

Building Disaster Resilience Through Social Protection Policies: A South African Perspective with Comparative Insights from SADC

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ABSTRACT

South Africa is increasingly vulnerable to disaster-related risks arising from climate change, public health crises, and socio-economic instability. These threats disproportionately affect marginalised populations, exposing systemic weaknesses in governance and social protection systems. This article critically examines the evolving role of social protection in enhancing disaster resilience within the South African legal and policy framework, supplemented by comparative insights from selected Southern African Development Community (SADC) countries. It argues that current social protection mechanisms must be reconceptualised as proactive, risk-responsive systems. Drawing on legislation, case law, and policy innovations from South Africa, Zimbabwe, Malawi, and Zambia, the article proposes a shift toward transformative, inclusive, and anticipatory social protection that integrates disaster risk governance with developmental and constitutional mandates.

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1. INTRODUCTION

Southern Africa today stands at the crossroads of compounding crises: intensifying climate events, widening socio-economic disparities, and an overstretched public health system. These intersecting challenges expose structural fault lines in both national and regional disaster governance. South Africa, as the region's most advanced economy, is not immune to the cascading risks of climate-induced floods, prolonged droughts, energy instability, and pandemics, all of which aggravate long-standing inequalities and test the resilience of institutions entrusted with protecting the most vulnerable.

Against this backdrop, social protection has emerged not merely as a tool of poverty alleviation but as a foundational component of disaster risk governance. Globally, legal and policy discourse is shifting towards a rights-based, risk-informed, and transformative approach to social protection, seen increasingly as essential to national resilience strategies. In South Africa, this discourse finds normative grounding in section 27(1)(c) of the Constitution, which guarantees the right to have access to social security, including appropriate social assistance for those unable to support

themselves.¹ Yet, while the country has implemented a wide range of social assistance instruments, these remain reactive, fragmented, and largely disconnected from early warning and anticipatory action frameworks.

The legal infrastructure for disaster risk reduction is primarily housed in the Disaster Management Act 57 of 2002, which promotes proactive disaster preparedness but does not systematically integrate with social protection mechanisms under the Social Assistance Act 13 of 2004.² This institutional and legislative disjuncture limits the capacity of the state to deploy social protection as an adaptive instrument capable of cushioning vulnerable groups before, during, and after a disaster.

The urgency of such integration is further magnified by the frequency and severity of disasters across the Southern African Development Community (SADC). Accordingly, this article situates South Africa's legal and policy frameworks on social protection and disaster governance within a comparative regional context. Drawing from case studies in Zimbabwe, Malawi, and Zambia, it interrogates how different national systems are experimenting with adaptive, inclusive, and digitally enabled social protection mechanisms.

Ultimately, the article argues for a reconceptualisation of social protection as a strategic instrument for disaster preparedness and systemic transformation. A paradigm shift - anchored in constitutional mandates, regional solidarity, and innovative legal design - is essential to ensure that social protection becomes not merely a safety net, but a platform for resilience, equity, and justice in an age defined by climate and crisis.

2. CONCEPTUAL FRAMEWORK: SOCIAL PROTECTION AND DISASTER RESILIENCE

The conceptual integration of social protection and disaster resilience requires a recalibration of traditional understandings of welfare, vulnerability, and governance. Historically, social protection has been framed as a set of compensatory interventions aimed at mitigating chronic poverty and securing basic livelihoods. Yet in an era marked by recurrent and systemic shocks - climate change, pandemics, and geopolitical instability - there is a growing consensus that social protection must evolve into a risk-informed, adaptive, and transformative framework capable of reducing exposure, enhancing anticipatory capacity, and fostering resilience.³

Disaster resilience refers to the capacity of individuals, households, and systems to anticipate, absorb, and recover from adverse events in manner that preserves dignity and promotes sustainable development.

Embedding social protection within disaster risk governance therefore requires moving beyond reactive, post-disaster interventions toward preventative and anticipatory mechanisms.⁴

Normatively, this approach is underpinned by international and domestic legal frameworks. At the international level, the ILO Recommendation No. 202 (2012) on Social Protection Floors advocates for nationally defined sets of basic social security guarantees across the life cycle.⁵ Domestically, section 27(1)(c) of the Constitution entrenches the right to social security, including appropriate social assistance. This constitutional imperative provides fertile ground for developing a disaster-resilient social protection system

¹ Constitution of the Republic of South Africa, 1996, s 27(1)(c).

² Disaster Management Act 57 of 2002; Social Assistance Act 13 of 2004.

³ Devereux S & Sabates-Wheeler R, *Transformative Social Protection* (IDS Working Paper 232, 2004).

⁴ United Nations Office for Disaster Risk Reduction (UNDRR), *Sendai Framework for Disaster Risk Reduction 2015–2030*.

⁵ ILO, Recommendation No. 202 on Social Protection Floors (2012).

grounded in justiciable socio-economic rights.⁶

Thus, a reconceptualised framework for disaster resilience through social protection must rest on three pillars: (1) rights-based entitlements to risk-responsive assistance; (2) institutional integration across social development, disaster management, and environmental planning; and (3) dynamic policy instruments capable of real-time responsiveness and long-term transformation. Such an approach aligns with South Africa's developmental constitutionalism and its obligations under regional and international human rights law⁷

3. LEGAL AND POLICY INSTRUMENTS IN SOUTH AFRICA

South Africa possesses a robust, though fragmented, legal framework for both social protection and disaster risk governance. The constitutional foundation lies in section 27 of the Constitution, operationalised through the Social Assistance Act 13 of 2004, which regulates non-contributory social grants including the child support grant, old age pension, and disability grant.⁸

Disaster risk governance is guided by the Disaster Management Act 57 of 2002, which mandates integrated and coordinated policy focused on prevention, mitigation, and effective response. However, the Act remains institutionally detached from social assistance mechanisms, undermining the construction of a unified resilience-building framework.⁹

Constitutional Court jurisprudence has affirmed the inclusive scope of social protection. In *Khosa v Minister of Social Development*, the Court extended social

security to permanent residents, reinforcing the principles of equality and dignity.¹⁰ Yet the Court has not directly considered the application of the right to social security in the context of disaster preparedness or climate vulnerability.

The COVID-19 pandemic marked a turning point, with the creation of the Social Relief of Distress (SRD) Grant under the Social Assistance Act. Reaching over eleven million beneficiaries at its peak, the SRD Grant demonstrated the scalability of social protection in crises. However, its lack of statutory permanence raises questions of sustainability, adequacy, and enforceability.¹¹

For South Africa to develop a disaster-resilient system, it must move beyond ad hoc interventions towards institutionalised, legislatively embedded mechanisms that are flexible, inclusive, and fiscally sustainable. This requires harmonisation of frameworks and the enactment of enabling legislation that recognises social protection as a pillar of disaster risk reduction.¹²

4. COMPARATIVE INSIGHTS: SADC COUNTRY EXPERIENCES

4.1 Zimbabwe

Zimbabwe's National Social Protection Policy Framework (2016) seeks to integrate social assistance, insurance, labour market interventions, and disaster risk response. It views social protection not only as poverty alleviation but as responsive to acute shocks. Yet the framework suffers from limited legislative entrenchment and reliance on donor funding, raising sustainability concerns.¹³

⁶ Constitution of the Republic of South Africa, 1996, s 27(1)(c).

⁷ Liebenberg S, *Socio-Economic Rights: Adjudication under a Transformative Constitution* (2010) 5.

⁸ Social Assistance Act 13 of 2004.

⁹ Disaster Management Act 57 of 2002. Assistance Act 13 of 2004.

¹⁰ *Khosa v Minister of Social Development* 2004 (6) SA 505 (CC).

¹¹ Patel L, *Social Welfare and Social Development in South Africa* (2ed, 2022).

¹² Mpedi LG, "Social Protection in the SADC Region: Opportunities and Challenges" (2013) 34 ILJ 901

¹³ *Government of Zimbabwe, National Social Protection Policy Framework* (2016).

During Cyclone Idai (2019), weaknesses were exposed: poor targeting, delays in aid delivery, and lack of scalable safety nets. These failures highlighted the need to embed social protection in a rights-based legal framework with predictable financing and coordination.¹⁴

4.2 Malawi

Malawi's National Social Support Programme II (2018–2023) adopts an integrated vision of social protection combining cash transfers, public works, livelihoods, and shock-responsive interventions. Its distinctive feature is shock-sensitive social protection, enabling programme expansion during crises. For example, cash transfers were scaled up during the El Niño drought (2015–2016) and Cyclone Freddy (2023).¹⁵

Nonetheless, implementation remains donor-dependent, fragmented, and weak in gender inclusion. Exclusion of women-headed households and persons with disabilities persists, highlighting the need for codification and stronger domestic financing.¹⁶

4.3 Zambia

Zambia's National Social Protection Policy (2014) envisions inclusive, rights-based protection against life-cycle vulnerabilities and external shocks. Its Social Cash Transfer (SCT) programme, reaching over 900,000 households, has been scaled up during droughts and crises.¹⁷

However, fiscal fragility, reliance on donors, and weak intersectoral

coordination undermine implementation. Gender-sensitive programming is also inadequate, with exclusion errors persisting in rural areas. Legal codification, stronger coordination, and investment in early warning systems are necessary to make SCT shock-responsive and sustainable.¹⁸

5. IMPLEMENTATION CHALLENGES IN SOUTH AFRICA

Despite constitutional and policy advances, South Africa faces systemic obstacles to embedding resilience within its social protection framework. First, institutional mandates are dispersed across departments, resulting in fragmented governance and weak coordination.¹⁹ Second, exclusion persists: informal workers, migrants, and the “missing middle” remain outside the social grant system, despite the constitutional promise of universal access to social security.²⁰

Third, South Africa lacks integrated digital and data infrastructure for anticipatory action. Social registries remain outdated and disconnected from early warning systems, limiting the capacity for rapid and targeted aid distribution.²¹ Fourth, fiscal austerity and limited contingency funding impede scalability. Unlike states that employ sovereign risk pooling or climate insurance, South Africa has yet to institutionalise such instruments.²²

These challenges reveal the need for legal harmonisation, governance reform, and

¹⁴ Chimhowu A, “Cyclone Idai and the Fragility of Zimbabwe's Social Protection” (2019) *Journal of Disaster Risk Studies* 11(2).

¹⁵ Malawi Government, *National Social Support Programme II (2018–2023)*.

¹⁶ UNICEF Malawi, *Shock-Sensitive Social Protection in Practice* (2021).

¹⁷ Ministry of Community Development and Social Services (Zambia), *Social Cash Transfer Programme Report* (2019).

¹⁸ Chinsinga B & Pinder C, “Adaptive Social Protection in Zambia: Opportunities and

Constraints” (2020) *African Social Policy Review* 12(1) 44.

¹⁹ Patel L, *Social Welfare and Social Development in South Africa* (2ed, 2022) 245

²⁰ Olivier M & Mpedi LG, “Extending Social Protection to Informal Workers in South Africa” (2019) 40 *ILJ* 1029.

²¹ Devereux S, “Social Protection and Data Systems in Africa” (2021) *African Social Policy Review* 13(2) 55.

²² African Development Bank (AfDB), *Climate Insurance and Risk Financing in Africa* (2020).

strategic investments in adaptive infrastructure.

6. PATHWAYS FOR REFORM AND REGIONAL COLLABORATION

Embedding disaster resilience into social protection requires both national reforms and regional solidarity.

First, legislative reform is critical. The Disaster Management Act 57 of 2002 should be amended to recognise social protection as a core instrument for disaster risk reduction, mandating proactive coordination across the Department of Social Development (DSD), the South African Social Security Agency (SASSA), and disaster structures. Similarly, the Social Assistance Act 13 of 2004 should be revised to embed scalable, anticipatory mechanisms triggered by early warning systems.²³

Second, digital integration is indispensable. South Africa could learn from Malawi's Unified Beneficiary Registry and Zambia's geospatial mapping, linking early warning data with social registries to ensure rapid and equitable assistance. Yet ethical safeguards against exclusion, misuse, and surveillance must be guaranteed.²⁴

Third, inclusion of informal workers and migrants is vital. Extending contributory and non-contributory schemes, such as adapting the Unemployment Insurance Fund (UIF), would strengthen resilience. Migrants and asylum seekers, who face disproportionate climate risks, must also be included.²⁵

Fourth, fiscal innovation is required. A dedicated Social Protection Contingency

Fund, sovereign risk insurance, and regional mechanisms like the African Risk Capacity (ARC) could provide reliable funding for scalable responses.²⁶

Finally, regional collaboration under SADC should be institutionalised through a Regional Platform on Adaptive Social Protection, aligning with the SADC Protocol on Social Development and the African Union's Agenda 2063.²⁷

7. TRANSFORMATIVE CONSTITUTIONALISM AND THE NORMATIVE IMPERATIVE OF RESILIENCE

South Africa's jurisprudence of transformative constitutionalism, articulated by Klare as a long-term project of societal transformation, provides fertile ground for reconceptualising social protection as a tool of structural justice.²⁸ In this view, socio-economic rights are central to deep reform, imposing positive duties on the state to address vulnerability and inequality.

A disaster-resilient social protection system, when grounded in this ethos, must dismantle structural conditions of vulnerability rather than merely react to crises. Resilience thus encompasses institutional responsiveness, participatory governance, and legal empowerment.²⁹

The Constitutional Court has underscored this approach. In *Government of the Republic of South Africa v Grootboom*, the Court required the state to devise coherent programmes prioritising the most vulnerable.³⁰ In *Khosa*, inclusiveness and dignity were emphasised as core to social assistance.³¹ Read together, these cases affirm

²³ Disaster Management Act 57 of 2002; Social Assistance Act 13 of 2004.

²⁴ UNICEF Malawi, *Unified Beneficiary Registry and Shock-Sensitive Social Protection* (2022).

²⁵ Olivier M, Kalula E & Mpedi LG, *Social Security: A Legal Analysis* (2013) 188.

²⁶ African Risk Capacity (ARC), *Sovereign Risk Insurance Mechanisms for Africa* (2019).

²⁷ SADC, *Protocol on Social Development* (2003); African Union, *Agenda 2063: The Africa We Want* (2015).

²⁸ Klare K, "Legal Culture and Transformative Constitutionalism" (1998) 14 SAJHR 146, 150.

²⁹ Liebenberg S, *Socio-Economic Rights: Adjudication under a Transformative Constitution* (2010) 17.

³⁰ *Government of the Republic of South Africa v Grootboom* 2001 (1) SA 46 (CC).

³¹ *Khosa v Minister of Social Development* 2004 (6) SA 505 (CC).

that adaptive social protection is not a policy choice but a constitutional obligation.

This aligns with international jurisprudence, including General Comment No. 19 of the UN Committee on Economic, Social and Cultural Rights, which stresses adequacy, accessibility, and adaptability of social security systems in changing contexts.³² Resilience must therefore be seen as a legal entitlement, linked to rights to life, dignity, equality, and social security.

8. CONCLUSION

Disasters are increasingly systemic and intertwined with South Africa's structural inequalities. This calls for a fundamental transformation of social

protection—moving from fragmented, reactive systems to anticipatory, rights-based, and adaptive frameworks.

Lessons from Zimbabwe, Malawi, and Zambia demonstrate the value of regional collaboration, digital innovation, and shock-responsive assistance. For South Africa, legal reform of the Disaster Management Act and Social Assistance Act, expansion to informal workers, and establishment of scalable financing models are critical.

Normatively, disaster-resilient social protection must be anchored in transformative constitutionalism. By reimagining resilience as a legal obligation grounded in social justice, South Africa can pioneer integrated systems that strengthen equity and solidarity across the SADC region.

REFERENCES

- African Development Bank (AfDB), *Climate Insurance and Risk Financing in Africa* (2020).
 African Risk Capacity (ARC), *Sovereign Risk Insurance Mechanisms for Africa* (2019).
 Chimhowu A, "Cyclone Idai and the Fragility of Zimbabwe's Social Protection" (2019) *Journal of Disaster Risk Studies* 11(2).
 Chinsinga B & Pinder C, "Adaptive Social Protection in Zambia: Opportunities and Constraints" (2020) *African Social Policy Review* 12(1) 44.
 Constitution of the Republic of South Africa, 1996.
 Devereux S, "Social Protection and Data Systems in Africa" (2021) *African Social Policy Review* 13(2).
 Devereux S & Sabates-Wheeler R, *Transformative Social Protection* (IDS Working Paper 232, 2004).
 Disaster Management Act 57 of 2002.
 Government of Zimbabwe, *National Social Protection Policy Framework* (2016).
 ILO, Recommendation No. 202 on Social Protection Floors (2012).
 Klare K, "Legal Culture and Transformative Constitutionalism" (1998) 14 SAJHR 146.
 Liebenberg S, *Socio-Economic Rights: Adjudication under a Transformative Constitution* (2010).
 Malawi Government, *National Social Support Programme II* (2018–2023).
 Ministry of Community Development and Social Services (Zambia), *Social Cash Transfer Programme Report* (2019).
 Mpedi LG, "Social Protection in the SADC Region: Opportunities and Challenges" (2013) 34 ILJ 901.
 Olivier M & Mpedi LG, "Extending Social Protection to Informal Workers in South Africa" (2019) 40 ILJ 1029.
 Olivier M, Kalula E & Mpedi LG, *Social Security: A Legal Analysis* (2013).
 Patel L, *Social Welfare and Social Development in South Africa* (2ed, 2022).
 SADC, *Protocol on Social Development* (2003).
 Social Assistance Act 13 of 2004.
 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 19: The Right to Social Security (2008).
 United Nations Office for Disaster Risk Reduction (UNDRR), *Sendai Framework for Disaster Risk Reduction 2015–2030*.
 UNICEF Malawi, *Shock-Sensitive Social Protection in Practice* (2021).

³² UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 19: The Right to Social Security (2008).

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