

Editorial

The majority of people in the Global South lives in poverty and has no – or only insufficient – access to basic social protection systems. According to the data of the International Labour Organization (ILO), “only 20 per cent of the world’s population has adequate social security coverage and more than half lack any coverage at all”.¹ While many academic debates have focused on the economic, political and sociological aspects of this global problem and much has also been written on social rights in general, this special issue wants to shine a more focused light on the protection not of social rights in general but on the right to social security in particular. It presents five in-depth case studies on India, Brazil, South Africa, Ghana and Vietnam as well as an analysis of the overarching international human right to social security, analyzing the often highly innovative but also contentious ways in which countries in the Global South are deploying the law to protect basic needs and produce social change.

There are several legal layers to be considered in this context. There is of course the international legal framework: Apart from the basic ILO obligations and the social protection guarantees laid down in global and regional conventions on human rights, a considerable number of recommendations of international development organisations and other *soft law*-documents provide further authoritative orientation both for drawing up new and for reforming existing social protection systems. In recent years, the subject has been discussed intensively on the international level because the global economic and financial crisis has emphatically demonstrated the urgent need for some kind of social protection for all people around the globe. Outcomes of this debate are, among others, a new Communication of the European Commission on social protection issues in EU development cooperation, the revised *Social Protection and Labor Strategy* of the World Bank, and the *Social Protection Floors Recommendation* of the ILO.

Even more dynamic and innovative, but much less studied is the domestic plane. Most constitutions in the world include – explicitly or implicitly – the right to social security, and nearly all countries have social protection systems established by statute and parliamentary laws. Be it the Bolsa Família program in Brazil or the Mahatma Gandhi National Rural Employment Guarantee Act in India, to name only two examples, there is a whole new wave of domestic legislation that is attempting to put the human right to social security into more concrete, more tangible legal forms, often using highly innovative mechanisms. It is these attempts that the current issue of “Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America” studies, providing insights both into the efforts of five countries on three continents (Brazil, Ghana, India, South Africa and Vietnam) to reform the ex-

1 <http://www.ilo.org/global/topics/social-security/lang--en/index.htm>

isting protection schemes or even to set up new systems and into the general political debate on the relevance of social security law for the development process.

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