

Basic Social-Economic Rights and Services Constitutional Guaranteed in South Africa

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Abstract: It is beyond polemics that human rights discourses commonly conceptualise states as the primary duty-bearers of the normative obligations they engender. As with every human right, the citizen's rights to basic social amenities and services entail the obligations to respect, protect, promote and fulfill. The overarching importance of this is that the state must take reasonable legislative and other measures, within its available resources, to provide and deliver adequate, basic and dignifying services to the citizens. By recognising the citizen's rights to public services, the eradication of poverty becomes not merely a policy choice for the state but a legally binding responsibility for which it is accountable. These rights are well articulated in chapter 2 of the Bill of Rights in the constitution of the Republic South African, 1996. They are right to housing. Admittedly, a lot of people have benefitted immensely from social economics right by receiving services in the areas of housing, healthcare, social grants and improved sanitation, family support, education, fair labour relations, food security, water and electricity. The constitution and other pieces of legislation have remedial mechanisms against the state because the international legal order hoists human rights as norms that are primarily the responsibility of each state failure which the state will be held accountable.

Key words: Social-economic rights, services, constitution, labour, South Africa

INTRODUCTION

Undoubtedly, on a daily basis, government and public officials are being criticised and damned for failure to deliver basic social economic services to the citizens despite the fact that the constitution of the Republic of South Africa, 1996 explicitly provides for citizens' rights and entitlements to those services and also articulate in clear terms the consequences for failure to deliver. These rights are embedded in the Bills of Rights in the constitutions; section 26 provides for right to housing, section 27 provides for the right to health care, food, water and social security, in section 29, the right to education is well articulated. Section 7 of the Bill of Rights in the constitution provides that The Bill of Rights is a cornerstone of democracy in South Africa. Section 7(2) goes on to say that the state must respect, protect, promote and fulfill the rights in the Bill of Rights. The purport of these provisions is that the state is under constitutional obligation to make these services available. The citizens have full and inalienable rights to them. The constitution also clearly provides for remedial mechanisms and measure to seek redress and enforce the rights in case an overzealous official, service provider of the state deny the citizens these constitutionally guaranteed basic social services. This research presents the significance of these rights and the entitlements

thereof. The article makes a modest contribution to showcase the extent the government is performing and lack of performance of these rights and entitlements in terms of delivery of basic social economic rights. The research accentuates that the word must used in section 7(3) of the constitution strictly compels the state to ensure that rights in the Bills of Rights should be fulfilled at all times without any compromise by the government, the public servants and the service providers. Ancillary to these constitutional rights are other legislative frameworks, policies and numerous initiatives that reinforce and support the citizen's rights and entitlements to basic social economic amenities and services such as the Social Assistance Act which provides for the right to social assistance (grants), the Promotion of Administrative Justice Act in 2000 which provides for the right to fair and reasonable treatment by government and its officials, the Promotion of Access to Information Act which allows any citizens to have right of access to any information that directly affects their rights. It is therefore incumbent and mandatory for public providers, servants and the government that they must take every reasonable step to ensure and fulfill these constitutional rights failing which the citizens have the rights to seek for redress and recourse. To seek redress means to correct the wrong done and also entails getting and benefiting from constitutionally guaranteed rights to services.

BACKGROUND

The issue of human rights has taken front burner in both domestic and international fora and increasingly prominent in social commentary in recent years. Through the media researchers constantly hear about some form of human rights abuse that is occurring somewhere in the world (Black, 2004). However, violations of human rights occur every day in the Sub-Saharan-African region, particularly in South Africa, it is now endemic and a major concern because a lot of citizens, particularly indigents and the previously disadvantaged population are being deprived and denied of these basic entitlements by the government and public servants with impunity. These days, countries are being ganged and rated in terms of their human rights development and records. Consequently, countries with poor human rights index are judged as underdeveloped. This is the reason for including the Bill of Rights in the constitution which enshrined the rule of law that emphasizes the need for the supremacy of the constitution and the ordinary laws, equality of the citizens and the respect of human rights. Section 237 of the constitution mandates prompt and diligent performance of obligations imposed without delays. Uphold the supremacy of the constitution means that the rights in it are made justiciable and effective and the constitution empowers the judiciary to enforce them. Therefore, by virtue of section 172, the court has jurisdiction to declare any law or conduct that is inconsistent with the constitution invalid to the extent of its inconsistency. Consequently, court's orders and judgments must be obeyed by the other branches of the states. According to section 165(5) of the constitution, an order or decision issued by a court binds all persons to whom and organs of state to which it applies (Currie and de Waal, 2005).

It is against these deprivations, denials and impunities that this article looks at human rights in the context of obligation of the government and public officials to deliver services as promised by the constitution, to which the government and public servants have sworn oaths to protect, promote, enforce and fulfill. Similarly, Citizens as taxpayer, voter, customer/client and as supplier have certain rights or entitlements that are confirmed by the state by virtue of the individual attachment to the longer community.

The Bill of Rights in the constitution places an obligation on the government departments to provide and deliver services to the citizens such as housing, health care, food, water and social security. Similarly, the constitution provides for the setting of norms and standards to ensure equal access to public services. For

an effective service delivery, the provincial authorities are responsible for translating national norms and standards into provincially specific forms in law and for playing a monitoring and coordinating role. According to part 111.c.1 of the Public Service Regulations, an Executive Authority shall establish and sustain a service delivery improvement programme for his/her department that will promote and ensure the facilitation of and improvement of public services to its clients. This strengthens the requirement of the citizens' rights and entitlements. Public servant who does not comply with this requirement may be held accountable. Furthermore, at the core of human rights principles is a vision of a shared humanity, a view of society as a community that is inclusive and holistic. Enforcement of rights to services may provide a strong foundation for compelling the government and public servants to deliver as promised and combat impunity which seems to be the order of the day (Black, 2004). Consequently, the fundamental rights that humans have by the fact of being human and that are neither created nor can be abrogated by any government should be respected and protected as dictated by the constitution.

METHODOLOGY

This study concentrates on the observation and systematic processing of knowledge, hence the legal positivist research method was used to do a critical exposition of rights and entitlements to basic social amenities and services. Relevant legislations, commission reports and governmental initiations are analysed, critiqued and inconsistencies and shortcomings pointed out. Areas that can form the basis of a reformed system of promotion of right and entitlements to basic social amenities and services are also pointed out. A legal comparative research method stimulates thought on legal research and can lead to a new insight and significantly contributes to new knowledge. This research method plays an important role in this article. Contemporary literature on the concepts of rights, entitlements and basic social amenities and services were examined and relevant scholarly information in them were used to buttress and justify the reason why the constitution and other instruments invigorate the citizen's rights and entitlements to public services.

THE ARGUMENT IN SUPPORT OF CITIZENS RIGHTS AND ENTITLEMENTS TO SOCIAL ECONOMIC RIGHTS AND SERVICES

Persistent protests of non-service delivery by the citizens across the country which were marred by

violence, destruction, looting and sometimes murder are indications that the citizens' perception of the role of government, public servants and service providers and their assessment of public services delivery are bad, inadequate, poor and in most cases not available. While violent protests are detested and should not be encouraged or condoned, however these protests are indications that the people are fed up with empty service delivery promises from various politicians and successive government in South Africa. Sometimes, the protests could be peaceful but whether peaceful or non peaceful, citizens' agitation and clamour for adequate and accessible opportunities to basic services are sufficient to serve as and provide a valuable insight to the government that they are reneging on their promises hence the need for self assessment and evaluation that will guarantee service delivery to the people. Except the government and public servants engage in rigorous activities that will deliver and improve on existing situations, the protests on non-delivery are not likely to stop anytime soon (Mohammed and Pavillon, 1998).

During political campaigns, political parties usually present their manifestos and programmes to the citizens regarding how they would introduce and implement policy that will foster positive changes in the services and also improve the existing ones. When they come to power, these programmes are achievable by relying on the skills and professionalisms of public servants. Therefore, in running an effective, reliable and responsible government, public servants have a vital role to play in translating ideas, wishes and policies of politicians into reality (Mohammed and Pavillon, 1998). But in exercising this administrative responsibility, they must also ensure high ethical standards so that they don't compromise their stance as a result of political intimidation, interference or threats that have the potent to slow and retard their performances to The Public Service Act in 1994.

It is therefore, incumbent on the government to continue to act in such a way that gives stronger assurance and reassurance to the citizens that beneficiaries are entitled to right to services and they would perform their constitutional obligation by ensuring that these are adequately provided for otherwise, the citizens will continue to perceive these rights as existing out there which distances them from everyday experience and weakens the strength and utility of human rights as a protective mechanism for the most vulnerable who are to benefit from services in society (Black, 2004).

CONCEPTUALISATION OF RIGHT TO SOCIAL ECONOMIC RIGHTS AND SERVICES

Discussion on rights and in particular, the right to public services and on how to ensure and fulfill these

rights together with the corresponding duty and responsibility of the service providers, the government and public servants is well explicitly articulated in the constitution and other legal instruments which set out citizen's entitlements to social economic rights and services and the standards of services that people could expect to receive. Moreover, the promises contained in the constitution, related laws and policies are also explicit because they define a tangible set of entitlements to public services that citizens could readily understand, social economic rights and services. Constitutionally, these rights are regarded as fundamental rights. They are generally regarded as a set of entitlements in the context of a legal system wherein such system is itself said to be based upon this same set of basic, fundamental or inalienable rights. These rights thus belong without presumption or cost of privilege to all human beings under such jurisdiction. The concept of human rights has been promoted as a legal concept because human beings have such fundamental rights such that transcend all jurisdictions but are typically reinforced in different ways and with different emphasis within different legal systems.

Raz aptly pointed out that a person has the right when an aspect of his well-being is a sufficient reason for holding another person or persons to be responsible under a duty. The overarching importance of this is that citizens who have been deprived of services are entitled to, as of right to hold the government responsible for failure to deliver. Right in this context means that there is an interest which imposes specific and automatic duties on another person and that such duty or responsibility must be discharged and performed failing which could result to seeking a redress to enforce. However, Elegido emphasised that if someone alleges the existence of a moral or legal right, he should specify, clearly, three points namely; the beneficiary of the rights, the person who is under a corresponding duty of some sort and what is the action that the person under the duty is supposed to perform or refrain from performing (Elegido, 1994). In this context, right is classified into three broad classes namely; claim-rights, entitlements/beneficiaries and right to compel service provider to perform. This is because in most cases, government officials do not always do what they are supposed to do. But that does not mean that the beneficiaries-citizens should be complacent and accept poor services, unnecessary delays, rudeness or accept decisions that have negative impact on any of the guaranteed rights in the Bill of Rights.

However, the concern is that, in South Africa, despite section 32 of the constitution which provides for the universal right of access to information held by the state to facilitate the exercise, fulfillment or protection of these

fundamental rights such as the right to access social economic rights and services in an equitable, convenient and cost-effective manner, majority of the citizens, particularly, historically disadvantaged citizens are not able to access these services hence depriving them of services in different dimensions. There is therefore, the need for both political and administrative wills on the part of the government and public servants to implement and deliver services as well articulated in the concept of fundamental human rights to service delivery. The constitution is clear on this, these rights are not of a privilege but of a right and the citizens are entitled to it, failing which the deprived citizen could seek for a redress at the appropriate courts in order to hold violators legally accountable. In so doing, the concept of the rights to public services becomes meaningful because government and public servants would be compelled to act and perform those services. This will definitely have substantial positive impacts on the quality of life of the citizens and might be a sort of morale booster to the citizens which would compel them in return to perform their own side of the constitutional obligations and be law abiding citizens by not engaging in any destruction of private and public properties and infrastructure during protests, tampering with or illegally connecting electricity, reporting every incident of criminal acts to the appropriate law enforcement agents and so on. These obligations on the part of the government, public servants and public providers are mutually exclusive as they positively complement one another. The overall benefit of this is that it promotes compliance with law and order, strengthening democracy and all democratic processes, lead to a sense of belonging and attest to the constitutional provision that says that the wealth of the country belongs to all the citizens.

More often times than not, citizens might not be able to enjoy these rights for one reason or another, particularly where the government is reneging on performing their constitutional obligations to provide. The NGOs have been very promising in their civic responsibility by assisting deprived citizens to claim social economic rights and services where it is apparent that the government and public servants have been found wanting in performing their constitutional responsibilities to delivery of public services as prescribed by the law. They have been doing these by sensitizing, educating and informing the deprived citizens on their rights and that they have constitutional entitlements to the rights, writing petitions and lodging complaints with the appropriate Departments that should perform the services. If all these measures fail then institute actions in courts for the enforcement of the rights to socio-economic rights and services.

PUBLIC SERVANTS, SERVICE PROVIDERS AND THE RIGHT TO SOCIO-ECONOMIC RIGHTS AND SERVICES

According to the UK House of Commons (2008) report the concept of right to socio-economic rights and services means putting people first and ensuring that citizens receive basic services provision and service quality. It involves giving much greater prominence to service users and discourages the public servants and service providers taking advantage by engaging in various corrupt practices which would, in most cases, drastically lead to non-delivery or shoddy delivery of services to the citizens. It also entails putting people at the centre of public services and enabling them to claim the standards of service to which they are entitled failing which it might result to enforcement and redress by the deprived citizens. This presents a landmark shift in thinking about how public services are delivered. The New Charter Programme in the UK Cabinet office in 1998 described public services thus:

We want public services that respond to the needs and wishes of people who use them on a daily basis which gives public servants the chance to show their dedication, enthusiasm and initiative and which work together to improve the communities they serve. We think it right that all public services-nationally and locally should set out clear standards of service and report on their performance should consult and involve their users in carrying out these tasks and should provide effective remedies when things go wrong

In South Africa, though majority of the people rely on provision of basic socio-economic services, indigent and previously disadvantaged population depend on and use, substantially these services because they do not have the where-withal to afford services provided by private establishments (Mckinley and Veriava, 2005). The categories of these people are poor and indigent patients, passengers, parents, pupils, benefit claimants and so on. They rely solely on these constitutionally guaranteed basic services that are based on constitutional ideals such as promoting and maintaining high standards of professional ethics; providing service impartially, fairly, equitably and without bias; utilising resources efficiently and effectively; responding to people's needs; encouraging citizen to participate in policy-making and rendering an accountable, transparent and development-oriented public administration (Mckinley and Veriava, 2005).

Recently, in South Africa, the DPSA (2003) guideline report indicates instances where services were provided but could not be accessible and delivered to the citizens who were supposed to benefit. The primary objective of the guideline is to ensure that there is a drastic improvement in and accessibility of services with the aim of:

Improving service delivery, especially services that have positive impact on the lives of the poor and marginalized people should be given priority by the Government this is because the citizens have high service delivery expectations and continue to demand better access to services

Other overarching legislative frameworks that seek to transform a culture of public service delivery from prescribing service packages to putting citizens at the centre of service delivery are the White Paper on the Transformation of the Public Service in 1995 (WTPS) Public Service Regulations of 1999 and 2001 (PSR). Accordingly, all government departments both national and provincial are compelled to align their service delivery mandates and service delivery improvement plans with the overall service delivery priorities of the government based on the needs of the citizens. These legislations require the provisions of effective and efficient service deliveries as such public servants are expected to meet the standard set for service delivery, the legislations defined expected outputs and targets and demand for deliverables based on the standards and target set, performance indicators are measured against international standards. More importantly, these legislations introduced monitoring and evaluation mechanisms and structure to monitor progress on a continuous basis. Other significant legislations that promote delivery of basic social economic rights and services are the Open Democracy Act in 2000, Promotion of Access to Information Act in 2000, Electronic Communications and Transactions Bill of 2002. These legislative frameworks are intended to give effect to the constitutional right of the citizen to have access to any information held by the state and binds government institutions to have information available and regularly updated to meet the changing needs of the citizens regarding delivery and making basic amenities available. It is pertinent to point out that remarkable effort is being made to some extent disseminate information on services. The government has put in place a strategy to achieve this through the e-Government Strategy in 2001. It seeks to promote the harnessing of innovative approach to make service as well as information on services within and across government departments more accessible in an integrated

manner, particularly to people in under-served areas. These include e-Government Services, Electronic Communications and Transactions with public/private bodies, Institutions and Citizens and Development of Electronic Transactions Services which are responsive to the needs of citizens and consumers. This initiative provides for the progressive increase of access to public services and promotes efficient administration and good governance in the public sector. There is also the White Paper on Transforming Public Service Delivery in 1997 and Public Finance Management Act in 1999; these legislative prescripts cover the creation of a culture of accountability, openness and transparency in public administration. The PAJA prescribes that in order to give effect to the right to procedurally fair administrative action, the public should be consulted. It also emphasizes the citizens' rights to redress, emphasizes accountability in public administration and advocates value for money in procurement of goods and services within the public service. In this regard, the act prohibits fruitless, wasteful and unauthorised use of public funds.

EXPLAINING THE ENTITLEMENTS OF BASIC SERVICE RECIPIENTS

Social-economic rights and entitlements to basic services connote that citizens should receive and benefit from these services such as schools, hospitals, the police and other statutory agencies. If they do not receive these services, they have the right to seek redress via an ombudsman, public protector and the courts (Hildyard, 2010). In South Africa, the concept of the state guaranteeing certain basic services outcome is well articulated in the preamble of the constitution which recognized the injustices of the past and provides that South Africa belong to all who lived in it and are entitled to socio-economic rights and services. The reason for this is to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights improve the quality of life of all citizens and free the potential of each person. Section 2 explicitly stipulates that the constitution is the supreme law and imposes obligations on the government to fulfill them. Constitutionally speaking, the citizens are entitled as a matter of right to basic services and the government is under obligation to provide them. Take for instance, the right to housing is provided for in section 26 while the right to healthcare, food, water and social security are well articulated in section 27. These rights are inherent and inalienable because they are fundamental human rights. Therefore, the state is obligated to provide adequate housing, health care, food, water and social security to

everyone especially the indigents and the historically disadvantaged population. For instance, the right to have access to housing is guaranteed by virtue of section 26. The significance of this is that the government is restrained from evicting people living in slums, shacks and illegal buildings except if they provide them with alternative shelter or relocate them to more suitable houses. PIE and Jurisprudence in South African courts reinforce these entitlements.

Similarly, basic service recipients are protected under the constitution by outlining their rights such as the right to fair treatment by government, the right not to be unfairly discriminated against, the right to information on matters that concern them and the right to be treated with dignity. Deprived citizens can invoke or call in aid, in addition to the provisions of the constitution, there are numerous Acts of Parliament which make these rights real and practical in case of violation or failure to provide or render services by public servants. The first in the series is PAJA which obligates the government to act fairly when it takes decisions that affect citizens and gives citizens the right to ask for written reasons for decisions that have been made and allows for citizens to appeal any unfavorable decisions. The second Act is the Promotion of Access to Information Act (PAIA) which gives the citizens the rights to have access to information that affect them. The third is the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) which categorically provides against unfair discrimination based on the grounds of race, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language in any form.

While it is conceded that there are various provisions in law to safeguard rights and entitlements to public services, it is equally important to mention that the services these laws contemplate should be of quality and dignifying as these are the keys to fulfilling the constitutionally guaranteed rights to basic social-economic rights and services. There have been series of numerous examples of various shoddy, poor, inefficient, ineffective, debasing, demeaning and dehumanizing services being provided by the government, service providers and public servants without any sanction or reprimand, this is because those who are supposed to enforce due process and oversights have compromised their positions. Whereas, the citizens' rights and entitlements to these services entail that the rights in the Bill of Rights must be implemented and performed in accordance with section 41(1)(b)(c) which mandates all the spheres of government and all organs of state within each sphere to secure the well-being of the people of the

republic, provide effective, transparent, accountable and coherent government for the republic as a whole. The principles of co-operative government and intergovernmental relationship impose a positive obligation on the three spheres of government and by inclusions the service providers and contractors to ensure that whatever services they are asked to provide and render should be undertaken and carried out in a responsible way. Anything contrary to this will undermine the purport of the Bill of Rights in the constitution. Successful redress in the court by a deprived citizen might lead to the enforcement of the right. Definitely, this will result to a further strain in tax payers' money.

In the UK, entitlement to services is defined as an ever more prominent mechanism for ensuring the quality of service delivery and the individuals have enforceable entitlement over the services they receive (Hildyard, 2010). There is also a document which highlights the right to a general health check-up every 5 years for 40-74 years olds and an entitlement to surgery within 18 weeks of referral as a centerpiece of this new approach (HM Government, 2009). There are other policy initiatives based on entitlements such as the Policing Pledge and the provision of free nursery places for all 3 and 4 years olds. The focus was on delivering concrete and recognisable outcomes that gave users a clear understanding of what they could expect from public services. These initiatives strongly endorsed public service guarantees and drew heavily on the example of John Major's Citizen's Charter Public Administration Select Committee, From Citizen's Charter to Public Service Guarantee in 2008 which a potential model for the government of today attempted to legally enshrine certain public service entitlements in a single government document. South Africa can learn from these useful and encouraging initiatives in order to strengthen the claims and entitlements to basic and quality public services.

OBSTACLE TO CITIZENS' RIGHTS AND ENTITLEMENTS TO BASIC SOCIO-ECONOMIC RIGHTS AND SERVICES

It is apposite to mention that there might be instances where the government has provided basic public services but the beneficiaries are unable to access these services. Failure to access is therefore regarded as an obstacle to the right and entitlement to public services. Interestingly, the Department of Public Service and Administration Guideline on Improving Geographic Access to Government Service Points January has recently conducted a research into the concern of obstacles to prompt an effective service delivery and thereafter

published a guideline on how best to positively deal with the situation and the way forward. The guideline identified that people in South Africa often face great inconvenience and travel long distances to obtain the services and information they need from government. They are also often required to visit more than one service point to access related government services.

Similarly, it is common knowledge that citizens have for sometime been deprived the satisfaction of enjoying convenient and seamless services offered by government departments. This can be attributed to amongst other things, failure of the public service to advance the values of the peoples' contract; lack of knowledge by citizens about their rights and entitlement regarding services; failure of the public service and its officials to promote the concept of people first as their administrative watch words and access to courts especially by the indigents and the poorest of the poor to enforce and seek redress.

Having recognized some of these problems, there is need to ensure that drastic measures are taken to improve access to services, develop standards for services being provided and to remove barriers that decrease access. Some of the measures proposed are to get public servants to be service orientated, to strive for excellence in service delivery and to commit to continuous service delivery improvement. Consequent upon this, the citizens will be able to hold public servants accountable for the level of services they deliver (Batho P). In so doing, this will foster the culture of delivering services by putting citizens at the centre of public service planning and operations. It is an all inclusive measure that seeks to include all citizens in the scheme of things for the achievement of a better-life-for-all through services.

Poor performances of public servants and service providers abound because of unsatisfactory and deteriorating services. Civil service is characterized by inefficient, ineffective, corrupt, unaccountable, irresponsible, unproductive establishment. Although, various reforms have been going on since late 60s culminating into the pervading administrative reforms of 1970s and the World Bank promoted structural adjustment programmes of 1980s and to the UN, UNDP sponsored programme of good governance of the 1990s, the level of services. Despite this, the level of service delivery continues to deteriorate and very poor. This is exacerbated by inadequate supervision of public agencies and lack of initiative by citizens to demand better services from such agencies (Paul S and Sekhar S). This may be attributable to political interventions and meddling in the affairs of professional public servants by political big wigs.

REMEDIAL ACTIONS FOR FAILURE TO PROVIDE BASIC SOCIAL-ECONOMIC RIGHTS AND SERVICES

The constitution provides for remedial measures against failure to provide basic amenities. The constitution empowers and confers jurisdictions on the judiciary to preside over transgression of constitutional provisions on right to basic services. An aggrieved citizen can institute an action in court to enforce the right to basic services. Consequently when faced with violation or a breach of this right, it is the right and responsibility of the victim to seek redress against the violator as this is consonant with the principle and concept of holding the violator or abuser accountable. Remarkably, the constitution and other legislative frameworks have provided for various avenues to complainants and victims on where they could seek redress and enforce their fundamental rights to public services where it is apparent that there have been neglect, deprivation and non-delivery of basic and essential public services.

By virtue of section 38 of the constitution, anyone has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened and a court may grant appropriate relief including a declaration of rights. Section 39(2) compels courts to promote the purport, object and the spirit of the Bill of Rights. Citizens can invoke this provision to compel the government and its officials to provide and perform services.

It is important to mention that deprived citizens are usually the poor and indigents in the society. Accordingly, they might not have the financial means to seek redress and enforce their rights. The NGOs have been pro-active in instituting actions in courts on behalf of the poor and vulnerable. Sometime, NGOs would engage on consultation and presentation to the affected public department and sensitise them on the need to provide as provided in the relevant instruments. The roles of the NGOs are therefore significant in the fight against failure to provide basic services.

CONCLUSION

The constitution recognises social-economic rights and provides for various ways by which the rights should be enjoyed. In terms of public service delivery, the constitution mandates that citizens are entitled to the rights. Despite various human rights norms and standards supporting the realization of these rights, the people who are entrusted to implement and perform by delivering social-economics good and services have failed woefully

to deliver. Non-delivery is threatening the entitlements and instead of rights, they could be considered as entitlements. Citizens do not really have right to these services. They are now considered as privileges and are usually enjoyed by the privileged few. Various measures and strategies that have been put in place to ensure access to basic services are welcome. But this would only materialize effective if there are sanctions against non-delivery.

RECOMMENDATIONS

State and the officials are enjoined to put the users of basic services at the heart of public service delivery. Feedback from the service users are very significant in order to measure and monitor the standard of services provided. This standard should be based on user-focused measures including but not limited to, user satisfaction. Public servants are encouraged to welcome complaints as an opportunity to improve service and to deal with complaints so that weaknesses can be remedied quickly for the good of the citizen. Accountability and probity of governments and its officials are also of utmost importance because they promote good governance and uphold the rule of law culminating in the delivery of public services to the citizens.

Public service entitlements should be an integral part of policy discourse because this is where recipients' complaints and concerns are well felt. This is important because it is the citizen as end-user who judges whether or not an entitlement has been fulfilled and therefore, decides whether a public service is meeting the requisite standards. In South Africa, there is an absolute lack of delivery of services in all sectors. Recipients are being denied these services on a daily basis by various departments that have been mandated to do so.

To achieve this, it is recommended that there should be a proposal for setting entitlements to minimum standards of public services and propose that a set of

public service guarantees be created to allow people to claim their rights to agreed standards of public service provision.

Also, there should be setting up of public accountability commission the aim of which is to ensure that public services were responsive to the citizens they served.

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