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BUILDING SOCIAL PROTECTION SYSTEMS IN SOUTHERN AFRICA

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ABSTRACT

Comprehensive social protection systems comprise several components, including: (1) social assistance, (2) social insurance, (3) developmental mechanisms that simultaneously "protect" and "promote" livelihoods, and (4) "transformative" measures that promote social inclusion and social justice. While most African countries are implementing a range of social protection projects or programmes, very few (if any) can claim to have fully articulated social protection systems, but South Africa's is probably the most comprehensive in sub-Saharan Africa. Social grants to vulnerable groups include the Child Support Grant, the Disability Grant and the Old Age Grant, which together reach a quarter of all South Africans. The government is planning to introduce a National Health Insurance scheme. The government also runs the Expanded Public Works Programme (EPWP), which offers temporary work opportunities as a response to high rates of structural unemployment. Finally, the post-apartheid government introduced a raft of progressive social policies, including minimum wages and workers' rights, which promote social justice. Do these mechanisms (plus others) add up to a complete social protection system, or do significant gaps remain – are there holes in the safety-net? To what extent do South Africa's neighbours either have the same policies (for instance, Botswana, Namibia, Lesotho and Swaziland all run national social pension schemes) or the potential to build similar systems (what are the constraints)? This paper aims to describe and analyse the social protection system in South Africa, identify any remaining gaps in the system, compare South Africa's system with projects and programmes in neighbouring countries, and propose the steps that are required to build comprehensive social protection systems in southern Africa.

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1. Introduction

South Africa is widely and deservedly praised for the comprehensiveness, generosity, fairness and efficiency of its social protection system. On the other hand, when South Africa is held up as a model for other countries in Africa to emulate, this experience is invariably dismissed as irrelevant, on the grounds of "South African exceptionalism". South Africa is so much wealthier and better "developed" than its neighbours, it is argued, that it offers few useful lessons for other African countries. This paper aims to challenge that assumption. It argues that several factors combine to explain South Africa's extensive social protection system, not only its greater wealth and fiscal resources. Many of these factors are political, rather than economic. Comprehensive social protection requires not only sustainable financing but sustained political commitment, which must be driven from below – by citizens and civil society – as much as from above – by governments and their international development partners.

In 2002, the Taylor Committee of Inquiry into a Comprehensive System of Social Security for South Africa developed a definition of "comprehensive social protection" for South Africa that "is broader than the traditional concept of social security, and incorporates development strategies and programmes designed to ensure, collectively, at least a minimum acceptable living standard for all citizens. It embraces the traditional measures of social insurance, social assistance and social services, but goes beyond that to focus on causality through an integrated policy approach including many of the developmental initiatives undertaken by the State" (Taylor Committee 2002). The Taylor Committee recommended four sets of measures, to address "income poverty" (provision of minimum income), "capability poverty" (provision of certain basic services), "asset poverty" (income-generating assets) and "special needs" (for example, disability or child support) (van Rensburg 2005: 10). This is a broad policy agenda that links social welfare interventions to other social services and to income generating development, though it does not focus directly on measures to promote human rights and social justice.

The next section of this paper provides a selective overview of social protection policies and programmes in South Africa, identifying components that fall under the broad categories of social assistance, social insurance, livelihood promotion and social transformation. Both the positive and the negative impacts of these interventions are discussed, and gaps in the system are identified. Drawing on this experience, the next section argues that four features of the South African approach to social protection offer useful lessons to other countries: the fact that it is led by the government rather than by donors; the role of civil society mobilisation in securing and enhancing rights to social protection; the establishment of a justiciable "social contract" on social protection through the Constitution, a Bill of Rights and legislation; and design and delivery choices that have aimed to maximise access to, and the impact of, social grants. The paper concludes by arguing that comprehensive social protection is absent from most African countries not because of resource constraints, but because of lack of political commitment – not only by governments but by civil society, which, to date, has failed to prioritise social protection.

2. Social protection in South Africa

South Africa's contemporary social protection system must be contextualised within its unique history, which includes the introduction, as long ago as the 1920s, of elements of European-style social welfare provision.2 Given South Africa's close historical linkages with Western Europe, and the fact that these measures were introduced explicitly to serve the needs of the ruling white minority, this can be explained by "diffusion theory" – "social institutions are culturally diffused from some societies to others" (Midgley 1997: 107). Although this provision was, initially, selective and racially discriminatory, rather than universal, access was extended over time to the entire population, and payment levels were eventually equalised across all race groups. Similar social welfare and employment-related social security schemes were "diffused" to many other European colonies during the first half of the 20th century, and the legacy of these policies remains, to varying degrees, in most African countries today. Conversely, the recent spread of social pension schemes in southern Africa and of unconditional cash transfer schemes in many African countries (discussed further below) might be better explained by the "convergence hypothesis" – an empirical observation that neighbouring countries tend to introduce similar social programmes.

The main limitation of European-style social welfare and social security in the African context is their limited coverage. Social security covers only a small minority (typically 5-20%) of the population who are in formal employment, while budgets for social welfare are too small, in most countries, to reach the large majority who are not formally employed – people working in the informal sector or self-provisioning agriculture, where most poverty and vulnerability in Africa is concentrated. It was mainly to fill this gap in formal provision that social protection was devised in the late 1990s.

South Africa's unique social policy history exemplifies a more general truism, that design choices on social protection programmes – such as eligibility criteria, payment levels and linkages to other programmes – are not only technical decisions but also have profound implications for the distribution of state resources and for patterns of integration and social exclusion: they are, therefore, "deeply important politically" (Lund 2008: 59). This became particularly evident after South Africa's transition to democracy in 1994, as the ANC government has since used social policies to achieve overtly political goals – to redress historical injustices and inequities – as reflected in new pro-poor social protection programmes, increased coverage of existing programmes, steadily rising budget allocations and payment levels, and a range of progressive social legislation.

2.1. Social assistance

South Africa allocated 3.5% of its GDP in 2010/11 to social assistance programmes (Black Sash 2010: 13). The most significant components are three grants that target children (the Child Support Grant, Foster Child Grant, and Care Dependency Grant) and four grants that target adults (the Disability Grant, Older Person's Grant, War Veterans' Grant, and Grant-in-Aid). In terms of coverage, the largest programme is the Child Support Grant, which reaches more than 8 million children, followed by the Older Person's Grant (also known as the state Old Age Pension) with 2.2 million recipients, the Disability Grant with more than 1.4 million beneficiaries, and the Foster Care Grant, which is given for nearly 500,000 children (Black Sash 2010; McEwen et al. 2009).

2 The right to a state-funded social pension for all "White" and "Coloured" citizens and residents of the Union of South Africa aged 65 years or older was established by an Act of Parliament in 1928, and extended to "Indians" and "Africans" in 1944, though at lower rates, on the grounds that "non-Whites" had lower standards of living and stronger "traditional" support systems (Devereux 2007).

The incidence of social grants, most of which are means tested, is pro-poor. More than half of all households in the poorest two income quintiles, but less than one in ten in the richest quintile, are in receipt of child grants (see Table 1). Households in the poorest quintile receive a remarkable two-thirds of their income from social grants.

"As one moves up the income distribution, labour market income becomes increasingly important and reliance on social assistance is commensurately reduced" (McEwen et al. 2009: 19).

Table 1. South African households reporting income from social grants, by quintile

Quintile	% reporting any income from Child Grants	% reporting any income from Disability Grant	% reporting any income from OAP
1	55.8%	5.7%	9.8%
2	57.9%	10.9%	27.1%
3	45.4%	14.7%	23.5%
4	26.5%	9.9%	17.7%
5	9.0%	2.8%	5.0%
All	33.6%	8.2%	15.3%

Source: McEwen *et al.* (2009: 19)

Several evaluations have confirmed that South Africa's social grants deliver a range of positive impacts to recipients and their families. These positive outcomes, which are consistent with findings from cash transfer programmes elsewhere, can be disaggregated into six categories.

1. **Food security and nutrition**: There is statistically significant evidence that receipt of the Child Support Grant (CSG) reduces child hunger, both over time and compared to similarly poor households that do not receive the grant (Samson et al. 2010). Children who receive the Child Support Grant are significantly taller than other children, as measured by height-for-age (Agüero et al. 2006: i). One factor explaining this finding might be that recipients of CSG cash are almost always women, and although the income elasticity of nutrition is generally low, it is higher for women's income than for men's income.

2. **Human capital**: The height gains attributed to the Child Support Grant translate into a potential increase in lifetime earnings that is estimated at 160–230% (Agüero et al. 2006). Despite being an unconditional grant (at least until an education condition was introduced in January 2010), the CSG has been shown to increase school enrolment (Samson 2010). This effect is relatively small, since enrolment rates in South Africa are already high, but is much larger if expressed as a percentage reduction of non-enrolled children. There is also evidence that receipt of an Older Persons Grant increases enrolment among children in the household – in skip generation as well as in three-generation households – and that this effect is more pronounced for girls than for boys (Budlender and Woolard 2006).

3. **Livelihood impacts**: Social grants are not only consumed; they are also invested in a range of livelihood activities, from input purchases for farming to working capital for enterprises such as petty trading. This allows recipients to multiply the value of their grants, thereby generating income as well as raising consumption directly. Refuting perceptions that receipt of social grants is associated with lower incentives to work, a study by Samson et al. (2004) found that South Africans use their grants partly to subsidise the costs of job-seeking, such as transport and child care. People in households that receive social grants recorded higher rates of labour market

participation, more success in finding employment, and more rapid increases in wage income, than comparably poor households with no grant recipients.

4. **Economic and financial impacts**: Predictable transfers allow recipients to manage risk better, protecting their assets and strengthening their resilience against livelihood shocks. Spending of social grants builds local markets and generates income and employment multipliers. Many social pensioners and other grant recipients save some of their monthly transfer income, to build a contingency fund or to finance large purchases or expenses. In addition, the fact that this income is regular and guaranteed allows recipients to access credit on favourable terms (Neves et al. 2009).

5. **Empowerment**: Social grants that target socially marginal groups – such as older persons, people with disabilities and people who are chronically ill – are associated with positive social impacts for these individuals. Once they register for and receive social grants, their status within families changes, from being dependent on support from their immediate and extended families, to bringing in income and contributing to the household's resources. This access to regular flows of independent income gives the recipients bargaining power within the family, and is, therefore, both economically and socially empowering.

6. "**Macro-social" impacts**: According to Neves et al. (2009: 2-4), "cash transfers generate important political effects in high-inequality, post-repression contexts such as South Africa. They not only are an effective redistributive mechanism, thereby tempering social unrest, they also have symbolically served as an important part of the renewed social compact between citizens and state". Sceptics would qualify this positive interpretation, arguing that the steady expansion of social grants has been paralleled by persistently high levels of poverty and inequality, and that the government, in its pursuit of a neo-liberal growth-driven economic policy, has favoured a welfarist response as the easy option, rather than taking more radical actions to address the underlying causes of these problems.

Social welfare systems across the world are also blamed for a number of negative impacts, and South Africa's social grants are no exception. Common criticisms include "perverse incentives" such as discouraging work (so-called "dependency syndrome"), crowding out informal social protection mechanisms (for example, private remittances), being misused (for example, spent on alcohol and drugs), and raising fertility rates (in the case of child benefits). Because South Africa's social grants are large-scale and relatively generous, these accusations are frequently made, often supported by anecdotes that receive disproportionate attention in the media – a few stories of "welfare scroungers" can undermine public perceptions of programmes that successfully deliver vital assistance to millions of people. However, the prevalence of these negative effects at an aggregate level appears to be trivial.

> "The preponderance of available evidence on South Africa shows little evidence for social transfers crowding out private remittances, elevating fertility rates (including amongst teens), generating labour disincentive effects, or generally leading to inappropriate expenditure" (Neves et al. 2009: 2-4).

Particular concerns have been raised about whether the Child Support Grant is responsible for an increase in teenage fertility among young women, as a deliberate strategy to access more grant income. Although there are anecdotal reports of this behaviour, there is no evidence of this behavioural response on any significant scale. An empirical analysis finds "no association between teenage fertility in South Africa and the Child Support Grant" (Makiwane and Udjo 2006: 15), for three reasons. Firstly, although teenage fertility has risen, this has occurred among teenagers who do not receive the CSG, as well as among those who do. Secondly, this increase started before the CSG was introduced in 1998. Thirdly, only a small minority of CSG recipients (<3%) are teenagers – most primary care-givers who receive the CSG are over 35 years old.

2.2. Social insurance

One complaint often made about South Africa's social protection system is the relative lack of provision for the working-age poor. As the age of eligibility for children is raised and that for social pensioners is lowered, coverage of the population is steadily increasing, but the CSG is unlikely to be extended further (eligibility was raised to children under 18-years-old in January 2010) and the Older Person's Grant is unlikely to be lowered further (it was equalised for men and women at 60 years in April 2010), so the population between 18 and 60 years of age remains relatively uncovered by either social assistance (except for persons who qualify for the Disability Grant) or social insurance mechanisms.

> "Social and employment-related insurance contributions provide only a limited safety net for a small portion of the population. … data for a number of wellbeing indicators suggests that many South Africans continue to live in conditions of 'social insecurity'" (Lefko-Everett 2008: 8-9).

Unemployment rates in South Africa are among the world's highest – almost 30% in 2004, if defined narrowly as those who are actively searching for work, but over 40% if defined broadly as those who are willing to work but not searching. Unusually, these rates are higher in rural than in urban areas, especially in the former "homelands". However, "only about 3% of the unemployed are receiving unemployment support at any one point in time" (Klasen and Woolard 2006: 2). The main source of employment-related social security is the Unemployment Insurance Fund (UIF), to which all formally employed workers must contribute through wage deductions by their employers, and which pays unemployment benefits for up to six months. The government has taken steps to extend social security to informal workers – a minimum wage "sectoral determination" was introduced for domestic workers (about one million, mainly poor women) in 2002 and for farm workers in 2004, and these workers were included in the UIF. Despite efforts to extend coverage, only half (52%) of South Africa's 12.6 million workers are covered by the UIF – the other half are excluded because they work in uncovered sectors or in casual or self-employment – while a further 13 million working-age people are economically inactive and have no access to any form of social security at all (Lefko-Everett 2008: 21, 23).

Unemployed South Africans survive mainly on private (family) support, which, in turn, is often "subsidised" by social assistance programmes – in other words, the "dilution" of public transfers from intended beneficiaries (mainly children and social pensioners) to other family members (unemployed adults). One strategy that unemployed youth deploy to maximise their access to these "diluted" grants is delayed household formation (Klasen and Woolard 2006) – rather than cash being remitted to unemployed adults living elsewhere, young adults live at home with their parents or carers for longer, sharing household resources (including social grant income) and eating from a common pot. However, this strategy has several costs – it reduces labour mobility, it may create a disincentive effect, it compromises the impact of social grants on intended beneficiaries (for example, if CSG cash is diverted from educating a child to feeding her unemployed uncle), it creates strains within families and can even drag entire families down into poverty.

> "those who are the providers of the safety net also have to shoulder a considerable burden for their willingness to support the unemployed. … there is a close correlation between hosting unemployed people and poverty … the strain on this private safety net has increased over time as more households have to host more unemployed members" (Klasen and Woolard 2006: 18).

Another option for delivering a guaranteed minimum income to the working-age poor is a Basic Income Grant (BIG) – a regular unconditional cash transfer to every citizen – which has been extensively debated in South Africa, and was recently successfully piloted in one community in Namibia (Haarmann et al. 2008). The idea of a Basic Income Grant was actually recommended by the Taylor Committee, as a measure to address structural unemployment – to "relieve the income poverty of the many who will not be rescued by policies designed to stimulate gainful market insertion" (Taylor Committee 2002). The campaign for a Basic Income Grant in South Africa is motivated by a concern to ensure that all South Africans have enough income for their subsistence needs (Makino 2004). Despite mobilising some influential supporters, the BIG has not yet gained much political traction, with former Finance Minister Trevor Manuel being a high-profile opponent.

Interestingly, not everyone agrees with the extension of the age threshold for the Child Support Grant up to 18 years – including the person most responsible for its introduction, Francie Lund, who chaired the Committee for Child and Family Support that first proposed it. Lund argues that this extension is related to the BIG campaign, but that broadening the CSG coverage dilutes the original focus on the special needs of young children.

> "The age extension has been seen by some as a tactical stepping stone to a universal income benefit, the Basic Income Grant (BIG). … The idea of the special vulnerability of children in their earliest years, and especially their need for adequate nutrition, has been diluted through the age extension of the CSG" (Lund 2008: 115).

This debate is related to the biggest objection to the BIG – its inevitably substantial costs. Using micro-simulation techniques, Samson et al. 2002 demonstrate that almost half the gross cost of a universal BIG in South Africa could be recouped from wealthier citizens through adjustments in the income tax structure, and from value-added tax, which would recover a large proportion of BIG spending by recipients. Nonetheless, the "targeting vs. universalism" dilemma remains (Mkandawire 2005): given a budget constraint, is it more cost-effective – from the poverty alleviation perspective – to target resources on the poor, or to spread these resources more thinly over the entire population?

2.3. Livelihood promotion

Not all interventions that promote livelihoods can be classified as social protection – this would extend the definition to all development interventions – but some mechanisms that function primarily as social protection also support productive activities and income generation. The best-known example of this category of interventions is probably public works programmes, which transfer food or cash to individuals in exchange for their labour (food- or cash-for-work). Public works programmes usually construct or rehabilitate physical infrastructure (for example, rural roads and dams) or productive assets (for example, canal irrigation for smallholder farms). A principle established by the World Food Programme during the 1990s was that the benefits of assets created by public works should accrue to those involved in the works – so the workers derive a double benefit: an immediate food or income transfer (the "livelihood protection" component) and the income-generating potential of the assets (the "livelihood promotion" component).

Public works are popular with policy-makers because they are self-targeting (only those who need the work will volunteer for low-paid manual labour); they produce potentially valuable assets; and they avoid "dependency" (because people have to work, rather than receiving free transfers). Nonetheless, public works have a bad reputation, for several reasons. Despite being "self-targeting", they are associated with high exclusion errors (especially of poor people who are labour-constrained); participants rarely "graduate" into the formal labour market (because unemployment in low-income countries is often structural); and the assets created are typically low quality, while the lack of a maintenance budget means that they rapidly deteriorate (for example, feeder roads that are washed away by the rains and have to be rehabilitated every year, as has been reported on public works in Ethiopia, Lesotho and elsewhere) (Devereux and Solomon 2006).

A fundamental concern about public works is that they provide inadequate social protection because they are discretionary (rather than guaranteed, as in India's Employment Guarantee Scheme) and limited in coverage. South Africa's Extended Public Works Programme (EPWP) aimed to create 200,000 employment opportunities each year between 2004 and 2009, but as McCord (2008: 171) points out, given that national unemployment estimates range between four and eight million, this level of provision is "trivial". Moreover, since the demand for EPWP places exceeds supply by orders of magnitude, the notion that the wage rate can be adjusted (i.e., lowered) to self-target the poorest is not only unfeasible, but also unethical – contravening other progressive legislation in South Africa on minimum wages and decent work.

A secondary objective of the EPWP was to improve physical infrastructure (rural roads, water and sewerage pipelines, etc.) using labour-intensive methods, in areas with high unemployment and large infrastructure deficits (Devereux and Solomon 2006: 63). Again, McCord (2008: 166) finds "little evidence of a positive economic or livelihood impact rising as the result of the creation of assets through public works programmes". A survey of public works participants in two provinces concluded that these interventions have had a negligible impact on poverty reduction, because they provide employment for only 2-4 months.

> "Even with PWP income, 99% of Zibambele households and 89% of current Gundo Lashu households still fell below the monthly adjusted per capita HSL [Household Subsistence Line] poverty line of R486 by a significant margin. Participation in the PWP has not moved the majority of participating households out of poverty" (McCord 2004: 52).

The point is that a short-term episode of low-paid employment on a public works project is unlikely to have impacts that persist beyond the duration of this employment, raising questions about the effectiveness of public works as either a poverty reduction or social protection intervention. As McCord (2008: 168) concludes:

> "Offering a temporary consumption-smoothing intervention, in the context of chronic mass un(der-) employment and poverty represents a serious mismatch between problem and policy response."

Yet, the government appears to be committed to expanding the EPWP as the main plank of its efforts to deliver livelihood-promoting social protection to the working-age poor in South Africa.

2.4. Social transformation

For a historical analysis of national social policy, South Africa can be divided into two periods: pre-1994 and post-1994. Although some steps towards the equalisation of social grants across ethnic categories had been initiated before the transition to democracy, these efforts were accelerated after the ANC came to power in 1994, and a range of progressive economic and social policies was introduced that aimed not only to "level the playing field" (for example, Black Economic Empowerment) but also explicitly to reverse historic injustices (for example, land reform and re-distribution). Importantly, these policy changes are not limited to social grants and re-distributive transfers from rich to poor, but involve the extension of justiciable rights to people who were previously marginalised and disempowered, and therefore operate at the level of fundamental causes of poverty, rather than responding to the symptoms of poverty with welfarist handouts.

Professor Vivienne Taylor, chair of the Committee of Inquiry into a Comprehensive System of Social Security in South Africa (Taylor Committee 2002), recently argued that:

> "In placing social grants as a key pillar of a broader social protection strategy South Africa is moving away from a piece-meal residual and reactive approach to poverty to an approach that is socially and economically empowering. A comprehensive approach has protective, developmental, redistributive and transformative functions that together are giving people the building blocks for survival with dignity" (Taylor 2010: iii).
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> "Transformative social protection" (Sabates-Wheeler and Devereux 2008) is an approach that focuses on the social determinants and the structural causes of vulnerability and poverty – such as social exclusion and marginalisation – and argues that interventions that promote inclusion and social justice offer more sustainable and empowering solutions than social grants alone (though some groups will always need social assistance). Much of South Africa's response to poverty since 1994 can be described as "transformative" in intent.

While South Africa's democratic transition occurred fairly recently, all African countries were colonies of European powers and most achieved independence during the 1950s and 1960s, though for some – such as Zimbabwe in 1980 and Namibia in 1990 – independence came more recently. It follows that almost every African country has enjoyed a historical moment within the last half-century when the government changed, from one that was, at best, paternalistic or indifferent and, at worst, hostile to the needs and aspirations of the local populations, to one that represented the interests of the majority and acceded to power with a mandate to advance these interests. However, in many cases, the opportunity provided by this historical moment was either squandered or eroded over time, for a variety of reasons ranging from military coups to collapsing commodity prices, to economic mis-management and "neo-patrimonialism" (van de Walle 2001).

It is too easy to attribute the limited social protection provision in such countries to resource constraints. There are many positive examples where governments in low-income countries (not only in Africa but also in Asia and Latin America) have chosen to invest substantially in social sectors – education and health care – as well as in social protection for vulnerable citizens. Where the political commitment exists, financial and administrative capacity invariably follows. It should also be stressed that many legislative reforms to introduce economic, social and cultural (ESC) rights can transform the lives and livelihoods of millions of people, but cost almost nothing in terms of government spending. Examples include legislation to outlaw discrimination against minority groups, and statutory minimum wages, the costs of which are borne by employers.

Critics of minimum wages argue that the costs are, instead, borne by the workers – because raising wages will only result in workers being laid off (or "dis-employment") as employers cut their costs – but reviews of cross-country evidence find that experiences are mixed. The employment effects of minimum wage legislation vary depending on factors such as the elasticity of labour demand, and the gap between prior wage rates and average wage rates. If employers are paying well below workers' marginal value product (for example, in contexts of mass unemployment and poverty), then enforcing a "fair wage" will reduce exploitation profits, but without necessarily prompting lay-offs of workers (Devereux 2005).

Minimum wage legislation has a long history in Africa, but, in most countries, levels are set too low to be binding, weak enforcement capacity by Labour Ministries means that non-compliance is common, and the poorest workers tend to be concentrated in sectors that are not covered. South Africa has addressed this last issue by introducing sector-specific minimum wages for two historically-marginalised groups – domestic workers and farm workers on commercial farms. Although all workers were protected by the Basic Conditions of Employment Act of 1997, it was recognised that domestic and farm workers were particularly vulnerable, and needed additional attention.

The Sectoral Determination for the Domestic Worker Sector, promulgated in 2002, set a minimum wage that is reviewed and adjusted annually, and complemented several protection rules that apply to all domestic workers. Regulations were introduced relating to working hours and overtime, employment contracts, leave entitlements and dismissal procedures. Employers were required to register their domestic workers with the UIF, and to make monthly payments into the fund. However, a recent empirical study found that many employers do not respect these regulations, and that they continue to pay their domestic workers below the minimum wage. Reasons for this continued exploitation include power imbalances between employers and workers in South Africa, which was historically race-based, but has acquired a class dimension with the emergence of a Black middle class; and workers' fears of losing their employment if they complain or demand their rights – an understandable concern given the high levels of structural unemployment in South Africa (Beswick 2008).

One million people were evicted from commercial farms in South Africa between 1994 and 2004, losing their employment, land, housing and security (Greenberg 2010: 17). Many families had lived on these farms for generations, but farmers responded to agricultural liberalisation (for example, the loss of subsidies that had been channelled to White farmers during the apartheid era, and rising competition following the de-regulation of export markets), and to rising costs of labour (not only minimum wages, introduced under the Sectoral Determination for Farm Workers in 2003, but also strengthened working conditions and workers' rights), by "casualisation" of labour. Since workers with permanent contracts are now entitled to social security, annual leave, maternity leave, overtime payments and minimum wages, many farmers evaded these provisions by evicting their permanent employees and hiring seasonal or casual labourers, who do not enjoy the same levels of protection and rights. Paradoxically, therefore, the introduction of progressive social legislation actually made hundreds of thousands of poorly paid and exploited workers –and their families – poorer and more vulnerable than before.

Civil society responded to non-compliance by farmers and human rights abuses on farms – including summary and often illegal evictions of farm workers – by mobilising farm workers. Strategies included educating workers about their rights and assisting workers to claim these, creating trade unions and building their capacity to represent their collective interests, resisting evictions and advocating to change the law, providing legal aid, and making representations to Parliamentary committees on issues ranging from labour broker regulation to minimum wages and land tenure security for farm workers (Solomon 2010).

The lesson to be drawn from the experiences of domestic workers and farm workers in South Africa is that legislating rights and entitlements is a necessary, but not a sufficient, condition for achieving equity and social justice objectives. For rights to be effective, they need to be upheld in practice, and this requires effective follow-up activities to monitor and enforce compliance, either by governments or by civil society.

3. Building social protection systems

Four key features of South Africa's social protection system, and their implications for social protection in other countries, are discussed below. First, it is government-led; in contrast to many African countries, there is very little donor involvement in design or financing, which is important, as most donor-led programmes do not transform themselves into institutionalised national social protection systems. Secondly, it is citizen-driven – civil society has successfully mobilised to secure rights and enhance claims to social protection in a range of campaigns. Thirdly, it is underpinned by a "social contract" between the government and citizens, including legislation that guarantees enforceable claims and holds government accountable for delivery. Fourth, proactive steps have been taken to maximise the impact of social grants, by assuring access to all eligible citizens,[3] by paying relatively generous benefits, and by linking cash payment levels to price inflation.

3.1. Government-led

In the majority of African countries, social protection has been, and remains, a donor-led agenda. The international donor community – led by influential agencies including the World Bank, DFID and UNICEF – conceptualised social protection in the late 1990s and has promoted it vigorously throughout the first decade of the 21st century. Donor strategies to accelerate uptake of social protection – especially unconditional cash transfer programmes – include providing technical assistance and direct financing to the design, implementation and evaluation of pilot projects and national programmes, building the capacity of government ministries, and even lobbying Parliamentarians (CSP et al. 2010). These efforts have produced notable successes in some countries, where effective national social protection programmes have been established through donor-government partnerships, but, in other cases, governments remain unconvinced, and donor-funded projects have failed to scale up to institutionalised national programmes. Concerns commonly expressed by these governments include the substantial cost of large-scale claims-based cash transfer programmes, fears that they will breed "dependency syndrome" and undermine the efforts of poor citizens to achieve self-reliance, and asymmetric priorities between governments (who prefer to invest their scarce resources in "productive" sectors such as agriculture) and donors (whose focus is, instead, on the poorest and most vulnerable – in effect, the "welfare caseload" that every society carries).

From this perspective, Southern Africa can be divided into two clusters of countries. The first group includes South Africa, Botswana, Namibia, and (at least until a few years ago) Zimbabwe.[4] These countries have evolved fairly sophisticated social protection systems along European lines, with social security for formally employed workers and social grants for designated vulnerable groups such as older persons and people with disabilities. These programmes are run by government and financed out of domestic fiscal resources, with minimal involvement by donor agencies. The Government of Botswana, for instance, administers a wide range of social assistance programmes, including feeding schemes for primary and secondary learners and "vulnerable groups", non-contributory pensions for older persons and war veterans, assistance for "remote area dwellers", orphans and vulnerable children, and destitute persons, home-based care for people who are chronically ill, and public works programmes (Republic of Botswana and UNICEF 2010).

A similar story can be told for Namibia, which, because of its colonial linkages to South Africa, introduced many of the same social programmes many decades ago, though often on racially-discriminatory lines that required equalisation after Namibia achieved independence in 1990. Botswana and Namibia share three important characteristics – they are lightly populated, they are relatively wealthy, and this wealth is highly-unequally distributed. This combination of characteristics makes extensive social protection provision both morally and economically necessary, and fiscally affordable.

The second cluster of countries includes Lesotho, Malawi, Mozambique, Swaziland and Zambia. Here, donors play a much more prominent role in supporting national social policy processes, and even in defining social policy choices, which, in recent years, has

[3] As noted below, access to certain social grants in South Africa has recently been extended to some non-citizens, but the focus of this paper is on the relationship between governments and the rights of the citizens that they represent.

[4] Moving off mainland Africa, we might also add Mauritius and the Seychelles to this cluster.

included efforts to establish social protection programmes. Without attempting to describe and analyse the complex array of social protection initiatives in these countries, a few salient points are worth highlighting.

In Malawi and Zambia, donors have invested heavily in district-level cash transfer projects – both during food crises and as a permanent, predictable response to chronic poverty – in the hope that positive demonstration effects will encourage both governments to take over the administration and financing of these projects, and scale them up to national level. To date, this has failed to occur, with both governments choosing, instead, to invest in agricultural input subsidies (which donors first resisted and later, in Malawi, reluctantly supported) – the aim being to achieve household and national food security by promoting smallholder production. Meanwhile, despite the best efforts of donors and nominal engagement by each government, the future of the cash transfer projects in both countries remains unclear.

In Lesotho and Swaziland, donors and international NGOs have sponsored "emergency cash transfer" schemes during recent droughts, but the real social protection success story in both countries is a home-grown initiative – the introduction, in 2004 and 2005 respectively, of social pensions for all older citizens. As with input subsidies in Malawi and Zambia, these schemes were designed and implemented without donor support (and even with a degree of hostility from donors). Importantly, these pension schemes have rapidly established themselves on the political agenda, becoming an election issue in Lesotho and a vehicle for citizen mobilisation in Swaziland, when pension payments were delayed due to cashflow problems and Parliament was halted until the issue was resolved (Ellis et al. 2009).

The key point that emerges from this scanty overview is that social protection is most likely to succeed if it is government-led from the outset. Donors can support these interventions, but the decision to introduce a social protection programme should emerge from domestic policy discourses and reflect indigenous political agendas and priorities, rather than being parachuted in from outside. A programme that starts life as a donor-driven initiative very rarely transforms itself into a government-led intervention.

3.2. Citizen-driven

South Africa provides an exemplary case study of the central role of civil society activism and mobilisation around the struggle to secure social protection and social justice for – and by – poor and vulnerable citizens. Despite its progressive post-apartheid Constitution and an ANC government that represents the "historically disadvantaged" and is committed to their upliftment, many of the efforts to translate fine words into pro-poor actions have actually been driven by citizens, and by civil society campaigns to secure their rights and enforce their claims. It is instructive to observe how, despite being returned with substantial majorities (averaging two-thirds of the popular vote) in four successive general elections since 1994, the government faces hundreds of strikes and "service delivery protests" every year – mainly led by the same people who keep returning them to power.

While the government must be commended for introducing progressive social policies and programmes, an active and campaigning civil society has been crucial to ensuring that rights are claimed, that entitlements are extended, and that government is held accountable for delivery. Civil society – broadly defined to include trade unions, rights-based NGOs, representatives of special interest groups (women, children, pensioners, people with disabilities, people affected by HIV and AIDS, homeless people, youth) community-based organisations (CBOs) and faith-based organisations (FBOs), as well as activist academics and the independent media – has employed a range of strategies, from advocacy and media campaigns to street protests, strikes and even litigation and court cases. Among the "remarkable achievements" (Black Sash 2010: 5) in social protection policy that civil society can be credited with are:

- extending the Child Support Grant to older children;
- lowering the age of eligibility for social pensioners to 60;
- allowing alternative documents to be used to apply for social grants if applicants do not have ID books or birth certificates;
- ensuring that social grants are paid (including back-pay) from the date of application;
- securing access to certain social grants for permanent residents and refugees.

In an analysis of the Child Support Grant that is generalisable to other areas of South African social policy, Proudlock concludes that civil society activism was decisive in expediting several progressive reforms:

> "A key finding is that the judicially enforceable constitutional right to social assistance in the South African Constitution, and a statutory entitlement to the CSG in a national law, provided the necessary legal foundation for the growth in take-up and expansion reform. A strong and organised civil society used these legal foundations in the growth and expansion campaigns. Without these legal foundations and the civil society campaigns it is probable that the growth would have been much slower and the eligibility criteria expansion reforms would either not have happened at all or would have happened more slowly" (Proudlock 2010: 1).

Proudlock (2010) identifies eight lessons from South Africa's experience with expanding the Child Support Grant that could be applicable elsewhere – though she stresses the importance of understanding and adapting to the domestic constitutional, legal and political context in each country.

Box 1. Lessons from South Africa's Child Support Grant for civil society activism on social protection
1. Public education created a culture of demand which drove growth in take-up;
2. Holding government accountable to its own targets helped speed up growth in take-up;
3. Research and advocacy on administrative barriers resulted in improvements in service delivery which accelerated take-up;
4. Growth in take-up provided fertile soil for the expansion campaigns;
5. Securing the CSG in a law provided a solid foundation for the programme's growth and expansion;
6. A justiciable right to social assistance provided the ultimate protection;
7. A strong and coordinated civil society used the full range of advocacy strategies;
8. Decisions on the monetary value of the grant and the income threshold should be based upon an objective measurement of need, regularly reviewed and increased with inflation.
Proudlock (2010)

In many other African countries, civil society is much weaker - more dispersed and unorganised, less vocal and critical, in some cases even actively repressed by government. The government of Ethiopia, for instance, recently passed a law that curtails the activities of all international and local NGOs, virtually banning any campaigning (even for relatively uncontroversial issues such as the rights of women and children) and reducing NGOs to service providers supporting the delivery of government programmes.5 In such circumstances, where citizen participation is limited to nominal consultation processes at best, decisions about social protection programme selection,

5 The new law, which is called the "Proclamation to Provide for the Registration and Regulation of Charities and Societies", was passed in January 2009. According to Human Rights Watch (2010: 44): "the legislation restricts and criminalizes the activities of nongovernmental organizations and associations in ways that violate the rights to freedom of expression and association."

design and delivery will be left to the discretion of governments, and might, or might not, reflect the priorities and preferences of the intended "beneficiaries".

3.3. Social contract

In South Africa, the delivery of social protection is not just a government programme (or a donor-funded project), but a "social contract" between the government and its citizens, underpinned by a commitment made in the post-apartheid Constitution, which is widely recognised as one of the most progressive in the world.6 This Constitution includes a Bill of Rights that confers the right to all South Africans:

> "To have access to social security, including if they are unable to support themselves and their dependants, appropriate social assistance" (Black Sash 2010).

Importantly, this right is justiciable (it can be enforced by a court of law), subject to the state taking "reasonable legislative and other measures, within its available resources, to achieve the progressive realisation" of the right to social security (Proudlock 2010). The right to social assistance has been formalised in law, notably the Social Assistance Act of 2004, which defines eligibility criteria and other parameters of the social grant system.

At a practical level, citizens can appeal against decisions taken by the South African Social Security Agency (SASSA) – which delivers social grants – if they believe they were treated unfairly by the grant system, for instance, if they are denied benefits to which they feel they are entitled. For this purpose the Independent Tribunal for Social Assistance Appeals (ITSAA) was established in 2008, though, to date, it receives inadequate funding (through the budget of the Department of Social Development), and a large backlog of appeals remains to be processed. Civil society is campaigning to address this capacity constraint, arguing that:

> "This backlog and lack of an effective appeals process is a significant obstacle to people's access to administrative justice and their right to social assistance" (Black Sash 2010: 16-17).

Nonetheless, this combination of (1) Constitutional provision, (2) a Bill of Rights, (3) legislation, plus (4) an appeals process, amounts to a "social contract" on social protection, which is unique in Africa. It represents a fundamental distinction between social protection in South Africa and in other African countries. There are some cases of social grants being written into law – for instance, the social pension schemes in Botswana, Lesotho, Namibia and Swaziland have all been underpinned by Acts of Parliament. But, in too many cases, social protection programmes are introduced as discretionary projects that deliver benefits (for example, cash transfers, or school meals) or work opportunities (on public works schemes) to limited numbers of people for a fixed period of time, with no guarantee that the project will be scaled up and institutionalised as a permanent, claims-based entitlement for all eligible citizens.

This limited provision of social protection in many African countries is often explained by the heavy presence (in terms of design and funding) of external donors – who are not accountable to local citizens and cannot commit to providing support beyond their 3-5 year funding cycles. While small-scale "pilot projects" may be a necessary first step on the road towards national systems – although this is debatable, and many of the most successful social protection schemes in Africa were introduced at scale from the outset7 – the road from projects to systems is long and complex, and there are very few

6 Constitution of the Republic of South Africa, Act 108 of 1996.

7 Examples includes the social pensions introduced in Lesotho in 2004 and Swaziland in 2005, and the Productive Safety Net Programme in Ethiopia, launched in 2005.

cases in which this transition has been successfully achieved. One reason is that "scaling up" is not only about increasing delivery capacity and numbers of beneficiaries, it also implies shifting from ad hoc donor-driven interventions to government-owned social welfare systems, ideally underpinned by a claims-based social contract that is grounded in citizen rights and accountability. What is needed, in other words, is not just "indigenisation" but the "democratisation" of social protection systems in Africa (Devereux and Lund 2010: 153).

3.4. Maximising impact

The impacts of social programmes are greater the more people they reach, and the greater the value of resources and services they deliver to eligible individuals and households. These facts are recognised in South Africa's social grant programmes, but are not always evident in similar programmes in other countries, where coverage and benefits transferred tend to be lower.

Access and coverage

South Africa runs the largest social grant programmes in Africa, in terms of numbers of people reached, and the biggest of all is the Child Support Grant (CSG). Initially, the number of children to register was fixed at 1.5 million, in line with a budget constraint set by the Ministry of Finance. Recognising that this constraint excluded many eligible children, civil society campaigned to lift the quota and run the CSG as an entitlement programme – so all eligible children would be guaranteed access – and the Ministry of Social Development embarked on a drive to increase access, first to 3 million by April 2003 and then to 6 million by 2005. By 2008, 8 million children under 14 years of age were registered for the Child Support Grant (Proudlock 2010: 5). The bureaucratic requirements for registration were also steadily simplified over the years. Given the difficulties faced by people in registering for social programmes in many countries, this initiative by government to extend access to all eligible children is commendable.

Payment levels

South African social grants pay out considerably more than payments made on cash transfer programmes in many African countries. In 2010/11, The Older Person's Grant and the Disability Grant both pay R1,080 (about $150) per month, 25 times the $6 paid on some cash transfer pilot projects in Zambia. Although grand claims are often made for the multiple impacts of Zambia's "social cash transfer pilot project", it is apparent that the multiple and significant positive impacts of South African social grants are directly related to their relatively generous payment levels. Since poor people spent more than half any incremental income on food, well-targeted cash transfers can only be expected to achieve significant impacts on areas such as children's health and education, or investment in micro-enterprises, if they are large enough to leave some money over after basic subsistence needs have been met.

Links to price inflation

South Africa's social grants are regularly adjusted to keep pace with inflation, and the income thresholds for means tests are also raised, for the same reason. In October 2008, for instance, the CSG payment was increased from R210 to R230 (about $31) per child per month, while the means test income threshold – which is fixed at 10 times the value of the CSG – was raised from R2,100 to R2,300 per month for a single person (Gabara 2008). Announcing these and other increases in social programmes, which would cost an additional R11 billion ($1.5 bn) over 3 years, then Finance Minister Trevor Manuel stated that:

> "Since 1994, this government has affirmed that budgets are not about markets or bonds or statistics. Budgets are about people, their lives and their well-being."

By contrast, cash transfer programmes in other countries have suffered from an inability to match food price rises, notably during the global food and financial crisis of 2008. The consequence was falling real values for these transfers, compromising household food security and provoking a resurgence in beneficiary preferences for food aid, which retain their value irrespective of market price fluctuations (Sabates-Wheeler and Devereux 2010).

4. Conclusion

Three reasons often given for the limited provision of social protection in southern Africa – excluding South Africa – are unaffordability; limited administrative capacity; and lack of political will. Conversely, South Africa is characterised as relatively wealthy and highly unequal (which provides the necessary basis for re-distribution); endowed with strong administrative capacity (including computerised databases and sophisticated electronic social grants delivery systems); and committed to the poor and to poverty reduction (exemplified by progressive social legislation since 1994 to reverse the inequalities of the apartheid regime). While it is true that adequate financial and human resources are pre-requisites for the implementation of social protection programmes, the experiences of much poorer countries (for example, Ethiopia, Lesotho and Swaziland) reveal that this is rarely a binding constraint. If a government makes a commitment to deliver a national programme, this can be done – and has been, across Africa. In this respect, social protection is little different to other social sectors, such as education and health, which are also significant consumers of public budgets, but are delivered by governments at national scale in almost every African country.

It follows that South African "exceptionalism", if it exists at all, must be located in the third pre-requisite for effective social protection – "political will". Although the government faces constant (often legitimate) complaints about its shortcomings in terms of service delivery, there is no doubt that the expansion of social protection since 1994 – through social grants as well as progressive social legislation – has been a remarkable and commendable achievement, and reflects a degree of political commitment to social justice that is unprecedented in South Africa's history. If a welfare state is defined as one that guarantees a minimum standard of living for all its citizens, then South Africa comes closest to this ideal in sub-Saharan Africa – even though it still falls short, and needs to recognise that vigilance is required in order to protect the gains that have been made.

But political commitment is not unique to South Africa. The successes in social protection that have recently been achieved in other African countries were all driven by a political decision from the top – rather than by injections of financial and technical resources by donors – and, in some cases, have been pushed forward from below by citizens, the media and civil society activism. These success stories are too few, but resource constraints cannot be offered as an excuse. The main reason why most African countries have inadequate social protection systems is that their governments are not seriously committed to providing these forms of protection, and their citizens are not yet mobilising to demand their human right to social security. Only when governments and citizens prioritise social protection will poor and vulnerable Africans get the comprehensive social protection systems that they so desperately need.

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