



The History of Social Protection in West Africa: The Example of Senegal

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Abstract: *This article is a contribution to knowledge of the evolution of social protection in Senegal. In this paper, we start from an historical approach to grasp the role of various political and trade union actors in the implementation of social policies and measures for workers and citizens in Western Africa and Senegal. The study uses a literature search and a socio-historical analysis to highlight the socio-professional relationships that have led to gains in social protection in Senegal. The analysis shows that in Senegal, social rights, and more specifically, social protection rights, are acquired through games of domination and resistance between political actors and trade unions on the one hand and trade unions of workers and employers on the other. However, the institutionalization of social rights through labor codes (1952), three major laws in the first fifteen years after independence and collective agreements has helped to lay the foundations for social protection that takes care of certain needs of workers and their families in Senegal and West Africa through social security institutions.*

Keywords: *politics, Senegal, social protection, trade unions, West Africa*

1. INTRODUCTION

At the global level, almost all countries have a more or less functional social protection mechanism or system. We understand by social protection an institutionalized set of programs, policies and measures whose purpose is to protect populations against social risks such as: maternity, disability, old age, work accidents, occupational diseases, death, family responsibilities and unemployment. But, in most African countries, social protection is closely linked to states' historical, social, and political trajectories. In fact, most social security systems were created after independence, but their history was the result of a long struggle that began during the colonial period (1915-1975). So, social protection systems are the legacy of colonization. Indeed, numerous structures and laws were created by the colonizer in the occupied territories to regulate the organization of health and safety at work. Following independence, the new West African states (16 States) retained the social gains of workers and built models inspired by what existed during colonization. The models thus constructed are generally of the Bismarckian type based around salary activity. Beneficiaries are administration agents and employees of the structured private sector. They are covered through social insurance which offers various benefits and services against social risks such as illness, work accidents, disability, maternity, old age, etc.

However, in French Western Africa (AOF), socio-historical analysis of social systems shows that regimes have been built over a long period of time and through complex socio-political situations marked by domination, discrimination, resistance, negotiations and arrangements between actors with particular or divergent strategies and interests.

In Senegal, for the past 60 years or so, the government has been building a social protection system around two components: social insurance and social assistance. Social insurance corresponds to social security as defined by the ILO, whereas social assistance is inspired by the welfare state and is aimed at socio-economically vulnerable categories.

Nowadays, social protection is considered an essential component of the country's economic and social development. In 2005, the Senegalese government drew up a National Social Protection Strategy, which is now integrated into the Emerging Senegal Plan, and particularly into axis 2 (Human capital, social protection and sustainable development). This document is the government's reference for socio-economic development policy with a view to achieving the Sustainable Development Goals in 2035.

Currently, Senegal is in a dynamic of modernization and extension of social protection for workers in the informal sector and those in the rural world. The objective is to achieve universal health coverage and the elimination of extreme poverty. But, it's a real challenge, because the informal sector for example is too hard to mobilize and the income is generally very low.

This paper aims to show the role of trade unions, politicians, employers and workers in the construction of Senegalese social protection. The text is based on documentary analysis and personal reflections. The final objective is to show the evolution of protection in West Africa in general and in Senegal in particular.

2. THE CONQUEST OF SOCIAL RIGHTS IN WEST AFRICA: WALK TOWARDS SOCIAL PROTECTION

The west Africa is an area of 16 States (5,112,903 km² or 1,974,103 sq mi) between the desert of Sahara and Atlantic coast. It can be divided into two zones, the Sudanic savanna (Sahel) and the Guinea Coast. The population of West Africa is estimated at 419 million people as of 2021. Western Africa contains a remarkable diversity of ethnic groups. During 60 years (1915-1975), the land was settled by France, Great Britain, Germany and Portugal. These countries created the first social laws and institutions for administrators et indigenoues.

2.1. Political Action in the Quest for Social Rights in French West Africa

French West Africa (AOF) was a territory of 4,689,000 square kilometers occupied and governed by France between 1895 and 1958. The seat of government was in Senegal (Saint-Louis until 1902 and Dakar until Senegal's independence in 1960). The AOF comprised 08 territories and was home to around 25 million people.

The first battles for social protection in French West Africa took place in politics. Social rights in these colonial territories were obtained politically through the roles played by some African representatives elected to the French assembly (Lamine Gueye, Houphouët Boigny, Blaise Diagne), but also by French politicians gathered around the French Popular Front. The members of African origin (fight alongside the communists and the elected representatives of the people's front (Bernard-Duque-net, 1985) for the vote and the application of laws on the end of forced labor, employment and social security in the colonies. Because Africans were considered non-citizens and metropolitan rights are not equal for everyone (Mabon, 2001). Also, French politicians such as Marius Moutet (Gratien, 2006) or Marcel de Coppet (Couturier, 2006) will instigate some form of social justice in the workplace by attacking forced labor and benefits. Marcel de Coppet will denounce the hypocrisy of colonial social policy and urge the administration to reform labor and social law in the colonies. In 1937, in a report of an inspection tour in some AOF territories, Marcel de Coppet denounced the reports of domination in the colonies.

The involvement of French politicians (through the governorate of Mr. De Coppet) on social issues in the colonies will lead to measures socially more favorable to indigenous workers.

For example: The setting of a minimum wage, The regulation of accidents at work, The promulgation of the decree on the labor of women and children, The ratification of the convention on forced labor (June 17th, 1937).

However, the progress will be questioned after the departure of the popular front in 1938. This state of affairs will lead to an awareness and a mobilization for better social protection. In French West Africa: the labor movement's slogan became, "*à travail égal, salaire égal*". But the first protests in Thiès (Senegal) were severely repressed. And the French Popular Front will be accused of mishandling the events of Thiès (September 1938) and of cooperating with the communists and the natives against the Republic. However, it is important to note that the "Labor unions and the Inspection du Travail quickly agreed on the importance of writing a Code du Travail, the former to guarantee certain rights to their members – the 40 hour week, the right to strike – and the latter to assure a rational treatment of labor questions, to have clear rules for regulating conflicts and clear definitions of what benefits workers were entitled to and what they could negotiate for" (Cooper, 2004).

2.2. The Role of Unions in Building Social Protection in Senegal an West Africa

Before the Second World War, African or Senegalese labor unions were almost non-existent on the ground. They only spoke out during social tensions and were violently repressed (Bernard-Duquet, 1985). It was between 1937 and 1948 (Cooper, 1990; 1996) that the development of awareness and

resistance was manifested in the form of organized struggles against employers and/or management personnel in the workplace (Fall B. 1993). On Senegalese territory, the first trade union actions led to strikes from 1937 onwards. The strikes were the result of the cost of living and unmet demands for salary increases in the public sectors. In the following years, trade unions mobilized against certain plans to change labor laws. The strike of African railway workers which began in October 1947 was an event of epic dimensions: it involved 20,000 workers and their families, shut down most rail traffic throughout all of French West Africa, and lasted, in most regions, for five and a half months (Cooper, 1996).

From this moment on, Senegalese trade union movements, especially urban ones, will assert themselves and mobilize in defense of the interests of local workers. All these strikes indicate that "the working class already existed and it was capable of acting" (Cooper, 2004). These different strikes of this decade have had significant results. In fact, workers had won significant wage increases; government workers were getting family allowances based on a percentage of the indemnities granted to the top ranks; unions were recognized; and wage hierarchies were expanded and bonuses granted for seniority (Cooper, 1996). However, the demonstrations around the application of social law in Africa generally and particularly in Senegal revolve around contradictory and logical principles: "within the framework of the labor code, the legislator had to apply a French code, but revised in certain aspects. This was the case with the chapter on family allowances, because of the incompatibility of this code with the realities of the African family. For Africans, in the name of the principle of equality, it was necessary to apply the code as it stood without distinguishing between French and African workers (Guèye, 2011). Their rejection of any new form of discrimination led to the rejection of highly contested plans for labor reform which provided for the development of a labor code for citizens assimilated in the French overseas territories and Togo, an indigenous code and a code in overseas territories other than Indochina. Instead, they proposed either to gradually adapt metropolitan legislation to the African continent or to create, little by little, African legislation in every detail. But the battle of the codes hides in reality a rivalry between the representations of workers in the colonies, progressive politicians and colonial businessmen who are members of the French Empire Committee. Each group wanted to defend interests everywhere in the French and/or metropolitan colonial area.

Finally, union action combined with a political struggle by African intellectuals led to significant progress in the area of social rights. Discussions between workers, employers and labor inspectorates during the various pre-independence strikes (Fombeno, 2006) led to an increase in salary and the vote of the Overseas Labor Code of December 15th, 1952 for the French colonies overseas and associated territories.

With regard to the 1952 Code, the text recognized the right of Africans to paid leave and family allowances and set weekly working hours. In addition to the Code, a number of decisions are taken by colonial institutions or local companies concerning the repair and prevention of accidents at work and occupational diseases in the Overseas Territories.

However, despite these various measures, social protection cannot really be described, since the advantages granted were motivated by the need to make the most of the working power of local populations. Moreover, in many regions, colonial social policy was discriminatory, selective and very restrictive (Aina, 2000). The colonial powers had directed their entire policies to the welfare of their collaborators, representatives and veterans. Indigenous peoples were protected to serve better. Furthermore, the 1952 Code did not cover social security (except family benefits), the prevention of accidents at work and occupational diseases.

In conclusion, the situation of workers in Senegal and in the French western Africa area was very difficult with French employers refusing to apply the provisions of collective agreements and the labor code (remuneration below the minimum, refusal to grant free care to employees, unequal treatment of family benefits between the private and the public) (Diop A. B., 2008). Finally, trade union actions in French West Africa led to the creation of the West African Welfare and Retirement Institution in 1958 which offers retirement allowance itself, allowances to beneficiaries in the event of the death of employees, a solidarity allowance for certain employees. This institution was the first to set up pension funds in the newly independent states of West Africa, starting in 1960.

After independence, trade union action in Senegal will take two forms according to the political, social and economic context and according to the demands and negotiations between the actors. Firstly, politicians try to recover and guide union action through a strategy called responsible participation (Lo,

1987). The idea was to involve unions closely in the exercise of power in order to better meet the needs of the people and to avoid any conflict. But the unions will later understand that responsible participation is nothing but an attempt to dominate politics, a desire to confiscate rights and freedoms and even to destabilize the union force. They will choose to emancipate themselves from politics and business leaders by multiplying structures and opposing government measures, especially during periods of structural adjustment. (Tidjani, 1995). In this context, during the 1980-2000 years, numerous demonstrations and strikes were held against the cost of living, the decline in salary, redundancies, privatizations, job insecurity and social insecurity. These mobilizations have not often been up to expectations, but workers' organizations have made progress in the social protection of workers and their families. For example, we can cite retirement at 60 years of age, salary upgrading, the maintenance of protective legislative provisions in the labor code, the extension of social security to vulnerable (day-by-day) sectors and groups, the assumption of the health risk of the worker and his family.

Despite their dynamism, the senegalese trade union movement is becoming increasingly fragile because the different power plans are struggling to speak with one voice because of their plurality (Dioh, 2002), the difference of opinion but also because they are very infiltrated by the politicians. (Diop B. B., 1992). As a result, their legitimacy is being questioned (Mbodji, 2009) and workers are increasingly alienated from politicians and employers. Moreover, the strategies used to achieve social progress, such as strikes and negotiations, are comprehensive and non-sectoral.

These strategies discredit union organizations and are not effective because they do not respond to specific wage demands. This helps to better understand the recurrence of certain points in the claim platforms.

3. PROTECTION IN SENEGAL: BUILDING A MODEL BETWEEN INSURANCE AND ASSISTANCE

The construction of the Senegalese social protection system required the development of legislative texts but also the creation of structures responsible for offering benefits and services linked to social security.

3.1. Protection in Senegal: Between Law and Regulations

Firstly, social protection is a fundamental human right. Article 22 of the 1948 Declaration of Human Rights states: *“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”*. In fact, people have the right to social security in order to live with dignity and freely develop personality.

Secondly, the Senegalese fundamental law (2021), mentioned in the article 8: *The Republic of Senegal guarantees all citizens fundamental individual freedoms, economic and social rights and collective rights*. In addition, in the Senegalese constitution the article 17 stipulates: *The State and public authorities have a duty to look after the physical and moral health of the family and, in particular, the disabled and the elderly*.

Moreover, from the moment of its accession to sovereignty, Senegal, has acquired a legislative and institutional system through the Labor Code (1961), the Social Security Code (Law No. 73-37 of July 31, 1973), creation of The Pension Insurance Institution of Senegal (decree n°3043 of March 9, 1978), social welfare institutions (Law No. 75-50 of April 3, 1975) and numerous collective agreements.

As a result, in the late 1970s, almost every industry had a collective bargaining agreement. However, this multitude of agreements constitutes obstacles to collective labor and employment regulation. Thus, in order to better harmonize the regulations and to provide a more or less identical response to the concerns of workers and employers, representatives of several unions and inter-unions signed in 1982, with the State of Senegal, a National Interprofessional Collective Convention. In addition, in order to strengthen labor legislation, in 1997 Senegal elaborated a new labor code for private sector workers. This document contains a set of regulations on employment, health, safety and health at work. The new Code was a major step forward in the field of labor legislation in that it not only exceeded the of 1952 colonial code and granted more privileges to local workers, but also extended the rights to private and other workers not covered by the 1961 Civil Servants Act. However, the Labor Code is not binding in the majority of formal sectors, whether they are remuneration, dismissal or occupational safety. The

texts lack constraints because they are covered by conventions, which are themselves obsolete and not binding on employers.

Finally, by adopting No. 75-50 Act of April 03th 1975 on Social Welfare Institutions, the Senegalese government, workers and employers guarantee workers full social protection through the provision of health care and pensions. The text defines the scope of action of social institutions, benefits and beneficiaries. It defines the institutional framework for the management of social insurance and provides a framework for the social protection of workers, particularly in the field of prevention and redress of accidents at work, illnesses, allowances and family benefits, etc.

In Senegal, as everywhere in Africa, the professional relations between employees' organizations, employers' associations and political authorities are complex. They are at once adversarial, collaborative, strategic and sometimes consensual. If during the colonial period, Senegalese trade unions (affiliated with African trade unions) were at the forefront of demands for wages, equality, autonomy or national independence (Fall M., 1989), from the years 1970-1980, the struggle will crystallize around the social protection of Senegalese workers.

Moreover, in recent years, unions have been involved in negotiations on social protection and in the elaboration of the National Social Protection Strategy. They shall ensure that the laws on the protection of workers and their families are applied.

3.2. Senegalese Social Protection Model: Assurance and Assistance

Since 1961, Senegalese social protection has been built in two ways: social insurance and social assistance.

Firstly, Senegalese social protection is of Bismarckian inspiration. It favors welfare or compulsory social insurance through employment. In fact, Senegalese citizens benefit from protection through a regular monthly contribution. The model is designed for people who have a regular income. It is a contribution-retribution system. Since the country's independence in 1960, successive governments have succeeded in building a model of social security for civil servants and workers in the formal private sector. The latter contribute regularly and are insured against health, maternity and old age risks. Legislative texts have been developed and institutions have been created to better build the Senegalese social protection system. Indeed, following Senegal's accession to independence (1960), civil servants benefited from social protection (health and retirement) through Law No. 61-33 of June 15th, 1961 relating to the general status of civil servants. A few years later, Senegal acquired institutions such as the social security fund (Law 73-37 of July 31, 1973 establishing the Social Security Code of Senegal) and the Institution of Health Prévoyance (Law n° 75-50 of April 3, 1975 relating to Social Welfare Institutions). These institutions provide protection for workers and their families against many risks. The scheme provides: medical care, sickness benefit, old-age benefit, employment injury (workmen's compensation) benefit, family allowances, maternity benefit, invalidity benefit, and survivors benefit.

Furthermore, old age risk is covered by the National Retirement Fund for civil servants and the Pension Insurance Institution of Senegal for private sector workers. Senegalese social security is essentially based on a contributory system (Verbrugge and al., 2018) which is mandatory. The model is designed for people who have a regular income (workers in the formal private sector, civil servants and public administration agents). In 2023, they make up less than 500,000 people (5% of Senegalese population) and they benefit from services through The Social Security Fund (CSS), the Social Insurance Institute for Old-Age Pensions (IPRES), Health mutual insurance companies (IPM). Also, the Senegalese social protection system includes mutual health insurance for categories not covered by social security. Indeed, since the beginning of the 1990s, low-income populations, workers in the informal sector (Alfers and al., 2017) and those in the rural world have been able to benefit from health insurance through community health mutuals. The latter offer health insurance accessible at health posts, health centers and hospitals. Membership is not linked to salary employment. Each individual, each household can join by paying 50% of the annual contribution (3,500 XOF) to a mutual health insurance fund. The rest is paid by the State of Senegal. Also, the Government of Senegal fully covers the health costs of beneficiaries of Universal Health Coverage and those of the family security grant.

Secondly, social assistance is another aspect of social protection. Theoretically, it is non-contributory and based on charity, solidarity and the assistance of public institutions. Very often social assistance programs have few or no restrictive conditionalities. For public authorities, it is a question of helping

the poorest, the most precarious and the most vulnerable through generous mechanisms. The Senegalese model of social assistance is composed of social action, national solidarity and social assistance through social programs. For a very long time, it was the first two elements (social action and solidarity) which were favored by the State to provide occasional assistance to citizens in need.

Since 2013, the Government of Senegal has changed its paradigm by including social assistance as an active component of social protection (Diallo, 2022). Indeed, through social programs such as the Family Security Grant, Universal Health Coverage and the Equal Opportunities Card, the State offers households and individuals in situations of poverty the possibility of benefiting from transfers, money to survive and health insurance for health needs. Beneficiary individuals and households are identified from the Single National Register which is a database containing thousands of people in situations of poverty, precariousness and vulnerability.

In recent years, measures have been taken to enable certain so-called vulnerable groups to benefit from care through a kind of health insurance set up by the public authorities. These include, for example, the automobile guarantee fund for road accident victims, the "Sesame Plan" for the elderly, the medical service for students, and numerous free services for the treatment of illnesses or health needs (malaria, HIV, tuberculosis, cesarean sections, haemodialysis). These various social measures are free of charge for the population and are paid for exclusively by the State through an allocation, as they are social interventions in the spirit of the Welfare State. However, despite the initiative and political will of the time, the authorities were unable to achieve the objectives set out in this policy. The reasons for this failure are to be found in the shortage of quality human resources, the lack of a long-term vision for these measures with the development of a national social action policy, the dispersal of efforts by the various players and stakeholders in the social field and the problem of funding. Despite massive efforts to allocate additional resources to social assistance programs, these programs represent only 16% of total social protection expenditure. Most social protection expenditure is currently allocated to social insurance programs that benefit only 6% of the population. Nowadays, The Government of Senegal consider the extension and strengthening of social protection a fundamental element of its economic and social development strategy, as reflected in the National Social Protection Strategy.

4. CONCLUSION

The history of social protection shows that the system was built in a particular context marked by social and professional domination. Firstly, social benefits were a means of expressing and perpetuating colonial domination, secondly, a requirement within the framework of a universal right and, finally, an imperative within the framework of social security. However, the current Senegalese system is the result of a struggle that has seen a strong mobilization of workers and their representatives, politicians and even citizens who, through particular strategies, have resisted pressure, physical attacks and freedoms, manipulation, ... to build a modern social protection system.

Since the 2000s, and with the support of development partners, new social protection policies and programs have been developed, including: long-term, regular cash transfer programs for extremely poor households; seasonal cash transfers; long-term labor-intensive public works programs; school feeding programs; health fee waivers; and initiatives to set up general health insurance. For Example, in 2009, the United Nations agreed to a "Social Protection Floor Initiative" that encouraged countries to build comprehensive social security systems. In the same vein, the World Bank and the ILO support countries like Senegal in their national social protection strategy (Zelev, 2015).

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