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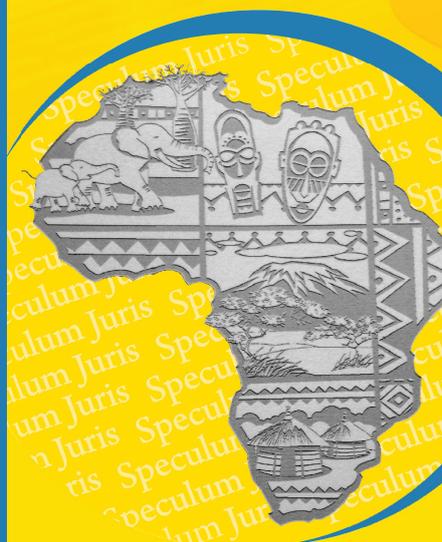


Articles

- “Deepfakes Artificial Intelligence Generated Synthetic Media: Mapping the Revenge pornography in the South African Context”
by Sebo Tladi and Mpakwana Mthembu 1-21
- “The Role of Social Welfare Policies in Advancing Socio-Economic Wellbeing and Human Rights Realisation in South Africa”
by Grace Mbajjorgu and Mashele Rapatsa 22-41
- “The Water Goal: Interpreting and Linking Sustainable Development and Equity to Allow for the Realisation of Un Sustainable Development Goal 6”
by Muhammad Sameer Kasker 42-57
- “Ghana’s Domestic Workers Regulations of 2020: A Critical Appraisal”
by Theophilus Edwin Coleman 58-80
- “Financial Hardship as a Ground of Urgency and Foundation for Exceptional Circumstances in Applications for Interim Relief: A Review of Court Decisions”
by Vuyo Peach 81-97
- “Potential Challenges Associated with Enforcing Cross-border Business Rescue Plans in the SADC Region”
by Kudzai Mpfu 98-115
- “The Management Structures of Enterprises in the Southern African Financial Sector”
by Jeannine van de Rheede 116-139
- “Deconstructing the Legal Framework Governing Derivatives Markets in Zimbabwe”
by Tariro D. Shumba and Friedrich Hamadziripi 140-161
- “Social Crime Prevention: Why it Should be a Complementary Approach for the South African Police”
by Chesné Albertus and Tasné Marshall 162-184
- “An Analysis of the Use of Chat GPT as an Unreliable Source for Legal Research by Legal Practitioners in South Africa”
by Patrick Mogale 185-194
- “Strengthening the Right to Private Prosecution as an Anti-Corruption Tool in Uganda: Lessons from other Commonwealth Jurisdictions”
by Daniel M Walyemera 195-212
- “Directors and AI-Assisted Decision-Making: Assessing AI’s Potential Interaction with Corporate Decision-Making Regulation Regarding Delegation, Reliance, and the Business Judgment Rule”
by Angella Ruth Nyasulu and Etienne Olivier 213-226

Notes and Comments

- “Embracing Living Customary Law: Rethinking the Teaching of African Customary Law: The case of *Mgenge v Mokoena*”
by Martha Keneilwe Radebe 227-240
- “Mandatory Public Participation Before the Granting of Mining Rights: An Analysis of the Judgment in Minister of Mineral Resources and Energy and Others v Sustaining the Wild Coast NPC and Others [2024] ZASCA 84”
by Moses Retselisitsoe Phooko 241-252
- “A Civil Claim Against a General Practitioner by a Child Born with Disabilities as a Result of Preconception Negligence”
by Magda Slabbert and Melodie Labuschaigne 253-261
- “National Symbols, Freedom of Expression and Hate Speech: A Legal Analysis of *Afriforum NPC v Nelson Mandela Foundation Trust*”
by Taboko Isaac Molaba and Mpho Paulos Bapela 262-276



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The Role of Social Welfare Policies in Advancing Socio-Economic Wellbeing and Human Rights Realisation in South Africa

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Abstract

This article presents a discourse on the role of human rights-based social welfare policies in creating an enabling environment for the advancement of socio-economic wellbeing and human development. Methodologically, the article employs Amartya Sen’s conception of human wellbeing and human development, as propounded through the Capabilities Approach to explain gaps in social policy. It emphasises the importance of social welfare policies in promoting socio-economic development within the broader human development agenda. Further, it looks at South Africa’s social welfare agenda and social policies, and their significance in advocating for poverty alleviation and job creation, regard being had to the pervasive scourge of high levels of youth unemployment. It is argued that the principle of socio-economic development is integral in advancing the development agenda in a social welfare state. This is because a progressively stable socio-economic development is an essential precursor

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to the achievement of meaningful socio-economic wellbeing of the individual. Thus, it is mandatory for welfare states to enact policies that foster the effort of achieving this. It is asserted that social welfare policies that are intended to improve people's socio-economic wellbeing should be predicated on achieving two fundamental objectives; first, to eradicate socio-economic disparities, and second, to enhance human capabilities and empower individuals to be economically self-sustainable. Against this backdrop, the article observes that there exists an inherent relation between socio-economic wellbeing and social welfare policies. Furthermore, that efficient social policies provide an enabling environment for a sustainable development agenda.

Keywords: Human development; human rights; social-economic wellbeing; capabilities; social welfare policy; welfare state

1 INTRODUCTION

This article presents a discourse on the role of social welfare policies in advancing human rights realisation and socio-economic wellbeing. It is illustrated that South Africa's case presents with a discernible inter-dependence between social welfare policies, human rights realisation and people's socio-economic wellbeing. As argued by Amartya Sen, it is shown that social welfare policies that are rights-conscious add impetus to the promotion of human wellbeing and human development.¹ Within the same context, the notion of socio-economic wellbeing is dependent on socio-economic development programmes and policies that enable individuals to improve their quality of life and meet basic survival needs.²

This entails that governments should promulgate programmes and policies that aim to improve the livelihood and socio-economic conditions of individuals. This is important because legislative frameworks reflect the government's approach in advancing its socio-economic development agenda. Ghosh argues that democracy is measured by how a democratic government creates an enabling environment for citizens to benefit from development.³ Further that "reasonable opportunities for upward socioeconomic mobility (within legally and ethically endorsed frameworks) should be present, visibly and objectively, to enable people achieve their goals and improve wellbeing."⁴ To this end, paragraph 7 of the Copenhagen Declaration on Social Development, 1995 (Copenhagen Declaration) provides that that social development is central to the needs and aspirations of people throughout the world and to the responsibilities of governments and all sectors of civil society and requires that people be empowered to maximise their capacities, resources and opportunities.

This provision places an obligation on governments to enact programmes and policies that endeavour to both create opportunities for individuals to enhance their quality of life and to promote an environment that empowers people to claim their socio-economic rights. Hence, in South Africa, socio-economic rights are entrenched in sections 26 and 27 of the Constitution of the Republic of South Africa, 1996 (hereinafter the Constitution). This entails that the state bears the responsibility to promote the realisation of such rights as envisaged in sections 26(2) and 27(2) of the Constitution which respectively provides that "the state must take reasonable legislative and other measures, within its available resources, to achieve the

1 Clark "Sen's Capability Approach and the Many Spaces of Human Well-being" 2005 *The Journal of Development Studies* 1339.

2 White Paper on Reconstruction and Development, *Gazette* 160850, Notice 1954 <https://www.gov.za/sites/default/files/governmentgazetteid16085.pdf> (accessed 03-04-2024).

3 Ghosh "Democracy and Human Development: Recent Legislation in India" 2016 *Development Policy Review* 539.

4 *Ibid.*

progressive realisation of each of these rights.” In the *Government of RSA v Grootboom*,⁵ the court meticulously summarised this obligation and held that:

Socio-economic rights are expressly included in the Bill of Rights; they cannot be said to exist on paper only. Section 7(2) of the Constitution requires the state “to respect, protect, promote and fulfil the rights in the Bill of Rights” and the courts are constitutionally bound to ensure that they are protected and fulfilled. The question is therefore not whether socio-economic rights are justiciable under our Constitution, but how to enforce them in a given case”

To this end, Rapatsa and Makgato⁶ argues that the inclusion of socio-economic rights in the Constitution is a strategy to entrench the Constitution’s socio-economic transformation agenda, with the aim to alleviate human suffering. In other words, the Constitution presents a benchmark upon which programmes and policies that aim to promote socio-economic wellbeing are founded. As a result, to achieve socio-economic wellbeing a concerted effort is required to adopt strategies (including social welfare policies)⁷ that are geared towards eradicating factors that inhibit socio-economic wellbeing such as poverty and that allow individuals to access employment opportunities to improve their livelihoods. As such, paragraph 24 of the Copenhagen Declarations provides that poverty eradication requires a universal economic approach, the will promote sustainable livelihoods and access to basic services.

The above reverberates a commitment to the eradication of socio-economic disparities that impact the transformation agenda. In setting out the transformative role of the state within the developmental agenda, the National Development Plan (NDP) 2030 calls for coordinated state institutions skilled with public servants that are committed to the public good and capable of delivering consistently high quality services, while prioritising the nation’s developmental objectives.⁸ Further that South Africa’s developmental approach require the government to provide basic services to citizens and to be held accountable for failure to deliver those services.⁹ Such a developmental approach to socio-economic wellbeing accords with the elements of human development as defined in the Human Development Report of 2010 (HDR 2010), which defines human development as:

the expansion of people’s freedoms to live long, healthy and creative lives; to advance other goals they have reason to value; and to engage actively in shaping development equitably and sustainably on a shared planet.¹⁰

This definition builds on the definition coined in the Human Development Report of 1990 which provides that human development “is a process of enlarging people’s choices based on human capabilities.”¹¹ Central to the concept of human development is the improvement of

5 2001 1 SA 46 (CC) para 20; See also *Mazibuko and Others v City of Johannesburg and Others* 2010 4 SA 1 (CC) paras 59–61; *Thubakgale and Others v Ekurhuleni Metropolitan Municipality and Others* 2022 8 BCLR 985 (CC) paras 106–112.

6 Rapatsa and Makgato “Dignity and Ubuntu: Epitome of South Africa’s Socio-Economic Transformation” 2016 *Socioeconomica* 65.

7 The words “social welfare policies”, “social policies” and “policies”, for the purposes of this article, have the same connotation.

8 National Planning Commission *National Development Plan 2030: Our Future - Make it Work* (2012) 409.

9 *Ibid.*

10 Klugman *Human Development Report: the Real Wealth of Nations: Pathways to Human Development* (2010) 2.

11 Mahbub ul Haq *et al.* “Human Development Report 1990”. <https://hdr.undp.org/system/files/documents/hdr1990encompletenostatpdf.pdf> (accessed 29-10-2023).

quality of life and eliminating inequality in accessing livelihood opportunities.¹²

2 RATIONALE AND RESEARCH APPROACH

South Africa's history of callous violation of human rights,¹³ rural under-development and rural poverty is well-documented. Yet, the country continues to experience pervasive challenges when it comes to the realisation of human rights and people's socio-economic wellbeing. Therefore, this article is aimed at presenting a contribution to the social welfare policy discourse and rights-based approaches to human development by examining the role of social welfare policies in contributing to the socio-economic wellbeing of persons within the broader framework of human development and the human rights-based approach in a developing constitutional state. It adopts the traditional doctrinal research approach and a theory-based qualitative approach which includes an in-depth analysis of literature, government reports, and policies, national and international instruments on social welfare to achieve its objectives.

The article presents two main issues: Firstly, it scrutinises the overall importance of social welfare policies in promoting socio-economic development within the broader human development agenda. Secondly, it examines South Africa's social welfare agenda and social policies, and their significance in advocating for poverty alleviation and job creation, predicated on concerns regarding the pervasive high levels of youth unemployment. Therefore, the article presents a critical examination of role of social welfare policies in creating an enabling environment for the advancement of socio-economic wellbeing and rights realisation in South Africa. The article considers the importance of social policies in placing an obligation on the state to promulgate strategies that are aimed at advancing socio-economic transformation. It begins with the role of social welfare policies in empowering the government to adopt pro-transformative socio-economic development strategies. Secondly, South Africa's development agenda is scrutinised within the context of a welfare state. Thirdly, poverty and youth unemployment as factors that impede socio-economic transformation in South Africa are analysed and discussed with the view of determining government's developmental strategy within the ambit of the National Development Plan. Finally, the article concludes with a perspective on how a sustainable socio-economic development agenda should be perceived within the ambits of the social development framework and the human development approach, as established at international law. Further, that South Africa's development agenda should be cognisant of the unique socio-economic disparities that prevail within communities, and be tailored to suit the socio-economic transformative agenda envisaged in the NDP 2030.

3 THEORETICAL FRAMEWORK: A CAPABILITIES AND WELLBEING PERSPECTIVE

At this stage, we outline Armatya Sen's Capabilities Approach (CA) to demonstrate that it is better positioned to proffer persuasive analytical elements that can be relied upon to evaluate the impact of social policies on human rights realisation and socio-economic wellbeing. This is fundamentally because Sen's CA has prominently been used to assess human wellbeing and human development.¹⁴ Conceptually, Sen constructed the CA as a strong egalitarian theory grounded on conferring freedom to persons so that they may achieve human development. Sen argued that human wellbeing should not be evaluated based on the amount of affluence a person

12 Ross-Larsen *et al.* "Human Development Report 1991". <https://hdr.undp.org/system/files/documents/hdr1991encompletenostats.pdf> (accessed 31-06-2024).

13 Tshoose and Rapatsa "Who Will Watch the Watchers? A Critical Perspective on Police Brutality in Post-Apartheid South Africa" 2022 *International Human Rights LR* 221.

14 Sen *Poverty and Famines: An Essay on Entitlement and Deprivation* (1982) 9–10; See also Robeyns "The Capability Approach in Practice" 2006 *Journal of Political Philosophy* 351.

has or accumulates, but on what a person is capable of doing or achieving, which is centered on freedom of individuals to pursue their own values and interests.¹⁵

Sen developed the concept of capabilities to describe the basic tenets a person needs in order to claim socio-economic wellbeing, and subsequently work towards rights realisation. He described capabilities as socially available opportunities for valuable functioning of humans, and posited such capabilities as an appropriate standard for measuring levels of socio-economic wellbeing and human development.¹⁶ He further stated that capabilities are a set of vectors of functionings, reflecting the person's freedom to lead one type of life over another.¹⁷ This is concerned with an assessment of individuals' capabilities, their own opportunities to achieve valuable functionings or state of being.¹⁸ Deneulin and McGregor deduced that Sen's CA contains three key concepts, namely; functionings, capabilities and agency.¹⁹ Functionings refer to persons' achievements,²⁰ valuable activities and states or situations that become a person's wellbeing, including but not limited to, being adequately nourished, being free from avoidable diseases, having a healthy body, being safe, being educated, having a better job, having freedom to move to visit people and participate in community activities and having self-respect safeguarded.²¹ Sen posits functionings as the various things that a person may value doing or being.²² On the other hand, capabilities are the freedoms that a person enjoys, which in turn affords such persons, ways to enjoy or to do activities which the person considers as valuable or the states in which a person is located.²³ Agency refers to the person's ability to act in pursuit of achieving what they value.²⁴ For purposes of this article, it may also refer to skills or subjects and/or entities, other than state, non-governmental organisations, individuals and communities that act as a source of empowerment for citizens.

Complementing Sen's CA is Martha Nussbaum, who formulated a rights-based version of the CA, emphasising on creating a list of capabilities that empower persons to pursue a variety of social goals.²⁵ According to Nussbaum, there is strong interlinkage between human capabilities and human rights realisation, and the quest of alleviating poverty and inequalities.²⁶ The most important view for Nussbaum is that the CA, when intertwined with rights-based approaches to protection of life, offers a morally and humanly rich set of goals for human development.²⁷ Moving from the premise that Nussbaum and Sen's conceptualisation of capabilities empower us to appropriately assess the meaning and context of quality of life in practical sense, the CA

15 Sen "Human Rights and Capabilities" 2005 *Journal of Human Development*, 153–155.

16 Sen "Equality of What?" in McMurrin (ed) *Tanner Lectures on Human Values* (1980) 195. See also Jaggar "Reasoning about Well-being: Nussbaum's Methods of Justifying the Capabilities" 2006 *Journal of Political Philosophy* 301.

17 Sen *Inequality Re-examined* (1992) 40.

18 Sugden "Welfare, Resources, and Capabilities: a Review of Inequality Reexamined by Amartya Sen" 1993 *Journal of Economic Literature* 1947.

19 Deneulin and McGregor "The Capability Approach and the Politics of a Social Conception of Wellbeing" 2010 *European Journal of Social Theory* 501.

20 Sen "The Standard of Living: Lecture I, Concepts and Critiques" in Hawthorn (ed) *The Standard of Living: The Tanner Lectures* (1987) 48.

21 Deneulin and McGregor 2010 *EJST* 503.

22 Sen *Development as Freedom* (1999) 75.

23 *Ibid.*

24 Sen "Well-being, Agency and Freedom: The Dewey Lectures 1984" 1985 *Journal of Philosophy* 169.

25 Nussbaum "Introduction: Aspiration and the Capabilities List" 2006 *Journal of Human Development and Capabilities* 301.

26 Nussbaum "Poverty and Human Functioning: Capabilities as Fundamental Entitlements: Sen and Social Justice" 2003 *Feminist Economics* 36. See also, Nussbaum "Human Rights and Human Capabilities" 2007 *Harvard Human Rights Journal* 21.

27 Nussbaum 2003 *Feminist Economics* 36.

has since been used to evaluate human wellbeing and the effectiveness of social policy. What makes it more potent is that although Sen's version of CA points out the central relevance of inequality of capabilities in the assessment of social disparities, it does not propose any rigid formula to be adhered to during social policy formulation. Nussbaum's approach creates a list that can easily be used to determine the extent of socio-economic deprivation. This entails that the CA simply presents a framework within which South Africa can develop social policies based on its own unique circumstances and associated considerations. From this theoretical framework, we deduce three critical elements, all of which feature immensely in both versions of Sen and Nussbaum, to wit; functionings, capabilities and agency. Achieving these ideals is critical in ascertaining the role of social welfare policies towards rights realisation and socio-economic wellbeing of persons.

4 THE ROLE OF SOCIAL WELFARE POLICIES IN A CONSTITUTIONAL STATE

In this section, the role of social welfare policies in advancing socio-economic wellbeing is examined within the ambit of the concept of human development as developed at international law. Ancillary approaches such as the Capabilities Approach and the sustainable livelihood approach (SLA) are integrated in the discussion to indicate the importance of adopting a holistic human rights approach in advancing socio-economic conditions. Thus, a human rights approach is important because it gives effect to the notion of human rights as entrenched in national, regional and international legislative frameworks. To present a concrete argument on the role of social welfare policies, in this section, the article; firstly, examines the concept of "wellbeing" and "a welfare state" within the context of human development. Secondly, the relevance of social welfare policies in promoting the notion of socio-economic-wellbeing in a constitutional state is discussed.

4.1 "Wellbeing" and "Welfare State" Within the Context of Human Development

The concept of human development is incomplete without tangible social development, economic development and rights realisation. Social development as envisaged in paragraph 7 of the Copenhagen Declaration can be defined as a process aimed at the improving a person's wellbeing, needs and aspirations. On the other hand, economic development can be defined as a sustainable increase in living standards that encompass material consumption, education, health, and environmental protection.²⁸ At regional level and more specifically within the Southern African Development Community (SADC), the Code on Social Security in the SADC of 2008²⁹ provides that state parties should endeavour to adopt proactive policies inclusive economic and social development with the aim to eradicate poverty and absorb the majority of the labour force into productive employment and income-generating activities.³⁰ Furthermore, the SADC Regional Indicative Strategic Development Plan (RISDP 2020-2030)³¹ which sets out the plan for the SADC Vision 2050 aims to improve the general well-being of citizens through increased investments and employment opportunities resulting in improved sustainable livelihoods, a higher standard of living, and general well-being.³² Additionally, the SADC Vision

28 Thomas *et al.* "World Development Report 1991" <http://documents.worldbank.org/curated/en/888891468322730000> (accessed 31-06-2024).

29 SADC Code on Social Security of 2008 https://www.sadc.int/sites/default/files/2021-08/Code_on_Social_Security_in_SADC.pdf (accessed 29-03-2025).

30 Article 11.3 of the SADC Code on Social Security.

31 SADC Regional Indicative Strategic Development Plan (RISDP 2020-2030) https://www.sadc.int/sites/default/files/2021-08/RISDP_2020-2030.pdf (accessed 29-03-2025).

32 *Ibid* para 3.4.3.

2050³³ posits in Pillar III that the SADC community aims to have an improved quality of life for all its citizens resulting in an educated, healthy and productive populace that reinforces the link between economic growth and sustainable human development, in order to end poverty in all its forms.

While human development is a process aimed at improving the standard of living and enhancing the wellbeing of individuals, Dale argues that development is a broader and diverse concept denoting improvement in the quality of life of people, extending beyond direct gains from increased production of commodities and services.³⁴ To this end, the concept of human development adopts a human rights-based approach that considers an inter-dependence of factors that aim to improve the socio-economic wellbeing of individuals.

Todaro and Smith summarises this interdependence of rights as follows:

Development, in essence, must represent the whole gamut of change by that an entire social system, turned to the diverse basic needs and desires of individuals and social groups within that system, moves away from a condition of life widely perceived as unsatisfactory, towards a situation or condition of life regarded as materially and spiritually better.³⁵

Cahyat *et al.* define the concept of wellbeing within the ambits of poverty and state that poverty is a situation in which an individual or a household has difficulty fulfilling its basic needs, lacks opportunities provided by an enabling environment to sustainably improve its wellbeing or is vulnerable to losing its current standard of living.³⁶ Laderchi *et al.* takes the argument further and adopt the CA which relates the concept of wellbeing to the freedom of individuals to actualise their potentials.³⁷ Chambers defines the concept of wellbeing within the prescripts of sustainable livelihoods and thus in this context “wellbeing” is the absence of deprivation.³⁸ Finally, Sen argues that wellbeing freedom, as adapted from his CA entails that an individual may require the state to advantage that person.³⁹ Therefore, taking into account the various connotations of the concept of “wellbeing” it suffices to conclude that socio-economic wellbeing is the amalgamation of factors that allow individuals to have access to basic needs and opportunities that enable them to experience a dignified standard of living. As such, in order to attain this state of socio-economic wellbeing, the state must create an enabling environment for individuals to have access to resources and basic amenities that improve their wellbeing.

The NDP 2030 provides that a developmental state has as its core obligations to tackle poverty and inequality based amongst others sound policies.⁴⁰ To this end, Esping-Andersen calls such a developmental state, a “welfare state.” Accordingly, a welfare state is a state that takes responsibility for securing some basic modicum (that is measure) of welfare for its citizens.⁴¹ Asatiani and Verulava allude that a welfare state plays a vital role in the protection and promotion of economic and social wellbeing of its citizens.⁴² Hence, it follows that a welfare state should

33 Southern African Development Community Vision 2050 https://www.sadc.int/sites/default/files/2021-08/SADC_Vision_2050.pdf (accessed 29-03-2025).

34 Dale *Organisations and Development: Strategies, Structures and Processes* (2000) 17.

35 Todaro and Smith *Economic Development* (11 edn 2012) 16.

36 Cahyat *et al. Assessing Household Poverty and Wellbeing: A Manual with Examples from Kutai Barat, Indonesia* (2007) 3.

37 Laderchi “Does it Matter That We Do Not Agree on the Definition of Poverty? A Comparison of Four Approaches” 2003 *Oxford Development Studies* 243.

38 Chambers “Poverty and Livelihoods: Whose Reality Counts?” 1995 *Environment and Urbanization* 173.

39 Sen “Capability and Well-being” in Hausman (ed) *The Philosophy of Economics: An Anthology* (1994) 271.

40 National Planning Commission 54.

41 Esping-Andersen “The Three Political Economies of the Welfare State” 1989 *Canadian Review of Sociology* 10.

42 Asatiani and Verulava “Georgian Welfare State: Preliminary Study Based on Esping-Andersen’s Typology” 2017 *Economics and Sociology* 21.

enact policies, strategies and institutional measures that will enable it to discharge its mandate. Fritz and Menocal argue that the role of a state is now about commitment and capacity to advance socio-economic development.⁴³ This entails that a welfare state should enact targeted measures including policies that promote socio-economic advancement.

4 2 The Interrelation Between Social Welfare Policies and Socio-Economic Wellbeing

According to the World Bank, public policies are an integral mechanism in the provision of social services and rights realisation.⁴⁴ Policies provide a platform upon which service delivery is achieved and accountability is maintained.⁴⁵ This is because government policies are reflected in legislative frameworks. As a result, Ghosh observes that legislative frameworks are a reflection of public policy, which in turn, echoes the government's approach towards society and its role in the socio-economic development agenda.⁴⁶ Furthermore policies are crucial in the realisation of human capabilities and afford individuals the opportunity to claim their rights.⁴⁷ This entails that a person's socio-economic wellbeing is improved by the enactment of public policies that are proactive in the promotion of the socio-economic development and rights realisation agendas.

Aravacik argues that social policies have a distributive and redistributive function which serves to guarantee that everyone living in society has social freedoms and equal opportunities.⁴⁸ To this end, Karunarathne defines social policy as guidelines and interventions for improving, maintaining, or creating working environments that are conducive to human health.⁴⁹ This entails that social policies play a crucial role in promoting environments that are critical to the betterment of living conditions. In affirming the importance of state policies in enabling the fulfilment of socio-economic rights in South Africa, the Constitutional Court (CC) in the *Government of RSA v Grootboom* case held that:

In this regard, there is a difference between the position of those who can afford to pay for housing, even if it is only basic though adequate housing, and those who cannot. For those who can afford to pay for adequate housing, the state's primary obligation lies in unlocking the system, providing access to housing stock and a legislative framework to facilitate self-built houses through planning laws and access to finance. Issues of development and social welfare are raised in respect of those who cannot afford to provide themselves with housing. State policy needs to address both these groups. The poor are particularly vulnerable, and their needs require special attention. It is in this context that the relationship between sections 26 and 27 and the other socio-economic rights is most apparent. If under section 27 the state has in place programmes to provide adequate social assistance to those who are otherwise unable to support themselves and their dependants that would be relevant to the state's obligations in

43 Fritz and Menocal "Developmental States in the New Millennium: Concepts and Challenges For a New Aid Agenda" 2007 *Development Policy Review* 531.

44 Ross-Larsen *et al.* "Human Development Report 1991" <https://hdr.undp.org/system/files/documents/hdr1991encompletenostats.pdf> (accessed 31 June 2024).

45 National Planning Commission 54 55.

46 Ghosh 2016 *DPR* 540.

47 Nussbaum *Creating Capabilities: The Human Development Approach* (2011) 1. See also Fukuda-Parr and Cid-Martinez "Capability Approach and Human Development" in Nissanke and Ocampo (eds) *The Palgrave Handbook of Development Economics: Critical Reflections on Globalisation and Development* (2019) 441.

48 Aravacik "Social Policy and the Welfare State" in Açıkgöz (ed) *Public Economics and Finance* (2019) 1.

49 Karunarathne "Importance of Social Policy in Social Welfare Available at SSRN: <https://ssrn.com/abstract=3829850> or <http://dx.doi.org/10.2139/ssrn.3829850> (accessed 29-09-2023).

respect of other socio-economic rights.⁵⁰

In the case of *Khosa v Minister of Social Development*,⁵¹ the CC held that:

Sharing responsibility for the problems and consequences of poverty equally as a community represents the extent to which wealthier members of the community view the minimal wellbeing of the poor as connected with their personal wellbeing and the wellbeing of the community as a whole. In other words, decisions about the allocation of public benefits represent the extent to which poor people are treated as equal members of society.⁵²

These two cases indicate the immense role played by social welfare policies in advancing the needs and opportunities of those who lack access to adequate socio-economic amenities that are necessary to augment rights realisation efforts. Liebenberg and Goldblatt contend that while the meeting of basic needs by the state may not equate to the equal distribution of resources in society, it, however allays the impact of socio-economic inequalities and assists marginalised persons to share in socio-economic resources.⁵³ At the same time, the essential goal of realising socio-economic rights is to improve access to socio-economic services and resources within the transformative constitutional agenda.⁵⁴ Thus, the obligation placed on the state is to ensure that social policies are implemented within the broader paradigm of human development that encompass a full range of economic, social, cultural, political, and environmental conditions and social institutions that affect peoples' lives.⁵⁵ This holistic approach includes the adoption of anti-poverty strategies and job creation/employment measures. In South Africa, these strategies embody socio-economic empowerment measures and welfare measures for the most vulnerable populace of the society. For instances, the Expanded Public Works Programme (EPWP) was established in 2003 in order to lessen the impact of structural unemployment, household poverty and vulnerability.⁵⁶ The purpose of this programme was to create opportunities for “sustainable jobs, more jobs and better jobs — in short, decent work for all.”⁵⁷ Furthermore, the NDP 2030 adopts a holistic approach in improving livelihoods which encompass economic strategies aimed at raising employment levels and social welfare which aims to cater for the needs of the most vulnerable members of the populace.⁵⁸

To this end, Nelson asserts that poverty alleviation is a fundamental policy issue that modern welfare democratic states endeavour to tackle.⁵⁹ As such, welfare states have enacted anti-poverty strategies including social protection measures that are aimed at lifting individuals out of poverty.⁶⁰ In South Africa, these anti-poverty strategies emanate from section 7 of the Constitution, the constitutional imperative that places an obligation on the state to respect, protect, promote and fulfil the rights in the Bill of Rights. When read with sections 27(1) and (2) of the Constitution, this provision demand that the state enact targeted legislative and

50 *Grootboom* para 36.

51 2004 6 SA 505 (CC).

52 *Ibid* para 74.

53 Liebenberg and Goldblatt “The Interrelation Ship Between Equality and Socio-Economic Rights under South Africa’s Transformative Constitution” 2007 *SAJHR* 335.

54 *Ibid*. See also Rapatsa and Makgato 2016 *Socioeconomica* 65.

55 Fukuda-Parr and Martinez, 2019 *PHDE* 441.

56 Paragraph 2.1 of the Growth and Development Summit Agreement: 7 June 2003 https://sarpn.org/documents/d0000370/P355_Nedlac_Agreement.pdf (accessed 28-03-2025).

57 *Ibid*.

58 Chapters 3 (Economy and Employment) and Chapters 11 (Social protection) of the NDP 2030.

59 Nelson “Mechanisms of Poverty Alleviation” <https://www.econstor.eu/bitstream/10419/95377/1/472631357.pdf> (accessed 29-10-2023).

60 Van Der Byl “Background Paper: Social Protection- Twenty Year Review South Africa 1994 – 2014” <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Social%20Protection.pdf> (accessed 20-11-2023).

other measures to eradicate social and economic problems including poverty. It was held in *Soobramoney v Minister of Health, Kwazulu-Natal*⁶¹ that:

We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. There is a high level of unemployment, inadequate social security, and many do not have access to clean water or to adequate health services. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order. For as long as these conditions continue to exist that aspiration will have a hollow ring.⁶²

This case indicates the integral role of positive state policies and measures in promoting a dignified standard of living and enhancing human capabilities as argued by Sen, especially for the most vulnerable members of society. Taylor argues that social protection as an anti-poverty strategy is crucial in addressing structural poverty and social exclusion; and in developing human capabilities.⁶³ Further that such measures are a direct response to absolute deprivation and vulnerabilities that affect the poor.⁶⁴ Asnaoui and Belhadj observe developmental policies play a key role in reducing poverty and inequality.⁶⁵ The above discussion indicates the role of social welfare policies as an intervention measure that enables individuals to escape poverty and create a platform that enhances socio-economic wellbeing.

Beside the intervention function of social policies, social welfare policies require that individuals be empowered and achieve an enhanced agency in terms of Sen's CA in order to be able to reach opportunities that lead to the betterment of their standard of living. As such, social policies are distributive in nature and are meant to serve the needs of various segments of society, including the unemployed. Aravacik defines social policy in its broadest sense as "a set of measures taken to ensure that all segments of the society live in peace and harmony to prevent unemployment, to improve working conditions, to provide a minimum wage, to provide social security and benefits, to eliminate injustice in income distribution, and to ensure social justice."⁶⁶ Wang *et al.* state that employment empowers the poor to adapt to development of society and is a significant poverty alleviation strategy.⁶⁷

Accordingly, social welfare policies serve a developmental function of enabling people to empower themselves through education and employment amongst other amenities.⁶⁸ This developmental function emanates from the four paradigms of human development, namely; equality, sustainability, productivity and empowerment.⁶⁹ To this end, the human development approach through the notion of human capabilities creates an enabling environment for the promulgation of policies that assist in people investment including the promotion of employment opportunities. Sumner argues that the concept of wellbeing in its broadest scope goes beyond the basic physical necessities such as food, shelter and public goods, but transcends to the

61 1998 1 SA 765 (CC).

62 *Ibid* para 8.

63 Taylor "Social Protection in Africa: An Overview of the Challenges" <https://www.eprionline.com/wpcontent/uploads/20011/03/Taylor2008AUSocialProtectionOverview.pdf> (accessed 20-11-2023).

64 *Ibid*.

65 Asnaoui and Belhadj "The Shapley Value for a Fuzzy Poverty Measurement" 2015 *EuroEconomica* 1582.

66 Aravacik, 2019 (*supra*) 13.

67 Wang *et al.* "Impacts of Social Welfare System on the Employment Status of Low-income Groups in Urban China" 2019 *Public Administration and Policy* 125.

68 Spicker *The Welfare State: A General Theory* (2000) 107.

69 Alkire and Deneulin "The Human Development and Capability Approach" in Deneulin and Shahani (eds) *An Introduction to the Human Development and Capability Approach* (2009) 11.

channels to acquire such basic needs through employment.⁷⁰

From the afore - discussions, it emerges that the notion of human development provides a holistic approach to the promotion of socio-economic wellbeing by not only tackling deprivations but by empowering individuals. Thus, state social welfare policies should not only be interventional, but also transformative in order to proactively meet the diverse demands of various segments of society. According to Liebenberg and Goldblatt, a transformative conception of dignity is necessary in order for the right to equality to address the conditions of poverty that constrain people's development and participation in a democratic state.⁷¹ Such an approach advances an argument that the entrenchment of socio-economic rights contained in social policies fosters the eradication of socio-economic deprivations and emancipation of individual capabilities. Thus, public policy in the sphere of distributive justice is meant to respect both the principle of equal importance of people's lives (by promoting their wellbeing through intervention strategies) and enhancing their opportunities (through empowerment strategies).⁷²

5 SOUTH AFRICA AS A SOCIAL WELFARE STATE

It is now trite that human rights could not develop under South Africa's apartheid system. Hence, the wellbeing of majority of persons in society was compromised, and the prospect of it ever developing was diminished. Subsequently, South Africa's human rights-oriented developmental agenda was birthed after the 1994 democratic elections. The Constitution and the various legislative frameworks notably, the White Paper on Reconstruction and Development Programme, 1994 (RDP), the White Paper on Social Welfare of 1997, the Framework on Social Services of 2011 and the NDP 2030, all of which have contributed immensely in shaping South Africa's developmental agenda.

5.1 The Evolution of South Africa's Developmental Agenda

The notion of a social welfare state is apparent in South Africa's legislative and policy imperatives informing the state's developmental agenda. The RDP, as South Africa's post-1994 founding socio-economic framework premised that it sought to mobilise all people and the country's resources towards the eradication of apartheid and the building of a democratic, non-racial and non-sexist future.⁷³ In essence, the RDP called for the enactment of legislative frameworks that had objectives for the betterment of people's livelihoods. Inclusive in this ideal was the provision of basic amenities and the transformation of the labour market.⁷⁴ Hence, the RDP can be argued to have paved the way for South Africa's social welfare programmes and labour market reforms.⁷⁵ As a result, the objectives of the RDP were integrated into the socio-economic rights jurisprudence through the Constitution.⁷⁶ Liebenberg argues that such an entrenchment served a two-fold function, namely: firstly, socio-economic rights were seen as entitlements to protect and advance the interests of the disadvantaged communities; and secondly, socio-economic rights would assist the new democratic government to give effect to its reconstruction

70 Sumner "Economic Well-being and Non-Economic Well-being: Review of the Meaning and Measurement of Poverty" 2004 *World Institute for Development Economics Research* 2.

71 Liebenberg and Goldblatt 2007 *SAJHR* 335.

72 Liebenberg "Toward an Equality-promoting Interpretation of Socio-economic Rights in South Africa: Insights From the Egalitarian Liberal Tradition" 2015 *SALJ* 411.

73 O'Malley "Reconstruction and Development Programme" <https://omalley.nelsonmandela.org/index.php/site/q/03lv02039/04lv02103/05lv02120/06lv02126.htm> (accessed 30-08-2024).

74 *Ibid.*

75 Francis and Webster "Poverty and Inequality in South Africa: Critical Reflections" 2019 *Development Southern Africa* 788.

76 Liebenberg "South Africa's Evolving Jurisprudence on Socio-economic Rights: An Effective Tool in Challenging Poverty?" 2002 *LDD* 159.

and development programme by mandating redistributive social programmes.⁷⁷

Needless to say, the White Paper for Social Welfare of 1997 had as its mission statement, the intent to serve and build a self-reliant nation in partnership with all stakeholders through an integrated social welfare system which maximises its existing potential, and which is equitable, sustainable, accessible, people-centred and developmental. Furthermore, the proposed social welfare system envisaged a four-tiered system that was meant to provide rehabilitative, preventative, developmental and protective services and facilities, as well as social security, including social relief programmes, social care programmes and the enhancement of social functioning.⁷⁸ In order to realise the afore-mentioned goals, the state needed to enact workable policies that at its narrowest are meant to cushion the effects of poverty through the provision of universal access to basic amenities; and, at its broadest the promotion of human capacities to empower individuals to enter the labour market.⁷⁹

In giving effect to the developmental approach of the White Paper on Social Welfare of 1997, the Framework for Social Welfare Services of 2011 provides that the developmental approach to social welfare embraces socio-economic rights, including the right to social assistance and anti-poverty strategies.⁸⁰ Further that developmental welfare is a pro-poor approach that promotes a people-centred development, social investments in human capabilities and the building of social capital.⁸¹ The above legislative frameworks indicate that the human development approach is a multidimensional framework that seeks to balance the needs of the poor and their entitlement to basic resources; and the obligation on the states to promote socio-economic wellbeing through empowerment strategies including creating employment opportunities. The NDP 2030 places economic transformation at the centre of this developmental agenda and calls for a capable state that prioritises the following:⁸²

- Raising employment through faster economic growth;
- Improving the quality of education, skills development and innovation; and,
- Building the capability of the state to play a developmental, transformative role.

These three priority areas entail that the state is the main actor in advancing the socio-economic wellbeing of individuals and as such, targeted social welfare policies are integral in achieving the mandate of a developmental state. At the same time, it is important to take cognisance of the factors that are likely to hamper this ideal social welfare state developmental agenda. In the discussion to follow, the challenges that have stalled the attainment of general socio-economic wellbeing and human rights are examined.

5.2 The Challenges of Attaining Socio-Economic Wellbeing in South Africa

There is no denial that South Africa's pre-democratic political regime was one characterised by injustice, human rights abuse and intolerance. This reality is recognised in the Constitution,

⁷⁷ *Ibid* 162.

⁷⁸ Department of Social Development *White Paper on Social Welfare* (1997) para 7(a).

⁷⁹ *Ibid* para 25.

⁸⁰ Department of Social Development *Framework for Social Welfare Services* (2011) 15.

⁸¹ *Ibid*.

⁸² National Planning Commission 27.

which captures the essence of the new democratic dispensation as follows:

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to:

- Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
- Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
- Improve the quality of life of all citizens and free the potential of each person; and
- Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nation (Preamble of the Constitution of South Africa, 1996).

Therefore, this necessitated the creation of a new democratic state that must drastically depart from the ugly past and shape a new South Africa that would be based on mutual respect for human rights, the rule of law, supremacy of the Constitution, accountability and transparency (section 1 of the Constitution). In so doing, the state has an imperative obligation to ensure that conditions which impede the realisation of human rights, specifically the socio-economic rights are eradicated. As a result, Liebenberg, observes that South Africa's past systematic discrimination and dispossession has led to resource inequalities.⁸³ This systematic discrimination gave rise to service delivery backlogs, especially in respect of the majority black populace.⁸⁴ In bolstering the viewpoint above, Van Der Byl argues that the huge backlog of services for the poor and vulnerable emanate from the country's apartheid past that continue to present significant delivery challenges for government.⁸⁵ Seemingly, this impact on service delivery manifests in social exclusion, inequality and poverty. In the *Mazibuko and Others v City of Johannesburg and Others*,⁸⁶ the CC as per Reagan J (as she then was) held that:

Underlying the preceding consideration of the unfair discrimination argument is the fact that government has the authority to decide how to provide essential services, as long as the mechanism it selects is lawful, reasonable and not unfairly discriminatory. The prohibition on unfair discrimination does not mean that government, in deciding how to provide essential services, must always opt for a uniform system if local circumstances vary. The conception of equality in our Constitution recognises that, at times, differential treatment will not be unfair. Indeed, correcting the deep inequality which characterises our society, as a consequence of apartheid policies, will often require differential treatment.⁸⁷

This case takes cognisance of the fact that apartheid policies resulted in resource exclusion and a racial divide, which have led to inequitable access to essential basic amenities resulting in resource scarcities. Consequently, this led to developmental issues that still linger even after the democratic dispensation namely poverty and inequality. A direct consequence of poverty and inequality is that the post-apartheid government has placed much emphasis on protective

83 Liebenberg 2002 *LDD* 160.

84 O'Malley "Reconstruction and Development Programme". <https://omalley.nelsonmandela.org/index.php/site/q/03lv02039/04lv02103/05lv02120/06lv02126.htm> (accessed 30-08-2024).

85 Van Der Byl "Background Paper: Social Protection – Twenty Year Review South Africa 1994 – 2014" <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Social%20Protection.pdf> (accessed 20-06-2024).

86 2010 4 SA 1 (CC).

87 *Ibid* para 156.

social welfare policies. This is apparent from the provisions of section 27 of the Constitution.⁸⁸

Hence, section 27(1) and (2) of the Constitution indicates that the state has an obligation to take measures that protect individuals from the clutches of poverty and to empower them to engage in viable livelihood activities that aim to improve their quality of life. However, a deep analysis of these provisions reveal that the state is required to adopt social protection measures to buffer poverty and assist individuals to be self-productive by example, through entering into the labour market. However, these strategies have backfired with the state having to rely on protective social protection measures in an attempt to improve the standard of living of individuals. For instance, the SASSA social grants statistics for the period March 2023 indicate that 18,829 716 social grants were paid to recipients.⁸⁹ In the period of August 2023, 18 969 714 social grants were paid to 11,829 636 beneficiaries.⁹⁰ In a country with an estimated population of 60, 604 992 the number of people relying on social assistance grants is high and indicative of the protective nature of social welfare policies.⁹¹ This is not surprising as the state has over the years enacted various legislative frameworks to give effect to protective social protection, namely the White Paper for Social Welfare of 1997, Social Assistance Act⁹² and the South African Social Security Agency Act.⁹³ One of the objectives of the Social Assistance Act is to provide for the administration of social assistance and the payment of social grants.⁹⁴ SASSA was established in terms of section 2 of the Social Security Agency Act. The South African Social Security Agency (SASSA) is charged with the administration and payment of social assistance.

Hence, taking into consideration the discussion above, it suffices to conclude that South Africa's political history of social exclusion and inequality and the advent of the democratic South Africa's developmental approach which leans on protective social protection has hampered the empowerment function of social welfare policies. As such, Rapatsa and Makgato allude that the essence of the Constitution's transformative disposition is to pro-actively serve humanity and prevent humanitarian crises.⁹⁵ Taking into account, Rapatsa and Makgato's sentiments, it is trite that a social welfare state adopt a balanced approach to the improvement of livelihoods which encompass both policies geared towards intervention strategies to mitigate absolute deprivation and empowerment strategies to promote economic activities such as employment.

From the discussions, it emerges that South Africa's social welfare policies have embraced Sen's approach of safeguarding functionings, capabilities and agency. This is evidenced through numerous policy imperatives concerning essential rights-based social ideals such as health, education, and dignity of persons. The first of these policies was the RDP which endeavoured to ensure a better life for all by ensuring that citizens are alleviated from poverty and deprivation.⁹⁶ In so doing, the RDP advanced the notion of socio-economic well-being by placing emphasis

88 Section 27 of the Constitution reads as follows: "Everyone has the right to have access to– (1) health care services, including reproductive health care; sufficient food and water; and social security, including, if they are unable to support themselves and their dependants, appropriate social assistance. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights".

89 A statistical summary of social grants in South Africa <https://www.sassa.gov.za/statistical-reports/Documents/FACT%20SHEET%20%20March%202023.pdf> (accessed 28-06-2024).

90 Third Statistical Report 2023/4, Social Assistance Period: June 2023 <https://www.sassa.gov.za/statisticalreports/Documents/June%202023%20social%20assistance%20%20report.pdf> (accessed 28-06-2024).

91 *Ibid.*

92 13 of 2004.

93 9 of 2004

94 Section 3(1)(a).

95 Rapatsa and Makgato 2016 *Socioeconomica* 70.

96 RDP para 1.2.9.

on the need for government policies that cater for the basic needs of individuals.⁹⁷ The social protection policy framework is also another social welfare strategy that has its objective to ensure that individuals and households live dignified lives.⁹⁸ This is done by providing those who cannot support themselves with access to social assistance.⁹⁹

6 TOWARDS A SOCIALLY AND ECONOMICALLY BALANCED SOCIETY: WHEN WILL WE GET THERE?

The post-1994 developments and the coming into effect of the Constitution, the promulgation of the RDP, the subsequent legislative instruments and the resultant NDP 2030 saw South Africa evolving significantly on social welfare measures intended to give effect to the state's obligations to protect, promote, respect and fulfil the rights in the Bill of Rights (BORs).¹⁰⁰ At the same time, the promulgation of such legislative frameworks has not been without challenges. For instance, poverty and unemployment, especially youth unemployment, continue to soar despite the enactment of social welfare policies aimed at alleviating poverty and empowering individuals to enter the labour market. The discussion below examines how South Africa has responded to the dire levels of poverty and youth employment within the human development framework. The importance of this analysis is based on the fact that socio-economic wellbeing cannot thrive where poverty and unemployment persist.

6 1 Poverty

Regarded as one of South Africa's disconcerting legacies of apartheid, poverty remains a dreadful phenomenon.¹⁰¹ In South Africa, the state is obligated to provide an environment that enable citizens to realise their socio-economic rights.¹⁰² Thus, human development is important in promoting access to social goods. Poverty, however, hinders human development.¹⁰³ Cahyat *et al.* assert that poverty results from a lack of means, capabilities, freedom and options for a better future.¹⁰⁴ This entails that poverty affects an individual's wellbeing and also prevents an individual from utilising his/her potentials to escape deprivation. Hence, poverty has the effects of not only denying a person access to basic needs but also incapacitates the overall socio-economic status of an individual.¹⁰⁵

In South Africa, poverty is a longstanding challenge, with rural areas, black people and female-headed households suffering the severe burden of poverty.¹⁰⁶ The severity of poverty has not changed much since 1994. Accordingly, the 2023 General Household Survey (GHS 2023) indicate that 23.1 per cent of the households, nationally considered their access to food

97 RDP paras 1.4.1 and 1.4.2.

98 White Paper for Social Welfare of 1997 paras 3 and 4.

99 *Ibid* para 8.

100 The Constitution S 7.

101 Rapatsa "Poverty: A socio-economic Threat to Sustainable Development as Envisioned by South Africa's Transformative Regime" 2015 *EuroEconomica* 41.

102 O'Malley "Reconstruction and Development Programme".<https://omalley.nelsonmandela.org/index.php/site/q/03lv02039/04lv02103/05lv02120/06lv02126.htm> (accessed 30-08-2024).

103 *Ibid*.

104 Cahyat *et al.* *Assessing Household Poverty and Wellbeing: A Manual with Examples From Kutai Barat, Indonesia* (2007) 3.

105 Livingston "Social, Cultural, and Economic Determinants of Well-Being" 2022 *Encyclopedia* 1183.

106 Poverty and Inequality in South Africa. Report Prepared for the Office of the Executive Deputy President and the Inter-Ministerial Committee for Poverty and Inequality. https://www.gov.za/sites/default/files/gcis_document/201409/report0.pdf (accessed 03-11 2023).

inadequate.¹⁰⁷ The State of the Nation Address (SONA 2024) revealed that by 2010, the poverty rate had dropped to 60.9 percent, and it continued to decrease, reaching 55.5 per cent in 2020, as reported by the World Bank.¹⁰⁸ Although, this may seem like a great achievement at national level, the fact that as of 31 January 2025 the 19 213 486 beneficiaries of mainstream social grants indicate that poverty is rife in South Africa.¹⁰⁹ As such, Francis and Webster observe that half of South Africa's population live in poverty.¹¹⁰ This is worrisome considering the high dependence on social assistance as stated above. As such, it is incumbent upon the state to adopt measures that will enable the poor to escape the poverty trap. Thus, the NDP 2030 which has become South Africa's developmental plan strategy at its narrowest definition of "social protection," provides for social protection with a "social floor" that ensures that the poor are provided with basic essential services and social assistance.¹¹¹ At its widest notion of social protection, the NDP 2030 provides that social protection must be promotive, transformative and developmental by amongst others calling for labour market policies that prescribe minimum income protection for the poor who are capable of gaining employment and improving their employability.¹¹² This stance is consistent with Goal 1 of the 2030 Sustainable Development Goals (SDGs) which provides that state parties must:

1a Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions.

1b Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions.

These provisions clearly indicate that poverty is multi-dimensional and as a result, the legislative solutions to poverty alleviation should be all-encompassing. To this end, Sevenhuijsen *et al.* argue that only a two-pronged anti-poverty strategy can eradicate poverty and calls for a strategy that empowers individuals to not only escape poverty but to enter the labour market.¹¹³ Furthermore, Triegaardt states that unemployment is a structural problem and as such it feeds into the poverty cycle.¹¹⁴ This is due to the fact that prolonged unemployment has a detrimental effect on the existing social protection measures.¹¹⁵ As such, social welfare policies that aim to alleviate poverty should integrate both poverty buffer strategies and enhance labour market accessibility. Paragraph 8.3 of the SDGs provides that "states should promote development-oriented policies that support productive activities, decent job creation, entrepreneurship,

107 General Household Survey 2023 release date 23 May 2024 <https://www.statssa.gov.za/publications/P0318/P03182023.pdf> (accessed 31-03-2025).

108 State of the Nation Address 2024 https://www.stateofthenation.gov.za/assets/downloads/SONA_2024_080224.pdf (accessed 31-03-2025).

109 FACT SHEET: Issue no. 1 of 2025 – 31 January 2025 <https://www.sassa.gov.za/statistical-reports/Documents/FACT%20SHEET%20%20January%20%202025.pdf> (accessed 31-03-2025).

110 Francis and Webster "Poverty and inequality in South Africa: critical reflections 2019 *Development Southern Africa* 788.

111 National Planning Commission 354 358.

112 *Ibid* 357.

113 Sevenhuijsen *et al.* "South African Social Welfare Policy: An Analysis Using the Ethic of Care" 2003 *Critical Social Policy* 299.

114 Triegaardt "Poverty and Inequality in South Africa: Policy Considerations in an Emerging Democracy" *Annual Association of South African Social Work Education Institutions conference organised* 2006 2 3.

115 European Commission "Social Europe: Aiming For Inclusive Growth. Annual Report of the Social Protection Committee on the Social Protection Committee in the European Union" <https://op.europa.eu/en/publication-detail/-/publication/42b1da2d-a965-4dbe-bb75-a4412aca73bf/language-en> (accessed 18-06-2024).

creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services.” This means that purely protective social welfare policies are ineffective in creating conditions conducive for both poverty intervention strategies and employment creation.

As a result, Marx *et al.* contend that training and skill enhancement strategies are key components of the active labour market programmes and activation strategies that form the crux of anti-poverty policies.¹¹⁶ In supporting this viewpoint, it has been shown in South Africa that reliance on social assistance grants is a direct result of unemployment. For instance, in the period of May to November 2020 there were 9,537 077 applications for the Special COVID-19 SRD Grant and about 6,449 916 (67.6 per cent) of those applications were approved.¹¹⁷ Although the SRD amounts to ZAR370 (about USD20) per month, it goes a long way in alleviating food insecurity to the poorest households.¹¹⁸ Furthermore, mainstream grants play a vital role in lessening the impacts of poverty for individuals and households. According to Granlund and Hochfeld¹¹⁹ the child support grant (CSG), rather than leading to dependence on social assistance, provides much needed independence for beneficiaries by providing financial security. Zikhali¹²⁰ further asserts that social grants serve as a vital measure for lifting beneficiaries out of chronic and transitory poverty. This entails that social grants are not important as monetary incentives but as a strategy to improve standards of living and access to basic services such as health and education.¹²¹ As such, strategies that are aimed at poverty alleviation go beyond basic safety net measures. According to Fuo¹²² the quality and quantity of social services provided to communities are determined by the existing national policies. To this end, the provision of free basic services to indigent households aids the provision of social assistance. This entails that social welfare policies can adopt multi-faceted strategies which include both social assistance and provision of basic services. Taking into account, the discussion above and the statistics on the social grant recipients, it becomes trite that social protection should be used as a stepping stone into other state programmes that aim to promote access into other livelihood activities. Such an approach would align with the human development approach. The World Development Report: Jobs, 2013 provides that jobs form the cornerstone of economic and social development and enable people to escape poverty and hardship.¹²³ In the discussion to follow, the article attempts to examine how South Africa as a social welfare state has been addressing youth unemployment

116 Marx *et al.* “The Welfare State and Antipoverty Policy in Rich Countries” 2014 *IZA Discussion Paper* No. 8154 1 96.

117 Department of Social Development “The Rapid Assessment of the Implementation and Utilisation of the Special Covid-19 SRD Grant Report” <https://www.dsd.gov.za/index.php/component/jdownloads/?task=download.send&id=316:the-rapid-assessment-of-the-implementation-and-utilisation-of-the-special-covid-19-srd-grant&catid=7&m=0&Itemid=101> (accessed 03-05-2024).

118 Parliamentary Budget Office: Social Relief of Distress Grant, February 2025 https://www.parliament.gov.za/storage/app/media/PBO/Budget_Analysis/2025/17-02-2025/PBO_pre_budget_brief_on_SRD_Feb_2025.pdf (accessed 31-03-2025).

119 Granlund and Hochfeld “That Child Support Grant Gives Me Powers’—Exploring Social and Relational Aspects of Cash Transfers in South Africa in Times of Livelihood Change” 2020 *The Journal of Development Studies* 1230–1244.

120 Zikhali “Social Grants and Poverty Alleviation in South Africa: Addressing Dependency Attitude and Behaviour” 2021 *Gender and Behaviour* 17856.

121 Delany *et al.* *South African Child Gauge: Children and Social Assistance*. Children’s Institute, University of Cape Town (2016) 24–26.

122 Fuo “Nativism in South African Municipal Indigent Policies Through a Human Rights Lens” 2020 *LDD* 287–290.

123 The World Bank “The World Development Report: Jobs” <https://documents1.worldbank.org/curated/en/263351468330025810/pdf/73068-v1-english-revised-PUBLIC-PUBDATE-10-15-12.pdf> (accessed 10-11-2023).

in light of the rising poverty levels.

6.2 Youth Unemployment

The post-democratic government inherited not only a generally divisive and discriminatory political system but a labour market marred with systematic and racial segregation.¹²⁴ According to the Taylor Committee Report No 2, the apartheid labour policies were designed to protect white privilege and job reservation while black South Africans were subjected to extensive labour-market discrimination and disadvantage.¹²⁵ Furthermore, youth unemployment has always been high for black South Africans. The Taylor Committee Report No 5 indicates that 2.5 million young people were unemployed in 1999.¹²⁶ The number of unemployed African graduates was around 14.8 per cent for men and 17.3 per cent for women in 2001.¹²⁷ These statistics have increased over the years due to the majority of the populace in South Africa and Africa being within this age group. The 2019 Mid-year Population Report estimates indicate that about 17 million people in South Africa are between the ages of 18 and 34 years (Stats SA Mid-year Population Report, 2019: 10). Furthermore, Mwakalila observes that in Africa there is an estimated population of 430 million youth and the majority of this population is unemployed.¹²⁸ According to the 2022 Quarterly Labour Force Survey Quarter 1 (Q1), there were about 10,2 million young people surveyed. With 37 per cent of which were not in employment, education or training (NEET). In the age bracket of 15 to 34, 46.3 per cent of these young people were not in NEET. In 2023, the Quarterly Labour Force Survey Q1 indicates that the youth aged 15 to 24 and 20 to 34 years recorded the highest unemployment rates of 62.1 per cent and 40.7 per cent respectively. Ardington *et al.* attributes the issue of youth unemployment to several factors that include¹²⁹

- The insufficiency of available jobs;
- The reluctance of employers to hire first-time job-seekers (as applicants lack a track record to attest to their ability they lack a job history to give them information and because of the perception of onerous labour regulations making it difficult to let employees go); and
- A skills mismatch between the type of worker demanded by firms and what the labour pool can supply.

To this end, Habiyaemye *et al.* point out that the skills mismatch is a major factor that increases youth unemployment because low-skilled and inexperienced young people are found to be less likely to be in employment than their more skilled and experienced counterparts.¹³⁰ Ferreira and Rossouw argue that in order for the government to increase the employment intensity of the economy, there is a need to reduce the skill mismatch in the labour market.¹³¹ Goal 4.4 of the SDGs provides that state parties must by 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship. Further that by 2020, state parties must substantially reduce the proportion of youth not in employment, education or training. Taking into account the

124 Levinsohn “Two Policies to Alleviate Unemployment in South Africa” 2008 *CID Working Paper Series* 1 23.

125 Taylor *Transforming the Present – Protecting the Future* (2002) 8 9.

126 Taylor *Social Protection: Employment and Unemployment* 2002 147.

127 *Ibid.*

128 Mwakalila “Income Inequality: A Recipe For Youth Unemployment in Africa” 2023 *SN Business & Economics* 1 19.

129 Ardington *et al.* “Youth Unemployment and Social Protection” 2013 *SALDRU Research Brief* 1.

130 Habiyaemye *et al.* “Bridging the Labour Market Skills Gap to Tackle Youth Unemployment in South Africa” 2022 *The Economic and Labour Relations Review* 786.

131 Ferreira and Rossouw “South Africa’s Economic Policies on Unemployment: A Historical Analysis of Two Decades of Transition” 2016 *Journal of Economic and Financial Sciences* 807.

unemployment statistics in South Africa, it is apparent that the state still lags behind in achieving these goals. This is so despite the numerous programmes that have been adopted over the years to improve the employability rate of the youth and graduates. One such programme is the Integrated Youth Development Strategy (IYDS) that was developed in terms of the National Youth Development Agency Act 54 of 2008 (NYDA). Section 4 of the NYDA provides that youth development interventions and programmes must be guided by the following principles amongst others:

- Recognition of the manner in which youth has been affected by the imbalances of the past and the need to redress these imbalances through more equitable policies programmes and the allocation of resources;
- Promotion of equal opportunity and equal treatment of youth and the promotion of a gender-inclusive approach to the development of youth. where the social influences of gender, disability, the impact of sexism and the particular circumstances of young women are recognised; and
- Creation of an environment which supports the continued development and learning of youth.

These objectives feed into the rationale of the National Youth Policy 2015-2020 (NYP 2020) which took cognisance of the fact that the marginalisation of the youth is a breeding ground for youth unemployment. Further that there is a need to adopt youth specific policies that aim to increase employment chances of the youth. The NDP 2030 calls for interventions to increase the economic participation and employment for the youth in order to alleviate poverty and ensure less reliance on the traditional social protection system.¹³² Therefore, this requires the enhancing of youth capabilities to enable the youth to enter the labour market. As such the National Youth Programmes (NYP) are lauded for assisting in curbing unemployment and empowering the youth with the necessary skills to venture into self-employment.¹³³ As indicated above the EPWP programme,¹³⁴ in addition to the NYP provides an important strategy against the rising unemployment rate by equipping beneficiaries with adequate skills to attain jobs, thus enabling them to escape the cycle of poverty.¹³⁵ Despite these measures to curb unemployment, the major issues among the unemployed youth are issues of skills mismatch, unwillingness to work, reluctance of companies to hire the youth, among others.¹³⁶ This calls for programmes such as the EPWP to ensure that beneficiaries are equipped with labour market-relevant skills. According to Kilimani,¹³⁷ youth employment strategies require integrated approaches that encompass multiple stakeholders (government, education sector, training providers and social partners). This entails that such strategies not only aim to empower beneficiaries but to equip them with skills, labour market information, and to fill knowledge gaps and promote entrepreneurship skills.¹³⁸ This discussion shows the importance of adopting a sustainable developmental strategy

132 National Planning Commission 362 367.

133 Chauke *et al.* “Development of Youth Capabilities through the National Youth Service Programme” 2021 *African Renaissance* 81.

134 See discussion under para 4.2 above.

135 SACN (South African Cities Network). 2020. The State of the Expanded Public Works Programme in South African Cities 2019/20. A report of the Expanded Public Works Programme Reference Group. Johannesburg: SACN. https://www.sacities.net/wp-content/uploads/2021/06/EPWP_AR_pages_2808_WEB.pdf (accessed 03-04-2025).

136 Mago “Urban Youth Unemployment in South Africa: Socio-Economic and Political Problems” 2018 *Commonwealth Youth & Development* 7–9.

137 Kilimani “Youth Employment in Developing Economies: Evidence on Policies and Interventions” 2017 *IDS Bulletin: Transforming Development Knowledge* 25.

138 *Ibid* 25–28.

in addressing youth employment as youth programmes have the potential to equip the youth with both skills that enhance their employment potential and also entrepreneurship training and opportunities.

7 CONCLUSION

This article set out to demystify the role played by social welfare policies in social and economic development, in fostering the realisation and enjoyment of rights and creating an enabling environment upon which individuals can hold welfare states accountable for failure to realise their basic amenities. Adopting a human rights-based approach within the broader framework of human development, it shows that welfare states are bound to discharge their obligations consistent with their socio-economic development agenda. Further that in order to effectively promote the socio-economic wellbeing of persons, welfare states ought to embrace the ideals catapulted by Sen in his three-pronged Capabilities Approach which focuses on assisting persons to achieve functionings, capabilities and agency. As a result, the, RDP, Social Assistance Act, the White Paper on Social Welfare and the NDP 2030 provide a concerted social welfare framework that embodies both protective strategies and transformative measures that aim to cater for the short-term and long-term needs of social welfare beneficiaries. This entails that policies that are aimed at promoting socio-economic well-being should not only cater for basic needs of individuals but also empower such individuals to escape poverty. To this end, in order to make an impact on social lives, the state should adopt measures that promote human capabilities beyond the conventional measures. In South Africa, this calls for social welfare strategies that are multi-faceted, proactive and present empowering opportunities to advance individual livelihood wellbeing. This entails that state policies on social welfare should not only address poverty but should enable individuals to escape poverty traps and to be less dependent on the state's protective anti-poverty initiatives.

In terms of Sen's CA, this entails enhancing people's agency, with specific emphasis on internal and external capabilities. Additionally, policies should tackle socio-economic exclusion and drive empowerment opportunities especially for the youth in order to enable labour market access. Moreover, such social policies should ensure that the socio-economic agenda is properly implemented, consistent with the ethos of South Africa's national and international commitments and obligations. This includes strategies aimed at promoting accountability and transparency by the government. This would enhance democratic accountability and promote progressive legislative frameworks that align to South Africa's transformative socio-economic agenda as envisaged in the NDP 2030.