

4.4 Section 3: The causes of poverty and addressing the challenges

The distribution, extent and characteristics of social exclusion in South Africa have a definite material and structural basis. In short, the economic aspects of social exclusion are linked to the inability to command a sufficient flow of resources to avoid growing inequalities and to prevent deprivation—be it nutritional, medical, in terms of shelter, or a lack of full participation in society.

4.4.1 Inequalities in the distribution of wealth

There are five broad categories of economic flows reflecting different economic positions in an economy. These include income derived from owning property, income received in terms of salaries and wages, economic resources mobilised through subsistence and household activities, transfer payments received from private or government sources and self-employment. Each of these categories is intimately connected to a set of economic relationships that define and structure a modern capitalist economy. Exclusion from, or marginalisation within, these sources of economic resource flows greatly increases the risk of poverty.

A key factor in South Africa is the skewed distribution of economic assets. Apartheid was central to this skewed distribution, driving the social exclusion of the majority and social inclusion of the minority. In particular, the apartheid regime constructed citizenship and subject rights to determine which groups would have access to what level of social protection depending on their functionality to the racially constructed economic and social system.

Apartheid gave black South Africans an inferior education, excluded them from ownership of most of the land and the prime residential property, and prevented them from entering many of the more lucrative occupations by prohibiting or severely restricting their access to many economic activities. The following are all examples of apartheid measures, which excluded the majority of people.

- The Land Act of 1913, which confined the land area that Africans could legally own or rent to 13 per cent of South Africa
- The 1913 Mines Act, which contained the first of many job reservations policies
- The Urban Areas Act of 1945
- Coloured Preference Policy
- The Group Areas Act of 1956, which restricted African access and African economic activity in the urban areas.

White South Africans were from 1924 onwards given substantial protection against poverty and vulnerability, partly by measures to exclude black South Africans referred to above, and partly by the introduction of social and economic policies similar to those adopted in the social democratic countries of Europe. Black South Africans were generally either excluded from these positive measures, or were protected to a much lesser extent than the white counterparts. For example, the 1928 Industrial Relations Act that gave employees rights similar to that they were gaining in the Scandinavian countries, but excluded Africans from the definition. In the mid-1970s the old age pension paid out to Africans was only 10 per cent of that of white South Africans. Substantial maintenance grants were paid to single mothers with low income, but not if they were African.ⁱ

Over the last few decades of the twentieth century, blacks began to gain access to work related benefits and social insurance institutions primarily due to increasing unionisation and political

pressure. This formed an important pressure that precipitated the breakdown of the citizenship/subject relationship underpinning the apartheid regime.

As democracy approached, the expectations of the excluded majority increased in regard to the role of the post-apartheid State in ensuring redress, employment and development. However, as democracy approached, the apartheid regime, seeking to pre-empt effective post-apartheid intervention, sought to push through various pieces of legislation loosening the grip of government over social and economic policy. In some instances they were successful (such as deregulating aspects of private healthcare and food production). In other areas, such as broader economic policy, social resistance manifested through mass mobilisation and the establishment of tripartite socio-economic forums restrained them.

4.4.2 Shortcomings in the South African social security system

As mentioned above, the apartheid social security system was generally comprehensive and inclusive for whites at the expense of the black majority, who were entirely excluded. Though the distributional stance has shifted considerably since that period, many distortions remain.

First, regarding non-contributory social assistance, there are large gaps resulting in a large proportion of the poor being excluded, and those who are uncovered are often not given appropriate support.

The assumptions on which the Social Assistance Act, No. 95 of 1992, is based are the following:

- There is strategic social security planning capacity, at appropriate government levels, that is able to prioritise, co-ordinate and integrate interventions.
- There is administrative capacity to implement legislation and policies. This includes national, provincial and local governments with the requisite staffing levels, skills, systems and procedures, and financial and other necessary resources. It also includes the ability of these different branches of government to enter into and manage public-private partnerships.
- There is a pre-existing social security infrastructure, both in urban and rural areas, that can be used as a platform from which to roll-out policy and legislative requirements.
- Social security development and planning is sequenced with national budgetary planning. The integrity of social security policies and legislation, once reached, need to be maintained by being provided with requisite fiscal support to, for example, ensure that benefits maintain their real values.
- Significant levels of public debt exist which act as additional limitations on the coverage, extent and characteristics of social security provision that is possible.
- Significant economic growth with job creating outcomes, thus taking pressure off social security provision.
- Capacity of community sector to use new opportunities and to limit their expectations in relation to government programmes

The Social Assistance Act covers the following categories of people:

- **Aged** Women over 60 years of age, and men over 65 years of age receive a State Old Age grant of R570 per month. This grant is the largest current social security transfer in the

country, and, for those elderly persons who receive it, the grant plays a pivotal poverty alleviation role for the entire household.

- **Disabled** There is a disabled grant of R570 per month for medically-diagnosed disabled persons over 18 years of age. This grant is a *de facto* poverty grant, as 77 per cent of recipients are also in poverty.ⁱⁱ
- **Foster care** There is a grant of R470 per month for caring for foster families caring for children under 18 years of age.
- **Care dependency grant** There is a grant of R540 per month for parents of a disabled child (0-18) who requires care at home by another person. Thereafter application must be made for the adult disability grant.
- **Child support grant** There is a child support grant of R110 per month, paid to the primary caregiver, for children under seven years of age. This grant has been afflicted by a slow take-up rate, with only 25 per cent of the targeted group receiving the grant three years after implementation.ⁱⁱⁱ

The following categories remain uncovered by social assistance:

- **Children** 75 per cent of poor children below seven years of age do not get the child support grant. All children over seven do not get any support. Finally, all children without primary caregivers, and child-headed households (which are in the increase) do not get any grant.
- **Disabled** Those with a chronic illness but who do not meet the strict medically based criteria are excluded. Thus if the disability is not medically complete, but does prevent that person from carrying out their trade, they would not qualify for the grant.
- **Unemployed** The UIF covers only 5 per cent of the unemployed.^{iv} Therefore excluding those unemployed getting disability and childcare related grants, about five million unemployed people are without any form of income support from the social security system.
- **Poverty** Those with incomes below the poverty line, including working poor, are without any social security transfers. Currently about 60 per cent of the all the poor, or 11 million people, are uncovered.^v
- **Non-citizens** While the Constitution in S27 (1) (c) states that “everyone” has a right to social security, current social assistance mostly excludes non-citizens. In this regard, there will probably be constitutional pressure to ensure all people (including illegal immigrants) have access to certain basic services (such as emergency healthcare), and full access to certain categories such as refugees.

In short, there are large gaps and inadequacies in the social assistance system.

Second, regarding contribution-funded social insurance and regulated private schemes, these, too, cover a relatively small number of the population. Moreover, the increasing numbers who fall outside of the formal sector undermine the scope of social insurance’s contribution base, further limiting the system. In addition, there are internal distribution inadequacies within social insurance that provides the most vulnerable workers with a smaller share of benefits. The better paid generally seem to secure the largest share of benefits. Furthermore, some of the most vulnerable workers are often legally excluded from the system.

- The limited nature of the publicly provided benefits means that social security costs are, *de facto*, passed onto employers. This has increased non-wage costs in the economy. This acts as a disincentive for direct employment, that is, the employment of regular workers. The

- increase in indirect employment (including casualisation), and the stagnation of net permanent jobs, is partly the result of employers trying to avoid these non-wage costs.
- The growth of employer-linked benefits necessarily excludes a significant share of the population. The unemployed, informally employed and many temporary workers have no access to these benefits. A current legal framework that cannot cope with the changing forms of employment aids this. In the South African situation this forces the non-wage costs to be higher still, since workers require more to support many unemployed persons (with no benefits) in their household. Consequently, this contributes to upward pressure on workers' remuneration. This extreme pressure on the breadwinner effectively undermines any worker support for labour flexibility—since loss of employment equals total loss of income.
 - Private-provision schemes are contributing to escalating costs of services. Healthcare is a primary example of this. South Africa spends, including both public and private expenditure, about almost twice on health than considered necessary by the World Health Organisation—all this for relatively inadequate public and private service. The national overspend derives primarily from the cost-intensive private medical scheme environment that has created perverse incentives for over-servicing by private providers (who are paid on a fee-for-service basis), massive administrator profit-taking and undermined consumer protection. The relatively high levels of expenditure is due to two-thirds of health spending going towards the well resourced, private health sector.^{vi}
 - Profit-driven provision of services has often been accompanied by a removal of cross-subsidies to those unable to afford services. There is a tendency to “cherry-pick” high-income, low-risk groups that accordingly increases the difficulty of funding publicly provided social services through contributions.

Third, it is important to consider the additional barriers faced by women. The UN Commission for Social Development^{vii} stresses the following:

... many women are still barred from paid employment because of their homemaking and childcare duties. Inferior access to health, education and training places them in a disadvantageous position in the labour market where many women predominate in low-pay, low-status, part-time or contract-work, which offers limited opportunities for social security coverage. Additionally, unequal access to productive resources such as land, credit, ... restricts women's capacity for self-protection and increasing their dependence on their families.

These gender barriers are equally relevant for South Africa, too.

4.4.3 The growing challenges

The inadequacy of current interventions, in a context of persistently high risk and deprivation, has contributed to several growing and, potentially, unsustainable challenges. The most important of these are the following:

- ***The wage-income relationship is breaking down*** High unemployment, including the massive net loss of formal sector jobs, and growing shift towards so-called “atypical” work, has reduced the incomes of the poor. Historically, the working poor have supported the poor and unemployed via remittances and intra-household transfers. However, this relationship between formal sector wages and household incomes has declined due to the considerable loss of net formal jobs, and the downward qualitative shift in formal employment being created. In this period, there has been a decline in the incomes of the poorest 40 per cent.^{viii}
- ***The state is increasingly vulnerable to Constitutional Court challenges*** The Constitutional Court, in its *State v. Grootboom* judgement, has increased pressure on the State to put in place a coherent and comprehensive programme for progressively realising the constitutional obligations. This requires devising, formulating, funding, implementing and constantly reviewing relevant measures. The *Grootboom* judgement opens the way for further constitutional challenges against the State on the basis of not complying with the Constitution’s Bill of Rights. It should also be noted that the Constitutional Court has the power to enforce socio-economic rights, with direct implications for budgetary matters.
- ***The impact of AIDS will exacerbate poverty and inequality*** Research conducted for the Department of Health indicates that there will be 5,5 million people infected with HIV/AIDS by 2004,^{ix} and the impact will be increasingly felt in society. The impact is apparently already evident on social service institutions (mainly public healthcare). This will increase downward pressure on households and household incomes, and could significantly undermine the country’s medium- to long-term economic growth and social development potential.
- ***The racially differentiated composition of public service users reinforces apartheid-style prejudice*** The poor (mainly black) are dependent on strained public services, if at all available. The rich (mainly white) make use of private services. There is thus a continuation of the Two Nation divide. This also contributes to a lack of racial tolerance and understanding, and reduced support among whites and the rich for interventions to bolster the public services.
- ***Delivery of key services is affected by inability of poor to pay for inclusion*** More people have access to important basic service such as telecommunications, water and sanitation, electricity, housing, and primary healthcare. While these have been hard fought gains, this extension of services has been undermined by an inability of the poor to afford payment.^x Importantly, this same lack of an ability to pay undermines the possibilities for social insurance to be the key route of including those who are currently excluded.
- ***Poverty-related increase in crime and social instability*** This is potentially undermining to legitimacy of new democracy, and investment strategies. Levels of crime remain far too high, and include an increasing incidence of domestic violence. This reflects the underlying causality of poverty and the resulting depressed aspirations among the poorest in society.
- ***Social development/investment backlogs are now widely recognised as barriers to economic growth and development*** There is growing recognition among international financial and credit rating institutions, national government and domestic social formations, that insufficient social investment and social development backlogs are a primary barrier to the achievement of sustainable levels of economic growth and development.

4.4.4 Defining an appropriate social security concept

Comprehensive social security ... is necessary because traditional familial, communal, or private market welfare arrangements are wholly inadequate. It is also necessary because stable democracy demands a level of social integration that only genuine citizenship can inculcate. (Esping-Andersen, 2000 [1996], p.2)

... since the early twentieth century, welfare policies have reached across from public to private and helped uphold a patriarchal structure of familial life ...
(Cited in O'Connor *et al*, 1999, p.61)

4.4.4.1 Comprehensive social protection

The objective of comprehensive social security is the “provision of a national social security system” with the ultimate goal of ensuring that all South Africans have a minimum income, sufficient to meet basic subsistence needs, and should not have to live below minimum acceptable standards”.

(White Paper for Social Welfare, 1997)

The term “social security” has, internationally, attracted a wide range of meanings, and needs to be clarified at this point. In developed countries, where the term first originated, social security refers mainly to the following:

- **Social assistance** This refers to State provided basic minimum protection to relieve poverty, essentially subject to qualifying criteria on a non-contributory basis.
- **Social insurance** This refers to a mandatory contributory system of one kind or another, or regulated private sector provision, concerned with the spreading of income over the life cycle or the pooling of risks.

Social security, as defined by its European origins, developed as a complement to the formal employment relationship. The extent to which one can adopt this traditional concept of social security for South Africa can be questioned.

First, the contributory-social insurance bias inherent in unemployment benefit schemes will have limited effect in the context of high and persistent levels of unemployment and growing informal work. In such an environment, there would be little possibility of insuring oneself against the “contingency risk” of unemployment—rather the entire environment would be one of uncertainty, in which insurance would be impossible. Further, attempts to get the all of the working poor and socially excluded to contribute to such systems are certain to fall short.

Second, while the non-contributory social assistance aspect can extend to non-contributors, it does so in a residual “safety net” fashion, essentially seeking to ameliorate the difficulties of those that fall through the economic system. However, developing countries such as South Africa, require more active systems that can play a constructive role in promoting economic development and addressing the structural basis of poverty and social exclusion.

As a result of these weaknesses in the traditional concept of social security, the concept of “social protection” has originated, largely to accommodate the realities of developing countries.

The United Nations (UN) Commission on Social Development describes social protection as:

Social protection embodies society's responses to levels of either risk or deprivation ... These include secure access to income, livelihood, employment, health and education services, nutrition and shelter.

Further, the UN Commission notes that:

The ultimate purpose of social protection is to increase capabilities and opportunities and, thereby, human development. While by its very nature social protection aims at providing at least minimum standards of well-being to people in dire circumstances enabling them to live with dignity, one should not overlook that social protection should not simply be seen as a residual policy function of assuring the welfare of the poorest—but as a foundation at a societal level for promoting social justice and social cohesion, developing human capabilities and promoting economic dynamism and creativity.^{xi}

Clearly a broad conceptualisation of social protection has many merits for South Africa.

- First, it incorporates developmental strategies and programmes more appropriate to a developing country such as South Africa. For instance, it increases opportunities for people doing “informal” work to gain access to social protective coverage.
- Second, it provides a coherent framework for integrating existing and proposed social and economic policy interventions. These wider functions and objectives of social protection are better able to address socially and economically embedded problems, new risks and increased vulnerabilities.
- Third, social protection could create added potential for integrated and linked private, public and community sector interventions and benefit systems.

For these reasons, the Committee of Inquiry has taken on board the concept of social protection. However, such as system in South Africa, even more than suggested by the UN Commission, needs to be embedded in economic organisation and social relations enabling it to address the country's underlying structural and material basis of social exclusion.

For this reason, the Committee of Inquiry has settled on the term Comprehensive Social Protection (CSP). The Committee defines comprehensive social protection thus:

Comprehensive social protection for South Africa seeks to provide the basic means for all people living in the country to effectively participate and advance in social and economic life, and in turn to contribute to social and economic development.

Comprehensive social protection is broader than the traditional concept of social security, and incorporates developmental 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.

4.4.4.2 A comprehensive social protection “package”

CSP will work through a variety of mechanisms, embracing a “package” of social protection interventions and measures. The need for a package derives from an understanding that there are certain basic requirements that should be available to all, and not subject to being traded off against each other. For example, it is not acceptable to ask a poor parent to choose between attaining a certain level of household income or sending their children to school, though this is not an uncommon choice in reality.

Further, a package approach enables one to achieve a degree of balance between measures focused on reducing income, services (capability) and asset poverty. In this way, a dependence on cash benefits, ignoring the potential for basic service cost inflation, is avoided, or vice versa. Rather a poor person is guaranteed some cash support and a basic level of service delivery. This allows comprehensive social protection to better deliver on minimum acceptable living standard outcomes.

The “capabilities” approach developed by Amartya Sen, the recent Nobel-prize-winner has been useful in developing the content of the CSP package. Basic incomes, services, and assets emerge as central components of the “capabilities” approach. This is set out in table 4.2.

Table 4.2: Matrix of means and ends^{xii}

Ends to promote	Creation of entitlements	Means	
		Improvements in terms of exchange	Building capacities
Healthy	Access to healthcare, water, sanitation	Grants and institutional reforms	
Productive	Redistribution of assets	Restructuring of markets and redistribution of opportunities	Improving access to and affordability of education and economic services
Secure lives	Tenure rights	Social welfare and safety nets	Community and individual safety

(Source: May, *et al.* 2000)

In identifying the practical aspects of such an approach, and taking into account necessary adaptations for South Africa, the Committee of Inquiry has arrived at the following package form:

- a) **Measures to address “income poverty”** This includes measures to ensure that people have adequate incomes throughout their life cycle, covering childhood, working age and old age. Income poverty can be addressed through a range of measures. However, the CSP package should comprise at least one primarily income transfer which ensures that all South Africans have some income to mitigate or eradicate destitution and starvation. A basic level of income would also have other developmental spin-offs related to enabling that person to participate more effectively in the economy (for example, afford the bus fare to engage in job search).
- b) **Measures to address “capability poverty”** This can be achieved through the provision of certain basic services, deemed crucial to enable a person to live and function in society. This includes the provision of basic (lifeline tariff) water and electricity, free and adequate healthcare, free education, food security, and affordable housing and transport.

- c) **Measures to address “asset poverty”** This includes income-generating assets, such as land, and social capital such as community infrastructure. This addresses the key underlying structural basis of poverty and inequality in South Africa.
- d) **Measures to address “special needs”** This includes mainly standard measures to address special needs such as disability or child support.

In the CSP package, (a) + (b) + (c) are core elements, the comprehensive social protection basic platform, that should be available to all South Africans (including certain categories of non-citizens). To this basic floor, (d), which addresses special needs, and largely as it currently applies, will be added.

Crucially, what are the key components of such a CSP package? After detailed analysis of the social and economic cost-benefits of possible components,^{xiii} the key income transfers, services, assets and special needs measures put forward by the Committee of Inquiry are set out in table 4.3.

Table 4.3: Comprehensive social protection package and components

	<i>Application</i>	<i>Key components</i>
Income poverty	Universal (a)	<ul style="list-style-type: none"> ➤ Basic income grant ➤ Child support grant (0-6 years) ➤ Maintained State Old Age grant
Capability poverty	Universal/ Eligibility criteria (b)	<ul style="list-style-type: none"> ➤ Free and adequate publicly-provided healthcare ➤ Free primary and secondary education ➤ Free water and sanitation (lifeline) ➤ Free electricity (lifeline) ➤ Accessible and affordable public transport ➤ Access to affordable and adequate housing
Asset poverty	Universal/ Eligibility criteria (c)	<ul style="list-style-type: none"> ➤ Access to productive and income-generating assets such as land and credit ➤ Access to social assets such as community infrastructure
Special needs	Eligibility (d) criteria	<ul style="list-style-type: none"> ➤ Reformed disability grant ➤ COIDA (injuries) ➤ RAF

This package includes mainly publicly provided forms of social protection. On the whole this total package needs to be established as a universal-as-possible package of income transfers, services and access provided in a non work-related manner and whose availability is not primarily dependent on an ability to pay.

In addition, the Committee of Inquiry has proposed important reforms to many other, privately provided but State regulated, aspects of social protection. These forms are aimed at improving inclusively, equity, consumer protection and efficiency of the benefit types concerned. These include the private pension/provident funds and life assurance.

4.4.4.3 Determining the “minimum” requirements for the CSP package

The Constitution obliges the State to take positive action to meet the needs of those living in extreme conditions of poverty, basic services, and suffering from a lack of access to constitutionally stipulated socio-economic rights.

The difficulty for the State, and anyone insisting on the State’s obligations, is that the “minimum essential level” must be described for each of the socio-economic rights (for example, the right to

adequate housing). As the Constitutional Court, in *The Republic of South Africa et al v. Grootboom et al*, has observed:

It is not possible to determine the minimum threshold for progressive realisation of the right to access to adequate housing without first identifying the needs and opportunities for the enjoyment of such a right. This will vary according to factors such as income, unemployment, availability of land and poverty. The differences between city and rural communities will also determine the needs and opportunities for enjoyment of such a right. Variations ultimately depend on the economic and social history and circumstances of the country.

Essentially, determining the “minimum essential level” could be a complex and involved process, with the minimum level being determined on a case-by-case basis. In other words, determining or contesting a minimum essential level may require a Constitutional Court challenge each time, with uncertain outcomes for all concerned. While there is a clear logic to that approach, it does not appear to serve either the interests of the State, which may suffer costly judgements, or those in need of such minimum essential levels of support. This is all the more likely when one considers the State’s current lack of institutional ability to roll out these programmes fast enough. This lack of clarity over “minimum” obligations will therefore not assist effective delivery. As a result, it may be advisable for the State to stipulate up front its considered minimum obligations for service delivery, such as it is doing with the free water programme, and its intended schedule for progressively realising this.

Further, even while the State is rolling out these medium- to long-term programmes, it is has to ensure “temporary” relief for the poor who are “particularly vulnerable”. In all likelihood, the State will be unable to ensure that all of its capability and asset programmes adequately have built-in measures for temporary relief for those most vulnerable. The result is that the State is again exposed to Constitutional Court challenges, and instances where the poor feel forced to take matters into their own hands (such as with land invasions).

In this regard, the “income poverty” aspect of the CSP package is relevant, particularly for three reasons:

First, income poverty measures are easier to rollout in the short-term than more infrastructural and institutional intensive “capabilities” and “asset” poverty programmes.

Second, people who are in “capability” and “asset” poverty, or for that matter having “special needs”, are invariably also facing “income poverty”.

Third, the Constitutional Court has recognised that if the State were providing better social assistance to the poor there would be less pressure on other socio-economic rights.

The poor are particularly vulnerable and their needs require special attention. It is in this context that the relationship between sections 26 (housing) and section 27 (social security) and other socio-economic rights is most apparent. If under section 27 the state has in place programmes to provide adequate social assistance to those who are otherwise unable to support themselves and their dependants, that would be relevant to the State’s other obligations in respect of other socio-economic rights.

In other words, the State could buy time for progressive realisation of its other socio-economic rights if it improved income transfers to the poor in the short term.

4.4.5 Financial implications

4.4.5.1 Social protection can promote sustainable growth

The Poverty and Inequality Report concluded that the perpetuation of extreme poverty in South Africa would most likely act as a brake on the government's economic growth strategy. And where higher growth was achieved, a noticeable reduction in poverty and inequality may not follow. As a result, it proposed that South Africa could pursue more redistributive policies without undermining current growth objectives—and rather that such policies would instead promote economic growth.

Indeed, the UN Commission for Social Development finds that:

Experiences of countries successful in economic, political and social terms show that economic development and social protection are mutually reinforcing—essentially they are elements of the same paradigm. Any trade-off between public spending items, between various economic needs and the need for social protection must incorporate recognition of the long-term social pathologies ... This approach (of objecting to social protection because it costs too much) has proved to be short-sighted and superficial.^{xiv}

Further, the UN Commission states, social protection facilitates the process of social and economic change by moderating the costs of economic transition and structural change. By providing a cushion, it can encourage the necessary economic restructuring.

4.4.5.2 “Affordability” is not a linear process

Internationally, two factors have been important in terms of shaping the limits, or otherwise, of “affordability”. These two factors are:

- ***A country’s level of economic development*** The level of economic development broadly determines the limits of the social security system. It is clear that, all other things being equal, a rich country can afford to provide a more comprehensive system than a poor one. South Africa, in this regard, is defined as an upper-middle income country.
- ***The relative strengths of social forces*** The relative strength of social forces and institutions determines the distribution of the country’s resources. A rich country may be able to afford to provide for everyone, but may instead develop a system that caters for the wealthy. Therefore, conceptually, the “affordability” or otherwise of a social protection system is partially dependent on social contestation. However, political and institutional mechanisms can be used to avoid zero-sum trade-offs. For example, a productivity/investment accord could be agreed to in the context of a new comprehensive social protection system.

4.4.5.3 Fiscal space does exist

A further factor is the extent to which “affordability” is determined by a policy decision to *reduce* public spending as a percentage of GDP from 28% in 2001 to 25% in 2007.^{xv} In this regard the parameters of “affordability” may be artificially constrained.

Further, research indicates considerable taxable capacity in the South African economy. South African revenue to-GDP is currently 24,7%, compared to 42,3% in Organisation for Economic Cooperation and Development (OECD) countries.^{xvi} This indicates that higher taxes, if related to better outcomes, are unlikely to result in immigration from South Africa to OECD countries. Further, the South African revenue to-GDP level is lower than the average for developing countries within 20 per cent of South Africa's per capita income level.

However, before considering options for increasing tax revenue to-GDP ratios, there is a need to recognise that the current South African fiscal parameters can accommodate increased public spending, if appropriate and sufficient return initiatives can be developed and implemented. In this regard, there has been a reprioritisation away from social spending, without any prior explicit policy decision. The extent to which this has occurred (a shift of about R7 billion) represents some degree of fiscal space that can be reclaimed without a new policy decision being made.^{xvii}

There is potentially further fiscal space through the creation of a “contingency reserve” in the National Budget. Since 2000/1, the savings from the reduced debt servicing have been moved into an unallocated reserve. By 2003/4, it is estimated that this reserve would be 2,7 per cent of the total budget, or approximately R8 billion.^{xviii}

In addition, the State provides numerous tax breaks to regulated private sector providers. Several of these tax arrangements—running into many billions of rands each -- are inherited from the past, and do not appear based on any clear rational or equitable basis. Over time these could be reallocated on a clear, rational and equitable basis in line with the chosen social protection approach.

4.4.5.4 Current system and social costs

The current cost of social security transfers, based on actual take-up rates, is R18 billion. Calculations by the Committee of Inquiry show that should the take-up for these targeted schemes reach 100 per cent, an additional R8 billion would be expended on grant payments.^{xix} Further, in this event, there would be an approximate additional R5 billion required for the administrative costs based on current grant: administrative cost ratios.^{xx} In short, even in the current scenario, the total potential social spend could be increased by that additional R13 billion liability.

Finally, there is a cost to not acting. It is not always economic to defer important interventions and preventative steps for primarily short-term cost reasons. In this regard, the social backlog and accumulating challenges present a barrier both to social and economic development, and intervention sooner rather than later may be economically and fiscally prudent. Indeed it could be argued that via the negative social externalities generated by lack of State action, the society, or the affected communities bear the cost.

4.4.6 Institutional framework

4.4.6.1 The need to resolve multi-institutional challenges in a short timeframe

Given the legacy of apartheid and the relatively short space of time since democracy, much of the institutional framework necessary to address poverty, unemployment and inequality is weak or absent. Therefore the challenge is to rapidly resolve multi-institutional challenges. These challenges include, for example, the design of new policy and legislation; new administrative structures at national, provincial and local level put into place to ensure the inclusion of the previously excluded; a change of mindsets; the establishment of mechanisms to deliver social goods efficiently and equitably; and the establishment of monitoring and evaluation.

Since 1994 national government policy initiatives have attempted to finely-target poor and vulnerable groups within South Africa. However, the institutional mechanisms to implement such policies have been uneven, with crucial governance failures resulting.

Public spending cutbacks have contributed to growing institutional crises. The current economic strategy has introduced a tighter fiscal approach from government, with less fiscal support for social protection reforms. There is thus a resulting tension between increasing access to social protection (as required by the constitutional and democratic imperatives) and declining real per capita spending (driven by fiscal policies). Institutions have therefore struggled to both reduce costs and increase access.

This declining public spending, concurrent with increasing commercialisation of key services, has pushed many people into the regulated private market. In this regard, the problems related to the health sector (mentioned above) are relevant.

To address this tension, institutional efficiencies clearly need to be improved substantially and/or fiscal support needs to be increased. Regarding institutional efficiencies, efforts to devolve functions and create new responsibilities for provincial and local government have run up against un-funded mandates and uneven institutional capacity. There is clearly more to be done in this area. First, there is a need to explore ways of increasing autonomy, and hence accountability, in delivery institutions (such as public hospitals) as a strategy to increase operational efficiency. Second, the fiscal federal environment, introduced after the 1996 Constitution, needs to be re-examined. Provinces are responsible for implementation, but national government for developing planning and overall budgets. There is often a disjuncture between the two processes, with a tendency for the different roles and responsibilities to become confused and appropriately directed.

Further, the means test has negatively affected the ability of the poor to access benefits. Means-tested schemes invariably have low take-up rates, that is, only a small proportion of those entitled to assistance actually applies for or receives them. Some may argue that if people do not apply for a benefit then they must really not need the benefit very much or do not qualify for it. However, these are often not the reasons for non-application. More likely fear, a lack of public awareness of the schemes, an inability to afford the transport to the welfare offices, stigma, or difficulty inherent to the administrative requirements are the key factors.^{xxi} In reality, it may be a combination of all of these.

Means testing also intensifies the problem of the “welfare-trap”. At its simplest, this arises where you receive a benefit only if you are not earning anything else. As soon as you start earning, you lose the benefit. While in practice some means tests allow for some income to be earned, the welfare-trap remains, if somewhat reduced. In the South African context, and the tendency for incomes to fluctuate, applying the means test correctly becomes a very complicated and generally impossible task within the available institutional capacity. Crucially, it promotes corruption, where government officials are in a position to waive or overlook certain requirements. In short, it is advisable that, wherever possible, social protection systems avoid the use of means tests.

Related to problems of means testing and screening of applicants is the unevenness and fragmented nature of adjudication measures. In many instances claimants are required to go to the High Court, face undue delays, and much of this without access to any legal aid.^{xxii} In this regard, consideration needs to be given to the creation of a social security tribunal able to process all social security claims (both social assistance and social insurance).

4.4.6.2 Incorporating social mobilisation into social protection

Social mobilisation is important in embedding social protection in economic organisation and social relations. It is also important in terms of increasing the level of participatory governance, institutional accountability and, hence, contributing towards institutional effectiveness and efficiency.

In this regard, the Committee of Inquiry supports the notion of a Youth Corp engaged in comprehensive social protection activities. For instance, there is a need for approximately 54 000 community-based caregivers to assist communities by dealing with the HIV/AIDS outcomes.^{xxiii} Such a necessary scheme could be given to specially trained youth, potentially as part of a learnership programme, supported by existing social programme funds, with contributions from relevant job creation/skills development funds.

In this regard non-governmental organisations (NGOs) and community-based organisations (CBOs), with government support, have an important role to play in creating and supporting an environment of social mobilisation. Such a role seems preferable to NGOs/CBOs as partner delivery agents; these organisations are generally facing funding and capacity constraints, and the attempt to use them, as is the case with for-profit institutions, has exposed several weaknesses in government administrative and management systems. Those government departments using such organisations had the most prevalence of under spending (due to their inability to process the funding), and also limited delivery outcomes (due to their inability to ensure contract compliance). NGOs and CBOs are more likely better suited in social mobilisation roles, and related roles where they can keep a critical perspective and promote the interests of communities and potential beneficiaries.

4.4.6.3 The need for co-ordination of planning, implementation, monitoring and evaluation

Current social security functions are, in practice, spread across many different line departments and tiers of government and the State. To the extent that the State needs to deliver a comprehensive social protection system, as suggested by the Committee of Inquiry, or meet its obligation to progressive realisation of its existing constitutional socio-economic obligations, better co-ordination of planning and implementation is needed. Hand in hand with planning and implementation goes the need for effective monitoring and evaluation of programmes.

Government has already recognised the need for this. One instance of improvement in this area has been the announcement of integrated urban and rural development strategies. This reflects an important understanding of the need to integrate service delivery strategies for optimal impact, in this case around development nodes. These integrated strategies, while at an early stage, should result in more effect delivery at the nodal points. However, these strategies do not, and were not intended to, comprise a sufficiently coherent and co-ordinated response to the constitutional obligations. They are also unable to comprise a wider absence of a comprehensive social protection system.

The Committee of Inquiry has thus revisited the notion of a National Social Security Agency. It is suggested that such an agency be responsible for, in varying degrees, leading the planning and monitoring and evaluating of State programmes for comprehensive social security. While the

various tiers of government currently required to implement programmes would largely continue to do so, a single national agency would promote effectiveness and overall State efficacy.

The Committee recommends that social security (social assistance and social insurance payments) be a fully-funded mandate within a costed norms approach. This would be administered at a national level while social welfare services remain a concurrent function of national and provincial government. It is further suggested that there could be provincial involvement in the national agency, representing a commitment to “co-operative governance”, through, for example, provincial secondments to the agency.

The Committee envisages the establishment of a Social Protection Commission, that comprises relevant government departments, key stakeholders, and international experts. This Commission would play a policy advisory and evaluation role, and inform the activities of the agency.

The Committee has also recognised that the budget processes need to reflect these planning processes. In this regard, the current Medium-Term Expenditure Framework (MTEF) lacks a prior strategic framework that can shape the overall direction of government spending. The current MTEF process is largely effected on the basis of “competitive budgeting”, where departments compete against one another for resources. This encourages a less holistic and comprehensive approach, and has allowed, for instance, social spending as a whole to decline in relative terms rather than strengthen. For this reason, the Committee of Inquiry suggests a Medium-Term Strategic Framework (recognising the importance of comprehensive social protection) creating an overall framework for the MTEF.