

OUTLINE OF WARREN KRAFCHIK SPEECH TO RIGHT TO DEVELOPMENT SEMINAR, UNITED NATIONS, GENEVA

1. Institute for Democracy in South Africa (Idasa)

To provide a context for my input, I should tell you that I am manage the public finance and poverty programmes of Idasa. Our work focuses on tracking the impact of the government budget on the poor in South Africa.

Our primary target is the 10 legislatures (1 national and 9 provincial) and civil society organisations. Our aim is to enhance the intervention capacity of these institutions. This reflects our belief that broader participation in public policy will strengthen citizens' commitment to difficult trade-offs and improve the quality of policy choices.

Our relationship to government can be described as a "critical ally". We are, in the first instance, an ally of the transition and seek to assist with government's role in reconstruction and redistribution. But, we reserve the right to be critical of government policy where appropriate. At any one time we undertake, simultaneously, project that are supportive (such as training) and critical (such as a response the budget).

2. The Grootboom case

While our Constitution contains a Bill of Rights and socio-economic rights, the first real test of our commitment to these articles is currently before the Constitutional Court in South Africa. Irene Grootboom and the community of approximately 800 people with whom she lives had to vacate the land they were squatting on for health reasons. They therefore moved to squatt on a sportsfield nearby. After complaints from the local club members, Irene and the community were evicted from the site and their housing materials destroyed. With legal support, the community took the government to court over the right to shelter clause in the constitution. A provincial court in Cape Town agreed with the community and ruled that the local government must make available a community hall for this purpose. However, this court referred its judgement to the Constitutional Court given the likely financial implications of the judgement – that is If all homeless people were to petition the government for accommodation. The case is now before the highest court and their judgement is pending.

However, as a society of extreme poverty and inequality, we cannot wait for jurisprudence to catch up. Regardless of the judgement, we must "get to work" as our President reminded us in his inauguration address.

3. Successes and challenges

The South African transition is the consequence of hard work and a long and hard struggle. We can justifiably claim some successes to date and must admit to some continuing challenges.

Successes

- We have a progressive Constitution that enjoys multi-party support and does not shy away from the need to affirmatively address the needs of those that suffered most under

- apartheid. Our Bill of Rights promises specific attention to the needs of children, women and people with disabilities. There is a qualification that these needs should be progressively realised as the country's resource base improves. However, the Constitutional promise has helped to focus the country on the priorities.
- We have a set of innovative, independent institutions that will assess the role of government in meeting the needs of these constituencies and report to parliament to assist with legislative oversight. This is the thinking around the Commissions on Gender, Child and Disabilities.
 - Transparency, including budget transparency, has been considerably strengthened and public and NGO public education is helping to activate the population from liberation to parliamentary advocacy – from political to socio-economic rights.
 - We have a set of wonderful socio-economic policies and are moving towards the challenges of implementation. But, there have been some successes already, notably in electrification, water provision and some health and welfare services. There are also several innovations. For example, the community of farm workers that now own their land and have a niche producing apples three weeks before the rest of the world. And the telephone company that provides voice-mail for the homeless to catalyse their re-entry into employment. These and other stories are borne of the spirit of possibility and the urgency of task.

Challenges

- South Africa has an enormous debt that consumes approximately 22 cents of every Rand that the government spends. Unlike most developing countries, the debt is internal, held by the pension funds of workers. It was generated through the apartheid government's incursions into Southern Africa.
- When the ANC took over government in 1994, the country already spent as much as any other middle-income developing country on social services, but we spent it badly and unequally. This accentuates the distance between the scale of poverty and resource availability. Our challenge is not to spend more, but to eradicate poverty through spending better the resources we already spend. Our challenge is to aggressively reprioritise existing expenditure.
- The Constitution devolves responsibility to the provinces for most social services and expenditure. The nine provinces are very unequal with the poorest people living in the poorest provinces with the lowest implementation capacity. How to pursue congruent anti-poverty policies through this nascent intergovernmental system is difficult.
- These problems serve to highlight the major challenge that is to transform the civil service from an institution that served the needs of the minority to one that effectively meets the needs of the majority. Our negotiations bequeathed the country a difficult "sunset clause" that guaranteed the jobs of civil servants. We have made several mistakes – such as voluntary severance packages that left the dead wood – and have yet to find a viable solution. In the meantime, some of the new cadres learn the inefficiency, inertia and corruption from the incumbents.

What we have learned as a country is that it can be done.....poverty can be reduced....but a progressive government is not a sufficient condition for this to happen on a country-wide scale. The new struggle is about enriching political liberation with human dignity – freedom from hunger, disease and with shelter.

4. United Nations and the Right To Development

Where does this leave the United Nations and socio-economic rights? The sessions before this session made it clear that, despite the best efforts and intentions, a universal code of socio-economic rights is still some way off. The question I want to ask is: What can the United Nations do in the meantime? What building blocks can be laid now to ease the passage of the Right To Development in the future. Allow me to present one, modest building block that we can work on now.

It would be useful if the UN could help to build and house an Institutional Capacity, available to all developing countries, to build global capacity and experience on socio-economic rights. Such an institution must be innovative, able to experiment, to take calculated risks and feed relevant information into global structures.

The UN is the correct institution to support this capacity but it need not do so alone. Indeed, as the presentations at this meeting have shown, there are several international civil society organisations and skills that can contribute to this task. I think here, for example, of the Franciscans International and Amnesty International, as well as ActionAid and Save the Children. Together with UN representatives and country structures, we could create a learning institution to guide us – politically and strategically – to support the Right To Development.

Here are some ideas of projects that the RTD Institution could embark on.

- Develop and test methodologies that mediate between human rights policy approaches and public finance concerns.
- Develop a set of core socio-economic rights or methods to draw together the many useful, existing conventions, such as the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women.
- To initiate and manage an Innovations Programme that seeks to identify policy innovations in developing countries and provide resources for their replication. Solutions to poverty are often globally relevant and may form the basis for improved South – South dialogue.
- Deepen dialogue with the Bretton Woods institutions to bridge the Rights language with Public Expenditure Management techniques.
- To bring together technical capacity to provide financial and development advice to developing countries independent of the activities of the World Bank and IMF.
- Promote and develop methods of transparency and participation in public policy issues.
- Monitor the situation and develop lessons on the efforts of South Africa and other developing countries that are attempting to meet constitutionally enshrined socio-economic rights.
- There are many more prospective projects that can assist with implementing a universal Right To Development as soon as possible.

I feel that I matured the day I understood that there are sufficient resources in the world to eradicate poverty – it is the distribution and application of these resources that requires correction. Therefore, it is appropriate that we are gathered here today, representatives of the south and north,

of developing and developed countries. Global poverty is the biggest threat to all of us and it is our role as nations and the world to beat it.