

COVID-19 AND SOCIO-ECONOMIC RIGHTS IN EAST AND SOUTHERN AFRICA

CALL FOR BOOK CHAPTER CONTRIBUTIONS

1. Introduction

On 30 January 2020, the World Health Organisation (WHO) declared the novel corona virus (COVID-19) as a “Public Health Emergency of International Concern”.¹ The WHO issued guidelines encouraging people to observe social distancing and practice hygienic sanitation, as means for preventing the spread of COVID-19.² In March 2020, the pandemic hit Africa as many countries on the continent began to register their first confirmed cases of the virus. Towards the end of March 2020, several countries on the African continent declared states of emergency while others declared states of disaster in order to create the necessary legal frameworks to implement measures to curb the spread of COVID-19.

As part of the disaster management measures, various African countries imposed stringent nation-wide lock-down measures which required people to confine themselves to their homes and only move around when absolutely necessary (stay at home orders). Commercial activity,

¹ See <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>

² See <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>

including business operations were prohibited except for those designated by the respective governments as essential services. Government security forces as well as the law enforcement agents were deployed to enforce public compliance with the lockdown measures.

The WHO's COVID-19 prevention guidelines on hygienic sanitation and the stay at home orders imposed by various governments are measures which were designed on the assumption that everyone enjoys access to socio-economic livelihoods such as adequate housing, water and adequate food.

Yet there are millions of people³ who live in abject poverty without access to these livelihoods, and as a consequence, they struggled to comply with the stay at home orders⁴ as well as the WHO's hygienic sanitation guidelines. At the same time, the lockdown measures had a drastic effect on access to livelihoods. For instance, in many of the countries informal traders were prohibited from trading, while in some countries, governments destroyed informal trading market stalls in the name of promoting health and sanitation.⁵

In light of this, the Democratic Governance and Rights Unit of the University of Cape Town, in partnership with the Konrad Adenauer Stiftung's Rule of Law Program for Sub Saharan Africa, is seeking to publish an edited book volume on COVID-19 and socio-economic rights in East and Southern Africa. The book will comprise of chapter contributions which provide a critical assessment of the impact of COVID-19 disaster

³ For example, prior to COVID-19, in SADC alone there were 41. 2 million people who lived without access to adequate food. See SADC 2019 "*Synthesis Report on the State of Food and Nutrition Security and Vulnerability in Southern Africa*". South Africa alone is reported to have 16 million people living in extreme poverty, without access to the basic decencies needed to lead a dignified life, while in Kenya it is estimated that there are 10 million people living in extreme poverty, without access to basic social services such as adequate housing, food and health care. See the World Poverty Clock available at <https://worldpoverty.io/map>, accessed on 29 May 2020.

⁴ This has resulted in various states using force to enforce compliance. See UN warns against 'excessive force' in Covid-19 response, available at

<http://www.channelafrica.co.za/sabc/home/channelafrica/news/details?id=5fc6ceee-3e79-41d2-8697-57b719a7b3ee&title=UN%20warns%20on%20%27excessive%20force%27%20in%20Covid-19%20response>

⁵ See for example the demolitions conducted by the Zimbabwean government.

<https://www.theindependent.co.zw/2020/04/30/vendors-stalls-demolitions-illegal/>

management measures on socio-economic rights in countries in East and Southern Africa. In addition, the book will explore creative ideas on how best these rights can be enforced going forward, especially in light of the democratic legitimacy and separation of powers arguments, which traditionally have been flagged to limit the role of the judiciary in the enforcement of these rights.⁶

This book is meant to be an important resource for policy makers as it will offer ideas on how to improve government policies on the implementation of socio-economic rights. It is also meant to be a critical resource for lawyers and civil society actors as it will provide them with innovative ideas which can inform their formulation of advocacy actions, including public interest litigation.

2. Invitation to submit Abstracts

Interested authors are hereby invited to submit abstracts of not more than 300 words to escrightsbook@gmail.com no later than 10 July 2020. In their abstracts, authors can propose to write on any of the following

- i. critically examine the impact of governments' COVID-19 disaster management measures on socio-economic rights in Southern and East Africa. Authors are free to focus their papers on the measures adopted by a particular country or they can adopt a comparative approach in which they analyse the situation cross countries. However, authors are strongly encouraged to focus their papers on particular socio-economic rights or to focus on access to socio-economic rights by particular groups of rights bearers. Preference will be accorded to those who propose to

⁶ These arguments are discussed in detail in Kirsty McLean. *Constitutional Deference, Courts and Socio-Economic Rights in South Africa* (2009) and Marius Pieterse 'Coming to Terms with Judicial Enforcement of Socio-Economic Rights' (2004) 20:3 *South African Journal on Human Rights* 383-417.

write on access to socio-economic rights by members of vulnerable groups.

- ii. Critically examine some of the challenges which have inhibited or undermined the judicial enforcement of socio-economic rights and suggest innovative ideas on how best socio-economic rights can be implemented going forward.

A panel of experts will review and select the successful abstracts. Authors will be informed to proceed to research and draft their chapter contributions. Selected authors will be required to submit their draft chapters of not more than 9000 words, by 15 September 2020.

3. Webinar:

A webinar will be held between 23 and 24 September 2020, to discuss the draft chapters. Each author will have an opportunity to present their chapter and will receive feedback from socio-economic rights experts in attendance. During this webinar, an expert on socio-economic rights will be invited to speak on a selected theme. After the webinar, the authors will be requested to incorporate the feedback from the plenary discussions and submit their revised drafts by 3 October 2020. These will be subjected to single blind peer review and authors will receive feedback by 20 October 2020. Authors are required to submit their revised draft chapters by 10 November 2020, incorporating the reviewers' comments. We expect to publish the book by 20 December of 2020.

Please, kindly distribute this call for book chapter contributions as widely as possible to all colleagues in your faculty as well as to other interested persons.