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Conditionality in Social grants. The cases of Brazil and South Africa

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How are international debates around conditionality in grants applicable to the cases of South Africa and Brazil? What factors make conditionalities possible or impossible?

Introduction

This paper is an analysis of two countries, South Africa and Brazil and how they have each chosen to implement cash transfer programs. The key focus here will be to assess how applicable international debates regarding conditionality have been in the cases and what factors encouraged or discouraged the application of conditions. Cash transfers (also known as social grants) are programmes that provide poor households with a monthly financial income (also known as a grant) which they are expected to use to meet some of their basic needs. The transfers provide a cushion from some of the worst social and economic risks and threats faced by these vulnerable groups, such as food insecurity, while also giving families the capital for investment and savings which allow then to plan for future events. (Hanlon, et al. 2010: 1) Conditional cash transfers are programmes whereby cash is transferred to targeted households on the condition that they fulfil certain required activities which the state believe may improve their living conditions. Health and nutrition conditions for example would require households keep up to required vaccinations and health checks or attend school regularly. Conditional transfers have been very popular in Latin America, with Brazil and Mexico having some of the most developed programmes. (Fiszbein, and Schady, 2009:1) Although there is considerable agreement in the field that cash transfers can be a good strategy to address poverty, inequality and underdevelopment, there is little consensus as to how these grants should be distributed, limited and in particular if conditions are necessary for the achievement of desired developmental outcomes.

With a focus on the cases of South Africa and Brazil this paper aims to look at how international debates over conditionality in grants have played out. In this paper, I ask: What key factors have allowed for the adoption or rejection of conditionality in grants in these two countries?

The reason why South Africa and Brazil have been chosen as cases is because they have both placed cash transfers at the centre of their poverty alleviation strategies. What is interesting about looking at these two cases together is that although they have both implemented cash transfers to achieve similar developmental aims, they have justified and implemented this system differently. Brazil implements a system that depends heavily on conditionality. In order to for people to get grants they need to perform particular activities which are meant to further improve their conditions. South Africa on the other hand does not use conditionality but has been the scene of much debate over conditionality. The question then becomes what factors have made it possible for these

different policy choices. By looking at the cases of the South African and Brazilian social grants programmes and how they have been implemented and justified the following arguments are made:

First, the ideology of the state is an important factor that supports or challenges the application of conditions. Neo liberal economic policy encourages the reduction of social grant programmes through reduced state spending and requires more action or responsibility on the part of beneficiaries. By contrast, social democratic policies may encourage the state to increase commitment to social spending and to increase the capacity of grant programmes through (in some cases) more universal grant policies. Second, the presence of a counter force to conditionality is very important in both cases. In South Africa for example we see the strong civil society lobby against conditions having significant influence on policy direction while in Brazil there seemed to be no obvious to the states application of conditions in cash transfers. Thirdly, as will be seen in the two cases, the Constitution of each state plays a very important part in determining the extent to which conditions may be implemented. In Brazil, the lack of constitutional entrenchment of their cash transfer programme has meant that it is vulnerable to political manipulation. The Constitution in South Africa for example has been an essential part of limiting the state's ability to impose conditions which are believed to indirectly limit other basic rights.

In order to make these arguments this paper will be structured as follows: chapter one will set the theoretical foundation for later discussions. Here particular attention will be given to welfare and the role of the state in it. Cash transfers will be clearly defined and key arguments in favour of and against the implementation of conditional cash transfers will be reviewed. Chapter two will discuss the history and implementation of conditional cash transfers in Brazil. Particular focus will be placed on analysing the factors that have supported the introduction of conditionality in the grants. Chapter three will analyse the evolution of social welfare and grants in South Africa and how struggles over the introduction of conditionality have played out.[1] The fourth and final chapter will provide concluding remarks on the study. Here we will highlight what the cases have proven to be the key factors either rejecting or supporting the implementation of conditionality in cash transfers.

Chapter 1

Theory and Background

This, the first chapter of the paper is intended to provide a theoretical background to the topic at hand. In order to understand debates on social grants and conditionality and how these have applied

[1] It must be noted that the level of analysis in the Brazil and South Africa chapters will not be the same due to unequal distribution of sources between Brazil and South Africa. This is due to the fact that I cannot physically be in Brazil or translate documents from Portuguese to English.

to the two cases (Brazil and South Africa) we need to first look at debates around social welfare and the role of the state in providing welfare. The way in which we understand and answer this question will have consequence on the type of cash transfer programme that may emerge in particular contexts. This theoretical section is divided into two parts: section one clarifies the definitions of the terms social welfare, social protection and social security and also explores some of the key ideologies of welfare and the role of the state in it. This section will be essential in our later discussion of the cases and how these prevailing theories have influenced macro-economic policy and the states approach to cash transfers. Section two will look at Cash transfers in more detail. Here we look at how cash transfers have been justified as a poverty alleviation mechanism and the predominate arguments for and against the inclusion of conditions in cash transfers. This section will provide a foundation for discussions around why in the context of Brazil, conditions have been implemented and in the case of South Africa why they have not been successful.

Defining terms (social welfare, social protection and social security)

In the broadest sense welfare can be described as wellbeing or what may be considered to be in the best interest of people. Within the context of the state the word can be taken to mean the range of services that the state may provide to its citizens to ensure that they all, regardless of wealth have access to a particular standard of wellbeing. (Spicker, 1988:3) These services may include the provision of minimum levels of healthcare, housing, education, social work and care. These services may be curative in that they provide care to the sick and vulnerable. They can be developmental in their ability to provide people with the facilities needed such as education to realize their potential. Finally social services can be a safety net with services such as pensions that may help to remove uncertainty associated with need, disability, poverty and old age. The British National Health Service is an example of an institution created through state intervention to ensure that citizens could access a minimum standard of health. (Sillars, 1988: 2)

Social Security is one of the welfare services that the state is mandated to protect. For the purposes of this paper, 'social security' refers to the financial resources that may be made available to citizens in their time of need be it old age, in the event of injury, loss of employment and general lack of income. These are divided into two categories, contributory and non contributory programmes. Contributory programmes are ones where in order to gain benefits (a monetary income) you need to have made regular financial contributions. (Slater, 2011:5) Once you for example reach the required age of retirement or in the case of an unemployment fund or if you lose your job you will then receive an allocated financial transfer every month. These kinds of funds often only benefit those who are employed and thus can make the required contributions. Due to high rates of

unemployment and inequality in countries like Brazil and South Africa many cannot access this kind of protection. This is why non-contributory social protection programmes may be instituted. These are non contributory because they do not require beneficiaries to have made regular financial contributions (ibid) Financial benefits are given to targeted groups of people which the state considers to be vulnerable to income deficiency. This is where social grants fit in as a mechanism for ensuring that those living under the worst conditions are able to access funds which will help to improve the quality of their lives.

According to Paul Spicker (1988) the provision of welfare is rarely done only in the interest of the recipients. Social services can be designed to meet the ends of society as a whole, after all society is made of individuals and the wellbeing of one translates into the wellbeing of others. Welfare can also fulfil wider societal needs such as reinforce economic policy, redistribute wealth to achieve social justice and equality, institute social change and be a means of ensuring social order. (Spicker, 1988:4) The provision of social welfare is a contentious issue and while many may agree that it is needed there is very little consensus on how it must be conducted, justified and limited and the exact role of the state. Some of the dominant approaches to social welfare will be discussed later in a later section.

Perspectives of the role of the state and social welfare

The role of the state in the economy and in the social affairs of its citizens has always been a contested matter. Social theorists, policy makers and academics have always had differing opinions on the role of the market in redistribution, the role of the state in welfare, the redistribution of resources, and the role of the family. The approaches and arguments that are made by civil society, non government and international organisations like the World Bank and the various United Nations organisations, all institutions which may fund social grant programmes are also founded on different ideologies of welfare. The role of these organisations and their influence on social welfare will be discussed later in this chapter. It must be acknowledged that while ideology has had an influence on the nature and development of social security and social transfers many other social, political, economic issues both internationally and nationally have also played a major and sometimes more influential role.

In the following section we will look at Esping-Anderson's typology of the welfare state. The reason for this is that it provides a good overview of prevailing theories on what the role of the state should be in the provision of welfare. Elements of these ideologies will be present in the two case studies that will be discussed in chapter two and three. In addition to this there will be two sections at the

end of this section discussing two issues which are very important in the context of South African and Brazilian social welfare systems: the role that ideas around justice have played in influencing the nature of state welfare interventions, and the role that various international institutions play in the formation of welfare policy, particularly in countries like Brazil and South Africa.

Typology of welfare states

The classification of welfare states has been a big area of research amongst social scientists. This is because it allows for the differentiation of different methods of providing welfare. Titmuss (1974) is often considered as one of the first scholars to make a distinction between three kinds of welfare states. The first was the marginal state, the industrial achievement and the institutional welfare state. (Bergh, 2004) Esping-Andersen and Sainsbury are currently the most dominant interpreters of the work of Titmuss in the development of categories. Sainsbury (1991) categorises welfare states into 'residual' and the 'universal' models. Esping-Andersen in his 1996 text called *Welfare states without work* describes the typology of welfare state which is essential in understanding the ways in which a state may decide to implement a cash transfer system. He categorises welfare states into the following models, 'liberal', 'social democratic' and 'corporatist'. While I will be describing all of these models I will be focusing more on the two that are most relevant to this paper and a discussion of conditionality insurance in a cash transfer programme, Social democratic and liberal welfare states. The liberal welfare state model (similar to the residual model) will allow us to discuss arguments for conditionality in social welfare and this will provide a direct link to arguments for conditionality and means testing in cash transfers. The social democratic model (similar to the universal model) will allow for a deeper analysis of arguments regarding universality in cash transfers. The Corporatist welfare state is regarded as a state where much of e social protection takes place through contributory insurance funds which may be administered by the state or various work associations. (George and Wilding, 1994:11) The reason that this category of welfare state has been excluded from this discussion is because both Brazil and South Africa have clearly committed to far more social democratic and liberal welfare principles than corporatist ones. Each of these countries has extensive non-contributory transfer programmes.

Liberal welfare states are associated with traditional liberal ideologies of minimal state intervention and market-led reform/redistribution.(Kennett, 2004) These welfare regimes tend to see individuals as being in some way responsible for their poverty. Various mechanisms are then used to limit the number of beneficiaries claiming welfare and to ensure that individuals do more to prevent their own poverty. For example, in a liberal welfare state system, cash transfers may have conditions attached to them or beneficiaries may be selected by an income means test. South Africa's child

support grant, for example, implements a means based test, while Brazil's *Bolsa Familia* requires recipients to consistently attend school. According to Lund (2008) these conditions tend to have as their aim the reduction of state funded social welfare beneficiaries. This may be done by finding ways to reduce repeated claims, for example by equipping individuals with skills that can ensure that they return to full employment and thus private sector funded insurance, or or it may be done making sure that only the extremely impoverished are eligible to apply in the first place. Consequently conditionalities in a liberal welfare system tend to create barriers to inclusion for certain individuals, with the covert agenda of reducing state expenditure on welfare. However, as will be seen in the later discussion of cash transfer programmes in South Africa and Brazil, liberal welfare states are not always exclusively liberal and often include elements of other welfare regimes.

The second welfare regime is the social democratic welfare state which, according to John Stephens (1996), is most associated with Scandinavian states such as Sweden, Norway, and Finland. This welfare regime is largely based on principles of universality which means that all citizens are provided access to state lead social welfare programmes. Poverty in these cases is seen far more as a structural problem and not necessarily the responsibility of the individual to resolve. Social democratic welfare states see the provision of grants for example, as very much an issue of social justice and do not see grants as charity but rather a responsibility that the state has to its citizens. There have been many proposals for universal grants, from those that are paid out once in a lump sum or those that are paid out monthly. With this come debates on how such programmes would be funded. In South Africa there has been much debate over the introduction of a basic income grant. A basic income is a grant that would be given to all members of a particular political community on an individual basis without any means testing or work requirements. (Van Parijs, 2006:4) These grants would be paid out on a regular basis so as to ensure that people can have the security of a regular financial income.

Justice and social welfare

The development of social policy and the welfare state has happened in conjunction with the development of ideas regarding the creation of a just society. While there is general consensus on the states need to intervene in society to create stability, equality, certainty and greater socioeconomic equality there is little consensus as to how this should be done and justified. (Lippl, 1998:3) While scholars like Robert Nozick and John Rawls have provided very important

contributions to the study of justice, much of the discourse around social justice and particularly within the context of social grants is more in line with the arguments made by Amartya Sen (2009) and Martha Nussbaum (2007) through their capabilities approach. For both Nussbaum and Sen, the state will only create a just society if it creates an environment in which individuals have the capabilities needed to do the things they value. (Brighthouse, and Robeyns, 2010:5) They need to have the freedom to choose between different ways of life and actually be able to achieve them. Justice requires more than formal equality. It requires that we ensure that people are able to access the resources they need in order to be able to function in society as equals regardless of wealth or status. (Hassim, 2008:106) Nussbaum provides us with a list of what she calls universal fundamental entitlements which she argues would ensure that a society is just. The list of capabilities include, life, bodily integrity, bodily health, ability to express emotions, affiliation, reason, and imagination and thought, control of one's environment, ability to play and to relate to other species. (Nussbaum, 2007:154) It is the duty of the state through its social welfare system to ensure that all people can access the minimal threshold of these capabilities. The question then becomes what kinds of institutions society will develop to ensure that the necessary conditions exist for people to fully enjoy the above mentioned list of entitlements. (ibid: 106) Social grants would fit into this argument as a state-led mechanism to ensure access to resources that make it possible for people to access other rights.

Impact of globalization and social policy and their impact on social grants

Globalization has had an impact on the formation and orientation of social policy in the 21st century and therefore has influenced the design and orientation of social grants throughout the world. Of the influences that may be listed, the most important to the design of social grants today has been the increased involvement of international organisations such as the International Monetary Fund, The World Bank, International Labour Organisation, and a number of other UN organisations. (Deacon, 2009:9) International organisations may influence national policy through the following channels; setting research agendas and developing knowledge framework, the provision of loans and aid which hold specific policy requirements and through establishing varies global rules, norms and codes of conduct to regulate particular activities. (ibid: 24)

Agencies like the World Bank, IMF and various UN agencies have been very influential in so-called developing countries particularly in areas of economic development and welfare needs of their populations. (ibid: 9) The fact that these organisation do not represent any particular state means that they are often more impartial however they too are influenced by particular perspectives on social policy. These perspectives have consequence on whether or not they support conditional or

unconditional grant programmes. With the example of the World Bank and the International Labour Organisation I will highlight two of the most contested and influential perspective and their consequence to social transfer programmes.

The World Bank and IMF have in the past favoured more targeted approaches to spending on social protection. These institutions are often associated with the 1980 and 1990s structural adjustment programmes and what was later named the Washington Consensus. States were provided development loans on the condition that they cut excessive public spending, reduction of protectionism and encourage the development of the private sector through a strategy of export lead growth. (ibid: 25) Within Social protection policy and more specifically cash transfers the World Bank has particularly been an advocate of the conditional cash transfers.

The International Labour Organisation and United Nations on the other hand hold fundamentally opposing views to those above. For them social expenditure is a way of increasing economic growth, social cohesion and investment in human capital. These organisations are able to only persuade governments through moral and peer pressure to ratify international codes and treaties on social protection and labour standards. (ibid: 63) It is only then that they can require enforcement and take actions against states that do not comply. The 1966 covenant on Economic, Social and Cultural rights is an example of such a code that many states have committed to upholding. This treaty also requires states to provide citizens with a certain standard of living and protection. Cash transfers in the context of these organisations would be to see them as an essential part of the protection of adults and children. States would thus be encouraged to increase beneficiaries and in some cases take on universal and unconditional grants.

In conclusion, with globalisation has come the involvement of new actors in the international and national social policy space. They have considerable influence through their resources and international stature and often have direct influence on the choice of cash transfer programme. As has been discussed above, the World Bank has been strong supporter of conditionality and thus states which receive their aid or development loans for cash transfers have followed its policy requirements. The ILO and other UN organisations such as UNICEF have been major advocates for more universal grants. As you will see in the case studies many of the policy decisions that were taken for or against grants happened as a result of support from either one of these organisation.

Social grants

Cash transfers form an important and growing part of social protection programming in many parts of the so called developing world. Cash transfers evolve differently in different parts of the world

and there are significant variations in the designs and objectives of programmes across countries and regions. This following section will look at cash transfers (also referred to as social grants) in more detail. First we will discuss the rationale behind grants and present arguments for and against cash transfers. The second part will discuss conditionality in detail and highlight some of the key debate and arguments regarding the implementation of conditional cash transfers. This will allow for a more in-depth understanding of the reason behind particular policy choices in the two cases to be discussed later.

While there may be considerable evidence that cash transfers are a effective state-led intervention into poverty there remain many arguments against it. There exist two main arguments against cash transfers. First, there is the argument that poverty may be better reduced through pursuing the state's broader economic growth rather than through the provision of cash transfers. Developing states need to focus more on the development of basic infrastructure like housing, schools, roads and hospitals, improve governance and administration of state resources. According to this view while cash transfers may have a positive effect on the living standards of individuals the effect is far more short term and directed only at a smaller group of people than the investment in public infrastructure and the economy. (Fiszbein, and Schady, 2004:16)

The second argument against cash transfers is that they may create dependence on the state rather than promote individual work and effort. If the government provided individuals with a basic income that provided for all basic needs then there is no incentive for people to invest in their own development, find employment or change the circumstances of living. (ibid)

Regarding the second argument against cash transfers it is becoming increasingly difficult to argue that the market is sufficient as a redistributors of resources, particularly in developing countries. In their failure markets tend to even prevent poor people from being productive and thus reinforce poverty cycles. For example, according to the Economic Policy Research Institution, children receiving grants are more likely to go to school and receive better nutrition while adults receiving a stable income through grants are more likely to look for work more extensively. (Lund, et al. 2008: 2) More importantly many of the inequalities that exist in developing countries are inherited and have nothing to do with the actions of individuals. Inequality of opportunity may exist on the bases of one's race, gender, social context or family history. State-led interventions like social grants directed at people with particular need for redress and access to opportunity are better placed than the market to address such issues. (Das, 2004:3)

Conditionality

Now that we have clearly established the importance of social grants as poverty alleviation policy we now turn to the use of conditionality in social grants. We will ask, what are conditions, how are they rationalised, what are the key arguments for and against their application. This section will be very important for our later discussions on South Africa and Brazil and why they have chosen to implement grants or not.

Conditional cash transfers are programmes where cash is transferred to targeted households on the condition that they fulfil certain required activities. (Mkandawire, 2006:1) Health and nutrition conditions for example would require households keep up to required vaccinations and health checks. The introduction of conditionality in grants has become a common way of ensuring that the people most in need receive the grants and that the required developmental outcomes are achieved by beneficiaries. (ibid) There exists a range of conditional cash transfer programmes which differ depending on their objectives and intended outcomes. Even so almost all have the primary objective of providing cash transfers so that individuals are able to have a stable form of income which allows them to provide for their basic needs like food while also increasing cash flow within their community.

It has been argued that in Latin America social protection programmes such as conditional cash transfers have been used as a form of compensation for the adverse impact that structural adjustment policies of the 1980s and 1990s have had on the poor. (Conway, 2000; Cornia et al., 1987) In these countries social protection programmes were eroded in part due to social spending cuts implemented where universal welfare systems were already weak. (ibid) Transfers with schooling and health conditions have become a popular as a mean for tackling generational poverty and increasing investment in human capital on the part of the government and family. Conditionality is seen as an effective way of targeting the poor and of also minimising resource wastage. (ibid) Brazil is in fact not the only or the first Latin American country to implement a cash transfer programme. Countries like Mexico (Progresa/Oportunidades), Chile (Chile Solidario), Colombia (Familias en Accion), Argentina (Jefes de Hogar), Peru (Juntos) Ecuador (Bono de Desarrollo Humano) have all successfully implemented conditional cash transfer programmes. (Britto, 2006:1)

In Africa, where very few social welfare programmes exist the emergence of cash transfers has been largely to address inadequate access to resources, in particular food. (Schubert and Slater, 2006:520) In kind transfers of food by donor agencies had been the main mechanism to address severe hunger. As a result of much debate and research it has become clear that poverty and especially hunger in Africa is not an issue to be addressed by temporary interventions such as food aid. Growing signs of donor fatigue have also encouraged aid agencies and government to implement more sustainable

and empowering welfare interventions that will solve not just food insecurity but other developmental concerns. (ibid: 522) Although not all African states have embarked upon conditional cash transfer programmes, they have increasingly been regarded as viable options. Kenya, Uganda, Malawi, Zambia, Lesotho, Namibia and Mozambique all implement conditional cash transfer programmes. According to Samson, (2009) the addition of conditions to cash transfers in Africa tend to be linked to the immediate creation of community assets through public works programmes and not linked to school attendance or health checks. There are two main reasons for this. First, given the more severe fiscal constraints in Africa, implementing governments are concerned that poor households will become dependent on cash transfers and never progress from the programme into an independent and sustainable livelihood. (ibid: 14) Second, there are serious capacity constraints limiting government service delivery in health and education in Africa – there is no point in increasing the demand for services if the supply side is not in place.(ibid) It is important to note that while this may be a common accordance it is not the case for all African states.

How beneficiaries are selected: Targeting

Both conditional and unconditional grants tend to use a mechanism of targeting. Targeting is when grants are only made available to a particular category of people. (Mkwandawire, 2006:1) Targeting is different to conditions in that it is used only as an initial requirement for receiving a grant. Similarities arise in their ability to include and exclude different categories of people. For example, you may not be considered for a grant if you do not fit the targeting requirements similarly you may be excluded from a grant if you do not perform required activities. Targeting is particularly useful in developing states that may have limited budgets and would like to ensure that transfers reach the right beneficiaries. The use of targeting presents many challenges as it is often difficult and costly to collect information on individuals. This often results in errors of exclusion, where an individual is not correctly categorised resulting in their exclusion from grants or an error of inclusion, where a person who would not ordinarily be classified to be a beneficiary receives a grant. (ibid)

In some cases the state may use self targeting rather than explicit targeting. This is when grants are available to everyone who chooses to take them up. In many ways this could be considered as an unconditional grant as one may not be expected to fulfil particular duties but the fact that the grant presents particular challenges to accessing it may indirectly make the grant conditional. (ibid) In these grants recipients are limited by making the application process so time consuming or by decreasing the value of grants so that only those that really need it would make the effort to subscribe to the grant programme.

According to Mkwandawire (2006) in practice, all cash transfers are targeted to some extent. A truly universal grant would be one that would be available to all citizens of a country or even all people. The main policy debates on targeting have today looked more at choices between targeting based of demographic categories or targeting based on income criteria. While South Africa for example may not have any formal conditions it does apply a means based test which determines eligibility on the bases of income rather than demographic. Selecting a target population means that one needs to also determine the right targeting method for determining how poor one should be to be eligible. (Das, 2004: 22) For example, if a Conditional cash transfer like the *Bolsa Família* social protection programme in Brazil, is created with the aim of helping to reduce current poverty, and getting families to invest in their children, thus breaking the cycle of intergenerational transmission and reducing future poverty. (Santos, 2011:1) First, one would need to determine a criterion for determining poverty.(Das, 2004: 22) In most cases an income means test may be used but determining the level of income that one would need to have is tricky. Even where a family has a small but stable income this does not mean that finances are equally distributed to meet the needs of all family members. The second but more difficult criterion that would further reduce the number of beneficiaries would be to narrow demographic targets to population sub-groups that appear to have the largest human capital gaps. This more narrow approach could imply targeting poor households with children of a school going age. (ibid)

Arguments for conditional cash transfers

With the key definitions and concepts around conditional cash transfers have been discussed in the sections above the following pages will outline some of the key arguments for and against the use of conditions in cash transfers. This section will be particularly useful for chapters two and three when we will be looking at how each of the cases has argued for or against the use of conditions.

According to Frances Lund (2008), conditionalities fall into two categories: The first category of conditions may be known as once off conditions of entitlement. There include social and demographic characteristics of a person, such as age, disability and gender, administrative requirements like proof of residence, identification documents and proof of birth, requirements in the regulations which may require that money is actually spent on children in the case of grants targeted at children. These 'once-off' conditions are not really regarded as true conditions. The second category of conditions is ones that Lund calls true conditions. (Lund, 2008:13) These conditions require the recipients of grants to do a particular activity like attending school, and going for scheduled health checks. Health and nutrition conditions for example would require households keep up to required vaccinations and health checks. Educational conditions may require all children

between particular ages to attend school consistently. Lack of compliance to stipulated conditions often leads to the loss of benefits. (ibid : 16) This distinction – between once off and true conditions – allows us to understand the terms of the debate over the implementation of conditionality.

According to Ariel Fiszbein (2009) there are two main arguments for the implementation of true conditions to cash transfers. First, is that there tends to be very little support from donors and tax payers for redistributive programmes if they are not seen to be conditioned on encouraging desirable behaviour by the poor. The second argument stems on the need for increased private investment in the human capital of children.

The first argument for implementing conditions to grants is that they allow for the creation of a reciprocal relationship between the beneficiary and the state rather than just being handouts. (ibid: 30) Schubert and Slater (2006) believe that policy makers see poverty to be a result of lack of education, nutrition and housing. They therefore see the redress of these deficiencies as essential. In many Latin American countries conditions are seen in a positive light because the fulfilment of conditions means that they are working for their income rather than just accepting donations from the state. (Fiszbein, 2009:31) Conditional transfers are also more acceptable to tax payers and policy makers because there tends to be a belief that poor people, if given money do not know how to use it to their advantage and thus need to be directed. This argument bears a significant resemblance to liberal ideas outlined in the earlier section, particularly in their desire for individuals to take action that will improve their standard of living. The state should not be completely responsible for the welfare of individuals.

Regarding the second argument, state investment in the education of children or human capital in general may be limited for two reasons. First, if the household decision makers hold misguided beliefs about the nature of investment needed to educate a child or the benefits that may come from keeping a child healthy and educated, then such investment may be misguided. (ibid: 29) In other words families may not realize the correlation between levels of income/quality of work with the level of education that an individual may receive. The more a child achieves in schooling the more skills they gain and the better opportunities they are able to access. In many South Asian countries families have traditionally invested more in the education of their male children than their female children even though studies have shown that female education is able to achieve the same outcomes in terms of income as males.(ibid) Low levels of investment in female children in these communities is linked to the parents desire to preserve their own welfare either because of the high price of dowry or that because boys are more likely to take care of their parents than are girls who

move to their husbands' homes upon marriage. Therefore imposing conditions on cash transfers may help to encourage desired invest in human capital.

Arguments against conditional cash transfers

The application of conditionalities to cash transfers is a very controversial matter within the literature. In this section of the paper we will look at the prevailing arguments against the application of conditions. These arguments will be divided into two sections, First will be the general arguments against methodology and second we will look at a human rights perspective to conditions, as this will like very closely to our later study of South Africa.

In terms of the methodological critique, we will be looking at four challenges to conditionality that apply to the strengths that have been discussed in the section above. First, Samson (2009) has argued that there are some fundamental problems with using a system of conditionality and not universalism. The use of conditionality tends to disempower the poor and assumes that poverty exists as a result of undesirable behaviour by individuals. In reality poverty is often structural and merely going to school or being healthy will not resolve the problem. Secondly, while the transition to higher education does increase the chances of employment and poverty elevation this is all dependent on the quality of education that one receives. (Britto, 2006:45) According to a study by Das et al (2004) in some countries where attendance of school is a condition the government has not been able to provide enough teachers or space for the children to learn. Health and education systems need to be well developed so that they can handle the increased demand on account to the grants and they need to be of good quality so that beneficiaries can really benefit from conditions set upon them.

Thirdly, in order for CCT to achieve their aim they need participation by beneficiaries. When participants are given larger rewards than expectations they are far more likely to comply with the conditions. Alternatively if participants are expected to do more for a smaller transfer many would rather forfeit cash and find alternative ways to provide for themselves. (Das, 2004:9) Lastly, benefits provided only to one proportion of the population can have an adverse effect on others. For example where female children are subsidised more than male children to attend school families my see more benefit in sending girls to school rather than boys. This would reduce the enrolment of boys into schools and recreate another problem of inequality. (ibid)

What these critiques suggest is that conditions may not always produce the states desired outcomes and it is important to look at the relevance of conditions in each context. The state needs to have a

clear understanding of its people, the services and infrastructure that they have access to and the social culture and if it will accept conditions.

Human rights approach

But the methodological critiques only go so far. For the purpose of the following country cases it is important to consider some of the human rights based arguments against conditions in grants. In the South African case for example many civil society organisations founded their arguments against conditional cash transfers on a human rights approach. Similarly many arguments for universality of grants are based on a human rights approach**.**

The decision to implement conditionalities is also linked to the way in which poverty is perceived by policy makers. Frances Lund argues that many liberal welfare states have the belief that poverty is rooted in the actions of individuals. (Lund, 2008:1) However poverty is often structural and merely going to school or being healthy will not resolve the problem. Furthermore conditional cash transfers by their very nature force individuals to make particular choices which in essence limit their right to free will. The rationale is that individual actions often have an impact on the whole of society and if mutually beneficial behaviour can be ensured limitation of freewill is acceptable. In South Africa for example the social welfare programmes like social grants continue to be seen as charity when in reality recipients of grants are making legitimate claims to their entitlements. (Hassim, 2008:109)

From a human rights perspective the fundamental problem with conditionality is that they often results in the exclusion of people who should be beneficiaries but may not meet the requirements for various reasons. This creates injustice to those who are excluded. So in an assessment of justice in conditionality we need to ask what it is the conditions are trying to achieve. Conditions such as those Lund calls the 'core conditions' function to limit the categories of people that can access the grant. The conception of grants in this case would be one that sees grants as a charity that the state gives to citizens who in turn need to fulfil certain requirements. Simply put, poor people need to trade their actions for money. According to the capabilities approach these conditions would be creating an injustice in their limiting the number of people that can access the grant on the bases that they do not fulfil certain functions. Rights by their very nature are inalienable and do not require one have a reciprocal relationship with the state in order to access them.

A capabilities understanding of the cause of poverty and capability depravation is fundamentally different to that of many liberal welfare states and thus has consequences to how one may justify conditionality in a society pursuing social Justice. Sen and Nussbaum see poverty as a structural issue

which cannot be solely blamed on the actions of individuals. (Nussbaum, 2007:156) People may be born into situations that do not allow the conversion of resources or effort into a good life. People who live in a poor community for example may not have the ability to access certain skills that may help them access capabilities or wealth. Similarly someone that is disabled but wealthy may not be able to turn that wealth into a good life. (ibid: 154) Poverty is thus capability depravation and a depravation of one's rights and justice. Nussbaum would go even further and see poverty as a limit to human dignity because poverty is a violation of her list of universal political entitlements which ensure human dignity and thus justice. Access to a social welfare programme like social grants would for her amount to a right/ entitlement if its purpose is to ensure that people access resources that may improve their life and dignity/standard of living. (ibid: 157) Social grants should thus not be regarded as charity but rather something that the state is required to provide to its citizens.

Chapter 2

Social grants and conditionality in Brazil

The following two chapters will be an analysis of two countries that have implemented cash transfer programmes, Brazil and South Africa. In these chapters we will see how the various theories regarding social welfare, the role of the state, social grants and conditionality have played out in practice. This current chapter will focus on Brazil, and will look at the development and implementation of the *Bolsa Familia*, a conditional cash transfer programme targeted at the poor. Some of the key factors that have made conditionality possible will be analysed. Chapter three will be an assessment of the development and implementation of cash transfers in South Africa. Even though there has been much struggle over the idea of conditions, cash transfers in South Africa are not conditional. We will look at some of the factors that have resulted in the removal of conditions.

Brazil has in recent years developed one of the most advanced and comprehensive social protection programmes in Latin America. While maintaining its status as one of the fastest growing economies it continues to address some of its greatest challenges of high inequality, hunger, poverty and social exclusion through a range of social and economic reforms. The combination of economic growth, job creation programmes, regulation of the labour market, increasing the minimum wage, the expansion of contributory and non contributory benefit programmes have together lead to dramatic reductions in poverty and increased the number of citizens able to access welfare. (Robles, and Mirosevic, 2013:8) Of these developments we will be focusing on the creation and implementation of the non-contributory conditional cash transfer programme, *Bolsa Familia*. The reason for this is

because it is the scene of much debate regarding the application of conditionalities. This programme is designed to reduce long term poverty by making cash payments to families on condition that the family undertake health checks and that all children attend school on a regular basis.

The origins of these and other social protection programmes can be traced to the democratisation process that Brazil underwent during the late 1980s. (ibid) In particular the promulgation of the 1988 constitution can be seen as a as the pillar for social welfare reform that would take place in the years to follow under the leaderships of presidents Fernando Henrique Cardoso, Lula da Silva and current president, Dilma Rousseff. This section of the paper will look at some of the history and modern developments of the Brazilian social protection system and more specifically the Bolsa Familia. We will also look at how conditionality has been argued for and implemented in this cash transfer programme so that we can make comparative assessment with South Africa. In order to have a more focused discussion we will start in 1988 and only briefly discuss earlier developments where necessary. We will focus first on the constitution and its promotion of social welfare and then on the design of Bolsa Familia and its use of conditions.

1988 Constitution and social protection

The creation of the 1988 Brazilian Federal Constitution is considered by many to be a landmark in the country's democratisation process. It formed the basis for the enforcement of basic citizenship rights and the transformation of social policy. Before the 1980s Brazil's social policy was largely based on contributory social assistance programme which left large parts of the population unprotected. Article 3 of the Constitution defines the fundamental principles of the Federative Republic of Brazil[2]. According to this section the federal government is meant to address issues of poverty, reducing social and regional inequality and the various spheres of social exclusion. (Holmes et al., 2011:12) With regards to social welfare, the constitution guarantees universal rights to health, education and social assistance policies.

While two other social assistance programmes (the Previdência Rural[3] and the Beneficio de Prestação Continuada[4]) were embedded in the Constitution, the *Bolsa Familia* was not. *Bolsa Familia* unlike the other two transfer programmes was created in late 2004 through a presidential provisional measure. (Holmes, et al. 2011:12) The lack of constitutional entrenchment of the Bolsa

[2] Brazil is a federation of states which all have their own authority, governance and the autonomy to legislate and impose taxes within their scope of authority.
[3] A monthly unconditional cash transfer targeted to individuals of any age with severe disabilities and to the elderly over 65, with family per capita income below one-fourth of the minimum wage

Familia programme has given rise to a great deal of debate in Brazil. Writers such as Lavinas however believe that because Bolsa familia is not based on a right based perspective it cannot be constitutionally enforced as a right. (ibid: 13) It is rather seen as a mechanism used to access other rights and not in itself a programme that people have a right to. Its use of targeting and conditionality results in the exclusion those who are in need but fail to comply with conditionalities.

Another challenge arising from Bolsa Familia's lack of constitutional entrenchment is that someone that is eligible for the Beneficio de Prestação Continuada and the Previdência Rural may seek judicial enforcement of their benefits and those eligible for Bolsa Familia may not. (ibid) Beneficiaries under Bolsa Família are dependent on budgetary allocations to the programme, as well as on the coordination between municipalities and the federal government. Thus, even if a household meets the eligibility criteria, there is no guarantee it will receive benefits. Furthermore, the fact that Bolsa Familia was created through a presidential measure means that it is not protected from political interference, budgetary fluctuations. (ibid) While many opposing politicians and parties may agree on the need for and even expansion of the grant new governments may change the design and implementation of the programme as they wish, resulting in inconsistencies.

Development of Bolsa Familia and implementation and arguing for conditionality

There exist several cash transfer programmes in Brazil which attend populations living in situations of extreme poverty. These include families with children, pregnant women, elderly people who do not have access to contributory pensions and those living in vulnerable situations. (Robles and Mirosevic, 2013:22) The Beneficio de Prestação Continuada, a means tested old age and disability pension scheme which is provided to all aged 65 and over or are disabled and living in a household earning a per capita income of less than a quarter of the minimum wage. (Holmes, 2011:7) Implemented in 1996 the programme was an extension of a previous state and partial contributory pension programme which largely served urban areas. The 1988 Constitution demanded that the pension be extended to all who were eligible. The second cash transfer scheme is the Previdência Rural which is also a pension for the elderly from the age of 55 for women and 60 for men, this includes informal workers. (ibid) These pensions have particular focus on those living in rural areas and are not formally employed. Financing is from general tax revenues from the state.

The last, and focus of this paper is the Bolsa Familia, launched in 2003. This grant was a merger of four other grant programmes, Bolsa Escola, a school grant from the Ministry of Education; Bolsa Alimentação, a food allowance from the Ministry of Health; Cartão Alimentação, a food ration card; and Auxílio Gas, a gas allowance from the Ministry of Energy and Mines. (ibid) This means tested

scheme aims to provide poor household a minimum monthly income on condition that they commit to fulfilling set out conditions. The conditions are as follows, children between the ages of 0 and 7 must be taken to health clinics at regular intervals to be monitored and to receive vaccinations. Mothers must attend pre and postnatal checkups at health clinics and participate in nutrition seminars. All children between the ages of 6 and 15 are required to be enrolled in schools and have to attend at least 85% of classes.

Before we look more specifically at Bolsa Familia and its use of conditionality, it is useful to assess how it developed as a programme and at what point's conditionality may have been a contested issue. The following section will be a chronological analysis of the development and implementation of conditional cash transfers post the 1988 Constitution.

Debates over the modalities of transfers like the use of conditionality and the purpose of grants, as a basic income or poverty elevation mechanism have been an issue of debate since the 1990s. In 1991, Senator Suplicy introduced a bill to create a Basic Income Guarantee Programme which would provide all persons over the age of 25 with incomes below 2.5 times the minimum wage. (Robles and Mirosevic, 2013:8) This, like in the case of South Africa and the proposed Basic Income Grant represented a universalistic rights based approach to transfers as an unconditional right that should not necessary be limited to the poor.

The Fernando Henrique Cardoso administration (1994-2002), saw the development of some of the first conditional cash transfers in the country. Cash transfers were intended to address various developmental deficiencies experienced by the poor. The first comprehensive conditional cash transfer programmes were undertaken at the municipal level as early as 1997, in the city of Campinas, the Federal District (Brasilia). (Kerstenetzky, 2008:4) The year 2001 saw the movement of many of these municipally based programmes to the federal government. In February 2001 the first federal cash transfer scheme was created, the National School Grant programme (Bolsa Escola). The programme targeted families that had a monthly per capita income of up to 90 Reais (R$) and children aged 6–15 enrolled in school. Beneficiaries would receive the grants on condition that children's school attendance is a minimum of 85%.Benificiaries to this programme would receive R$15 a month per child, up to a maximum of three children per family. (Hall, 2008:822) The second cash transfer programme that was initiated was the Bolsa Alimentação. This conditional cash transfer, managed by the department of health was targeted at households with children between the ages of 0 and 6 and have an income of up to R$90 and an unconditional cash transfer, Auxílio Gás. According to a 2007 report by IPEA, in December 2002, the Bolsa Escola programme had 5.1 million beneficiaries. (ibid)

On taking office in January 2003, Brazil's first working class president, Lula da Silva famously declared that: 'If by the end of my term of office every Brazilian has enough food to eat three times a day, I shall have fulfilled my mission in life'. Owing much of his electoral support to the poorer sectors of society he set out to address the needs of the under privilege and economically excluded in the county. (Hall, 2007: 6) A few months into his presidency president Lula introduced the Fome Zero (Zero hunger) campaign. Founded on the basis of social reforms that had been made under the previous administrations Fome Zero would substantially consolidate all social grant and social protection programmes that existed into one anti hunger and poverty strategy. Lula's anti poverty stance received considerable support from the World Bank and Inter-American Bank. Fome Zero fitted in nicely with an emerging international body of intellectual and financial support for the construction of safety nets as a major arm of social policy. (Hall, 2006:697) The ability for cash transfers to not only provide short term relief but also encourage the development of human capital through education and health conditions as a way of encouraging further development was particularly of interest to these organisations.

Part of the zero hunger initiative was to introduce a new cash transfer programme, Cartão Alimentação("Food Card"). This programme later proved to be unsuccessful due to the fact that many of its sub programmes did not work cohesively together and the beneficiary database administration covered only 70 per cent of beneficiaries, resulting in widely acknowledged targeting errors and omissions, duplication and high implementation costs. (ibid: 698) With its credibility in crisis the Fome Zero was structured to merge all four social grants from the previous administration. In October 2003 this merger resulted in the creation of the Bolsa Familia (Family Grant). Key developments in this regard were that, conditionalities for previous grants were merged while unit benefits were increased, the household was defined as the operational unit and the female head became the targeted beneficiary.

Following this extensive restructuring Bolsa Familia received considerable financial support. In June 2004 the World Bank approved a US$ 572 million sector-wide loan to support Bolsa Familia. This loan would be used to provide funds for cash transfers, technical assistance to develop the beneficiary database, develop a system of monitoring and evaluating, strengthen institutional capacity, and improve targeting. (ibid: 699) (World Bank, 2004) The inter American Bank also approved a loan of US$ 1 billion for the programme, with a promise of up to twice this amount depending on progress. These were clear indications of international endorsement of the conditional cash transfer approach to poverty reduction by the Lula government.

Conditionalities in Bolsa Familia and debates over relevance

Conditionalities are an important and constant part of Bolsa Familia and its predecessors. Below, we will look in more detail at some of the ways in which grants have been justified and conceptualised, by the government at a policy level.

As discussed in earlier sections conditionalities in the context of cash transfers tend to reflect that society's views on the role that the state and society play in the lives of the poor and how the citizens rights to welfare education and health are perceived. For Brazil conditionalities serve the following purposes: (1) breaking intergenerational poverty through promoting improved use of health care and education. Various studies from Brazil and other countries have shown that conditionalities are important in their ability to promote the better use various social services like education and healthcare. Even in situations where universal healthcare is available there may be a low uptake by the poor due to direct and indirect costs of using the service. (Lindert, et al. 2007:55) The cash provided by the grants would thus provide them with the resources needed to access these services. As noted earlier in our discussion regarding the 1988 constitution, education and health were basic rights and it is for the state to ensure that all citizens can access these rights. Cash transfers make this possible. (2) Conditionalities serve as a red flag for vulnerability and need. In other words non compliance with conditions serves as an indicator to the government that the family may be at risk or in need of additional attention. According to Lindert et al "The basic premise is that, since the program is targeted to the poor and extreme poor and society owes them a "debt" of past exclusion, there could be additional limiting factors that constrain the poor from taking up their rights – and these factors deserve investigation and follow up."(ibid: 55) Essentially the goal is not to punish non-compliance but rather to help families comply. Ensuring compliance would mean that families are accessing their fundamental rights. Even so repeated non-compliance may eventually result in suspension or cancelation of benefits.

Lastly (3) conditions help to give the cash transfer programme political legitimacy. In the Brazilian context unconditional transfers are seen negatively as handouts. The fact that in Bolsa Familia beneficiaries have to comply with what is considered a co-responsibilities gives the programme more legitimacy and give beneficiaries a sense of agency. In fact, according to Lindert et al public opinion polls in Brazil show that 97% of respondents of a nationally-representative survey agree with the requirement of conditionalities of the BFP, and 83% evaluate the overall program as "good" or "very good". Beneficiaries also agree with the importance of conditionalities: only 2% of respondents in a beneficiary survey disagree in part or completely with the program's conditionalities. (ibid: 56)

In conclusion, conditionalities do not appear to have been designed by the state as a measure to limit the access that people have to grants. They are rather a mechanism to ensure that all the

beneficiaries are able to access their fundamental rights to healthcare and education. The income received from the grant is meant to enable beneficiaries to access these rights. Families would now be able to pay for transportation, basic food and other amenities that may have made it impossible for individuals to access education and healthcare. (Medeiros, et al. 2008:4) The challenge is that Bolsa Familia itself is not constitutionally entrenched and thus cannot be protected from political manipulation. While the state has used various mechanisms to reduce political influence, for example not allowing enrolment on to the programme during electoral periods this is not enough. (ibid) The problem is if the every mechanism that makes it possible to access basic rights may be manipulated and in some cases not accessible to those that need it as a result of budgetary constraints or municipal challenges then the state is still falling short in providing basic rights. As has been recognised already by the state merely providing schools and hospitals does not mean that all will be able to access them. A right does not exist if those that are entitled to it cannot access it.

With regards to developmental outcomes, the need and the impact of the conditionalities in cash transfers is a controversial issue. While in some cases school attendance has increased, there is no direct evidence that it has been as a result of beneficiaries send children to school in order to fulfil conditions or just because it is something they would have done in any case. A 2006 study by Cadepler shows that children who are part of the Bolsa familia programme are less likely to be absent or to drop out of school at an early age. However, similar things can be said about the unconditional rural Beneficio de Prestação Continuada and the Previdência Rural. Access to these grants also had a positive impact on school registration for children living in those households, especially girls between the age of 12 and 14 years. (ibid: 5) From this evidence one may conclude that it may be the fact that people have access to income through the grant that helps to improve their lives rather than complying with the conditions. Another challenge to the use of conditions has been the cost of monitoring compliance. It has been proved that in some cases the cost of regulating and enforce conditions is higher than the benefits gained from the conditions. The program may in fact reach more people if the cost of monitoring were diverted to transfers.

The use of conditionalities in the Bolsa famlia programme can best be seen as a matter of political and social legitimacy. According to Marcelo Madeiros et al, conditionalities partly attend to the demands of those who are agree with the presumptions of the liberal democratic state model, outlined above, and believe that people (especially the poor) should not receive money from the state unless they have done something to deserve it. (2008:10) Without some kind of reciprocal relationship between the state and beneficiaries the programme may stand to lose social support.

This overview of the Brazilian case highlights these key themes: the role of constitutional entrenchment in protecting social grants and guiding the use of conditions in their implementation, and the importance of social buy-in to the particular welfare regime adopted. These themes will be further explored in the following chapter, which will examine the South African experience.

Chapter 3

Social grants and conditionality in South Africa.

While South Africa is considered to be one of the world's leading emerging economies it continues to face significant challenges in addressing its high levels of inequality, poverty, unemployment and increasing HIV/AIDS pandemic. With this said the country has developed one of the largest and most comprehensive social security systems in Africa. (Samson, et al. 2005:1)

This chapter will look at how social grants policy has been developed and implemented in South Africa in relation to the prevailing debates over conditionality, as discussed in the first chapter. This section will argue that the struggle over the introduction of conditionality and various targeting mechanisms has been a matter of balancing varying interests. The 1996 Constitution, while requiring the government to provide universal access to social protection also recognises the financial and capacity limitations and thus only requires the state to take reasonable actions to achieve this right. As a result, the state's economic priorities have often encouraged the introduction of conditionality and targeting while the lobby by various civil society organisations has fought for more universal access. To make this argument this chapter will be structured as follows: First we will have a detailed overview of the current state of social grants in South Africa. This will include an analysis of conditions relating to each grant. The second part of this chapter will look at the history of social welfare policy from the apartheid era to the post apartheid era. The purpose of this is to illustrate how the apartheid regime influenced the evolution and nature of social welfare and social grant policy in South Africa and set up the socio-economic challenges that the new government would have to address. The final section will be an examination of post apartheid social protection policy and how it has attempted to address poverty and inequality through social protection programs like social grants. Essential to this discussion will be highlighting the various conflicts over the Conditionality and universality of grants between the state and civil society interest.

The focus will be on government's non-contributory cash transfers which are the Child Support Grant, Old Age pension, Disability Grant, Foster Care Grant and Care Dependency Grant. (Department of Social Development, 2010:6) With the number of beneficiaries increasing from 2.4 million in 1996/7 to over 16 million in 2013/14 grants have been very successful in not only

providing homes with an income but also creating an environment where families are able to invest in human capital. (National Treasury, 2013:84) A 2012 impact study conducted by UNICEF and the South African Department of Social Development found that receipt of the child support grant promotes early childhood development, improves educational outcomes, and contributes to better nutrition and health. (Budlender, and Woolard 2012: 51) Even with this success there continue to be many people that cannot access these grants. There continue to be many contesting views over the country's use of certain kinds of conditions and methods of targeting beneficiaries and how this relates to the state's constitutional commitments to poverty alleviation and equality. Some have even gone so far as to propose grants that would be unconditional and thus accessed by all.

The current scope of social grants

Jeremy Seekings (2002) describes the South African social welfare system as something of an exception in the developing world. When many states are rolling back expenditures on welfare there continues to be a strong commitment to state-led redistribution in South Africa. This has been in part due to the 1996 Constitution which through the Bill of Rights made the right to social welfare enforceable. This has further been strengthened by the continued commitment to redistribution by the ruling party and various civil society organisations. The current state also inherited a government that had a highly redistributive budget. The progressive taxation system meant that the rich were sufficiently taxed to ensure that there would be funds available to support those who were poor. (ibid: 5)

According to Seekings welfare in South Africa can be divided into three categories: kin/private transfers, market/contributory schemes and state/non-contributory social assistance. The first, kin or private transfer take into account social assistance that is community based or within a family and is thus not regulated by any law. These households may receive remittances, cash and in kind contributions from kin or friends. (ibid: 7) The second category is contributory schemes which cover people who are employed or have been employed. Most people who are formally employed may contribute financially every month towards a pension, unemployment fund or medical aid scheme which would pay out in their time of need. The third category and the focus of this paper are the state-run non-contributory social assistance programmes. These non-contributory grants will be discussed below in two categories, child grants and adult grants. Particular attention will be given to the various conditions and targeting mechanism and how they have been justified.

According to the South African Constitutions Bill of Rights, all citizens including children are guaranteed the right to social security if they are unable to support themselves and their

dependents. The rights for children to access social security, basic nutrition, shelter, basic health care services and social services are further emphasised in the United Nations' Convention on the Rights of the Child to which South Africa is committed. (SA Constitution, 1996, s27)

Even with all of these commitments many children continue to live in dire conditions where they are not able to access their basic rights. According to the Child Institute (2008) in 2006 more than 68% of children under the age of 18 lived in households that had an income of less than R1200 per month. Due to the fact that access to income determines ones access to nutrition, basic services and healthcare such low levels of income impact the ability of caregivers to provide children with their basic needs. Even where many basic services such as healthcare can be accessed at no cost, lack of income may impede one's ability to travel to healthcare facilities or schools, particularly for people living in rural communities.

To remedy this problem of limited access to resources the government introduced a range of child grants under the auspices of the Social Assistance Act of 2004. Child Support Grants are paid out to a child's parent or primary caregiver and are intended to support the basic needs of a child until they turn 18 years. According to South African Social Security Agency (SASSA)[5] social grants have managed to reach 1,439,654 children aged 14-17. (SASSA, 2014:1)There are three categories of grants, the first of which is the Basic Child Support Grant which is accessible to all children under the age of 18 who meet the requirements of the means based test which identifies the neediest individuals according to income levels. As of October 2013 the means based test required that the child's primary care giver not earn more than R34 800 per year if they are single and no more than R 69 600 per year as a couple. (SASSA, 2014:1) This grant provided the child a monthly transfer of R300 a month. The second type of grant is the Foster Child Grant which is provided to a foster parent who is legally appointed by a court to care for a child who has been orphaned, abandoned, neglected or at risk or abuse. The amount transferred for this account is R 800 a month. (Ibid) The third and final type of grant is the Care Dependency Grant which is intended to assist a parent, primary caregiver or foster parent that does not have adequate resources to provide support for a child who is under the age of 18 and who has severe disabilities which require permanent care and support. A state appointed medical officer must assess the child before the grant is approved. The care givers must not earn more than R151 200 a year if they are single or have a combined income above R302 400 a year if married. The amount transferred for this grant is R1270 per month. (Ibid)

[5] The South African Social Security Agency (SASSA) is a national agency of the South African Government created in April 2005. SASSA was created to administer the application, approval and payment of social grants in South Africa.

The second group of non-contributory grants are those provided to adults. Like the child support grant these grants are meant to introduce income into households and communities that have limited means. The first of these is the disability grant which is intended for adults who are in financial need and who are disabled, which leaves them unable to adequately support themselves. The grant is available to people who have permanent disability (disability that lasts more than 12 months) or temporarily disabled (disability may last less than 12 months). The permanent disability grant does not necessarily mean that the recipient will receive transfers indefinitely. It will only last as long as their disability is officially declared a disability. This grant is only available to men or women between the age of 18 and 60, after which they are expected to apply for the older persons grant. A means test is also applied to this grant is only allows people to receive grants if they earn a maximum of R49 200 if you are single or R98 840 if married. (SASSA, 2014:1) Recipients of this grant receive an amount of R1270 a month. The second grant provided to adults is the older person's grant which was also known as the 'State Old Age Pension' which is provided to men and women when they turn 60. This grant essentially functions as an old age pension for people who are not or have not been employed or do not earn more than R49 200 per year or own assets worth more than R831 600 if you are single. Recipients will receive a maximum amount R1 270 per month and an additional R20 if they are older than 75. (ibid) The third grant is the War Veterans' Grant is provided to adults 60 years and older who are in need and who served in one or both of the World Wars or the Korean War. Recipients must not earn more than R49 920 a year if you are single or have a combined income of more than R99 840 per year if a couple. The monthly transfer to these individuals is R1 290 per month. (ibid) The fourth and final adult grant is the grant-in-aid which is intended for adults who are in need of regular assistance from another person due to their disability. They may only receive a grant of R300 a month if they are already receiving one of the other three grants for adults. (ibid)

The primary legislation supporting the implementation of social assistance is the Social Assistance Act of 2004 (Act No. 13 of 2004) and its Amendment (Act No. 6 of 2008). Initially the grants were paid to recipients through the provincial offices of the Department of Social Development. (Black Sash, 2010: 11) In 2004 the SA Social Security Act was passed, forming a statutory body, the SA Social Assistance Agency, designated by Parliament to administer the social grants on behalf of the Ministry and the Government. Different categories of grant receivers may also be regulated by additional laws. Child grants for example must take into account of two foundational laws, the Child Care Act of 1983 (Act No. 74 of 1983) and the Children's Amendment Act of 2007 (Act No. 41 of 2007).

As has been illustrated above, social grants have contributed to improving the lives of many South Africans through their ability to provide a stable income to beneficiaries. Although no core conditions are applicable to these grants there does exist a means test. The means test is designed to target specific groups of the population which the state sees as vulnerable. While this has resulted in better targeted efforts to assist the poor it has often resulted in exclusion errors. In the last section of this chapter we will look more closely at the events and debates that have lead to the creation of the above mentioned grants. We will be considering what has prompted the introduction of the means test and not conditions, what kinds of conditions had been proposed and under what conditions were they abandoned.

Social welfare in apartheid

But before we can consider these questions, we need to understand the longer history of social welfare provision in South Africa. This begins in the apartheid era. This section is intended to show how the current social protection regime finds its roots in the Apartheid era. In the first instance apartheid era social welfare was comprehensive in its ability provide for and fund social protection programmes to its intended groups, children, old aged and other vulnerable groups. Civil society had its clear role as service providers of welfare services either as supporters or opponents of the government. A progressive taxation system also meant that grants could be funded. Much of this was left intact during the post apartheid era. And lastly I we will show how apartheid era laws and governments created a country where the majority of its citizens were excluded from social protection on the bases of racial identity. Redressing these injustices would be later be at the centre of the post apartheid social welfare policy.

The story of apartheid era social welfare is one that reflects an ideology of racial segregation and inequality. Racial segregation and access to grants was often tied to political and economic objectives of the state. Therefore while the early systems of social assistance were predominantly racially exclusive as time went on and more so in the last years of apartheid rule social benefits and grants were expanded to include other racial groups. While one may be tempted to provide a comprehensive illustration of apartheid era social assistance, for the purposes of this paper we will only be providing a general overview and highlighting issues that may have had an influence on contemporary social assistance and more specifically social grants in post apartheid South Africa.

In South Africa, state financed social protection, as it is understood today, which include benefits for workers, social assistance for the elderly, children, and disabled can be dated as far back as 1910s. (Patel, 2007: 13) The Children's Protection Act of 1913 is an example of the first law that officially

regulated child maintenance grants which were paid out to parents of children which the state deemed vulnerable. This child maintenance grant hardly reached African parents in urban or rural Africans. (ibid: 13) Social welfare was divided into two categories: first was contributory workers social assistance which was paid out to workers in their time of need and once they decided to take a pension. The second type of social assistance was state funded cash transfers which were given to white families that could not meet particular needs. The discovery of gold in the late 19th century and the subsequent development of capitalist agriculture resulted in the movement of large proportions of the white population to urban areas. Many of these people came to the cities only to find low paying jobs in the mines and factories. The government recognised the increase in white unemployment and poverty, and decided to institute social welfare programmes and employment programmes to address what they saw as structural poverty. (Devereux 2007:541) The 1926 commission on Old Age Pensions and the National Insurance Act No 22 of 1928 established the right to a state funded old age pension for all white and coloured people 65 years and older.

The 1922 Rand Revolt and the growing power of unionised workers gave the government impetus to make many of these welfare changes. The reason why this and many similar acts justified exclusion of Africans from state funded social assistance was the argument that rural kinship provided for their own security needs. In Van der Berg's words:

> "*Rural natives were excluded from old-age pensions mainly on the assumption that Native custom makes provision for maintaining dependent persons. Urban Natives were excluded in consequence, regardless of their needs, owing 'to the difficulty of applying any statutory distinction between them and other Natives"* (Social Security Committee, 1944: 19, as quoted by Kruger, 1992a: 165) (Van der Berg: 1997: 486)

In 1929 the Carnegie commission of enquiry was instituted to investigate into what was called the 'poor white problem'. The Carnegie Commission is one of the first attempts to look at social problems in South Africa in a more scientific and interdisciplinary manner. (ibid: 68)According to the Commission many Afrikaners were losing their land and small farmers losing productivity as a result of subdivisions of land, droughts and cattle diseases. (Patel, 2007:68) Many white farm tenants/bywoners had also been forced off farms to make way for developing commercial farms. Many of these now displaced and often unskilled white families moved to the cities in search of work and a better life. Further to this many soldiers returning from the First World War were faced with unemployment.

One of the Commission's key recommendations what that the state establish a welfare department what would deal with all state welfare matters. The establishment of the states first welfare department in 1937 marked the beginning of a new era of welfare and the professionalization of social work. (ibid: 68) It is also important to note the Commission and other Afrikaners conceptualised poverty being a result of social and economic underdevelopment and the inability of Afrikaner working class to effect changes in their lives. Poverty thus leads to demoralisation and loss of self-respect. (ibid: 70) In response to the Commission's recommendations the new government of the Union decided to reconstruct white society through becoming more involved in poverty relief, through the creation of jobs for white people in the armed forces, railways, municipalities and agricultural sector. The creation of a stable white society would also mitigate tensions between black and white workers competing for employment. (ibid: 67) Another important development in this era was the principle of partnership between the state and various civil society organisations in the provision of welfare services. State financial support was given to voluntary welfare organisations which were expected to deliver and coordinate services. (ibid: 68) These kinds of partnerships, while in different forms continue to play an important part of welfare provision in the post apartheid state.

The Second World War brought with it a number of fundamental changes in what the state believed it needed to do in order to provide a better life for its citizens. The change in the international environment and the publication of the Beveridge report[6] at the end of the 1942 prompted the South African government to institute a committee to look into the state of all its people's livelihoods and to provide suggestions for social policy reform. (Seekings, 2002:14) The 1943 Social Security Committee reported on the crisis in the rural economy and recommended that the state intervene. Poverty in rural South Africa came as a result of failing crops, insufficient land and the general lack of opportunity for people living in rural areas. According to Seekings (2002) in 1938 the Chamber of Mines concerned with future recruitment of labour for the mines conducted research into two rural settlements in the Eastern Cape, Transkei and Ciskei. Their findings showed that these areas were severely overcrowded and this resulted in the over production of land. (ibid: 15) People living in these rural areas were also heavily dependent on migrant labour with more than two thirds of the male population working on the mines. Urban poverty also remained a challenge, particularly

[6] The report which was influenced all over the world formed the basis for the post-war reforms in England and the creation of what is today known as the Welfare State. William Beveridge recommended that the state be more involved in addressing poverty and raising the population's general standard of living. His recommendations later resulted in the expansion of National Insurance and the creation of the National Health Service.

within the black population as many moved to overcrowded cities. The committees report noted that the

> "*rural native was often not in the financial position to meet these obligations and the burden of poverty in the reserves and n rural areas is such that the additional burden of supporting dependent members from urban native communities must of necessary increase the acuity of the situation to their further physical and social detriment." (ibid:15)*

The recommendations of this commission led to the 1944 Pension Laws Amendment Act which extended old age pensions to African and Indian men and women. Even so Black and Indian people did not get the same range of benefits. The justification for this being that Africans had lower standards of living and paid lower tax so they could not expect the same benefits as white and Indian people. (Deveroux, 2007:543) While this extension of pensions was significant, there continued to be many limitations to access for Indian and African people. The government also used these social pensions as a way of regulating movement between urban and rural areas. For example only people who could prove that they had lived in an urban area for over five years and who did not have land in a rural reserve could access a grant.

However, the liberalisation of social pensions resulted in the increase of beneficiaries and increased pressure on state resources. Contrary to this by 1960 the grant was further extended to all African in urban and rural areas with the intention of decreasing urbanisation. (ibid: 546) The 1970s and 80s can be described as a period of political and social unrest and growing opposition to the state and its racial policies. In response to these and other pressures the government began to decrease the gap between African and white pensioners. Rural South Africa was also under pressure as many began to question and challenge the legitimacy of homeland governments. The increase of grants to homelands would help to support the and increase the legitimacy of homeland governments.(Van der berg, 1997: 487) During this period fiscal expenditures on social assistance rose rapidly from 0,59 per cent of the GDP in the 1970s to 1,82 per cent by 1993.

Another key feature of the apartheid welfare system is the role of community sponsored welfare initiatives like NGOs, religious organisations and Afrikaner Women's organisations. They assisted in the delivery of various government services in fields such as child and family care, mental health, disability, and the welfare of the aged. Many of these organisations were aligned with the government's racial exclusion policies by virtue of their government funding for example. Consequently a close relationship developed between the state's political and military objectives and those of providing social assistance. Other alternative social assistance organisations (NGOS,

community organisations and religious organisations) were formed in response to the government's neglect of the basic needs and services of the black population. (Patel, 2007:73)

Finally, grassroots and mutual aid groups also formed an essential part of social assistance for marginalised groups in urban areas. In the 1940s for example mineworkers formed home groups which provided financial and in kind support for people in times of illness or family crisis.

In conclusion, it is clear that for much of the apartheid era the state was not particularly concerned with the welfare of the black majority. The state made very little effort to deal with the problems of growing unemployment and poverty in non white racial groups. What we also see from this era is how racial segregation in social welfare was tied to political and economic objectives of the state and ruling classes. The welfare system was thus extremely fragmented, bureaucratic and costly to implement. Racial targeting in grants only served to further increase inequality, violate principles of social justice and human rights.

In the next section we will see how many of the apartheid era social welfare programmes were continued and amended to fit the emerging new democratic state. We will assess the challenges that the state faces in extending welfare to all its citizens and the role that the constitution, civil society and opposition parties played in redesigning the social grants of the past.

Post apartheid social welfare

The purpose of this section is to illustrate how various eras of economic and development policy have influenced the evolution of social grants as a mechanism to address poverty and inequality. This will allow us to understand the contexts within which the state may have attempted to introduce conditionalities or narrow the means test to benefit smaller proportions of the population. Within this discussion focus will also be place on the role of the Constitution and its expectations of the state and we will look at how various civil society organisations have lobbied for and debated for universality in grants.

The transition from the apartheid regime to the new democratic non racial state came with a number of challenges for the new government. The new government had the responsibility to not only redress racial inequality and promote economic development but also to meet the expectations of all the citizens, especially the poor. The 1992 *Ready to Govern* document of the ANC (which provided the parties policy guidelines for a democratic South Africa) clearly articulated their commitment to improving the material well-being of the poor and vulnerable. (ANC, 1994: 1, 2)

One of the first pieces of legislation introduced to address apartheid era inequality and limited access to grants was the 1992 Social Assistance Act removed all discriminatory provisions of social assistance policies. Consequently all the grants that were created to protect members of the white population would have to be expanded to include all South Africans. Consequently the shape and size of social assistance had to be transformed significantly to meet the new standards of the country. First of these changes was the need to introduce equality into a social assistance system that was unequal on the bases of race and gender. For example following strong civil society campaigning male and female eligibility for old age grants was equalised to the age of 60. (Black Sash, 2010: 5) By 1994 many black people continued to face more limitations to accessing grants white people with similar socio-economic circumstances. (ibid: 5) Many black people for example may not have had identification documents or required proof of residence due to apartheid laws while others may have been living in remote un-serviced areas where they did not have access to electricity or running water, let alone government social assistance. To broaden access to social grants would thus require the development of national infrastructure in previously neglected areas such as, introducing a comprehensive population registration programme and other programmes that would make other socio-economic rights accessible. Secondly the size of grants also needed to be reassessed if grants were to be rolled out to the entire population. When the government realised that it needed to increase access to the apartheid era child maintenance grant, for example, the sheer cost alone resulted in the withdrawal of the grant. (Lund, 2008:16) In its place the much cheaper child support grant was introduced.

Another significant challenge that the new government faced was the need to maintain economic priorities and the demands of the Constitution. South Africa continues to face many social and economic challenges such as relatively high official and hidden unemployment (especially among unskilled workers); uneven regional development; large income gaps between various social groups (gender and race) and unequal education. More recently the 2008 and 2009 economic crisis had devastating effect on employment, family income, and the ability of NGOs in the social assistance sector to do their work and on the national budget. Furthermore the increased prevalence of HIV/AIDS has increased the need for social assistance, whether in the form of more Disability, Care Dependency and Foster Care Grants. These will be discussed later.

The first and most important document to review in a discussion about social security and the role of the state in the new democratic South Africa is the 1996 Constitution. The Constitution guarantees the right to social security as one of the socio-economic rights that all citizens of South Africa are entitled to. Section 27 (1)(c) of the Constitution reads as follows, "*Everyone, has the right to ...social*

security, including if they are unable to support themselves and their dependents." This right, while included in the Bill of Rights like the right to education and healthcare is subject to an internal limitation which reads as follows in section 27 (2): "*The state must take reasonable legislative and other measures within its available resources to achieve the progressive realization of each of these rights."* (Republic of South Africa, 1996) This particular section of the Constitution has caused much debate and disagreement. On the one hand the Constitution gives all the right to social security but on the other it allows the state to cite limited resources where it is not able to meet its commitments. The problem with this, as seen in later discussions about the state's various macro-economic policy options, is that even where resources are available they may be shifted to serve other priorities and thus indefinitely delayed for grant expansion.

An example of where this Constitutional limitation was recognised is the Constitutional court case of Grootboom. In this case the court stated that where the state did not have the resources to realize the right in full the principle of progressive realization would require them to only take reasonable actions to progressively improve accessibility and the range of people covered. (Brockerhoff, 2013:12) Simply put, while the state cannot deprive people of their right to social security, however it is understandable that it may not be the most expensive programme if it is working with limited resources. Section 27 (2) does in this case require the state to take reasonable legislative actions to achieve the right to social security.

Throughout the following section you will see how competing interest groups such as the state and civil society have fought over what the state is actually constitutionally expected to provide and whether its reasons for not providing it are reasonable.

Redistribution and Development Programme (RDP)

The Redistribution Development Programme (RDP) was born in an era of growing debate amongst political leaders and academics that seemed to see the market as the primary means of redistribution and redress of social problems. Based on the principles of the 1950s Freedom Charter the RDP sought to mobilise the country's people and resources towards the eradication of apartheid and the building of a democratic, non-racial and non-sexist country. (ANC, 2004:14) The main rationale behind the RDP was to create economic growth through redistribution. The Tripartite Alliance which was made up of the ANC, Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) believed fiscal spending and deliberate redistribution there would be increase economic growth and thus poverty alleviation. (Brockerhoff, 2013:23) To do this the state would significantly increase spending through programmes that would provide citizens

with access to jobs, land, housing, water, electricity healthcare, transport and social welfare. (ibid:23) One of the cornerstones of the RDP was job creation and improved service delivery. This era of policy did not see the expansion of social grants as a redistributive mechanism per se but rather saw the re-enter of people to the job market as essential.

Unlike other chapters in the RDP on for example housing, the chapter on social welfare was far less clear and did not have any specific targets. Even so the RDP did achieve some remarkable results. In line with its constitutional commitments to provide all citizens with social security the government established a number of key cash transfer programmes and other free services. These catered for the aged, disabled, vulnerable children and others too poor to meet their basic needs. For example free healthcare and free meals were given to between 3.5 and 5 million children. (Visser, 2004:7)

While the RDP carried social democratic principles and intention to improve the lives of all South it soon ran into trouble. Economic growth rates did not meet the 4-6% per annum expectations. The government lacked the capacity to implement it and ministers often competed for very small budgets. Where resources were available they were underspent in part due to vague goals and action plans. For example by March 1996 only 5 million of the 15 million allocated for reconstruction and development had been spent. (ibid) According to Wessels Visser the final blow was dealt to the RDP when in the early 1990s the government encountered its first currency crisis as the value of the rand plummeted by more than 25%. (ibid) In order to calm domestic capital and restore faith in the currency the government implemented the more conservative macroeconomic strategy called Growth, Employment and redistribution (GEAR).

Before we look in more detail at the GEAR it is essential to have a detailed analysis of the White Paper on Social Welfare 1997[7]. This document is important as a bridge between these two policy eras and as one of the most debates documents on social protection.

White Paper for Social welfare

There were a number of key developments in social welfare policy during the RDP era. Most important of these is the creation of the White Paper for Social Welfare which was the policy framework for the reconstruction of social welfare policy in South Africa. (Brockerhoff, 2013:24) The

[7]*" The process of making a law may start with a discussion document called a Green Paper that is drafted in the Ministry or department dealing with a particular issue. This discussion document gives an idea of the general thinking that informs a particular policy. It is then published for comment, suggestions or ideas. This leads to the development of a more refined discussion document, a White Paper, which is a broad statement of government policy. It is drafted by the relevant department or task team and the relevant parliamentary committees may propose amendments or other proposals. After this, it is sent back to the Ministry for further discussion, input and final decisions."* (Parliaments of South Africa, 2014)

formulation of this White Paper was in many ways a reflection of both international and domestic influences. As a country that had just been reintroduced into the international community South Africa was particularly susceptible to international trends in policy making, and social welfare was no exception. Of particular influence to the White Paper was the March 1995 World Summit on Social Development, and its commitmnet to a 'developmental social welfare' approach. The Preamble of the White paper articulates this in saying "*the proposed direction of the White Paper is in line with the approach advanced by the United Nations World Summit for Social Development*". (RSA Ministry of Welfare Population Development, 1997:7) Moreover Prof. James Midgley a South Africa expatriate working in the United States and famous advocate of the developmental social welfare approach was part of the Paper's drafting process. (Gray, 2006:53) As a result of these influences developmental social welfare became a key word of the White Paper.

The main principle of the developmental welfare approach is that social and economic developments are interdependent and cannot happen without the other. (Makino, 2004:10) In the words of Midgley "*it* (developmental social welfare) *emphasised that social development could not take place without economic development, and encourages the introduction of social programmes that generate rates of return on social expenditures and thus contribute directly to economic development"* (1996:3) In other words programmes should invest in human capital development that provides people with skills that allow them to be economically productive so that they can contribute their skills and income to the economy. Examples of programmes proposed by the White Paper included ones created for mothers with children young children which would "*help women become economically productive by giving them skills to enter the workforce or to work for themselves*". Which regards to children, programmes would be designed to look at "*the developmental needs of children to ensure they have every chance to grow into productive citizens*" (RSA Ministry of Welfare Population Development, 1997:17-18) Consequently the 1995 draft White Paper while agreeing that all should have a minimum income to ensure an acceptable standard of living commited to a multi-faceted approach, of which a social grant system was a relatively minor aspect. (Makino, 2004:11)

The first draft of the White Paper was criticized for being too vague in articulating the role of the state in the creation of a social protection system, particularly for people who were destitute or unemployed. Further to this COSATU and other civil society organisations argued that the White Paper was weak in its articulation of constitutional obligations to social-economic rights such as social assistance. The following amendments were made in accordance to civil society demands: first as suggested by COSATU a means tested social protection system was to be emphasised as a way to

provide identified households with a monthly income. (ibid) Another amendment that was made to the first draft was the inclusion of the state's constitutional obligation to ensure that all have the right to access social security if they are unable to support themselves and their dependents. These two amendments were some of the first important steps to push back against a social development approach that did not allow for the implementation of a social grant system. (ibid, 2004:12)

To illustrate the impact the above mentioned macro-economic and policy reforms had on the design of grants it is essential that we look at the findings of the 1996 Lund Committee for Child and Family Support. This committee represented one of the first successful attempts to integrate and improve an apartheid era grant so as to make it equally accessible to all. What is important to not in this analysis is the very important role that various civil society groups played in the formulation and debate over various policy reforms. Later in the section discussing GEAR we will see how through pressure from such organisations the grant was extended. According to Francie Lund (2008:1) it is also important to note that The Lund Committee was constituted during a time when the government was beginning to withdraw from its commitments under RDP and beginning to introduce a much more conservative macroeconomic policy through what would later be GEAR. Finally it is important to restate that the story of grants in South Africa is not one that discusses traditional conditions per se. It is a discussion of how the right to grants, which may be limited through a means test (a form of targeting), may be better extended to include wider sectors of society.

In 1996 the Lund Committee on Child and Family Support was established to investigate the state of child and household protection in the country. It was mandated to develop a social grant to replace or transform the apartheid era State Maintenance Grant, which was given to single parents of children under the age of 16. The State Maintenance Grant like many others of its time was racially biased in its provision. Introduced in the 1930s it was created to provide some income to white households with children that were in need. Starting with coloured and then Indian people it was gradually extended to include African people. Key criticisms of the grant were that the distribution of beneficiaries was racially unequal and that very few who were eligible were able to apply and access the grant on a regular basis. (Lund, F.2008:16) According to the Lund Committee's evaluation of the State Maintenance Grant, in the 1990s only 8 out of every 1000 children between the age of 0 and 7 were recipients of the grant. White, Indian and Coloured communities had the highest number of beneficiaries per thousand, while only 2 in 1000 African children received the grant. (Lund, F. 2008:16) These low numbers were not always a matter of eligibility but rather accessibility as a large proportion of the African community still lived in areas with little service provision.

The Lund Committee made the following recommendations, first that the State Maintenance Grant be phased out and replaced with a child support grant that could be accessed by all eligible persons. In line with the then emerging conservative economic policy the report read:

> "*The government has expressed a firm commitment in its recently published macro-economic policy to reducing budget deficit. There are competing demands for spending and on infrastructure and other needed social services so it is highly unlikely that government expenditure on family and child grants will be increased to the levels required to ensure equal access for all race groups to grants at the existing levels and under present eligibility conditions*". (Lund Committee on child and family support, 1996, ch 1, S4)

In line with this statement the Lund committee choose to increase the reach of the grant but reduced the eligibility age and reducing the value transferred to R75 per child.

The Committee's second recommendation was that the child support grant should be a conditional cash transfer, tying grants to growth monitoring and immunisation. While these conditions were seen as mechanisms for tackling child poverty they were not sustained or made strictly enforceable. Aside from financial considerations the committee also took changing structures of the family into account in is insistence that grants be exclusively transferred to children's caregivers.

While the Cabinet largely endorsed the recommendations of the committee and introduced a grant of R 75 per child civil society organisations such as Black Sash was not pleased with the outcome. Many academics and civil society organisations were critical of the age limit and amount that was given per child. Pressure from these groups resulted in the amendment of the grant which was increased to an amount of R100 which was payable to primary care givers of children under the age of 6. Later pressures civil society resulted in the current value of grants being at R300 and the age limit being extended to 18 years of age.

Growth Employment and Redistribution (GEAR)

June 1996 saw the introduction the new South African development policy to replace the RDP. The Growth Employment and Redistribution (GEAR) would see economic growth through job creation and redistribution by encouraging foreign investment through policies that liberated trade and financial controls, privatisation of state enterprises, labour policy flexibility and reduction of state expenditure. (Gray, 2006:57) With regards to social welfare GEAR acknowledged the need for a grant system in the combating of poverty but was far more concerned with the reduction of state expenditure. This would mean that while the state might support social grants, it would through the constitutional principle of progressive realisation allow the state to limit the extent of social

programmes by claiming fiscal constraints. (Makino, 2004:12) GEAR was in many ways in opposition with the former RDP. In the words of Wessel Visser:

> "*Perhaps the most important difference between the RDP and GEAR was that, while the former expected the state to conduct a people-orientated developmental policy, the latter saw South Africa's economic "salvation" in a high economic growth rate that would result from a sharp increase in private capital accumulation in an unbridled capitalistic system. The government's task in this was to refrain from economic intervention and to concentrate on the necessary adjustments that would create an optimal climate for private investment." (2004:7)*

Another key report in this era that in many ways informs all the recent changes in South Africa's social security system is the Committee of Inquiry into a Comprehensive Social Security for South Africa (also known as the Taylor Committee) headed by Professor Viviene Taylor. (Brockerhoff, 2013:24) According to Seekings (2002) the appointment of the committee came at a time when the government needed to restate its commitments in the area of social policy, particularly regarding its commitments to addressing poverty. The committee was thus expected to conduct research and recommend appropriate reforms to the social security. The committee members were made up of various experts in the field of social security, social sector reform and finance, university academics, representatives of various civil society organisations, the director of trade union think tank NALEDI and an ANC member of parliament. (Seekings, 2002: 18) Although many of its recommendations were never adopted they did influence national debates around the use of targeting and universality.

The Taylor Committee covered a number of important issues but the focus of this paper will be on committees' proposal to introduce the basic income grant (BIG). (Brockerhoff, 2013:25) The BIG would be a monthly income grant provided to for all citizens of the country. The rationale behind this proposal was the fact that there are large proportions of the population that are not protected in any way. For example in 2002 only 45% of the labour force was part of protection schemes like the Unemployment Insurance Fund while many others in the informal sector and self employed were not protected. (ibid) Furthermore the increase in the unemployment rate meant that large proportions of the population, especially the youth did not have employment, particularly in rural parts of the country.

While the BIG was never implemented the proposal resulted in considerable debate over south African social welfare reform, the role of the state and whether or not already existing social grants

have been able to change the lives of south Africans. The BIG Coalition (a coalition of trade unions, churches and nongovernmental organisations) represented the biggest supporters of the Basic Income Grant and in many ways sustained public debates over universality in grants. (Seekings, 2002:20) The government's major objection to the BIG was with regards to cost. The Ministry of Finance objected on the grounds that such spending and the need to increase tax to finance the grant would deter foreign investors and impede economic growth. (ibid) Another major objection to the BIG which in many ways reflects the government's general reluctance to extend grants has been the government's preference for public works programmes. In response to the Committees report in July 2002 government spokes person Joel Netshitenzhe said that preferred a developmental approach to welfare rather than hand-outs to people who were neither disabled or sick. The government would thus not support the creation of a culture of entitlement and preferred the provision of jobs through public works programme where people would have dignity of work. (ibid:22) For those in opposition to this the government's stark position to what they called Hand-outs was unreasonable considering the increasing unemployment rates even in the face of various public works programmes.

What the debates over the BIG have shown about the state of welfare reform in South Africa and the extension of social grants towards universality is very important. In the words of Seekings (2002:22) "*There has been no rigorous examination by the state of civil society proponents of the relative costs and benefits of alternative ways of addressing poverty nor how schemes such as the BIG may be administered."* These has been no comprehensive research conducted into viable alternatives to basic income or that government job creation schemes would be less expensive or more able to improve the lives of citizens. (Seekings, 2002:23). "*The government and the ANC appear keener on shifting debate than promoting it (perhaps in the belief that public debate would encourage populist pressure). The BIG Coalition, for its part errs on the side of uncritical evangelism, ignoring serious objections."* (ibid:23) Without better researched and deeper domestic debate on social protection reform that will include more of the population that according to the Constitution must be protected (those unable to support themselves and their dependents) the country may see very little change

Some of the other changes that took place during the GEAR era were the consolidation of some key elements of social welfare legislation and institutions but also another attempt by the state to introduce conditions to grants. First, in accordance with the recommendations of the Taylor Commission the South African Social Security Agency was created as a one stop shop for all grant related matters. Second was the introduction of the Social Assistance act of 2004 which would

replace the Social assistance act of 1994. (Brockerhoff, 2013:26) This act codified the rights to the five major grants and consolidated the administrative structures.

With the introduction of this act came two attempts by the state to introduce conditions to social grants, particularly to the child support grant. The various arguments made against conditions by civil society organisations are today one of the fundamental reasons why conditions are no longer applicable in South African social grants.

First was the 2004 draft regulation[8] which included the condition that children must receive immunisation and if of school going age must be attending school regularly. It also included normative injunctions which described things that a care giver would normally be expected to do. For example, ensure that the child has adequate housing, food, shelter and care. (Hall, 2011:4) The 2009 draft regulation proposed the introduction of school enrolment and attendance condition. In the event that the child did not attend, the grant would be suspended. (ibid)

In both cases, following urgent submissions by various civil society and human rights groups about the implications of these conditions on beneficiaries the conditions were dropped. Arguments fall into two categories, administrative/capacity challenges and limitation of fundamental rights. The addition of the above mentioned conditions to grants would require the state to establish ways of monitoring compliance. For example in order to enforce a school attendance condition the Department of Basic Education would have the task of correctly reporting on beneficiaries who are not at school. Inaccurate reporting would result in unjust exclusion and further administrative burdens for redress. These conditions would also impose significant time and financial cost on the care giver who would have to regularly visit schools to get required documentation. They would also place added duty on social workers who may be required to investigate noncompliance. Unfortunately South Africa currently does not have the capacity to deal with current cases of abuse neglect and other critical child protection issues. (ibid) lastly, even where conditions may be soft (not resulting in immediate exclusion) the risk is that they may be enforced punitively by social security officials and once again result in unjust exclusion.

The more rights orientated arguments against these draft amendments are as follows. School attendance and immunisation rates in South Africa are already high, even with cash transfers being un-conditional. According to the Children's Institute (one of the organisations lobbying against the introduction of conditions to child support grants)

[8] A draft regulation is document that proposed changes to specific parts of an already existing law. Draft regulations are usually available for public comment. Once input has been received the original legislation is amended/ updated.

> "*The condition has the potential to limit the constitutional and statutory rights of close on 9 million vulnerable children (between the ages of 7 and 18), and their families. This is because it has the potential to result in the suspension of their grants upon which they depend for food; water; clothing; and transport money to access school, clinics and other government services. It therefore has the potential to limit not only their rights to social security, but also indirectly their rights to food, water, education and health care services."* (2009:6)

The argument was made on the grounds that such proposed conditions were not relevant in the South African context. Non attendance and dropping out of school is often as a result of supply side constraints such as availability of schools and limited and poor quality learning facilities and social problems not in the control of the child or care giver which would not only deprive the child of education but also food, water, healthcare and shelter. (Children's Institute, 2009:7) With regards to the 2004 draft regulation it was considered unreasonable to expect care giver to provide the child with adequate housing, food and healthcare. This is because the amount transferred to care givers is insufficient to cover such costs. It is thus unreasonable to expect the care giver to cover those costs when so many depend on the grant as their main source of income. With regards to immunisation, a similar supply side argument was made which stated that not all beneficiaries were able to access healthcare due to limited national supply and not their inaction. (ibid) Thus the imposition of conditions would only exclude already vulnerable persons and not really function to improve their lives. As a result of the intensive lobbying of civil society organisations, conditions have since not been imposed to social grants and child support grants in South Africa.

National Development Plan (NDP)

The creation of the National Planning Commission under the Jacob Zuma presidency in 2010 can be seen as the beginning of a new long term strategic national planning era for South Africa. Chaired by the Minister in the Presidency Trevor Manuel the mandate of the Commission is as follows: "*to take a broad, cross-cutting, independent and critical view of South Africa, to help define the South Africa we seek to achieve in 20 years time and to map out a path to achieve those objectives*." (NDP, 2012:14) Working with various members of society the Commission would conduct research, and help to shape a national consensus on key challenges and provide recommendations to address them. The Commissions diagnostic report, released in June 2011 reported on South Africa's achievements and shortcomings since 1994. The report set out the nine primary challenges as follows: too few people worked, the quality of education for black students was poor, infrastructure was low and not always strategically located, spiral divides hinder inclusive growth, the economy is too resource intensive, health services were poor and cannot meet the demand, public service is

poor, corruption levels are high and south Africa remains socially divided. (NDP, 2012:14) As one can see, many of these challenges find their roots in the apartheid era but also in the changing and sometimes inefficient economic policies of the post apartheid era. After extensive founds of public consultation on the 15th of August 2012 the revised National development Plan (NDP) 2030 entitled *Our Future Make it Work* was handed to president Zuma. (NDP, 2012:14)

The NDP covered a wide range of areas. For the purposes of this paper we will focus on chapter 11 which looks at social protection and social grants. It is important to note that we will merely be looking at the recommendations made by the plan. It is far too early in the process to know how they have been implemented and what outcomes exist.

The NDP views social grants as one of the vital tools in its vision to eliminate poverty and reduce inequality for the most vulnerable sectors of society. According to the National Planning Commission's Diagnostic report 48% of the poor lived on less than R252 per month in 2008. (Bodnar, 2012:1) Evidence supporting the success of social grants in South Africa is over whelming. Approximately 16 million South Africa citizens depend on some form of cash transfer to help their households meet their basic needs. Of this number 11.3 million are beneficiaries of the child support grant; 2.8 million receive the old age pension and a further 1.2 million benefit through the disability grant. (Bodnar, 2012:1)

According to the NDP while in the past there may have been interest in introducing conditions such as school attendance and health care, these ideas have been abandoned. These kinds of conditions have been considered unnecessary due to the already high attendance and immunisation rates. Attendance rates at compulsory phase are at 90% while most children get immunised on time. (NDP. 2012:367) The minor challenge remains in the fact that there is a high dropout rate in children between the ages of 15 and 18. (NDP. 2012:367) The question then becomes whether school attendance conditions should be included for children in this age group or that other non-grant incentives should be instituted to encourage school attendance.

To the social grant system the NDP has made the following recommendations: first, even with the rapidly expanding reach of social grant programme many people who are eligible to receive grants remain excluded. For example while 70% of children who are of the age eligible for social grants receive the grant 10% are not able to access it for administrative or geographical reasons. (Bodnar, J.2012:4) The NDP proposed that priority be given to identifying these excluded people. The second issue is with regards to targeting and universalism. While South Africa does not use a system of conditionality it does limit the number of beneficiaries through a means test. There have been many

proposals for the eradication of the means test and for all to receive a cash transfer by virtue of being a citizen. (Bodnar,2012:4) This would help to remove exclusion errors and reduce administrative cost and make it easier to reach all those currently eligible but excluded from the grant system. The NDP sees this as something to consider but warns of cost implications.

A common criticism of the NDP that is also shared by the Black Sash is that there seem to be no specific or practical recommendations made by the plan. It simply sets out major principles and brought agendas that may be pursued but does not provide specific steps to achieving said goals. Essentially the recommendations that are specific to conditionality and social grants can be seen as the reduction of exclusion errors and the possible expansion of grants to include groups that may have previously been excluded (those in the informal sector or unemployed youth).

It seems that under the NDP very little may change with regards to conditionality in grants. Major changes may be seen if the means test is eradicated and a national universal basic income grant is introduced. Many civil society organisations continue to support this idea but there seems to be very little financial support from the state. Policies that support job creation in the formal market and employment of the youth (for example the youth wage subsidy) are preferred.

Conclusion

In conclusion, this review of social protection policy and conditionality has shown how contested the development and implementation of social grants in the post apartheid state has been. Civil society, the Constitution and economic policy have all shaped the orientation of social grants and in particular the struggle over the implementation of conditionality in grants.

South Africa's social protection systems having originated in the apartheid era has contributed positively and negatively to the states ability to provide social security today. One the one hand it has meant that there exists a very well established and functioning framework for the implementation of social protection services. On the other hand social welfare was not accessible to all citizens. In fact racial segregation in social welfare was often tied to political and social objectives of the state. When the new democratic government came into power in 1994 it would be their job to expand welfare benefits to all citizens while also considering the financial implications of doing so.

The Constitution's commitment to providing adequate and equal social protection to all the citizens, in particular those who cannot provide for themselves and their dependents is the foundation of all engagement on social protection and conditionality in social grants.

Our analysis of various economic planning eras (RDP, GEAR and the NDP) has shown how social grants have been amended and adapted to the prevailing ideological interests. While the RDP had clearly social democratic visions it did not see grants as a major path to development. The developmental welfare approach which was reflected in the White Paper on Social Welfare saw development taking place through economic and social development. Within the contest of poverty alleviation emphasis was placed on skills development and improving infrastructure so that people could work to improve their situations. Even though social grants were not at the central concern they were expanded to all citizens. GEAR in comparison to RDP introduced a neoliberal era of reduced state spending and market liberalisation. This however did not mean the reduction of social grants. In fact during this period social protection was expanded considerably with transfer amounts being increased and eligibility being extended.

We also saw two unsuccessful attempts by the state to introduce conditions to grants. These were unsuccessful in large part due to the strong civil society lobby in the legislative process. For civil society organisations the Constitution and the Bill of Rights would become their primary means of arguing against the application of conditions to social grants. Research on South African grant recipients had shown that many were achieving their required developmental outcomes (school attendance, immunisation ect) whilst receiving an unconditional grant. (Children's Institute, 2009:9) The application of conditions while fundamentally intended to improve the lives of beneficiaries would do nothing that was not already being done. Conditions would result in the violation of the rights of many people through excluding them from a grant that has the potential of enabling them to access other fundamental rights which are essential in the fight against poverty. In many ways this strong civil society lobby has been successful in their fight against conditionality. For many organisations the question is in fact not whether or not to implement conditions or a means test but rather the effects that each of these mechanisms has on access. Thus the debate over social grants has now moved to issues of universality, with arguments in favour believing that it is only through a completely unconditional grant that all South Africans will have access to the acceptable level of social protection that is guaranteed by the Constitution.

Lessons from the cases: Conclusions

To this point in the paper we have looked at how the governments of Brazil and South Africa have developed and implemented cash transfers as a policy to address high levels of inequality, poverty and hunger. Both cash transfers, conditional in Brazil and unconditional in South Africa have been able to produce remarkable developmental outcomes. In each of these countries the state's

decision to either apply or reject conditions in grants has been a contested matter. Below are the key factors influencing the adoption of conditions in cash transfers.

The constitution of the state plays an important role in protecting social grants and guiding the use and implementation of conditions. A constitution may limit the kinds of changes that may be made to a cash transfer programme while also requiring the state to take further action to protect the rights of citizens. In the two cases we see how in Brazil the lack of constitutional entrenchment has the potential to make conditional cash transfers vulnerable to political influence and manipulation while in South Africa the constitution has been used as the basis for arguments against the state's introduction of conditions.

The Brazilian case study provides a slightly different discussion on constitutional entrenchment. In this case we saw how the fact that *Bolsa Familia* was not constitutionally entrenched made it potentially vulnerable to political manipulation. The Beneficio de Prestação Continuada and the Previdência Rural which have been entrenched in the constitution and their existence is not dependent on yearly budgetary allocations. Beneficiaries under Bolsa Família are dependent on budgetary allocations to the programme, as well as on the coordination between municipalities and the federal government. Thus, even if a household meets the eligibility criteria, there is no guarantee it will receive benefits. The problem here is if the very mechanism that makes it possible to access basic rights may be manipulated and in some cases not accessible to those that need it as a result of budgetary constraints or municipal challenges then the state is still falling short in providing basic rights.

Section 27 of the South African Constitution establishes that everyone has the right to have access to social security, *'including if they are unable to support themselves and their dependants, appropriate social assistance*'. Therefore, the state is under a legal obligation to take '*reasonable legislative and other measures'* '*within its available resources'* to '*achieve the progressive realisation'* of this right. Cash transfers have been regarded as one of the primary means of realizing this right to social security. Through its clear commitment to providing equal social security the constitution has been used as the basis for arguments against the application of conditions to grants. The government's many attempts (in 2004 and 2009 draft regulations to the Social Assistance Act) to introduce educational and health conditions and to narrow the means test have been countered the rights based approaches of civil society organisations. They successfully argued that while the government has the right to progressively realize the right to social security it cannot limit the right if it has consequence to other rights. Therefore, if as research shows, conditions would result in the violation of the rights of many people through excluding them from a grant that has the potential of enabling

them to access other fundamental rights which are essential in the fight against poverty then they are not justified. Further to this it would be unreasonable for the state to (in the case of the child support grant) justify the implementation of conditions that are aimed at achieving developmental outcomes that have been achieved with unconditional grants. Thus the implementation of conditions would only result in increased administrative burden on the state and caregivers who would have to prove compliance. It would make many beneficiaries vulnerable to exclusion for circumstances out of their control. For example many of the children that do not attend school do so as a result of inadequate facilities, lack of local schools and insufficient household income for transport and other basic needs. Thus far, the state has not made a strong enough argument for the implementation of conditions on the bases of the countries infrastructural context[9].

Both cases show the importance of a constitution in protecting the right to social security and social grants in the first instance as well as in regulating the conditions under which conditionality may be introduced in grants so as to limit potential violations of rights.

The second factor that has in these cases encouraged or discouraged the introduction of conditions has been the extent of social buy-in for either option. Conditions in both countries have been a matter of political and social legitimacy. In the Brazilian context unconditional transfers have developed negative associations as undue handouts to the poor. The fact that in Bolsa Familia beneficiaries have to comply with what is considered a co-responsibility has made the programme more acceptable to citizens, and gives the beneficiaries a sense of agency. With such strong social buy in to conditions it has been hard for parliamentary lobby groups fighting for the Basic Income Guarantee Bill to gain support enough to make any significant change at this point. In the case of South Africa an active civil society, following a rights based approach is one of the key factors supporting non-conditional and universal access to grants. In many ways this strong civil society lobby has been successful in their fight against conditionality, with notable successes in extending the age limit for child grants, removing conditions and arguing for different approaches to analysing the household. To this extent the debate in South African social protection policy has changed from whether or not to implement conditions or a means test, to a debate over the effects that each of these mechanisms has on access. Thus the debate over social grants has now moved to issues of universality, with many civil society organisations laying out arguments in favour believing that it is only through a completely unconditional grant that all South Africans will have access to the acceptable level of social protection that is guaranteed by the Constitution.

[9] Meaning, have all the demand side constraints been addressed in order to justify the implementation of conational grants. E.g. are there enough schools, transportation infrastructure, skilled social workers to investigate noncompliance and the budget to fund better beneficiary databases so as to avoid exclusion errors.

Lastly the ideology of the state has proved to be a strong factor that supports or challenges the application of conditionalities. Neoliberal economic policy my encourage the reduction of social grant programmes through reduced state spending while social democratic policies may encourage the state to increase commitment to social spending and increasing the capacity of grant programmes. These ideologies also have consequence the ways in which the state may understand poverty and how it may be addressed. Where poverty is seen as a consequence of one's actions or inaction beneficiaries may be expected to comply with conditions that encourage desired behaviour. Where poverty is seen as more of a structural issue the state may be required to take more action to create the conditions that allow of the development of its citizens. In both the cases neither has exclusively taken one perspective or the other. In Brazil the very instrumental role of the World Bank may be perceived as a key force behind the implementation of a conditional cash transfer programme. In the case of South Africa the changing nature of economic policy can be argued to have encouraged the attempts by the state to introduce conditions, limit the age and amount of money transferred to beneficiaries. Thus economic ideologies shape the orientation of social welfare systems and cash transfer programmes.

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