

# CHAPTER 1

## GENERAL INTRODUCTION TO POVERTY AND HUMAN RIGHTS IN AFRICA

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*Wherever we lift one soul from a life of poverty, we are defending human rights. And whenever we fail in this mission, we are failing human rights.*

Kofi Annan, United Nations Secretary-General

### 1 Introduction

Poverty remains one of the greatest challenges facing humanity in this century. Despite the fact that the world is blessed with natural and human resources, a significant number of people, particularly in developing countries, still live in abject poverty. Recent developments show that efforts at combating poverty across the globe are yielding positive results as there seems to be a significant decrease in the number of people living in extreme poverty in poor regions. The picture is not all rosy, however, as there remains a great cause for concern as the world's poorest people still live in developing countries.

An estimated 736 million people worldwide – the majority in South Asia and Africa – live in extreme poverty.<sup>1</sup> Indeed, half of these people live in five countries, namely, India, Nigeria, the Democratic Republic of the Congo (DRC), Ethiopia and Bangladesh.<sup>2</sup> Almost 1,4 billion people are living in extreme poverty.<sup>3</sup> The poverty situation in many developing countries, particularly Africa, is exacerbated by famine, conflict, the lack of access to basic services such as health care, water, sanitation and electricity, unemployment and corruption. While the majority of persons living in extreme poverty are found in developing countries, some of them also live in developed countries.

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1 United Nations *The Millennium Development Goals Report* (2011) 5.

2 World Bank 'Understanding poverty' (2019), <https://www.worldbank.org/en/topic/poverty/overview> (accessed 19 August 2019).

3 As above.

Widespread poverty and a lack of coherent responses by governments often translate into the inadequate provision of basic services, such as health care, sanitation and education. Armed conflicts have been singled out as one of the determinants of poverty and human misery in sub-Saharan Africa, affecting more than half the countries of the continent during the past two decades'.<sup>4</sup>

Poverty and inequality are a constant phenomenon persisting in many countries in Africa. As Africa continues to grow economically stronger, poverty and inequality remain 'unacceptably high and the pace of reduction unacceptably slow'.<sup>5</sup> For example, for a long time South Africa had the highest level of income inequality (Gini coefficient) in the world. This is further compounded by the global financial crisis that has had a negative impact particularly on the lives of people already living in poverty.

As a consequence of the 2008 global financial and economic crisis, a growing number of African countries are setting up social safety nets to protect the health and livelihoods of poor and vulnerable people during periods of adversity. The MDG Report 2013, which assessed progress in Africa toward the Millennium Development Goals, observed that while Africa is the world's second fastest growing region, its rate of poverty reduction was insufficient to reach the target of halving extreme poverty by 2015.

In September 2015 the UN General Assembly (UNGA) adopted the Sustainable Developments Goals (SDGs) with approximately 17 goals. The overarching goal of the SGDs is to ensure that no one is left behind in the fight to eradicate poverty worldwide. Indeed, the international community resolved to eradicate poverty in the world by 2030. This is a significant call given the disparity and inequities of our world. While it would seem that the average number of people living in poverty has dropped drastically in some parts of the world, poverty remains widespread in many parts of sub-Saharan Africa.

Indeed, the World Bank observes that 'two regions, East Asia and Pacific and East and Central Europe, have already reduced extreme poverty below 3 per cent.<sup>6</sup> However, Africa remains the poverty capital of the world as more than half of the people living in extreme poverty are from the region.<sup>7</sup> More disturbing is the fact that the region has made no progress in reducing the number of people living in extreme poverty as the figure has increased by 9 million.<sup>8</sup>

4 As above.

5 World Bank 'Africa pulse: An analysis of issues shaping Africa's economic future', [http://www.worldbank.org/content/dam/Worldbank/document/Africa/Report/Africas-Pulse-brochure\\_Vol7.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Africa/Report/Africas-Pulse-brochure_Vol7.pdf) (accessed 19 August 2019).

6 As above.

7 As above.

8 As above.

Poverty is pervasive across the world not because the world lacks the technology or resources to eradicate it, but because governments, particularly those in developing countries, have not exhibited the political will to combat poverty. It is important to point out that poverty is not an inevitable end to be blamed on the poor, but rather a matter of social injustice. People do not wish to be poor; rather, they are often deprived of the opportunity to lead a worthy life. Experience has shown that many developing countries have failed to adopt positive measures that will improve the living conditions of their people and help them to avoid poverty. Poverty is not a sin; it is a failure by existing institutions to create opportunities for disadvantaged groups to live to their fullest potential.

It should be noted that during the World Summit on Social Development in Copenhagen in 1995, the international community committed itself to eradicating poverty in the world.<sup>9</sup> This was reaffirmed in the Millennium Declaration of 2000, establishing the Millennium Development Goals (MDGs) and, more recently, the SDGs.

## 2 Understanding poverty

In ordinary parlance, poverty may be described as a situation whereby a person lacks certain material possessions or amounts of money. The word 'poverty' originates from the Latin word pauper, that is, poor. According to the World Bank, poverty may be described as a deprivation in well-being and comprises different dimensions.<sup>10</sup> These may include a low income or the inability to acquire the basic goods and services necessary for survival with dignity. The World Bank further explains:<sup>11</sup>

Although it is often thought of as a lack of material resources, poverty is correlated closely with all aspects of a person's life: the world's poor are more likely to be malnourished, they have less access to services like education, electricity, sanitation and healthcare, and they are more vulnerable to conflict and climate change. Understanding poverty is thus fundamental to understanding how societies can progress.

More importantly, Cloke et al have noted that poverty encompasses inadequate access to clean water and sanitation, low levels of health and education, inadequate physical security, and a lack of capacity or opportunity to improve one's life.<sup>12</sup>

The World Bank recently acknowledged that extreme poverty has

9 United Nations *Final Report of the World Summit for Social Development (also includes the Copenhagen Declaration and Programme of Action)* A/CONE 166/9.

10 World Bank *World development report* (2018) 6.

11 World Bank *World Development Indicators* (2018), <http://datatopics.worldbank.org/world-development-indicators/themes/poverty-and-inequality.html> (accessed 10 August 2019).

12 P Cloke et al (eds) *Introducing human geographies* (2013).

rapidly declined.<sup>13</sup> According to ‘Poverty in a rising Africa’, a research report by the World Bank, although extreme poverty globally has rapidly declined, the number of people living in extreme poverty is on the rise in sub-Saharan Africa.<sup>14</sup> This is true as seven of the ten most unequal countries in the world are in Africa, most of these in Southern Africa.<sup>15</sup>

Poverty has also been defined as a denial of the choices and opportunities necessary for the enjoyment of an adequate standard of living and as a violation of human dignity.<sup>16</sup> For different people who actually experience poverty first hand, the term ‘poverty’ means different things. Hulme et al point out that the imposition of definitions of poverty from above can become disempowering for the poor.<sup>17</sup> Some of those who suffer from poverty have described poverty in different ways according to their peculiar experiences. To some people, poverty means not having enough to feed and clothe a family while, to others, poverty means not having a school or clinic to attend, not having the land on which to grow one’s food or employment to earn one’s living, or not having access to credit.

Yet others have described poverty to mean insecurity, powerlessness and the exclusion of individuals, households and communities, while to some poverty means susceptibility to violence, and often implying living in marginal or fragile environments, without access to clean water or sanitation.<sup>18</sup> There are different dimensions of poverty, including income, human, absolute/extreme and relative/moderate poverty. Although poverty often is measured by levels of income, it should be noted that poverty goes beyond mere income. It includes various factors, or what Sen refers to as ‘capabilities’, such as access to education, housing, sanitation, health care and life expectancy.

### 3 Nexus between poverty and human rights

We live in such an unequal world where the gaps between the rich and poor are daily expanding. The opportunities for the rich seem to be increasing, while the hopes of rising above poverty for millions of people living in extreme poverty continue to decrease. According to the report by Oxfam, in 2018 about 26 people owned the same as the 3,8 billion

13 New poverty estimates by the World Bank suggest that the number of extremely poor people – those living on \$1,90 per day or less – has fallen from 1,9 billion in 1990 to approximately 736 million in 2015. For details, see <https://blogs.worldbank.org/opendata/number-extremely-poor-people-continues-rise-sub-saharan-africa> (accessed 10 August 2019).

14 For more information, see K Beegle et al *Poverty in a rising Africa* (2016). See ch 4 on inequality in Africa.

15 As above.

16 UN Committee on Economic, Social and Cultural Rights ‘Poverty and the International Covenant on Economic, Social and Cultural Rights’ E/C12/2001/10 United Nations (2001).

17 D Hulme et al ‘Chronic poverty: Meanings and analytical frameworks’ Chronic Poverty Research Centre Working Paper 2 (2001).

18 D Naraya et al *Voices of the poor: Can anyone hear us?* (2000) 5 9.

people who make up the poorest of the world.<sup>19</sup> The report further states that between March/June 2017 and March/June 2018 the wealth of the super-rich grew by \$2,5 billion (€2,2 billion) per day on average, while the bottom half of the world's population saw their wealth dwindle by \$500 million daily over the same period.<sup>20</sup>

The report notes that Africa remains the region with the highest number of people living in extreme poverty (42 per cent compared to 41 per cent in South Asia).<sup>21</sup> The report sums up the situation as follows:<sup>22</sup>

Our economy is broken. Hundreds of millions of people living in extreme poverty while huge rewards go to those at the very top. There are more billionaires than ever before, and their fortunes have grown to record levels. Meanwhile, the world's poorest got even poorer.

This truly calls for drastic measures rooted in the human rights approach to address these imbalances.

While there has been progress in reducing poverty, especially in some middle-income countries, the second United Nations Decade for the Eradication of Poverty (2008-2017) noted that

such progress has been uneven and the number of people living in poverty in some countries continues to increase, with women, children and older persons, as well as other persons in vulnerable situations, constituting the majority of those most affected, especially in the least developed countries and particularly in sub-Saharan Africa.<sup>23</sup>

During the past decade considerable research has been carried out and policy attention been given to the nexus between poverty and human rights in Africa. Pogge illustrates the interconnectedness of poverty and human rights when he states that

most of the current massive under fulfilment of human rights is more or less directly connected to poverty. The connection is direct in the case of basic social and economic human rights, such as the right to a standard of living adequate for the health and well-being of oneself and one's family, including food, clothing, housing, and medical care. The connection is more indirect in the case of civil and political human rights associated with democratic government and the rule of law.<sup>24</sup>

There often is debate over whether poverty on its own constitutes a human rights violation under international law. Some commentators are of the view that the various international human rights instruments do not explicitly recognise poverty as a human right violation. Given its amoebic

19 Oxfam *Annual Report: Public good or private wealth?* (2019).

20 As above.

21 As above.

22 As above.

23 Second United Nations Decade for the Eradication of Poverty (2008-2017) UN Doc A/RES/70/218. For more details, see [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/218](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/218) (accessed 19 August 2019).

24 [http://www2.ohchr.org/english/issues/poverty/expert/docs/Thomas\\_Pogge\\_Summary.pdf](http://www2.ohchr.org/english/issues/poverty/expert/docs/Thomas_Pogge_Summary.pdf) (accessed 19 August 2019).

nature, it is difficult to conclude that poverty amounts to a violation of human rights. This would seem to expect too much from the state. While being poor may not amount to a human rights violation, it is incontestable that the failure by a state to create an enabling environment to enable its people to live a dignified life will amount to a deprivation of human rights.

In essence, the failure by a state to adopt measures and policies that can ensure access to basic amenities and social services, such as water, electricity, food, housing and health, and improve the living conditions of the people would amount to a human rights violation. Conversely, where a state adopts stringent or restrictive policies such as austerity measures, which further plunge the people into debt and poverty, the state would be deemed to have failed in its obligation to protect and promote the rights of vulnerable and marginalised groups.<sup>25</sup>

According to the former UN Special Rapporteur on Extreme Poverty and Human Rights, poverty is an urgent human rights concern. For those living in extreme poverty, many human rights are out of reach.<sup>26</sup> She further states that while poverty *per se* may not amount to a human rights violation, it without doubt is a cause and consequence of a human rights violation.<sup>27</sup>

Eliminating poverty and promoting human rights are inter-related objectives of many international treaties and commitments. Indeed, the UN has been in the forefront of adopting a rights-based approach to addressing extreme poverty and inequality in the world. Thus, in 2004 the Human Rights Council established the office of the Independent Expert on Extreme Poverty. This was later converted to a Special Rapporteur in 2008, and Carmona Sepulveda, a Chilean lawyer and academic, became the first person to assume the office of the Special Rapporteur on Extreme Poverty. Since then, the Special Rapporteur has made an important contribution to the discussion on the link between extreme poverty and human rights.

The mandate of the Special Rapporteur on Extreme Poverty was established to give greater prominence to the plight of those living in extreme poverty and to highlight the human rights consequences of the systematic neglect to which they are all too often subjected.<sup>28</sup> In some of the reports by the Special Rapporteur, the emphasis has been placed on the need for states to adopt a rights-based approach to eliminating inequality and removing barriers to leading a dignified and meaningful

25 Eg, in Case 66/2011 the European Committee of Social Rights overturned austerity measures that would have brought wages under the poverty level, citing breaches of labour rights and protection against discrimination.

26 For more details, see <https://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx> (accessed 19 August 2019).

27 See M Sepulveda & C Nyst *The human rights approach to social protection* (2012) 18.

28 For more details, see <https://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx> (accessed 19 August 2019).



life.<sup>29</sup> Some of the reports have addressed issues such as social protection and human rights; unpaid care work among women; the link between inequality and human rights; the right to participation of people living in extreme poverty; the World Bank and extreme poverty; privatisation and human rights; and universal basic income.<sup>30</sup>

All in all, the UN Special Rapporteur on Extreme Poverty and Human Rights proposes that

a human rights definition and understanding leads to more adequate responses to the many facets of poverty, responses that do not trample on rights in the pursuit of growth and development. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.

In addition, the Human Rights Council in 2012 adopted the Guiding Principles on Extreme Poverty and Human Rights,<sup>31</sup> which provide a framework for states on how to integrate human rights into policies and programmes to address extreme poverty.<sup>32</sup>

In June 2012 the International Labour Organisation General Assembly adopted Recommendation 202 on Social Protection Floors.<sup>33</sup> This was a significant achievement, in the sense that it urges all governments to guarantee universal social protection coverage for all, especially vulnerable and marginalised groups. It further enjoins states to adopt a minimum level of non-contributory social protection as a matter of human rights obligations.<sup>34</sup> Recommendation 202 serves as a catalyst for governments across the world, and particularly in Africa, to addressing poverty through the implementation of social protection programmes that are grounded in the respect for human rights.

At the regional level, efforts are currently underway to adopt a rights-based approach to ending poverty. The African Union (AU) has recognised the importance and issued a 2004 Declaration on Employment and Poverty Alleviation in Africa which was reviewed in September 2014. Furthermore, in 2012 African law makers acknowledged that the 'causes of the poverty [in Africa] are multidimensional, connected in particular to inappropriate economic strategies, to conflicts, to corruption, to external

29 For more details on the reports, see <https://www.ohchr.org/EN/Issues/Poverty/Pages/AnnualReports.aspx> (accessed 19 August 2019).

30 As above (accessed 10 February 2018).

31 See United Nations 'The Guiding Principles on Extreme Poverty and Human Rights', <http://www.ohchr.org/EN/Issues/Poverty/Pages/DGPIIntroduction.aspx> (accessed 20 February 2014).

32 For a detailed discussion on the Guiding Principles, see E Durojaye 'When poverty is not a sin: An assessment of the Guiding Principles on Extreme Poverty and Human Rights (2014) 22 *African Journal of International and Comparative Law*.

33 ILO Recommendation 202 adopted in June 2012.

34 As above.

debts, to natural disasters and to absence of good governance'.<sup>35</sup> More importantly, the inclusion of socio-economic rights in the African Charter on Human and Peoples' Rights (African Charter), the protective and promotional mandate of the African Commission on Human and Peoples' Rights (African Commission) and the establishment of the African Court on Human and Peoples' Rights (African Court) all present a golden opportunity to address poverty from a rights-based perspective in Africa.

While the work of the African Commission has not directly construed poverty as a human rights violation, it has indirectly alluded to this in some of its norms. For instance, the Principles and Guidelines for the Implementation of Economic, Social and Cultural Rights in the African Charter urge African governments to address various socio-economic rights that may lead to improved social conditions and standards of living. In some of its Concluding Observations to states, the African Commission has expressed concerns about high levels of poverty and negative impacts of socio-economic challenges.<sup>36</sup> Furthermore, in some of its jurisprudence, the African Commission has found states to be in violation of human rights for failing to provide social services such as health care, water and electricity.<sup>37</sup>

At the national level, many African governments have framed national development plans and strategies, including poverty reduction strategies. The aim of these strategies is to eradicate poverty and mitigate the impact of underdevelopment by providing direct support to poor and vulnerable people as well as to enhance the capacity of women and girls and empower them to meet the negative social and economic impacts of globalisation. However, more often than not the missing link in these strategies is a lack of a rights-based approach to poverty reduction.

## 4 Significance of this book

From the discussion above, it is clear that poverty has many dimensions and causes, which require different types of action at different levels (international, regional, national and sub-national) if it is to be significantly reduced. In this book, attempts have been made by different authors to explore the subject of poverty from different perspectives.

Some earlier publications on the same issue have explored socio-cultural or economic factors that cause poverty. However, very few

35 Resolution on 'The role of parliaments in implementing poverty reduction strategies' Doc R 133/35/12, 35th African Parliamentary Union, Kigali, Rwanda, 29 & 30 November 2012.

36 See eg Angola '2nd Periodic Report, 1999-2010' 5; Benin '2nd Periodic Report, 2000-2008' 28; Botswana '1st Periodic Report, 1986-200' para 466; Namibia '3rd Periodic Report, 2002-2009' 5; Togo '2nd Periodic Report, 1991-2001'. For a detailed discussion on this issue, see Nkrumah (ch 10 of this edition).

37 See cases such as *Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001); *Sudan Human Rights Organisation & Another v Sudan* (2009) AHRLR 153 (ACHPR 2009) (*Darfur case*).



publications have focused on poverty from a rights-based perspective in the African region as a whole.

For instance, Fosu et al in *Poverty in Africa: Analytical and policy perspective* explore the extent of poverty in Africa and the institutional constraints to poverty reduction.<sup>38</sup> The book further provides an analysis of poverty, income distribution and labour markets, and offers a range of tools for monitoring poverty and assessing the impacts of various poverty reduction programmes.

Another edited volume by Jones and Nelson<sup>39</sup> focuses on the urban poverty debate at a time when there is renewed interest in urban poverty and management from the World Bank and other multilateral development agencies. With contributions by academia, practitioners and urban poverty specialists, the book adopts a multi-disciplinary approach to the debate, highlighting the need to link policy, institutional and grassroots efforts. Neither of these books, however, adopts a rights-based approach to the discussion on poverty in Africa.

The edited volume by Liebenberg and Quinot tends to explore the nexus between poverty and human rights, but focuses mainly on South Africa.<sup>40</sup> Moreover, contributors to this book are mostly academics and practitioners with legal backgrounds. To that extent, it may be argued that no other book has comprehensively explored poverty from a multi-disciplinary approach.

Thus, this book is significant in the sense that it approaches poverty, which has almost become an albatross to many Africans, from both a rights-based and sociological perspective. It is premised on the fact that African governments are responsible for adopting policies and programmes that will prevent poverty in their countries. In other words, acts or omissions by African governments may either contribute to poverty or aggravate the poverty situation of the people. For instance, it has been established that corruption, mismanagement, inequalities and poor leadership have exacerbated the depressing poverty situation in Africa. This coincides with the Guiding Principles on Extreme Poverty and Human Rights, which state in the Preamble:<sup>41</sup>

Extreme poverty is not inevitable. It is at least in part, created enabled and perpetuated by acts and omission of States and other economic actors ... Structural and systemic inequalities – social, political, economic and cultural – often remain unaddressed and further entrench poverty. A lack of policy coherence at the national and international levels frequently undermines or contradicts the commitment to combat poverty adopted.

38 A Fosu, G Mwabu & E Thorbecke (eds) *Poverty in Africa: Analytical and policy perspective* (2009).

39 S Jones & N Nelson (eds) *Urban poverty in Africa* (1999).

40 S Liebenberg & G Quinot *Law and poverty perspectives from South Africa and beyond* (2011).

41 *Guiding Principles* (n 29).

Therefore, allowing a significant number of the people to wallow in extreme poverty is an indication of the failure of a state to meet its human rights obligations.<sup>42</sup> The main objective of this book is to explore from a rights-based perspective the various dimensions of poverty in Africa. It aims to establish that measures and steps adopted to address poverty in Africa must be grounded in human rights principles and standards. Other objectives include:

- to assess the impact of poverty on vulnerable and marginalised groups;
- to explore the nexus between poverty and the enjoyment of socio economic rights; and
- to discuss the importance of access to justice in addressing poverty in Africa.

## 4.1 The relevance

The book was conceptualised during a Colloquium on Poverty and Human Rights in Africa which took place from 27 to 28 November 2014 at the Protea Hotel, Sea Point, Cape Town, South Africa.

The Colloquium, which was convened by the Dullah Omar Institute, to share evidence-based knowledge and experience on how human rights violations drive and deepen poverty in Africa, resulted into highly-incisive and stimulating presentations and discussions.

According to the participants at the Colloquium, widespread poverty and a lack of coherent responses by governments often translate into the inadequate provision of basic services, such as health care, sanitation and education,

While this book focuses on the link between poverty and human rights in Africa, it does not feature contributions from French or Lusophone speaking countries due to language barriers. This book will be useful to researchers, students, academics, persons in working in civil society organisations, government departments and institutions, the judiciary, international organisations, human rights institutions and bodies and individuals interested in the issue of poverty.

## 5 Overview of the book

The book is divided into four sections of 12 chapters addressing diverse issues relating to poverty in Africa.

### 5.1 Section I: Trends and incidence of poverty in Africa

Chapter 1 of this book by Durojaye and Mirugi-Mukundi serves as the

42 Durojaye (n 30) 468.

introduction and lays bare the purpose and aims of the volume.

In chapter 2 May examines the link between national plans, budgets and poverty reduction in South Africa. May argues that proper planning, policy formulation and research are critical to the realisation of access to food. Using South Africa as a case study, he points out that the national development plan has urged improvements in household food and nutrition. However, he is of the view that for such plans to succeed, it requires more detail and must be grounded in human rights norms. More importantly, he argues that human rights principles need to be incorporated into the budgetary and planning programmes in South Africa in order to realise food security. He identifies some right-based approaches to planning for food security to include food security diagnostics, macro- and micro-economic policies, the appropriate sequencing of policy and multi-year budgeting.

In chapter 3 Sekyere, Gordon, Pienaar and Bohler-Muller focus on the implications of inequality for poverty in South Africa. The authors identify three dimensions of social inequality in South Africa, to include income inequality, poverty and human development, and access to services. The authors lament that more than 20 years after democracy in South Africa the inequality gaps have widened and remain a threat to social and economic development. Relying on the World Bank report, the authors observe that South Africa remains the fourth most unequal country in the world. They identify the main drivers of income inequality in the country as race, gender and geographical location. The authors then examine the link between human development and poverty in the country. The authors observe that there have been mixed progress with regard to indicators on human development in the country. They argue that 'as poverty is a reflection of multiple forms of deprivation in an individual's life, it is important to explore multidimensional subjective poverty measures'. In conclusion, the authors recommend that a holistic approach to measuring inequality with a stronger focus on subjective multi-dimensional indicators might be the way forward to addressing inequality in South Africa

In chapter 4 Bond examines a very important, yet controversial, issue relating to 'state capture' in South Africa and the impact of this on poverty. Building on the preceding chapter, the author further explores the debates around poverty and inequality, on the one hand, and rampant economic corruption, on the other. In a very interesting analysis, the author examines how neo-liberal policies contribute to the poverty situation in the country. He warns that unless the root causes of these miseries and their linkages are addressed, most researchers and commentators will continue to be reduced to repeating simple narratives: Apartheid was a tragedy the legacy of which can be addressed by deracialising capitalism; inequality must be addressed through a more sensible economic policy, a generous social policy and a growing middle class to ensure stability; the way forward is to restore macro-economic discipline, maintain conservative fiscal policy, tackle state and especially parastatal corruption, and rebuild the

credit ratings agencies' confidence in South Africa. However, he provides a contrasting argument based on the following: Apartheid was not economically irrational for capitalism during the twentieth century but was mostly functional – until skilled labour supplies became constrained, the limits of white consumer markets had been reached, and the financial crisis hit hard in 1985; this legacy has continued as evident in the still racially-biased labour market and the structured production of inequality ('uneven development') in nearly all other social spheres; systemic socio-economic corruption is largely due to a factor typically ignored in South African narratives until mid-2017, namely, corporate economic crime.

## **5.2 Section II: Poverty and socio-economic rights**

This section opens with chapter 5, a contribution by Mbanjo-Mweso who examines the relevance of the right to water to poverty reduction, in general, but particularly among women. She argues that a lack of access to water undermines productivity and ultimately economic growth, thereby deepening the inequalities that characterise current patterns of globalisation that trap vulnerable households in cycles of poverty. According to her, addressing poverty among women and vulnerable groups requires access to water for production and not merely to meet the daily needs of the people. She points out that despite the contentious nature of the right to water, the chapter attempts to argue for the recognition of the right to water for growing food. In conclusion, she argues that states should take more drastic measures to ensure that women have access to water for food production and other usages.

In his contribution Oluduro in chapter 6 discusses the causal link between poverty and environmental degradation and the way environmental pollution aggravates the poverty situation of people. The chapter further examines the legal framework to address environmental pollution and how this may help in reducing poverty in the region. He concludes by urging African governments to take collective action to protect the environment in order to reduce poverty-related activities that continue to damage the environment and puts the people at risk.

## **5.3 Section III: Poverty and vulnerable groups**

The section focuses on the impact of poverty on certain vulnerable groups such as women, older persons and persons with disabilities.

The section commences with chapter 7 where Malherbe examines the need for reform in pension laws and how retirement reforms can be utilised to address poverty of not only older persons, but other members of their households as well. She argues that this can only happen if retirement reforms are made an integral part of the social security reforms that are

based on the realisation of the right to social security. She concludes by noting that attempts at retirement reforms must place the emphasis on principles of human rights and strive towards universal access to social security.

In chapter 8 Chilemba discusses the link between disabilities and poverty. He observes that in many societies, including in Africa, the poverty rates among persons with disabilities are often higher compared to the rates among other members of the population. He further notes that persons with disabilities encounter discriminatory practices in society, which result in a lack of access to social services and perpetuate poverty. The chapter considers how the Convention on the Rights of Persons with Disabilities (CRPD) can serve as a useful tool for addressing poverty among persons with disabilities in Africa. It analyses disability-related legislation in some African countries for realising the rights to equality, employment, education and social security. The chapter concludes by identifying weaknesses in some of the pieces of legislation in addressing poverty among persons with disabilities and provides some suggestions for the way forward.

The feminisation of poverty in Southern Africa is the focus of Chapter 9 by Ntlama. She provides an analysis of the efforts by the Southern African Development Community (SADC) governments through the legal framework – Gender and Development Protocol – in addressing the link between gender inequality and poverty in the sub-region. In applying a qualitative method, the chapter discusses the importance of legal reforms in advancing women's rights in general and addressing gender inequality and poverty. Using the Gender Protocol as the basis of analysis, she observes that although legal reforms are important, they can only be effective if combined with other measures and strategies to address gender inequality in society.

#### **5.4 Section IV: Poverty and access to justice**

The last section of the book considers the importance of access to justice in poverty reduction of vulnerable and marginalised groups. The section discusses the regional and national framework on access to justice for vulnerable and marginalised groups.

In chapter 10 Nkrumah examines the potential of the African human rights system in realising access to justice for disadvantaged groups and how this can potentially reduce poverty in the region. Nkrumah argues that the inclusion of socio-economic rights and the recent Declaration on Employment and Poverty Alleviation in Africa provide the impetus to addressing poverty in the region. He particularly singles out the African Charter as a one of the celebrated regional human rights instruments that guarantees both civil and political rights and socio-economic rights as enforceable rights. According to him, this ensures that the 'substantive

norms provide formal avenues for the quasi-judicial and judicial ambits of the regional human rights architecture to adjudicate on, and enforce socio-economic rights and freedom from poverty'. He concludes by noting that through collaboration and harmonisation of the mandates of the monitoring bodies, the AU human rights system provides the strongest framework for addressing poverty.

In chapter 11, on realising access to justice for vulnerable groups, Balogun identifies some of the challenges relating to access to justice for disadvantaged groups and how this exacerbates poverty. She notes that access to justice and resources is essential to address inequality and poverty in any society. She further points out that African governments should embark on reforms that will ensure access to justice for vulnerable and marginalised groups in rural communities, with a view to addressing poverty. She uses the example of a non-governmental organisation, Centre for Community Justice and Development, as a case to illustrate the importance of addressing poverty through the realisation of access to justice for people in rural communities.

Adams in chapter 12 discusses the role of national human rights institutions in facilitating access to justice for disadvantaged groups in society. Using the South African Human Rights Commission (SAHRC) as a case study, she argues that the Commission has played an important role in ensuring that the government adheres to its constitutional obligations to protect and promote the rights of disadvantaged groups in society. She further discusses the link between poverty and human rights in South Africa and highlights the role of the SAHRC in addressing poverty and ensuring accountability on the part of the government to protect marginalised groups in society. She concludes by noting that despite the promising role of the SAHRC in addressing poverty in the country, the Commission faces challenges that have hampered its effectiveness in this regard.