaction facilitated by the *Kulima* platform. It was discovered that 51 per cent of SHFs had access to and utilized m-Agri services on a weekly basis and 48 per cent once within three months. It was found that 72 per cent and 27 per cent found it very easy to have access to VEA extension support. The SHF groups and VEAs have social networks that are vital diffusion channels, with a ratio of 1:6 groups. However, there were also social inequalities and injustice within the SHF groups and VEAs due to the differences in power and knowledge among women, men, group leaders, and VEAs. This inequality was mainly present between VEAs and SHFs, where VEAs had a monopoly over

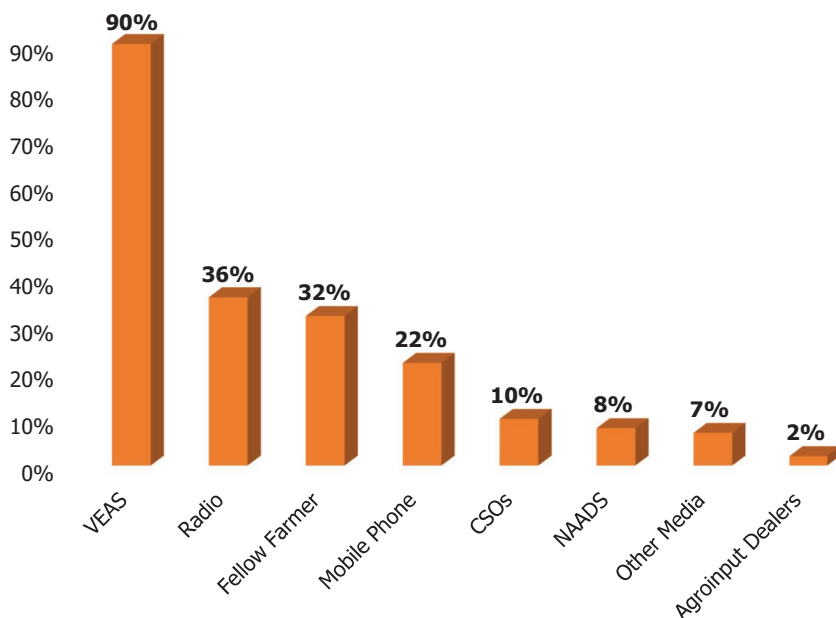


Figure 7.1 Sources of agricultural extension services.

the mobile phone and *Kulima* application and SHFs were only recipients of agricultural extension services. The mobile phone with the *Kulima* application was the personal property of the VEAs. In addition, within the same group of SHFs, there were unequal power relations exhibited by the differences among leaders, VEAs, and SHFs, with the former having more power and authority over the latter. VEAs and farmer group leaders could call meetings, mobilize members, and give guidelines for different group activities, while SHFs were expected to comply and implement the lessons learned.

### *Livelihood outcomes of social innovations*

#### *Economic livelihood outcomes*

Prior to the mobile agricultural extension model, there were deficits in traditional extension service delivery with a high extension worker-to-farmer ratio of 1:2,500, against the United Nations Food and Agriculture Organization's (FAO) recommended ratio of 1:400 (Ongachi et al. 2017). SHFs had limited access to extension services, a competitive market with better prices, low mechanization, and limited access to improved agro-inputs, yet little yield from crop and livestock production (McCole et al. 2014). Against this background, the article sought to answer the second research question: Have m-Agri services empowered the agency of SHFs or reproduced social injustices and inequalities?



Table 7.1 Use of agricultural income

#	Use of income	Percentage (%)	Chi-square p-value
1	Pay school fees/education	80	0.183
2	Meet healthcare needs	36	0.568
3	Build a dwelling/house	61	0.078
4	Buy land	49	0.278
5	Buy household assets	70	0.117
6	Meet daily needs	81	0.303
7	As savings	51	0.721
8	Reinvest in agriculture	69	0.142

Results show that 95 per cent of SHFs had adopted the recommended practices, and only 5 per cent did not. The most applied practices were the application of fertilizers and manure (83 per cent), pest and disease control (79 per cent), post-harvest handling (79 per cent), selection of good planting materials (72 per cent), crop management (72 per cent), weather information (71 per cent), and site selection (69 per cent). The least adopted practices were management of poultry (6 per cent), livestock management (18 per cent), access to credit (23 per cent), and market information/better prices (31 per cent). The adoption of the above practices influenced livelihood outcomes and the empowerment of SHFs. Of the 95 per cent who applied recommended practices, overall, 85 per cent of SHFs acknowledged perceived increases in their income and productivity gains, and only 15 per cent did not. Worth noting is that variation in farmers' acreage, levels of education, disability status, sex, and other socio-economic variables did not have a significant influence on SHFs' perceived productivity gains and income. It was also found that the majority of SHFs used the agricultural income for multiple functions to meet household daily needs (81 per cent), school fees and education (80 per cent), buy household assets (70 per cent), and reinvest in agriculture (69 per cent). Some SHFs also used the income to build dwellings, as savings, to purchase land, and to meet healthcare needs, as illustrated in Table 7.1.

Table 7.1 shows the chi-square test (*p*-values) results with no significant difference in the SHFs' use of agricultural income despite the differences in education, age, marital status, acreage, and household size, among other socio-demographic characteristics.

However, 15 per cent of SHFs reported neither productivity gains nor an increase in agricultural income. Study participants attributed the lack of productivity gains to several factors, namely limited capital, land, fragile markets, erratic climate changes, and limited know-how to adopt the practices. Those conditions are further reproduced by the structural inequalities of limited income, illiteracy, price fluctuations, and incidences of pests and diseases. Amidst these challenges, unlike the traditional extension system, the mobile agricultural extension influenced positively socio-economic livelihood

Table 7.2 Agricultural knowledge and skills gained

#	Knowledge and skills	Percentage (%)	Chi-square p-value
Agronomic information and knowledge			
1	Site selection	68	0.354
2	Good planting materials	85	0.484
3	Crop management	66	0.598
4	Agro-inputs	54	0.638
5	Use fertilizer and manure	83	0.315
6	Pest and disease control	75	0.304
Market information			
7	Market information	28	0.005
8	Post-harvest handling	77	0.454
Climate change mitigation			
9	Soil conservation	28	0.931
10	Weather information	32	0.208
11	Tree planting	24	0.404
Financial services			
12	Credit and VSLA	57	0.306
Other practices			
13	Management of poultry	19	0.027

outcomes for SHFs, by improving their farming practices and increasing their income. However, it is also important to note that some farmers reported that mobile agricultural extension delivery had just been piloted. As a result, the livelihood outcomes were yet to be realized.

The empowerment of SHFs was mainly achieved through frequent interaction with VEAs, peer-to-peer support, on-farm demonstrations, participation in farmer group activities, and the pro-activeness of SHFs. Study participants mainly reported on soft skills acquired by SHFs as a result of having access to and utilizing the mobile agricultural extension. Study findings indicated that 83 per cent of SHFs acknowledged having been empowered and gained more knowledge and skills, especially in agricultural farming techniques, and only 17 per cent did not. Table 7.2 shows the various agricultural knowledge and skills reported by SHFs.

Results in Table 7.2 show that most SHFs received knowledge and skills in agronomic practices such as quality planting materials (85 per cent), fertilizer and manure application (83 per cent), pest and disease control (75 per cent), and crop management (66 per cent). SHFs also gained knowledge and skills in five types of knowledge and skills, namely agronomic practices, climate change mitigation knowledge, market information, financial services, and other agricultural practices. Knowledge about market information was mainly on good post-harvest practices (77 per cent), and few SHFs received market information, especially on efficient agricultural market options and prices. Furthermore, SHFs gained knowledge of financial services, namely savings and access

to loan facilities through VSLA. The knowledge and skills gained by SHFs influenced productivity gains and income.

It is worth noting that capacity building and empowerment were more efficient and sustainable through the existing SHF groups with peer-to-peer supervision and support, mentorship, and monitoring by VEAs. Farmer group membership and follow-ups on training demonstrations enhance the agency of SHFs and strengthen group solidarity, ownership, transparency, and accountability. For example, SHFs had periodic peer-to-peer field visits and monitoring and review sessions through on-site spot checks by group members to ascertain the adoption of recommended agricultural practices. Therefore, the mobile agricultural extension was a good initiative for SHFs' capacity building and economic transformation.

#### *Social livelihood outcomes*

Findings revealed that 87 per cent of SHFs reported an increase in social bonds and ties as a result of having access to and utilizing mobile agricultural extension delivery social innovations. While only 13 per cent did not have an increase in social relations, social bonds and ties were stronger, denser, and more multi-stranded for the VEAs, SHF group leaders, and the more active SHFs. Very active group members navigated through the group dynamics to their advantage. The structures of social networks not only functioned as communication channels and the diffusion of vital knowledge and skills to farmers but also offered socio-economic resources for members. The social networks were structures of social belonging and identity, influenced positive attitudes, created social safety nets, were avenues of capacity building, and offered counselling and guidance services. Nonetheless, some farmer group members were uncertain about group dynamics and had limited participation in group activities. Thus, structures of inequality arose within the groups, where more active members dominated group activities and enjoyed a stronger and more multi-stranded social network than their counterparts.

#### **Conclusions and recommendations**

This chapter has interrogated social innovations for m-Agri services' delivery. The study revealed that there exist multiple communication channels for mobile agricultural extension social innovations. These communication channels are interdependent, overlap, and create an innovation-awareness-knowledge nexus based on community structures. The main channel for diffusion was farmer groups, with the support of VEAs through face-to-face interactions and group meetings.

The study finds that the m-Agri services' delivery, as a social innovation, has had an influence on the livelihood outcomes for socio-economic justice in SHFs. SHFs leverage m-Agri services to harness economic and social rights as forms of social justice and transformation. The diffusion of mobile agricultural

extension delivery is decentralized. The decentralized systems were embedded in joint decision-making processes by SHFs and VEAs as end users and facilitators, respectively. The systematic coordination of SHFs, VEAs, *Kulima* mobile applications, and the ICT infrastructure is engaged in joint problem-solving to empower SHFs with agricultural knowledge and practices for livelihood improvement.

However, as social systems, these groups are embedded with social inequality based on gender, leadership positions, length of membership, level of participation in group activities, and working relationships among members (SHF leaders and VEAs). Thus, the farmer groups as communication channels are most appropriate for most active farmers and those with good working relationships with VEAs and group leaders, while disadvantaging other SHFs. Nevertheless, the success of the mobile agricultural extension innovation also hinges on the social systems of farmer groups strengthened by group cohesion, a process of group dynamics, mutual respect, adherence to the group rules of the game, and a focus on mutual benefits.

The economic livelihood outcome was an increase in agricultural yields and income. The social livelihood outcomes were mainly related to social identity and strengthened social bonds. Lastly, the agency empowerment livelihood outcomes included knowledge and skills gained by some smallholders through social learning and support. However, this excluded the majority of the farmers who were not part of the innovation project. In this respect, the project can be seen to have reinforced the already existing social inequalities based on income, gender, and power. Farmers who benefited most were those most active in farmer group activities, VEAs, and group leaders, as opposed to their counterparts – those at the periphery of the farmer group. For such farmers who did not benefit, the *Kulima* was a hidden platform that further created and normalized inequality within the community's social structures. This was discriminatory to some end users who were excluded from the innovation projects since not every farmer would be included in the *Kulima* project intervention.

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## 8 Enhancing social justice? Experimenting with social media in preservice teacher education at Makerere University in Uganda

*Dorothy Kyagaba Sebbowa and Tiina Kontinen*

### Introduction

This chapter investigates the use of social media tools in teacher education as a potential avenue for enhancing social justice in education and beyond, with a particular example of using wikis in preservice teacher education at Makerere University, Uganda. The chapter builds on a broad definition of social innovation as a new combination of social practices with a goal of “better answering certain needs and problems” compared with the existing practices (Howaldt & Hochgerner 2018, 18). The notion of social innovation has gained attention in scholarship on educational innovations, which has traditionally focused on technological, pedagogical, and administrative innovations that can better enhance learning (Ramirez-Montoya 2020). Social innovations in education can refer to new constellations of actors, pedagogical practices, and educational discourses, which might include digital innovations (Fahrenwald et al. 2021), and they can occur at different scales, from comprehensive educational reforms to bottom-up experimentations of doing something differently.

Social innovations can potentially enhance social justice (Joel & Nel-Sanders 2021; Jost & Kay 2010). In educational research, the notion of social justice has been discussed in different yet intertwined ways. First, social justice has been defined as an educational goal, reflecting the best ways to cultivate students’ commitment to it in their future lives (Brown 2004). Second, social justice has been used in reference to pedagogical relationships and classroom practices in a quest to identify non-hierarchical, dialogical, and inclusive pedagogies (Anwarudinn 2019). Third, in a more specific context of teacher education, the question of how to best ensure that graduates are ready to support awareness of social justice among pupils in their future professional careers as educators has been discussed (Allen & Wright 2014).

This chapter focuses on social justice in the pedagogical relationship within preservice teacher education, potentially leading to students’ commitment to social justice in their own pedagogical practices when educating future citizens. We study the question in the specific context of Makerere University,



Uganda, with a focus on teaching the subject of history for preservice teachers. The chapter investigates the use of social media, more precisely wikis, as pedagogical tools in teacher education. Wikis are interlinked web pages that allow multiple authors to collaboratively store, add, and edit content and invite dialogical conversations between teachers and students (Samalieva 2018). Wikis as promising social media platforms can potentially change the nature of teacher–student interaction and provide space for voices from students of different backgrounds to be heard.

While digital platforms have gained a lot of attention as *technical* educational innovations, in this chapter we look at their use as a *social* innovation. We contend that while the wiki is profoundly a technological innovation, experimenting the wiki as a pedagogical tool in teaching the subject of history for preservice teachers can be considered as a social innovation that potentially initiates new practices to address two identified challenges related to social justice. The first challenge is the prevailing hierarchical pedagogical relationships within classrooms, often perceived as a legacy of colonial education practices (Takako 2011; Adebisi 2016). These relationships emphasize the authority of teachers and often conceive learning as transferring knowledge from teachers to students rather than involving collaborative and dialogic learning. The second challenge relates to the multi-ethnic societal landscape of Uganda, from where the preservice teachers come from and where they will later conduct their professional careers. This landscape is characterized by diverse cultures, over 50 spoken languages, as well as disparities in social justice when it comes to economic and political power and the consequent possibilities to practice active citizenship (Alava et al. 2020). Uganda is known for the politicization of ethnicity, with the exercise of political patronage based on loyalty that often follows ethnic lines and with a militarization of the polity with varying strength in different parts of the country (Anderson & Fisher 2016; Titeca 2018). As a result, certain ethnic groups are marginalized in society, such as the Batwa of Bundibugyo and the Kuku of Yumbe districts (Uganda Human Rights Commission 2009).

The experimentation with wikis as a pedagogical tool as discussed in this chapter potentially promotes social justice through increased dialogue and democratic participation in the educational context (Soliman 2011). It can do so, first, regarding teacher–student relationships through promoting dialogue rather than hierarchical knowledge transfer and, second, by providing space for voices from diverse ethnic backgrounds. Research has shown that wikis are able to support collaborative learning in teacher education (Biasutti 2017; Biasutti & El-Deghaidy 2012). Rather than focusing on learning, this chapter asks how local social innovation – a new practice of using wikis as a pedagogical tool in a particular way in a specific context – can enable novel pedagogical relationships and inclusion of diverse ethnic voices and, hence, potentially contribute to social justice within a classroom and beyond. In what follows, we first review discussions on social justice in educational research and in connection with using social media, focusing on wikis. After that, we describe

our case study and the methods used and then proceed to the findings. In conclusion, we reflect on the wider possibilities of using social media tools in enhancing social justice in contexts like Uganda.

### Enhancing social justice (in) education

In educational research, the notion of social justice is used in a wide variety of intertwined and overlapping ways. In their introduction to the special issue on *Global and Local Perspectives on Social Justice*, Chapman (2013) articulates differences between the terms “social justice education”, “social justice pedagogy”, and “social justice in education”, of which the last one is seen as an umbrella term in reference to a wide variety of actions to create more just educational spaces and foster critical engagement in society. The two former terms refer more precisely to the use of social justice as a pedagogical approach, with the aim of educating students to become active and critical actors in their own lives. In reference to Chapman’s elaboration, this chapter mainly discusses *social justice pedagogy* while scrutinizing the potential of a particular social innovation, the wikis, to enhance social justice in a specified educational setting. However, it also contributes to the wider ideas concerning *social justice in education*, reflecting on the possible future engagements inspired by a particular pedagogical experience.

Based on our literature review on the use of the notion “social justice” in extant educational research, we identified three angles that are relevant for our analysis. The first angle approaches social justice mainly as an educational goal for cultivating pupils’ and students’ commitment to appreciate and enhance social justice in their lives. The second perspective primarily discusses social justice as a feature of pedagogical relationship and classroom practice. The third raises a more specific debate on how to educate future teachers in a way that they will be able and willing to practice social justice and support awareness on it in their future professional careers.

The first angle, understanding social justice as an educational goal, relates to the vision of a just society where the currently educated future citizens will contribute to social justice, for instance by promoting rights of those oppressed and marginalized in society (Wade 2003), as well as by struggling to remove social inequalities and make society more democratic (Kukulska-Hulme et al. 2022). Such educated citizens are “justice-oriented” (Swalwell 2013) and pose cultural awareness and sensitivity (Brown 2004). In the world characterized by cultural, ethnic, and religious diversity, citizenship education promoting social justice should strike a balance between cultural diversity and national unity (Banks 2004). Critical awareness is also needed for building democratic and inclusive societies and for identifying colonial legacies that hinder equality in education and society (Stein & Andreotti 2016). In general, the goal of social justice education has been defined as to “enable individuals and groups to develop the critical analytical tools necessary to understand the structural features of oppression and their own socialization within oppressive systems as

well as the skills to effect democratic change” and thus being willing and able “to change the oppressive patterns and behaviors” (Bell 2022, 4). In the context of Uganda, such critical awareness could refer to a reflection of the colonial legacies in hierarchical educational practices and ethnic divides in society; the nature of the semi-authoritarian rather than democratic governance; the political power exercised by the different religions and ethnicity-based patronage networks; the differences in cultures and languages; and any other divisions and marginalization that hinder the fulfilment of social justice in society (Alava et al. 2020).

The second angle, scrutinizing social justice in pedagogy and classroom practices, refers to adopting anti-oppressive teaching practices (Kumashiro et al. 2004) and non-hierarchical pedagogical relationships (Anwaruddin 2019). In pedagogy characterized by social justice, both educators and students are equally valued, and students are seen as partners rather than objects of pedagogical process. This is based on principles such as a belief in everyone’s role as contributors to learning, the possibility of a cohesive classroom, and the aim of promoting change, as well as everyone taking responsibility over learning and teaching of others (Bettez 2011). To enable such relationships and just, student-centred classrooms, Wade (2009) offers various pedagogical strategies, pointing out how students’ lived experiences, concerns, hopes, and dreams should be nurtured in teaching, how building relationships embracing differences should be cultivated, and how classrooms should be arranged in ways that invite discussion, collaboration, and participation in a spirit of fairness. Bettez (2011) further identifies strategies of continuous facilitation of critical self-reflection, promoting responsibility and compassion over peer students, as well as acknowledging the role of emotions in learning. Overall, pedagogy should encourage students to apply their new knowledge and awareness (Mayhew & Fernández 2007) and acknowledge and be sensitive to the experiences of students coming from marginal communities or less-privileged societal groups (Bettez 2011). The practice of such collaborative and dialogic educational practices is not mainstream in Ugandan education at any level, and there is a lot to improve to open spaces for exchanging views and experiences between students, especially when it comes to the ethnic backgrounds less privileged in society.

The third angle focuses especially on teacher education. Higher education in general is considered as a potential space to cultivate deliberate and reflective encounters and, hence, to promote learning for social justice (Davids & Waghid 2016). Furthermore, educating future teachers is a significant opportunity to cultivate social justice, both as a form of pedagogy in their education and as an educational goal keeping an eye on their future profession, “learning to teach for social justice” (Enterline et al. 2008). Reagan and Hamnacher (2021) reviewed conceptual and empirical literature on teacher preparation for social justice during the period of 1999–2019 with a focus on preservice teachers and novice teachers’ opportunities and teaching experiences in formal teacher preparation in the USA and Canada. They identified key themes

such as identity, tensions between teacher preparation and school contexts, community, resistance, and emotions, which all influence the ways in which preservice teachers will engage with social justice in future.

### **Social media tools in enhancing social justice**

In the intersection of the three angles discussed above, the question of whether the use of social media tools in pedagogy can enhance social justice can be posed. Some evidence shows that tools such as wikis can support equity, social justice, and diversity in pedagogy (Marx & Kim 2019), as well as facilitate teaching social justice as an educational goal. For example, Gurthie and McCracken (2010) show how the use of social media tools functions in teaching social justice at a small midwestern institution in the USA, and Anwaruddin (2019) proposes a dialogic approach in language teaching facilitated by social media. Montelongo and Eaten (2020), who examined online pedagogical practices and technological tools in a graduate student online course focused on social justice and inclusion, argue that social media tools, such as discussion boards, video conferencing, and synchronous opportunities, influence students' engagement and learning and thus enhance social justice as a pedagogical practice.

In the USA, an impact-driven framework for Information and Communication Technologies for Development (ICT4D) was developed to operationalize social justice initiatives concerning racial injustices and dismantling white privileges, Eurocentric legacy, and cultural minorities (Mehra 2022). The framework draws on interrelated questions namely: why (motivation), with whom (engaged constituencies), how (at external and internal wells to change traditional practices), and towards what (goal). Therefore, effective utilization of the ICT4D framework for social justice might contribute to the achievement of a just and democratic society (ibid). Similarly, research and development work with teachers in secondary school classrooms indicates that the use of social media tools can promote critical inquiry and reflective discourse in support of social justice pedagogies (O'Hara et al. 2016). Accordingly, Dirkin, Roberts, and Plevinski (2017) discussed the use of a curated list of podcasts with stories and voices from those typically not heard to introduce a social justice educational perspective into history classrooms. Preliminary findings revealed that podcasts shine a bright light on the power of voices while enhancing stories of those who experience history.

Wikis are web applications that allow multiple authors to collaboratively add and edit content. The most popular and useful example of a wiki is Wikipedia. The word wiki comes from Hawaiian and means fast or quick (Konieczny 2007, 16). Ward Cunningham created the first wiki in 1995, following the successful implementation of Wikipedia (Ibid 2007). Wikis invite dialogical conversations between teachers and students in assuming new roles as writers and reviewers (Maloy, Poirier & Edwards 2010). Plowman (2007) explored the use of wikis as an interactive space in the context of the American Studies

course “Diversity and Social Justice” and found that participants can construct a learning forum that is equitable to all participants. Thus, wikis as a media tool can provide a context where all participants have an equal opportunity to deconstruct and reconstruct knowledge. In a similar vein, Soliman (2011) used social media technologies such as blogs, forums, and wikis to enhance learning in a teacher education programme, with the result that learning was conceived as a more positive and valuable experience.

Our key justification for using wikis in this research is that wikis can potentially facilitate, foster, and sustain collaborative versions of history from which meanings can be continually edited, iterated, and revised through a dialogic process of validation (Sebbowa 2016). This is relevant in dismantling authoritarian practices and creating harmony through shared negotiations focused on among students–students and students–educators at a particular time.

In our case, preservice teachers could easily work with wikis since no technical software is needed for their use and they can be easily edited. By default, wikis are designed to support interaction and, therefore, allow preservice teachers and educators to jointly edit anything in them (Ibid 2007). Moreover, wikis have been found to enhance students’ interest in history (Monte-Sano & Budano 2013) through interpreting images, videos, and pictures as representations from the past that can be sustained and transferred from one generation to another. This implies that wikis have the potential to mediate conversations between the past (relics left) and the present (students and educators). Wikis also possess educational affordances/potential uses that facilitate write-ability, share-ability, multiple content authoring, and peer review (Bower 2008). Wikis can potentially initiate creativity and innovation and thus provide a promising platform and pedagogical tool for the purposes of changing the nature of teacher–student interaction and of providing space for voices from students of different backgrounds to be heard. In addition, we engaged with a PBwiki as a type of wiki that provides multiple affordances to enable participative writing and editing of content, pictures, and videos (Bower 2008), with printable versions to work with content offline with multiple content authoring, thereby engaging in dialogue and shared meaning-making.

### **Methodology: the case of preservice teacher education at Makerere University**

We draw on empirical data generated from the first author’s PhD study entitled, “Towards a pedagogical framework for construction of historicity: A case of using wikis among pre-service teachers at Makerere University” (Sebbowa 2016). To examine how wikis as a social media tool can potentially facilitate collaboration, democratic participation, and inclusivity of all students in teacher education, a particular topic from the Ugandan Ordinary level (“O” level) curriculum was chosen: *Ethnicity in Uganda* with subtopics covering cultural heritages and citizenship. This topic was chosen keeping in mind that

some of the participants come from the ethnic minority groups who have experienced ignorance of their cultural practices, heritages and values, and exclusion from decision-making and active citizenship (Achan-Okitia 2015). Usually in teacher education, there is a very limited attempt to teach minority students about their own culture, citizenship, history, or traditions. To address this gap, the potential of the use of wiki to promote more democratic relationships and hearing of multiple ethnic voices was experimented among the preservice teachers taking history methods at Makerere University. In the experimentation, the first author designed a wiki meaning-making platform, identified a topic of study, and held face-to-face orientation meetings with the participants, as well as conducted interviews during the process. The research process will be discussed in more detail below.

### *Designing and implementing the wiki*

The process of designing a relevant wiki intervention and the choice of the wiki to that end were guided by an affordance analysis, which involves matching learning tasks with learning technology and properties that determine how things could possibly be used (Bower 2008). There are three different types of wikis: MediaWiki, Wikispaces, and PBwiki (Li 2012). All these three types were found to potentially facilitate online collaboration, encouraging creativity and critical analysis of peers' work, and include a history function to track changes (Martin & Kirthi 2010). However, although MediaWiki is a free server-based wiki with page-editing tools, it has been found to be somewhat challenging to learn and requires subscription and payment (Jakes 2006). Wikispaces on its behalf is a free page tool with specific pages reserved for educational purposes of which the editing rights are reserved for members only (Ibid. 2006). However, Wikispaces provides no printable version to enable work with the content offline and was therefore not selected as the interface for the wiki intervention. Instead, the PBwiki type interface was chosen as a replacement for Wikispaces. Our argument for engaging with the PBwiki type was that it provides multiple affordances of enabling participative writing and editing content, pictures, and videos with a printable offline version (Bower 2008).

As the first step in designing the wiki intervention, we set up a PBwiki site, read through the user guide, and listened to videos to gain a thorough understanding of how the site works. Secondly, we searched for other PBwiki sites that had been utilized for pedagogical purposes to get a sense of how this site worked. Thirdly, we read literature on the possibilities and challenges of engaging with this particular wiki type. The fourth step was to sign up for a PBwiki site and customize it to the Makerere University preservice teacher context.

The wiki intervention was carried out at a history method course directed at students in their second and third years of study that was facilitated by the first author. Participants in the study were recruited on a voluntary basis from students of the Bachelor of Arts with Education Degree at Makerere

University and were subsequently divided into cohorts. Each cohort was informed that the recruitment to join the PBwiki platform was voluntary, and students could register their names, emails, and mobile contacts to be used strictly for research purposes. Accounts for the PBwiki were created for those participants who had registered their emails, and invitations were sent to them to join the PBwiki platform. Additionally, the participants were requested to attend a face-to-face orientation workshop. The aim of the wiki intervention was to introduce the PBwiki learning environment to each cohort so that they would transfer their knowledge and skills to their future students. The PBwiki was introduced to the participants in the history method course that emphasizes the quality of learning history, citizenship, and social justice, with the aim to utilize the potential affordances of wikis in social justice pedagogy.

#### *Participant identification and face-to-face orientation workshop*

The face-to-face orientation workshop was designed for participants in the third year of their study. Out of the history education class of over 100 third-year students, only 20 volunteer participants turned up for the face-to-face training workshop. They exhibited a high interest in using emerging technologies in history pedagogy as they owned Internet-enabled devices and were present on social media platforms. The 20 volunteer participants are preservice teachers who took history as one of their teaching subjects. These participants were selected for two main reasons. First, it was assumed that those undertaking history could engage with reflective thinking and comprehend and debate various historical concepts and pedagogical issues. Second, from a pragmatic and technical perspective, the selected research participants needed to have an interest in using Internet-enabled devices and to be likely to use social media such as Facebook, Twitter (now X), and WhatsApp (Sebbowa 2016). Fulfilling these two conditions, the volunteered participants could purposefully engage with sharing experiences on ethnicity in Uganda to bring about democratic participation.

Given that there were ten functional computers available at the workshop venue, participants shared computers among themselves. Of the 20 participants, 14 signed into the PBwiki site, while six had problems signing in, as the system rejected their passwords. New accounts were created for them, and they eventually managed to sign in. This underlines the point made by Moule (2007) and Mokoena (2013), who advise online facilitators and teachers that technical guidance is always needed during online learning, as access has often proven to be a great challenge. In terms of interaction during the workshop, student–student interactions were observed as peers kept on asking each other questions about the PBwiki, and the students also consulted the educator. The workshop concluded with the educator/researcher requesting participants to engage in further questioning and seeking clarifications on the PBwiki site.



### *Process of identifying a historical topic*

At the face-to-face workshop, a third-year participant proposed *Ethnicity in Uganda* as the topic of the intervention, suggesting that it would help participants identify with their own cultures while appreciating other peoples' cultures. This topic was deemed important also because it covered the general content of history in Uganda; thus, participants would get a chance to talk about the history of their own cultures. Monte-Sano and Budano (2012) postulate that motivation and interest to learn about the past can be achieved by listening to students' ideas. The argument for engaging with *Ethnicity in Uganda* as an identified topic was seemingly appropriate for each participant's cultural inclinations, and all participants agreed on the choice. Also, the fact that this was a key topic in the revised lower secondary history curriculum supported this choice. The topic was subsequently narrowed down, and the discussions were focused on the culture of *Sabiny/Sebei*, a minority ethnic group in eastern Uganda. The participants were asked to read multiple resources about the selected societies, to analyse their content and make an interpretation to be posted on the PBwiki.

For the purposes of this study, ethnicity was viewed as a natural human desire to know about one's family history and ancestry. This closely aligns with the practice that social justice teaching and learning practices involve truly seeing students for who they are and where they come from (Kukulska-Hulme et al. 2022). That said, students may bring into the discussions their prior knowledge and lived experience of ethnicity and cultures, which arouses their interest in learning about history, while the teacher supports this content and pedagogy by providing appropriate scholarly readings and culturally oriented theories. Therefore, the selected topic combined the participants' personal interests with the aim of improving the history curricula. As described by one participant after the workshop, for him the PBwiki presented itself as an "innovation in history education".

### *Data analysis*

The analysis of the student experiences in this paper is based on qualitative one-to-one interviews with 20 (6 female and 14 male) participants, who indicated to be in their third year of study and to be conversant with using social media tools such as blogs and wikis. The interviews were conducted in English during the process of experimentation of the wikis and then fully transcribed for analysis. A thematic analysis of the transcribed interviews was guided by the ideas of social justice pedagogy discussed in previous sections.

### **Findings**

In response to our research questions, three main themes were identified based on the interviews: (1) increased educator–student and student–student interactions, (2) democratic participation and dialogue, and (3) listening to

the ethnic minority students' voices. Moreover, some sentiments were identified in alignment with those three themes, such as social justice as a means for students' appreciation of their personal lives, pedagogical relationships, and preservice teachers' future practices. In this section, we will discuss our findings under these three broad themes.

#### *Increased educator–student and student–student interactions*

During the interview sessions, participants were requested to share something interesting about their cultural heritages and ethnicities based on the principle that social justice pedagogy involves sub-cultures and allows teachers to facilitate topics on culture to increase students' interest in real-world issues (Kukulska-Hulme et al. 2022). Additionally, participants were asked to share their thoughts on the online socialization space on the PBwiki, so that they would read each other's posts and comment on them. In the interviews, 18 of the 20 participants revealed that PBwiki increased their interactions with the educator and among their peers and, hence, contributed to the change in the pedagogical relationships.

One participant stated that he felt free and closer to the educator and his peers since the PBwiki facilitated an online socialization space to share their cultures and ethnic origins. He said:

I never really thought of having got a close relationship with the educator and my fellow peers. I must confess that I am naturally shy during the physical classrooms and never say anything. But the online socialization space has enabled me to talk about my culture and ethnic origin. I felt excited when the educator and fellow students picked interest in my post and asked me questions about my culture. I would say the Wiki space has enabled me to get closer to the educator and my fellow students.

In relation to the increase in student–student interaction, another participant reported that:

Through online interactions, I got an opportunity to learn more about my own ethnic group from peers from a similar culture. This increased our relationships and bondage as brothers and sisters from the same ethnic origin.

Several participants revealed that online socialization on the PBwiki was an interesting space where they felt free to talk about their cultures. One student said: "I love my culture so much that wherever someone else talks about it, I get a sense of belonging". Since I got to know that we all share similar cultural heritages and belongings, another participant emphasized the importance of freedom of expression in online spaces since "you are not worried about the verbal communication in the official English language where you can mix up

words”. Another student commented that she received instant responses from the educator and peers when she shared posts about her culture and ethnic origins: “It becomes hard to receive instant feedback from the educator if you have questions in the physical classroom, however with the PBWiki you are assured of quick answer to all your questions”.

These students’ insights about their participation and sharing about their cultures and ethnic origins during online socialization indicated the ways in which PBwiki had changed pedagogical relationships. However, another student felt sorry for her course mates who could not access the PBwiki because they had no access to Internet-enabled devices and therefore were not able to benefit from the dialogical conversations between the educator and the students. The participant said that:

The lack of access to internet enabled devices constrained my course mates who were interested in making contributions on the PBWiki but could not afford. Unequal access to social media tools may limit student’s participation which breeds into inequalities that in most cases culminate into the digital divide.

This observation indicates that unequal access to social media tools can increase injustice for the less-privileged groups with limited resources. In a similar vein, Papendieck (2018) postulates that introducing social media tools in classrooms can lead to inequalities for the students who have no access to those tools and therefore cannot gain full participation. He further suggests that, pushing for the incorporation of new technologies in learning must be accompanied by careful deliberation of how these tools might fortify and alter learning opportunities and relationships of power in the classroom. This can also be a step towards addressing the challenges of a digital divide.

### *Democratic participation and dialogue*

To facilitate online discussion about ethnicity in Uganda, questions were posted on the PBwiki, inviting students to both individually and collectively consider sharing some texts and images about their cultures. During the interviews, students were asked how they felt about sharing their culture and ethnic origins in the platform. All interviewed students stated that sharing artefacts online enhanced dialogue and democratic participation enabling everyone to talk about their personal and cultural heritages. One student specifically said: “I did not even know how important it was to have shared identities and a sense of belonging. It totally makes sense to have free dialogical conversations afforded by PBwikis”.

Ten students said they had never talked about such topics in an online discussion forum before. During the interviews, one participant revealed that: “These were like no other discussions I have had online. It made me think about how sharing cultures, ethnic origin encourages freedom of expression

and participation”. Another student noted: “When we first started talking about ethnic and cultural issues a few of us were saying how we had never talked about such topics online before. It was a great opening for openness and democracy”. Yet another student said: “I have never participated in sharing images and videos about my culture and ethnic origins before, let alone in an online on a Wiki platform before”.

When asked to describe their reactions to discussing these concepts via PBwiki discussion, eight participants responded that they looked forward to conversations about ethnic and cultural issues. One student said: “I loved the conversations we had in this online socialization session, especially when we were talking about my own culture. The fact that students were participating in sharing images, texts and videos made the dialogical conversations especially interesting”. Another student said: “I looked forward to hearing about other peoples’ cultures and ethnic origins”. In other words, student participation in sharing images and videos on wiki and engaging in free dialogical conversations about their cultures and ethnic origins provide meaningful understanding of democratic participation as key in the pedagogical process. As one student noted:

PBWiki affords active participation as well as taking on criticism, I aired out all my complaints about the authoritarian teaching model frequently used by the teacher because I did not use my real names to disguise identification. It is always difficult to criticize the approaches employed by the teacher in a physical classroom.

The findings showed that PBwikis enable students to voice out their complaints on pedagogical practices that they find unpleasant. In support of this, Kukulska-Hulme et al. (2022) argue that a classroom environment that is socially just is one that is critical in nature, where teachers constantly encourage students to question ineffective teaching practices and construct their own opinions and interpretations of pedagogical practices and the overall school culture.

### *Listening to the ethnic minority students’ voices*

To facilitate online discussion about ethnicity in Uganda, questions were posted on the PBwiki to invite students both individually and collectively to attach meanings, interpret, and enable voices of the students from ethnic minority groups to be heard. During the interviews, particular students from ethnic minority groups in Uganda whose cultural practices, heritages, and values have usually been ignored, and who often were excluded from decision-making and active citizenship, were asked to air their views. One participant coming from a minority ethnic group said she feels marginalized and silenced all the time because her cultural practices are seen as barbaric. She said:

I am always silenced when I talk about my Sabiny cultural practices of Female circumcision (Female Genital Mutilation). This is a cultural

practice that has moved through generations of girls and women in the Sabiny culture. The practice has benefits of preserving girls and women for only their husbands during marriage. The world thinks it is barbaric and the practice is being halted among the youth girls today. The Wiki conversations on ethnic origins and cultures has given me chance to voice out my cultural practice of FGM which has for long been suppressed and marginalized.

Kukulska-Hulme et al. (2022) assert that thinking about pedagogy from the perspective of social justice may involve paying attention to how cultural practices, marginalized groups, or under-represented people are omitted in published learning materials and curricula. In this respect, another participant reported: “Through online socialization, I got an opportunity to tell the world about my ethnic group of the Batwa, which is marginalized in Uganda. This should help increase our presence and representation in certain public sectors”, thus explicating hope that the minority group could be recognized in the decision-making in the country.

Several students also reflected on how talking about exclusion from decision-making and active citizenship has empowered them to participate in university student leadership and politics. One student said: “Since my ethnic group has for long been marginalized, I intend to take part in active University leadership to represent my community views”. Another narrated: “We have been overtly discriminated and marginalized as the *kia* from Kasese, the Wiki conversations are really an innovation and eye opener”. Yet another student relented: “I feel sad that I come from a minority ethnic group which is not actively participating in decision making and citizenship of our country Uganda”. Insight about listening to marginalized students’ ethnic voices shared on the PBwiki brought hope concerning the future representation and participation in active citizenship and decision-making.

## **Conclusions**

The chapter asked how local-level social innovation, in this case using social media as a pedagogical tool, can potentially contribute to social justice within higher education settings and beyond. It analysed an experimental use of wiki as a pedagogical tool in a history course for preservice teachers at Makerere University, Uganda. It conceptualized the experimentation as an educational social innovation, a novel bottom-up practice, which aimed to address two issues concerning social justice in education: hierarchical teacher–student relationship and lack of spaces for voices from ethnic minorities. The analysis of the students’ experiences showed how the use of wiki in this context increased interactions not only between the educator and the students but also between students, how it fostered democratic participation between students from different ethnic backgrounds, and how it supported listening to the voices of students from ethnic minorities. Hence, it presented a novel practice that differed

from the previous experiences that revolved around hierarchical, teacher-centred education, to the effect of silencing, ignoring, and sidelining the views of some of the ethnic minorities.

We conclude that a well-designed use of wikis, and social media in general, has the potential to enhance social justice in the classroom and within course practices. In resonance with the suggestions from the previous literature, through the experimentation, the preservice teachers experienced the use of wikis as beneficial in promoting non-hierarchical pedagogical relationships (Anwaruddin 2019) and enhancing everyone's potential to participate in democratic dialogue as empowered citizens in their educational context (Soliman 2011; Wade 2009). These experiences can potentially increase commitment to promote critical awareness and engagement with social justice in the future teacher profession (Erline et al. 2008). The analysis showed, in a similar vein with Van Wingerden's (2021) recommendations, that the wiki created an active space for the students to connect with the educator and with each other, also regarding the themes relevant to their own cultures and experiences. Hence, it facilitated social justice in education in such a way that, as Wade (2009) suggests, it built dialogical relationships where differences were appreciated and, further, gave space for learners' lived experiences and concerns (Kukulska-Hulme et al. 2022).

At the same time, as Papendieck (2018) cautions, introducing new technologies into educational contexts requires a reflection on the inequities, injustices, and marginalization that they may cause to students from low-income families who cannot afford them and therefore cannot participate in the pedagogical practices. Thus, greater teacher support, as well as guidance and creation of accompanying print materials and handouts, should be used for the successful implementation of social media tools for pedagogical purposes. It also needs to be noted that only 20 out of over 100 potential students volunteered to participate in this case study, and thus, the analysis lacked the perspectives of those not included. Moreover, while the process showed promising results regarding the potential of using wikis in preservice teacher education, our possibilities to infer implications beyond the experiment are limited. The data do not allow for an analysis of participants' practices in their future teacher profession, to explore whether they will cultivate social justice, equality, participation, dialogue, and democracy both in their own classrooms and in society at large. The risk exists, in other words, that the experiment might not lead to the realization of its social justice potential. There is evidence that educational innovations might not be sustainable without specific, intentional support (Meki Kombe & Herman 2017) and, thus, can remain short term instead of becoming new institutionalized practices.

Additionally, as, for example, Sikoyo (2010) argues, in the context of Uganda, the influence of structural factors that affect pedagogical practices and the contextual constraints within schools might hinder the implementation of educational innovations. Traditional, hierarchical methods of education can be demanded by administration and parents, and a large number of

pupils in a classroom might constrain efforts to promote dialogue and participation. Lastly, while the differences and distinctions between ethnic groups in Uganda date from precolonial times, the inequalities were intensified by the colonial administration and up to today continue to play an important role in the politics of patronage.

Hence, the pathway from experimenting with social innovation in a particular educational setting to enhance social justice between ethnic groups in future classrooms and in Ugandan society at large is a continuous and complex process, which will demand considerable time, energy, and commitment from the part of future teachers. Nevertheless, social media platforms have the potential to enhance social justice if they are used to promote dialogue and democratic participation.

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## Part IV

# Societal practices



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# 9 The Constitutional Court of South Africa as an agent of social justice

*Ntandokayise Ndlovu and Arthur van Coller*

## Introduction

South Africa (SA) is an unequal society with profound disparities in income and access to socio-economic resources (Bohler-Muller, Cosser & Pienaar 2018). In its Preamble, the 1996 Constitution of the Republic of South Africa (SA Constitution) acknowledges past injustices and outlines national aims, including the establishment of “a society based on democratic values, social justice, and fundamental human rights” in order to “improve the quality of life of all citizens and free the potential of each person”. Together with the transition to democracy in 1994, the constitutional imperative for transformation created a catalyst for purposeful and focused efforts towards achieving legal change and social justice. Due to their mandate and their mode of intervention, the legislature, politicians, legal practitioners, and the judiciary are optimally situated to contribute to and further social justice. The subsequent process of transforming the domestic law also created a need for innovative solutions to ensure that the legal reforms gain leverage in SA.

The post-1994 South African government has made notable social progress. Nonetheless, many existing issues, such as inequality and poverty, remain or have even been exacerbated by contemporary factors, such as maladministration, corruption, the misuse of public resources (State Capture Report IV 2022), and inadequate attention to socio-economic rights. The state does, in other words, not always act in accordance with its constitutional obligations, for example in terms of the provision of adequate access to the basic amenities of life such as public education, social assistance, public health care, and other services (SA Constitution, Section 7(2); Handmaker & Mathews 2019; State Capture Report IV, 2022). Consequently, many people remained or became disadvantaged and dependent on the government. This was confirmed by the Constitutional Court (CC) in its 2001 Grootboom judgment:

There can be no doubt that human dignity, freedom and equality, the foundational values of our society, are denied those who have no food, clothing or shelter. Affording socio-economic rights to all people therefore enables them to enjoy the other rights enshrined in Chapter 2. The

realisation of these rights is also key to the advancement of race and gender equality and the evolution of a society in which men and women are equally able to achieve their full potential.

(Government of the Republic of South Africa and Others  
v Grootboom and others 2001 (1) SA 46 (CC), para 23)

Empowered by the Constitution, disadvantaged people soon identified new opportunities and procedures in their quest for social justice. Through public interest litigation, disadvantaged people requested the courts, specifically the CC, to protect them in the face of inadequate action by the state. As a consequence, the CC became a central institution in defining, supporting, and advancing social justice and making the law relevant for disadvantaged groups.

Drawing on these interventions by the CC, this chapter evaluates the observable benefits arising from the reasoning and judgments of the CC, such as legislative and policy changes, improved public awareness, and the creation of alternative sources of influence for disadvantaged people through networks and alliance building. The focus of the inquiry will thus be on the influence of the CC on the reconceptualisation of the relationship between the state and disadvantaged people, which contributed to a politico-legal framework for promoting better standards and opportunities for all (Bohler-Muller, Cosser & Pienaar 2018). The initial discussion in the chapter will evaluate the normative approaches in the SA Constitution regarding socio-economic rights, such as the progressive realisation of housing, social security, healthcare services, access to food and water, and education, and the immediately realisable right of basic education and children's socio-economic rights. Subsequently, the chapter deals with the role of courts, especially the CC, as enablers of social justice through substantive interpretation of socio-economic rights. Lastly, the chapter will provide examples of opportunities and social justice benefits derived from public interest litigation.

### **Social justice defined**

The Bill of Rights in the SA Constitution (Chapter 2) incorporates the founding values of human dignity, equality, and freedom to advance social justice that finds expression in the so-called International Bill of Rights. The 1948 Universal Declaration of Human Rights (A/RES/217 (III)) (Universal Declaration of Human Rights (UDHR), art 1) confirms that “[a]ll human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Following the UDHR, two covenants were adopted in 1966 that together with the UDHR form the International Bill of Human Rights. The Preambles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) declare that “all humans have inherent dignity and equal and inalienable rights, which is the foundation of freedom, justice and peace”. These



instruments acknowledge that dignity should inhere in all juridical-political acts as it constitutes an intrinsic feature of every human.

The SA Constitution also refers to social justice (Preamble, SA Constitution). The CC has explained social justice with reference to the South African concept of *Ubuntu*, which

emphasises the communal nature of society and ‘carries in it the ideas of humaneness, social justice and fairness’ and envelopes ‘the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity’.

(*Everfresh Market Virginia (Pty) Ltd v Shoprite Checkers (Pty) Ltd* 2012 (1) SA 256 (CC), para 71)

Social justice thus refers to the pursuit of a more equitable society wherein everyone, notwithstanding any differences and diversity based on factors such as race, gender, religion, culture, status, and other aspects of their identities, is treated in a dignified, equal, and fair manner (Ball, Bowe & Gerwitz 1995; Govender 2016). Social justice requires, in other words, universal participation that extends to the most disadvantaged members of society, for everyone to actively participate in a nation’s socio-legal and socio-political life (Craig 2018). In addition, the government must be held accountable when it fails to comply with its fundamental rights obligations. The CC utilises the concept of *Ubuntu* when delivering innovative declaratory and, where necessary, structural injunctions in socio-economic rights cases (Bohler-Muller, Cosser & Pienaar 2018).

### **Social provision and social protection in South Africa**

SA has undertaken a number of international legal obligations that protect socio-economic rights of people under its jurisdiction. The fact that these have been relied upon by the CC in its landmark rulings is in line with the Constitution, particularly sections 39 and 233, which require courts to take international law into account when interpreting any right in the Bill of Rights.

The UDHR was the first international instrument that recognised the inviolability of socio-economic rights and emphasised the need for social protection. It included the rights to own property (art 17), employment and education rights (arts 23 and 26), and the realisation of socio-economic rights “essential for [a person’s] dignity and the free development of his [or her] personality” (art 22). Article 25 provides for a basic standard of living that stipulates that

[e]veryone has the right to a sufficient standard of life for himself and his family, including food, clothes, shelter, and medical treatment, as well as the right to security in the case of unemployment, disease, disability, widowhood, old age, or any unforeseen loss of income.

The UDHR was followed by numerous international and regional binding instruments that grant socio-economic rights. The ICESCR is the principal United Nations Human Rights Treaty protecting socio-economic rights. The Committee on Economic, Social, and Cultural Rights, created by the ICESCR, is tasked with mentoring the implementation of the provisions in the covenant. Global expert bodies have further elaborated guidelines on socio-economic rights, the most important of which are the Limburg Principles on the Implementation of the International Covenant on Economic, Social, and Cultural Rights (1986), the Maastricht Guidelines on Violations of Economic, Social, and Cultural Rights (1997), and the Bangalore Declaration and Plan of Action (1995).<sup>1</sup>

The Bill of Rights in the Constitution of South Africa 1996 confirms that the state must “respect, protect, promote, and fulfil the rights in the Bill of Rights” (Section 7 of the SA Constitution). The state’s ultimate responsibility regarding socio-economic rights is to establish an enabling environment where people may obtain social goods to enable them to become autonomous. Sections 26 and 27 of the Bill of Rights also provide that the state must “take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of socio-economic rights”. The socio-economic rights in the Bill of Rights are justiciable and impose short-, medium-, and long-term obligations on the state. First, this obligation on the state creates priority duties whereby the basic level or “minimum core content” of socio-economic entitlements must be supplied immediately. These priority duties include the entitlement of every child to “minimum sustenance, housing, and medical care” and “fundamental health care and social services” (Section 28(1)(c)) and the right to “a basic education, including adult basic education” (Section 29(1)(b)). In *re: The School Education Bill of 1995* (Gauteng) (1996 (3) SA 165 (4 April 1996)), dealing with the right to basic education, the CC held that this right imposes positive obligations on the state to provide education of a certain standard to every person and not just a negative obligation permitting a person to pursue his or her education.

Nonetheless, some socio-economic rights or portions thereof are subject to internal qualifiers and clawback clauses based on the government’s available resources (sections 26 and 27 of the SA Constitution). Rights are to be ensured “subject to available resources”, and “reasonable legislative and other measures” are to be taken towards the “progressive realisation” of the rights. Thus, considering the internal qualifiers and the general limitation clause (Section 36 of the SA Constitution), the state must guarantee that everyone within its jurisdiction can access the required social benefits. Regarding this qualification, the Committee on Economic, Social, and Cultural Rights has remarked that States Parties are expected to “... guarantee the fullest possible enjoyment of the relevant rights in the conditions existing at the time” (UN CESCR General Comment 3 1990). Even if resources are insufficient, the state must demonstrate that it maximises the use of its available resources to

fulfil its commitments under the covenant as a matter of priority. The progressive realisation of socio-economic rights must also be implemented in a timely, deliberate, concrete, and targeted manner.

### **The importance of the judicial context in promoting social justice**

The South African government has made significant progress towards achieving the aspirational constitutional goals of autonomy, freedom, and social justice. Nonetheless, numerous individuals have been and are still dissatisfied with the quality of the state's actions. The dissatisfaction has been focused on inadequate service delivery but has also extended to the viability of the legislative and policy framework protecting socio-economic rights. This failure may be attributed to maladministration, corruption, the misuse of public resources, a lack of accountability, and the increasing unresponsiveness of the government to the needs of disadvantaged people. The below discussion on the CC jurisprudence illustrates some of these frustrations.

The government's failures have disproportionately affected people in disadvantaged positions, who generally remain dependent on non-existent or inadequate socio-economic programmes. Advocacy, social mobilisation, and unrest and protest action were resorted to in order to address such failures, but with limited or temporary success. Disadvantaged people realised that meaningful solutions to their struggles and challenges required innovative and creative means and processes to reinterpret, transform, and amend existing laws, regulations, and policies. In this context, the judiciary played a pivotal role in holding the government accountable when it failed to fulfil its constitutional mandate, especially in relation to socio-economic rights. The courts, together with the South African Human Rights Commission (SAHRC), became the vehicles for the disadvantaged to pursue their grievances. The SAHRC's decisions are not legally binding unless enforced through a court order. An active, independent, impartial, and innovative judiciary adjudicating socio-economic rights disputes thus became the institutional voice for disadvantaged people pursuing creative solutions to social justice issues (Dugard 2008; Department of Justice and Constitutional Development 2015).

An important development took place in 1996 when the CC found that socio-economic rights are justiciable (In *re: Certification of the Constitution of the Republic of South Africa* 1996 (10) BCLR 1253 (CC) para 78). Justiciability ensures that disadvantaged individuals have a legal basis to seek protection and redress for social and economic rights violations and thus to hold governments accountable for failing to provide the necessary social protections and promote social justice. Justiciable rights will, however, be of little benefit if the issue of access to the courts is not adequately addressed. Special measures may be required to assist disadvantaged people in dealing with the unique barriers that make it particularly challenging for them to navigate the legal system and assert their rights.

### Access to courts

The right to access the courts in SA is guaranteed in Section 34 of the SA Constitution but remains a challenge for many disadvantaged people. Disadvantaged people whose fundamental rights are violated are generally unable to enforce their rights due to a lack of adequate knowledge and practical assistance with the required court practices and procedures. High Court fees charged by lawyers further exacerbate these challenges. Section 34, therefore, must be read together with Section 38 of the SA Constitution as the latter makes provision for class actions and public interest litigation mechanisms. Class actions enable collective legal action where a larger group of individuals may be represented by a member of that group or by someone representing their interests. Public interest litigation enables litigation in the public interest, in particular in the interest of vulnerable and marginalised groups. Effective public interest litigation together with class actions as a forum to contest and advance social justice entails democratising access to the courts.

The provisions on standing, i.e. the capacity to bring a lawsuit to a court, are especially relevant to litigation on socio-economic rights, as will be discussed below. Under Section 38, the SA Constitution provides guidance on who may act when an infringement of or threat to fundamental rights occurs. Besides people acting in their own interest, relief may be sought by associations acting in the interest of their members, people acting on behalf of other people who cannot seek relief in their own name, and public interest litigation and people acting in the public interest. With this, rights-based organisations, public interest litigation organisations, locally focused social movements, non-governmental organisations (NGOs), and trade unions and community groups (“advocacy groups”) with sufficient legitimacy in socio-economic litigation have emerged to represent many disadvantaged people and groups in their quest for social justice. The advocacy groups have demonstrated a unique ability to achieve high levels of community organisation, a significant degree of organised collective action, and some political mobilisation that has proved to be a critical factor in successful strategic public interest litigation (Handmaker & Mathews 2019). The networking further maximises the available resources and creates better funded and resourced advocacy groups. These mechanisms have proven vital in realising and protecting social security provisions in SA. The fact that there today is better access to adequate housing and social protection grants for the elderly, children, and the neediest in society may be directly attributed to public interest litigation by the judiciary.

With the introduction of public interest litigation and class actions, the period after 1994 saw significant socio-economic rights litigation in the CC and other courts aimed at confronting the enduring challenges of vulnerable and marginalised South Africans. For example, in a representative action on behalf of inhabitants of a township whose water had been discontinued, the High Court was called upon to pronounce on the *locus standi* of their representative. The Court found that the SA Constitution demands the development of

the common law to reflect the spirit, purport, and objects of the Bill of Rights (*Highveldridge Residents Concerned Party v Highveldridge TLC* (2002(2) SA 66 (TPD))). The High Court, in another innovative judgment, approached standing in a broad and purposive manner. The matter was brought as a class action on behalf of social grant holders whose grants were unilaterally cancelled or suspended by the government (*Ngxuza and Others v Secretary, Department of Welfare, Eastern Cape Provincial Government and Another* High Court, Eastern Cape Division, 28 September 2000, Case No. 82/2000). The Court held that Section 38 of the SA Constitution must be interpreted broadly and thus allowed for such a class action as the SA Constitution confers on specified people the right to approach a competent court if a constitutional right is infringed. The Supreme Court of Appeal later approved this rejection of the narrow approach to standing (*Permanent Secretary, Department of Welfare, Eastern Cape v Ngxuza* [2001] ZASCA 85 (31 August 2001)).

The CC also has reasoned that the courts should adopt a broad sympathetic and libertarian approach to standing<sup>2</sup> (*Ferreira v Levin NO and Others, Vryenhoek and Others v Powell NO and Others* 1996 (1) SA 984 (CC)). It has held that the provisions on standing, especially in matters concerning public interest, must be interpreted with regard to the special role that the courts are required to fulfil in a constitutional democracy (see also *Lawyers for Human Rights v Minister of Home Affairs and Others* 2017 (5) SA 480 (CC)). The CC has been careful to balance its scarce judicial resources to include only those matters that were properly before it while ensuring that it allocates the necessary attention and protection where a fundamental right is violated. The CC's approach to standing also allows advocacy groups to form coalitions during and after litigation on behalf of the disadvantaged (Handmaker & Mathews 2019).

### **Public interest litigation on socio-economic rights in the Constitutional Court**

Litigants generally interpret a perceived socio-economic rights injustice from an emotional perspective. The government, on the other hand, typically and principally considers the political and fiscal implications of the dispute. The judiciary, in turn, approaches the dispute as a problem to be solved by applying the law to the facts. Whether the judiciary is willing to consider socio-economic factors largely depends on the structure of the courts, the amount and type of cases before it, the mindset of the judges, the procedural paths, and political and social pressure. The innovative potential of courts may also depend on the search for social legitimation.

The CC in SA has demonstrated an understanding and sincere commitment to the value and meaning of constitutional innovation in its reasoning on socio-economic disputes. The relevant CC reasoning is extensive, and a proper evaluation of its influence is beyond the limits of this chapter. Nonetheless, the CC's consistent reasoning and focus on disputes regarding access to housing,

health care, land, water, electricity, sanitation, and basic education adequately illustrate its innovative approach. The exceptional legal reasoning of the CC endorsed the use of authority and experience as a guide for courts and litigants in transitioning from “a culture of authority” to “a culture of justification” in SA (Langa 2006, 17). The following legal precedents emanating from the judgments of the CC are good examples of legal reasoning that created the general principles that contributed to and supported the conduct, arguments, and the Court’s subsequent reasoning in socio-economic rights litigation.

### *Litigation against local government*

The responsibility for providing basic services in SA is allocated to the local government. Local governments, however, also are incentivised to regard the provision of basic services as a commercial revenue stream and, therefore, to limit services where payment is unlikely to occur. This reality results in a situation where basic services are not always adequately extended to poorer communities, thereby facilitating privilege due to the unequal provision of basic services. Numerous legal challenges follow from this, with access to water being one of the most prominent.

The CC was called upon to adjudicate on access to basic water in *Mazibuko & Others v City of Johannesburg & Others* 2010 (4) SA 1 (CC). The litigation resulted in the extension of the provision of free water by the local government to those who were registered as disadvantaged people. The CC found that the duty of progressive realisation of socio-economic rights requires the state to review and revise its policies continually. The CC further held that the right to water

[...] does not require the state upon demand to provide every person with sufficient water [...]; rather, it requires the state to take reasonable legislative and other measures progressively to realise the achievement of the right of access to sufficient water, within available resources.

The CC further found that it is institutionally inappropriate for a court to usurp the policymaking function and determine the content of a specific social and economic right and what the government must do to achieve its progressive realisation. Democratic accountability demands that the legislature and executive should make this determination as they are best placed to investigate social conditions and determine the necessary budgets and targets required. The court may, however, where it finds that the policy adopted by the government does not meet the required constitutional standard of reasonableness, require the government to revise its policy to provide for those most in need or to remove anomalous restrictions. The CC further determined that the courts may review the unreasonable measures to meet the constitutional standard or enforce those positive obligations on the government to provide for socio-economic rights where the government fails to do so.

Another issue referred to the CC concerned the termination, without notice, of the supply of electricity to tenants living in intolerable conditions in a building owned by a private party (*Joseph & Others v City of Johannesburg & Others* 2010 (4) SA 55 (CC)). A committee initially represented the tenants, but a university law clinic later assisted them. The tenants claimed the reconnection of the building's electricity supply, an order compelling the electricity provider (City Power) to enter into temporary electricity use agreements with them, and a declaration that, before disconnecting the electricity supply to a building or residence, the local government must ensure that the disconnection is procedurally fair (see Section 33 of the SA Constitution – the right to administrative justice and the Promotion of Administrative Justice Act 3 of 2000) (“PAJA”). The tenants further argued that the disconnection violated their right to human dignity (Section 10 of the SA Constitution) and that they should have been allowed to make submissions to City Power before the disconnection. The CC found that the City Power supplied electricity to the building pursuant to its constitutional and statutory obligation to provide basic municipal services to all residents. As a result, the CC held that procedural fairness was required before City Power could make a decision that would substantially and adversely impact the tenant's access to this service. The CC ordered the restoration of the electricity supply and effectively defined access to electricity as a rights issue, thereby creating a new right to municipal services. The precedent also made it possible for others to challenge subsequent electricity disconnections.

The judgments of the CC on access to essential basic services, such as adequate water, electricity, and sanitation, by residents of an informal settlement are good examples of the Court's reasoning on socio-economic rights issues. In *Nokotyana & Others v Ekurhuleni Metropolitan Municipality & Others* 2010 (4) BCLR 312 (CC), the applicants sought an order against the municipality to provide the informal settlement with communal water taps, temporary sanitation facilities, refuse removal, and high-mast lighting. In this case, the litigation had immediate tangible effects as the municipality accepted its obligation to provide water taps and refuse removal services. Relying on the right of access to adequate housing, the residents still appealed to the CC for an order compelling the municipality to provide them with high-mast lighting and temporary sanitation facilities pending a decision to upgrade the settlement. Again, the litigation had a positive effect as the CC ordered the provincial government to decide on the municipality's application to upgrade the settlement within a specified period.

#### *Litigation and social security services*

A significant portion of the South African population currently receives social benefit grants in the form of old age pensions, aid and child support grants, social relief of distress, care dependency grants, and war veterans, foster child, and disability grants (South African Social Security Agency [SASSA]). Social



grants have several developmental benefits, including increased spending on basic necessities by beneficiaries, improved nutritional benefits to children, and higher school attendance (Goldblatt and Rosa in Langford; Cousins; Dugard & Madlingozi (Eds.) (2013), 257). The SA Constitution (Section 27) provides for the right to social security whereby “[e]veryone has the right to have access to... (c) social security, including if they are unable to support themselves and their dependants, appropriate social assistance”. The state is obliged to “take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights”. In accordance with the constitutional mandate, the Social Assistance Act (13 of 2004) defines social assistance as income transfers in the form of grants that the government provides to disadvantaged groups.

The CC was called upon in 2005 to further define “social grants” as “welfare services” in Schedule 4 of the SA Constitution (*Mashavha v President of the Republic of South Africa and Others* 2005 (2) SA 476 (CC)). The litigation focused on the social benefit system and was instrumental in improving and developing relevant government policies, legislation, and public awareness of the rights and entitlements associated with the grants. In the same case, the CC also adjudicated on the denial of income support to caregivers of children as provided for in the child support grant. The litigation was made possible with the support of several advocacy groups. While the judgment by the CC was unreasonably delayed, the litigation produced the required outcome. The national minister was, after that, vested with the power to determine national policy, regulations, norms, and standards on the administration of social grants. In relation to the child support grant, the minister of social development gazetted amendments to the Social Assistance Act that extended the child support grant to all poor children below the age of 18. Access to the Child Support Grant was also the subject of further litigation dealing with specific barriers to access (lack of birth certificates and identity documents) and the retrogressive nature of eligibility for the grant (the means test had not been adjusted for inflation since its inception). The litigation was resorted to as a last recourse after an extended period of research, information dissemination, dialogue, and campaigning failed to achieve the necessary reforms. The litigation produced policy and legislative changes and resulted in the revision of the regulations in the Social Assistance Act (Goldblatt and Rosa in Langford, Cousins, Dugard & Madlingozi (Eds.) (2013), 261).

The issue of non-contributory Old Age Pensions as provided for in the Social Assistance Act was addressed by the CC when several men over the age of 60, represented by the Legal Aid Board, applied to the High Court to declare the relevant legislation unconstitutional as it unfairly differentiated between men and women on the basis of age (*Christian Roberts and Others v Minister of Social Development and Others* Case No. 32838/05 (TPD)). The litigants argued that the differentiation infringed on their equality and social security rights. The litigation produced the desired outcome as the state

announced before the judgment was delivered that the old age pension would be equalised for all at age 60.

The denial of access to social assistance for permanent residency holders was the subject of the dispute in the Khosa case (*Khosa and Others v Minister of Social Development and Others, Mahlaule and Another v Minister of Social Development* 2004 (6) SA 505 (CC)). The CC found that legislation that excludes permanent residents from social assistance was unreasonable, unjustifiable, and an affront to their dignity and equality. The Court held that human dignity, freedom, and equality require that the state make the necessities of life accessible to all and that dignity and equality require access to socio-economic entitlements and a certain standard of living to sustain dignity and develop the person's potential. It further argued that social justice can become a reality, and humans' inherent dignity and equality can only be recognised and fulfilled when everyone achieves the necessary autonomy to develop to their full potential. The right to equality, therefore, specifically determines that social benefits must be provided equally to everyone in need. The Court found that equality was "implicit" since the word "everyone" in the right to social security meant that state provision could not exclude any group. The Court stated that "[t]hose who are unable to survive without social assistance are equally desperate and equally in need of such assistance" (Khosa, para 42).

#### *Litigation and the right to have access to housing*

The CC was also called upon to adjudicate on the desperate need and appalling informal housing conditions of a community living in an informal settlement (*Government of the Republic of South Africa and Others v Grootboom and Others* 2001 (1) SA 46). The "Grootboom" community did not have access to water, sewage, or refuse removal, and only a few small housing structures had access to electricity. The winter rain exacerbated the living conditions. As a result, some residents relocated their homes to vacant, privately owned land nearby that had been set aside for low-cost housing development. The landowner initiated proceedings in terms of the Prevention of Illegal Evictions Act (19 of 1998) against the unrepresented community. After the presiding officer's intervention, the community obtained legal representation. An agreement was concluded wherein the community would vacate the land on the understanding that mediation would follow between it and the municipality. The municipality undertook a study to identify alternative land for the community. However, the mediation failed, and the community remained on the land. The community was then forcibly evicted, their homes and possessions were destroyed, and they were relegated to camping in makeshift structures on a sports field. The community brought an urgent application to the High Court for an order directing the government to provide adequate and sufficient basic temporary shelter and/or housing for the applicants and their children pending the provision of permanent accommodation. The community further requested the provision of adequate basic nutrition, shelter, health and

care services, and social services. The High Court provided some interim relief to the community in the light of the appalling winter conditions.

The urgency with which the matter was instituted resulted in uncertainty in the application with regard to a suitable remedy as the nature and location of the shelter to be provided and the party responsible, therefore, needed to be stipulated. The High Court, as a result, did not grant any further specific relief, and the matter was postponed pending proposals from the parties on the relief that should be granted. The government appealed against the High Court judgment to the CC and the SAHRC and the Community Law Centre (CLC) intervened as *amici curiae*, represented by the Legal Resource Centre (LRC). In the CC, the proceedings primarily focused on the right to housing. The government offered the community alternative temporary accommodation intended to be waterproof with basic sanitation, water, and refuse services. The community accepted the offer without prejudice; thus, no precedent was set. However, the CC ultimately issued a declaratory order stating that the state's housing programme generally violated Section 26 of the Constitution. The order further states that the state must devise and implement, within its available resources, a comprehensive and coordinated programme progressively to realise the right of access to adequate housing. This programme must include reasonable measures to provide relief for people without access to land or shelter and to those living in intolerable conditions or crises. The CC, however, did not include any structural mechanism through which compliance with its order could be assured (Pieterse 2007, 808).

The Grootboom case significantly affected the government's housing policy. The national and provincial governments introduced a short-term emergency relief policy for exceptional urgent housing situations that assists those with exceptional and urgent housing needs. The National Housing Code followed in 2004, establishing principles, guidelines, and standards for state housing programmes. The judgment also amended eviction orders, which are now only possible when the eviction is coupled with orders directing the relevant municipality to provide emergency housing to those facing homelessness due to the eviction.

Furthermore, in the *Olivia Road* case, the CC created an innovative mechanism for enforcing socio-economic rights by imposing a duty on the state to "meaningfully engage" with those who are being evicted from their homes. The case concerned the eviction of illegal occupants of inner-city buildings as part of an urban regeneration project by the city (see *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg & Others* [2008] ZACC 1). The CC confirmed that eviction proceedings by the state require that complete and accurate information regarding the engagement is ordinarily essential. This duty to meaningfully engage, by implication, generally extends to all relevant interactions between the state and those affected by its policies. The CC directed that the state establish a relationship with the affected parties, engage with those parties from the beginning, and make information available as required. Such

meaningful engagement is essential, particularly for disadvantaged communities where access to other forms of communication, including the Internet, is still limited. This participation gives those facing homelessness an opportunity to be a party to the planning and deliberation process and, importantly, provides the community with information without which they may be unable to enforce their rights effectively.

### *Litigation and the right to education*

Litigation concerning the significant challenges faced by many learners and schools in SA was considered by the CC when it adjudicated on various matters, including infrastructure at township and rural schools, sanitation, critical shortages of learning materials, corporal punishment, learner pregnancies, learner transport, and school nutrition. The unacceptable conditions in the so-called mud schools resulted in legal proceedings to compel the state to publish binding minimum norms and standards for school infrastructure. A settlement was reached wherein the Minister of Basic Education undertook to publish a draft set of regulations for comment. The agreement, with the intervention of the Court, eventually resulted in the publication of legally binding minimum norms and standards for school infrastructure that provide that all schools must have access to sufficient water, electricity, sanitation, safe classrooms with a maximum of 40 learners, Internet, security, libraries, computer and science laboratories, and recreational facilities (Department of Basic Education, South African Schools Act (84/1996): Regulations relating to minimum uniform norms and standards for public school infrastructure, Government Gazette, Vol. 581, No. 37081, 29 November 2013).

### **The role of the Constitutional Court in promoting social justice**

The CC's continued pursuit of excellence in its reasoning and general conduct ensured that it became internationally known as a forum wherein unique socio-economic rights disputes are determined in an efficient and innovative manner. The CC's jurisprudence produced both intended and unintended consequences for many disadvantaged people. In addition to its supportive approach to standing, the CC acknowledges disadvantaged people's difficulties when accessing the courts. Its litigation also has confirmed the value of advocacy groups before and during strategic litigation and the fact that disadvantaged people require competent, affordable, or free legal services to pursue litigation successfully.

The judgments of the CC did more than merely resolve the specific dispute it was dealing with; it effectively incorporated a form of silent reasoning on social impact and policy change intended for future use by advocacy groups, legal training, and legal practitioners, which allows for better protection of socio-economic rights. The authoritative nature of these judgments projected the CC's reasoning beyond its decisions on specific issues, as the general public

could readily observe the outcome through reports and the media. The CC sought to connect and create a cooperative relationship between all the courts and judicial officers through binding precedents. Its social impact litigation also connects the legislature and the courts through the binding interpretation of the existing legislation on socio-economic rights by the CC. The amount of academic research that transpired from the CC's work also linked legal scholars to the CCs in a mutually supportive manner, with both parties benefitting from the reasoning and research by the other. The above benefits further shaped the knowledge of aspiring legal practitioners as the reasoning of the CC and the research thereon are widely used in legal education as one of the primary methods for legal education. The legal resources created benefitted legal practitioners, who can reliably anticipate and advise their clients based on settled law. The general public and specifically disadvantaged people, in turn, are able to approach the courts with reasonable expectations. The binding nature of the well-reasoned legal precedents produced by the CC thus improved public awareness of socio-economic rights. It fostered an environment wherein networks of academics and legal practitioners gained skills in strategic impact litigation concerning socio-economic rights.

Strategic impact litigation<sup>3</sup> on socio-economic resource allocation requires access to adequate information for affected people. Information poverty limits the capacity of disadvantaged people to articulate their needs and interests. Through its reasoning of the Promotion of Access to Information Act, the CC ensured that potential litigants could obtain the necessary and useful information on aspects such as planning and budgets. The availability of this information and its use in advocacy and litigation typically politicised socio-economic issues (Budlender, Marcus & Ferriera 2014, 97). Nonetheless, the visibility of these disputes served to change the balance of power in favour of the affected people, thereby providing them with an alternative avenue to pursue their claims. The CC's use of reasonableness as the standard of review in respect of government programmes or the public money spent on realising socio-economic rights further made access to relevant information about government programmes critical for affected communities to evaluate and later contest the reasonableness of these programmes. The benefits of access to information were also evident in the Treatment Action Campaign cases where the state was compelled to disclose its plans and policies for the provision of antiretroviral therapy. The availability of information allowed the parties to evaluate the state's plans concerning the provision of socio-economic rights and to advocate and increase public awareness of the justiciability of socio-economic rights.

In other words, the CC has adopted a progressive and innovative approach to adjudicating socio-economic rights violations. The innovative intent of the judiciary is evident in the manner they have linked the facts of the dispute (the past) with the judicial reasoning to find an appropriate solution (the present bringing the past to justice) and in the manner in which the future positive impact of the decision is considered and structured (the future). The CC

linked the provision of socio-economic rights to the values of human dignity and equality to determine whether the violation amounted to an infringement of the government's constitutional obligations (see Grootboom, paras 38, 41, 83). Its approach highlights that those in need of socio-economic assistance must be considered as humans with dignity in a position of vulnerability.

## **Conclusion**

The general failure of the government to respect, protect, promote, and fulfil the aspirational goals of the SA Constitution left many disadvantaged people disenfranchised. The CC became the enabling platform that legitimised the dissatisfaction of many disadvantaged people, specifically with the inadequate or unequal delivery of socio-economic benefits. Pressure in the form of advocacy groups changed public attitude on the challenges of vulnerable and disadvantaged people, and eventually, litigation and the innovative approach of the CC generally triggered the desired outcomes of affected people. The inference is that public interest litigation on socio-economic rights is more effective when it forms part of an overall campaign and in combination with other strategies such as public information campaigns to achieve rights awareness, advice and assistance to people in claiming their rights, and social mobilisation and advocacy to ensure that communities are actively involved in asserting rights.

Litigation in the CC has thus proved to be a credible avenue to enforce socio-economic rights, but the influence of the CC is not limited to its actual judgments as various settlements were reached. The further benefits emanating from the innovative solutions and judicial reasoning of the CC can be seen when it sets new agendas and priorities, which are adopted by the state during or after the litigation. There was an incremental but noticeable change in the attitudes of government officials towards the law, which created a culture of respect for social justice (Bohler-Muller, Cosser & Pienaar 2018). These new attitudes were generally followed by reforming existing laws that obstructed or prevented disadvantaged people from participating fully and fairly in society. The development of the doctrine of meaningful engagement by the CC in its jurisprudence is especially relevant. This doctrine created an environment wherein public engagement in decision-making by the government became the norm. Meaningful engagement recognises the differences between individuals and the acknowledgement that everyone is an indispensable member of a community. The litigation accordingly provided the necessary stimulus to sympathetic and progressive elements within the government to advance the social justice agenda where there was previously substantial opposition. It provides leverage for groups typically excluded or impeded in their ability to secure reform.

The CC's reasoning ultimately confirms that social justice and human dignity demand that people be treated as valuable because they are human. It binds all humans together and confirms universal humanity. Dignity, as with the pursuit of social justice, confirms that a person may not be placed or kept



in a detrimental position, such as poverty, as a result of discrimination by the government, as this systematically excludes disadvantaged people from society. Those deprived of the basic necessities cannot contribute to society, and thus, all its members suffer as a result (see *Khosa v Minister of Social Development* 2004 (6) SA 505 (CC) para 74). The CC's interpretation of dignity and equality accordingly holds the government to collective values, including social justice.

## Notes

- 1 Other international treaties having major socio-economic rights components such as social assistance, education, and health include the Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Convention on the Rights of the Child (1989). Regional instruments, such as the African Charter on Human and Peoples' Rights (1981), the European Social Charter (1961), and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (1988), also include socio-economic rights.
- 2 Although there is no universally accepted definition, standing is generally the legal right to initiate a lawsuit.
- 3 Strategic litigation refers to the deliberate and planned use of legal action as a tool to bring about social change, promote human rights, and address systemic issues. This is especially true in South Africa due to high levels of inequality, and thus, it involves identifying and pursuing legal cases that have the potential to impact not only the individuals involved but also broader societal issues. Strategic litigation focuses on using the courts and legal processes to challenge unjust laws, policies, or practices and to advocate for the protection and promotion of human rights in this context of socio-economic rights. It often involves working with individuals or groups who have experienced human rights violations and using their cases as a means to achieve systemic change. The goal of strategic litigation is not only to obtain justice for the individuals involved but also to create precedents, set legal standards, and influence public opinion. By strategically selecting cases and using legal arguments, many groups in South Africa aim to challenge discriminatory practices, hold the government accountable, and shape the development and interpretation of laws.

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# 10 Community perceptions of social justice in benefit distribution mechanisms of forestry carbon projects in Uganda

*Kellen Aganyira, Douglas Sheil and John R S Tabuti*

## Introduction

This chapter analyses community perceptions of fairness in benefit distribution mechanisms of carbon projects implemented in Uganda's state and private forests. Forestry carbon projects (FCP) are designed to provide incentives to stakeholders that contribute to afforestation, reforestation, and forest conservation activities. The chapter interrogates the nature of the benefits, the beneficiaries, and communities' preferences for the basis of benefit distribution and decision-making processes. Here, community members' preferences are considered as a proxy for fair or socially just distribution of forest conservation outcomes. The introductory chapter of this book emphasizes that social justice is often conceptualized and defined in context. For this chapter, social justice is conceptualized as plural and multidimensional social constructs offering fair distribution of benefits and participation in decision making (Schlosberg 2013; Izquierdo-Tort et al. 2022). Understanding community perceptions of fairness in conservation outcomes is vital for both moral and practical reasons. In practice, local perceptions of fairness can help to determine project's social legitimacy, participation, and effectiveness (Wells et al. 2020).

The chapter contributes to the debates on how to achieve social justice in forest conservation outcomes, particularly in the context of payment for environmental services (PES) projects implemented in poor rural communities. PES refers to voluntary transactions between providers and users of environmental services that are conditional on agreed rules of natural resource management for generating offsite services (Wunder 2015). It is a conservation policy innovation designed to ensure that those who bear conservation costs (including opportunity costs, transaction costs, and implementation costs) are compensated by the beneficiaries of environmental services (Yang et al. 2018). This innovation is at the center of the contemporary conservation and development agenda, and is supported by global and local stakeholders (Pascual et al. 2014). Unlike the previous approaches (e.g., the command and control),

PES is designed to address the unfair distribution of conservation costs and benefits. The United Nations Framework Convention on Climate Change's (UNFCCC) Clean Development Mechanism (CDM) and Reducing Emissions from Deforestation and Forest Degradation (REDD+) are examples of PES innovations implemented in the forestry sector. While PES policy innovations are often top-down, their success largely depends on the social relations, values, and perceptions of those involved (Muradian et al. 2010). In Uganda, PES- or incentive-based innovations have been implemented mainly in the forestry sector (Namaalwa et al. 2017) as pilots just in a few communities. Therefore, this chapter presents a critical analysis of community narratives of what they judge as fair basis for benefit distribution in forestry carbon projects. Such a study can be useful in the design of an equitable and inclusive approach in forest conservation. The next sections provide the conceptual analysis of social justice in conservation outcomes, Uganda's benefit distribution context, study sites and methods, results, discussion, and the conclusion.

### **Social justice in conservation outcomes**

The chapter draws from the environmental justice framework that emphasizes dimensions of distributive, procedural, and recognition justices that are often ignored when conservation innovations prioritize economic efficiency and ecological outcomes (Martin et al. 2014; Schreckenberg et al. 2016). In particular, the chapter interrogates community perceptions of social justice with a focus on distributive and procedural justice. According to moral philosophy, the notion of "justice" is based on normative judgements that people may have on the way actions are carried out, i.e., distributions among people as well as the outcome of those actions, i.e., fairness of the process (Svarstard et al. 2011). Distributive justice, which is also used interchangeably with fairness, refers to moral preferences over the distribution of social and economic benefits and burdens among a group of individuals (Johansson-Stenman & Konow 2009, 7). Most literature in psychology, sociology, and political science describes distributive justice as the "equity theory" and provides the basis for normative judgements (Martin et al. 2014; Svarstard et al. 2011). Equity denotes the expression of fairness perceptions by different stakeholders and may in part reflect existing distribution of wealth, power, and access to resources within society (Wong et al. 2016). Consequently, the question of who receives what and why is important in understanding fairness in benefit sharing arrangements of PES projects (Forest Carbon Partnership 2012; Jeha 2016; Schreckenberg et al. 2016).

Scholars have suggested various principles through which fairness in the distribution of conservation outcomes can be achieved. According to Izquierdo-Tort et al. (2022); Johansson-Stenman and Konow (2009); Martin et al. (2014); and Svarstard et al. (2011), people's judgement of fairness in the distribution of conservation outcomes may depend on: (i) equal distribution of goods and burdens among all concerned parties—also known as *egalitarian*;

(ii) distribution based on individual or group contribution or *effort*, e.g., being paid for the amount of work done to deliver an environmental service; (iii) distribution according to *needs*—also known as *pro-poor*, where benefits are targeted to the most vulnerable groups; and, lastly, (iv) distribution based on *opportunity cost* where payments are given to those who previously used the resource. These alternatives suggest that peoples' perceptions of fairness in a conservation program may differ and are context specific (McDermott et al. 2013; Schlosberg 2013). Therefore, understanding the underlying reasons why individuals and/or groups may prefer certain principles over others may help practitioners to know what is acceptable under which circumstances.

Procedural justice—an important aspect of which is participation in the decision-making process—is perceived as fair by some scholars if all affected people have similar and meaningful opportunities to be informed to express their opinions and influence decisions (Svarstard et al. 2011). This form of justice helps to understand who makes decisions regarding conservation outcomes and the extent to which power relations may influence the decision outcomes. Literature suggests that decision making often lies with individuals that hold powerful positions in society (Reed et al. 2018; Sommerville et al. 2010). Such decision makers tend to pay less attention to the marginalized and voiceless individuals. Indeed, some PES programs suffer from elite capture and unequal distribution of benefits where leaders and their associates benefit more than other community members (Peskett et al. 2008; Sommerville et al. 2010). The unequal distribution of benefits is likely to occur if relevant stakeholders are not genuinely involved in decision making. In any PES program, fairness in decision making may be achieved if: (i) program managers *consult* with community members; (ii) *leaders* decide on behalf of community members as their representatives, especially when trust exists; (iii) *program managers* make decisions on behalf of the community; and (iv) community *consultations* are combined with *voting* (Martin et al. 2014). Community members may consider any of these decision-making processes as fair, based on the prevailing circumstances. Due to the plurality of decision-making processes, it is important to understand different ways through which people may want to participate in decision making. Thus, there is a need to engage community members in the decision-making processes during program development and implementation. Turning to the study context, this chapter highlights how communities in rural Uganda have participated in and benefited from forest conservation.

### Uganda's context

An examination of literature on conservation programs in Uganda reveals an unfair trend in distribution of benefits and costs among stakeholders. While benefits such as climate regulation and tourism development benefit the global community, costs such as restricted access to local spaces and crop raiding are born locally (Salk et al. 2017; Vedeld et al. 2016). During the colonial period

(1898–1961), Uganda was characterized by a “highly regulatory forest service that was centrally controlled and with a biased forest policy that limited local stakeholder participation” (Turyahabwe & Banana 2008). Although the current government (1986 to date) has made reforms to decentralize forest management, evidence shows that most people in rural communities remain excluded from management decisions and benefits (Ministry of Water and Environment (MWE) 2013, 2017). Besides, Uganda has several supportive policy and legal frameworks<sup>1</sup> for community participation in forest management. For instance, the collaborative forest management arrangement [where communities adjacent to a Central Forest Reserve (CFR) enter an agreement with a state agency—National Forestry Authority (NFA)—to comanage the forest] emphasizes the need for active participation of local communities in forest management. Despite such efforts, the resulting monetary benefits have unfortunately been limited (Soliev et al. 2021). Limited participation and access to benefits reinforces the view that the British colonial legacy contributed to institutions that have continued to shape contemporary unequal experiences of Ugandans (Alava et al. 2020). Regardless of the exclusion and selective privilege, rural communities remain dependent (often illegally) on forest resources for their survival and livelihoods (Tumusiime et al. 2011).

In Uganda, 94 per cent of the population depends on forests for fuel wood and charcoal. Forests also contribute 5.2 per cent of the total gross domestic product (GDP) and generate 61 per cent of the country’s tourism revenue (MWE 2017; UBOS 2016). Moreover, forests support the provision of ecosystem services, including watershed protection, biodiversity protection, and carbon sequestration. While forest loss and land cover change generate about 10–20 per cent of the global greenhouse gas emissions (FAO 2016; UNFCCC 2011), African forests remain an important net sink for carbon (Hubau et al. 2020) and thus are vital for climate change mitigation. Despite the crucial socioecological roles, the rate at which forest cover is declining in Uganda is worrying. Since 1990, deforestation for expanding agriculture and other land uses has reduced forest cover from 24 per cent to 10 per cent in 2017 (UBOS 2020). If nothing is done, the country could lose most of its forests by the year 2040, resulting in loss of biodiversity, government revenue, and livelihoods (NEMA 2016). Some scholars have argued that the environmental challenges and the social injustices we face today are mutually reinforcing outcomes of the same flawed system that will require people to question the status quo by critically examining the morals, values, and narratives that underlie governance systems (Solomonian & Ruggiero 2021).

Uganda’s National Development Plan III (2020/2021–2024/2025) and the Climate Change Policy (2015) emphasize the need to increase tree and forest cover through restoration of degraded natural forests, and promotion of PES and other benefit sharing arrangements (MWE 2015; NPA 2020). However, as already noted, previous efforts to conserve forests in Uganda have yielded little success in terms of forest conservation. Efforts to adopt more equitable and participatory innovations have been ongoing. One major

innovation has been the adoption of the PES policy innovation, which aims to complement the traditional command and control strategies (Guerra 2016). PES also aims to enhance equitable distribution of benefits and decision-making processes, thereby creating opportunities for a socially just approach to climate change mitigation (Wong et al. 2016). Whereas the PES innovation may apply to different ecosystem services (see Hendrickson & Corbera 2015), this chapter draws on case studies from forestry carbon projects.

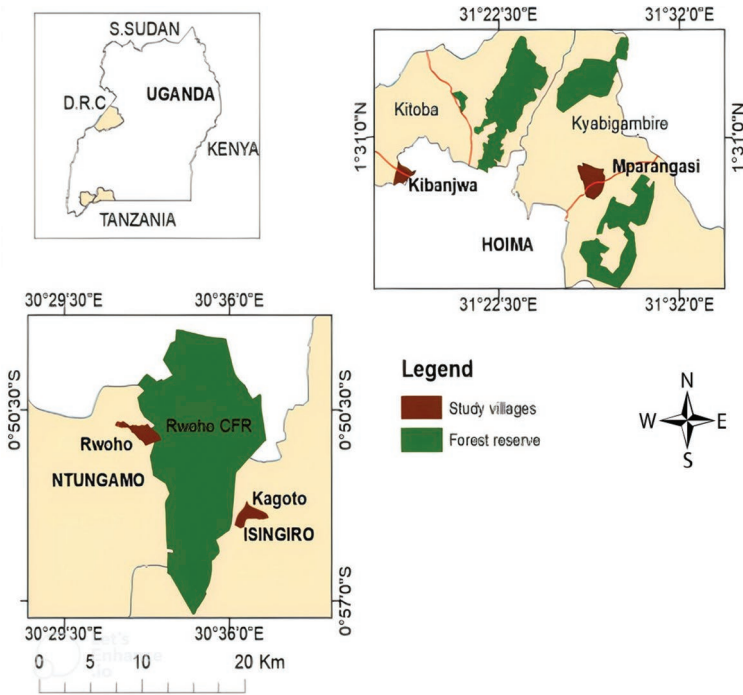
While PES literature emphasizes the role of equitable benefit distribution and decision making, this debate has mainly focused on policy (Schreckenberger et al. 2016), with limited lessons from practice. In Uganda, most studies on benefit distribution have considered revenue sharing arrangements derived from tourism in protected areas managed by Uganda Wildlife Authority (UWA) (e.g., see Ahebwa et al. 2012; Ochieng et al. 2017; Connors 2022). Unfortunately, evidence shows that these revenue sharing arrangements provide inadequate benefits and decision-making powers to local communities (Ahebwa et al. 2012; Nabanyumya et al. 2017). Lessons from community perceptions of fairness in distribution of benefits from FCPs in Uganda remain limited (e.g., see Fisher et al. 2018; Soliev et al. 2021). This study contributes to filling this gap. Its empirical assessment of fairness can help in designing and implementing equitable and effective projects (Geussens et al. 2019).

Moreover, previous studies on equity have seldom focused on diverse social contexts (Quimby & Levine 2018). Yet, understanding perceptions of justice for all affected groups of people is the key for reaching project outcomes (Svartard et al. 2011). This chapter contributes to previous scholarly work on how to achieve social justice in PES projects implemented in the forestry sector. Our analysis differs from previous studies because it interrogates local people's notions of justice on: (i) the nature of benefits including what may work in the local context; and (ii) community members' (including marginalized members) preferences for the basis of benefit distribution and decision-making processes. We argue that equitable and inclusive PES innovations are required if the current climate change crisis and related social injustices are to be averted. The next section presents a detailed description of the case studies and methods used.

## **Study area and methods**

This chapter is focused on three carbon projects implemented in privately and state-owned forests in rural Uganda (see Figure 10.1). These three are where most incentive-based forest management initiatives have been implemented (Namaalwa et al. 2017). One of the projects was implemented by the state, that is, the Nile basin small-scale afforestation and reforestation CDM project located in Rwoho CFR in Ntungamo and Isingiro districts. In contrast, the Murchison-Semliki REDD+ pilot project in Hoima district and the one named "Undisclosed" (for reasons of confidentiality)<sup>2</sup> were privately managed. The CDM and REDD+ are examples of global climate change policy innovations





*Figure 10.1* Map of Uganda showing study villages (by Antonia Nyamukuru).

that promote the PES approach in forestry. The state project was fund based (it received funds from World Bank), while the private projects depended on voluntary carbon markets. Community members adjacent to the state project participated through Collaborative Forest Management (CFM) groups. Under the CFM arrangement, local groups take on specific responsibilities, such as forest patrols and management, and in return access specific benefits, including forest land for tree growing. The responsible body—the NFA—provides technical support to CFM groups and is expected to deliver benefits as stipulated in the CFM agreement (Kazoora et al. 2020). To participate in private projects, community members are expected to own trees or forests on their land, and obtain membership in a private forest owners’ association registered to undertake project activities. More details about the carbon projects are summarized in Table 10.1.

Data was collected from six villages—two per project for each of three projects—located in the rural districts of Ntungamo, Isingiro, and Hoima in South and Mid-Western Uganda (see Figure 10.1). These villages are adjacent to Rwoho CFR—a state managed plantation forest, Hoima private natural forests, and an “undisclosed” CFR where a private company was implementing large-scale tree farming in a formerly degraded CFR. Purposive sampling was used to select villages with the highest number of participating households.

Table 10.1 Summary of Forestry Carbon Projects (FCPs) in the Study Villages

<i>Project Characteristics</i>	<i>State Managed</i>	<i>Privately Managed</i>	
<b>Name of Project</b>	The Nile Basin Small-Scale A/R <sup>3</sup> CDM project in <b>Rwoho CFR</b> since 2006	Undisclosed A/R CDM project by a large-scale tree farming company; <b>undisclosed</b> since 2002	Murchison–Semliki REDD+ pilot project in Albertine region, <b>Hoima</b> since 2012
<b>Location</b>	Ntungamo and Isingiro districts	Undisclosed	Hoima district
<b>Forest ownership</b>	State	Private, under leasehold	Private
<b>Type of forest</b>	Plantation	Plantation	Natural forests (river line) on private land (0.5–230 ha)
<b>Nature of carbon markets</b>	Fund based (World Bank)	Voluntary carbon markets	Voluntary carbon markets
<b>Project intermediaries</b>	National Forestry Authority (NFA)	Undisclosed private company	North Albertine Rift Conservation Group (NARCG) <sup>4</sup>
<b>Nature of community participation</b>	5 Collaborative Forest Management (CFM) groups	Outgrowers' Community-Based Organizations (CBO), CSR policy	Private Forest Owners' Associations (PFOAs)
<b>Participation requirements</b>	Variations based on CFM groups, e.g., buy a carbon share at Ugx. 200,000/= in RECPA	Must have planted trees on own land	Natural forest on own land member in PFOA
<b>Contract details</b>	Group verification after five years	Private company certified and verified by FSC <sup>5</sup> and Gold Standards	None, but FPIC process completed
<b>Members received cash payments</b>	Yes	No	No

*Source:* Key informant interviews and project documents.

A comparative case-study research design was employed to clarify policy context in terms of (1) how the PES policy innovation is implemented in a range of settings and (2) the kind of policy designs that are needed to address a range of contexts (Rule & John 2011). Data was collected using mixed methods comprising of qualitative and quantitative techniques. Qualitative data was

collected using key informant interviews with individuals considered knowledgeable about FCPs. The key informants ( $n=16$ ) included project managers, community-based association leaders, and village leaders. NFA regional offices were used to identify project managers, who, in turn, led the research team to local-level leaders. For representation, focus group discussions ( $n=6$ ) were held with project participants and nonparticipants (living in the same village) based on their willingness to attend the discussions. This was followed by a quantitative study where a household survey ( $n=180$ ) including 68 project participants and 112 nonparticipants was done. Nonparticipants were individuals who had not formally registered to participate in FCPs. In all study villages except Kibanjwa, all project participants were included in the study. The participants in Kibanjwa and nonparticipants in all the study villages were randomly selected using a random numbers generator (Newing et al. 2011). The nonparticipants were included in the study to understand the reasons for not enrolling and their experiences with FCPs. This is in line with the Cancun Safeguards (par.2 of Appendix 1 of the Decision 1/CP.16) that advocates for inclusion of local knowledge, rights, effective participation, and enhancement of social benefits if REDD+ is to work (UNFCCC 2011).

The survey focused on the nature of benefits, the beneficiaries, and community members' preferred basis for benefit distribution and related decision-making processes. Community members were asked to reflect on the basis or principles of benefit distribution common in PES programs and rank their most preferred basis. Preferences were considered as a proxy for perceived fairness in benefit distribution arrangements. The reasons for their preferences were also documented. As noted above, understanding community preferences can help to determine what people consider to be a fair and just basis for benefit distribution and related decision makers.

## **Results and discussion**

Drawing on the collected data, this section presents the perceptions of community members on FCPs outcomes, their preferences for how benefits should be distributed, and who should be involved in making related decisions. These perceptions are discussed within the distributive and procedural justice frameworks presented above.

### *Nature of benefits and beneficiaries of FCPs*

The nature of benefits and beneficiaries of the FCPs mainly depended on project design. Generally, community members considered that the projects contributed benefits in terms of improved access to monetary payments, increased forest tenure rights, greater opportunities for alternative livelihood sources, and improved social networks and social services. On the other hand, they noted various negative outcomes such as restricted access to forest products, especially firewood, delayed cash payments, insufficient support in alternative

livelihoods, and increase in vermin animals as unfair aspects of the FCPs. The distribution of these positive and negative outcomes varied among participants and nonparticipants, and between state and private projects. In terms of monetary benefits, 30 per cent of 68 project participants reported receipt of cash payments, also known as “carbon payments” for tree planting and/or forest management. Of the recipients, 63 per cent were participants in the state project, while 37 per cent were participants in a private project in Hoima. Cash payments in the “undisclosed project” did not come forth because of unclear tenure rights among the outgrowers. The outgrowers are smallholder farmers in villages adjacent to the tree farming company that had established woodlots on their land. Although key informants in the state project indicated that all CFM groups had received cash payments for their certified emission reductions (CERs), over one-third (37 per cent) denied receiving any such payments. This could be attributed to the fact that (i) cash payments were received through the groups’ bank accounts or (ii) cash was never shared directly among members but was instead reinvested in project activities of land clearing and tree planting. Some participants considered this unfair, as they had already waited for over five years with the expectation to benefit directly from the carbon payments. A 62-year-old male participant in the state project expressed his disappointment as follows

The project is not helping me in any way, yet we have spent a lot on it. The seventeen million Uganda Shillings (UGX 17,000,000/=)<sup>6</sup> we got has no impact. It has not helped me in anyway because I never received part of it. We were told by our leaders that the money is doing project work.

Such statements highlight three issues: first, participants expected to benefit at individual or household level; second, some participants were not involved in the decision-making process of reinvesting cash payments in project activities, and, third, leaders might have been less transparent and accountable than they should have been. Another study indicates that such dissenting voices could also be from individuals with limited information due to their failure to attend meetings (Namaalwa et al. 2017). However, it is important to always pay attention to dissatisfied individuals or groups, because they can impact future decision-making processes as was the case in the state project where participants demanded to participate in decision making through voting.

In Hoima, 33 per cent of the participants were receiving cash payments for forest conservation even when contracts with the REDD+ pilot project had not materialized. A personal communication with the Chimpanzee Sanctuary and Wildlife Conservation Trust field staff revealed that individual contracts with private forest owners were delayed due to challenges in securing customary land certificates (CLCs). Even then, in one of the villages, private forest owners were receiving payments in form of children’s school fees from an independent foreign researcher who had worked in the community for over

five years. The amount received depended on the area of forest under each household and ranged from UGX 250,000/= to 500,000/= per school term (a period of three months). However, the beneficiaries lacked any formal contracts with the researcher, and it was unclear when such payments would end and under what circumstances.

Overall, the beneficiaries of monetary payments were those who had secure tenure rights and had formally registered with community-based associations implementing forestry activities. This finding supports the argument that cash payments accrue to individuals who invest in the delivery of an environmental service (Wunder et al. 2018). While it is fair to provide cash payments to those who bear conservation costs, there is a high risk of widening the gap between landowners with secure tenure rights and those with untitled land or the landless. For example, Aganyira et al. (2020) found that the youth were less likely to participate and benefit from FCPs implemented on private land, because they lacked secure tenure over land.

With regard to nonmonetary benefits, these depended on project design and varied across case studies. For instance, community members adjacent to the state forest reserve reported increased tenure rights through the collaborative forest management arrangements with national forestry authority. Allocating part of the reserve to community groups created an opportunity for all community members to participate in forest management. To affirm this, a 46-year-old male RECPA member expressed his feelings about the project as follows:

In the past we did not see the value of this forest (Rwoho CFR). We saw it as a government resource and not ours. However, when national forestry authority allocated part of the forest to our association (RECPA), our interest in forest management activities increased. In fact, we realized that we are also part of government.

Based on this view, it can be argued that PES in state forests can empower communities to actively participate in co-management of forest resources. Co-management of public resources helps to devolve power and authority to the local level, creating opportunities for community members' active participation (Quimby & Levine 2018). Whereas community participation is vital for provision of social benefits, conservation programs often fail to account for the internal diversity inherent in communities, and this may exacerbate social inequality (Ibid). Besides, when state agencies fail to engage and consider community members' needs and concerns, conservation programs will not be supported and are likely to fail (e.g., see Aganyira et al. 2019; Cavanagh & Benjaminsen 2014).

In contrast, community members adjacent to private projects reported increased restrictions in forest access and use. In Hoima, strict regulations in forest management seemed to worry nonforest owners. More females than males were likely to report reduced access to forest use ( $\chi^2=9.330$ ,  $p=0.009$ ). This could be attributed to women's direct use of forest products, especially

water and firewood, for their household needs. During a group discussion in Hoima, a 59-year-old widow expressed her fears in relation to access to forest resources as follows:

I think in future, cooking will be very difficult if we don't keep trees on our land. We already struggle to get firewood and it is worse for those without land. Forest owners have of recent become very strict and will not allow you to just enter the forest to collect firewood.

Another 40-year-old-widow was distressed by her failure to access forest products and noted that:

These days if you go to the forest, they (forest owners) chase you immediately. They even don't allow you to get firewood and poles. In fact, a house can collapse over your head because you have nowhere to get building poles.

While such restrictions are good for carbon emissions reduction and biodiversity conservation, they can adversely affect the community members, especially women. This may also create conflicts between participating and nonparticipating households, thus putting into question the sustainability of community participation in the PES programs. Solomonian and Ruggiero (2021) have argued that solving the environmental crises we face today (e.g., climate change) will require adoption of a socially just approach. To achieve this, those working to achieve conservation must respect the rights of all community members as stipulated in Cancun Safeguards (UNFCCC 2011).

Other nonmonetary benefits reported included access to village savings and loan associations (VSLAs), free tree seedlings to community members, training in conservation farming and access to farm inputs, support with social services such as schools, churches, water sources, roads, and a health center (e.g., in the undisclosed project), provision of beehives, and social networking. Project participants seemed to have benefited more than nonparticipants, whereas the nonmonetary benefits were expected to be accessed by all community members. This was due to two main reasons: (i) there was no clear channel of communication to nonparticipants regarding access to benefits and (ii) some benefits were too few to be shared among all community members, e.g., the beehives in Hoima and cows in the undisclosed project. Based on this, it is noted that inclusive communication and involvement in decision making during project implementation is required to ensure fairness in access to non-monetary benefits.

#### *Community members' preferences in benefit distribution mechanisms*

Survey results indicate that community members ranked *effort* (57 per cent) and *egalitarian principles* (39 per cent), respectively, as their most preferred

basis for benefit distribution in FCPs. Only 4 per cent indicated *need* as their preferred basis for benefit distribution. Chi-square tests indicate that respondents' preferences for benefit distribution were associated with the type of project ( $\chi^2=10.341$ ,  $p=0.035$ ) and participation status ( $\chi^2=12.213$ ,  $p=0.002$ ). While most respondents in Rwoho (62 per cent) and Hoima (64 per cent) preferred distribution based on *effort*, the majority in undisclosed (53 per cent) preferred *egalitarian* distribution.

Distribution based on *effort* was preferred for monetary benefits, as participants hoped to receive payments based on individual or household input. For instance, participants in the state project expected to share cash payments based on the number of carbon shares a member had acquired. Those in private projects expected to receive payments based on the size and condition of the forest enrolled in the REDD+ pilot project. Such distribution based on effort or input is well aligned with the conditionality principle of PES innovations where individuals or groups are compensated based on their performance in the delivery of an agreed upon environmental service (Wunder 2015, 2018).

*Egalitarian* or equal access was preferred for the distribution of non-monetary benefits. Preference for equal access suggests a win-win for all project-affected persons, including the most vulnerable social groups. When benefits are inclusive, community members are likely to develop a positive attitude towards conservation as was the case in the “undisclosed” project. This supports the argument by Reed et al. (2018) that ideal participation occurs when people can access benefits, and Agrawal (2001) points that participation should cater for the voices of the often-neglected social groups. Findings in the case studies contribute to the participation debates, and we argue that all project-affected persons, including the vulnerable groups like women, youth, and landless should be engaged before and during PES implementation. This may not only address the current social injustices but is also likely to contribute to the attainment of the sustainable development goals (SDGs): 1 on ending poverty, 9 on innovations, 13 on climate action, 15 on life on land, and 16 on peace and justice.

The underlying reasons why *effort* and *egalitarian* were the most preferred mechanisms for benefit distribution emerged from focus group discussions. For instance, distribution based on effort was preferred by respondents, because they believed that it rewards hard work, motivates others, provides public goods such as fresh air, and promotes ownership and responsibility. As one 65-year-old male participant in a private project noted:

As a forest owner, I spend a lot of time patrolling the forest. I am also questioned by community forest monitors and project managers when trees are cut down. I feel it would be unfair to reward all of us equally, yet a forest owner puts in more time and sometimes financial resources to protect the forest.



Preference for *egalitarian principles* in the distribution of nonmonetary benefits was based on the common feeling that forest protection affects all people through restrictions on resource extraction and therefore should benefit all without discrimination. For example, in the undisclosed community where most respondents preferred egalitarian distribution, it was observed that the provision of social services, such as water sources (boreholes), health care centers, support to neighboring schools by the private company, was believed to have created a positive attitude toward forest protection. This was also observed in community members' willingness to voluntarily monitor illegal activities. These findings support the view that provision of social services can help to achieve equitable distribution of PES benefits, especially if all people have equal access to the services provided (Martin et al. 2014; Sommerville et al. 2010). It has also been argued that the provision of social services is less likely to be affected by the elite capture as compared to monetary benefits (Dunlop & Corbera 2016).

Furthermore, respondents felt that carbon projects should be designed to facilitate inclusive benefit distribution, as expressed by a 64-year-old male participant in a private project:

My view is that anything to do with money as an appreciation for forest protection should strictly go to private forest owners (PFO's). Then other benefits such as provision of energy saving stoves, tree seedlings, participation in training and sensitization programmes among others can be accessed by everyone in the community.

In the same manner, a community forest monitor in REDD+ pilot project noted that:

For forest association members, carbon money should be given according to the size of forest and how best it has been protected. Then we can also decide to invest some money into our village savings and loan association (VSLA) where non-forest owners can benefit through borrowing at a small interest rate.

These community members' perspectives suggest that benefit distribution mechanisms ought to be inclusive with both participants and nonparticipants having access to benefits, using a combination of distribution mechanisms. Community members' view of combining distribution mechanisms aligns with what some authors describe as "fairness." Quimby and Levine (2018) argue that fairness or social justice goes beyond mere equity (i.e., who gets what) to include who gets what in relation to counterparts and why.

Despite the unanimous agreement that all project-affected persons ought to access nonmonetary benefits, the local leaders that were interviewed observed that the quantity and quality of the benefits provided depend on the choice

and capacity of the project managers. It was noted that some decisions made by project managers were disliked by the community members who preferred to be involved in planning for benefit allocation. For instance, private forest owners in Hoima narrated their experience with a PES pilot project that they had participated in prior to the REDD+ project. They expressed concern over the fact that the PES project supported them with exotic piglets as an alternative source of income. As many of the beneficiaries lacked experience and capacity to take care of the piglets, the piggery project was short lived. Buying food for the piglets was perceived as “another burden” to the poor farmers. They noted that local breeds of piglets would have worked better. Based on this experience, the leaders suggested that the project managers should endeavor to consult community members on the nature of benefits deemed appropriate to their local contexts. Therefore, understanding context-specific social values and practices and drawing upon the vast indigenous knowledge systems (IKS) (Tripathi & Bhattarya 2004) is vital for effective conservation innovations like PES. Local-level considerations may remain elusive if the power in determining the “rules of the game” remain primarily with the state agencies (Ahebwa et al. 2012), and where sufficient possibilities for the affected communities and individuals to have their views heard are not guaranteed.

#### *Community member's preferences in decision-making procedures*

Participants' and nonparticipants' most preferred decision-making procedures in the distribution of forestry carbon benefits were decisions made by leaders in consultation with community members (57 per cent), leaders (17 per cent), consultation and voting (13 per cent), and project managers (13 per cent). Chi-square tests revealed an association between the preferred decision-making procedure and type of project (i.e.,  $\chi^2 = 62.501$ ,  $p < 0.001$ ), and participation status ( $\chi^2 = 16.272$ ,  $p = 0.001$ ). While leaders in consultation with community members was the most preferred procedure by respondents in private projects, consultation and voting seemed more important in the state project. In the latter, consultation and voting was mainly preferred by participants (74 per cent) compared to nonparticipants (44 per cent) who preferred decision making by leaders.

Through individual interviews, it emerged that most participants preferred consultation and voting because of the alleged unfair decisions previously made by their leaders. Some RECPA members expressed dissatisfaction with the decision to reinvest carbon money in project activities, as was expressed by a 74-year-old widow:

When we (RECPA members) got the carbon money, leaders called a general meeting. During that meeting, leaders simply informed us that the money was to be re-invested in group activities – a decision some of us didn't like. After many years of hard work and investment, I expected that we would re-invest part of the money and share the rest.

Such a voice suggests a low level of participation in the consultation process, as the consulted are left unsatisfied with the leaders' decisions. There was a general feeling among participants that RECPA leaders had made a predetermined decision, given that they did not give members a chance to explore other alternatives. This finding aligns with the previous studies, which suggest that decisions are often dominated by local elites, who may be male and wealthy (Agrawal 2001; Yadav et al. 2016). When leaders' decision-making powers are not regulated, challenges related to elite capture are likely to emerge as has been reported in other PES schemes (Shrestha & Shrestha 2017; Sommerville et al. 2010). However, elite capture can be mitigated if leaders are held accountable by the community and if community members participate directly in decision-making through voting exercises.

During group discussions and individual interviews, respondents gave reasons for the preferred choices of decision making. For example, preference for leaders in consultation with communities was based on the belief that consultations keep them informed, united, and create opportunities to sustain the decision outcomes. Others argued that consultation reduces disagreements and potential conflicts. In contrast, Pretty (1995) argues that consultations may not be useful if the views of those consulted are ignored in decision making. Furthermore, a key lesson from the case studies is that community members are not passive during consultations. They observe and respond to unfairness, and may later demand for fair decision-making processes as was observed in the state project where participants demanded to vote if future carbon payments are received. Some nonparticipants seemed to trust and prefer leaders to make key decisions on their behalf. Given that the level of trust may vary in space and time, it is necessary for FCPs to establish how community members may wish to be involved in the decision-making processes. Consequently, the state agencies and conservationists ought to conduct ex-ante assessments to identify and incorporate local peoples' needs and preferences in decision-making processes. This will help to make the distributive and procedural processes in PES innovations more inclusive.

## **Conclusion**

Three lessons emerge from this chapter. First, the findings show that community members perceived PES projects as beneficial due to their monetary and nonmonetary benefits. However, the distribution of these benefits varied within and across projects. Benefits were more likely to be enjoyed by those who formally enrolled to participate in project activities than those who did not. Moreover, it is noted that the enrolment criteria may not favor all potential participants (see Aganyira et al. 2020). The lack of secure tenure rights and the failure to access project information may continue to exclude most community members from PES benefits. The unequal distribution of benefits that follows from this may exacerbate the existing social inequality. To ensure inclusive PES programs in Uganda, conservationists in collaboration

with local governments should support rural households to acquire customary land certificates. While this might be a costly and time-consuming process, it could be beneficial for both the people and forests in the long term.

Secondly, community members preferred an inclusive benefit distribution mechanism where cash payments are distributed based on individual or household's effort towards forest restoration and or conservation, and equal access to nonmonetary benefits by all project-affected persons (distributive justice). Respondents argued that it would not only be fair to reward individuals that contribute more than others but also take into consideration the needs of those affected by the project activities. Furthermore, community members preferred to be involved in decision making processes (procedural justice). Their desire to participate in decision making largely depended on their past experiences and power relations. Some participants in the state project accused their leaders of manipulating decisions regarding the allocation of carbon payments. A key lesson here is that community members are not passive during consultation, but observe and judge the process. Participants in the state project called for more participatory decision making, such as voting in the distribution of future carbon payments.

Lastly, community members noted that the quality and quantity of benefits provided by FCPs was largely determined by project managers, sometimes without consideration of whether such incentives are relevant (or not) to the local context. As a result, some livelihood sources introduced by the project (e.g., the piggery project) could not be sustained by beneficiaries. In conclusion, the chapter contributes to conservation and social justice debates in the context of PES innovations, and argues that state agencies and conservationists should be flexible enough to engage and incorporate perspectives of all project-affected persons before and during the project implementation. Inclusive PES processes, including consultation of stakeholders in all stages of the project design, may be more costly and time consuming, but are obviously better than an intervention that does not find sustainable support with stakeholders in affected communities.

## Notes

- 1 See e.g., the National Forestry Policy, 2001; the National Forestry and Tree Planting Act, 8/2003; the National Environment Management Policy, 2014; the National Climate Change Policy, 2015; the Environment and Social Safeguards Policy, 2018; and the National Environment Act, 2019.
- 2 The undisclosed tree farming private company sought no disclosure by this study because it is a business and wished to remain confidential. To this effect, a memorandum of understanding was signed between the company and the first author.
- 3 A/R refers to Afforestation and Reforestation, RECPA refers to Rwoho Environmental Conservation and Protection Association (one of the CFM groups).
- 4 The North Albertine Rift Conservation Group (NARCG) comprises of six conservation organizations: Wildlife Conservation Society (WCS) as the lead in the REDD+ pilot project, Chimpanzee Sanctuary and Wildlife Trust (CSWT), Jane Goodall Institute (JGI), Ecotrust, Worldwide Fund for Nature (WWF) and Nature Harness Initiative (NAHI).

- 5 FSC refers to Forestry Stewardship Council and FPIC refers to Free Prior and Informed Consent.
- 6 At the time of fieldwork, UGX 3500 was equivalent to 1 US Dollar.

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# 11 Leveraging and regulating pension funds for sustainable development and socially responsive investments in the Namibian economy

*Kennedy Kariseb*

## Introduction

Based on a free-market economic system, Namibia is characterized as a higher-middle-income country with an estimated annual Gross Domestic Product (GDP) per capita of USD 12.4 billion (World Bank 2022). However, extreme inequalities in income distribution and standard of living persist within the country, caused predominantly by years of apartheid and racial segregation. As a result, Namibia remains one of the most unequal nations in the world. The three major long-term challenges that the country is faced with are inequality, unemployment, and poverty (Bobek et al. 2021).

One of the avenues available for Namibia to address poverty and inequality is through its pension and investment portfolios, which contribute immensely to the country's economic growth. This growth does, however, not infiltrate directly to citizens, and thus there is a need to rethink the investment mechanisms and approaches of pension funds in Namibia. The question that this chapter addresses is: How can the gains derived from pension systems be leveraged to bolster domestic development and thus address economic inequality in Namibia?

Namibia is generally characterized by a complex and plural financial system that has generated a significant amount of savings from pension funds and nonfinancial institutions. Its pension system resembles to a large extent the pension architecture in most of its neighboring countries in Southern Africa, consisting primarily of a universal, noncontributory pension in the form of an old age grant, orphans and vulnerable children's grant, veterans' grants, and private occupational grant schemes (World Bank 2020). The Government Institutions Pension Fund (GIPF), which is the largest state-funded pension scheme, covers roughly 30 per cent of the labor force, whereas the private sector employers offer occupational pensions on a voluntary basis predominately through defined contribution schemes in a fragmented financial market.

The pension industry in Namibia has substantially grown in size and scope. There are currently roughly 138 registered pension and investments funds, with the GIPF being the only defined benefit pension fund in the country. Over the last two decades, Namibia's pension assets grew from 53 per cent

of GDP in 1996 to about 90 per cent of GDP by 2018 (World Bank 2020). By 2018, Namibia's pension assets reached nearly USD 10 billion across 138 active pension funds comprising about 26 per cent of the national financial system's asset base (World Bank 2020). However, although Namibia continues to generate substantial savings from pension (and life insurance funds), contrary to policy makers' expectations, the growth in savings does not always yield higher levels of domestic investment and economic growth (Uanguta et al. 2004).

Using Namibia as a case study, this chapter argues that pension systems hold potential in addressing inequality, provided that the investment strategies, portfolios, and vehicles of pension funds are deliberately structured to focus on socioeconomically impactful investment. This can be achieved if pension funds are legally directed to prioritize and direct their investment efforts to developmental portfolios and socioeconomic projects such as housing. This is particularly relevant for Namibia with high levels of socioeconomic inequality, a housing crisis, and landlessness. Whilst Namibia is the focus of this contribution, the findings may be relevant also for other countries, particularly in Africa, to rethink the investment approaches of their pension funds and to use the potential of pension systems as avenues that can address economic inequality.

In addition to this introduction, the chapter consists of four sections. To provide a contextual appreciation of the pension funds system in Namibia, part two provides a brief outline of the historical evolution and development of pension funds in Namibia. This section establishes the point that in its epistemological origins the pension system in Namibia was deliberately anchored in apartheid through legislative means and was as such not beneficial or ideal for addressing inequality. The section shows that the legacy of apartheid continues to have a chilling effect even after the Namibian independence, with the pension architecture placing priority on an investment regime principally informed by financial risk factors with only limited responsible investment, especially in socioeconomic sectors. In the third part, the chapter argues for reforms within pension legislation in Namibia, particularly as it relates to investment options. It discusses the current investment architecture of pension funds and its lack of addressing inequality, and proposes the adoption of the UN Principles on Responsible Investment (PRIs) as an obligatory framework to guide pension investment portfolios. To strengthen this argument, in part four, the Government Institutions Pension Fund (GIPF) is set out as a case study in the context of housing—a key crisis area in Namibia—to illustrate the actual and potential impact of adopting the UN PRI as a vehicle for addressing inequality and poverty. It will be argued that innovative approaches are needed to rethink the risk-based accounting principles relating to investments by pension funds. This is necessary to contribute to and enhance their potential as an entrepreneurial avenue for redressing inequality and poverty by incorporating responsive investment principles as proposed in the UN PRIs. Part five concludes the chapter.

### **Historical evolution of the pension system in Namibia**

Namibia's pension system is closely linked to its political history. This is because Namibia generally inherited a social security system based on that applicable in South Africa, its colonizer (Schleberger 2002). Bearing the brunt of racism, the earlier pension system applicable to the protectorate, as it then was called, connoted deep-seated class division and racial segregation. It was to a great extent a dual system, dichotomized into a white and non-white accrual system, with the former taking precedence in terms of benefits and rates. The non-white beneficiaries were subdivided into ten racial groups, based on the *Odeendaal Plan* of 1960, each receiving a different level of payment based on differences in cost of living (Schleberger 2002).

Namibia's pension regime has developed gradually. Following the recommendations of the 1926 *Pienaar Commission*, the Old Age Pension Act of 1928 was promulgated, which introduced a noncontributory state pension system for whites and coloreds of the Union of South Africa. It was only in 1949 that this system was extended to whites in South West Africa (today Namibia), and by 1965 and 1973 to colored and non-white communities, respectively (Devereux 2001).

Historically, and tailored on the apartheid laws, the South African government made provision for retirement benefits for white civil servants, excluding nonwhite civil servants, in South West Africa. For example, in 1969, the South African Union government amended the Pensions Funds Act, 1956, to make provision for separate pension benefits designed for non-white civil servants of which the structure of benefits was inferior compared to the ones for white civil servants. This legislation allowed the formation of private pension schemes and thus contributed greatly to the expansion of the pension legislative framework in the territory. The Pension Act was followed by the Blacks Authorities' Service Pension Act of 1971 that made provision for fragmented pension benefits exclusively for black civil servants working for various Bantustans.

Especially in the late 1960s and early 1970s, the social pension systems were further bolstered. These periods were a phase in which the apartheid government worked hard to give the independent homelands in South West Africa political legitimacy (Woolard et al. 2011). Notable social welfare- and pension-related legislation was passed during this period, including the Railways and Harbours Pensions Amendment Act 26 of 1941; Ex Volunteers Assistance Proclamation 2 of 1945; Railways and Harbours Special Pensions Act 36 of 1955; Pension Funds Act of 1956; Administration Employees' Pension Ordinance 19 of 1959; Members of Statutory Bodies Pension Act 94 of 1969; Black Authorities Services Pensions Act 6 of 1971; Friendly Societies Act 25 of 1956; National Welfare Act 79 of 1965; Age Persons Act 81 of 1967; Blind Person Act 26 of 1968; and the Government Services Pension Act 57 of 1973. These legislative instruments expanded the pension regime in South West Africa by introducing various pension schemes.

Social welfare initiatives, including pensions, were used as incentives to gain political traction amongst the local nationals. It is thus not surprising to note the rapid promulgation of pension related legislation. The motivations for the gradual extension of social pension systems to South West Africa by the South African authorities were more political than economic. In his documentary study, Stephen Devereux makes two suggestions in this regard. First, he argues that the South African authorities used social pension schemes to strengthen their political hold over the territory of South West Africa (Devereux 2001). Using pension schemes, the authorities were able to control urban influx and encourage separate development in line with the Odendaal Plan of 1960 (Devereux 2001). Restricting urban movement by ensuring that local communities remained in rural areas with secured pension benefits largely meant that the then rising political activism was curtailed. Secondly, social pension schemes were also extended to ease the concerns of the local community as part of a large “winning hearts and minds campaigns” by the apartheid government following its tense engagements with the liberation movement the South West Africa People’s Organization (SWAPO) (Devereux 2001). It was, as Morgan (1991, 352) argues, “part of the apartheid State strategy to obtain compliant local leadership...”. This was aimed at sustaining credibility and popularity with the local communities and leaders on the ground, which for the most part was increasingly enticed into the fight for national independence by SWAPO and other political movements of the time (Morgan 1991).

Although generally part of the South African Government Service Pension Fund, as of 1981, public service employees were covered under a separate pension fund, established in terms of the Statutory Institutions Pensions Act No. 3 of 1980. The Statutory Institutions Pensions Act No. 3 of 1980 provided for pensions and other financial benefits for persons in the service of statutory institutions and for their dependents under the Statutory Institutions Pension Fund, which was a defined benefit pension fund. Administered by a Commission with oversight from the Commissioner of Civil Pensions, the Statutory Institutions Pension Fund operated in terms of its rules issued through regulations. The rules set out operational matters such as contribution ratios between employers and employees, pension benefits, investment of funds, early retirement age, periodic evaluation of assets and liabilities, as well as incidental matters. Worth noting is the fact that every employee had the option at that stage to transfer or to remain a member of the South African Fund as part of transitional arrangements. The actuarial reserve in the South African Fund was transferred to the new Fund for those members who opted to transfer their benefits to Namibia (Law Reform and Development Commission Report 2013).

Although these pieces of legislation expanded the pension schematic framework in South West Africa, it was notably the Pension Funds Act 24 of 1956, the Statutory Institutions Pensions Act No. 3 of 1980, and the Income Tax Act 24 of 1981 that brought about drastic alteration to the pension schematic framework in the territory. These pieces of legislation elongated the scope of

private pension schemes to the territory of South West Africa, setting out in particular the registration, incorporation, regulation and dissolution of pension funds and matters incidental thereto. Although expanding the scope of the pension system in Namibia, the inclusive pension schemes for non-whites remained limited, as their integration in the formal mainstream economy remained restricted.

In 1989, the Statutory Institutions Pension Act, No. 3 of 1980 was repealed in its entirety by Proclamation AG 6 of 1989 issued by the last Administrator General Louis Pienaar. This was done out of fear that the new Government at independence may use the pension benefits for its governmental objectives and deny the beneficiaries their dues (Law Reform and Development Commission Report 2013). Against this background, the Government Institutions Pension Fund was established in terms of the Pension Act of 1956. Members covered under the Statutory Institutions Pension scheme were given two options. They could transfer their full actuarial reserve, plus a share of surplus, to the “to-be-established” Namibian domiciled Government Institutions Pension Fund GIPF, which was formally established on 1 October 1989. Full service as a member of the Statutory Institutions Pension Fund was also transferred to the new GIPF for those members who elected to transfer. Alternatively, they had the option to privatize their pension by transferring their actuarial reserve, plus a share of surplus, to a retirement annuity fund.

Over the years, the pension system expanded in size, albeit withholding the racial class divisions. Major reforms ensued when independence was achieved in 1990. The independence provided the opportunity to modify the pension, and generally the social security system, by introducing reforms that took account of international experience and national characteristics. The new SWAPO government immediately equalized state pension systems and schemes across all beneficiaries, and introduced several state policy directives for the purpose of ensuring social welfare through various schemes and programs. To this end, Article 95 (f) and (g) of the Namibian constitution obliges the state to actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following:

...ensuring that senior citizens are entitled to and do receive a regular pension adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities.

...enacting legislation to ensure that the unemployed, the incapacitated, the indigent and the disadvantaged are accorded such social benefits and amenities as are determined by parliament to be just and affordable with due regard to the resources of the State.

One of the first measures undertaken to promote social welfare was, as stated, the equalization of social grants to all races. This was followed by the passage of several pension-related pieces of legislation. These included the National Red Cross Act 16 of 1991; the National Pensions Act 10 of 1992;

members of Parliament and other Office bearers Pension Fund Act 20 of 1999; the Veterans Act 2 of 2008 and the Judges Pensions Act 13 of 2011. These laws not only extended pension schemes but consequently also crafted a pension system that is predominantly state centered.

With changes in both the political and financial markets locally and globally following the global recession beginning late 2007, a need arose to bring the Namibian pension regime in line with international financial standards and practices to ensure a more inclusive pension framework. As a consequence, the pension laws promulgated both before and after independence were repealed with the enactment of the Financial Institutions and Markets Act 2 of 2020 (FIMA). The primary purpose of the FIMA is to consolidate and harmonize the laws regulating financial institutions, financial intermediaries, and financial markets in Namibia, including pension funds. Although not without its fair share of shortcomings, the Act is the latest legislative intervention in relation to pension funds. It introduces among other things new regulatory reforms concerning pension funds, including new procedural and administrative requirements relating to the registration of pension funds, administration and powers of pension funds, conduct of pension funds and members contributions, rules pertaining to pension funds, and special provisions relating to benefits accrued by members of a fund (Chapter 5 of the Financial Institutions and Markets Act, 2020). One of the notable but also contested reforms introduced by the Act include the compulsory preservation of withdrawal benefits in terms of which members are required to preserve 75 per cent of the minimum withdrawal benefit or minimum individual reserve (as calculated according to a minimum benefits formula) until age 55 (Amupanda 2021; See also Standard No. RF.R. 5.10 made in terms of the Financial Institutions and Markets Act, 2020).

### **A responsible investment approach for sustainable development in Namibia**

Pension regimes mostly contribute to sustainable economic development through their GPD contributions and corporate social responsibility. This has predominantly been the custom in Namibia's pension system. Undoubtedly, the pension sector plays an important role in the country's GDP and overall economic development. However, pension investments fluctuate and are vulnerable to market shocks, whether internal or external. Moreover, the investments do not guarantee sustainability. There is therefore a need for a paradigm shift in the governance and management of pension systems, from being informed by purely economic and related risk factors to a system guided by economic, social, and cultural determinants that guarantee investment growth while at the same time leveraging sustainable economic development.

To this end, the UN Principles for Responsible Investment (PRI) may be an important framework that can aid in leveraging Namibia's pension regime to both serve as a social protection net and broadly contribute to the eradication



of poverty and inequality. Responsible investment generally refers to investment that meets both its financial appetite whilst at the same time contributing to society. As such, it is an investment approach that incorporates environmental, social, and corporate governance considerations into all investment decisions. It also covers responsible stewardship of capital through active ownership.

The UN PRI are an outcome of a United Nations-supported international network of financial institutions working together to implement responsible investment through six aspirational principles. The network's goal is to understand the implications of sustainability for investors and support signatories to facilitate incorporating these issues into their investment decision-making and ownership practices. In implementing these principles, signatories contribute to the development of a more sustainable global financial system. Historically, the UN Principles for Responsible Investment can be said to derive from the ambitious reforms envisaged by the then UN Secretary-General, Kofi Anan, aimed at bringing forth progressive development globally through the millennium development goals and subsequently the UN Sustainable Development Goals. In 2005, following the adoption of the Millennium Development Goals, Kofi Annan invited a group of the world's largest institutional investors to join a process in formulating investment principles that are responsible and responsive to global economic needs. To architect these principles, a 20-person investor group drawn from institutions in 12 countries was formed, supported by a 70-person group of experts from the investment industry, including intergovernmental organizations working on pension and retirement funds. Formally launched in 2006, the PRIs are crafted on the notion that environmental, social, and governance (ESG) issues, such as climate change and human rights, can affect the performance of investment portfolios and should therefore be considered alongside more traditional financial factors for the investors to properly fulfil their fiduciary duty. Thus, the PRIs directly link investments to fiduciary duties. Put differently, economic, social, and governance considerations are viewed as forming an inherent part of the investors' fiduciary duties toward their members.

The PRIs offer a framework of possible actions for incorporating environmental, social, and corporate governance factors into investment practices across asset classes. They serve as a matrix within which the investment obligations of intermediaries, such as those of pension funds, can be measured to contribute not only to the growth of contributions made to such funds but also broadly to the sustainable development agendas and program action plans that governments may put in place to address inequality and poverty. The application of the PRIs may potentially and suitably align investors with broader societal objectives of society, principal amongst these for a society such as Namibia, inequality and poverty.

The PRIs are captured in the following six commitments, as adopted by investors in the PRI network, wherever consistent with their fiduciary responsibilities. Principles 1 and 2 are premised on incorporating ESG issues into

investment analysis and decision-making processes, and ownership policies and practices, respectively. Principles 3 and 4 deal with accountability in that investors are required to seek appropriate disclosure on ESG issues, whereas principles 5 and 6 focus on implementation and reporting on activities and progress toward implementing the ESG principles. The cumulative effect of these principles is the responsibility placed on investors to incorporate ESG issues into investment analysis and in decision-making processes, practices, and mechanisms. This may require practical measures such as reflecting ESG issues in investment policies; developing tools, metrics and measures that incorporate ESG related incentives; and advocating ESG training for investment professionals. In other words, the PRIs, especially Principle 1 requires active inclusion of ESG in all forums, platforms, and frameworks where investments are considered.

The PRIs remain voluntary in their nature and thus do not provide binding legal obligations on signatories. However, all signatories have an obligation to report on the extent to which they implement the PRIs through an annual reporting and assessment process of the PRI. Each investor, such as the pension schemes, enjoys a degree of discretion to adapt the PRIs in accordance with their domestic situations and regulatory frameworks, including their investment strategies, approaches, and resources. This enables investors to consider their specific needs, country profiles, and situations, as well as the nature and scope of their domestic investment and financial systems.

### **Reforming pension architecture for sustainable development in Namibia**

The responsible investment approach can be used to assist pension funds in addressing socioeconomic concerns, while at the same time making investment gains. It can potentially also assist pension funds in managing risks and in exploring opportunities that produce sustainable long-term investment returns. Responsible investment approaches can also align pension fund investments with broader objectives of society, and actively support government endeavors to stimulate and grow the domestic economy.

In terms of the Namibian Pension Funds Act of 1956, all pension funds are required to make further investments with the contributions they collect from their members. Three main investments strategies are prescribed, namely, investments in listed instruments (i.e., investments in formalized stock exchange markets), unlisted investments (i.e., investments into private equity and venture capital), and treasury-based investments (i.e., fixed investment instruments such as bonds, cash, and negotiable certificates of deposit).

Namibia has been making progress in ensuring that the pension funds' investments support the local economy. Formally, in terms of Regulation 28 of the Pension Funds Act, pension funds are required to hold the minimum of 45 per cent of their investments in Namibian assets. This regulation has to some extent enabled pension funds to make a meaningful contribution to

the economy and development needs of communities by providing development capital to the nonlisted sectors with high growth potential. These sectors include, for instance, microfinancing, venture capital, development capital, and buyout financing and property, which falls out of the unlisted investment categories in terms of Regulation 29 of the Pension Funds Act. The challenge, however, has been that the current pension regulations do not obligate pension funds to adopt a responsible investment stream geared toward prioritizing environmental and social concerns. Therefore, even though the pension legislation guarantees a retainer of at least 45 per cent investment in the local market, where and how these investments should be carried out remains unregulated. This chapter argues that herein lies the main problem of the current regulatory framework for pensions funds in Namibia. By requiring pension funds to adopt a globally acceptable trend of responsible investment, the regulation could innovatively ensure that pension funds contribute to socioeconomic equality, especially in a divided society such as Namibia, by ensuring that investments are channeled to sectors that can directly affect the most marginalized in society. These sectors include housing, education, and healthcare, which are at the core of social development.

Under the current pension architecture, pension funds are mostly focused on diverting their investments in money markets, that is, in listed investments. The reason for this investment priority is that it is fiscally appealing. One of the key benefits in money markets or listed investments is that it helps to provide stability to the financial system. This is because they are highly liquid and can be traded on a secondary market, which means that they can be bought and sold quickly, and with ease. This can be particularly advantageous for pensions funds when they want to meet the future immediate demands for pensioners. Moreover, they also provide liquidity to the financial system, which helps to ensure that banks and other financial institutions have access to short-term funding they need to operate (Cook & Laroche 1993). This, in turn, supports the economic growth by enabling businesses to access the credit they need to invest. Since most of the money market instruments are sold to the government, they support government financing and ensure that governments have the resources they need to provide essential services such as healthcare, education, and infrastructure.

Another advantage of investing in money markets is that this contributes to economic growth. This is due to the fact that money market investments are typically used to fund short-term projects such as working capital requirements or inventory purchases. Money markets can help to facilitate economic activity, and support the growth of businesses and industries by providing access to short-term capital. They are generally regarded as very safe investments, because they are typically issued by high-quality borrowers and have short maturities. This makes them appealing to investors seeking to preserve capital while earning a small return. Although they are short-term benefits, they impact the economy positively in the long run (Mai 2015). They can be used to diversify investment portfolios, because they have a low correlation

with other asset classes such as stocks and bonds, which can assist investors in risk management and achieving higher overall returns (Ibid.). Moreover, the returns generated by these investments have the potential to improve the overall performance of pension funds. As a result, individuals may benefit from increased retirement benefits, which may improve their standard of living and overall financial security.

Obligating pension funds to undertake responsible investment would ensure that pension funds invest in listed and unlisted instruments that focus on socioeconomic-related portfolios. Currently, and as previously indicated, unlisted investments are capped at 3.5 per cent. This is arguably not a sufficient threshold to contribute to sustainable economic development and thus does not enable pension funds to be catalysts for addressing socio-economic inequality. Therefore, the threshold for unlisted investment should be increased, and responsible investment should be encouraged to capitalize pension investment venture into key sectors such as housing, which has greater potential of addressing inequality in society.

Another innovative investment avenue that pension funds can explore as a means to address inequality are investments in infrastructure. Pension funds have long investment horizons and a need for stable, predictable returns to meet their future obligations. Investing in infrastructure has become an increasingly popular strategy for pension funds to generate long-term returns while also contributing to economic growth and development (Inderst 2009). Infrastructure is typically divided into two categories: economic and social. Economic infrastructure, in a broad sense, includes transportation, including airports, roads, bridges, tunnels, parking, utilities (e.g., energy distribution networks, storage, power generation, water, sewage, waste); communication (for example, fixed/mobile networks, towers, and satellites); and renewable energy (e.g. solar and wind generation). Schools, hospitals, and defence buildings, as well as prisons and stadiums, are examples of social infrastructure, also known as public real estate (Della Croce 2012). These are some examples of investment that can benefit both the pension funds and the society at large.

Besides their long-term financial returns, infrastructure assets frequently have predictable cash flows, which can assist pension funds in managing liabilities and meeting payment obligations to beneficiaries in the long run (Inderst 2009). These funds offer alluring returns over a long period of time, typically 15 years, primarily in the form of inflation-linked income with some long-term capital gains. Infrastructure assets yield about 15 per cent annually, with these returns fluctuating according to the rate of inflation (Ibid.). Additionally, such investments can provide pension funds with diversification benefits by providing exposure to assets that are frequently uncorrelated with traditional asset classes such as stocks and bonds. This can aid in lowering overall portfolio risk. They also protect against inflation, because many infrastructure assets have contractual arrangements that allow for periodic price increases (Carlo et al. 2023). Furthermore, it can align with pension funds' social responsibility

objectives by contributing to the well-being of the communities in which their beneficiaries live (Ibid.).

The economic impact of infrastructure investment is also substantial. To begin with, infrastructure projects necessitate a large amount of labor, which can create jobs and boost employment in the short term (Carlo et al. 2023). This is especially true during periods of economic uncertainty or high unemployment. In addition, better roads, bridges, and ports can help businesses transport goods and services more efficiently, lowering transportation costs and increasing productivity. Improved infrastructure can make a country or region more appealing to businesses by providing better facilities and a more efficient transportation network. This can aid in attracting new investments and increasing economic competitiveness (Ibid.). Additionally, such enhancements may raise property values in surrounding areas, stimulating the local economy, while also improving the standard of living for locals. Access to amenities such as clean water and public transportation can entice new residents and businesses, further boosting the economy. It has been shown that infrastructure investment has a multiplier effect on the economy, with the World Bank estimating that every 10 per cent increase in infrastructure provision increases GDP by approximately 1 per cent in the long term (World Bank 2020). Investments in infrastructure, such as hospitals and schools, also provide additional social benefits through increased access to healthcare and schooling.

### **Innovative application of responsible investment: a case study of the Namibian Government Institutions Pension Fund (GIPF)**

A possible lesson for African countries is Namibia's Government Institutions Pension Fund (GIPF) and its innovative approach in addressing the housing crisis in Namibia. Housing remains one of the most leading, if not the most, pressing challenge in Namibia's developmental agenda (Detrich & Ndhlovu 2018). The housing crisis in Namibia largely has to do with the colonial legacy of apartheid that was premised on segregationist developmental agenda. Consequently, and because of the apartheid policies, the spatial and property regime in the country deliberately left the vast majority of the black population without housing. As a result, housing was one of the priority areas of development identified by the government upon the attainment of independence in 1990.

While the right to housing is an internationally entrenched right (e.g. art 25 UDHR; art 11 of the ICESCR), it is rather invoked in the context of state policy directives in the context of Namibia. Under Article 95(f) of the Namibian Constitution, the government is directed to promote the welfare of its people by, for example, putting in place administrative and other measures that can enhance a decent standard of living. To give effect to its state policy aspirations of according citizens decent shelter and housing, the government has introduced several measures and programs, such as the Mass Housing

Development Programme (MHDP), which was launched and implemented in 2013. Moreover, the government has been assisting largely informal schemes of microlending for housing purposes, such as the Shack Dwellers Federation of Namibia (SDFN)—a community organization that aims to improve living conditions of poor Namibians by providing its members with building loans.

Core to the housing crisis in Namibia is the high cost of housing, which the vast majority of the population cannot afford. According to the December 2021 First National Bank (FNB) Housing Index, a median housing unit costs on average N\$842 000 (about USD 65 154), while a small-sized property costs N\$280 000 (USD 18 563) by a public developer (such as the National Housing Enterprise) (FNB Housing Index, 2021). In terms of affordability at the current interest rate, households need to earn at least N\$10 500 (USD 70 743) to afford a small house and N\$38 700 (USD 2 989) for a medium house (FNB Housing Index, 2021). As 93 per cent of the population earns less than N\$7 000 (USD 51 362) a month, the majority of the population cannot afford mortgaged housing in urban areas across the country. Improvised housing units (shacks) were more common in urban areas with 23.2 per cent of households, while only 3.4 per cent of households in rural areas live in improvised housing units.

As indicated above, the GIPF was established in 1989, with the purpose of providing pension and other related benefits to civil servants as well as employees of institutions established by Acts of Parliament such as state-owned enterprises. Since its inception, the GIPF assets have grown to N\$108.5 billion, making up 61.7 per cent of the pension fund industry in Namibia (GIPF Strategic Plan 2023). It has as to date a solvency rate of 100.7 per cent (GIPF Strategic Plan 2023). As the largest benefit fund in Namibia, the GIPF faces several challenges. The most important of these is the requirement that in line with Regulation 28 of the Pension Funds Act, pension funds are required to hold the minimum of 35 per cent of their investments in Namibian assets with the maximum of 3.5 per cent in unlisted investments.

In line with this, the GIPF in 2008 adopted its investment strategy and policy, which seek to align its investment priorities within the context of national development goals informed by the PRI. The overarching objective of this policy is to make a meaningful contribution to the economy and development needs of communities by providing development capital to the nonlisted sectors with high economic growth potential. These sectors include microfinancing, venture capital, development capital, buyout financing, and property that falls out of the unlisted investment categories in terms of Regulation 29 of the Pension Fund Regulations.

As part of its investment priorities, the following sectors have been strategically identified and prioritized by the GIPF: (1) Social Safety Net in Benefits (to date investing over N\$ 20 billion paid in the form of benefit payments to its members contributing to the social safety net); (2) housing (to date building over 6,000 houses, including land servicing, and end-user financing in line with national affordable housing objectives); (3) energy (to date



investing N\$2.7 billion in renewable energy projects), and (4) infrastructure (to date committing over N\$ 3.7 billion dollars to infrastructure development in Namibia) (GIPF Strategic Plan 2023).

In the context of housing, one of the innovative initiatives that the GIPF has recently undertaken, which can serve as a social justice model for addressing development, is its plan to introduce a pension-backed home loan scheme to assist members in acquiring housing. The initiative followed a finding by the GIPF that only 30 per cent of GIPF members have access to a decent shelter. The effect of GIPF's innovative initiative is that it allows its members to utilize their pensions as collateral for buying houses or carrying out renovations. This is to generally contribute to addressing the low homeownership rate and housing crisis in Namibia. The Namibian government being the largest employer with its civil servants subscribing to the GIPF pension scheme, this innovative approach to housing remains promising as it will affect and contribute to the access to housing of a large number of employees. It is also worth noting that this innovative investment strategy into housing actively supports government endeavors to stimulate and grow the domestic economy and national development goals.

There are clear indications that responsible investment can address socio-economic inequality. The GIPF pension fund is a notable example in this regard. As early as 2010, the GIPF awarded mandates in this area following the approval of its Unlisted Investment Policy and the subsequent adoption of its Responsible Investment and Active Ownership Policy. To this end, the GIPF also made housing investments to meet the Harambee Prosperity Plan (HPP) goals, that is, the Namibian national development agenda, for residential land servicing, housing, and sanitation. In 2022, in its Annual Report, the GIPF indicates that, as of 31 March 2022, the fund had invested 1,807 plots in land servicing; constructed 5,810 house units; and financed 2,890 house loans (GIPF 2022). Of the 9.2 billion committed to unlisted investments, affordable housing took N\$1.3 billion (Ibid.). Moreover, 3,487 jobs were created, something that helps to close the inequality gap, because the majority can now afford essential resources like education, healthcare, and housing (Ibid.). People who are employed can access these resources and improve their overall quality of life. Employment creation can also promote social mobility by allowing people from low-income families to advance up the socioeconomic ladder. As such, it can help individuals achieve their potential and contribute to society in meaningful ways by providing job opportunities and a path to career advancement. The GIPF's paradigm shift is thus a sound basis to argue that responsible investment approaches can potentially address inequality and economic disparity between the rich and the poor.

Despite its potential in addressing the housing crisis in Namibia, concerns have, however, been raised in relation to the GIPFs proposed approach of using pension funds as collateral. The most compelling concern has to do with the security and commodity risks associated with using pensions as guarantee for repayment of housing loans. Social activist Taljaard Uaputauka (2023, 5),



for instance, argues that the use of pension funds to secure housing loans could expose retirees to financial risks as their pension funds, which are essential for their postretirement livelihoods, would be used as collateral. Consequently, this might place retirees in a precarious position if they default on their housing loan repayments.

Moreover, it is argued that the long-term nature of mortgage loans could significantly extend the repayment period for retirees, potentially affecting their financial security during retirement. Another consequential limitation to the GIPF's housing program, which is of course inherently arising out of its architecture as a pension system, is that the housing benefits it now seeks to accord are limited to members, i.e., employed persons. This could be problematic, especially in the Namibia's context marked by a high unemployment rate. Moreover, and as indicated before, the scheme will only apply to those who qualify for such a benefit, as the GIPF has to observe prudential requirements, such as the usage of a member's one-third of their savings so that they do not compromise their pension payout when they reach retirement. The resounding effect of this schematic framework is that only employees in the formal economy are provided social protection, leaving out the unemployed and those in the informal economy. A potentially significant contribution could have been made by the inclusion of the unemployed and those in the informal economy under the GIPF's pensions framework and by extension other pensions schemes in Namibia.

These shortcomings, however, do not necessarily derail the GIPF from its innovative contribution toward socioeconomic advancement in Namibia. In the premise, the GIPF case study illustrates the actual and potential role of pension funds as vehicles for sustainable development not only in Namibia but also equally in other African countries and beyond. As indicated in this chapter, the adoption and deliberate implementation of responsive investment principles would be a crucial consideration in leveraging pension funds for social challenges.

## **Conclusion**

Inequality is a common feature in Namibia. Abated largely by the legacy of apartheid, many Namibians still live below the acceptable global standards of living. This is despite the country's endowment with abundant natural resources, modest infrastructure, a vibrant democracy, political peace and stability, and liberalized market economy. One of the major contributors and stimulators to the Namibian economy are pension funds. However, contrary to popular expectations, the contributions of pension funds to the economy are rather indirect. The challenge, as shown in this chapter, partly has to do with the ways and means through which pension fund capital is (re)invested in the economy. There is, therefore, a need for an innovative paradigm shift in the governance and management of pension systems from purely being informed by economic and related risk factors to a system guided by economic, social,

and cultural determinants that guarantee economic and investment growth while at the same time leveraging sustainable economic development. To this end, and as indicated in this chapter, the UN Principles for Responsible Investment may be an important framework that can aid in leveraging Namibia's pension regime innovatively to both serve as a social protection net and broadly contribute to the elevation of poverty and inequality.

As argued in this chapter, one of the innovative approaches that can be introduced in Namibia's pension architecture is to obligate responsible investment on pension funds. This will ensure that pension funds invest in listed and unlisted instruments that focus on socioeconomically geared portfolios. Currently, and as previously indicated, unlisted investments are capped at 3.5 per cent. Arguably, this is not sufficient to contribute to sustainable economic development and thus does not enable pension funds to be catalysts for addressing socioeconomic inequality. The threshold for unlisted investment must be increased and responsible investment must be encouraged to capitalize pension investment venture into key sectors such as housing, which has greater potential of addressing inequality in society. That the potential for responsible investment is there can be seen from the investment approach adopted by the GIPF—the largest state-owned pension fund in Namibia. What remains to be done is for the other public and private investment schemes to adopt the same investment approach and thus leverage pension funds as important economic stimulators and, consequently, as a tool of economic emancipation.

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# 12 Law, clinics, and social innovation in Africa

## Addressing justice gaps

*Anne Kotonya*

### Introduction

This chapter explores university law clinics as an instance of social innovation. University law clinics are an outcome of the increasing implementation of clinical legal education (CLE) methodology in law schools. These are enacted by students taking up the role of legal practitioners, and learning from this experience (Sossin 2017, 228; Spiegel 1987, 591) through reflection and analysis of real legal problems (Brescia 2016, 254; Gold 1979, 116). Law clinics offer students practical insights into the role of law and lawyers in society as well as that of law as a vehicle for social justice more broadly (Wizner 2002, 1935). At the same time, law clinics promote social justice through the provision of legal services to disadvantaged persons who cannot access the legal system, lawyers, or national legal aid schemes availed by the state (Brescia 2016, 261; Gold 1979, 103, 119; Spiegel 1987, 605).

The chapter adopts the definition that captures the core elements of social innovations as:

new solutions in the form of products, services, models, markets or processes that simultaneously meet a social need more effectively than existing solutions and lead to new or improved capabilities and relationships and better use of assets and resources: social innovations are both good for society and enhance society's capacity to act.

(Mulgan 2006, 146, 2012, 35–36; also Sossin 2017, 230)

In this sense, a social innovation is commonly depicted as grassroot projects for resolving problems within a community. Considered among these are law schools (Sossin 2017) and clinics that they establish and operate across various universities.

The chapter begins by positioning university law clinics in light of this definition. It then proceeds to examine the legislative environment in which university law clinics operate with a view of demonstrating the ways in which law in the selected African countries both strengthens and, in some cases, also hinders their function. The research builds on a research report on data from

empirical research and legislative analysis on university law clinics in Kenya (National Commission for Science Technology and Innovation 2018; University of the Witwatersrand Human Research Ethics Committee (Non-medical) 2019). The information provided in the report is complemented by desktop research entailing review of literature and analysis of the legislative frameworks on law clinic activity in Ethiopia, Nigeria, and South Africa.

Overall, the chapter builds upon a growing appreciation of universities as catalysts of social innovation (Bayuo et al. 2020; Mdleleni 2022) and situates law clinics in an emerging conceptual definition of social innovation. In studying the establishment and growth of law clinics in countries that are still in the process of implementing formal justice systems and therefore experiencing problems of access to justice, it posits law clinics as a potential model for social innovation also in other country contexts. The chapter develops the literature on law schools as social innovators (Sossin 2017) and demonstrates the contextual manner in which legal systems can support the emergence and functioning of social innovations that promote social justice.

### **University law clinics as social innovation**

CLE consists of practical learning programs in which students interact with clients and proffer legal assistance to indigent persons (Aiken & Wizner 2004, 1011), thereby offering students the prospect of learning through reflection and analysis of real legal problems (Gold 1979, 116). Reflection on client interactions confers on students an understanding of the limitations and effects of law in society. Through this exposure, CLE advances social justice learning (Aiken & Wizner 2004, 1008; Kwoka 2013, 118; Wizner 2012, 351) by supervised examination of how the justice system responds to the issues raised by clients (Aiken & Wizner 2004, 1009). Arguably, such a reflective process reinforces social justice dispositions in students and in their impending professional practice (Davis 2006, 86; Dubin 1998, 1465; Osiemo & Kok 2020, 15; Sandefur & Selbin 2009, 82, 101).

The social justice gaps that law clinics seek to address can be identified by problematizing the link between formal law and access to justice. This is because the adversarial model of justice that is implemented in the countries under discussion necessitates robust legal frameworks for access to justice. As examined in the subsequent discussion, these take the form of constitutions and supporting legislation that establish justice systems and provide for access to justice. These frameworks, in turn, presuppose a degree of economic empowerment enabling participants to sustain their livelihoods during the pendency of a suit or dispute resolution process. The model also presumes equality of power between an accused person and a complainant, plaintiff and defendant, as well as considerable knowledge of the law and legal systems on the part of the citizens. Lack of such knowledge is often cured when persons who can afford hire legal professionals to represent them. Since legal representation in Kenya (*Advocates Act, Chapter 16 Laws of Kenya*, sec 31),

South Africa (*Legal Practice Act, No 28 of 2014*, sec 33) and Nigeria (*Legal Practitioners Act Chapter 207 Law of the Federation of Nigeria*, sec 2, 22) is a function limited to qualified legal practitioners such as advocates or attorneys, it also presumes an ideal ratio of lawyers to the population as well as an equitable distribution of lawyers countrywide. These multiple presumptions do not always play out in reality. As a result, the legal representation of indigent persons can become dysfunctional in countries with ineffective state-run legal aid systems and where the social justice orientation of lawyers is poor (Ghai 2014, 31; Kibugi 2009, 39; Osiemo & Kok 2020). Given this justice gap, the way in which law clinics can improve access to justice renders them important actors in the justice system.

In addition, in countries facing challenges of court distribution, high filing and representational fees, as well as ignorance and lack of trust in the court systems, these become factors that further isolate communities from the justice system (Kameri-Mbote & Akech 2011, 156). Researchers posit that such alienation raises the risks of illegality and the operation of extralegal justice mechanisms (Helbling et al. 2015, 357). Additionally, some level of trust is required by members of the public who utilize justice institutions, systems, and structures, something that is not always present (Bamgbose 2015, 390; Helbling et al. 2015, 363). In this respect, law clinics can contribute to the alleviation of such concerns through offering alternatives to the public in their pursuit of justice.

### *Implementing clinics*

The movement from ideas to implementation is manifested in the utilization of final products. In the case of clinics, this entails their development from ideas to their eventual establishment and operation. For example, a study conducted in Kenya in 2019 suggested the introduction of a client walk-in clinic in one university (On file with author Protocol Number H18/10/17 2019c, 5). By 2022, student members of the clinic from this university were already implementing the idea through on-going clinic activities, while a second university was likewise actively engaged in legal aid through its nascent clinic (Strathmore University Law School 2022, 7). The movement from idea to product is similarly notable in the spread of CLE in Nigeria among universities that previously did not have them (Bamgbose 2015, 381), with the law schools implementing diverse approaches such as street theatre, client counseling, and advocacy programs to facilitate their work across multiple thematic areas (Bamgbose 2021, 3; Erugo 2016, 165).

While the earliest clinics in the continent are traced to South Africa in the 1970s, they continue to be introduced in different countries in response to emerging pedagogical and, more often, social justice needs (Du Plessis 2019, 17). For instance, the student leaders of the newly founded clinic at Kenya's African Nazarene University identify a clientele in the underserved indigent communities inhabiting the university's remote environs (Strathmore

University Law School 2022, 7). In keeping with the school's community service ethos, a different law school has incorporated in the curriculum a CLE course designed to have law students identify justice gaps in their community and develop programs that respond to them. A course instructor aptly rationalizes their CLE course as:

... the objective first it is to sensitize the law students to social justice issues, and then to train them in the skills they would need to systematically address systemic issues.

(On file with author Protocol Number H18/10/17 2019d, 67)

Clinics are not only novel forms of social innovation but also renew themselves. New clinics have subsequently reemerged in Ethiopia and Nigeria to replace clinics that reportedly faced political challenges and closure in the early years (Mcquoid-Mason et al. 2011, 23, 29, 32). Clinics also take on new projects and an increasing range of services in response to evolving legal needs in society. Examples include legal empowerment projects for young entrepreneurs in Kenya (Nciko 2018, 42), legal representation in courts by specialized clinics established by South African universities, and new CLE programs, with clinics also being set up to address the access to justice of the indigent in Nigeria (Abdulkadir 2019; Omidoyin & Oniyinde 2019). Noteworthy in terms of novelty is also the scaling up of technology in the provision of clinic services. For example, spurred by the Covid-19 pandemic, a clinic in Kenya introduced legal aid programs in their university television station, and access to justice webinars proliferated among clinics in other institutions (Strathmore University Law School 2022, 7). These were in a bid to transcend the barriers for physical access to justice occasioned by measures to control the pandemic through the interruption of in-person learning in educational institutions, the restrictions on nonessential movement of persons, the digitization of court processes, and the scaling down of judiciary operations.

### *Meeting a social need*

Whereas CLE scholars posit that mitigating access to justice problems is not the business of law schools (Aiken & Wizner 2004, 997), the establishment of clinics as well as the implementation of CLE methodology in the continent has become a recurring response to deficient national legal aid systems (Mcquoid-Mason et al. 2011, 27). As is the case when traced to their social justice roots (McKeown & Hall 2018, 146), the clinics are actively used to mitigate access to justice needs in countries where these are prevalent.

University law clinics thereby serve as social innovation projects in which law students and their lecturers in partnership with like-minded organizations work with communities and local organizations to develop solutions to access to justice needs of indigent persons and communities. For instance, clinics engage in the litigation of public interest cases in South Africa, where they



have functioned both as independent providers of legal aid as well as been part of the legal aid scheme (Du Plessis 2019 12; Mubangizi & McQuoid-Mason 2013). The country's social justice clinics were established as a reaction to access to justice problems in communities (McQuoid-Mason 1982). Tensions often emerge when clinics simultaneously attempt to meet incessant community needs and offer student training. Currently, the national legal aid scheme in South Africa has sufficiently expanded to allow university law clinics to increasingly focus on their pedagogical mission (Du Plessis 2019, 19). The situation is different for clinics in Ethiopia, since these mainly focus on attending to legal needs of the poor and vulnerable (Abate et al. 2017, 16). In Nigeria, where CLE also has taken root, clinics work towards the access to justice needs, in particular, of pretrial detainees, refugees, and internally displaced persons (Abdulkadir 2019; Omidoyin & Oniyinde 2019). Nigeria's Lead City University law clinic hosts a radio programme through which members of the public call in to ask questions and receive answers on human rights matters, while Adekunle Ajasin University offers similar services to members of the public in their schools, villages, and religious gatherings (Adelakun-Odewale 2017, 91).

#### *Enhancing society's capacity to act*

Law clinics enhance society's capacity to act in various ways, one of which is the dissemination of legal knowledge and awareness, thereby empowering communities to understand and navigate the justice system in their country. This is in recognition of multiple documented causes of lack of access to justice (Helbling et al. 2015, 351) that include complex court systems (Kameri-Mbote & Akech 2011, 156),—a citizenry that is unaware of their rights and how to claim them before the courts as well as unaffordable court and legal fees (Bamgbose 2021, 13). The need for access to information is a critical aspect of access to justice, which extends to civil matters as well. Apart from legal literacy, the clinics in South Africa and Nigeria directly facilitate dispute resolution and vindication of rights by offering legal advice, alternative dispute resolution services, and representation before the courts.

Reports on clinic activities in Nigeria illustrate some level of effectiveness in promoting access to justice for the indigent in terms of thousands of people acquiring knowledge on their rights, responsibilities, and dispute resolution mechanism (Ojukwu et al. 2013, 3). More specifically, the University of Ibadan's Women's Law clinic has documented multiple cases in which it has intervened through negotiating spousal maintenance and upkeep of children, promoting trust in the legal system, preparing a client self-representation, thereby resolving disinheritance, tenancy, and family property disputes among several others (Bamgbose 2015, 388–395; Byron 2014, 574–576). The Ebonyi State University (EBSU) Law Clinic working as part of its CLE environmental practice made recommendations to Ebonyi State on hazardous mining and quarrying operations, which were received and implemented by

the State (Nwedu 2018, 148). The Abia State University (ABSU) Law Clinic reported six years of prison monitoring, client counselling, contacting detainees' families, bail application processing and follow-up, case categorization, and court monitoring activities in pursuit of their legal assistance objective at the Pretrial Detainee clinic project (Erugo 2016, 167–168).

South Africa's clinics have been effective public interest litigants before the Constitutional Court, expanding jurisprudence on the role of *amicus curiae*, the role of clinics in public interest litigation, South Africa's commitment to upholding human rights of every person, as well as dispute resolution in labor cases involving the local mining industry (Mubangizi & McQuoid-Mason 2013).

Ethiopia's clinics have enhanced society's capacity to act by enabling members of the public to freely select the forum for resolving their disputes by preferring either customary or state-enacted institutions. The clinics established under the Addis Ababa University Clinical Legal Education Public Interest Project have served over 7000 indigent clients in Ethiopia by offering legal information, and assisting with court documents and legal representation and airing over 150 legal aid programs on radio (Woldemariam 2021, 179). As a whole, the legal aid component of CLE in Ethiopia's law schools' access to justice clinics facilitates and oversees the settlement of disputes within the country's pluralist legal system (Woldemariam 2021, 181).

As illustrated in the three extracts below, law clinic activities are relevant for persons from all cadres in society. A clinic student in Kenya explains their efforts to empower society through exposure to information on persons with special needs as follows:

...our main issue [like] is to create awareness for these persons with disabilities...we wish that the public will understand the plight of these people and accommodate them and all their views. So, we went on the street, and then actually had that quite a number of students, even public servants who were there.

(On file with author Protocol  
Number H18/10/17 2019b, 101)

Another student tells how their clinic addresses matters that are of interest to budding entrepreneurs who may lack legal resources to retain professionals. The clinic also has a programme that is designed as a training of trainers, with participants returning to their communities to empower their own. The students explain the latter as:

...inform guys on the things that the law can do for them with regard to business, so the different forms of business they can start...the things/regulation they would have to comply with, in a very simple manner... we bring the youth leaders here every Saturday and we do the different trainings. We developed three manuals, one which has human rights

which includes a few things in criminal procedure, rights of arrested persons and sexual offences.

(On file with author Protocol Number H18/10/17 2019a, 37)

An approach targeting minors is the provision of support and life skills to children from underprivileged backgrounds:

...we mentor children—we've done so at Korogocho slums in partnership with [identity withheld for privacy] Foundation. So, we mentored students in two primary schools.

(On file with author Protocol Number H18/10/17, 2019e, 129)

### **Enabling law clinics through law**

Laws create institutions and structures around which the society is organized. Law can also construct frameworks for social innovation through fostering resilience in the engagement of vulnerable groups by transferring agency and power to underserved and marginalized groups (Caulier-Grice et al. 2012, 13), as well as engaging systems thinking (Tucker 2014, 27) by meeting new and emerging needs within the social system (Fox & Grimm 2015, 78). Importantly, law can also create an environment and structures that enkindle and facilitate clinics.

National constitutions provide the framework within which legal systems operate. A core part of any legal system are dispute resolution processes. The constitutions of Ethiopia, Nigeria, Kenya, and South Africa have established court systems for dispute resolution. Specific legislation on access to justice and national legal aid schemes gives effect to constitutional guarantees on access to justice. For instance, Kenya's 2010 Constitution seeks to promote social justice and equality of persons. It makes an unequivocal pronouncement of the right of access to justice for all (*Constitution of Kenya, 2010*, art 10). That of South Africa provides for the right of access to courts for resolution of disputes (*Constitution of the Republic of South Africa, Act No. 108 of 1996*, art 34). It accords arrested and detained persons the right to a fair hearing, including legal representation in situations where substantial injustice could result (*Constitution of the Republic of South Africa, Act No. 108 of 1996*, art 35). The Constitution of Nigeria confers the High Court with the jurisdiction for protection of the bill of rights, as well as for the making of legislations on financial and legal aid that may be needed in this process (*Constitution of the Federal Republic of Nigeria 1999*, art 46). Meanwhile, the Constitution of Ethiopia provides for the right to legal representation for all accused persons, which will be availed at state's expense if the person cannot afford counsel, and their absence could result in miscarriage of justice (*Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995*, art 20(5)). It expresses the right of access to justice as the right of all persons to bring a

justiciable matter before a court of law or other competent body with judicial power (*Constitution of the Federal Democratic Republic of Ethiopia Proclamation No. 1/1995*, art 37).

In all the legal systems discussed here, access to justice includes a right to access to courts as dispute resolution mechanisms. As will be explained, this is in some cases developed further to include assistance in legal aid and representation generally or for accused persons in criminal matters only. Law enables the clinics' role in access to justice by recognizing them in justice frameworks. Nevertheless, they also indirectly delimit their approaches and shape their structure and functions, as will be discussed below.

### **Recognizing clinics in access to justice frameworks**

Kenya's Legal Aid Act of 2016 establishes the country's first national legal aid scheme. It gives effect to constitutional provisions by facilitating access to justice for persons in need of legal aid (*Constitution of Kenya, 2010*, art 48; *Legal Aid Act, No. 6 of 2016*). The National Legal Aid Service is established to work through legal aid providers, such as pro bono lawyers registered under the Law Society's pro bono scheme, law firms, public benefit organizations, paralegals, and university law clinics (*Legal Aid Act, No. 6 of 2016*, sec 2). The scheme remains embryonic with processes such as the accreditation of service providers still pending. It has not been fully operationalized, because pertinent regulations await parliamentary approval (On file with author Protocol Number H18/10/17, 2019f, 171). This inhibits budgetary allocation as well as the robust functionalities intended by statute. Even with the service still awaiting the development of regulations for its operations, it continues to engage with student volunteers in programs, such as attachment and preparing clients for self-representation and monitoring clients representing themselves in court (On file with author Protocol Number H18/10/17, 2019f, 170). This recognition of the potential of law clinics for their social justice contribution results from pilot projects that the predecessor of the National Legal Aid Service had run for three years with university law clinics (On file with author Protocol Number H18/10/17, 2019f, 168). Just like in Kenya, Nigeria has their Legal Aid Act of 2011, which establishes the Legal Aid Council, whose work is complemented by law firms and nongovernmental organizations. Clinics there have likewise acquired some recognition in law, which takes the form of a register of nongovernmental organizations and legal clinics carrying out legal aid work. The Act also expresses the possibility of engaging the services of such organizations and clinics. (*Nigeria Legal Aid Act, 2011*, 17(1)-(2)).

South Africa's legal aid scheme, in contrast, has a much longer history. The Legal Aid Act No. 22 established the Legal Aid Board in 1969 for purposes of availing legal aid to indigent persons, as determined by the set thresholds (Hennie 2005, 57). The models for offering legal assistance have varied over the years. These range from assignment of legal aid work to private practitioners in the judicare system; setting up of dedicated justice centers across the

country; a law intern public defender programme; cooperation agreements with legal service providers including university law clinics; law interns in rural firms; litigation by the Legal Resources Centre; and independent university law clinics to paralegal advice offices such as Black Sash (Mcquoid-Mason 2000). The current legislation on legal aid is the Legal Aid Act No.39 of 2014, which establishes Legal Aid South Africa to avail legal aid as envisaged under the Constitution. Whereas this legislation neither mentions nor governs university law clinics, the clinics ultimately complement its objectives and operations. Unlike in the other countries under study, South African legislation governing legal practice recognizes university law clinics as proper places for legal practice by advocates and for the engagement of candidate legal practitioners (*Legal Practice Act, No 28 of 2014*, sec 34(5–8)).

Legal aid in Ethiopia has been the province of legal aid clinics because of the incapacitation of non-governmental organizations (NGOs). The links of NGOs with foreign funding bodies prevented them from operating in the sphere of human rights during the operation of the law Charities and Societies Proclamation 621/2009. This resulted in clinics gaining a central role in access to justice in Ethiopia. They supplemented the limited services offered by the Public Defender's Office, the federal Attorney General's Office, and the mandatory pro bono services by licensed practitioners (Woldemariam 2021, 175–176). Presently, this limitation on NGO operations is no longer in force, which creates room for non-governmental organizations to engage in human rights and legal aid work (*Organizations of Civil Societies Proclamation No. 1113/2019*). This legislative development enables clinics in Ethiopia to work alongside non-governmental institutions in resolving access to justice challenges.

### **Shaping clinic operations through law**

Apart from enabling and institutionalizing law clinics as part of the justice system, law can also shape the function of those clinics, for example, by limiting the mission and scope of clinics as well as defining the services that clinics can offer. Whereas robust constitutional provisions in Kenya and South Africa provide for a range of avenues for clinic operation and programming, the subsequent discussions indicate that legislative measures in Kenya and Nigeria have had the effect of restricting access to justice activities by law clinics. That notwithstanding, none of these jurisdictions expressly exclude clinics or overtly oppose their work.

#### *Delimiting the mission and scope*

Globally, university law clinics take several forms, including internships, live client interactions, and simulations (Wilson 2004, 423). The prevalence of under-functioning national legal aid schemes explains why universities in the countries focused on in this chapter prefer real-client clinics over simulation clinics, which

do not offer similar benefits to society (Mcquoid-Mason et al. 2011, 23). As such, the approaches taken by universities toward CLE are inspired by the social justice needs of the communities in which they are located.

The access to justice mission and projects of law clinics in Kenya and Nigeria essentially focus on knowledge sharing, community education, referrals to civil society organizations, and assisting in clinics organized by such organizations. This is a result of the limiting effect of legislation on legal practice in Kenya and Nigeria, which do not confer clinics with capacity to provide legal representation (Bamgbose 2021, 6). The clinics work toward alleviating ignorance among the public through their community training and outreach programs often referred to as street law. Through this, clinics create awareness on legal rights, and the operation of law and on where one can get legal assistance (Mcquoid-Mason 2004, 41).

Client representation by clinics in Nigeria is limited by both legislation and court decisions, such as in *Akinwunmi v. Dietespif*, and more recently the Supreme Court in *Ahmed v. Ahmed*, which highlight that lecturers from public universities, as public officers, are prohibited by the Code of Conduct to engage in private practice (client representation) (Bamgbose 2021, 14). As a result, clinics must engage external counsels to take up cases requiring legal representation.

Whereas student practice rules proposed for South Africa in 1985 have never been approved, South African clinics have legal capacity for and are well engaged in legal representation. Their clinic missions and projects are facilitated by the existing legislative environment that recognizes clinics as attachment centers for lawyers, referred to as “candidate attorneys.” Although implementation of the legislative framework for legal aid is relatively strong, clinics still have a client niche, because university law clinics in South Africa utilize a less-rigid threshold for client admission than the Legal Aid Board.

Also noteworthy is Ethiopia’s most recent legislation on legal practice that has more generous provisions on “advocacy” services, including legal advice, drafting, litigation, and representation before courts and other dispute resolution institutions (*The Federal Advocacy Service Licensing and Administration Proclamation No. 1249/2021*, art 2(5)). While advocacy licenses are not required for self-representation and representation of family members, public prosecutors, and union leaders, special advocacy licenses are issuable to law schools, their instructors and organizations providing pro bono services to indigent persons (*The Federal Advocacy Service Licensing and Administration Proclamation No. 1249/2021*, art 5, 14). These provisions facilitate a broader scope for the conceptualization and provision of legal projects by law clinics in Ethiopia.

### *Defining the functions*

Given their nature as entities operated by students who are still undertaking legal training, law clinic legal aid activity under Kenya’s legal aid legislation is

limited compared to that of law firms and non-governmental organizations whose work is carried out by qualified legal professionals (On file with author Protocol Number H18/10/17, 2019e, 129, 131). Nevertheless, clinics are able to achieve their objectives through collaboration with NGOs that assist in supplementing their resource shortfalls (On file with author Protocol Number H18/10/17, 2019e, 129). NGOs have historically grappled with access to justice problems in Kenya—a role they have played with technical and financial support from international development partners (Amondi 2014, 205–206). They typically focus on specific aspects of access to justice, such as women's rights, children, persons with disability, constitutional litigation, victims of torture, and refugee law. This specialization has not precluded collaboration among them. Thus, clinics collaborate with entities that already carry out work similar to their own projects. Such organizations also have networks of local NGOs, monitors, and paralegals outside of the main towns in which the main organizations are based (Christiansen et al. 2019, 730). These networks render partnerships with universities located outside of main cities possible.

Litigation capacity of South African law clinics provide them with a large degree of independence in offering legal representation to clients (Mubangizi & McQuoid-Mason 2013). This capacity has also facilitated the development of clinics under the leadership of legal professionals, drawing them to specialize in the fields of legal expertise of the clinic directors (De Klerk & Mahomed 2006). The clinics in Nigeria show a specialization as well, with universities offering specializations in areas such as women's rights and refugee law. Such specialization stands in contrast to more generalized clinic practice in Kenya and Ethiopia.

## **Conclusion**

University law clinics from countries in the North, East, South and West of the African continent were selected for consideration in this chapter. The legislations governing their operations and their experiences are neither homogeneous nor representative of all universities in Africa. That notwithstanding, their divergent legal settings and experiences conflate to provide perspectives on the interfaces between law and social innovation. The experiences from clinics in these countries provide evidence in support of characterizing clinics not only as educational forms used in law schools but also as social actors. As social innovations, law clinics are novel forms of addressing flaws in the judicial process; they promote the ideal of social justice, meet a social need by improving access to justice, and enhance societies' capacity to act through disseminating knowledge of the judicial system.

The discussion of law clinics as social innovation also reveals the diverse functions of law in social innovation. The mission and scope of clinics remain aligned to the general justice aspirations of the constitutions of the respective countries. Knowledge of the justice system and its procedures is not necessarily good and depends, for example, on literacy levels. The systems can also instill dependency on advocates and institutions that exceed the financial capacity of



large parts of populations. Shortcomings in the capability, processes, or operations of the existing legal aid institutions generate access to justice gaps to which universities are responding by developing law clinics and social projects.

Legislation on legal practice and on legal aid facilitates the creation and operation of university law clinics in recognizing their existence and role as access to justice institutions to various degrees. University law clinics are not proscribed in any of the studied countries. The clinics, therefore, remain free to develop solutions to access to justice problems. While South African clinics have included litigation as part of their functions, clinics in countries where laws limit this option still offer mediation, community education on rights, and awareness of legislative processes. Ultimately, this action empowers communities by enhancing their legal knowledge, which, in turn, bestows on them a sense of agency over the resolution of their pressing legal matters. Clinics yield an informed citizenry that is equipped with a better understanding of their country's legal institutions and knowledge to navigate these systems.

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