MUSA PLAN FOR SOCIAL JUSTICE

Social Justice M-Plan

Summary Report of Expert Round Table

Hosted by Law Trust Chair in Social Justice

Stellenbosch University – 27 October 2018

UNIVERSITEIT IYUNIVESITHI STELLENBOSCH UNIVERSITY 100 1918 · 2018

saam vorentoe · masiye phambili · forward together

SMP Social Justice M-Plan

DESIGNED BY LexisNexis®

Table of Contents

Project leader: Professor Thuli Madonsela (Law Trust Chair in Social Justice, Faculty of Law, Stellenbosch University)
Assisted by Ms Marna Lourens (Project Manager and Researcher: Law Trust Chair in Social Justice, Faculty of Law, Stellenbosch University)
November 2018 | @CFSJ_MPlan | socialjustice@sun.ac.za | Social Justice M-Plan | +27 (0)21 808 3186

INTRODUCTION

The Law Trust Chair in Social Justice hosted the inaugural Social Justice Expert Round Table in Stellenbosch on 27 October 2018. Approximately 120 experts from several universities and non- governmental organisations (NGOs) attended this ground-breaking interdisciplinary gathering of social justice experts, practitioners, and advocates. The diverse disciplines represented at the event included law; mathematical sciences; medicine; science, engineering and technology (SET); geography and social sciences; politics; psychology; and economics. Some of the experts came from as far as the United Kingdom and Dubai.

The purpose of the expert round table was to engage researchers and activists involved in social justice with a view to establishing a basis for collaboration and to establish a social justice think tank to help Government accelerate progress towards socio-economic inclusion and related shared prosperity as part of anchoring democracy and the rule of law. In harnessing the wisdom of experts, the validity of the assumptions behind the project proposal could be tested as a first step towards refining and validating the conceptual framework for the project. Consequently, the focus was on creating a basis for collaboration on social justice research; and on reaching a consensus on pilot sectors and key issues within these emerging priority sectors, so as to identify the way forward.

Professor Thuli Madonsela, Law Trust Chair in Social Justice, Stellenbosch University, and founder of the Thuma Foundation, an independent democracy leadership and literacy social enterprise, introduced the Musa Plan for Social Justice (Social Justice M-Plan) at this event. The Social Justice M-Plan is a type of 'Marshall Plan' aimed at accelerating the advancement of social justice, focusing on zero poverty and equalising opportunities in South Africa by2030, as envisaged by the National Development Plan (NDP), Agenda 2063 and the United Nations Sustainable Development Goals (SDGs).

The theory of change underpinning the Social Justice M-Plan is that poverty and inequality operate exponentially. Accordingly, if poverty and inequality are not arrested significantly, they are bound to increase rather than decrease. Moreover, addressing poverty and inequality requires a systems approach because they are structural issues, the anchors of which can be compared to epidemics. The theory of change posits that, in addition to a systems approach, high-impact investment initiatives aimed at breaking the back of poverty and inequality is required. Government would also have to abandon its one-size-fits-all policies as those people who are already on the margins, principally as a result of the legacy of the past, end up falling through the cracks. The growth of poverty is primarily the result of massive losses due to diversity-unconscious mainstream policies that adopt a one-size-fits-all approach. These losses offset any gains made through special programmes. The fact that anti-poverty and anti-inequality investment is too small to prevent the exponential growth of existing disparities compounds this result.

The main focus of the Social Justice M-Plan is to help the government and other decision-makers leverage data analytics and thence to make better decisions. Impact-conscious policies are required that highlight the social impact of current patterns of inclusion and exclusion. Even without corruption, maladministration and related governance failures, the government alone cannot successfully remedy the apartheid legacy of structural inequality and poverty. Consequently, the Social Justice M-Plan is aimed at identifying the sectors where social injustice is most prevalent so as to prioritise and focus our efforts.

Key Result Areas of the Social Justice M-Plan

1. Enhance state capacity to pass laws that reduce poverty and inequality through leveraging data analytics.
2. Mobilise societal and corporate resources to contribute meaningfully to funding accelerated reduction of poverty and inequality by 2030.
3. Foster social accountability in government fiscal planning and expenditure by leveraging technology and people engagement as the eyes and ears of government.
4. Leverage international relations to promote support for the Social Justice M-Plan.
5. Sponsor a national drive to heal the divisions of the past embodied in inherited social relations.

STRUCTURE OF THE EVENT

The Social Justice Expert Round Table was a full-day conference divided into three sessions. Justice Dunstan Mlambo, Judge President of the Gauteng Division of the High Court, delivered the keynote address. He argued that the judiciary could do more with regard to proactive infusion of the constitutional vision and precepts in its work, rules and policies. His address was followed by presentations by social justice experts from diverse disciplines, among them Professor Ben Turok and Professor Madonsela, who presented an overview of the Social Justice M-Plan.

The presentations focused on diverse causal and influencing factors of social justice as it is reflected in structural inequality and poverty and compounded by generational social immobility. The presentations were followed by five parallel round-table conversations on selected themes.[1] Rapporteurs chosen from the various groups provided feedback as a way of taking the conversation and action beyond the walls in a session aptly entitled 'Breaking the four walls'. Dr Leslie van Rooi, Senior Director: Social Impact and Transformation, acted as Programme Director during the course of the event.

[1] Copies of papers are available on request from socialjustice@sun.ac.za.

SUMMARY OF DELIBERATIONS

Session 1

Welcome address by Professor Nicola Smit, Dean of the Faculty of Law

Professor Nicola Smit, Dean of the Faculty of Law at Stellenbosch University, welcomed all the social justice experts in attendance, noting that they had come from diverse places and thanked them for appreciating the importance of social justice and for their commitment to playing a part in advancing it.

She explained that her predecessor, Professor Sonia Human, and Vice-Rector: Social Impact, Transformation and Personnel Professor Nico Koopman, had approached Professor Madonsela to join Stellenbosch University because of their firm belief that together they could make a change and in turn help other people make a positive change in our beautiful country. She said, "Since then we have come to understand that social justice should be embedded in everything that we do and this is an attempt. This is a start for us as the Faculty of Law and the Law Trust Chair in Social Justice to pursue such an ideal".

Professor Smit reflected on the themes and complexities of the problem and pointed out that a multifaceted response was required. She opined that facilitating inclusion requires development with appropriate supporting measures to combat poverty, inadequate service delivery, corruption and monopolies. She went on to say that "A greater understanding of democracy is necessary and the challenge lies in identifying our role in this initiative".

Keynote address by Judge President Dunstan Mlambo

Justice Dunstan Mlambo, Judge President of the Gauteng Division of the High Court, delivered the keynote address. The address highlighted the constitutional vision of social justice, which includes the achievement of substantive equality, and the important role of the judiciary in bridging the gap between that transformative vision and the reality of structural inequality in our society. He stressed the importance of meaningful access to justice for the disadvantaged and that judges ought to use their power legitimately and proactively to advance social justice. 'South Africa's Constitution is a bold and progressive social contract … it is a forward-looking, living document. The preamble of our Constitution lists social justice as one of the pillars of a transformed South Africa. It lists it alongside democratic values and fundamental human rights …'.

Justice Mlambo explained that the judiciary, as the third arm of government finds its mandate in the Constitution; and has as its main responsibility adjudication, which includes interpreting and policing compliance with the Constitution, especially the Bill of Rights. Thus, among the Judiciary's key responsibilities of checking and balancing the executive and the legislature is ensuring the realisation of socio-economic rights, which is critical to the enjoyment of the promise of democracy. He reminded participants that the judiciary pursues its role guided by the transformative ethos of the Constitution and mindful of the importance of the separation of powers by which the state's power is divided between the legislature, the executive and the judiciary. He pointed out that the judiciary had embraced its role diligently and made a difference in the process, mentioning cases such as the so-called TAC cases that brought HIV/AIDS treatment to the forefront; the Grootboom case that affirmed the right of access to housing; and the Al-Bashir–ICC arrest warrant case, as examples of judicial excellence in the pursuit of social justice and related rights.

However, Justice Mlambo observed that the courts could do more to breathe life into the constitutional promise and social justice vision of society. He advised that courts would have to transcend their reactive paradigm and proactively correct injustices within their legitimate remit. This requires out-of-the- box thinking. As an example, he referred to the work his court is doing to acknowledge and address injustices in foreclosure processes that involve the auctioning of homes of bond defaulters. He observed that, although apparently neutral, such proceedings have a disproportionate impact on the poor and that, given the fact that the majority of the poor are black and the majority of black people are poor, the

impact of these decisions amounts to indirect racial discrimination and thus perpetuates and exacerbates the legacy of the past. In contrast, the transformation work that his team was driving was an example of the judiciary taking full advantage of section 173 of the Constitution, which states that the courts have the prerogative to fashion their processes to ensure greater efficiency.

In conclusion, Justice Mlambo congratulated Professor Madonsela for embarking on this journey: 'I want to say it upfront, whenever you need my assistance, my input, no matter how minimal of value it can be, my door is always open … [S] hould you require my involvement, my engagement, my views, I may have unimportant, very simplistic views about things, but make sure that you can knock on my door, I would open it and we will talk.' He explained that the transformation work his team was driving was an example of the judiciary's taking full advantage of section 173 of the Constitution, which states that the courts have the prerogative to fashion their processes to ensure that they become more efficient. He also mentioned that legal fees, which are a serious barrier to access to justice to many South Africans, particularly poor people, are another pressing social justice issue requiring urgent collaborative action.

Justice Mlambo congratulated Professor Madonsela and her team for embarking on this journey: 'I want to say it upfront, whenever you need my assistance, my input, no matter how minimal of value it can be, my door is always open … [S]hould you require my involvement, my engagement, my views, I may have unimportant, very simplistic views about things, but make sure that you can knock on my door, I would open it and we will talk.'

Address by guest speaker Professor Ben Turok

Former anti-apartheid activist, economics professor, and Member of Parliament, Professor Ben Turok addressed the round table on the state of social justice in South Africa and its implications for democracy. He highlighted that income inequality in South Africa was not only the highest in the world, but that wealth inequality was much worse and increasing rapidly.[2]

He emphasised that without socio-economic change, our society will not be free from poverty and inequality. We need to propagate social justice in a grossly unequal society as political freedom without economic freedom does not work. In this instance, he explained that inequality in life chances is a moral problem and also a matter of the structure of society. Consequently, the social justice movement should pay attention to the issue of exclusion because exclusion is the bedrock of the inequality that we as a nation suffer from.

Professor Turok submitted that part of the problem lies in the South African government's economic policy of fiscal discipline rather than development.[3] He explained that fiscal discipline was important, but should happen within a clear economic framework built in line with constitutional objectives. This is also the approach followed by the World Bank, which has confirmed that sustainable economic development can be guaranteed only if decisive action is taken to end poverty and socio-economic exclusion.

[2] Professor Turok referred to research by Anna Orthofer, who did her PhD at Stellenbosch University, as well as Professor Ingrid Woolaard, Dean of the Faculty of Economics, that has shown that income inequality in South Africa is the highest in the world, with a Gini coefficient of 0,65, but that wealth inequality is much worse, with a Gini coefficient of 0,93. It is therefore important to understand both wealth inequality and income inequality. While the wealth inequality in South Africa is striking, what is even more worrying, according to Professor Woolaard, is the rapid increase of the top 1% of incomes.

[3] He drew attention to Professor Sampie Terreblanche's papers by pointing out that the South African government in 1994 adopted a policy of fiscal discipline and not of development

Introduction to the Social Justice M-Plan by Professor Thuli Madonsela, Law Trust Chair in Social Justice

Professor Madonsela presented an overview of the Musa Plan for Social Justice, which has come to be known as the Social Justice M-Plan. She explained that the essence of the Social Justice M-Plan is to equip decision-makers with tools to assess the unintended social justice impact of diversity- blind policies. Consequently, the Social Justice M-Plan aims to entrench a culture of planning with disaggregated data so that whether a policy will reduce or exacerbate poverty and inequality can be assessed before the policy is implemented.

She thanked the University for approaching her towards the end of her seven-year term as Public Protector to offer her the Law Trust Chair in Social Justice. She singled out Professor Human, Dean of the Faculty of Law at the time, and Professor Koopman, Vice-Rector: Social Impact, Transformation and Personnel, who approached her as emissaries of the late Rector and Vice-Chancellor Professor Russel Botman. She explained that the Social Justice M-Plan formed part of the University's current strategic plan, specifically of its commitment to contribute positively to social change in pursuit of constitutional objectives. She credited her year at Harvard as an Advanced Leadership Fellow, and the feedback she had received from stakeholder consultations both in and out of the country during that time, for helping her flesh out what has become the Social Justice M-Plan.

Professor Madonsela explained that the intention is to implement the Social Justice M-Plan as a collaborative venture with fellow universities and other key stakeholders involved in the pursuit of social justice. The Social Justice M-Plan is a Marshall Plan of sorts, and was modelled on the American post-World War II European Recovery Program. It seeks to 'marshall' intellectual and material resources in civil society to catalyse action and accelerate the ending of poverty and reduce structural inequality by 2030, as envisaged in the NDP, Agenda 2063 and the SDGs. At the core of the approach is entrenching policy-making that is conscious of its impact on social justice, and mobilising civil society resources to augment the funding of high-impact SDG and NDP initiatives aimed at ending poverty and equalising life opportunities by 2030, while also combatting corruption and maladministration in government processes and healing the divisions of the past.

Professor Madonsela further explained that "[T]he Musa Plan honours the life of Palesa Musa, a real person. She was arrested at the age of 12 on 16 June 1976, and subsequently harassed, which disrupted her education … [T]oday, although she works very hard selling cosmetics, she's poor … Some days she goes without any food". When she met Palesa, Palesa's child was also at risk of not obtaining a tertiary education and was likely to end up poor.

Women who attended a Democracy Dialogue on 'Women Healing the Divisions of the Past', hosted by the Thuma Foundation on 9 August 2017, suggested the name 'Musa Plan'. Palesa Musa (like many other poor people) told her life story and said, "[W]e fought for freedom, but got democracy. In democracy, poverty is the new pass which limits our movement the way pass laws did". Consequently, the women at the dialogue adopted a 'Constitution Hill Declaration' committing themselves to the midwifery of a new world where social advancement is based on talent, self-exertion and human solidarity and where no one would be left behind because of the impact of accumulated social disadvantages for some and accumulated social advantages for others.

Professor Madonsela pointed out that Palesa Musa was one of the 64,2% of black people legally classified as 'African' in a country where poverty across racial groups is at 55,5% but, among white people, is at 1%. There is a 90% chance that children born into poverty will also end up being poor, which perpetuates the cycle of poverty and undermines social mobility. She explained that poverty is a threat to democracy, the rule of law and ultimately peace because "as long as there is injustice somewhere there can't be sustainable peace anywhere".

Professor Madonsela further opined that people are increasingly hungry and angry (or 'hangry'), which makes them vulnerable to political demagoguery. She said that this explains why people supported a racially divisive 'dead-cat strategy' campaign launched by a now defunct United Kingdom company known as Bell Pottinger as soon as she commenced an investigation into alleged state capture during her final months as Public Protector. A divide-and-conquer campaign used racialised poverty and inequality to deflect attention away from the investigation with the aim of eventually delegitimising it.

On how the academy and broader civil society could add value to ensuring social justice, Professor Madonsela said that "[O]ur theory of change … is that when it comes to poverty and inequality there hasn't been an absence of political will … There's been a good constitution, laws, policies and initiatives … But there's certain things that have sabotaged the approach". Among factors sabotaging the achievement of social justice are a lack of awareness of the social justice impact of government policies and a lack of a systems approach in the making and implementation of public policy.

On social justice impact, Professor Madonsela mentioned the trend towards a digitalisation of services and its failure to consider the 'Gogo Dlaminis' who have no access to technological resources or skills. On systems thinking, while making reference to the example of inequality in the workplace, she stated that the government was mistaken in thinking that it could fix inequality in the workplace only through workplace interventions. She said that factors such as spatial injustices, and disparities in education, health and well-being have a deleterious impact on the pursuit of equality in the workplace. One cannot fix employment inequality without also fixing the rest of the system.

Whatever we do through special programmes such as women empowerment, disability empowerment, black empowerment and so on is offset by what is lost through the disparate effects of processes indifferent to their social impact. Current policy initiatives tend to focus on quantitative change or trying to fix numbers, but pay scant attention to changing mindsets.

Professor Madonsela explained that the Social Justice M-Plan also deals with the enormity of funding the transformation agenda and tapping into society's potential to contribute in this regard. She allayed fears about the loss of transformation resources through corruption and maladministration by explaining that public participation, in the form of social accountability, was part of the Social Justice M-Plan. She said that this would ensure that people are empowered with the knowledge and technology to participate in public service planning, budgeting and implementation monitoring processes to ensure optimal utilisation of public resources.

Moreover, Professor Madonsela noted that the Social Justice M-Plan seeks to integrate social justice efforts with fostering the leveraging of data analytics to ensure that social justice impact assessments precede all policy processes. The Social Justice M-Plan endeavour will include an assessment of existing laws and policies. A few laws, including the Promotion of Equality and Prevention of Unfair Discrimination Act and the Broad-Based Black Economic Empowerment Act, were being considered for the pilot phase.

Outputs will include technological tools such as 'apps' to help policy-makers implement policies in the virtual space, foresee the impact and then change and redirect it or incorporate a compensation strategy if the likely scenarios are undesirable. Regarding the feasibility of the approach, Professor Madonsela gave examples of similar work or theories of change, which, although small in scale, included the World Bank and the International Monetary Fund's (IMF) anti-poverty and inequality work. Regarding data analytics, she pointed out that data analytics are increasingly being used in medicine to predict and avoid an unwanted future.

She announced that the implementation of the Social Justice M-Plan will be supported by coordinating structures incorporating a steering committee, a council of social justice champions, a think tank, and a periodic summit. The first summit is being planned and participants will be informed about dates. She urged colleagues to join the think tank, which will provide a platform for social justice researchers and advocates to join forces.

Professor Madonsela concluded as follows:

> "Dear colleagues, Ethiopians have a proverb that says, 'When spider webs combine, they can tie up a lion'. What is our lion? It is poverty and inequality. To address these we have frameworks, which are the NDP, Agenda 2063, and the SDGs. The Social Justice M-Plan is about a bottom-up approach where we combine our spider webs to tie up the lion that is poverty and inequality by 2030."

Session 2

Professor Sope Williams-Elegbe of the Faculty of Law, Stellenbosch University, chaired the second session of the expert round table. The session consisted of introductions by various experts on five emerging priority sectors:

1. Social Justice Planning, Monitoring, Measuring and Funding Tools: Data – Dr Pali Lehohla (former Statistician-General) and Professor Josephine Musango (Complex Systems in Transition)
2. Education, Research and Training – Professor Nuraan Davids (Chair of the Department of Education Policy Studies, Stellenbosch University)
3. Health, Mental Health and Nutrition: 'Social determinants of health: Time for action' – Professor James Volmink (Dean of the Faculty of Medicine and Health Sciences, Stellenbosch University)
4. Economy – Dr Nyambura Mwagiru (IFR Senior Futurist: Africa and International Affairs Office Coordinator: Academic Programmes, University of Stellenbosch Business School) and Mr Lwazi Mahlangu (Acting Managing Director and Head of Research, Thuma Foundation)
5. Law, Justice and Governance – Professor Geo Quinot (African Public Procurement Regulation Research Unit, Faculty of Law, Stellenbosch University)[4]

[4] Summaries of panelists' presentations included at the end of this report.

The session concluded with five round-table conversations centred on three questions:

1. Is this an important sector?
2. What are the key issues in this sector that need to be addressed?
3. What are the recommendations for addressing social injustices in this sector and what is the way forward?

Session 3: Outcomes from five round-table conversations

Health

1. Is this an important sector?

- Health (including access to health care) is a fundamental human right. It affects economic development and growth.
- Our public health-care system too often provides 'poor services to poor people'.
- Mental health is a key issue nationally and is intricately linked to economic inequality.

2. Key issues?

- The sector's focus is on managing acute disease and trauma – we need to shift from a 'disease-care' system to a health-care system.

- Social and economic factors are leading drivers of disease and ill health.
- More attention should be given to providing mental health services within socially disadvantaged communities.
- Malnutrition is common and contributes to the double burden of undernutrition (stunting) and overnutrition (obesity). Both have long-term consequences for health and the development of human potential.
- There is a lack of resources, including legal assistance.
- The allocation of funds should favour home-care systems over facilities systems.
- **Recommendations?**
- **Training**
  - Training, especially in the field of mental illness, should be provided to prevent the escalation of lower-level problems that could be arrested or detected before escalating to a level of psychopathy.
  - Existing cultural resources can be utilised to implement relevant solutions.
  - This training will contribute to the proud heritage that also develops social equality through ubuntu.
- **Educate to prevent**
  - Improve primary health-care delivery focusing on health promotion and disease prevention.
  - Empower communities as an essential step to improving health.
  - Educate parents and caregivers on malnutrition and preventable diseases.
  - Educate and support patients and caregivers managing existing health problems, to improve outcomes.
- **Urge the government to:**
  - Improve people's living conditions to ensure better health, e.g. housing, sanitation, water, transport, employment, etc.
  - Rethink the allocation of resources within the health-care system.
  - Provide access to quality care, which is effective, efficient, and relevant.
- **Care for health-care specialists**
  - Health-care providers work under stressful conditions and need to be cared for in order to help others more effectively. Mental health is particularly important.
  - The availability of posts as well as the compensation should be adequate at all levels of providers of health care.
  - Attention should be paid to working conditions, including improvement in conditions within public health-care facilities.

Education

1. Is this an important sector?

- Yes, our children are our most valuable assets, and education can either exacerbate poverty and inequality or serve as an instrument of positive social change.

2. Key issues?

- Early childhood development (ECD) provides the foundation for further development for children from as young as two years of age.
- The South African Schools Act and its federated policy framework feed spatial injustice and perpetuate inherited class and racial disparities.
- **Recommendations?**
- Rethink resource allocation.

- Make education inclusive.
- Involve the parents more with parent-child education. Parents are often not present because of work responsibilities.
- Emphasise the importance of fathers in emotional development.
- Instil the values of inclusivity, integrity and other constitutional values.
- Motivate teachers.
- Highlight teacher responsibility in respect of social injustices.
- Align education with sustainable development priorities and leverage opportunities created by the Fourth Industrial Revolution to push the country into inclusive prosperity and to remedy existing disparities.

Law, Justice and Governance

1. Is this an important sector?

- Yes, the law is an important pillar of democracy and social justice.
- There is power in the legal profession. The issue is: where do we, as legal professionals, place ourselves?

2. Key issues?

- Governance is the key to achieving social justice.
    - Strengthen the relationship between law and governance.
    - Entrench data analytics as part of law reform and the adjudication process to ensure that no one suffers an unfair impact or is left behind.
- The meaning of democracy – laws are disconnected from the people, resulting in negative or unintended consequences and no access to justice.
    - The disconnection between laws and the reality of people's everyday experiences (lived realities) threatens the institutions of democracy (see Ben Turok's address).
    - Articulation of the levels of government – associate democracy with service delivery.
    - Local government – what issues affect functionality? Is it the failure of service delivery or lack of managerial skills?
    - Public participation of government – the crisis lies in party politics, with loyalty and the types of leaders who are elected.
- Representation – some voices are already inscribed in our laws and in our legislative framework and governance.
- How do we make sure that 'other' voices are heard when there is no access to justice?
- The 'missing middle' leads to power imbalances.
- **Recommendations?**
- Greater productivity in our courts is necessary, as judges hear the matters brought before them.
- There should be increased engagement with civil society.
- The role of legal education must be emphasised and maximised.
- The Social Justice M-Plan needs to collect and track data and its influence from a legal perspective – e.g. in case law, what happens after an order has been given by a court?
- Implementation does not involve only monitoring; it also entails understanding the complexity of the issue.
- Qualitative methods can be used as a measurement tool.
- Deepening of the meaning of democracy.
- Participatory democracy.
    - Young people should be afforded opportunities to lead.

- Leadership is determined by party politics. Utilise the youth to improve our communities.
- Create a platform for the skilled youth to give back to communities so as to influence and affect local government positively.
- Capacity building in legal education is a strategic area.

- **Empowerment**
  - Gender perspectives and other minority voices.
  - The different model of justice in customary law requires more grounding in the law.

Social Justice Planning

1. **Is this an important sector?**
    - Yes.
2. **Key issues?**
    - Social justice planning is too technocratic; consider reducing exclusion.
    - The importance of a ground-up approach, including data collection, as in the Enterprising Communities development project.
3. **Recommendations?**
    - Fundraising.
    - Expand collection channels to include small and medium business.
    - Utilise structures that already exist.
    - Civil society has a significant role because of the government's inadequacy.
    - Seed money.
    - More effective communication of the ideas mentioned above.
    - Identify existing data and gaps.
    - Decide where the data central point will be.
    - Communication and media.
    - Utilise existing NPO/NGO infrastructure.
    - Identify the critical mass needed in respect of poverty.

REFLECTIONS BY PROFESSOR THULI MADONSELA AND BREAKING THE FOUR WALLS

There was consensus that social exclusion will worsen if nothing is done to accelerate progress towards eliminating poverty and structural inequality.

As social exclusion worsens, social strife is likely to worsen and, in the process, pose a threat to sustainable democracy. When democracy is in trouble, the rule of law is in trouble and sustainable peace cannot be achieved. The Constitution has yet to deliver the fruits of justice to many of our people. Our economy is stunted because of misgovernance and social exclusion, especially in the area of procurement. Bad governance and corruption are undermining social justice. But this is not all: inherited social disparities continue to worsen exponentially as long as there is no disruption that is adequate to tip the scale against poverty and inequality.

South Africa is unlikely to meet its local SDGs because of a lack of data-based decision-making, impact-conscious planning and systems thinking. There is also agreement that more funding is needed to advance social justice, particularly funding focused on poverty alleviation and inequality reduction, in pursuit of the NDP, Agenda 2063 and SDGs. In this regard, civil society needs to play a role and the international community could be approached for solidarity. Constant impact assessment as part of monitoring and evaluation was emphasised. Here, locating and quality assuring the right data was identified as a priority.

Outcomes depend on what we are prepared to do. We should focus not only on statistical exclusion, but also on mindsets that exclude people. Sectors that should be included in future discussions are Information and Communication Technology (ICT), the media, culture, and land. These sectors should form part of a nucleus think tank, with subsidiary think tanks to be established in each sector. Future discussions should include questions relating to relevant and effective policy interventions; funding; the extent to which the public should be included in policy discussions; and the ways in which to create a social justice community, while engaging the nation through the media (and not in support of the old paradigm).

There was further consensus that a lot more time needs to be allocated to discussions before implementation takes place.

The round table concluded with an agreed Platform for Action beyond the four walls of the venue. Key among the agreed actions were the following:

- Subsidiary think tank round-table conversations on emerging sectors to be held during the first semester of 2019. Delegates indicated the need to continue the conversation.
- Women's Land Indaba scheduled for 8 March 2019.
- Firm up partnerships established with identified universities by April 2030.
- Social Justice M-Plan summit scheduled for the first semester of 2019.
- Creation of a Virtual Social Justice hub. In this virtual space, ideas can be floated and resources shared. The hub will also quality assure and integrate data for social justice impact analysis.
- A Steering Committee to be finalised during the first term of 2019.
- Identify and involve other social justice experts and activists in future activities.
- Reach out to and involve the corporate and international communities.
- Databases of social justice research initiatives.
- Involve more student ambassadors.

Doctor Pali Lehohla, former Statistician-General of South Africa and former head of Statistics South Africa: 'Questions of social justice, a constitutional imperative, the post-2015 agenda: What are the symptoms of social injustice in South Africa?'

In looking at the post-2015 agenda, Dr Lehohla emphasised that the aim of our constitutional imperative is to build peaceful and effective, open, and accountable institutions. Statistics are used to measure a very complex system of human rights; and if we want to achieve social justice goals, data is important to determine the symptoms rather than the causes of social injustices. In this respect, past and present statistics suggest an uneasy intersection and confluence of socio-economic and demographic barriers, which indicates a country at a crossroads.

The lack of systems thinking is lamentable. In contrast, the application of fundamental principles like relevance, impartiality, standards, accountability, and transparency should be used to measure social injustices. Indeed, these principles intersect with the idea of social justice, accountability and transparency, prevention of the misuse of data, confidentiality, national coordination, and international standards and cooperation.

Strategic areas for sustainable development data would require the following: coordination and strategic leadership; innovation and modernisation of national statistical systems; the strengthening of basic statistical activities and programmes, with a particular focus on addressing the monitoring needs of the 2030 goal; the dissemination and use of sustainable development data; multi-stakeholder partnerships for sustainable development data; and the mobilisation and coordination of resources and efforts for statistical capacity building. Moreover, partnerships in national and international statistical systems should be developed and strengthened, and governments, academia, civil society, the private sector, and other stakeholders should come together in the production and use of data for sustainable development. Key actions would include: improving the transparency of official statistics and making them accessible to the public; creating frequent and periodic opportunities for consultation with all stakeholders on the production and use of statistics for sustainable development by organising a United Nations World Data Forum on Sustainable Development every second year and establishing similar forums for ongoing consultation and cooperation at regional and national levels; and developing the institutional arrangements necessary for public- private cooperation, including the use of data from non-official sources, in accordance with the United Nations Fundamental Principles of Official Statistics.

Professor Josephine Musango, Associate Professor and Research Group Leader, uMAMA, Complex Systems in Transition (CST), School of Public Leadership, Stellenbosch University: 'Planning, measuring and monitoring for social change'

Professor Musango believes that the lack of data-supported decision-making in development planning in Africa undermines our ability to create the societies and social change that we desire, particularly in a rapidly urbanising Africa. She uses the term 'social change' as an encompassing term for social justice, transformation, and diversity. Her presentation focused on three aspects, namely, 'Why are we concerned with planning, measuring, and monitoring for social change?', 'How are scientific communities supporting the operationalisation of indicators for social change?', and 'What can we advance towards planning, measuring and monitoring solutions for social change?'. Drawing on new ideas and imagined priorities from the Urban Modelling and Metabolism Assessment (uMAMA) Research Team, which she leads at the Centre of Complex Systems in Transition (CST), Professor Musango explained the implications for the Social Justice M-Plan and how to proceed in order to understand assessments in an African context.

Concerns about planning, measuring, and monitoring for social change were explained with reference to the SDG Agenda 2063 and South Africa's NDP. Urbanisation and population growth are key aspects in this regard. Africa is expected to contribute an additional 50% of the world's population in the period from 2030 to 2050. This addition to the population will require basic resources including food, energy and water, basic services like health, education, mobility, and information, and ultimately the basic infrastructure to convey these resources and services, these being housing, transport systems, dams, power plants, etc. In Africa, these requirements are already unmet, which raises huge doubts about our ability to meet future requirements.

Without data measuring, monitoring and evaluation, it would practically be impossible to know whether we are meeting the SDGs, Agenda 2063 or even our NDP. While scientific research is required to support and operationalise indicators, achieving these indicators is not about providing technical solutions, but requires a consideration of community roles and the political and socio-cultural context.

In addressing the question of how science supports social change, it was submitted that the SDGs would remain ambiguous without proper scientific support; that there is a lack of clarity on the disciplines that would influence social change and the ways in which different perspectives would be integrated, and that the role of non-expert knowledge would have to be addressed. However, it is already clear that scientific research that engages with local context is crucial in facilitating the social change desired. This will require quantitative and qualitative assessments that can provide indicators to inform, support and influence local, national, and international policy practices and processes.

Various considerations can facilitate the move from theory to implementation for social change, starting with choosing the appropriate approach, namely moving from top-down to bottom-up; linking spatial and temporal issues; switching between different scales of analysis (not only focusing on aggregate issues but also considering granular aspects of household and individual levels); engaging transdisciplinary work (co-designing society for society); and promoting systems thinking and system dynamics. In following this process, long-term planning for sustained growth can be facilitated.

For future consideration, the following questions need to be asked: What does this mean for the implementation of the Social Justice M-Plan? What indicators are needed for social justice? Will SDGs be customised to be context-specific for a South African and African scenario? How are we going to ensure that whatever we do is gender sensitive?

Professor Nuraan Davids, Faculty of Education, Stellenbosch University: 'The South African Schools Act as an impediment to social justice'

Professor Davids asked the difficult question of how we were going to address the democratisation of an education project gone awry, since one-size-fits-all school-governing-board approaches to education cannot work in South Africa. Social injustices may cultivate a host of problems at school level. She submitted that, with regards to social justice education, the underlying source of the problem in our education system does not lie in the South African Constitution, but rather in the South African Schools Act (No 84 of 1996) that provides for the democratisation of schools. It is thought that decentralisation and parental participation will result in greater inclusivity. Unfortunately, the exact opposite has happened. Societal problems are not only coming out of schools but are in fact being cultivated in schools. As a result, despite extensive policy reform, the disparity between schools is increasing and plays a key role in widening societal gaps.

Social justice education encompasses the idea of creating schools that are inclusive, and promote participation, belonging and recognition. The word 'just' refers to ideas and conceptions of how educators can show care to and have hope in those they teach. The problem with decentralisation, as understood in terms of the South African Schools Act, is not in the lack of emphasis on values and social justice, but in the fact that the government has taken itself out of the equation and has vested the governance of every public school in that school's governing body. As a result, inequality in already disadvantaged schools is increased under the auspices of decentralisation and funding.

In privileged schools, good infrastructure already exists, with access to highly skilled and knowledgeable parent bodies that are able to invest and that are governed in a business-like fashion. Governing bodies also determine admission, language, fees, uniform, homework, extramural programmes, and, most importantly, decides whom to employ. As a result, some schools might have diversified the demographics of their learners, but not of their teachers. So, diverse children and learner bodies may not encounter diverse kinds of teachers or diverse ways of thinking, acting and being. Moreover, if schools are compared physically, only one conversation cannot be had, as one kind of schooling or one kind of education does not exist and how curriculums are implemented is context-bound. For example, in schools with classes of 50 children each, crowd control is what happens, at best. The odds are stacked against such schools when compared with schools that have the luxury of 20 children per class, including teaching assistants, access to psychologists, speech therapists, physiotherapists, and occupational therapists. Consequently, traditionally poor or underprivileged schools are on exceptionally unequal footing.

Schools are also often not in the business of education but in the business of schooling, which is an entirely different concept to that of education. Education is about getting students to think, to be creative and to tap into resources. Schooling, on the other hand, is about getting students to conform, and to follow a set of norms. The treatment of early childhood development (ECD) as a 'stepchild' is another concern. ECD involves both education and social development, which makes the following very problematic: the state provides R15 for the care of a young child in ECD in a public institution, but R263 to a prisoner in Pollsmoor.

For Professor Davids, part of the solution lies in reviewing the South African Schools Act, and admitting that democracy has its merits but does not have a conscience and does not differentiate between right and wrong. Where we have immense inequality, there has to be a way to step back from this type of democracy and do what is morally right. Decentralisation must be reconsidered, especially in light of the lack of accountability in government institutions, and parents must define their roles in ensuring their children's exposure to spaces where they can learn how to be with others, which is where a socially just society starts.

Professor Jimmy Volmink, Dean of the Faculty of Medicine and Health Sciences, Stellenbosch University: 'Health and social justice'

Professor Volmink posited that it is only through personal stories that we can begin to understand the precariousness of the daily existence of the poor, the dispossessed and the disempowered. Lived experience gives us a sense of the misery and indignity that many South Africans suffer every day. These stories provide a window into the needless human suffering the poor and marginalised endure and the catastrophic economic consequences that accrue to such households through illness or death.

An obscene chasm exists in South Africa between the levels of health and privilege of those who have and those who have not. Gross disparities constitute grave injustices and should not be tolerated in any decent society. As Dr Martin Luther King Jr said, "Of all of the forms of inequality, injustice in health is the most shocking and inhumane". Indeed, health was enshrined as a human right in the United Nations Universal Declaration of Human Rights many years ago and is also enshrined in the South African Constitution. However, a quarter of a century after the dawn of democracy, we are further from realising this right than ever before. Poverty is 'the greatest enemy of health' and will require a combined effort from all of society to defeat.

Health professionals can join in the action to fight the prevailing system, which is depriving the poor of the benefits of democracy, and be active participants in the global movement to dismantle the current system that helps to sustain poverty and inequality and weakens our health-care systems. They should acknowledge more openly the impact of the living conditions on the health of their patients who are exposed to human suffering caused by destructive social, economic, and political forces in society on a daily basis. Unfortunately, their training and social conditioning have often desensitised them to this association and, as a result, they often choose the easier option of dishing out 'chemical cures' while averting their gaze from the root of their patients' conditions. Health professionals are at the forefront of dealing with the consequences of negative social and economic influences on health. Consequently, they can advocate not only for improved access to housing, sanitation, food, and safe water, but also for better education and more employment opportunities, and help to fight against racism, gender inequality and other forms of discrimination that have a direct bearing on people's health. Dr Maria Phalime's award-winning book, *Postmortem: The Doctor Who Walked Away*, provides powerful insights into the many dysfunctions of the South African public health system and paint a dismal picture of being little more than a vehicle for delivering poor services to poor people. Currently, Universal Health Coverage through the National Health Institute (NHI) is high on the government's agenda. However, if the NHI is to succeed in achieving its objectives, greater attention will have to be paid not only to improving access to care but also to improving the quality of care provided. However, technology and technocratic interventions alone are not enough to ensure health and equity in the long term. Collaboration is needed to end the unfair distribution of resources and power as well as the structural violence and injustice that underpin poverty and inequality.

Doctor Nyambura Mwagiru, Coordinator: Academic Programmes, International Affairs Office, University of Stellenbosch Business School: 'Leveraging state and international capacity to support and utilise educational and higher education institutions as avenues for poverty reduction initiatives'

In looking at the five key areas of the Social Justice M-Plan, in light of the fact that in a decade from now we will have a young generation who are going to need support, Doctor Mwagiru addressed the importance of leveraging state and international capacity to support and utilise educational and higher education institutions as avenues for poverty reduction initiatives. She suggested that higher education institutions could serve as centres of learning and training for the workforce that is the foundation of economic growth; institutions that directly contribute (through research and teaching) to and benefit (through funding) from economic growth; hubs for the production of knowledge in emerging knowledge economies and societies. Educational and higher educational initiatives targeted at and investing in the youth and engaging local and international researchers, activists and stakeholders can contribute to leveraging the African continent's youth dividend to achieve social justice and zero poverty by 2030.

The African Union (AU) Agenda 2063 offers a vision of the Africa we want in respect of good governance, efficient use of resources and promoting people-centred development. It envisions realising a high quality of living, health and well-being for African people and supporting well-educated and skilled citizens in knowledge societies underpinned by science, technology, innovation, culture and heritage in which no child misses school because of poverty or any form of discrimination. Agenda 2063 also advances the structural transformation of economies to create shared growth, national and continental prosperity and outlines a pathway to regional harmonisation and economic integration of the continent as a key cornerstone for boosting national economies and distributing growth.

Aligning the Social Justice M-Plan with the aspirations of Agenda 2063 can contribute to ensuring the coherence of poverty reduction initiatives at local, national, regional, and continental levels and enhance the sustainability of initiatives by creating linkages across sectors, countries and regions. Promoting state capacity building in line with Agenda 2063 and AU infrastructures and systems further boosts the potential for the successful adaptation of relevant policy and initiatives and helps governments meet their obligations to AU and Agenda 2063 goals.

Business' supporting of social upliftment solutions and partnering with higher education institutions is key to mobilising societal and corporate resources to fund accelerated reduction of poverty and inequality. Academic programmes such as the MBA at Stellenbosch University, which is directly linked to business and social impact initiatives, can have sustained positive outcomes that build on international linkages. International visiting MBA students are tasked with providing consultancy hours to local businesses and organisations to address and improve operational issues. Businesses selected to benefit from the international experience and expertise of visiting MBA students are chosen on the basis of their social responsibility outreach and impact, which ensures a connection between the contributions of these international students, operational and business process improvements, and positive outcomes for local communities as a result of the enhanced efficiency and effectiveness of the participating businesses.

At the international level, the United Nations Global Compact, which aims to mobilise a global movement of sustainable companies committed to social responsibility, can offer a useful framework to guide university engagement with corporate entities aimed at poverty reduction. Recognising business as a force for good, the Global Compact outlines actions businesses can take to share responsibility for achieving a better world for all, including aligning their strategies and operations with international standards of human rights, labour, environment, anti-corruption and the 2030 SDGs. Businesses can refer to the principle-based framework, best practices, and resources available for catalysing change to achieve poverty reduction. A business's alignment with the Global Compact can form a key criterion in the selection of organisations to develop university partnerships.

Cultivating civic awareness and agency among the youth, via educational and higher educational teaching and training, develops a cohort of conscientised youth with the capacity to mobilise in support of or in opposition to government actions. An example is initiatives at universities that use the residence system to develop youth leadership. University residence spaces

present a microcosm of larger society that reflects the diversity, challenges, and norms of represented communities. Annual training of student leaders in leadership and governance provides active, engaged and elected youth with society-building skills and tools they can use in their student leadership positions, as role models to their peers, and in the broader community. Residence living and learning leadership training programmes include a focus on practical skills such as financial accounting, budgeting and treasury responsibilities; mediation and conflict resolution; listening, communication and presentation skills; and consultation and dialogue processes.

Educational and higher education spaces are also conducive for leveraging international relations to promote support for the Social Justice M-Plan. Internationalisation of education and higher education is a central concern for universities in the current globalised era. Universities are accordingly expending substantial effort and resources in support of internationalisation by, for example, growing international partnerships, encouraging staff and student international mobility and networks, and promoting internationally recognised and relevant teaching and research. Locating the Social Justice M-Plan within university internationalisation agendas can facilitate access to resources, both capital and intellectual, and promote ongoing international relationships and interests.

With the future in mind, sponsoring a national drive to heal past divisions and redress skewed inherited social relations is imperative if national narratives, dialogues and initiatives are to support poverty reduction and promote social justice. The Education for Peace (EFP) programme is an example of an educational initiative, supported by public, private and international bodies, aimed at nurturing social healing and post-conflict reconstruction.

Based in Bosnia and Herzegovina, the EFP programme selected a group of 400 teachers annually to receive peace-building training, with the goal being to incorporate principles of peace into educational curricula and into the practice of educators across their national schooling system. The programme demonstrated the possibility of building social justice and peace communities through educational programmes and encouraged intergenerational exchange and collaboration in local and national community building.

Finally, in creating a social justice think tank, learning from lessons gained elsewhere, accessing diverse local and international knowledge and experience, and aligning with national, regional and international frameworks for development that incorporate drives for social justice and poverty reduction will be key to harnessing the potential of the Social Justice M-Plan to establish a basis for multi-sectoral, interdisciplinary and intergenerational collaboration rooted in the structures and stakeholders of educational and higher education systems.

Mister Lwazi Mahlangu, Acting Managing Director and Head of Research, Thuma Foundation: 'Enterprising communities'

Mr Mahlangu introduced the concept of enterprising communities by referring to some of the enterprising communities that Thuma have invested in. He explained that the Thuma Foundation's approach to enterprising communities is to understand the basis upon which a particular community is built in terms of the work that the members of that community actually do. Thuma's aim is to accelerate the realisation of the NDP, aligned with the SDGs, and of equalised opportunities by 2030.

He emphasised that the focus is on empowering communities, particularly young people. Young people are encouraged to envision and design their own futures in ways that will translate into sustainable communities that can meet their own social and environmental goals and needs. Individuals are thus encouraged to work together to develop skills so that they can run a project and provide services that may be missing in a particular community. Consequently, individuals and the communities themselves should identify gaps and knit together home-grown approaches and resources and thereby create the possibility of sustainable communities. This bottom-up approach should not be complex and must be easily understood and should translate to the local, global, and economic spheres. Mr Mahlangu explained that Thuma finds ways to forge linkages in value chains, depending on the nature of the project. Thuma has found that leveraging resources in these communities generate income that can be invested back in that particular community.

In one of the examples Mr Mahlangu elaborated on a gogo owned an old half-broken sewing machine, a young, talented, and unqualified Thabo was good at fixing things, and a few houses away two young girls had a passion for knitting and sewing. Thus, a kind of web was formed where Thabo fixed the machine, the girls were taught by the gogo and started sewing. From this web, a community school in need of uniforms could be approached with the help of existing connections and a social investment partner to provide more machines to increase productivity. In this way and without involving great complexity a new economy was created that started at the level of individuals and developed into an enterprising community. It basically revolved around identifying talent on the ground and strategies to survive in that particular community. This model can be replicated in other communities, especially at local government level, in the areas where a specific municipal ward is based. So, one model in a ward can be used to advance social development in another ward. By simply leveraging the community's own resources and harnessing existing talent, forward and backward linkages in the value chain created could start an economy that has the possibility to expand to state level. Most communities have found strategies or ways to survive to advance themselves and, having identified these, alliances and partnerships can be forged with social partners on a mutual basis.

Thuma's approach is, therefore, to audit the situation on the ground, to establish priorities and needs in communities ,to identify partnerships and, once implemented, to monitor and evaluate the programme. This framework is needed to evaluate and identify actual social impact and change in the community. Tools used in this respect involve cost-benefit analysis, cost-effective analysis, and impact evaluations.

Mr Mahlangu concluded that a productive society is a healthy society from which an infrastructure network can develop, starting at local level and contributing to realising sustainable goals at a broader regional, national, and eventually global level. Finally, he emphasised that the Thuma approach to sustainable community engagement involves individual and community ownership and empowerment in all projects.

Professor Geo Quinot, Department of Public Law, Stellenbosch University: 'Law, justice and governance as an emerging priority sector in the pursuit of social justice'

Professor Quinot introduced the constitutional objective of social justice from a legal perspective and enumerated the very large number of constitutional provisions aimed at achieving social justice. This progressive legal framework includes socio-economic rights (the right to education, water, social security, food, health-care, and housing) and extensive labour and property rights that explicitly recognise and endorse the need for land reform. Moreover, part of this constitutional framework is access-to-justice rights, the right to good public governance and, above all, equality rights and the right to dignity, which are directly aimed at realising the constitutional vision for South African society as stated in the preamble of the Constitution. The preamble commits South Africa to establishing a society based on social justice, to improving the quality of life of all citizens and to freeing the potential of each person. The constitution also provides for a public governance framework, with provisions aimed at holding organs of state to account. Our legal system is thus geared towards the project of social justice and the transformation of our political and social institutions and power relationships in a democratic, participatory and egalitarian direction. Transformative constitutionalism connotes large-scale social change through non-violent political processes grounded in law. Against the background of this normative value system explicitly aimed at realising social justice, it must be asked why major implementation failures still exist in this area.

In this regard, reference was made to the United Nations Committee on Economic, Social and Cultural Rights on South Africa's implementation of the International Covenant on Economic, Social and Cultural Rights. Amongst other things, the Committee expressed deep concern over South Africa's unacceptably high levels of economic and social inequalities, including high unemployment rates, insufficient social and labour protection in the informal economy, a high incidence of food insecurity and malnutrition, inadequate housing and access to basic services, large disparities between public and private health care, poor public school infrastructure and the fact that, despite efforts to ensure land redistribution, South Africa remains significantly behind the targets it had set for itself. The report concluded that the persistence of such inequalities signalled that the model of economic development pursued by South Africa remains insufficiently inclusive.

These sentiments are also echoed domestically in our Human Rights Commission's 2017/18 Equality Report in which the Commission concluded that various statutes, policies and implementation practices are not aligned with constitutional objectives. This is one of the key problems in our governance framework that is prohibiting the achievement of our constitutional social justice objectives via the host of legal tools available to us. Despite the wide range of regulatory instruments able to deliver on social justice objectives, the lack of coordination in or, conversely, the fragmentation of the system greatly undermines their effectiveness. This is a prime example of the absence of a systems approach. Indeed, the inadequacy of our implementation frameworks can be identified as one of the main reasons why the law is failing to achieve more progress in social justice. An example is the regulatory regime for public procurement where extreme fragmentation and a lack of alignment are evident. A lack of urgency in addressing one of the key obstacles in this regard, namely the deficient governance framework, is clearly evident. Those parts of the law that are meant to facilitate delivery are simply not working, are incoherent and are not geared towards outcomes. A compliance mentality is encouraged as opposed to a delivery mentality: the process is elevated at the expense of outcomes rather than in balance with outcomes, and does not encourage collaboration, innovation or the kind of bold and brave policy and implementation action that is desperately needed to realise the substantive entitlements to social justice.

Moreover, our governance approach is linear. There should be a stronger focus on a systemic approach to governance, and to understanding the interactions between institutions and instruments of governance. In this context, it has to be asked whether we understand our criminal justice system in relation to how the market, economic opportunities and labour are regulated and whether all of this is understood in relation to how government conduct is regulated. If we are concerned about social justice as the end goal, does it make sense to think about governance in, for example, education without also thinking about urban planning, the availability of transport systems between living, educational and work environments, economic opportunities and where they are situated, the financial sector and access to financial services and capital?

One of the key priority areas of the Social Justice M-Plan should, therefore, be the design of governance frameworks that are explicitly and demonstrably geared towards effective delivery and implementation of public values in a coordinated and systemic manner.