
Sandy Liebenberg and Karrisha Pillay were the editors of the first edition, which was produced in October 2000. They envisaged that a second edition would eventually become necessary “as new laws, policies and case studies emerge which impact on the realisation of socio-economic rights”. The dramatic developments in socio-economic rights since October 2000 have indeed made it necessary to bring out a second, updated edition.

The resource book aims to be a useful and practical guide for human rights and development organisations, institutions and practitioners involved in education, training, giving advice, advocacy, lobbying, monitoring and mobilising in areas relevant to socio-economic rights. It seeks to raise awareness of the wide range of resources and tools that are available to understand and advance socio-economic rights.

The process of producing the second edition, which began in July 2005, has now come to fruition. Under my lead editorship, this edition covers seven main areas:

1. **The jurisprudence on socio-economic rights, which has evolved so dramatically in the past seven years.** A key feature of this edition is the discussion and demonstration that runs throughout the book of how the standard of reasonableness developed in the celebrated Grootboom judgment of the Constitutional Court, and applied and elaborated in subsequent cases, can be used to advance socio-economic rights even further. It discusses the opportunities and possible limitations presented by the current jurisprudence in improving the lives of the people of South Africa.

2. **Law reform initiatives that have shaped the implementation of socio-economic rights.** Major legislation under the spotlight in certain chapters include legislation that relates to specific rights (eg the National Health Act), legislation that relates to vulnerable groups (eg the Children’s Act and the Communal Land Rights Act) and legislation pertaining to socio-economic rights more broadly (eg the National Credit Act). We discuss the importance of the various pieces of legislation for poor people and disadvantaged groups and highlight some of the entitlements and opportunities they create. We also highlight how poor people can claim and defend their rights through such laws.

3. **Policy and programmatic developments that have been implemented to realise socio-economic rights.** One of the major policies developed in the past six years is the National Housing Programme for Housing Assistance in Emergency Circumstances, which was developed in compliance with the Grootboom declaratory order. The implications of this and other policies and programmes are discussed and opportunities for advancing socio-economic rights through them are highlighted.

4. **Institutional developments that can assist in ensuring efficient and effective implementation of socio-economic rights.** Under the spotlight in the social security rights chapter, for example, is the establishment of the South African Social Security Agency, which took over the administration and payment of social grants from the Department of Social Development.
5. The development of strategies to promote and protect socio-economic rights. We highlight, in order to inspire creative thinking, how different actors in South Africa and abroad (particularly civil society organisations and social movements) have successfully taken full advantage of the institutions of democracy and human rights by using numerous strategies to achieve social justice. We illustrate, mainly in Chapter 2, the innovative methods, tried and tested strategies and best practices through court cases, examples and guidelines for ease of reference.

6. Progress made in realising socio-economic rights. We use the latest research studies, statistics and surveys as indicators of such progress in the spheres of poverty alleviation, the reduction of inequality, expanding access to housing, health care etc. This edition relies primarily on data gathered and documented since October 2000.

7. International developments and their impact on South Africa. Chapter 3 is dedicated to this theme and discusses key developments including new general comments from the treaty bodies, new institutions such as the UN Human Rights Council, international and regional policies such as the New Partnership for Africa’s Development and the Millennium Development Goals, decisions of the African Commission and updates on the optional protocols to the International Covenant on Economic, Social and Cultural Rights. It also highlights the role that can be played by NGOs and other non-governmental formations in advocating for social justice at the international and regional levels. International developments specific to particular rights are also discussed in the chapters about those rights.

There is a saying, “Do not change the winning formula.” In producing this edition, we have heeded this wisdom by retaining and building on the structure developed for the first edition. Part A has four general chapters on the following topics:

- introducing socio-economic rights in South Africa;
- advancing socio-economic rights in South Africa;
- protecting socio-economic rights internationally; and
- claiming resources for socio-economic rights.

The chapter on resources has been expanded to cover the specialised field of budget and resource allocation, which should be of special interest to readers working in the development and economic sectors.

Part B has eight chapters, one on each specific socio-economic right: environmental protection, land, housing, health care, food, water, social security (no longer social welfare) and education rights.

We attempted to strike a balance between the need to have chapters as stand-alone resources and the need to link chapters through cross references.

The book was written by an excellent team of authors who are experts, activists, researchers, practitioners and trainers in human rights and have a track record of working in the specific field of socio-economic rights. Of course individuals have different touches and tastes, so there are variations in the structure and shape of certain chapters owing to differences in content as well as author discretion and editorial recommendations.

Votes of thanks

We wish to thank a couple of institutions and people who helped this book come to fruition. First and foremost, we wish to thank our funders. The primary funding for this project was received from the Norwegian Agency for Development Cooperation through the Norwegian Centre for Human Rights. We also used supplementary funding from Atlantic Philanthropies and the Ford Foundation.

Then I wish thank a group of people who supported and encouraged me during the production of this edition. I express special gratitude to Julia Sloth-Nielson, the consulting editor, for her great and patient assistance to me and her unswerving commitment to this project during the content editing.

Special thanks must also go to Fiona Adams, who was an excellent and resolute production manager, from the conception to the printing stages.

Many thanks go to Derrick Fine for his hard and excellent work in language editing. His expertise with words made the book far more accessible and much less legalistic.

The authors deserve special credit for their dedication to this project, as evidenced by the wonderful chapters they produced.
I also wish to thank the Socio-Economic Rights Project members, Lilian Chenwi, Christopher Mbazira and Unathi Mila, for their support and encouragement. Special thanks go to Bryge Wachipa, a former Project member, and Jill Claassen, Community Law Centre librarian, for their research assistance during this project.

I also wish to thank the staff of the Centre for all their help during this process. I must single out Nico Steytler, the Director of the Centre, for his unswerving support, confidence in me and guidance throughout.

A special word of gratitude goes to the Project’s former coordinator and founder, Sandy Liebenberg, for her inspiration and support throughout the production process and her comments on the first chapter.

I hope that you will find the second edition refreshing, insightful and empowering. I also hope that the book will stimulate creative thinking on how to improve the lives of the majority of the population who, 13 years after the advent of democracy and the institutionalisation of human rights, continue to live in the “shadow of history”, unable to take advantage of the opportunities presented.

Sibonile Khoza is the coordinator of, and a senior researcher in, the Socio-Economic Rights Project. He is the editor of the second edition.

Remarks by Albie Sachs

I am going to make just two points. The first is that the book to me is a beautiful example of a very difficult project well accomplished. It demonstrates how to write seriously about serious matters in a way that doesn’t dumb them down and make them so accessible and easy for people to accept that somehow the core gets lost. It also manages to be very accessible with good cross-references. The reader is not overwhelmed by pretty pictures, but there are enough illustrations to change the format of the page and make it interesting. Whilst being accessible, the book also succeeds in being accurate and precise. This is a kind of area that easily lends itself to mushy poetry. I love poetry, poetry has its place and, without it, law would be nothing. But if it is too mushy it does not convey much of substance. So a book of this nature should be based on solid research and be well structured. This book has all these features.

In addition, it contains a mass of useful information and resources in an appendix at the back which can be followed up. It’s boring stuff, it’s not exciting reading, but when you need to make that contact, when you need to get in touch with someone in relation to a socio-economic rights issue or problem, you want to have a good idea who to contact, what they do and their contact details. This book, along with all the substantive information, also provides this kind of practical detail.

This book finds the balance – which is very difficult to achieve – between profundity and seriousness on the one hand and accuracy, accessibility and openness on the other hand.

The second point I wish to make is to thank and acknowledge the role of Sibonile Khoza as editor of the book and current Coordinator of the Socio-Economic Rights Project.

Sibonile took over the Project from Sandy, who had built a formidable reputation for the Project in the field of socio-economic rights. Sibonile has imparted his own unique talents, personality and style to the Project, whilst keeping the grace and humour which is very much a characteristic of UWC and those who work there.

This book exemplifies Sibonile’s fine personality and style. It is the product of a large team working together. But at the end of the day, one person must take responsibility, and that is Sibonile. Congratulations on a job well done.

Albie Sachs is a judge of the South African Constitutional Court.

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