

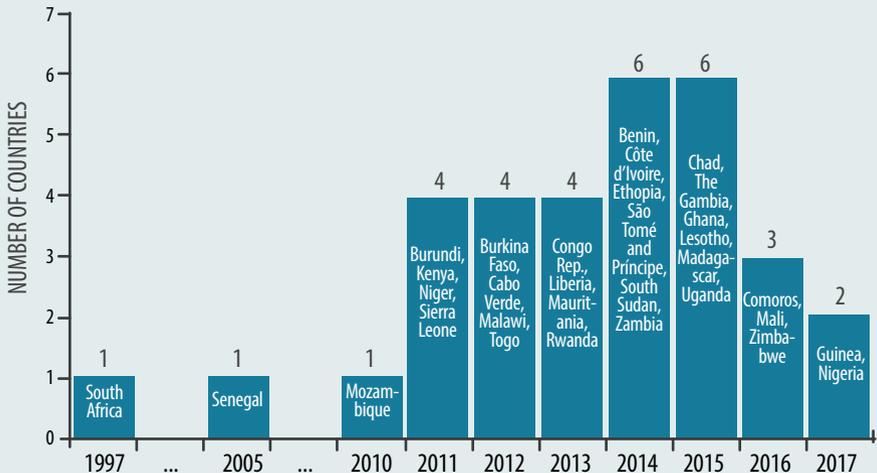
REALIZING SOCIAL SAFETY NETS THROUGH LEGAL FRAMEWORKS

While not sufficient to bring social safety nets to scale, the presence of policies, laws and legal frameworks are part of setting up robust institutions to support social safety net scale-up. Social protection policies and strategies, one of several ways to anchor social safety nets in laws and policies, have become common (see Figure 1) – but, they are often general and not fully implemented.

Connecting a commitment to social safety nets with entitlements can

introduce the means to enforce the policies which strengthens the credibility of the programs. However, governments often have concerns about creating a legal entitlement to social safety nets that they may find difficult to realize (for financial or capacity reasons). Most social safety net programs in Africa are based largely on strategies or operational manuals without legal authority. Thus, even if benefits are clearly listed and grievance procedures are described in such documents, the lack of legislation means they are not legally enforceable.

Figure 1: Many Countries Have Adopted Social Protection Strategies



Source: World Bank review of country documents

Note: More details are presented in appendix D, table D.1.

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Legal frameworks for social safety nets should build on policy objectives that are widely supported. If enforced, they can generate sustained political commitment to deliver on policy objectives. South Africa offers an example of how political incentives can be aligned with a legal framework for social safety nets. There, the Constitution includes a Bill of Rights that guarantees the right of all South Africans to have access to social security. This right has been formally recognized in the Social Assistance Act of 2004, which defines eligibility criteria and other parameters of the social grant system. The ability to realize these entitlements derives from the Independent Tribunal for Social Assistance Appeals, which allows citizens to mount a legal challenge if they believe they have been denied benefits to which they feel entitled or if they feel they have been treated unfairly by the South African Social Security Agency.

Political commitments have been translated into increased budgetary allocations and enhanced capacity to deliver social safety net programs. In Mozambique, the development of an appropriate legislative framework has been key

to establishing social safety nets. The Social Protection Law of 2007 and the National Strategy for Basic Social Security in 2009 resulted in wider coverage and government financing; between 2012 and 2015, budget allocations increased from 0.22 percent to 0.56 percent of gross domestic product.

Most African countries are signatories of international or regional agreements and declarations that encompass social safety nets. The Universal Declaration of Human Rights commits governments to recognizing and fulfilling the right to social protection, which is also articulated in article 9 of the International Covenant on Economic, Social, and Cultural Rights (ratified by all countries except Botswana, the Comoros, Mozambique, and South Sudan). The African Charter on Human and Peoples' Rights, ratified by all countries except for South Sudan, reinforces such covenants. Most countries are also parties to regional or global organizations that provide a normative framework for social safety nets, including the African Union Social Policy Framework, the Social Protection Floor Initiative, and the Sustainable Development Goals.

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References to individual studies are available in that paper.

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