



Boschendal Declaration on Mainstreaming Social Justice in Economic Policy Design and Law Reform

Adopted on 12 October 2021 at the Boschendal Conference Centre, South Africa, at the 3rd Annual Social Justice Summit titled 'Social Justice, Economic Equality and Peace – A New Socio-economic Pathway for South Africa and the Continent'

Hosted by the Law Trust Chair on Social Justice at Stellenbosch University
and the Council of Social Justice Champions

We, the participants of the 3rd annual Social Justice Summit, gathered at the Boschendal Conference Centre and drawn from stakeholders representing legislators and other policymakers, judicial officers, civil society, business, lawyers, academics and international stakeholders from various continents:

Reaffirm our commitment to our shared humanity as anchored in the Constitution and its vision of healing the divisions of the past and establishing an egalitarian society that is based on democratic values, social justice and fundamental human rights by discarding the legacy of colonialism, apartheid, patriarchy, xenophobia, heteronormativity and related injustices of the past and emerging injustices.

Believe that South Africa belongs to all its people and that the country has enough room and resources for all to rise to the level of the great potential of all persons and improved quality of life in a society based on human dignity, the achievement of equality and expanded frontiers of freedom for all without discrimination on any of the grounds in the Constitution, the African Charter on Human and People's Rights and the Universal Declaration on Human Rights, among others.

Note with deep concern that the Covid-19 pandemic, which has cost millions of lives, particularly those of the poorest in the world, has exposed the unconscionable scale of social and economic disparities and left certain groups in societies severely exposed to heightened social and economic hardships, including food security disruptions,

Believe the freedom to thrive socially and economically, in equality with others, is the birthright of every man, woman or person in the continent and the broader world, yet many remain bound in chains of poverty, inequality, hunger, unemployment and various forms of social exclusion, including education and digital exclusion,

Are Convinced that deepening poverty, hunger and inequality pose a threat to social cohesion, peace, stability and the rule of law, while undermining sustainable development and resilient economic growth and that there is an urgent need to make meaningful progress in addressing these disparities in line with the Global Sustainable Development Goals (SDGs),

Reaffirm our commitment to the resolutions of the Inaugural International Social Justice Conference which took place at the Hazendal Conference Centre in 2019, among them the endorsement of the Musa Plan for Social Justice (Social Justice M-Plan), a Marshall Plan-like initiative dedicated to advancing social justice in South Africa; acknowledgement of the threat that social injustice poses to sustainable development, social cohesion, peace and stability; and seizing the catalytic opportunity presented by the Sustainable Development Goals (SDG) Agenda for Change and the opportunities available for multidisciplinary academic research to catalyse progress towards reaking the back of structural inequality and end poverty by 2030,

Further reaffirm the link between social justice, human rights and peace and specifically the grounding of social justice in international and regional human rights treaties, such as the Charter of the United Nations (UN Charter), Universal Declaration of Human Rights, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Rights of the Child (CRC), African Charter for Human Rights, Maputo Protocol and subsidiary human rights and social change instruments,

Encouraged and inspired by the concrete social justice commitments and Programme of Action in the Copenhagen Declaration and Programme of Action of 1995, the SDGs adopted by the UN in 2015 as a universal call to end poverty, advance equality, foster resilient communities, protect the planet and ensure that all people enjoy peace and prosperity by 2030, the Continent's Agenda 2063 and the progress the country has made on the social justice imperatives that emerge from these and the Constitution,

Affirm that the Constitution imposes a duty on the Government to advance equality with a focus on equal enjoyment of all rights and freedoms including the right to equality in all aspects of the economy, and the collective responsibility of all sections of society to advance social justice, particularly regarding social and economic parity while being mindful of the interconnectedness and indivisibility of human rights and freedoms,

Are encouraged by progress made since the Inaugural International Social Justice Conference, including experimental research and development work aimed at ensuring equality conscious law reform and policy design, which includes the Social Justice Impact Assessment Matrix (SIAM) that is being piloted at Swartland Municipality in South Africa to assist governments, businesses and courts, to mainstream social justice impact considerations at the design stage to ensure planned legislation, policies and programmes are attuned to diversity and do not have a disparate impact on disadvantaged groups and make informed policy choices that eschew any unintended impacts that exacerbate poverty and inequality.

But note that insufficient progress has not been made with regard to mainstreaming poverty impact considerations in the design of policies, a reality that has been exposed very clearly by the regulatory responses to COVID-19, which although well intended, had a disparate impact on the poor and other disadvantaged groups and communities, including women, young people, small business and township and village socio-economic systems,

Note that not enough attention has been paid to the relationship between economic policy design and well-being, including human development, environmental justice and mental health,

Note further that many of the COVID-19 fiscal relief packages were insufficiently designed to meet the needs of diverse affected groups in society, while in parts of the continent, arbitrary and unduly excessive measures were employed in the enforcement of laws and other measures aimed at containing the COVID-19 pandemic, with poor and other disadvantaged groups bearing the brunt of such executive exercise,

Encouraged by the ubuntu shown by ordinary people, organisations such as the Solidarity Fund, Gift of the Givers, the corporate sector and government agencies in responding to many of the humanitarian needs arising from either COVID-19 or the regulatory impact thereof,

Encouraged by government's willingness to collaborate in piloting social justice impact foresight research that seeks to assist governments, businesses and courts to leverage sufficiently disaggregated data to predict the likely impact of planned legislation, policies and programmes on diverse groups in society and make informed policy choices that eschew any unintended impacts that exacerbate poverty and inequality.

We hereby resolve to:

1. Recommit ourselves to the Social Justice M-Plan and to scale and fast-track its key result areas (1. Social Justice-resonant policies and law: Empower policy- and law-makers to leverage data analytics to catalyse social justice and SDG responsive law and policy reform; 2. Social accountability and social cohesion: Foster social accountability and social cohesion through legal, human rights and democracy awareness and empowerment initiatives; 3. Resource Mobilisation: Mobilise societal, corporate and international support and resources towards accelerated reduction of poverty and inequality by 2030; and 4. Strengthened Democracy: Encourage ethical and democracy-attuned leadership among all and contribute to building a strong capable state) and the Programme of Action adopted at this summit,

2. Collaborate in conducting research that helps government, businesses and societal institutions as well as communities to seize the opportunity created by Covid-19 rebuilding endeavours, to deepen social justice research, innovation and teaching, strengthen collaboration across disciplines and sectors between academic institutions, broader civil society, business and government, including combining law-making with design thinking, engineering and data science,

3. Scale efforts aimed at advancing social justice through incorporating design thinking and systems thinking in law reform, policy design as well as the design of services and products in a manner that meets all groups and communities where they are while consciously advancing economic and other forms of equality and working towards ending poverty by 2030 and assisting government, business and courts to mainstream social justice through impact foresight tools such as the SIAM,

4. Promote greater constitutional accountability for socio-economic inclusion and participatory democracy as well as social accountability through actions that include conducting constitutional literacy, legal literacy and economic literacy, while promoting greater transparency in government economic policy design processes and enhanced access to justice through courts and other forums,

5. Collaborate on a Model Equality Duty Law to assist governments to adopt a law or integrate it into existing law, a requirement for the certification of compliance with the social justice or equality duty, before any law, policy or programme is passed and assist with a model law to facilitate this process taking into account the lessons from and continued responsibility to advance gender mainstreaming and children's rights, while mindful of all intersectional inequalities,

6. Collaborate to support a Covid-19 rebuilding better together agenda in the continent that transcends the binary focus on health and the economy and includes social well-being imperatives such as education, mental health, food security, climate change and digital inclusion while fostering a deliberate implementation of the SDGs and Agenda 2063, with all-hands-on-deck in fostering resilient communities, shared prosperity and peace in the constituent countries and the continent,

7. Collaborate in fostering a climate of friendship and a culture of shared humanity through embracing social justice, respect for human dignity, embracing diversity and fostering social cohesion and peace in the continent,

8. Collaborate to assist the government to place investment in people and value to society at the centre of all investment policies and endeavours and constantly monitor the country's Gini-co-efficient and the impact of all policies on South Africa's position on the Human Development Index and periodic progress on Agenda 2063 targets and the SDGs,

9. Engage in interdisciplinary collaboration to design and implement research and capacity-building programmes aimed at reinforcing state capacity for ethical leadership, good governance, and anti-corruption to improve responsiveness, accountability and broader checks and balances,

10. Promote the prioritisation of the realisation of social justice through economic redistribution and economic parity, ensuring active public participation in budgetary processes to achieve a constitutionally resonant budget that is informed by mainstreaming gender and intersectionality considerations, such as gender-based violence, child abuse and child marriage/adoption, to remove social barriers to women and young people's economic participation.

***** The Programme of Action will be annexed as soon as an agreement is reached.**

Issued by

The Law Trust Chair in Social Justice

Stellenbosch University

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