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Shaping the Future: Civil Society, Party Politics and Child Social Protection in South Africa, 1994-2024

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ABSTRACT

South Africa's social grants for poor families with children provide a model child social protection system in the developing world. This article identifies the distinguishing characteristics, traces the evolution and explains the child welfare regime in South Africa. The paper applies a political economy approach and concludes that domestic civil society and party politics were central in shaping a regime that is expansive, relatively generous and poverty targeted. This work is important because it shows the significance of a comprehensive child grants system in reducing child poverty and the centrality of legislating children's social security rights as a pre-requisite for social policy reforms.

Keywords: social policy, child poverty, social grants, child support grant, cash transfers

INTRODUCTION

South Africa's expansive social grants for poor families with children provide a model child social protection system in the developing world. The ILO's *World Social Protection Report, 2014/5* indicated that countries in Africa, together with those in Asia and the Pacific, spend a far smaller share of GDP on child benefits (about 0.2%) than countries in Western Europe (about 0.4% of GDP) (ILO 2014). In terms of this spending indicator, South Africa's Child Welfare Regime (CWR) – the set of programmes affecting the welfare of children, primarily cash transfer and feeding programmes aimed at children or at families with children – is distinctive to other middle and low-income countries in southern Africa. The country spends more than one percent of GDP on child benefits, more than in Latin America and the Caribbean but less compared to countries in Western Europe that spend above 2 percent of GDP (ILO 2014:12). Compared to most African countries, social grants are more generous, near universal and legislated. Social grants are means-tested but all poor households with children are eligible. The Child Support Grant (CSG), for instance, is one of the most expansive child grants in Africa, offering a model CWR to low and middle-income countries. This article addresses the question on the role of civil society and party politics in the expansion of child social protection between 1994 and 2024 in South Africa.

The study of variations between CWRs in developed countries sheds less light in explaining variation within Africa because they do not focus on the provision for children per se but principally emphasize their relationship with gendered divisions of labour (Chinyoka 2017a). This study finds out that South Africa's exceptional CWR was influenced by a strong civil society. The Department of Social Development (DSD) and a coalition of child sector civil society proposed fundamental measures to reform the child grants system. The civil society used corroborating research evidence to show both coverage and benefit gaps. In most cases, the civil society had to rely on litigation to successfully push for reforms. The desire to achieve "racial parity" in the early years of independence urged the ruling African National Congress (ANC) to gradually expand social grants despite intra-party dissent forces raising affordability and dependency concerns (Seekings & Nattrass 2015; 2016; Budlender *et al* 2008; RSA 1997; Van der Berg 1997). Gradual expansion meant many poor families with children could not access the grants either because they were ineligible or lacked the requisite documentation. I argue that South Africa inherited a comprehensive system of social grants and expanded them massively under pressure from civil society. Despite the ANC having no electoral pressure to expand social grants, the child sector civil society pressures to address child poverty required that the ANC make political choices to create fiscal space to support a near-universal and primarily poverty-targeted child grant system.

This article contributes to the under-researched and less understood area of regime types in southern and South Africa by examining social grants (cash transfers) to poor families with children. Regimes types in the Global North are well documented but existing literature on social grants in South Africa either analyses the general welfare regime (Lund 1993; 2009; Seekings & Nattrass 2015) or focus on reforms of particular child grants especially the CSG (Case *et al* 2005; Goldblatt 2005; Lund 2008; Patel 2012b; Proudlock 2011; Devereux 2013; 2011; 2007; Seekings 2016; Zembe-Mkabile *et al* 2015; Wright *et al* 2015). The literature on child grants rightly applauds the CSG as an extraordinary programme with the widest coverage in Africa but it is silent on how other child grants and social grants for other population groups further expand the coverage of poverty-targeted grants.

This article pays particular attention to the CWR and show that it is distinguished by four characteristics: targeting form (which category of children gets what? where?), value and form of benefits, coverage and legal status. The CWR is distinctive in its legislated provision of near universal general social protection to poor families with children. Social grants for children, particularly the CSG, have earned international recognition for the outstanding wide coverage. As a result of the combination of child grants and other cash transfers targeted at other population groups but indirectly benefiting children, almost all children receive social cash transfers. I argue that colonial history, a strong child sector civil society and shifting political ideologies within the ruling party urged the "conservative" ANC governments to expand social cash transfers for families with children in comparison to many other African countries including its neighbours Botswana, Namibia and Zimbabwe. The new insight in this article is to characterise and explain the distinctiveness of South Africa's CWR by establishing how specific identified characteristics were shaped by reforms, widening our understanding of alternative explanations to South Africa's CWR exceptionalism.

The rest of the article is organised as follows. The next section provides an overview of South Africa's CWR followed by an examination of its distinctive characteristics. This is then followed by the methods and analytical framework section introducing the political economy approach that informs the research analysis. An analysis of the CWR evolution between 1994 and 2024 with a focus on three key moments of change and choice follows. I examine how reforms were affected and how these changes shaped the distinctive characteristics. I also consider the key explanatory factors to the distinctive characteristics after which l draw conclusions.

CHILD POVERTY AND CHILD SOCIAL PROTECTION IN SOUTH AFRICA

South Africa has experienced high levels of child poverty since independence. Despite a general reduction in child poverty since 2003, using all the three measures of poverty (Food Poverty Line, Lower Bound Poverty Line, and Upper Bound Poverty Line), more than half of all children experienced child poverty between 2003 and 2008.

The government strengthened mechanisms to reduce child poverty through mounting a comprehensive CWR. There are three - Child Support Grant (CSG), Foster Care Grant (FCG) and Care Dependency Grant (CDG) - categorical cash transfers programmes for children (Guthrie 2002:130; Seekings & Moore 2014:9). A "foster care grant is for parents of foster children, a care dependency grant for parents of a disabled child, and a child support grant paid to the primary caregiver for children" (Ferguson 2007:77).

Children in primary and secondary schools receive subsidised schooling or fee exemptions and schools feeding through the National School Nutrition Programme (NSNP) that reaches more than 11 million school-going age children.[i] The government also provides free or subsidised health care.

Children indirectly benefit from social grants targeted at other groups of people but still end up in the same household. "Aid is nominally targeted to individuals (based on age, disability, or parental status), but it is widely recognized that it ends up supporting not individuals, but rather large, multigenerational households" (Ferguson 2007:78). Ardington and Lund (1995:558) corroborate that pensions "are awarded to individuals but are to a large extent consumed by the household." Such targeted programmes include the Old Age Pensions (OAP), Disability Grants (DG), Grant in Aid, National food relief Programme and Extended Public Works Programme (EPWP). The expansion of the OAPs coverage and benefits in the early 1990s (Devereux 2007; Case 2004) positively impacted on nutritious status for a third of African grandchildren living with pensions recipients, particularly granddaughters (Duflo 2003). Children are the indirect "beneficiaries" of intra-household redistribution of the OAP in South Africa (Seekings & Moore 2014:10). Temporary Social Relief of Distress also benefits children in poor households that require emergency assistance. Together, all these programmes expand the coverage of social grants for families with children more than in most African countries. As a result of the combination of direct and indirect provision, excluding other important programmes including housing, health care, school feeding schemes and public works benefits, social grants beneficiaries increased from about 2 million in 1994 to more than 17 million in 2017.[ii]

METHODS AND ANALYTICAL FRAMEWORK

What is the role of civil society and party politics in the expansion of social protection for families with children? This article assesses the role of civil society and party politics in the historical expansion of social protection for children in South Africa. This article answers this question by locating social protection for children in the broader socio-economic and political context in South Africa. A historical analysis of related literature was undertaken to establish key government schemes, characteristics of the child welfare regime and its evolution. The paper applies the political economy approach, often used in welfare regimes literature, emphasising the role of different actors and factors in welfare policy development (Seekings 2015; Tillin *et al* 2015). The political economy approach also underscores that social policy making is profoundly political (Bueno de Mesquita 2016) hence it is helpful in analysing different actors and to provide a balanced view of the role of civil society in child social protection reforms in South Africa.

DISTINCTIVE CHARACTERISTICS OF SOUTH AFRICA'S CHILD WELFARE REGIME

South Africa's CWR is distinctive in that there is general income support for poor households with children. This research establishes that the regime is exceptional within Africa in both its wide coverage, legislated social provision and relatively high value cash benefits. Child grants combine with other extensive indirect programmes to reach almost all children.

[i] http://www.childrencount.net/domain.php?id=6
[ii] http://www.sassa.gov.za/

To better understand the regime, a detailed analysis of each of these key features is provided in the next sub-sections.

Poverty-Targeted Grants

South Africa's CWR is distinguished by its provision of general support to poor households with children particularly through the CSG. Cash transfers are targeted at poor households regardless of household arrangements such as the rising number of orphans, street children or child-headed households (Case, Hosegood & Lund 2005). The distinctive feature of the CSG, the largest social grant for children, is the concept of "follow the child" meaning the benefit is paid to the caregiver irrespective of who the child lives with. This contrasts with Namibia where children must be living with caregivers other than their relatives to receive foster care grants, one parent to benefit from child maintenance grants or both parents to receive a vulnerable grant.

Until 2014, South Africa was the only Anglophone African country with a cash transfer programme specifically for children in poor households. Moreover, both the CSG and CDG are poverty-targeted because they are means-tested. In 2015, Namibia introduced a poverty-targeted Vulnerable Grant which is largely urban biased perhaps to address rising unemployment (Chinyoka 2017b). Poverty-targeting in South Africa is different from Botswana with familial benefits for OVCs and Namibia primarily targeting orphans. Poverty targeting is almost like in Zimbabwe, but South Africa targets all poor households while social cash transfers in Zimbabwe are limited to the poorest families in certain geographical areas. Thus, child poverty and not orphanhood was arguably paramount in the form of targeting in South Africa.

Coverage

South Africa's CWR has comparatively the widest coverage. All the child grants reached 68 percent of all children in February 2017 (SASSA 2017). The CSG only contributed 65 percent. The National School Nutrition Programme reached 82 percent of more than 11 million school children in 2013 (World Bank 2015:114). Other programmes contributing indirectly to children's well-being include the OAP and the Disability Grant together benefiting more than 4 million in 2017 (SASSA 2017) and the Extended Public Works Programme (EPWP) benefiting about half a million in 2013 (World Bank 2015:114). About 43 percent of all households reported receiving grants in 2014 (SSA 2015a:57). Given that all cash grants, excluding in-kind benefits, for all groups of people reached more than 17 million beneficiaries in February 2017 and that almost all poor households receive a social grant, it is likely that almost all children benefited from a grant.

Value and Form of Benefits

Social cash transfers in South Africa, like in Namibia, are largely in cash rather than in-kind as in Botswana and Zimbabwe. The transfers are relatively generous relative to GDP per capita at $5,724 in 2015, the Food Poverty Line (FPL) and to other southern African countries. South Africa uses three poverty lines: the FPL, the Lower Bound Poverty Line (LBPL) and the Upper Bound Poverty Line (UBPL) (SSA 2015b:2).

The individual grant amounts are relatively small, particularly the CSG, but significant relative to all the three poverty lines. In 2011, the CSG accounted "for 40% of household income in the poorest quintile, and some 5% overall" (Woolard, Harttgen & Klasen 2011:360). About half of all households received at least a grant in 2014 (SSA 2015c:32). It is very likely that a poor household with children receives two social grants, either both child grants or a child grant and a high value social pension like an OAP or a DG. In 2016 such a family received R2,230 per month. The amount translates to R446 per household member, an amount above the FPL, slightly less than the LBPL and far much less than the UBPL. This cash value excludes non-cash benefits for poor households. Thus, South Africa's CWR is distinguished by an expansive "social wage" – monetary and non-monetary poverty reduction mechanisms (SSA 2014:8).

Legal Status of Programmes

South Africa, like Namibia but not Botswana and Zimbabwe, is one of the few countries in Africa with legislated social cash transfers. The first social assistance laws were promulgated in 1921 (grants for children), 1928 (old age pension), 1936 (blindness), 1946 (disability grant) and 1992 (all social security programmes) during apartheid. The post-apartheid South Africa constitution (section 27(1)(c)) provides everyone "the right to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance" (RSAb 1996). The Social Welfare Assistance Act (1994) legalises the provision of both family allowances to low-income persons caring for children and social pensions – DG, OAP and War Veteran Grants. Other legislation key in protecting children's social security right include the Welfare Law Amendment Act (106/1997), the Exemption of Parents from the Payment of School Fees Regulations (1998) and the Children's Act (38/2005). Hence, social grants in South Africa are exceptional because they are legislated rights (Devereux 2011).

THE EVOLUTION OF SOUTH AFRICA'S CHILD WELFARE REGIME: CHANGES AND CHOICES, 1994-2024

South Africa was fortunate to inherit an expansive social policy system after apartheid. ANC presidents since 1994 sought to continue deracialising the system. This has seen the CWR evolve over three key moments. The moments are disaggregated in line with the presidential terms of the ANC administrations: 1994-1999 during Nelson Mandela's leadership that was primarily concerned with elevating the historically disadvantaged children by deracialising welfare but at the same time limiting the expansion of child grants; 1999-2008 under Thabo Mbeki who was also conservative to universal child social grants but partially acceded to civil society pressure; and the period since 2009 under Jacob Zuma who took a populist approach to social policy and expanded child grants to all children by raising the age-limit for the CSG to age 18. Unlike his predecessors, Zuma recognized the extra burden of care for families with orphans by paying their caregivers an additional amount. Despite being less conservative, Zuma's administration introduced child grants conditionalities that were turned down by the civil society. Kgalema Motlanthe's short presidency between 25 September 2008 and 9 May 2009 is not considered in this analysis as his short term had no major child grants reforms. At different key moments in the CWR's evolution, child grants continued to be legislated, and poverty rather than orphan or family targeted. Reforms including raising the age-limit and adjusting the means-test expanded child grants coverage significantly. The regime maintained inflation-indexed cash benefits that were relatively high, kept above the FPL but generally low relative to the LBPL and UBPL. Given ANC's conservatism on expanding the welfare state, South Africa's exceptional CWR was "unexpected" (Seekings 2015:13).

Democracy and the Dismantling of Discriminatory Apartheid Social Grants Legacy under Nelson Mandela Presidency, 1994-1999

Apartheid South Africa had an extensive welfare regime that largely provided for the white and not black South Africans (Nattrass & Seekings 1997:457; Seekings & Nattrass 2005; Patel 2011). A system of child grants was introduced in the first half of the twentieth century. The grants included family allowances, maintenance grants introduced in 1937 and 1921 respectively and foster care grants (Lund 1993:9; 11). Patel concludes that, "Race-based social policies introduced in colonial times… had a profound influence on the direction of post-apartheid welfare policies" (2011:80). Thus, path dependency is central to South Africa's extensive CWR.

In democratic South Africa, the ruling ANC had to overcome high poverty and redress the inequality (Ardington & Lund 1995; Bhorat & Kanbur 2006:12). Democracy brought hope that these social ills will be addressed by the new government (Seekings 2011). Mandela who had "always condemned all forms of racism, 'always sought to create "a non-racial, non-sexist, democratic South Africa"' (Ojo-Ade 1994:523), focused on dismantling the legacy of apartheid by eliminating institutionalised racial provision of social grants. Yet the government did "not provide a general system of relief for poor families because they [were] only paid in unique circumstances" in the early years of democracy (Luiz 1995:588). "More than half of the black population" was poor and poverty disproportionately high among women and children (Patel 2011:71). Poverty could have been worsened by unemployment, increasing from 17 percent in 1995 to 24 percent 1999 (Hoogeveen & Ozler 2006:60) and limited access to the State Maintenance Grant (SMG) particularly in the rural areas. Despite the pervasive poverty, in 1996 the ANC "government proposed abolishing altogether the SMG" (Seekings 2015:14).

One of the grants the ANC inherited and reformed was the SMG (together with OAPs and DGs). The SMG was introduced during apartheid in the 1930s to support children and caregivers (specifically mothers) in white households (Lund 2008:15; 2009). In 1997, the Nelson Mandela led ANC government adopted the *White Paper for Social Welfare* that "posited a new path for social welfare featuring a rights-based approach, equity in the distribution of resources and redress through increased access to social services and benefits to those who have been historically excluded" (Patel 2012a:603-604). An important reform towards the achievement of this goal was the replacement of the SMG by the CSG in 1998 following a 1996 Lund committee on alternatives of abolishing the SMG. The ANC government eliminated racialized access to the SMG through refocusing it from poor single parents to include other poor households with children.

Nonetheless, the Lund Committee argued that equalizing the SMG was "economically not possible" and "socially inappropriate" (RSAa 1996:22; Lund 2006) hence it was replaced by the CSG that fitted the new economy, and other social protection demands (Budlender *et al* 2008:8). The Lund Committee recommended a small amount of R75 per child for children up to nine years. Concerned with the age cut-off and small amount, the civil society, particularly the Black Sash, the Community Law Centre at the University of the Western Cape, the New Women's Movement, the Gender Advocacy Programme, the Congress of South African Trade Unions, the Institute for Democracy in South Africa (IDASA), the Cape Flats Development Association and the South Africa Non-Governmental Organisation Coalition lobbied the ANC party and government to raise the grant amount to R135 and age limit to 12 years (Budlender 2008:10). The CSG was finally introduced in 1998, targeted at children up to 7 years and offering a modest amount of R100 per child per month. This design attracted divided views within government with some viewing it "as a progressive first step", yet others labelled it "a retrogressive step" or "too small a step forward" (Proudlock 2011:149). It was "progressive" because it was not as discriminatory as the SMG as it was expanded to all poor households regardless of race. It might have appeared "retrogressive" perhaps because of the reduced benefits and age-limit.

The ANC was rather "conservative" and "liberal" in reforming social transfers including the SMG, supporting family and market rather than state provision. Mandela's government was "workerist" (promoting welfare through work) and against "handouts". The Department of Social Welfare "accepted the need for social grants" but at the same time wanted to link social grants to employment to avoid creating a dependency syndrome (Seekings 2015:13-14). The ANC opted to continue the grant but like under apartheid, limited it to a certain group of children, this time not on race but age. The CSG amount was significantly lower than the generous SMG (Seekings 2002:3) and it was only paid for the child excluding the parent or caregiver as the previous SMG.

Furthermore, the ANC government's development plans did not support a radical shift from the "discriminatory" provision of social welfare but rather the maintenance of the "status quo". Pelham argues that the Reconstruction and Development Programme (RDP) emphasised poverty reduction through service provision in preference to welfare. "A 1995 draft White Paper for Social Welfare was rebuked for paying too little attention to social grants and the 1996 Growth, Employment and Redistribution (GEAR) Framework, marked another shift in approach, towards neoliberal economic growth and job creation with a diminished place for welfare and grants" (Pelham 2007:17). ANC's neo-liberal macro-economic policy meant that social spending had to be limited (Goldblatt 2005:241) which did not mean a reduction but limiting the rate of increasing social spending, that is, slowing down the growth rate of social spending. As discussed later, successive ANC governments tended to limit social transfers for poor families with children but only expanded transfers under pressure from civil society. Despite the age-limit, the CSG significantly expanded the coverage of child grants from about 22,000 in 1999 to above 1 million in 2001 (DSD, SASSA & UNICEF 2016:70). So, ANC was more conservative than neoliberal in reforming child social grants during Mandela presidency but later shifted from this conservatism, raising the CSG age limit to 18 years, paying out about 12 million child support grants at a massive cost of more than 1 percent of GDP.

ANC Conservatism, Civil Society Mobilisation and Social Grants under Thabo Mbeki's Presidency, 1999-2008

The success of ANC government under Mandela presidency in replacing the SMG allowed the ANC to expand child grants to poor families with children. The ANC might have seen the introduction of the CSG as a big achievement, but the civil society was concerned with the continued exclusion of many orphaned and poor children due to the strict means-test. The civil society coalesced to propose significant reforms including the adoption of a universal basic income grant or universalising the CSG to ensure child grants reach all poor children. Mbeki's administration was not amenable to the proposals and eventually opted to partially raise the age limit and review the means-test. As discussed later, the CWR largely became redistributive with strong social democratic characteristics despite the ruling party's conservatism.

Proposals and rejections of universal grants and the first raising of the CSG age limit, 2002-2007

In 2002, the Alliance for Children's Entitlement to Social Security (ACESS), amongst other civil society organisations, proposed "a Basic Income Grant (BIG) for all citizens" to effectively cover children not reached by the existing grants particularly the CSG (Rosa & Guthrie 2002:4). The BIG would reduce the coverage gaps within the social security system by providing social assistance to everyone, that is, it would extend social assistance to the 60 percent of the adult population living in poverty without receiving government assistance (Samson 2002:76; Rosa & Guthrie 2002:4). ACESS also proposed a universal child grant by extending the CSG to all children under 18 years and removing the means-test. Earlier on the BIG idea had been raised at the Presidential Jobs Summit by the powerful Congress of South African Trade Unions (COSATU) in 1998, promoted by the BIG Coalition in 2001 and resurfaced in the government's Taylor Committee recommendations to rationalize the social security system in 2002 (Ferguson 2007:78; Meth 2004; Seekings 2002; Matisonn & Seekings 2003; Samson 2002). A BIG would be welcome income support to the increasing number of poor and unemployed people. The BIG was to be a universal monthly modest payment of R100 per person "paid to the person primarily responsible for childcare" for children (Samson 2002:76). The ANC was cautious in handling the proposal arguing that it was not affordable and would cause dependency (Meth 2004:1). Simulations had suggested a BIG was affordable (see Le Roux 2002). Despite being endorsed by the civil society organisations, the political opposition and supported by influential ANC members, BIG was “emphatically rejected by the top leadership” (Ferguson 2007:79).

The rejection reveals the Mbeki-led ANC government’s conservative characteristics. Mbeki himself was against a radical reform through introducing the BIG but preferred a social assistance system that maintain such grants as the OAP and Disability grants and free public health care (Meth 2004:2). As with the rejection of an orphan grant, discussed later, the BIG rejection illustrates ANC’s unwillingness to experiment with new social protection programmes. Still, the debates leading to the rejection were vital in influencing the government to instead consider the first age extension of the CSG in 2003. As Seekings observes, “Hostility to a BIG opened space for raising the CSG age limit as a compromise” (2016:18).

In 2003 the ANC government also rejected proposals for an orphan grant. In the early 1990s and 2000s southern Africa, and many parts of Sub-Saharan Africa, experienced an unprecedented increase in the number of orphans primarily due to HIV/AIDS. By July 2002 South Africa had 885,000 maternal orphans (i.e. children whose mothers had died), 73 percent as a result of AIDS (Giese *et al* 2003). HIV prevalence remained one of the highest in the world at about 22 percent in 2003 (Bhorat & Kanbur 2006:12) and continued to increase AIDS-related mortality. This orphan situation called for government immediate action. The big question facing the region in relation to child welfare was how states should respond to the orphan problem in the era of HIV/AIDS. Botswana introduced an Orphan Care Programme in 1999 and Namibia primarily focused its two major child welfare grants – the FCG and Child Maintenance Grant on double (both parents dead) and single (one parent dead) orphans respectively (see Chinyoka 2017b & c).

In South Africa, given that orphans – defined in South Africa as children “under the age of 18 whose mother, father, or both biological parents have died” (Meintjies & Hall 2010:102) - placed under foster care benefited from the FCG, the debate was on whether to introduce an orphan grant (to benefit orphans living with relatives without being placed under foster care by a court order), similar to Botswana or Namibia or to reform the existing grants to accommodate all orphans. After replacing the SMG with the CSG in 1998, the government was reluctant to universalize child support grants on affordability basis. Without a universal CSG, the DSD, through the draft Children Bill (2002), proposed four orphan-targeted grants: an Informal Kinship Care Grant, Foster Care Grant, Court-ordered Kinship Care Grant and Adoption Grants. These “foster care” grants were meant to, as later revealed by the Minister of Social Development, Zola Skweyiya, encourage “relatives to take care of orphaned children under the foster care package” (Giese *et al* 2003:1).

The civil society collated arguments and supporting evidence against the orphan-targeted grants. Various researches showed that although orphanhood increased vulnerability to child poverty, orphans did not require a “special” grant as they proved not different or and in some cases less poor than other vulnerable children. A government commissioned study conducted by the Children’s Institute (CI) concluded that the majority of poverty related needs prioritised by orphans were shared by other children not experiencing orphanhood (Giese *et al* 2003). Other studies showed that the predicted impact of AIDS-related orphanhood including that families will not cope were overrated in South Africa and other parts of Africa (Foster 2000; Bray 2003). Using evidence from “primary research, demographic projections and by costing a range of different social security scenarios” Meintjes *et al* (2003) argued that South Africa had a long history of poor children not living with biological parents and cared for by relatives. Black Sash commissioned its own study that projected a decline in the number of orphans by 2015. This meant government would reduce expenditure on orphans through foster care grants.

Given that many children lived in poverty, a universal child grant, perhaps by extending the CSG to all children (and removing the means-test that restricted children's access) would have been a more effective child social protection intervention. Research evidence convinced the government not to introduce orphan grants but to explore other more inclusive ways of increasing access to social grants. Government continued to place orphans in foster care with relatives as a strategy to meet the poverty-related need of orphans. But, as discussed later, civic organisations used research evidence to pressure the government to extend the CSG to all poor children and to advocate for additional grant payments for families caring for orphans.

Rather than introducing new grants – the BIG and the orphan grant – the ANC opted to extend the age threshold of the CSG to 14 years in 2003. Assessments of the CSG indicated "coverage" (number of beneficiaries) and "benefit" (amount of money) gaps (ACESS 2003a & b; Rosa & Guthrie 2002). The CSG was strategically designed to exclude equally deserving children who fell outside the age limit. A total of 3,5 million children were excluded by 2002. ACESS reported that the CSG was ineffective because of "the small benefit amount and the limited age eligibility" (ACESS 2003a).

To improve the impact of the CSG, ACESS recommended a universal child grant through the "Extension of the CSG to all children under 18 years" (Rosa & Guthrie 2002:4). ACESS argued that the age extension would be in line with the definition of a children as defined by the South African constitution and lobbied the ANC party at its 2002 Policy Conference and thereafter the government through the Minister of Social Development (Budlender 2008:18). The government did not fully accept the proposals on "affordability" grounds (Seekings 2016; 2017). Mbeki had cited fiscal constraints to reject proposals for a universal child grant and to defend his "reluctance to raise the age-limit to 18 during the debate of 2005-08" (Seekings 2016:28). Using research evidence, ACESS, other civil society organizations and research institutes including the Children's Institute (CI) at the University of Cape Town successfully advocated for the age extension from 6 to 14 years. This first raising of the age limit for the CSG expanded the coverage and increased the value of social grants for poor families with children. As discussed, the age extension was a compromise between introducing a universal CSG or BIG.

On the part of government, "improved public finances" led President Thabo Mbeki's administration to increase the CSG age limit (Seekings 2016:11) and allocate more budget on public spending (RSA 2002; Patel 2011:79). Consequently, the overall coverage increased from "2,6 million in 1994 to more than 10 million as of 2005". "Much of the increase is due to the fact that the child support grant programme has been expanded several times to include children under 9 years of age in 2003, children under 11 years of age in 2004, and children under 14 years of age in 2005" (Ferguson 2007:77).

Nevertheless, the civil society was unsuccessful in convincing the government to increase the CSG amount. The government ironically argued it was not affordable, yet it had increased the coverage by extending the age limit. Seekings (2016) maintains that this paradox can be explained by the mediation role of politics on affordability. The expanded space resulted in policy reforms because of political conditions, within the government, "within the ANC and the ANC-led 'Alliance', in civil society and in the electorate" (2016:14). Seekings further argue that the ANC redefined "affordability" to justify its position on expanding social grants. Thus, the unusual expansion of the CSG is a case of shifting discourses of affordability (Seekings 2016; 2017).

Revised regulations to access social grants: age-limit, income threshold and alternative identification documents, 2008

The 2007-08 period leading to Thabo Mbeki's resignation and his replacement by Zuma saw the civil society successfully push for fundamental reforms to access to child grants, especially the CSG. Three major reforms implemented by the Mbeki administration in 2008 include raising the CSG age limit to 15, adjusting the income threshold and allowing the temporary use of alternative identification documents. These reforms were consequential in increasing child grants coverage as well as increasing poor households' income support for newly enrolled families.

Raising the CSG age limit to children under 14 years in 2003 meant children between 15-18 years were still excluded. The civil society, particularly the CI and ACESS, continued to advocate for the extension of the CSG to all children under 18 years through its CSG Extension Project (Rosa & Mpokotho 2004). The project (involving various strategies of collecting access cases on the CSG through the Case Alert hotline) established by the CI and ACESS between 2003-4 captured complains from caregivers, parents, Community Based Organisations (CBOs), Non-Governmental Organisations (NGO's) and paralegal offices. This evidence showed that despite the age extension, many eligible children were not accessing the CSG. Under pressure from civil society, the Minister of Finance announced in his 2008 Budget an age extension to children under 15 years starting in 2009. As discussed later, the extension was still exclusionary and did not deter the civil society from continuing to lobby for the extension to all children.

Second, civil society pressure led to the adjustment income threshold- amount of money at which the household is eligible to apply for a grant - for the CSG thereby expanding the coverage and cash benefits for poor families with children. For a decade, the income eligibility threshold for the CSG remained unchanged yet the old age and disability grants "automatically adjusted in line with increases in the grant amounts" (Budlender 2008:16). The DSD responsible for social protection's own review of CSG means-test in 2007 had concluded "the eligibility income threshold had not accounted for price inflation between 1999 and 2008, meaning that an increasing number of poor families were being excluded from social assistance" (DSD, SASSA & UNICEF 2016:71). More than half a million children under 14 years of age in 2005 and approximately 700,000 children under 15 years in 2008 were excluded (Proudlock 2011:158). Also, the means-test had discriminatory anomalies including different thresholds for urban and rural applicants and subjecting married couples (who had to support larger households) and single caregivers to a similar income threshold.

The LRC, in partnership with the CI, successfully compelled government to address the means-test anomalies through litigation in August 2008. The revised eligibility rules increased income threshold by 10 and 20 times the value of the CSG for single caregivers and married couples respectively. Similarly, the CSG income threshold was indexed on inflation. These reforms "expanded the pool of eligible children from 7,8 million under the old, stricter means test to 9,5 million" (DSD, SASSA & UNICEF 2016:72).

Finally, the review of documents required to apply for the CSG increased access to the grant. Until mid-2008, the regulatory requirements for the application of the CSG included original identification documents like the child's birth certificate and the caregivers' national identification card. The requirement disqualified poor children in need of the grants, excluding about 20 percent of eligible children in 2007 (Hall & Proudlock 2008). Through litigation, ACESS succeeded in pushing for the temporary acceptance and use of alternative identification documents by grant applicants without prescribed documents in June 2008. As a result, about half a million caregivers applied for the CSG between 2008 and 2010 (DSD, SASSA & UNICEF 2016:72).

The 'Left' and Social Grants Reforms under Jacob Zuma and Cyril Ramaphosa Presidency since 2009

Zuma emerged as ANC president, with support from COSATU and "constituencies representing the poor" in late 2007 (Historical Materialism 2008:168). Zuma's ascendency to ANC (and later South Africa) presidency, referred to as "the Zuma tsunami", shifted political power to the left wing within the ANC (Lodge 2009). The left wing was critical of ANC's liberal policies, seemed more pro-poor and supported cash transfer policies (Leubolt 2014:14). Perhaps frustrated by Mbeki's conservative policies, including social policies, Zuma assumed a different governance approach, co-opting the civil society unlike Mbeki. But Zuma did not have a completely different ideology with Mbeki as he also believed that South Africa's economic policies should build a "developmental state not a welfare state" (Lodge 2009:32). Although Zuma has been described as scoring an "own goal" because he is "losing South Africa's 'War on Poverty'' (Maharaj, Desai & Bond 2011), he has implemented substantial social cash transfer reforms for poor families with children. Under his presidency, access to child grants was significantly increased by raising the age limit of the CSG to 18 years and the child grants were extended to "refugee children" previously excluded. His administration also put to rest the long-standing issue of support for orphaned children living with their relatives by agreeing to pay an additional amount to such households that led to the rejected proposal for an orphan grant already discussed. Despite proclaiming all these reformist credentials, Zuma attempted, without success, to return to Mandela and Mbeki's "conservative" approach to social policy by conditioning child grants. Nonetheless, under civil society pressure, access to child grants improved, increasing the coverage more than any of Zuma's predecessors.

Age threshold extension of the child support grant to 18 years, 2009

In 2008 the civil society welcomed the raising of the CSG age limit to 15 but continued to campaign for the CSG extension to all children. CASE conducted a study that demonstrated that the age-limit was still a barrier to accessing the CSG (CASE 2008). The CI proposed the extension of the CSG to children under 18 years arguing that the reform did not protect all children. The CI argued that access to the CSG would promote better health outcomes and improve access to services such as health facilities for the excluded children (Jamieson & Smith 2008:2-3).

Within ANC and government, economic and social policy debates including expansion of social grants persisted between the right and left wings. The ANC party's leadership shift to left wing in late 2007 may have increased the support for the extension of the grant in 2008 and 2009 (Proudlock 2011). The civil society, particularly the CI, ACESS and Black Sash, took advantage of the power shift within the ANC to campaign for the extension of the CSG age limit and lobby ANC to honour its 2007 resolution to extend the CSG all children (Proudlock 2011:156). On the other hand, the power of ministries relative to each other were important. The Ministry of Social Development supported the expansion of child grants but faced resistance from other ministries especially the Ministry of Finance. "There were clear disagreements within the state, with the DSD pushing for a raised age limit, against resistance from the Treasury" (Seekings 2016:18). In October 2009, the ANC finally decided to raise the CSG age limit to 18 years.

Political pressure from the civil society led to the CSG's "parametric" (changes in the benefit levels and eligibility conditions) and "dramatic" reforms ('massive increase in the number of beneficiaries and a significant increase in real expenditure') (Seekings 2017:14). These reforms significantly increased the CSG and overall coverage of the CWR.

Rejection of conditionalities on the CSG, 2009-10

Zuma's administration might have partially fulfilled children's right to social security through extending the CSG to all children (subject to their caregivers passing the means-test) but did so conditionally. In 2009 the government imposed conditionalities on the CSG (Lund *et al* 2009). Like most cash transfers in Latin America such as Brasil's *Bolsa Familia* or Mexico's *Oportunidades* (De la O, 2015; Handa & Davis 2006) the CSG would be conditional on "nutrition, attendance at Early Childhood Development (ECD) facilities and school performance" (Lund *et al* 2009:73). To continue receiving the grant, caregivers/family should participate in livelihood activities and attend health workshops.

Following urgent submissions from the civil society, the conditions were "softened"– the regulations remained but in the case of failure to comply the grant will not be discontinued. Hall maintains that the government had similarly attempted to condition the CSG when it was introduced in 1998 and later in 2004, but civil society advocacy resulted in the conditions being dropped (2011:4). On the other hand, in 2012 the government acceded to the civil society demands to extend social grants to all documented refugee children following legal action (Delany & Jehoma 2016:61).

Additional grant payments to households with orphans

The debate to introduce orphan grants dating back to the early 2000s continued over the years. Although the number of orphans gradually decreased, orphanhood remained a developmental challenge in South Africa (and other many countries in Sub-Saharan Africa) since the 1990s. Orphans rates increased from 16 percent in 2002 to 21 percent 2006, remained constant up until 2008 (Meintjies & Hall 2010:43; 102) before declining to 16 percent in 2014 (GHS 2015). High orphan rates did not mean that the living conditions of orphans were worse-off than other vulnerable children to require a new orphan-targeted grant (Ritcher & Desmond 2008). Nevertheless, many orphans (and other vulnerable children) live in "households where their parents are absent" and are cared for by relatives (Hall & Wright 2010). Another vulnerable group of children, though proportionally insignificant, lived in child-headed households (Meintjes *et al* 2010).

In response to proposals to introduce an orphan grant or pay additional amounts for the CSG to orphans and children in child-headed households, the government chose the latter in December 2015. An amendment to the Social Assistance Act in November 2016 allowed "the Ministers of Social Development and Finance to make these additional payments" in April 2017. The payments, the Minister of Social Development, Bathabile Dlamini, indicated, would increase the capacity of extended families who have the additional responsibility of caring for "poor children who are orphaned and living with family members and children living in child-headed households."[iii]

Orphans 'fostered' by relatives and those living in child-headed families were already FCG beneficiaries hence it would have been expected that the government would enrol these two categories on this programme rather than increasing the value of the CSG to orphans. It is not clear why the government did not choose this policy option, but it is likely that affordability concerns might have been key considerations as in the case of universalising the CSG already discussed. In 2016, the FCG amount was more than double the CSG. What is clear is that "neither a court process nor the associated heavy social work process for placement" were required (as in the FCG) for the caregiver to receive the increased amounts, hence it was administratively easier for government to increase the value of the CSG than the FCG to orphans. As Dlamini said, the new provisions allow the government to "provide greater income support to all orphans and not only for those fortunate enough to access the foster care system."

In May 2020, South Africa, through the South African Social Security Agency, introduced the Social Relief of Distress Grant (SRD). The R350 (US$19.02) grant was a temporary measure for unemployed individuals financially impacted by the COVID-19 pandemic. There are on-going discussions to make the grant a permanent form of basic income support under Cyril Ramaphosa's presidency but there seems to be lack of political will to commit to such an unconditional universal approach to social protection.

[iii] http://www.sassa.gov.za/index.php/newsroom/222-minister-bathabile-dlamini-amendment-of-social-assistance-act

THE FUTURE OF CHILD SOCIAL PROTECTION IN SOUTH AFRICA

The ANC government has generally promoted redistribution and conservatively objected defamilialisation (state displacing family provision) perceived to undermine the family (Seekings & Nattrass 2015:136) but it has to a larger extent *defamilialised* and *decommodified* (state displacing market provision) social provision for poor families with children to establish an exceptional child welfare regime in Africa. From the late 1990s, the government tended to limit cash transfers through imposing strict eligibility criteria. Under civil society pressure, the ANC government transformed child social protection from a "residual" welfare regime (for blacks) during apartheid and the early years of democracy (Luiz 1995:591 & 592; Patel 2011). The provision of near-universal child grants since 2009 when the government extended child grants to all children and the relatively generous benefits demonstrate the CWR's inclination towards a social democratic approach. This makes the CWR in South Africa comparatively exceptional in Africa, offering a model for other middle and low-income countries.

Redistribution through social grants (as opposed to employment creation) might not have been ANC's preferred child poverty reduction strategy. The ANC government, however, could not resist the pressure from the child sector civil society that combined to make court representations for poor families with children. The pressure transcended the ANC's ambivalence towards cash transfers. The South African case illustrates that governments are more likely to positively respond to civil society pressure (to expand cash transfers) through litigation if social security rights are legislated.

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