



# Enhancing the provision of fiscally funded social assistance in South Africa: Statutory and regulatory insights

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There are numerous statutes and regulations that give effect to state assistance of the poor and vulnerable in South Africa, including the Universal Declaration of Human Rights (UDHR) and the Southern African Development Community's (SADC) Charter on Fundamental Social Rights. Despite South Africa's statutory and regulatory frameworks being broad, some loopholes remain, whose closure can enhance social inclusion and sustainable poverty alleviation for millions of people. Social inclusion can improve the efficacy of social assistance to alleviate poverty. The objective of this article is to discuss existing frameworks for fiscally funded social assistance, and to offer insights into the socially inclusive management of social grants as a key step towards poverty alleviation. A qualitative research approach was used. A thematic analysis enabled deeper insight into statutory and regulatory loopholes in the South African social assistance environment. The scope behind this analysis was to ensure social inclusion (for poverty alleviation) in the management of social grants. Social inclusion hinges on the ability of existing statutory and regulatory frameworks to strongly establish and sustain practices that fight exclusion and poverty. South Africa must explore, adopt, implement, and monitor various socially inclusive statutory and regulatory approaches, as discussed in this article, to improve the manner in which social grant recipients are enrolled, paid, and managed to ensure that the social safety net is always an impregnable shield against poverty.



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## Introduction

South Africa's current socio-economic development blueprint, the National Development Plan (NDP), targets achieving marked socio-economic development by 2030. This can be achieved through various strategies including investing into social protection through provision of social assistance grants. Therefore, a cumulative R567 billion was allocated toward social assistance (grants) for the 2019/20 financial year (Pratama & Meutia 2018; Mboweni, 2019). With a total national budget of 1.83 trillion, this shows a 31% share of the national budget being allocated to social assistance. These statistics indicate a commitment by the government of South Africa to social protection.

South Africa, as a developmental state, uses various interventions to address the challenges that inhibit the prospect of achieving its predetermined national developmental goals. Wessels (2012) views this development consciousness as being prototypical of a model developmental state, which characteristically implements programmes and policies that establish quality living standards for citizens. In a similar sense, Hauruvi (2016) identifies fiscally funded social assistance as one tool that forms an integral part of the fight against these highlighted ills. The post-1994 social assistance and protection framework has intensified the war on poverty by availing universal social relief to all deserving citizens.

Triumph in the war on poverty is dependent on robust statutory and regulatory frameworks that entrench the right to social security and moreover mandate the government to ensure a progressive realisation of these rights by people. Critical to this is the need for local statutes and policies to be in sync with their global and regional counterparts, including the Universal Declaration of Human Rights (UDHR). While the government of South Africa has signed and ratified numerous of these conventions towards achieving universal socio-economic development, many loopholes have emerged over the years that need closing. Principally, the UDHR (1948) serves as the bedrock of global socio-economic development due to its bold emphasis on equity and the need to create an enabling environment for the realisation of, *inter alia*, social security rights (Hamm, 2001). Such a stance is expressly premised on a background of rampant social exclusion across the globe; with a 2012 United Nations (UN) survey revealing that almost 80% of the global population had no social security and protection (Wright & Noble, 2010). Such a bleak situation thus leaves the majority of the people at the mercy of social risks and exacerbates poverty prevalence.



The UN (2012) warns that the lack of ample social security duly threatens social cohesion since poverty-stricken communities are vulnerable to civil unrest. This further creates huge costs for governments in fostering order and maintaining tranquillity. It is from the preceding argument that the author values the paramount need for governments to promote the equal enjoyment of socio-economic rights for their people as one of the critical building blocks of progressive and peaceful societies. Arguably, social security has had its fair share of statutory global and regional entrenchment. Such a positive trend has not been fully assimilated into the South African arena, where for a number of reasons, social security rights do not receive the deserved attention. Central to this are statutory loopholes, which have led to social exclusion – a problem that inhibits efforts to address poverty. Consequently, the South African legal and policy framework must be improved to ensure that social assistance rights have the same magnitude and significance as fundamental human rights to life and dignity.

### **Research Methodology**

This research utilised qualitative research methodology. The rationale is that, “qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. Such researchers emphasise the value-laden nature of inquiry. They seek answers to questions that stress how social experience is created and given meaning” (Denzin & Lincoln, 2005). This approach is supported by Vyas-Doorgapersad (2017), who states that, “qualitative research (a phenomenological enquiry) seeks to understand phenomena in context-specific settings”. A desktop study was therefore conducted in the South African context to understand statutory and regulatory loopholes that have given rise to social exclusion in the South African social security system. In addition, Vyas-Doorgapersad (2017), proffers that, “qualitative paradigms are by nature rich in data and findings since they give the researcher an inside look at phenomena under study, thereby deductively and inductively making inferences to the phenomena under study”. This research used a literature study to analyse and interpret data on socially inclusive statutory and regulatory approaches in the South African context. The next section of this article conceptualises social security.

### **Conceptualising Social Assistance**

According to the International Labour Organization (ILO, 2000), social security (and assistance) is that kind of protection that society provides for its members via a series of public measures, against socio-economic distress resulting from the stoppage or substantial reduction of earnings. The scope of social security encompasses the provision of healthcare to



adults and their dependants. Social assistance forms a vital protective shield for people against various contingencies that emanate from a range of spectrums that comprise daily life. These incorporate various aspects such as old age, healthcare, sickness, poverty, bereavement, and/or loss of earnings. Haurovi (2016) cites the Taylor Committee Report (2002), which conceptualises social assistance as state-provided basic minimum protection against poverty, essentially subject to various qualifying criteria on a non-contributory basis. This assistance is in the form of various means-tested fiscally funded social security grants.

In principle, social assistance hinges on the Bismarckian principles of state-led welfare service rendering. The inconveniences that can result from social risks such as poverty cannot be left unabated. Renowned as ‘the father of social insurance’, Otto von Bismarck (1815-1898) championed the world’s first hedge fund in 1883, to help insulate workers from social ills to avoid the adverse effects of socially stressed workforces which can cause a decrease in productivity. Bismarck’s innovative work was augmented in the 20<sup>th</sup> century by British economist William Beveridge, who developed the Beveridge Plan in 1944. His plan regarded social security as shielding people from the ‘five monstrous evils’, which were want, disease, ignorance, squalor, and idleness. Beveridge’s ‘evils’ manifest in contemporary society as poverty, old age, sickness, disability, and inequality (Mussi, 2014; Perera, 2018).

In light of the preceding definitional perspectives, social assistance and protection in South Africa are provided through various social grants tailored to cater for the poor, the aged, children, and the destitute. The author deduces that social assistance is the bedrock of an equal and poverty-free society because it relieves individuals and families from poverty-induced stress. States should therefore ensure that the right of access to fiscally funded social assistance is progressively afforded to all people. While ‘social security’ can be viewed as an umbrella phrase that covers both contributory pay-as-you-go social insurance and fiscally funded social assistance, this article uses the phrase to refer to state-funded social assistance schemes. The next section discusses the statutory and regulatory environment of social assistance.

### **Statutory and Regulatory Environment for Social Assistance**

Globally, socio-economic and cultural rights have been the pinnacle of recent debates on the role of governments in promoting good living standards for people (Morsink, 2010). This is premised on the notion that governments must take a leading role in creating conditions that are favourable for their people to lead decent lives. Over and above, in the event of citizens being unable to attain a good standard of living, government interventions can bridge the gap, by cushioning people against the adverse effects of poverty and sometimes inequality. The



following sections discuss the statutory and regulatory environment of social assistance within the confines of universal human, women's, and children's rights to social protection. Further discussion of the statutory obligation for social assistance provisioning in the context of South Africa ensues.

### ***Universal Human Rights***

Social assistance has been classified as a universal human right. The UDHR (1948) is the backbone of social assistance systems within the more than 190 of its state signatories because of its overarching aim of promoting equality and full enjoyment of rights within societies (Haurovi, 2016). These rights include the right to social assistance. Grounds that have been disallowed as discriminatory include race, colour, gender, language, religious or political opinion, social origin, or birth. Prohibition of any kind of discrimination further cements pro-poor equality practices because discrimination is an antecedent to escalating poverty and inequality in society. The UDHR requires states such as South Africa to ensure that citizens become the centre of socio-economic policy and rights design and implementation. The right to social assistance is unpacked in the following section.

### ***Right to social assistance***

In unpacking the plethora of statutes and policies that give effect to the right to social assistance, this article begins from a global scale and progresses to regional and local contexts. Amnesty International (2009) argues that social assistance is a necessity of life because it aids individuals and families in coping with distress caused by social risks like unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances *ultra vires*. It can be inferred therefore that social assistance is the reliable shield that those who unfortunately fall victim to social ills can rely upon. The UDHR further places a strong obligation on its signatories to perpetually strive towards ensuring that, "citizens have equal access to social amenities needed for living". States fulfil this responsibility by using socio-economic policy initiatives and interventions, including fiscally funded social assistance. Also, states are the custodians of social assistance systems, where they manage social grants to relieve people from the effects of social distress resulting from unemployment, poverty and inequality (Riedel, 2006). In this regard, South Africa thus utilises countrywide programmes to sustainably alleviate and eradicate poverty and inequality. The ILO has equally played a part in the promotion of social assistance rights. Convention 102 of the ILO (1952) is indicative of the global commitment to set benchmarks for social protection standards (Riedel, 2006). These minimum social protection standards serve as benchmarks according to which states can tailor-make their own social assistance



systems. In laymen's terms, the ILO sought to universalise state-funded social protection as the first step towards ensuring that no citizen slips through the social safety net. The ILO has made inroads into creating concrete social security provision systems globally.

A stepping stone towards the development and advancement of social assistance rights globally was the promulgation of the Social Security Resolution (2011) postulated by the ILO in 1952. This resolution has three fundamental pillars for social security to make a valid stance on individuals' social protection rights. Firstly, it treats state-funded social assistance as a fundamental human right, thus every member of society has the right to social protection (Bender *et al.*, 2013). Secondly, it views fiscally funded social assistance as a necessity, and further obligates states to use efficient national social protection systems to prevent and reduce poverty, and to promote social inclusion as an enabler of human dignity in society (UN, 2012). Thirdly, it emphasises a responsibility to design socially inclusive social development policies. It is prudent to observe the ILO's contribution to ensuring that citizens of the world have unparalleled access to social security.

For Kaime (2004), as a regional amalgamation bloc, the Southern African Development Community (SADC) sought to achieve socio-economic integration by paying ample attention to synchronising policies within the social security domain. Articles 9 and 10 of the Charter on Fundamental Social Rights (CFSR) further emphasise integrating the various policies that give effect to the realisation of fundamental social assistance rights of the people domiciled in the bloc (Haurovi, 2016). Specifically, Article 10 obligates SADC member states to ensure that social assistance is realised by all people domiciled in the bloc (Wright & Noble, 2010). Inferably, this article therefore values the CFSR's marked regional contribution to social assistance rights. This is an instrumental charter that has led to rapid improvement in SADC social security systems.

It is also necessary to consider that, "in a world historically premised on patriarchy, great strides have been made to emancipate women to ensure that they equally enjoy their legal right to state-funded social security in the modern society" (Stearns, 2015). The statutory and policy framework supporting the rights of women and children must be considered. In this regard, it must be noted that, universally, the promotion and protection of rights correspond with participative democracies. Ferreira (2012) argues in a similar fashion by noting the constitutional protection of fundamental, human, socio-economic, cultural, and labour rights as part and parcel of advanced democracies. Women's and children's rights should be equal to the fundamental and socio-economic rights afforded any member of society (Kaime, 2004).



### ***The Bill of Rights and social assistance provision in South Africa***

An extensive Bill of Rights in the South African Constitution has seen many scholars brand it, “one of the most progressive constitutions in the entire world” (Brockerhoff, 2013). The Constitution of South Africa (1996) is one of the few in the world that explicitly affords citizens social protection rights, economic rights, children’s rights, and rights to equal treatment and the protection of the law (Haurovi, 2016). Regardless of whether economic rights, fundamental rights, and social rights of citizens should be seen to be of equal importance in South Africa, citizens have to be able to equally and fully enjoy these rights. Therefore, Liebenberg and Quinot (2012) construe that, regardless of whether rights are human, social, political, cultural, or economic in form, their significance to citizens and society is of equal importance.

Furthermore, Section 7(2) of the Constitution of South Africa (1996) obligates the state to take a leading role in promoting the rights contained in the Bill of Rights by stating that, “the state must respect, protect, promote and fulfil the rights in the Bill of Rights” (Republic of South Africa, 1996). This research deduces that South Africa must ensure that it promotes the right to access to state-funded social assistance as enshrined in Section 27 of the Constitution. Moreover, Section 27(1)(c) of the Constitution is the pillar upon which fiscally funded social assistance provisioning in South African hinges. It further obligates the state to ensure equal access to social protection, including social assistance for the vulnerable and their dependants. Social security rights and statutory values of human dignity and equality are connected. For Da Haan and Maxwell (1998), human dignity is realised when people enjoy decent standards of living that are devoid of poverty, social exclusion, and socio-economic destitution. Fiscally funded social assistance grants form one of the myriad of methods that states utilise to cushion their vulnerable and poor against poverty and inequality. The author deduces from these facts that social exclusion or poverty is a gross infringement of the dignity of those on the receiving end. Social security, “has been a contributory strategy used by the post-apartheid government to address poverty and inequality” (Liebenberg and Quinot (2012). Cumulatively, 18 million citizens benefitted from fiscally funded social security in 2016, with a social investment of R165 billion of the 2016/2017 fiscal budget going towards this expenditure item (Schreiber, 2016).

### ***Statutory obligation of the state to social assistance rights***

Section 27(2) of the South African Constitution (1996) obliges the state to take reasonable legislative and other measures, within available resources, to ensure the progressive realisation of rights enshrined in the Constitution (Currie & De Waal, 2013). The



interpretation of Section 27(2) requires a robust analysis beyond a mere layman's analysis. The implication for the state of this clause is now unpacked, through some succinct scholarly inscriptions. De Schutter (2014) posits that these phrases imply that while the state might be unable to ensure that citizens realise a certain right due to limited resources, it is still obliged to gradually improve accessibility both in terms of the number of people accessing such a right and the range of coverage or service quality.

In the same vein, the 'progressive realisation' of rights reflects the contingent nature of a state's obligations regarding socio-economic rights, while this equally depends on the country's socio-economic development, which determines the level of state interventions aimed at promoting equal rights (Haurovi, 2016). Therefore, 'progressive realisation' guards against measures by the state to adversely affect the realisation of socio-economic, cultural, or political rights by citizens. The meaning and implication of 'within the available resources' is related to the budgetary constraints that public service delivery always faces. While resources are always limited, the state must use rigorous mechanisms to ensure that critical aspects of socio-economic development are prioritised in the allocation of financial resources. It is prudent to infuse the management of social assistance with the 3Es of successful 21<sup>st</sup> century organisations, *viz.* economy, effectiveness, and efficiency. The inference drawn then is that the state must undertake social assistance provisioning within the confines of the 3Es to achieve the obligation placed on it by the Constitution of South Africa (1996).

### ***South African social assistance: Statutory and regulatory environment***

As a developmental state, South Africa had to align its laws and policies with global and regional dictates. Above all, the White Paper on Social Welfare (1997) shows that the post-apartheid government sought to build and sustain a developmental welfare state. Lombard (2008) posits that this developmental state would utilise policies to sustainably emancipate people by making them actively participate in the sustainable socio-economic development of their community and society. The management of fiscally funded social security in South Africa is mainly guided by the Social Assistance Act (No. 13 of 2004). As obliged by Section 27(2) of the Constitution, the Social Assistance Act is a key statute that lays out procedures, protocols, and processes to progressively promote the right to social security (Haurovi, 2016). Such policies and procedures indicate the government's nationwide intent to utilise social assistance as social relief and as a safety net for society's poor and vulnerable.

The Social Assistance Act has a myriad of functions in the local social protection domain. When considering the fundamental importance of the Social Assistance Act, its role in promulgating a wide range of issues related to state-funded social assistance and the targeted





individuals and groups within society is paramount. Moreover, the Social Assistance Act affords citizens the right to information about social grants and the criteria for them to enlist and enrol for such social security grants. Equally important is Section 20(4) of the Act, which empowers the Minister of Social Development to institute permissible deductions directly from social grants. These are deductions that should prioritise the best interests of beneficiaries; mostly meant for funeral cover for old age clients. Issues related to fraud detection, prevention, and investigation are placed in the jurisdiction of the Inspectorate for Social Assistance, established according to Chapter 4 of the Social Assistance Act. According to the Social Assistance Act, the social grants available to citizens encompasses, *inter alia*, child support and old age grants.

Social Security Regulations (2008) supplement the preceding legal framework. In sync with permissible grant deductions, the Minister of Social Development gazetted Regulation 26A (Government Notice R591 of 2009) to limit such deductions at 10% of the grant value. These must only be done by an authorised financial service provider; not unscrupulous informal loan sharks. The obligation of managing social security grants is vested in the national government, with provincial and local spheres augmenting government-wide social assistance interventions. Another huge milestone was reached with the enactment of the South African Social Security Agency Act (No. 9 of 2004), which established the South African Social Security Agency (SASSA). SASSA, as the custodian of the administrative system for fiscally funded social security, ensures that policies and programmes are implemented correctly.

Lack of access to information creates and perpetuates social exclusion because it impedes citizens' right to information, and subsequently the right to social security (Sepulveda & Nyst, 2012). Put into perspective, the kinds of crucial information required with respect to social grant provisioning programmes include targeting mechanisms, eligibility criteria, and benefit levels (Haurovi, 2016). Citizens should be given impregnable access to information that can aid improving awareness, especially in relation to the various types of grants that they can apply for. The enabling statute in this regard is the Promotion of Access to Information Act (PAIA) (No. 2 of 2000), which mandates government entities to ensure people always have unhindered access to information about the public services that they are entitled to receive.

Social grant application, adjudication, and enrolment processes involve a great deal of decision making, which sometimes adversely affects grant applicants. Currie and De Waal (2013) highlight that citizens whose rights are affected by the action of public entities have legal recourse. In the event that access to social security rights are affected and in compliance with the Promotion of Administration Justice Act (No. 3 of 2000), written reasons should be



provided in a timely manner to those citizens. Although the statutory and regulatory framework for social assistance provisioning in South Africa is wide-ranging, more must be done towards social inclusion as provided in the discussion in the following section.

### **Synthesis of Statutory and Regulatory Insights**

The discussed legal and regulatory environment for social assistance has not only revealed South Africa's commitment to the progressive realisation of social security rights by its people but also shows the extent to which local laws have been aligned with global standards. On the fore is the UDHR's requirement that individual state players must ensure that their social assistance statutes are in sync with global benchmarks for social relief. Nonetheless, more must be done to ensure that social assistance rights are given equal attention similar to other fundamental human rights. The South African social assistance system has been plagued by various challenges that have affected the inclusivity of the sector-wide state-led interventions to fight poverty. Such challenges have both precipitated and escalated social exclusion. Haurovi (2016) has unearthed challenges to existing statutes and policies, which include the absence of statutory insulation of social grant clients, the absence of oversight or legal provision enforcing public accountability, and lack of sufficient legal conceptualisation of disability. To this end, this section discusses statutory insights towards aiding South Africa to improve its social assistance provisioning.

The 2015 ratification of the Convention for Economic, Social and Cultural Rights (CESCR) (1996) by South Africa was evidently overdue, especially given the critical stance that the convention has taken with regard to social (assistance) rights. In generic terms, the CESCR values the significance of social protection rights to be of equal magnitude as economic, social, and cultural rights. In this vein, the implications are that states must adopt a bold legal stance on social security rights. Considering that South Africa took some time to ratify this pillar of global social assistance provisioning, there is a need to expedite its local effect to accelerate the capacity to address social exclusion. Local laws should be expeditiously aligned with the provisions of this convention.

Unauthorised social grant deductions have dented the ability and impact of social assistance to alleviate poverty in some instances. Although the Minister of Social Development gazetted Regulation 26A in 2009 to curb this dishonest practice, financial service providers such as Lion of Africa Insurance Limited have fought running legal battles with SASSA to defend



their deduction of funeral cover subscriptions from the children's grants (Haurovi, 2016). In brief, the company took SASSA to court because it perceived the Agency's interpretation of ineligibility of children's social grant recipients to subscribe to funeral cover to be incorrect. As recent as June 2016, SASSA reactively issued orders addressing the problem of illegal deductions of funeral insurance subscriptions from children's grants. However, a vigorous statutory or policy modification must be put in place. It is such an intervention that ensures that financial service providers neither prey on nor swindle the only refuge of poor children, namely their child support grant payments.

Reddy and Sokomani (2008) regard the utilisation of an Inspectorate for Social Security as essential in fostering transparency and accountability in the South African social assistance system. With fraud and corruption some of the malpractices that inhibit universal access to social grants, an oversight structure such as an inspectorate can be a step in the right direction. Despite Chapter 4 of the Social Assistance Act (2004) instituting the said inspectorate, it has not been implemented, almost 13 years after the enactment of the mentioned Act. According to Reddy and Sokomani (2008), the inspectorate has been dormant and dysfunctional, thus affecting activities related to fraud and compliance within SASSA. This article recommends the unveiling of improved legal or policy prescripts to unleash this potentially effective oversight structure in the context of social security malpractices and misdemeanours in South Africa. Such statutory amendments in this respect would ensure that the Inspectorate of Social Security becomes operational and has an unambiguous mandate.

While the developmental state path that South Africa strides has passed several milestones, challenges remain that sabotage such feats. One such challenge is the existence of deceitful *spaza* and small-scale retail shops that confiscate the personal particulars of their customers as collateral security (Haurovi, 2016). Although some members of society might incorrectly perceive this as a desperate solution to a desperate situation, the author views it as a factor that escalates poverty. The utilisation of SASSA-issued cards or identity documents as surety for borrowing groceries and cash exposes citizens to personal and security risks. This is derived from their surrendering cards along with their Personal Identification Numbers (PINs) to the micro lenders. Hence, statutory and regulatory interventions that explicitly criminalise these and other dishonest acts like the collection of personal particulars as collateral or security are long overdue. Such legal prescripts could further address the mushrooming of loan sharks, specially targeting social grant clients and the illegal possession of bank cards and PINs by retailers and small businesses as a borrowing arrangement. The delays or failure by the state to make timely intervention with fresh policies to this effect constitutes neglect of the vulnerable poor who sometimes sacrifice meagre social grant earnings for loans either in cash or in kind.



There is no vivid statutory conceptualisation of disability for the sole purpose of social security provisioning. This article acknowledges the dire need for a social assistance definition of disability; signifying a move from the utilisation of medical doctors to certify disability. There is a need for policy arrangements to establish practitioners who can certify disabilities within SASSA; a function that is currently offered by medical doctors. There is a need to define the condition of being disabled in the context of social assistance provisioning. This is because the current medical definition of disability that medical doctors are trained to assess or certify is confined to physiological and mental capabilities and therefore fails to consider other factors such as social and environmental factors that might limit a person's ability to lead a good life.

Within the current definitional scope of disability used by medical doctors, people infected with the HIV virus and suffering from AIDS are not classified as disabled. This article explores the need for a new conceptualisation of disability to consider the effect that antiretroviral therapy or weakened physiological capability from AIDS has on the prospects of such sufferers to gain decent employment and functionality in such jobs. If, to a certain extent, such a condition limits one's scope of employment, corresponding regulations are needed to insulate such people from social exclusion. It will only be after such a statutory or policy intervention that the government can factually determine whether enrolment for the disability grant by some members of society is due to disability or un-employability.

In a society where poverty continues to prevail, especially in historically poor communities, fiscally funded social assistance has become the sole refuge of the poor. As such, too stringent eligibility criteria have resulted in a high proportion of social exclusion. Statutory interventions in the management of social grants should include the relaxation of eligibility criteria for social grants. Two such critical grants are the old age and child support grants, which secure both the legacy and future of any nation. This should not however be misinterpreted as a disregard of the basic principles of economics and sustainability. Walker *et al.* (2011) observe that a common feature of governments faced with rising social assistance expenditure is the tightening of social grant eligibility criteria as part of austerity measures. However, this article argues that keeping social expenditure in check does not entail the state's negligence of its duty to provide services as obligated by the social contract. With the social grant beneficiaries projected to increase beyond 17.5 million citizens in the 2019/20 fiscal year, South Africa needs to strike a balance between social welfare spending and sustainability. However, relaxed eligibility in an effectively managed social grant system can still comply with austerity and sustainability benchmarks.



## Conclusion

Social assistance grants serve as a useful apparatus for alleviating poverty. Local statutes and policies aimed at cushioning the poor and vulnerable citizens against poverty are in sync with global social protection statutes. One such bold international legal document is the UDHR, which has become the bedrock of social assistance provision world-wide. South Africa has signed and ratified most global pro-human, fundamental, and social protection rights statutes. As argued in this article, loopholes and grey areas remain in the contemporary legal and policy frameworks, which have led to various challenges, including social exclusion and escalation of poverty. Therefore, various statutory and regulatory insights were discussed towards reshaping the local social assistance system. These insights are not only confined to resolving existing challenges, but also serve to further the ultimate aim of a democratic developmental state, which is achieving universal socio-economic development, such as South Africa. Such a goal becomes pronounced through improvement of living standards.

This article provides the following key recommendations. Foremost, there is need for an urgent alignment of local laws such as the Social Assistance Act (2004) with global social security conventions. This should ensure that all key pieces of legislation are in sync with global provisions such as the CESR to ensure local laws reflect the fundamental status given to social (assistance) rights globally. Another crucial aspect that needs huge improvement is the implementation of oversight arrangements. Policy makers should intervene to ensure that the Inspectorate of Social Security is operational rather than being theoretical as it presently is. Overall, it is the chief responsibility of the government to ensure that the rights of its citizens are progressively realised. While the reality of limited resources might imply austerity measures, social inclusion and addressing the plight of the poor should inform sustainable management initiatives. In a dynamic world, where new challenges emerge with each passing day, South Africa should ensure that the social assistance rights that are currently stated in black and white keep abreast with emerging global and local trends. The article is cognisant of the following limitations. The scope of this article is skewed towards the legal and policy aspects, thus there are other determinant factors (such as availability of resources) not addressed. Also, the article did not provide a quantitative analysis of social assistance. Future studies should explore the issues highlighted as limitations.

## End Note

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