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FUTURE OF WORK(ERS) RESEARCH PROJECT

Traversing the cracks: social protection toward the achievement of social justice, equality and dignity in South Africa

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SOUTHERN CENTRE FOR INEQUALITY STUDIES

About the author

Ms Thandiwe Matthews is a human rights attorney and doctoral candidate in Law and Development Studies, forming part of a joint scholarship programme between the University of the Witwatersrand and the International Institute of Social Studies of Erasmus University Rotterdam. Her academic interests lie in analysing the relationship between human rights and governance, the economy and society, and her work has been published in the *Oxford Journal of Human Rights Practice*, the *South African Journal on Human Rights* and *Development Southern Africa*. Her doctoral research adopts a socio-legal approach to explore the role of constitutionally protected human rights to address structural inequalities of race, gender, class and age in South Africa, with a specific focus on social protection programmes. She is an alumna of the US State Department's Fulbright-Hubert H. Humphrey Fellowship Programme (2015-2016).

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The Southern Centre for Inequality Studies (SCIS) is the first research institute of its kind in the global South. It draws on the intellectual resources of the University of the Witwatersrand and partner institutions in South Africa and beyond, to host an interdisciplinary research and policy project focused on understanding and addressing inequality in the global South. Research foci include wealth inequality, black economic empowerment, the gender pay gap, Covid-19 and the future of work(ers). The Future of Work(ers) Research Project explores how digital technologies are reshaping the world of work and the impact of these changes on inequality. The project defines work broadly to include both productive and reproductive activities in the formal and informal economy. It conceives of the development and application of digital technologies as a contested terrain. It is particularly interested in how collectives of workers shape what digital technologies are developed, how and to what end; and the economic and social policies that have been leveraged in response. In order to capture the diversity of the global South the project has selected the following case countries: Colombia, Ethiopia, India, Mozambique and South Africa.

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Abstract

South Africa has one of the most expansive social protection systems in Africa, yet it remains one of the most unequal countries in the world. The sudden onslaught of the Covid-19 pandemic has laid bare the devastating impact of deep global and domestic socio-economic inequalities, and the political, economic and social implications thereof. This paper explores how the conceptualisation and implementation of social protection policies can serve to simultaneously confront and reproduce the sources of power that sustain structural inequality in South Africa. Through an interdisciplinary lens, the research probes the gendered nexus between social policy and constitutionally protected socio-economic rights to elucidate how multiple forms of discrimination perpetuate the exclusion of historically marginalised groups, and particularly black African women, in post-1994 democratic South Africa.

Although social protection programmes have saved millions of households from falling deeper into poverty, the level of social grants is insufficient to meet households' reproductive needs and undermines their very objectives. At the same time, the digitalisation of cash transfers coupled with the 'marketisation of governance' (Taylor, 2000) has trapped grant beneficiaries in relations of credit and debt.

The paper concludes that comprehensive social protection requires an approach that is not only efficient and pragmatic but is substantively inclusive, equitable and participatory, with the aim of dismantling relations of power that reproduce structural inequalities. However, social protection alone cannot address the complexity of challenges associated with structural inequality, and must be linked to labour market policies geared at improving the conditions of work for black African women in South Africa.

Introduction

In 2018, the World Bank declared South Africa to be one of the most unequal countries in the world and stated that inequality has increased since the fall of apartheid (World Bank, 2018:xv). This increase in the structural inequality of wealth and income has occurred despite the establishment of a constitutional democracy founded on the redistributive principles of dignity, equality and social justice, and the guarantee of civil, political, and socio-economic rights for everyone in post-1994 South Africa. Concurrently, the World Bank has celebrated the country's social protection system, attributing its success to a combination of leadership, backing from the South African constitution, technical soundness, and active engagement with civil society actors (Bruni, 2016:120). As stated in the Sustainable Development Goals (SDGs) and supported by international financial organisations (World Bank, 2019), social protection is envisioned as a

mechanism to reduce both poverty and inequality, which has been reflected in the country's macroeconomic policy since the advent of its democracy.

South Africa's Gini coefficient fluctuates between 0,660 and 0,696 (StatsSA, 2019a). While wealth and income inequality continue to be mapped in South Africa (Chatterjee, Czajka & Gethin, 2020), more research is required to interrogate the structural sources that sustain them. Mindful of its intersection with inequality and poverty, the country's unemployment rate is conservatively estimated to be 30% and therefore remains a significant barrier to the attainment of decent work and social justice (ILO, 2019). Official statistics released by Statistics South Africa have consistently highlighted the racialised and gendered nature of poverty, exacerbating structural inequality in the country. In 2015, the proportion of black African[1] women living below the lower-bound (extreme) poverty line of R758 per month (about US$44) was 49.2%, while for black African men this number was 44.8% (StatsSA, 2017).

The endemic fragility of market economies in the global North and South has been heightened as a consequence of the novel coronavirus (Covid-19) pandemic and has increased the visibility of existing fault lines in post-1994 South Africa. Since March 2020, the start of the country's 'hard lockdown' period, the gender gap in the formal and informal economy has grown, with women accounting for approximately two thirds (or two million) of the net job losses (Casale and Posel, 2020).

Poverty and unemployment in South Africa further disproportionately affect its younger demographic. Youth aged 15 to 34 cumulatively account for more than two thirds of the total number of the country's unemployed persons, the majority of whom are young black African women (StatsSA, 2018). For this age cohort, the high school dropout rate once compulsory basic education ends in Grade 9 reaches, at times, 25% (StatsSA, 2016). Meanwhile, HIV/AIDS remains stubbornly incessant in its disproportionate impact on women; in 2018, of the 7.5 million adults living with HIV, 4.7 million were women and new HIV infections among young women aged 15 to 24 yewere more than double those of young men (UN AIDS, 2018).

The emergence of the on-demand economy through the use of digital mobile technologies has been marketed as a flexible work option that can provide better remuneration for younger workers who find themselves in precarious economic circumstances. Yet, in South Africa, it has been found that legal measures to improve paid work, including social protection benefits, are undermined when workers are not classified as employees. The growing popularity of the convenience presented by the digital economy, particularly for society's elite, thus reconfigures existing

structural barriers to women's economic autonomy (Hunt, 2017). Moreover, debates surrounding the benefits of work in the digital age pay insufficient attention to global inequalities in the structures of governance, flow of information, financial capital, economic opportunities, technologies and human capital that will be instrumental to shaping the nature and availability of work, particularly for African women, in the future (Kanengoni, 2018).

In an attempt to address the country's legacy of inequalities, the state introduced an expansive social grant system, with at least two thirds of all unconditional cash transfers going to the bottom 40% of the income distribution (Bruni, 2016:119). It has been found that 'the grant system [has] helped reduce poverty, stabilise the annual growth of real earnings and increase employment and labour force participation among women' (Bruni, 2016:119). South Africa's approach to social protection has also been deemed 'exceptional' in its efficient and extensive coverage, sizeable contribution and the fact that it is state-led rather than externally funded through donors (Devereux, 2011). While means-tested and targeted at individuals, the social grant system supports approximately 44% of the country's multigenerational households, with female-headed households being more reliant on social grant income than male-headed households. The extent to which the grant supplements additional income is also greater for women than for men, as men receive more non-grant income due to the gender wage gap in the formal economy (StatsSA, 2019b; see also Ferguson, 2007 and Department of Women, 2015).

Thus, despite the intersection of race, gender, class and age inequalities cited earlier, female-headed households have been the predominant beneficiaries of the country's social protection system, largely in the form of social assistance. However, a large majority of women continue to survive perilous lived realities. For women in precarious employment, there is a strong correlation amongst human security, economic security and social protection. Comprehensive social protection that confronts the systems that reproduce patriarchy, socio-economic inequities and gender-based discrimination is therefore critical (National Planning Commission, 2012).

Devereux and Sabates-Wheeler (2004:3) have argued that, for social protection to achieve its transformative potential, it must extend to equity, empowerment and economic, social and cultural rights with a view to challenging power imbalances in society that encourage, create and sustain vulnerabilities. This approach is reflected in section 9 of the South African constitution which guarantees the right to equality and non-discrimination, as well as in section 27 which provides that 'everyone has the right to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance' within the state's available resources

(Constitution, 1996: section 27). Here, it is worth noting that although South African laws regulate the administration of social assistance and social insurance separately, the conceptualisation of social security in South Africa's constitutional democratic framework encompasses all forms of social protection and applies to all residents, including non-citizens. Therefore in this paper, 'social protection' encompasses contributory and non-contributory forms of social security and social assistance.[2] Section 27 makes further provision for rights to health care services (including reproductive health care) and sufficient food and water, indicating that, in addition to the separate right of basic education, these rights collectively constitute comprehensive social welfare.

This paper analyses the gaps in the conceptualisation and implementation of social protection, and its implications for black African women as marginalised members of South African society and primary beneficiaries of social assistance grants. It draws on intersectionality as a research methodology, to analyse, both separately and simultaneously, how multiple forms of discrimination perpetuate the exclusion of black African women from South African society, despite the access that they may have to social protection (Carastathis, 2014). The paper is structured as follows: first, I provide a theoretical overview of the relationship between social policy and citizenship, gender justice and constitutionally protected human rights. This section is followed by an overview of the landscape governing social protection in South Africa and includes a synopsis of laws and policy, a brief analysis of the state's budget allocations to social protection, and a consideration of the opportunities and limitations presented by the pandemic, including a universal basic income. I conclude by arguing that comprehensive social protection requires an approach that is not only efficient and pragmatic but is substantively inclusive, equitable and participatory, with the aim of dismantling relations of power and resources that reproduce structural inequalities in South Africa.

Contested terrain

> Social policy is fundamentally political given that it serves as the basis for defining and instituting citizenship rights, distributing public goods, redistributing wealth, and articulating some of the main mechanisms of integration and segregation within societies (Fischer, 2012:9).

South Africa's fragmented approach to social security and social assistance finds its origins in its apartheid past, which excluded the majority of its population from its publicly-financed system of social protection and placed racist limitations on the private sector's distribution of labour benefits. As a colonised state, early 20th century social protection programmes were designed to exclusively protect the white population against poverty on the assumption of full employment, with associated health and safety benefits for the male breadwinner to support the female caregiver,

and aimed to supplement their income when they exited their workplace due to old age, illness or disability (Lund, 2006a; Goldblatt, 2011). Pre-1994 social insurance excluded all black African workers, including informal sector workers, agricultural labourers, seasonal workers, domestic workers and state employees (Plagerson and Ulriksen, 2016).

By 1928, social pensions were provided to white and coloured South Africans who were not covered by occupational retirement insurance, although beneficiaries were subjected to age criteria and a means test to ensure that only those who were in need were targeted. In 1944, pensions were extended to black Africans, though the benefit levels were less than one tenth of those of whites and the means test was more stringent. By 1990, black Africans constituted 67% of those receiving old-age pensions. Other forms of social assistance, such as disability grants, were introduced in the 1930s, initially only for whites and coloureds but extended to other racial groups in 1946 (van der Berg, 1997:487).

The 1951 establishment of ten bantustans, or ethnically divided 'homelands', further disaggregated an already complex and racist governance structure. The requirement of a myriad additional bureaucratic structures compounded administrative dysfunction, incorrect capturing of personal data in population registries, and the lack of administrative oversight (Vally, 2016). Interestingly, as noted by Hassim (2006), despite the legislated discrimination under apartheid and the denial of civil and political rights to all citizens, the idea that all race groups were entitled to some form of social welfare was generally accepted. Not only was social welfare required to sustain the structure of the market economy for the primary benefit of the country's white population, but it was also informed by racist and Eurocentric views concerning the role of black people and women in the economy and in the household. White South Africans could therefore access their incomes in the private sphere with associated benefits, and supplement their incomes through state support where necessary (Hassim, 2006).

Consequently, the democratic state inherited an uneven system sufficiently developed to administer the expansion of social protection to meet its constitutional obligations, yet embedded in parochial and conflicting assumptions about the extent to which the state ought to subsidise 'everyone' for their productive and reproductive labour, crucial to the sustenance of the country's market economy. The structural inequalities that social protection seeks to address – particularly as they relate to gender, race, class and age – have subsequently been reinforced (Taylor, 2000; Hassim 2006; Patel, 2019).

The vision that underpins the South African constitution and which forms the basis of the country's policymaking articulates human rights as a redistributive mechanism to achieve its objectives – namely, to 'heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights' – and further commits to 'improve the quality of life of all citizens and free the potential of each person' (Constitution, 1996: preamble). To achieve the constitution's transformative potential, feminist political-economists have argued that policymaking and its subsequent implementation must embody an approach that is inclusive, equitable and participatory, with the aim of dismantling relations of power and resources that reproduce structural inequalities (VeneKlasen, 2004; Taylor, 2015).

However, although the constitution presents a potential framework to confront socio-economic inequities, the incorporation of human rights language in development frameworks rooted in ethical considerations has been criticised for reducing human rights and the development agenda to an apolitical process. Instead, citizenship deliberation and contestation that ought to inform the basis of policymaking have been substituted by processes that are seemingly more expedient and efficient (Fischer, 2013). Moreover, in the global North and South, rising inequalities between rich and poor due to the concentration of wealth amongst the elite and a shrinking middle class have led scholars to question whether the institutionalisation of constitutionally protected human rights, and particularly socio-economic rights, is sufficient in reducing the inequality gap (Dixon and Suk, 2018; Moyn, 2014; Fukuda-Parr, 2015).

The racialised and gendered nature of the country's labour market, in addition to the sexual division of labour in the household, has reinforced black women's dependence on the state and broader society and is embedded in the conceptualisation and differentiated administration of social protection, and therefore remains a site of struggle and resistance (Lister, 2003; Taylor, 2015). Indeed, in South Africa, women have been central to social policy reform because of how the intersectional responsibilities flowing from the foundations of colonialism and later apartheid directly impacted on them. The 1954 Women's Charter and its successor, the 1994 Women's Charter for Effective Equality, articulated common interests and a political agenda for collective change representative of women from various social, economic and racial positions in the country (Hassim, 2018). Women's interests have subsequently been incorporated throughout South Africa's constitutional framework due to 'a combination of enabling political conditions, shrewd gender activism within political parties, a productive partnership of political and legal expertise among women in parties, and the mobilization of a 'constituency of women" (Albertyn, 2017:47).

However, the failures of globalised neoliberal market economies to generate economic growth, reduce poverty and confront structural inequalities, coupled with the inability of social policies to advance substantive equality and redistribution of wealth, has further exacerbated the marginalisation of black women from society (Taylor, 2000; Hassim and Razavi, 2006). It is becoming increasingly rare to secure livable waged work as a mechanism to access social inclusion and basic human rights entitlements, as globalised economies become more vulnerable to exploitation and the disruptive effects of climate change intensify (Marais, 2020). As explained by Ossome (2018), neoliberal reforms on the African continent have afforded capital the benefits of mobility and informal and flexible labour markets, and have consequently facilitated the entry of women into the labour market. However, the ensuing economic distress has forced women to pursue tenuous, informal, low-paying and de-unionised work, which is often criminalised in archaic state penal laws. In the context of closing civic space under rising authoritarian leadership globally, coupled with the historical exclusion of women from patriarchal class struggles, the implications for the future of women's work risk being rendered invisible in state law and policy (Ossome, 2018). Yet, notwithstanding their perpetual exclusion before and after the fall of apartheid, black women persist in articulating their demands for a more inclusive social policy development that sufficiently mitigates the outcomes of market failures and related inequalities.

The administration of social protection policies also cannot be divorced from the developments of both the domestic and global structures that govern it, and the implications of inequalities that exist at the local and global levels. Taylor (2000) has highlighted that the centralisation of the distribution of social protection benefits through global networks, institutions and mechanisms impacts directly on the sovereignty of the nation state and its ability to deliver on its constitutional obligations to its citizens. Whereas economic development is arguably a mechanism to increase social mobilisation and political participation, the assumptions that underpin such an approach are predicated on an economic liberalism that strengthens democratic governance regimes. However, economic growth that is jobless and unable to provide meaningful work for people is unsustainable; and while technological innovation that aids efficient administration is necessary, there is no common understanding within the global market-economy for the distribution of wealth and resources to those who are in need (Taylor, 2000). The subsequent marketisation of state functions managed by global economic governance regimes undermines the ability of states to be accountable, transparent and responsive to the needs of the people subjected to the outcomes of these decision-making processes (Taylor, 2000; Taylor 2015).

Although post-1994 targeting measures have aimed to provide some form of inclusive reprieve for black women on the margins of society, such measures are centred on fiscal restraint through means testing and assumptions about the 'deserving poor' eligible to qualify for associated social protection benefits (Lister, 2003). Indeed, South Africa's child support, disability and old age pension grants have provided lifesaving income support for poor intergenerational households (Lund, 2006b; Patel, 2019). However, tensions emerge when grants targeted at particularly vulnerable groups become a primary source of income for their caregivers and other household members (Lister, 2003; Seekings, 2020). Consequently, proposals for a universal basic income grant or a citizens' income grant have sought to fill this gap.

Lister (2003) cautions that, while considering universal access to social protection benefits, thought must be given to a 'differentiated universalism' to unmask the particularities of how diverse groups of women experience the economy and society. Moreover, substantive social protection cannot be reduced to only supplementing a lack of income, but must also consider the implications of broader macroeconomic processes such as levels of employment and quality of work, the provision of essential public services, and financial policies that cause the economy to either grow or contract (Ghosh, 2011). The additional burden of care of supporting HIV-positive people undertaken especially by black women in the South African context, for example (Lund, 2006b), or the additional income from a universal basic income that supplements the incomes of men but not of women who are excluded from accessing the same opportunities in male-dominated economies, can serve to undermine well-intended interventions to address structural inequalities (Lister, 2003). Instead, what is required to confront both poverty and inequality is a development agenda that embraces equitable resource distribution, enforced by universalist social protection policies that adequately address the nuanced needs of marginalised members of society (Mkandawire, 2005; Fischer, 2012).

Indeed, as will be shown in the following sections, whereas social protection during apartheid aimed to preserve the dignity of the country's white population, today it is a mere survival mechanism for the country's black majority.

The legal and policy landscape in South Africa – the human right to social protection

To redress the historical exclusion of black people from the social protection system during apartheid, and in accordance with its constitutional obligations, the post-1994 democratic government publicly committed itself to the elimination of poverty and the establishment of a reasonable and widely acceptable distribution of income. If full employment was not possible, the

government would establish a mechanism to deal with poverty (Taylor, 2002). Thus, building on the existing state infrastructure, two state-led inquiries paralleled the emergence of post-1994 macroeconomic development frameworks that were instrumental in shaping the country's expansion of social protection, namely, the Lund Committee on Child and Family Support (the 'Lund Committee'), reporting in 1995, and the Taylor Committee of Inquiry into a Comprehensive System of Social Security ('Taylor Committee'), reporting in 2002.

Whereas the Lund Committee centred its efforts on the expansion of the child support grant (CSG) as an initial anti-poverty vehicle for poor families to access economic empowerment (Lund, 1995), the Taylor Committee found that institutional transformation was required to comprehensively tackle the multidimensional nature of poverty and to advance the constitutional rights of marginalised groups (Taylor, 2002). The latter approach is reflected in the country's National Development Plan, 2030 (National Planning Commission, 2012), which commits to provide an acceptable minimum standard of living, expand public employment to prioritise women and young people, and ensure household food and nutrition security (National Planning Commission, 2012). Notwithstanding the expansion, however, the government has also committed itself to promoting economic growth and reducing the number of South Africans relying on social protection as a primary means of financial support. The Taylor Committee recommended the introduction of a basic income grant – then pegged at an amount of R 100 (about US$12) – as a further means of reducing systemic poverty, promoting human development, sustaining livelihoods and improving social cohesion (Taylor, 2002). However, this recommendation was rejected by the government at the time as unaffordable, despite arguments to the contrary (Mokopanele, 2005).

Through the Department for Social Development (DSD), South Africa has introduced a CSG for children under the age of 18, a care-dependency grant, a foster child grant, a disability grant, an older person's grant, a war veteran's grant, and the grant-in-aid. Whereas the CSG targets primary caregivers of children who live with them in South Africa, the care-dependency grant is provided to primary caregivers of children who are permanently and severely medically disabled, and the foster child grant is reserved for those declared by a court to be the designated foster carer. The disability grant provides support to disabled adults aged 18 to 59 who are found to be medically unfit for work. The grant-in-aid is to support caregivers of people with disabilities, older people or war veterans who are unable to care for themselves due to mental or physical disabilities. The older persons grant serves as the country's old age pension and the war veterans grant is reserved for those who fought in the first or second World Wars or the Korean War (Kelly, 2017). There

are no social assistance grants available for able-bodied South Africans aged 18 to 59, unless they are the recipients of grants as caregivers of beneficiaries falling into the aforementioned categories.

Regarding mandatory social insurance, workers in the formal economy are able to access short-term unemployment insurance and compensation for occupational health and diseases. Employment conditions are regulated by the Labour Relations Act of 1995, the Employment Equity Act of 1998, and the Basic Conditions of Employment Act of 1997. Social insurance in South Africa is characterised by gainful employment and contributory financing in accordance with income, and contributions to be paid out are based on earnings (Mpedi, 2012). However, access to the Unemployment Insurance Fund (UIF) is limited to providing short-term relief at a maximum of 60% of remuneration to persons who were employed but have been dismissed or are unable to work because of maternity, adoption leave or illness, and includes domestic workers and seasonal workers (UIA, 2001; Plagerson and Ulriksen, 2016). Similarly, claims for occupational injuries or diseases are limited to the employee's course of employment and are capped on the basis of a sliding scale dependent on the severity of the injury (RSA, 1993). While the promulgation of the 2018 National Minimum Wage Act was a significant advance in protecting all workers from historical exploitation and unreasonably low wages, its application is also limited to recognised employment relationships (RSA, 2018).

Drawing on the human rights protections afforded by the South African constitution, civil society actors have used various forms of rights-based advocacy, including the courts, to assert their political claims and to shape the trajectory of the political economy that governs social protection to become more inclusive (Handmaker and Matthews, 2019). Accordingly, the courts have applied the principle of non-discrimination by holding that the constitutional right of 'everyone' to social security includes permanent residents who are not citizens and that a failure to provide to them violated the constitutional right to equality, extended the CSG to include all children who are poor and under the age of 18, and equalised access to the old age grant for men and women at the age of 60, which was previously differentiated – 65 for men and 60 for women (Plagerson and Ulriksen, 2016). More recently, arguments before the courts have centred on extending compensation for occupational injuries to include domestic workers as informal employees who are also entitled to access the UIF (SERI, 2020). The legal review of the administration of social protection has further exposed the covert ways in which the private sector has continued to profit from the structural exclusion of historically marginalised groups (Du Toit, 2017).

As a state which is party to binding international human rights treaties such as the International Covenant for Economic, Social and Cultural Rights, 1966, and the Convention on the Elimination of All Forms of Discrimination against Women, 1979, South Africa is obligated to ensure that social protection is available to everyone as a human right, and particularly to women who are recognised to play a crucial role in the economic survival of their families. The International Labour Organisation (ILO) has thus provided guiding principles that should be observed by states when creating national social protection floors. ILO Recommendation 202 goes further to highlight that, in addition to alleviating poverty, social protection is also an important tool 'to promote equal opportunity and gender and racial equality…'(ILO, 2012: Preamble)

However, according to the ILO, even though there has been a significant extension of social protection globally, the human right to social protection is not yet a reality for approximately 55% of the world's population (ILO, 2017). The ILO estimates that only 29% of the global population benefits from comprehensive social security. The lack of access to social security consequently leaves millions of people vulnerable to poverty, inequality and social exclusion. Moreover, austerity measures introduced by many governments have resulted in narrowly-targeting benefits for the poor, leaving unprotected millions of people who do not fit the qualification criteria. These challenges are exacerbated in environments of persistent unemployment, underemployment, precarious and informal employment, and the rise of working poverty (ILO, 2017).

Similarly in South Africa, notwithstanding the gains that have been made in the expansion of social protection programmes across the country, in addition to the persistent narrative of the 'undeserving poor', a glaring gap in the social security system is the lack of coverage for workers in the informal economy, independent contractors and self-employed individuals. Although access to UIF provides some support for vulnerable low-income workers, it is limited to fewer days of benefits for those in short-term employment than those with longer employment histories will get. As a consequence of the rigid divisions between social assistance and social insurance, the disparities between those who have access to unemployment benefits and those who are excluded from directly accessing any social protection benefits are reinforced (Plagerson and Ulriksen, 2016).

The UN Committee for Economic, Social and Cultural Rights (UN CESCR) has expressed concern that, despite the country's unacceptably high level of unemployment, there is no benchmark to set the level of social benefits in line with the requirement to ensure an adequate standard of living. Furthermore, the levels of non-contributory social assistance benefits are too

low to ensure an adequate standard of living for beneficiaries and their families. In 2018, the UN CESCR recommended that the government of South Africa design an index on the cost of living, raise the levels of social assistance benefits to ensure an adequate standard of living, ensure that those between the ages of 18 and 59 with little or no income have access to social assistance, establish a social protection floor and consider the introduction of a universal basic income grant (UN CESCR, 2018: par 47-48).

Meanwhile, the endemic structural factors that plague the administration of the social protection system have been well documented. Means testing and household income thresholds determined by the government, a lack of knowledge or awareness of what is required to access the system, hostile state officials who do not provide the requisite assistance, and the lack of documents required for entitled beneficiaries, amongst numerous other challenges, limit beneficiaries from accessing the grant system (Ferguson, 2007; Goldblatt, 2014). Women especially are reportedly targets of extortion by criminal 'loan sharks' and have expressed safety concerns when travelling to collect grants (Ngubane, 2018). Women also depend on other women, rather than men, for additional social and childcare support; and because the amount of the CSG is insufficient to confront the totality of material deprivation, many households remain without sufficient basic needs such as food and experience high levels of indebtedness (Patel, 2019).

Allocation and expenditure on social protection

Social protection constitutes part of the South African government's 'social wage', which also includes access to free primary healthcare, no-fee schools, housing assistance and the provision of free basic services (water, electricity and sanitation) to poor households, thus giving effect to section 27 of the constitution (cited earlier) and a holistic approach to social welfare. State budgets are not static and are dependent on a variety of political, economic and social factors that shape them (Matthews, 2017). It is apparent that the South African state does adopt an approach that seeks to distribute available resources towards the achievement of its constitutional obligations, and is responsive to court judgments that have expanded the reach of human rights. Despite the sustained growth of the country's gross domestic product (GDP) and incremental increases in its social welfare spending, the stubborn levels of poverty, inequality and associated human rights violations raise the question of what more needs to be done to centre human rights' values of dignity, equality and social justice as the foundation of policymaking.

Between 1994 and 2019, the number of beneficiaries of social assistance in the form of cash transfers increased from roughly two million to more than 17.8 million, with 31% of the population

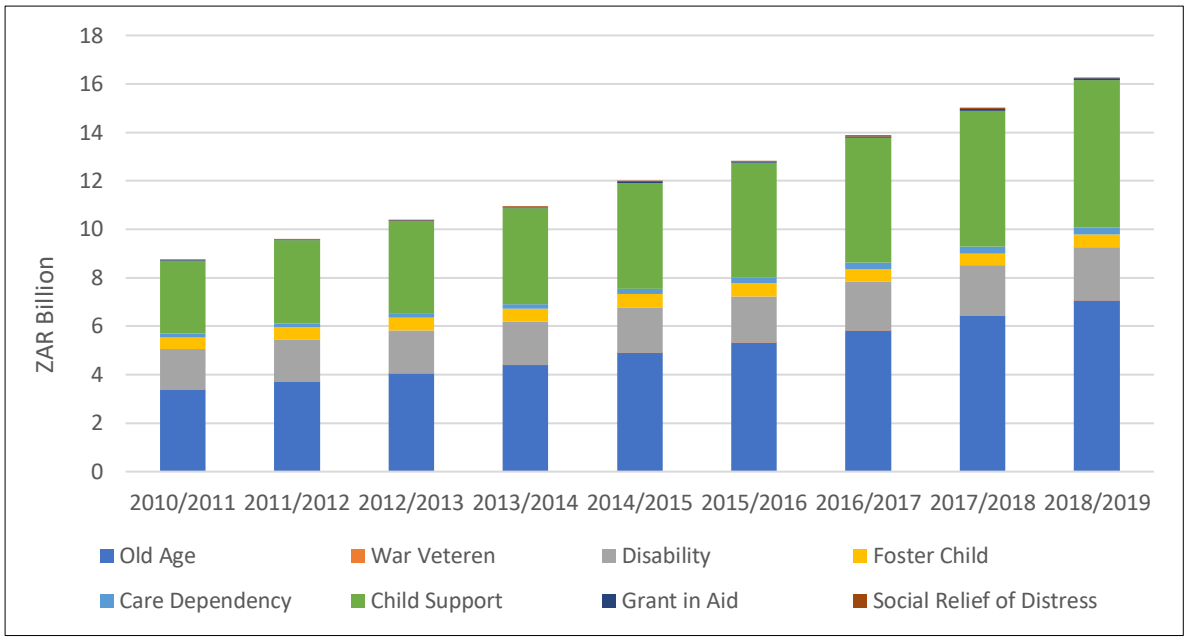
benefitting and 2.1 million beneficiaries added to the grant system during the 2017/2018 financial year alone (SASSA, 2018:3 ;SASSA, 2019:8). According to the South African Social Security Agency (SASSA), the CSG remains the largest with more than 12 million grant beneficiaries, followed by the old age grant with just more than 3.5 million grant beneficiaries in the 2018/2019 financial year (see Table 1).

Table 1: *Total grant beneficiaries per grant type, 2010/2011 – 2018/2019*

Grant type	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
Old age	2 678 554	2 750 857	2 873 197	2 969 933	3 086 851	3 194 087	3 302 202	3 423 337	3 553 317
War veteran	958	753	587	429	326	245	176	134	92
Disability	1 200 898	1 198 131	1 164 192	1 120 419	1 112 663	1 085 541	1 067 176	1 061 866	1 048 255
Grant in aid	58 413	66 493	73 719	83 059	113 087	137 806	164 349	192 091	221 989
Care dependency	112 185	114 993	120 268	120 632	126 777	131 040	144 952	147 467	150 001
Foster child	512 874	536 747	532 159	512 055	499 774	470 015	440 295	416 016	386 019
Child support	10 371 950	10 927 731	11 341 988	11 125 946	11 703 165	11 972 900	12 081 375	12 269 084	12 452 072
Total grant beneficiaries	**14 935 832**	**15 595 705**	**16 106 110**	**15 932 473**	**16 642 643**	**16 991 634**	**17 200 525**	**17 509 995**	**17 811 745**

Source: SASSA Annual Report: 2018/2019

Figure 1: *Grant expenditure per grant type, 2010/11 - 2018/19*

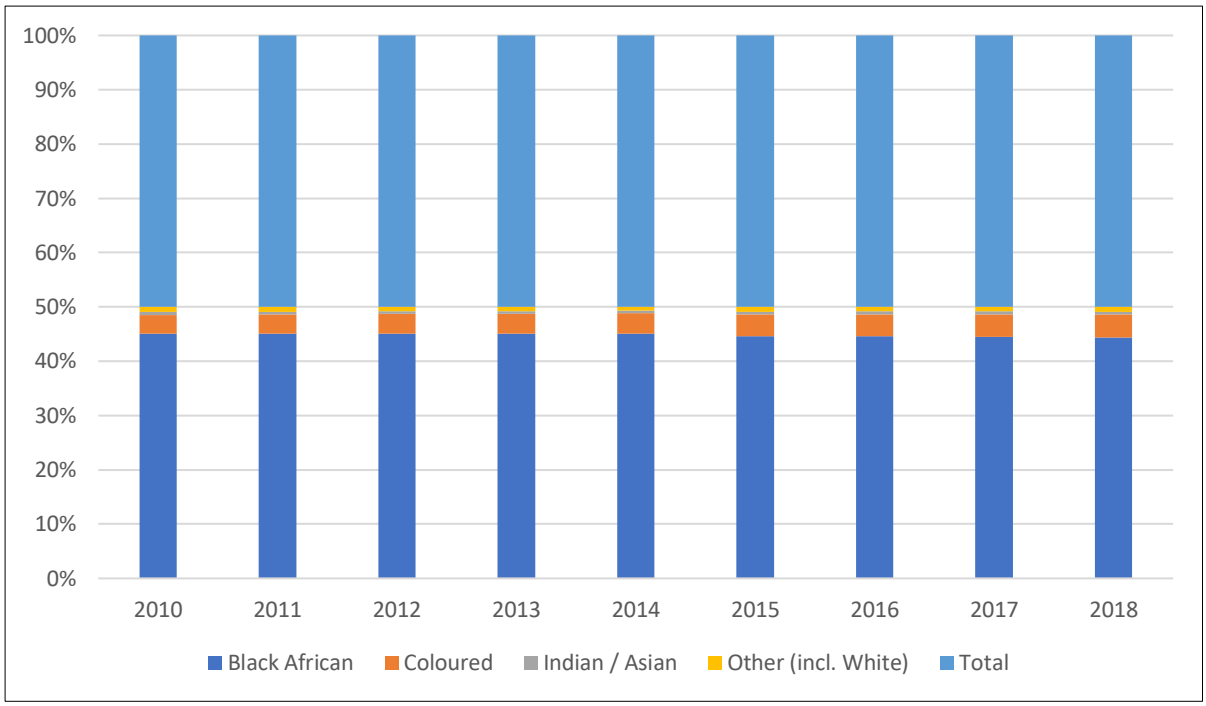


Source: SASSA (2019), own calculations.

At the end of March 2019, the grant payment increased by 1.72% from the previous financial year (SASSA, 2019:25). While the increase is noted, it is also significantly lower than the inflation rate which was roughly 4% during the same financial year (StatsSA, 2019c). From a rights-based perspective, although the number of social grant beneficiaries has grown (see Table 1) and the grant amount has increased annually in nominal terms (see Figure 1), the lack of an inflation-based increase in the grants is cause for concern as the South African state has a constitutional obligation to progressively advance allocations to social protection as a socio-economic right in real terms as available resources expand (Matthews, 2017).

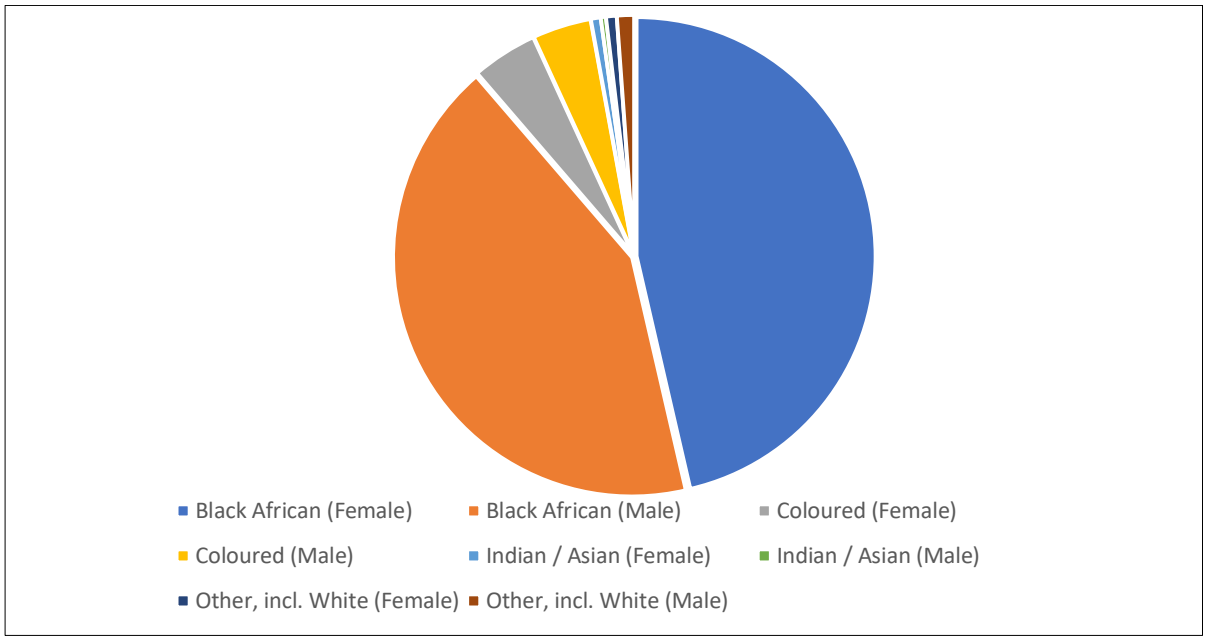
In 2017, more than one third of black African individuals were reliant on social grants (32.9%) compared to the coloured (27.2%), Indian (11.5%) and white (6.2 per cent) population groups (SASSA, 2018). Although social protection is non-discriminatory and available to all South Africans provided they meet means testing requirements, it is worth noting the significant difference between black Africans, and especially black African women, who rely on social grant income as a primary means of survival, and the rest of the population (see Figures 2 and 3).

Figure 2: *Population who received social grants, according to race, 2010-2018*



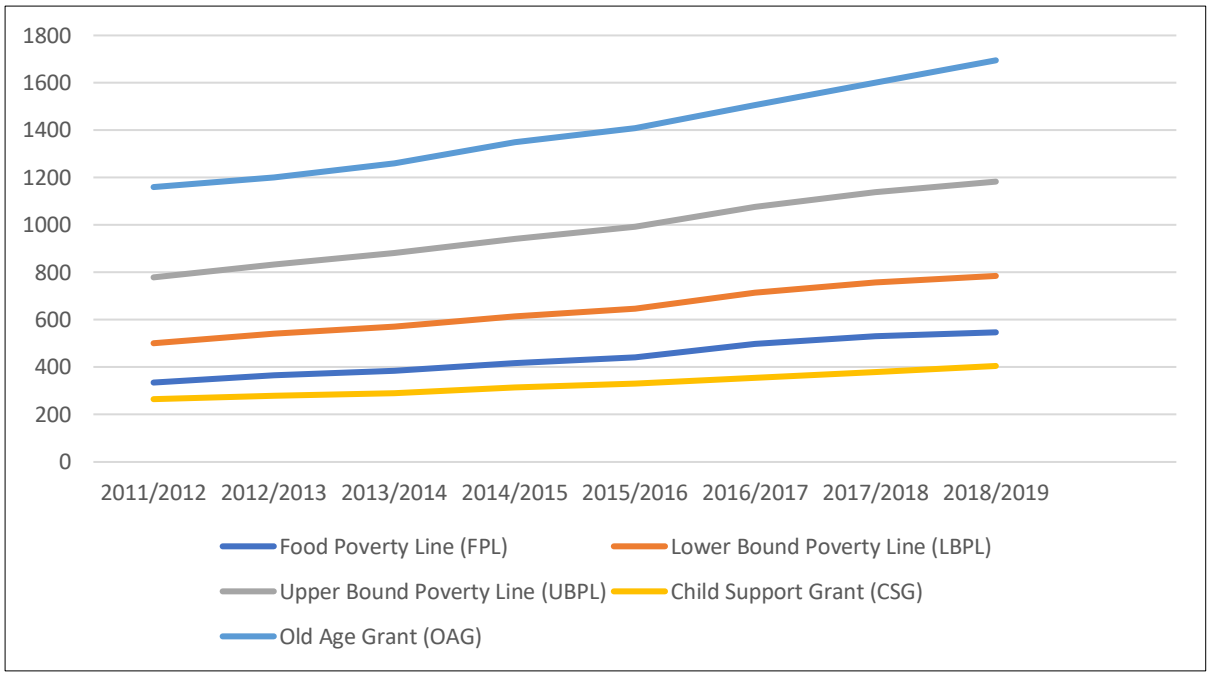
Source: StatsSA - General Household Surveys, own calculations.

Figure 3: *Population who received social grants according to gender and race, 2018*



Source: StatsSA General Household Surveys (own calculations)

Figure 4: *National poverty lines and social grants (Rands per person), 2011/2012 - 2018/2019*



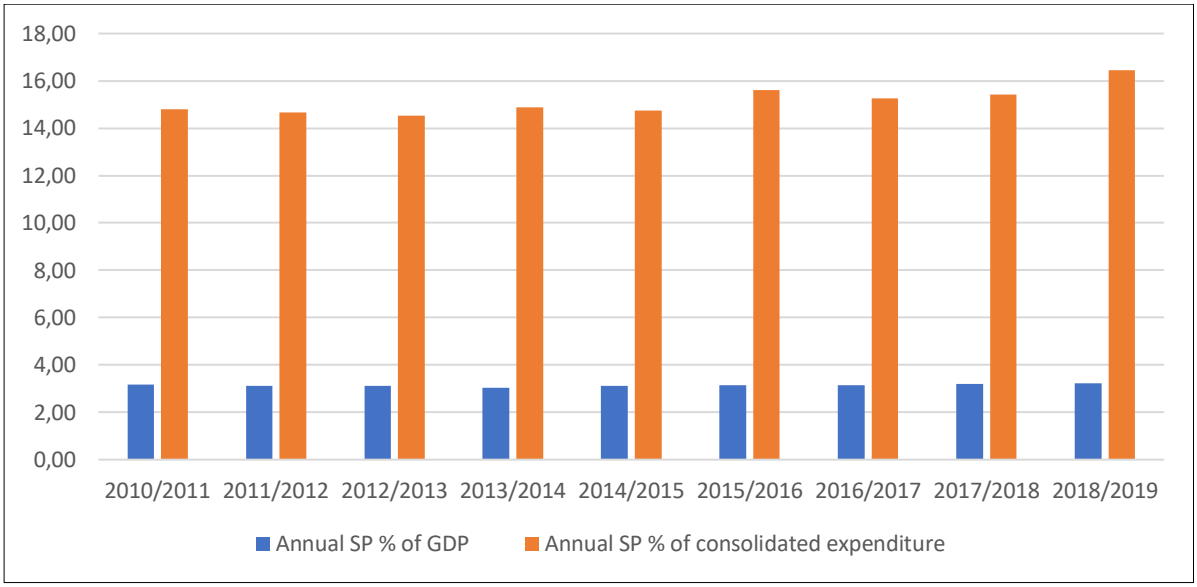
Source: StatsSA – National Poverty Lines (own calculations)

In 2012, StatsSA released its first national 'poverty lines', based on the international 'cost-of-basic-needs' approach, coinciding with the post-Millennium Development Goals global consultations. Subsequently, three poverty lines – namely, the food poverty line (FPL), the lower-bound poverty line (LBPL) and the upper-bound poverty line (UBPL) – are updated annually to account for inflation in accordance with the consumer price index. Whereas the FPL measures the level under which individuals are unable to purchase enough daily food to sustain adequate health, the LBPL accounts for individuals who may have insufficient resources to purchase both food and non-food items, and are thus forced to sacrifice food to obtain essential non-food items. The UBPL accounts for individuals who can purchase both food and essential non-food items (StatsSA, 2017).

Yet, despite the vast number of children under 18 who rely on the CSG for their survival, the amount allocated annual has consistently fallen short of the FPL (see Figure 4), challenging the idea that the CSG as currently constructed is a sufficient poverty-alleviating mechanism for caregivers and their households (Seekings, 2020). Meanwhile, the old age grant is significantly higher than the UBPL, revealing assumptions pertaining to the 'deserving poor' embedded in the country's approach to social protection. While it is noted that the state is accounting for the improvement in life expectancy in the country and the dependence of multigenerational households on grant income in the context of high unemployment (Mosoetsa, 2004), the youthful nature of the population coupled with the socio-economic barriers to entering the formal economy

require the state to rethink its approach regarding the sufficiency of, especially, the CSG to achieve its intended objectives, irrespective of whether it is an alleviator of poverty or inequality (StatsSA, 2020a; StatsSA, 2020b).

Figure 5: *Social protection expenditure as a percentage of consolidated government expenditure and GDP, 2010/2011 - 2018/2019*



Source: Annual Budget Reviews, 2010/2011 – 2018/2019 (Government of the Republic of South Africa), own calculations

Notwithstanding the expansion of social protection to cover more beneficiaries, social protection expenditure has remained largely the same over the past decade at roughly 3% of the country's GDP and 16% of the government's consolidated expenditure (see Figure 5). This raises questions as to whether the state, as a middle-income country, is in fact progressively realising its constitutional obligation to deliver the right to social protection for everyone. However, in a context of implementing competing state functions and socio-economic rights, social protection does constitute a significant proportion of the state's consolidated expenditure (see Table 2).

Table 2: *Division of budget by functional classification, 2019/2020*

	Total (R billion)
GDP	**5 414**
Consolidated government expenditure	**1 827**
Basic Education	262
Post-school Education and Training	113
Arts, Culture, Sport and Recreation	11
Health	227
Social Protection	207
Social Security Funds	71
Community Development	209
Industrialisation and Exports	38
Agriculture and Rural Development	31
Job Creation and Labour Affairs	23
Economic Regulation and Infrastructure	101
Innovation, Science and Technology	17
Defence and State Security	50
Police services	104
Law Courts and Prisons	48
Home Affairs	8
Executive and Legislative Organs	16
Public Administration and Fiscal Affairs	42
External Affairs	8
Payments for Financial Assets	30
Debt-service Costs	202
Contingency Reserve	13

Source: National Treasury (2019)

Table 3: *Compensation for Occupational Injuries and Diseases (COID) Fund, 2014/2015 – 2017/2018*

Compensation for Occupational Injuries and Diseases (ZAR 000s)	2014/2015	2015/2016	2016/2017	2017/2018
Medical	1 075 745	2 669 979	2 963 708	2 425 666
Compensation	89 656	133 567	152 300	167 090
Pension	463 534	958 831	1 054 806	1 084 052
Total COID Registered	225 511	129 123	155 427	18 321
Total COID Claims Accepted	**309 065**	**135 531**	**132 427**	**15 252**

Source: Annual Reports: Compensation Fund, 2016/2017; 2017/2018 (Government of the Republic of South Africa)

The Compensation for Occupational Injuries and Diseases (COID) Fund currently provides compensation to permanent and casual workers, trainees and apprentices who are injured or contract a disease during the course of their work and lose income as a result. However, members of the South African Defence Force, members of the South African Police Service, independent contractors and those found guilty of wilful misconduct (unless seriously injured) are excluded from the fund, as were domestic workers employed in private homes until recently (Government RSA, 2020a). As can be gleaned from the backlog of claims registered and accepted (see Table 3), the COID Fund has experienced a skills deficit impacting on its administration, resulting in an operational restructuring in 2017 (COID Fund, 2018), which further marginalises vulnerable claimants who are unable to perform any work.

Table 4: *Unemployment by social group (broad unemployment rate as percent of labour force)*

Social Group	1995	2005	2015	2019
Women	38.16	44.75	36.74	40.28
Men	21.74	30.90	26.90	33.19
Black African	36.18	43.51	36.98	41.10
Coloured	21.73	30.69	28.04	26.68
Indian	13.68	22.31	17.84	13.36
White	5.27	7.96	7.60	8.95
Age: 15-34	38.07	50.31	43.77	48.75
Age: 35-49	21.08	26.09	24.07	27.82
Age: 50-64	15.48	16.71	15.60	18.07
High school completion or less	34.89	41.48	36.80	40.71
Post high school qualification	22.97	12.13	15.45	18.60
Urban	24.49	-	29.55	32.55
Rural	36.07	-	41.68	46.84

Source: Naidoo (2020, forthcoming)

South Africa's unemployment levels are distressing (see Table 4). The racial and gendered nature of the formal economy perpetuates the systemic exclusion of historically marginalised groups who are denied receiving employment security benefits. Even for those who are employed, Table 5 below shows that annual UIF payments to beneficiaries are less than 5% of the total number of unemployed persons, largely because many are excluded from accessing UIF or have not worked for a sufficient period of time to accumulate meaningful compensation for the duration of their unemployment. Moreover, the proportion of wealthier claimants from the fund exceeds that of their poorer counterparts, while women, youth and those with lower educational levels remain under-represented (Plagerson and Ulriksen, 2016).

Table 5: *Unemployment Insurance Fund, 2014/2015 – 2017/2018*

Unemployment Insurance	**2014/2015**	**2015/2016**	**2016/2017**	**2017/2018**
Number of unemployed South Africans (including economically inactive persons and discouraged work-seekers)	20 254 000	20 836 000	21 354 000	21 605 000
Number of UIF payments to Beneficiaries	708 467	720 625	762 938	676 795

Source: Annual Reports: Unemployment Insurance Fund, 2014/2015-2017/2018; StatsSA: Quarterly Labour Force Surveys, Q4 2015-2018

Lastly, as a central component for establishing a democracy that is inclusive, equitable and participatory, the South African constitution guarantees the right to access information held by the state. Over the past decade, South Africa has been ranked among the world's top six countries for budget transparency by the Open Budget Index, with most information available online. However, an effective analysis of the state's budget allocation and expenditure also requires data that is relevant, disaggregated and free. For citizens to have meaningful participation in the budget process and to effectively hold the state accountable, national, provincial and municipal budgets need to be user-friendly to monitor the incremental steps undertaken by the government to advance socio-economic equality. To this end, more can be done to simplify the budgeting process in South Africa (Matthews, 2017).

The marketisation of social protection in South Africa

As per the recommendations of the Taylor Committee, and in line with international developments, the establishment of SASSA in 2004 centralised the administration of social protection. The primary underlying objectives of SASSA were to reduce fragmentation of social protection policy, reduce overall costs to the fiscus and consolidate institutional capacity. The

introduction of the smart card system further aimed to ensure improved service delivery, reduce fraud and provide poor people with greater access to the formal banking system (Taylor, 2002: 499). However, through the financialisation of the social protection system, grant recipients have been pushed into the terrain of consumers submerged in debt. As part of the globalised financial economy and under the auspices of market liberalisation, poorer borrowers in precarious employment have access to microcredit opportunities from which they were previously excluded when approaching larger financial institutions (James, 2013).

While the centralisation of the social protection system was necessary to consolidate its administration, the 'marketisation of governance' (Taylor, 2000) has led to the outsourcing of state functions to private multinational corporations in the absence of meaningful public consultation regarding the associated financial implications for beneficiaries. Consequently, black African women particularly have been undermined by credit regimes enlisted by third-party contractors. By violating their right to privacy through the distribution of beneficiary biometric data, rather than servicing their basic needs and providing for their families, the social grant system has become a tool to exploit marginalised communities who are sold disadvantageous financial goods and services. This is despite the government investing extensive state resources towards realising its constitutional obligations and international development goals. Thus, instead of enabling equitable participation in society through accessing rights to which beneficiaries are entitled, these credit relationships facilitated through the grant system significantly undermine the gains the state seeks to achieve (Torkelson, 2020).

Notwithstanding the establishment of SASSA, the subsequent administration of social protection has been marred by challenges, including a lack of integration between cash transfers and social services, allegations of fraud and maladministration (Handmaker and Matthews, 2019). The courts have previously held that delays in processing grants have been unreasonable, and emphasised that the unilateral withdrawal or suspension of grants is unlawful (Plagerson and Ulriksen, 2016). Importantly, in 2013 and 2014, the Constitutional Court set aside and declared invalid the tender process followed by SASSA to allow for the payments of social grants nationally through a private company, Cash Paymaster Services (CPS), responsible for the distribution of beneficiary data to third-party contractors (AllPay case, 2014). In a rare and surprising judgment, the apex court reprimanded the former Minister of Social Development, Bathabile Dlamini, in her personal capacity, for inadequate planning and deliberately misleading the court and the South African public when previously ordered to rectify the shortcomings of the tender agreement. The court further held that details of beneficiary biometric data must be kept private and used only for the

purpose for which it was obtained to prevent unlawful deductions from grant payments by third-party lenders (Black Sash case, 2017).

Torkelson (2017) has highlighted that, while there has been much focus on the illicit relationship between the state and private entities in the administration of social protection, international organisations such as the World Bank and the International Finance Corporation (IFC) have also invested in companies such as CPS. Worryingly, such investments in CPS through its parent company, Net1 UEPS (Net1), have occurred despite the ruling of South Africa's Constitutional Court, which speaks to the concerns raised by Taylor (2000), cited earlier, pertaining to sovereignty, accountability and transparency when outsourcing functions of state administration. Despite the substantial information available concerning the practices of Net1-affiliated companies and their exploitation of grant beneficiaries, the IFC praised Net1's technology as a vehicle of financial inclusion in South Africa and supported its expansion on the rest of the continent. For the World Bank and the IFC, the efficient administration of social protection is centred on the electronic payment of grants to beneficiaries verified by biometric technology and distributed through a bank or private financial firm (Torkelson, 2017). Subsequent to the CPS case, beneficiaries now have a choice of accessing their grants through their personal bank accounts, the South Africa Post Office or large retail outlets by using a chipped smart card (DPME, 2018).

Moreover, the role of the private sector and its mandatory contributions toward social protection cannot be overlooked. The Taylor Committee recommended that appropriate regulation of the private sector should be strengthened to achieve clear social protection objectives to benefit society at large. However, although participation in the unemployment insurance scheme is compulsory for employers and employees, Mpedi (2012) notes that there is no complementary duty for employers and employees to participate in associated forms of social protection such as retirement and medical aid schemes. Consequently, those in formal employment relationships who have not made retirement and medical aid contributions are compelled to turn to the state or social networks when the need arises, which can serve to reinforce poverty and exclusion.

The Covid-19 pandemic: new beginnings?

The pandemic has affected men and women differently, and in South Africa, black African women have been the hardest hit by the economic and social implications of the pandemic. In addition to women comprising the majority of those who lost jobs during the hard lockdown, there was a greater decline in average hours worked by women per week, than men. For those who were able to work, women constituted the majority of those declared 'essential services', exposing them to

potentially contracting the virus; and, because the Covid-19 death rate has been higher for men than for women, households have lost significant incomes in instances where men have been the primary breadwinners. Due to the closure of schools and childcare facilities, women, as primary caregivers in the household, have endured the added burden of more unpaid care work (Casale and Posel, 2020).

At the same time, through concerted civic advocacy, informal workers were able to secure their exclusion from the hard lockdown regulations on the basis that informal vendors and waste pickers, particularly, constituted 'essential services'. The subsequent regulatory amendments resulted in thousands of permits issued, allowing informal workers to earn a livelihood and providing alternatives to commercial supermarkets for consumers (WIEGO, 2020).

Globally, lockdowns have heightened the risk of exposure for women and girls to gender-based violence in the home, while the institutional responses to complaints have slowed down (UN Women, 2020; SASPEN 2020). In South Africa, one week into the hard lockdown, more than 2 000 complaints were registered with the police through its domestic violence hotline, estimated to be 37% higher than the weekly average for the 87 290 cases of domestic violence reported to the police in 2019, thus further exacerbating the vulnerability of women during uncertain economic times (Sonke Gender Justice, 2020).

In response to some of these challenges, the South African government introduced a number of relief measures, including an extension of the country's CSG and temporary employee relief scheme (TERS) benefits. The reprioritisation of the national budget sought to allocate R500 billion (approximately US$30 million) to businesses, workers and households affected by state measures to contain the virus. In addition to increasing the allocation of resources to fund additional health infrastructure, the expansion of social grants aimed to assist individuals in the relief of hunger and social distress. The introduction of a special Covid-19 social relief of distress (SRD) grant to assist people who were unemployed and without access to other forms of financial support was welcomed as a progressive step by the state toward compliance with its international obligations in acknowledging the need for additional social protection in times of hardship, particularly in the context of chronic unemployment and poverty (Government RSA, 2020b). South Africa has also been a recipient of the IMF's emergency support package to the value of US$4.3 billion at a significantly low interest rate, providing further assistance to the state's relief measures (IMF, 2020). Indeed, noting the restrictions on movement imposed by the pandemic, SASSA's

centralised and digital infrastructure could allow for the relatively smooth distribution of additional grants.

However, the introduction of these measures has not been without criticism in relation to the structure of the relief and sources of funding, endemic corruption in the public and private sectors, and quality of administration. The stimulus package has been criticised for being inadequate for the anticipated economic shocks and humanitarian crises caused by the pandemic, which have left millions of South Africans destitute with no money to buy food. Rather than injecting new money into the economy, the national budget has been reprioritised to divert existing funds to counter the negative impacts (Gqubule, 2020a; Seekings 2020). It is unclear how the budget has been reprioritised and what the implications are for broader social service delivery to the country's poor and marginalised communities. Although the IMF loan does not impose additional conditions beyond what is provided for in domestic law regulating procurement and budgetary expenditure, because the loan is affected by fluctuations in foreign exchange, South Africa will bear the risk if the rand depreciates in value (Bradlow, 2020). While repayment of the loan is suspended for 40 months, these concerns need to be urgently addressed as the country's economic troubles predate Covid-19.

Given the embedded nature of corruption in the South African landscape, civil society organisations have warned that the legal uncertainty caused by additional regulations relating to Covid-19 emergency procurement compounds the risk of corruption due to the lack of transparency (Corruption Watch, 2020). President Ramaphosa has since appointed a committee of cabinet ministers to investigate incidents of alleged corruption in the procurement of goods and services in the public sector sourced under the auspices of responding to the pandemic (Government of the RSA, 2020c).

The administration of the extended allocation of social grants has raised further concerns pertaining to the grant structure and capacity required to implement the expansion. Seekings (2020) has estimated that an additional 20 million people may apply for the special SRD grant, intended to assist unemployed people who have no other source of income and who were previously excluded from any form of social protection benefits. Indeed, by the end of July 2020, only five million people had reportedly been paid the R350 (about US$21) (News24, 2020). With respect to extensions of the CSG, the inconsistent approach adopted by the government has been criticised for extending the grant per caregiver, and not per child, and while 12 million South African children are ordinarily recipients of the grant, it is administered through only seven million

caregivers (Seekings, 2020). Moreover, although provision was made for workers to access the TERS scheme, many employers reportedly did not submit the necessary documentation for workers to access their benefits. Subsequent amendments were therefore made for workers of non-compliant employers to apply directly for claims administered through the UIF (Smit, 2020). Through legal mobilisation, the special SRD grant has been extended to include migrants who hold asylum seeker and special permit states in South Africa, and whose documents were valid when measures were implemented to contain the spread of the pandemic (Scalabrini, 2020). This is a welcome reprieve, particularly for migrant women who have been exposed to higher levels of abuse and exploitation whilst surviving the pandemic (SASPEN, 2020).

Civil society organisations have called for income security for all during the pandemic. This includes an increase to the special SRD, which is significantly lower than the food poverty line of R581 (about US$35) in 2020 and a quarter of the value of the SASSA SRD food parcel of R1200 (US$73). Further, they have highlighted the need to remove any associated banking fees on withdrawing grants and the improved basic service delivery required to contain the spread of the virus, including easy access to water and sanitation facilities, sufficient food delivery to all households, and secure employment for community health workers (Black Sash, 2020).

Indeed, an intersectional analysis of measures undertaken to contain the virus and save lives must consider the diversity of experiences of the pandemic of distinct social groups. As has been witnessed in South Africa, adopting a generalised approach to policymaking can serve to assist certain marginalised groups of society while simultaneously reinforcing the exclusion of others which is reproduced by local and global structures. A 'differentiated universalism' approach to policy responses that consider different forms of discrimination collectively can present an opportunity for new and decentralised solutions that are sustainable, socially just and enhance solidarity within communities. Such an approach can serve to build the resilience required to confront future social, economic and environmental crises (Hinz and Zubek, 2020).

Cementing structural fissures through a universal basic income grant?

> Global crises, related to finance, health and climate, are now part of a globalised economic system. These crises are now more frequent. Every country must prepare for them. Part of the preparations should be to have a robust social security platform. Never again should we leave millions of people vulnerable to such sudden economic shocks…. We should evaluate the costs of implementing a universal basic income grant (UBIG) against the costs of doing nothing. However, the benefits of a BIG for South Africa go beyond the economy. It is an essential requirement for social cohesion, political stability and a reduction in destitution. (Vivienne Taylor quoted in Gqubule, 2020b).

The devastation caused by the Covid-19 pandemic has reignited the impetus to consider the potential of social policies to achieve a more just and equitable society. However, Naomi Klein (2020) warns that, while crises can provide dynamic opportunities to address gaps in the systemic exclusion of vulnerable groups through the provision of sufficient safety nets for all, structural measures and associated implementation mechanisms introduced to support people who are poor (such as digital technologies) can also serve as tools to reinforce existing inequalities, and further ensure that the economic and financial interests of the wealthy remain intact.

These contestations are evident in the South African body politic with regard to the introduction of a permanent UBIG. Despite the UBIG recommendations of the Taylor Committee made in 2000, the ruling African National Congress (ANC) has only now, for the first time, supported the idea of introducing a UBIG for the unemployed and informal sector workers (Haffajee, 2020). Given significant political pressure and the harsh reality that a significant proportion of the country's population was living on the brink of starvation even before the outbreak of the pandemic, and the fact that every year the number of new entrants to the job market exceeds the number of available job opportunities, the UBIG has been considered as a viable intervention to protect the vast number of unemployed youth and marginalised women from various forms of exploitation and oppression (Brown, 2020). The ANC has since hosted a number of public online webinars on the viability of a UBIG in South Africa, including presentations by Guy Standing and Vivienne Taylor (SPII, 2020; ANC, 2020)

There is still apprehension about the affordability of a UBIG currently, in the context of the country's reportedly unprecedented debt-to-GDP levels but, contrary to arguments that it will serve as a disincentive to work and create an environment of state dependency, a UBIG at the UBPL of R1280 could arguably reduce absolute poverty to zero, recognise unpaid social reproductive work, improve nutrition and education, lead to the improvement of job quality, and improve social cohesion by reducing crime and creating individual savings opportunities. In addition, a UBIG would benefit the market economy through increased consumption, and in turn, expand potential job creation (Brown, 2020; Frye, 2020). In the digital era, UBIGs are considered as essential to supplement citizen income to compensate for increasing job losses, and they find support amongst the private sector, the World Bank and trade unions alike (Gentilini and Yemtsov, 2017).

However, advocates for a UBIG have also warned that its effectiveness is dependent on a broader set of reforms that include labour, social and consumer protections beyond mere technocratic and

pragmatic interventions. The introduction of a UBIG cannot be effective as a mechanism to simultaneously confront poverty and inequality if it is at the expense of other aspects of the 'social wage' or delivery of essential services, which are increasingly commodified and privatised despite the protections afforded by the constitution. A UBIG also needs to be universally accessible without being subject to means-testing and other conditionalities. Moreover, access to gainful employment should not remove eligibility for the UBIG; rather, the tax earned from individuals above a certain threshold ought to be redistributed to ensure a reduction in income inequality and to adequately confront structural inequalities (Brown, 2020; Castel-Branco, 2020).

In the South African context, the means-testing and targeted approach to social protection grants has been criticised for reinforcing a patriarchal and work-centric society, rather than one predicated on dignity and social justice. Women are presumed to be compensated for reproductive and care work by accessing the child support and old-age grants, while men are presumed to access waged work in the economy. Means-testing further encompasses humiliating aspects by requiring beneficiaries to prove that they are poor (Marais, 2020). Such an approach ignores the reality of the majority of young South Africans situated on the margins of society, who are not only limited from accessing dignified waged work as a result of the numerous structural barriers that confront them, but are also denied constitutionally guaranteed human rights.

Indeed, while the UBIG debates continue, consideration of the broader implications for deepening the country's nascent democracy remains insufficiently attended to, fostering the potential for continued political, economic and social instability.

Conclusion

By adopting an intersectional approach to analyse South Africa's social protection system, I have sought to demonstrate how the implementation of social protection policies can serve to simultaneously confront and reproduce the sources of power that sustain structural inequality in South Africa. Stubborn levels of poverty, inequality and associated human rights violations raise a question of what more needs to be done to centre human rights' values of dignity, equality and social justice as the foundations of policymaking. Theories of citizenship, gender justice and their relationship with constitutionally protected human rights reveal the interrelated aspects of discrimination experienced by black African women particularly, despite their access to various forms of social protection, further perpetuating their marginalisation from post-1994 democratic South Africa.

A brief analysis of the state budget illustrated that, although the expansion of social protection programmes such as the child support grant has supported millions of households and prevented them from falling deeper into poverty, the lack of inflation-based increases to grants sufficient to exceed the food (or extreme) poverty line raises concern as to whether the grant system, as currently constructed, is a sufficient poverty or inequality-alleviating mechanism for caregivers and their households. Moreover, the extent to which the state is increasing its expenditure in real terms to progressively advance the reach of social protection to everyone as per its constitutional mandate, relative to GDP growth, requires further interrogation.

The racial and gendered nature of the formal economy perpetuates the systemic exclusion of historically marginalised groups who are denied employment security benefits. Even for those who are employed, annual UIF payments to beneficiaries are less than 5% of the total number of unemployed persons. Meanwhile, the proportion of the fund's wealthier claimants exceeds that of their poorer counterparts, while women, youth and those with lower educational levels remain under-represented.

Consideration for the domestic and global dimensions of social protection highlights that while the electronic centralisation of the social protection system may have aided efficient social grant distribution, forming part of a financialised political economy has also exposed beneficiaries to various forms of risk and exploitation by third-party creditors. The criticisms concerning the state's Covid-19 relief measures have exacerbated the gaps that have further undermined the quality of administration of social protection with respect to the structure of emergency relief and sources of funding, alongside endemic corruption in South Africa's public and private sectors.

The introduction of a UBIG that considers differentiated forms of discrimination collectively can present an opportunity for new and decentralised solutions that are sustainable, socially just and enhance solidarity within communities. However, its effectiveness is also dependent on a broader set of reforms that include labour, social and consumer protections beyond mere technocratic and pragmatic interventions. Moreover, a UBIG cannot be effective as a mechanism to simultaneously confront poverty and inequality if it is at the expense of cutting other aspects of essential service delivery, especially in the South African context where the state is obligated to deliver such services by its constitutional mandate.

Rights-based mobilisation thus remains a critical tool to ensure that the constitution and its redistributive values remain at the centre of policymaking. At the same time, more research is required to further understand how black African women particularly survive harsh realities in the

absence of adequate structural support from the state or equitable participation in the formal economy, to ensure that policy reforms adequately attend to their economic and social needs as a priority. Noting that the budget is essentially political, more budget literacy is required to mobilise citizens and advocate for budget reform that advances the human rights of everyone as determined by those most in need of its protection.

If these challenges are not adequately interrogated, many individuals who experience structural exclusion due to a combination of discriminatory factors such as race, class, gender and age will continue to fall through the cracks despite the constitutional guarantees of dignity and equality for everyone in post-1994 democratic South Africa.

Notes

[1] References made to the racial categories 'black African', 'coloured', 'Indian' and 'white' in this proposal are based on categorisations used by Statistics South Africa; whereas reference to 'black' incorporates all non-white South Africans.

[2] As per South Africa's National Development Plan, 2030, social protection ought to incorporate 'development strategies and programmes to ensure, collectively, at least a minimum acceptable living standard for all citizens' (National Planning Commission, 2012:327).

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