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All Hands on Deck to Leave No One Behind in The Post COVID-19 Recovery Agenda

Report on the Second Annual Social Justice Summit:

4 November 2020

Convened by Professor Thuli Madonsela, Law Trust Chair in Social Justice at Stellenbosch University and M-Plan Convenor

National Anthem

Nkosi Sikelel’ iAfrika
Maluphakanyisw’ uphondo lwayo,
Yizwa imithandazo yethu,
Nkosi sikelela, thina lusapho lwayo.

Morena boloka setjhaba sa heso,
O fedise dintwa le matshwenyeho,
O se boloke, O se boloke setjhaba sa heso,
Setjhaba sa South Afrika – South Afrika.

Uit die blou van onse hemel,
Uit die diepte van ons see,
Oor ons ewige gebergtes,
Waar die kranse antwoord gee,

Sounds the call to come together,
And united we shall stand,
Let us live and strive for freedom,
In South Africa our land.

Preamble of the Constitution of the Republic of South Africa, 1996

We, the people of South Africa, recognise the injustices of our past; honour those who suffered for justice and freedom in our land; respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity.

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; improve the quality of life of all citizens and free the potential of each person; and build a united and democratic South Africa, able to take its rightful place as a sovereign state in the family of nations.

May God protect our people. Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso. God seën Suid-Afrika. God bless South Africa. Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

Contents

Foreword 7

Acknowledgements 9

Chapter 1 13

Overview 13

Summary of Discussions 14

Chapter 2 31

Background 31

Chapter 3 34

Welcoming and setting the tone 34

Social Justice M-Plan Video 36

Aligning law reform with social justice and Sustainable Development Goals through data analytics: reflections, reset and rebuilding 40

A Message of Hope 44

A Question-and-Answer Session 46

Closing remarks 55

Chapter 4 58

Keynote Plenary I 58

The role that can be played by the corporate social investment sector and young social justice people in integrating the post-COVID-19 recovery programme with the SDG quest, focusing on how the M-Plan weaves this together? 58

Winning minds for social change 63

The role of business in integrating the post-COVID-19 recovery programme with the SDG quest 70

A private sector perspective on bridging the poverty and equality gap 75

The role of the faith community in integrating the post-COVID-19 recovery programme with the SDG quest 82

The Solidarity Fund and its quest 90

Chapter 5 95
Keynote Plenary II 95
What role are universities playing in integrating the post-COVID-19 recovery programme with the SDG quest? 95
Chapter 6 113
Social Justice Champion of the Year 113
Chapter 7 117
Parallel Sessions 117
Land and poverty 117
Economic inclusion and well-being 130
Education and training 151
Data analytics and poverty mapping 158
Health, mental health and nutrition 176
Access to justice and the rule of law 188
Peace and social cohesion 205
Climate change and environmental sustainability 223
Politics and democracy 238
Gender and other excluded groups 256
Feedback from parallel session facilitators 274
1. Land and poverty 274
2. Economic inclusion and well-being 275
3. Education and training 276
4. Data analytics and poverty mapping 277
5. Health, mental health and nutrition 278
6. Access to justice and the rule of law 279
7. Peace and social cohesion 281
8. Climate change and environmental sustainability 282

9. Politics and democracy 284
10. Gender and other excluded groups 285
Chapter 8 288
Closing remarks 288
Gesie van Deventer, Executive Mayor, Stellenbosch Municipality 288
Alan Winde, Premier of the Western Cape 290
Prof Thuli Madonsela, Law Trust Chair in Social Justice and M-Plan Convenor, Stellenbosch University 292

Foreword

South Africa boasts a constitution that is envied by the rest of the free world. It Is sophisticated, modern, and all-embracing. It propagates and arranges programmes that will serve to ensure freedom, justice and fairness to all, and it is the ultimate manifestation of Tutu's Rainbow Nation and the fulfilment of Nelson Mandela's dream.

And yet…

Despite the much-admired provisions of our Constitution, one has only to look at life in the every-day South Africa to be made aware of the injustices committed in all but every sphere of our social structures. While the Struggle saw to the dramatic transition from suppression to true democracy, the fulfilment of political freedom and power has not been enough to curtail social injustice or significantly cause its demise and what we are facing today is the most unequal society in the world while South Africa's Minister of Justice and Correctional Services, Mr Ronald Lamola lamented the fact that "social justice is still elusive in various communities and spheres of our society" and that "…the Constitution still requires a significant amount of implementation".

It is against this backdrop that the Second Annual Social Justice Summit was hosted as a virtual event by the Spier Wine Estate near Stellenbosch on 4 November 2020 – the pandemic having rendered a live summit impossible.

Following the announcement of the Musa Plan for Social Justice (the "M-Plan") at the First Summit in 2019, the Second Summit centred mainly on its implementation and the establishing of the M-Fund.

In my capacity as the Social Justice Chair at the University of Stellenbosch I am now able to lead this project with the assistance of a highly competent team. It is South Africa's own Marshall-Plan, a programme designed after World War II to provide financial assistance to countries crippled by the devastating war and which saw the United States of America donate $US13 billion to assist in the rebuilding of European countries.

Although inspired by the Marshall Plan, in our own version the "M" honours the name of Palesa Musa, a woman who, as a 12-year-old child, was arrested and locked up by police in June 1976.

The announcement of the M-Plan and its natural offspring, the M-Fund, struck a positive chord with the delegates at the summit. Every speaker, across a wide range of public sectors, greeted the proposal with enthusiasm and optimism and displayed a keen willingness to contribute to its fulfilment. Co-operation between the various sectors was called for as an essential ingredient of the Plan and a clarion call to action was clearly sounded: “all hands on deck – and leave no one behind!”.

The M-Plan is hugely challenging. At first blush, it would seem that too much is asked for its fulfilment; that it is a bridge too far for meaningful social restructuring. Be reminded, though, that we are a resilient nation and we will realise that when we faced adversity together, recognised the challenges we heard and joined hands, we triumphed.

And it is this optimism that permeated the summit, that reinvigorated its attendees and that sent out a message of hope to all South Africans.

Prof Thuli Madonsela

Law Trust Chair in Social Justice, Stellenbosch University

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- Professor Mark Swilling
- Desiree Chauke, TV presenter and facilitator at the Summit
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Chapter 1

Overview

The First Annual Social Justice Summit in 2019 saw the announcement and launching of the Musa Plan for Social Justice (the M-Plan) and at this, the Second Summit, the aim was to discuss and find ways to implement various practical avenues in which the M-Plan is to be driven and brought to fruition.

This goal, in turn, could not be realised without substantial financial aid and the M-Fund was consequently announced: a crowdfunding initiative to lend impetus to the M-Plan towards the advancement of equity and equality in our society and the ultimate alleviation of poverty.

The abject poverty suffered by so many millions in South Africa was further being aggravated by the world-wide COVID-19 pandemic, with the Republic not being spared its devastating effect. Literally millions of jobs had been lost in an economic environment already paralysed by unemployment, corruption, crime and poverty with the resultant widening of the chasm between the haves and the have-nots.

It is a critical situation. And it calls for urgent action from all sectors of our society – and a willingness to contribute towards the Fund. Professor Madonsela reminded all that it is the small drops that fill the ocean: that every donation, however small, will ultimately result in reaching the target at which the M-Fund is aiming and without which the M-Plan will not be realised.

The Summit was further highlighted by the announcement of the Social Justice Champions of the Year, an initiative aimed at honouring and rewarding community builders who contributed towards the ultimate goal of closing the inequality gap.

With these aims at the forefront, the Summit chose as its theme a phrase that clearly calls for united action:

"It's all hands on deck to leave no one behind!"

Summary of Discussions

The Summit was opened with the singing of the National Anthem by a youth choir, followed by the reading of the Preamble of the Constitution after which Professor **Wim De Villiers**, Rector and Vice-Chancellor of Stellenbosch University delivered his welcoming address.

Professor De Villiers referred to the devastating effects of the COVID-19 pandemic on South Africa's socio-economic structures and those joint efforts, by all sectors of our society, were called for to wipe out the "four horsemen of the apocalypse: unemployment, poverty, inequality and corruption".

While assuring delegates that Stellenbosch University was committed towards the transformation of our society, he emphasised that "we have not yet arrived" at the noble aims proclaimed in our Constitution.

"The attainment of social justice, human rights, improving people's quality of life, building national unity – the attainment of the very ideals mentioned in the Preamble to the Constitution – remains work in progress".

Social changes, he stressed, cannot be met in isolation: all hands were needed on deck and as South Africans we have our work cut out.

Following on Professor De Villiers's welcoming address, a video-session on the Social Justice M-Plan was presented. At this session Professor **Thuli Madonsela**, Law Trust Chair in Social Justice and M-Plan convenor, Stellenbosch University, the founder and initiator of the M-Plan, called for "everyday justice" in dealing with others and stressed the importance of education towards the eradicating of present injustices.

She briefly outlined how the M-Plan came into being and how even the smallest contribution from everyone will swell the coffers of the M-Fund, a "community chest" that will ultimately assist in reducing and eradicating the structural inequality and poverty experienced in our society by 2030. To bring this to fruition, Professor Madonsela expressed the hope of reaching each of 4 392 identified wards while inviting each of us to donate as little as R5 towards this cause at collection points to be made available at shopping outlets.

Professor Wim de Villiers once more emphasised the necessity of teamwork, and that while universities generate knowledge and awareness of issues, with Stellenbosch

University committed to the transformation of our society to reach the noble ideals of our Constitution, this could not be achieved in isolation. Professor De Villiers identified universities, together with government, civil society and industry as the “quadruple helix” (coined by David Cooper) that are needed to function as a team so that all citizens may share in prosperity and peaceful co-existence.

Also participating in this discussion, was Dr **Phumzile Mlambo-Ngcuka**, Executive Director UN Women, who told delegates that 47 million people are expected to be falling into poverty as the direct result of the COVID-19 pandemic and that young women are the most seriously affected because of their reproductive responsibilities.

Referring to the period between 2020 and 2030 as the “Decade of Action”, Dr Mlambo-Ngcuka told delegates that COVID-19 was not the only contributing factor to a world-wide increase in extreme poverty and identified the impact felt by climate change, the presence of conflict and even war in certain parts of the world and increasing gender-based violence as contributing factors towards a world maligned by poverty and injustice. If the call of the “Decade of Action” remained unanswered, she stressed, the world will be guilty of designing yet another generation of extreme poverty.

Following the Social Justice M-Plan Video it was the turn of the Minister of Justice and Correctional Services, **Ronald Lamola**, to deliver his address. He too remarked on the fact that despite our sound Constitution, its implementation still lagged behind. Referring to the Reconstruction and Development Programme (RDP) of 1994, the Minister made no bones about the non-fulfilment of this ambitious and much-needed plan to dismantle the structures of apartheid. Much of the failure may be ascribed to rife corruption, the Minister stated.

“If we accept that social justice is described [as per the UN definition] as “the fair and compassionate distribution of the fruits of economic growth”, then we must agree that corruption has indeed derailed us”.

Minister Lamola urged that it must be seen to that every rand and cent collected should reach those that the money was intended for and that we, as a nation, should see to this.

The Minister also emphasised the need for obtaining accurate data in order to ease the implementation of plans aimed towards addressing the social inequalities that

prevail in South Africa. Quoting from data supplied by Statistics South Africa, he painted a woeful picture of the millions in our country – more than 20% of our population -- who were living below the food poverty line and more than a third who had to survive below the lower-bound poverty line: a sad reflection on our collective failure, especially when it is noted that gender, location and race remained determining factors for those entrapped by poverty.

The Reverend Dr **Thabo Makgoba** addressed the summit in his capacity as the Archbishop of Cape Town and Primate of Southern Africa. He gave the assurance that his Church was committed towards working for the "common good", which has as its cornerstone the right of all people to living standards which will ensure sufficient food, clean water, clothing, education, housing and access to jobs. Society, he told the summit, should be safe, stable and just for all its members and, quoting from the gospel of John, "that they may have all life, and have it abundantly".

Dr Makgoba stressed that the entire interfaith community was committed to fostering justice for all and that churches "wield great power" worldwide to achieve peace and prosperity for all and to reach what he aptly referred to as "social cohesion". Despite the existence of cultural differences in our society, all should work towards overcoming inequality and poverty and join in achieving the "common good" for all our people.

Dr Makgoba's unscheduled delivery was followed by a question-and-answer session between Professor **Madonsela** and **Desiree Chauke**, the well-known TV presenter who acted as the Summit's programme director.

Referring to the unveiling of an art works at the entrance to Stellenbosch University's law faculty the day before, Professor Mandonsela referred to that initiative by the university as "reflective". It related directly to the Preamble of our Constitution and "… recognises where we are and how the past informs where we are, as well as the commitment of this university to join hands with all willing South Africans and others to take this country to where the Constitution wants it to be" said Professor Mandonsela.

Every law student will in future pass the arts work on his or her way to lectures and realise the foundation of their legal studies and that "…social justice lawyering should be part of every lawyer's training".

After sharing their "goose-bump moments" when the young South Africans read the Preamble to the Constitution, and the unveiling of the art works referred to above, Ms Chauke's questioning became more searching, to the point and evidently well-prepared.

But the M-Plan's initiator, the founder of all that was to be discussed, the leader of the team, fielded these questions with ease, clearly relishing the opportunity to explain the way forward with clarity and conviction.

Professor Madonsela highlighted the following:

- A significant increase was experienced in the number of institutions that have come aboard and have bought into the M-Plan
- Invitations had been extended to people from all walks of life to become involved by serving as councillors in the Council of Social Justice (so-called "Champions") in order to manage the whole programme as well as the M-Fund
- The M-Fund was in the process of being established with only the councillor's signing up as trustees of the Fund required for it to get going
- Essential research has been given new impetus with the establishing of the Social Justice Impact Assessment Matrix (SIAM), a 9-dimensional tool fed by judgments of the Constitutional Court – the nine dimensions to question a new policy include whether it will exacerbate existing disparity, whether it will reduce poverty, whose lives will be made easier, who is to benefit, and the like.

The first few drops towards the creation of the giant ocean required for social justice in what professor Madonsela described as the "most unequal society in the world", have been produced: "Let us connect those droplets and form a mighty ocean where the visible difference…can be seen and felt by everyone".

While admitting that there has been no improvement in the quality of lives lived by a multitude of South Africans today, Professor Madonsela also struck a positive note in

her reflection on what had been achieved towards the betterment of living conditions and the eventual ousting of social injustices. “There has been progress”, she insisted.

Professor Madonsela explained that poverty was not the only aspect to address in the search towards social justice. The approach had to be holistic and disrupting the inequality caused by apartheid was not the only or final solution. All forms of inequality and all forms of discrimination in all walks of life in our society had to be eradicated.

“Social justice”, she said, “is about building that inclusive South Africa where everyone belongs”.

The launching of the M-Fund is what Professor Madonsela referred to as “the big issue today”. Expressing the wish that all South Africans will opt in, she explained that two things were asked of us: small contributions from all – as little as R5 -- and for retail outlets to make collecting points available. This was the kick-start needed to set the wheels of the M-Fund, our own “community chest”, in motion.

While appealing to the core values of ubuntu, Professor Madonsela emphasised how imperative that principle is for the release of the “shackles of poverty and underdevelopment” without which a nation cannot grow and reach advancement.

When asked about the M-Plan’s achievements to date, Professor Madonsela highlighted SCOPRA, which impacted positively on those hardest hit by the COVID pandemic – the poor -- and the creation of SIAM, the nine-pronged programme which pertinently questions whether legislative proposals will meet the aims and aspirations of the M-Plan towards achieving social justice for all.

The presence of the Solidarity Fund, she stressed in conclusion, does not render the functions of the M-Plan superfluous but in fact another useful shoulder to the wheel. But while the Solidarity Fund assists anyone from any walk of life, the M-Plan focuses exclusively on the poor.

“We do not want anybody to be poor by 2030” she said. “That is SDG 1”.

Leading up to the first short break in the morning session, Professor **Nicola Smit**, Dean of the Law Faculty at Stellenbosch University, delivered her closing remarks.

Quoting Justice Leona Theron, Professor Smit submitted that those basic rights ensconced in our Bill of Rights are the foundation on which social justice is to be built

– a rights-based approach by which social justice will be served upon delivery of those rights.

Recognising that legal costs prohibit the poor from turning to litigation, she advocated a different route for achieving social justice and declared the approach of "all hands on deck" (mobilising large-scale participation) as the correct one into which the M-Plan fitted perfectly.

Despite recognising the effect of the COVID pandemic on the poorer classes, Professor Smit referred to a UN report on South Africa issued before the pandemic and this painted a bleak enough picture of our situation at even the pre-pandemic stage: we struggled to attain the challenges with SDGs 4, 8, 10, 13, 16 and 17 and these challenges would clearly have been aggravated by the pandemic.

The collection of accurate data was essential and was needed so that analyses could be used for the proper classification of poorer households, which, in turn, would correctly prioritise the households most critically in need of assistance. No one should be left behind, Professor Smit cautioned, and to ensure that this did not happen, the time had come for experts to be heard.

It was then the turn of **Kate Robinson**, co-founder of One Young World, to address the Summit. She stressed the importance of simple, meaningful and unifying communications between leaders and their followers while complex, political rhetoric is invariably lost on communities called upon to listen to and follow their leaders. Even in larger communities like that of New Zealand's which she cited as an example of clarity of communication, can be moved by political leaders who are clear in their call for joint efforts towards a goal. "Yes, we can", that simple but inspiring message used by Barack Obama in his successful campaign for the American presidency, was such an example.

Bringing this into context, she cautioned that if the aim of the M-Plan cannot be communicated in simple enough terms for the least educated in our society to understand it, it is bound to fail. "Democracy," she claimed, "demands clear and simple communication in order for the people to endorse it".

The M-Plan is doomed to failure if funds are not available for furthering its aims. This means that big business must be brought on board and it is in this respect that the

traditional mistrust harboured by the have-nots and the youth towards big business should be addressed and removed. And for this, in turn, leadership with a clear message is essential.

Selfish populist leaders, more interested in their own power and pockets, will continue to be elected by the economically deprived, even in South Africa, she warned. Once more, this has to be avoided by having leaders use plain and honest language when the masses are addressed. "…(I)f the aim of the M-Plan of social justice for all cannot be communicated in a way that the least educated can grasp and the most educated are prepared to believe, then the M-Plan will not be delivered", Ms Robinson stressed.

She then referred to the huge chasm that exists between the sources of capital on the one hand and the needs of the collective on the other hand and for the necessity of bridging that gap and, finally, stated her assessment that leadership lies in the hands of the South African youth and her expressed confidence in their ability to provide what is required.

Clare Shine, Vice-President and Chief Program Officer of the Salzburg Global Seminar, spoke of the need to win minds for social change with the focus on four aspects: action to be taken for social change, identifying whose minds need to be changed, determining how to change minds and, finally, the role universities should play in changing minds.

She appealed for collective efforts, based on national and social cohesion, to overcome the triad of crises in the midst of which the world was finding itself at present: the COVID 19 pandemic, rapid climate change and the disturbing injustices, world-wide, suffered along racial, gender and economic lines. A collective building of a "shared culture of sustainability" was required and to achieve this a general mind-shift across the board was called for. It is when new ways of thinking or acting were embraced that permanent change will be seen – in any discipline of life. It is a collective problem we are faced with. It requires collective solutions and that calls for all institutions in society, including the state, to be involved. And towards that end, a "flipping of the lens" was called for; a paradigm-shift, so to speak.

While acknowledging the comprehensive nature of the SDGs which have set 2030 as the deadline for renewal, this was not enough: SDGs, she said, fail to refer to key

aspects such as race and culture. The tremendous changes in our lives brought about by the rapid advancement of technology will cause the voice of the citizen to be heard more clearly in determining who should rule us, who we should vote for and how our money is to be spent – thus, the citizenry will enjoy greater legitimacy and is a force to be reckoned with when we look at ways to change minds. What she referred to as "participatory budgeting" had already taken root in some countries and was needed to be adopted globally.

Data clearly showed that "poverty is a threat multiplier". It was the poorest of the poor who were hardest hit by the effects of the pandemic because these are the people with "the least access to healthcare, good housing, green space and safe outdoor play". By putting investments to use for all can result in access, by all, to those benefits.

Ms Shine also drew attention to the role that universities may play by being "open to new creative lenses and different levers. A multidisciplinary university has incredible assets at its doorstep. Its creative departments may…help us to think differently about the ways in which people are moved to make change".

Busisiwe Mavuso, chief executive officer of Business Leadership South Africa, addressed the Summit next and discussed the role of business towards integrating the post-COVID-19 recovery programme with the SDG quest.

Against a background of dire economic hardship in South Africa, even further crippled by the COVID-19 pandemic, she stressed that the ultimate goal for business to achieve is the restructuring of the South African economy in order to link up with the SDGs in their stated aim to end poverty.

To bounce back from the effects of the pandemic she compared the more favourable sociological pyramid structure enjoyed by the majority of countries where 10% of their populations may be classed as opulent, 80% middle class and 10% poor (10-80-10; or "diamond-shaped") with South Africa's poorly structured 10-40-50 (the "pyramid-shaped), making economic recovery from the COVID-experience so much harder and the spill-over effect on the impoverished half of our society that much greater.

"(W)hatever our interventions are as business, they have to be geared towards changing our economic structure, which is a 10-40-50 pyramid structure. I am saying

that if our interventions are not geared towards changing our economic structure, then, as business, we need to go back to the drawing board," she cautioned.

Business, Ms Bavuso emphasised, must be committed towards obtaining the ideal diamond shape so that we will no longer have to see 10% of the population at the top of the economic pyramid having access to 58% of the income, 40% (the middle class) earning 35% and the bottom 50% earning less than 10% of the income.

By obtaining a diamond-shaped economy, more people will have a disposable income, demand will grow, production will increase and more money will be flowing to the fiscus.

Because the process of transition in our country is incomplete, business is the SDGs' only social partner with sufficient resources and is therefore obliged to do more to drive the post-COVID-19 recovery programme in our country.

"Let us not even get started on what the wealth distribution in this country looks like. As South African businesses we have a special responsibility towards driving our socio-economic transformation agenda. If these things are left unattended, they will be a recipe for disaster and they definitely are a recipe for anger and frustration".

In the same vein, she warned that a person who has nothing has nothing to lose and, quoting a colleague of hers, "…that's a dangerous place for a country to be in".

Dr Adrian Enthoven is the Executive Chairman of Yellowwoods, a private investment group and he spoke of a private sector perspective in bridging the gap between poverty and equality.

Dr Enthoven identified two challenges that threaten to thwart that goal: the economic exclusion of the poor, in as much as they lack access to modernity, and climate change, which impacts the poorest hardest.

He explained that at Yellowwoods, three pillars were identified with which to combat economic exclusion: existing levers in businesses in which Yellowwoods invest; inclusive employment and, thirdly, close attention to supply chains.

With the first of these, it is fundamentally important that a business who can afford to do so, should regard it as its responsibility to pay a fair and living wage, which is not

to be confused with or determined by that which is the prescribed minimum wage. To ensure that workers live a “dignified life” is of the utmost importance.

The second pillar addresses the means by which the most marginalised people in our society are included in the employment pool and thirdly, supply chains are diversified to an extent whereby the small-scale supplier is included in the process.

On the critical impact of climate change, Dr Enthoven called upon all businesses, across the board, to set targets for the reduced emission of carbon into our atmosphere.

Returning to the stated aim to provide employment to the marginalised sector of our society, he identified three problematic obstacles that make this goal difficult to achieve: deep-seated systemic problems that remain unsolved, the absence of comprehensive, all-inclusive joint initiatives, singling out the M-Plan ad M-Fund as examples of the kind of joint initiatives required and, thirdly, the need to generate impact “at scale” on order to shift the system, for which long-term thinking and long-term planning were required.

Finally, Dr Enthoven highlighted the areas in which Yellowwoods are contributing towards furthering the (eventual) inclusion of the marginalised into the employment pool: school nutrition, early childhood development, supporting the Programme to Improve Learner Outcomes and the founding of the Harambee Youth Employment Accelerator which is aimed at assisting young people to find income-earing opportunities.

Declaring Yellowwoods to be an ambassador for the Social Justice Initiative, Dr Enthoven said in conclusion:

“The M-Plan and M-Fund is something that we really welcome. It is a hugely important initiative about building, mobilising and galvanising local support for social justice initiatives and organisations, and the goals that have been articulated at the summit”.

At Boshoff, Founder of the Christian Revival Church (CRC) spoke of the role of the faith community in integrating the post-COVID-19 recovery programme with the SDG quest. The COVID-19 pandemic, so central to many discussions at the summit, was once more singled out for its devastating effect on the poor and the churches of our

country were called upon to become actively involved in eradicating poverty in our society.

Millions of people are regularly addressed from the pulpits of churches throughout the country, thus providing an ideal platform from which the call for social justice and the concomitant alleviation of poverty can be made to congregants.

“We know that to reform society and to address the injustices in our communities and in our world, we need everybody on board, including the church and the religious sector””, he said, adding that the role played by the religious sector offers the key to “direction and vision”.

Referring to poverty as the “greatest giant” faced in our country, Mr Boshoff emphasised the church’s “tremendous influence in the way that people think” so that active participation in efforts to eradicate poverty may be generated.

But, he cautioned, the church could not possibly achieve this awareness and activation on its own: the government of the day, civil society, businesses and all other sectors have to join forces with the church – truly in keeping with the recurring theme of the summit: “all hands on deck to leave nobody behind”.

Gloria Serobe is the chair of the Solidarity Fund and founder of Women Investment Portfolio Holdings Limited (WIPHOLD) and after a brief outline of the disastrous effect of the COVID-19 pandemic, also in South Africa, and President Ramophosa’s announcement of the establishing of the Solidarity Fund, she spoke of how the fund relates to the goals articulated at the Social Justice Summit.

Ms Serobe confirmed the Solidarity Fund’s commitment to join hands with the Social Justice Summit and to play a meaningful role towards the creation of a better future for all. The Fund was necessitated by the effects of the COVID-19 pandemic and its mandate is “to support the national health response, contribute to the humanitarian relief efforts and mobilise South Africans to drive a united response to the…pandemic”.

The mandate is manifested under three pillars: a health response, humanitarian relief and behavioural change. She stressed that unemployment, poverty and gender-based violence had been disturbingly rife even before the pandemic and that the pandemic has since caused a further escalation in the incidence of these social problems.

Ms Serobe quoted the allocation of R100 million for the once-off farming input voucher, which served to alleviate the plight of subsistence farmers as well as interventions in gender-based violence as examples of the Fund's long-term relief programmes.

The Fund is taking a long-term view of its role of social assistance, although the identification of those areas in which immediate aid and intervention were provided, was pivotal. Two instances where "rapid response" was deemed to be necessary were given as examples:

- To make the testing for COVID-19 in far-flung areas possible, collaboration with Transnet saw the conversion of their Phelophepa Healthcare Trains into testing stations, one in the Eastern Cape and one in KwaZulu-Natal, thus ensuring that residents in remote areas could be tested; and
- Because essential communication in the remotest rural areas was difficult and problematic, the Fund provided 882 loudhailers in those areas across the country, thus making it easier for community leaders to communicate with fellow residents while emergency measures caused social distancing to be maintained.

If the Fund was to leave behind a legacy, she told the Summit in closing, it was hoped that "the work the fund did allowed South Africa to weather the storm and lay the groundwork for the country to rebuild itself…"

On the role that universities could play in "integrating the post-COVID-19 recovery programme with the SDG quest", leaders from the universities of Witwatersrand, Free State, North-West, Fort Hare and Stellenbosch contributed to the Summit.

Professor Adam Habib, Vice-Chancellor and Principal, University of the Witwatersrand, selected the SDGs on higher education, on health and on inequality on which to address the summit. He pointed out that COVID-19 had compelled the use of online education and while he does not envisage universities to rely entirely on this form of education in future, he foresees the use of "blended learning", encompassing both the traditional "face-to-face" method of education and learning via the internet, for which universities had to ensure that they were technologically equipped to deal with global challenges which are to be increasingly transnational in character.

On the issue of health, Professor Habib pointed out that it was the developed countries that produced and distributed, firstly among themselves, essential vaccines with which the disease was to be combated. Developing countries, such as South Africa, needed to stay abreast of vaccine research, clinical trials and production capacity, all of which required university training to ensure that we create both the research and production capacity for drug therapies and vaccine production.

While recognising that universities "are absolutely fundamental in researching the kind of inclusive policies that are required to enable growth, but also to enable inclusion", Professor Habib cautioned that this was only possible if universities spoke with the utmost honesty about shortcomings in all aspects of governmental structures involved in our social environment.

Professor Francis Petersen, Rector and Vice-Chancellor, University of Free State, reaffirmed his University's involvement with most, if not all of the SDGs. In discussing the importance of various of these, he shone the spotlight on the crucial nature of quality education (SDG 4), the impact of research and the importance of engagement with the public.

He emphasised that the COVID-19 recovery plan is focused, in the main, on economic recovery, which, in turn, would signify direct involvement with SDGs 1, 2 and 8 which call for the alleviation of poverty, the necessity of and right to food, job opportunities and economic growth.

On quality education he said that if it was to be linked with the COVID-19 recovery plan, "…the focus should really be on human social development" and that gender equality – in the face of prolific gender-based violence – was a crucial component in attaining this goal.

Professor Petersen concluded that the umbrella under which all of these programmes and plans are to be galvanised, and in his opinion the most critical SDG, was partnerships for goals. To this end, strong relationships between the private sector, business, NGOs, the public sector and government were to receive particular focus.

Professor Dan Kgwadi, Vice-Chancellor, North-West University, spoke of the fact that the young citizens of our country were at the disposal of universities where they can be provided with quality education, which, in turn, will assist in the narrowing of the

economic gap. The right mindset, he stressed, was also essential: quality education is not enough.

Universities should not be ivory towers, he warned, but they should also be involved in community service in their areas and beyond, and position themselves to create partnerships with industry and health societies in order to play a meaningful role in creating equality.

Professor Sakhela Buhlungu, Vice-Chancellor and Principal, University of Fort Hare, emphasised the rural setting of his university with a campus in far-flung areas like Alice and Bisho. This placed the university in a position where it could play a meaningful role in the training and upliftment of citizens living in some of the most remote areas of our country; citizens, more often than not, who were the most severely affected victims of the COVID-19 pandemic.

The university provides skill-development programmes and social services, such as its legal clinics and its provision of biogas to the rural communities. It also recognises its role to "…develop, build and nurture responsible citizenship, but also responsive citizenship which is responsive to the inequality in our region…".

Professor Buhlungu stressed the importance of extensive partnerships, not only with other universities but, more importantly even, with local communities to whom the university provides a range of social programmes, all of which, in one way or another, soften the impact of COVID-19, while also addressing most of the SDGs.

Professor Eugene Cloete, Vice-Rector: Research, Innovation and Postgraduate Studies, Stellenbosch University, used the word "wealth", not only in the sense of "a wealth of knowledge" but as an acronym to spell out the various fields in which universities should play – and are playing – an important role.

Using the acronym, Professor Cloete coupled each of the letters with those fields in which the university was contributing towards social justice, the participation in SDGs, the softening of the socio-economic blow delivered by COVID-19 and as an agenda for research throughout the whole of Africa in association with the African Union Development Agency.

So, while "W" indicates water, so essential to life, it also means women and the recognition of their societal role; the "E" for energy, but also for education,

employment, economy and equity; “A” for agriculture, but also for access; the “T” for technology, and also for transformation and “H” for health, and, importantly, for hope.

All of the above can be placed on agendas, addressed in programmes and be subjected to research and on hope to all, Professor Cloete pointed out that through education “I believe universities are key players in delivering on that hope”.

In emphasising the importance of hope, Professor Cloete identified four categories thereof: those who have lost hope, those that have been denied hope, those that had hope deferred (where patience was called for) and lastly hope that is to be realised, for which, he concluded, a vision, a plan and action were requirements.

The final speaker on the role of universities was **Professor Nico Koopman**, Vice-Rector: Social Impact, Transformation and Personnel, Stellenbosch University. He spoke on various forms of resistance to social change. The first of these was what he perceives as the “vagueness” of the term “social justice” and how this causes a call to clarity with the aid of a nuanced and analytical way of speaking about social justice.

This in turn meant that we should understand and distinguish between the various forms of social justice: redistributive justice (ensuring a fair distribution to all); restorative justice (the healing of what has been broken); restitutive justice (to repair that which has been broken, to heal and to right wrongs); rehabilitative justice (to restore privileges and reputation and remove stigmatism); retributive justice (seeking remorse, repentance and reparation); and, finally, reconciling justice, “…which is justice that does not alienate people, but embraces and brings people together”.

He then pointed out the other forms of resistance: that people perceive those that speak of social justice as being exclusivist and ideological and even as populist; that people accuse advocates of social justice as being emotional and that lip service is paid to social justice: “…we look good on paper, but not good on the playing field”.

All of these resistances must be broken down “… and we must use all our academic imperatives at universities to advance justice, but in the end we must do it, we must practice it, and it must become concrete”.

As the summit drew towards its close, it was the turn of the mayor of Stellenbosch, **Gesie van Deventer** to take to the podium. She reminded all that the effects of COVID-

19 had caused a further widening of the gap between the disadvantaged and the privileged sectors in our society and that had driven us to the brink of disaster.

However, as Professor Madonsela had earlier indicated, she reminded all that we are a resilient nation and that the M-Plan, which had been built on facts and data and not on mere speculation, was just one illustration of that determination to right the wrongs and to heal the wounds. However, she cautioned, the plan was not a magic wand: joining of hands, partnerships and hard work were now called for.

Finally, she thanked and lauded Professor Madonsela, the driving force behind the M-Plan, for her "relentless pursuit of fairness and justice", singling her out as the one person in this country who could successfully drive such an ambitious initiative.

The Premier of the Western Cape, **Alan Winde**, was the penultimate speaker. He bemoaned the horrific consequences of COVID-19 in his province and warned that a further lock-down could not be afforded once more. Any indication that the disease was indicating a spike in its occurrence, drastic measures were needed to stop the growth in its tracks, thus avoiding a further lock-down.

His province, he said, would concentrate on jobs, safety, gender-based violence and dignity. Thousands of jobs had been lost as a result of the pandemic, and for those unfortunate workers, jobs had to be created as a matter of urgency.

Safety was one of the province's priorities and the fight against an unacceptable high murder rate had to be intensified. This corresponded with the alarming rise in gender-based violence and steps needed to stem this scourge, while, finally, the provincial government was determined to restore dignity and well-being to those that suffered the most from the pandemic. "When someone loses their job, when they are a victim of gender-based violence, when they are a victim of crime, or when they cannot feed their family, they lose dignity. We have to make sure that, as government, we have social nets in place. We are looking at how we can improve the dignity of citizens in our province".

Professor Thuli Madonsela then addressed the conference with her closing remarks. She extended her gratitude to each participant by name, while not overlooking the important roles played by rapporteurs, the resource people and the respondents. The members of the social justice team at Stellenbosch were singled out for their

contribution as well as the organisers of the summit, Eastern Acoustics, procured by the Stellenbosch Conferencing Unit.

“The journey of a thousand miles begins with a single step,” she reminded those present. That first step had been taken at the First Social Justice Summit in August 2019 where the attendees adopted a resolution based on a declaration which aimed at the advancement of the SDGs as well as the COVID-19 recovery plan.

“Our journey today is a second giant step in a journey of a thousand miles which is about placing ‘all hands on deck’, in pursuit of social justice, ‘to leave no one behind’” she reminded all attendees once more.

What lay ahead was a stage of implementation of those promises and undertakings of a year earlier: the healing of divisions of the past and the building of a society that honours democratic values, social justice and fundamental human rights in which “everyone’s potential is freed and life improved”.

The state, predominantly, was to ensure that all policies and laws adopted by it were to be tested for their impact upon the equal enjoyment of all human rights and freedoms by all. And that promise, also, could be found at the core of the commitment adopted in 2019.

Professor Madonsela concluded her address with this poignant comment: “It is said that the time to plant a tree was twenty years ago, which means we failed to plant a tree twenty years ago. But the next best time is now. Here we go, holding each other’s hands, making sure that ‘all hands [are] on deck to leave no one behind’. And why are we doing this? It is for us all and that is the essence of ubuntu”.

Chapter 2

Background

South Africa's largely peaceful transition to democracy had been the fulfilment of a dream and the culmination of a lengthy struggle towards its realisation. However, in far too brief a period since the birth of democracy, it became evident that social injustice, abject poverty, the deprivation of dignity and an alarming increase in gender violence were having a crippling effect on the welfare and the lives of the largest single cross-section in our society: the poorest of the poor; the so-called "have-nots".

South Africa's ship was fighting a turbulent storm on an unforgiving ocean and it was obvious that government alone could not steer it to calmer waters. A joint effort was called for and business, society and academia were needed to join hands with government if this sore of societal ills, much, but not all of which was historical of origin, were to stand any chance of healing.

It was at Stellenbosch University where this awareness of the need to join hands took shape with the establishment of a Social Justice Chair and as its inaugural leader, the university invited Professor Thuli Madonsela to be its Chair.

The former Public Protector – in which capacity she had performed sterling work – immediately took stock of the situation and realised that action was called for: action much louder than mere words. To enable this, Professor Madonsela created our own version of America's Marshall-Plan, which had been established in the wake of the Second World War: the Musa Plan for Social Justice, to be known as the "M-Plan". And whereas the American plan was to assist in the rebuilding of a devastated and pilloried Europe, our M-Plan was to heal the devastated social structures of our country.

The South African M-Plan started with research carried out by the university, and Professor Madonsela was later to explain how the name, derived from the names of two women, was decided upon.

"The first was an Irish grandmother I met in Salzburg", Professor Madonsela later explained. It was this old lady who inspired a mindset that shifted away from designing legislative tools with which to combat disadvantage in the future, but instead could focus on the present. "What happens to the existing equality? Why do you not have a

Marshall Plan that deals with not just law reform, but also with economic transformation and the transformation of attitudes the same way that the original Marshall Plan changed the world?" Professor Madonsela quoted the Irish grandmother as saying.

The second was meeting Palesa Musa at a women's prison in Cornhill. Palesa had been incarcerated by the South African police in 1976 when she was merely twelve years old. And there it was: the Musa-Plan was born.

The M-Plan needed impetus. And most of all, it needed acceptance by all who could participate in its implementation.

Thus, in 2019, the First Social Justice Summit was held at which the goal and functioning of the M-Plan was explained, discussed and heartily accepted by the diverse attendees and affirmed by the late Minister Jackson Mthembu, as representative of the office of the Presidency. It was also decided that future summits were to be held annually.

That inaugural summit also saw the acceptance of a declaration which states that the attendees (1) reaffirm commitment to the Constitution, (2) believe that South Africa belonged to all its people, (3) note with deep concern the levels of poverty and inequality, (4) note the exclusion of and discrimination based on gender, nationality and sexual orientation, (5) note the escalation of fractured relationships, the deterioration in social cohesion and violence, (6) recognise the good work done by the TRC in exposing physical and psychological abuses in the security sector, but had neglected the social and economic impacts caused by apartheid, (7) believe that sustainable peace is not possible while injustice exists, (8) believe that the Constitution offers a framework for healing divisions of the past by redressing power and resource imbalances in society and promoting social cohesion, (9) recognise the need to accelerate the pace by which social justice is advanced and (10) agreed that an integrated action plan is needed to provide a systems approach to change.

In the wake of this declaration, at the inaugural summit, a resolution was adapted whereby a commitment was announced for the joining of hands to advance the various constitutional promises, to reverse racialised, gendered and other inherited disparities in all walks of life and agree to the implementation of the M-Plan.

Then came COVID-19. The entire planet was affected and drastic measures were introduced world-wide to put a brake on the rapid growth of the deadly disease. The enforcement of these measures caused millions of employers to shut their doors – some permanently – with the resultant loss of jobs and income an obvious off-shoot.

South Africa was not spared. Initially, we consistently counted amongst the top ten countries with the largest incidence of the disease, gradually "improving" by slowly moving lower on that list. That recovery did not soften the blow to our already frail social and economic fibre, however, it was devastating.

South Africa's already shaky economy was further weakened which, in turn, impacted on every sphere of life. Those that suffered the most as a result were those who could least afford it: the poorest of the poor.

A fertile ground had been laid for increased poverty, social injustice and a sharp rise in gender-based violence, the latter undoubtedly given impetus by the lock-down provisions which forced former breadwinners to stay at home.

By the time the Second Social Justice Summit was to be launched, the COVID-19 pandemic had taken centre stage. No discussion on any social topic was possible without acknowledging the presence of the pandemic and as was later shown during that summit, every contribution by every participant was made against a backdrop of the COVID-19 pandemic and its effects on society.

Nevertheless, the Summit was to go ahead, the introduction of the M-Fund, as one of the most important pillars of the M-Plan, was on the cards and perhaps the pandemic had brought about greater determination, and an even stronger sense of commitment and had sharpened the resolve required in the fight against social injustice in South Africa.

COVID-19 was bound to dominate discussions at the Second Summit, as indeed it did. It was to remain the proverbial elephant in the room while speaker after speaker highlighted the enormity of the task that lay in its wake.

Yet, it was this pre-occupation with the killer disease that probably galvanised the forces needed to combat the scourge of poverty and social injustice even more than ever before. Indeed, it was to be a call to have all hands on deck.

Chapter 3

Welcoming and setting the tone

Prof Wim de Villiers, Rector and Vice-Chancellor, Stellenbosch University

On behalf of Stellenbosch University, welcome to the Second Annual Social Justice Summit, this year taking place online, which has now become the new normal in this time of COVID-19. Stellenbosch University is honoured to be associated with a social justice summit. As you know, it is the brainchild of Prof Thuli Madonsela who holds the Law Trust Chair in Social Justice in our Faculty of Law. Congratulations, Prof Madonsela, for yet again putting together a formidable programme.

This event brings together an impressive array of people and groupings interested in advancing social justice – a cause that is certainly most important, even more so in 2020. What was supposed to be a time of perfect twenty-twenty vision turned into a nightmare following the outbreak of coronavirus disease eleven months ago.

The pandemic has claimed more than a million lives worldwide, including more than 19 000 in South Africa, and the livelihoods of more than a billion people have been threatened in the wake of the economic fallout from the crisis. Just in South Africa nearly 3 million jobs were lost between February and April alone, and more than a decade's worth of employment growth was wiped out in the first six months of the year.

Shocking as these results are, they are but some of the findings of a collaborative project tracking the socio-economic impact of COVID-19 in our country led by Stellenbosch University researchers. Other disturbing findings are that the rates of not only hunger, but also mental health issues, such as depression, have doubled compared to the time before COVID-19, and that 40% of school days will be lost for most children in South Africa this year.

What do we do in the face of such devastation? That is a question that speaks directly to social justice, as does the theme of this summit: 'all hands on deck to leave no one behind in the post-COVID-19 recovery agenda'. Before the coronavirus disease crisis, we were already straining under the weight of what I always call 'the four horsemen of the apocalypse': unemployment, poverty, inequality, and corruption. Now, the challenges are so much greater. What to do? What to do?

That is what we are here to discuss, are we not? One thing is for certain: we have our work cut out for us. And speaking of cut out, let me share an exciting development with you. Yesterday, we unveiled a new art installation in front of the Old Main Building on our Stellenbosch campus housing our Faculty of Law. It is a very interesting piece. It consists of three large metal plates with the Preamble to the Constitution of South Africa cut out using laser technology in three languages – Afrikaans, English and isiXhosa.

The project is part of Stellenbosch University's drive to create a more inclusive institution. Celebrating the Constitution is perfect for this purpose because it lays the foundation for a democratic and open society in South Africa, and the principle of transformative constitutionalism is central to contemporary legal education. The art installation will serve as a constant reminder that we have come a long way, both in South Africa and at Stellenbosch University.

But that does not mean that we have arrived, or that nothing more remains to be done. To the contrary, the attainment of social justice, human rights, improving people's quality of life, building national unity – the attainment of the very ideals mentioned in the Preamble to the Constitution – remains work in progress.

We have our work cut out for us, literally. At Stellenbosch University we have made a commitment to be a force for good in the transformation of South Africa into a place of opportunity for all, a place of shared prosperity and a place where there is sustainable, peaceful coexistence.

That is a clear break with our past and a commitment to help create a better future for all of us by tackling the grand challenges of society. There are many, but at the global level, the Sustainable Development Goals (SDGs) set by the United Nations [UN] provide a useful outline of societal challenges to focus on. The overall drive is to 'end poverty, protect the planet and ensure that all people enjoy peace and prosperity'.

As I said at the summit last year, the thing about societal challenges is that they cannot be solved in isolation. We all have to work together to find solutions. We have representatives of various sectors at this summit. We must all do our part – universities, the rest of civil society, the state and also business. In order 'to leave no

one behind in the post-COVID-19 recovery agenda', the Social Justice M-Plan needs a strong condition that seeks to end poverty and drastically reduce structural inequality.

Friends, the stage is set for meaningful engagement today. I wish you all fruitful discussions. Thank you very much.

Social Justice M-Plan Video

It is fair to say that Professor Thuli Madonsela's enthusiasm is contagious. Welcoming attendees to a video session at the Second Annual Social Justice Summit she quoted from two inspirational sources. Referring to the small number of participants in the M-Plan's infant steps, she quoted Margaret Mead who said that "a small group of thoughtful individuals can change the world', and Julia Abigail Fletcher Carney who said that 'little drops of water […] make the mighty ocean". It is the stuff of a sports captain addressing her teammates at halftime, sending them back to the field of play with hope heightened and resolve reinforced. It rubs off on the listener. And it inspires.

Professor Madonsela expressed the hope that the Summit will assist in "…understanding what exactly the Social Justice M-Plan is, what it is trying to change, and what my role, your role, and the roles of other people who might not even be in this room are in making the social justice plan a reality. I also hope that we come out of this room with clear commitments on implementing the M-Fund".

She expressed the hope that data analytics will help in designing policies that will curb and ultimately rid us of existing social injustices.

Professor Madonsela then told of the M-Plan's origin, which started with research commissioned by Stellenbosch University as part of the Chair in Social Justice, and how two women, a grandmother in Salzburg who suggested that our own Marshall Plan should be considered to address our existing inequality and injustice while creating economic transformation and the transformation of attitudes, and by a young political detainee, Palesa Musa, in whose memory the 'M', signifying her surname, was to be used in the title of the plan, thus ditching "the 'Marshall' part because he was some guy that we had never met. We thought, 'Why do we not then substitute Palesa Musa for General Marshall?' And hence instead of calling it a Marshall Plan we called it the Musa Plan for Social Justice, or Social Justice M-Plan".

Professor Wim de Villiers expressed the hope that the M-Plan – to which he referred as “grand” and “worthwhile”-- would meet the significant challenges provided in our society by what he referred to as ‘the four horsemen of the apocalypse’: inequality, poverty, unemployment and corruption, while Professor Mark Swilling remarked that what was most urgently required in South Africa was ambition, “in particular a broad vision that stretches our imagination way beyond what we currently tend to think is viable”,

Professor Madonsela said that the devastating COVID-19 pandemic had shown us, anew, “that we are a hugely unequal society with unconscionable levels of poverty” and that discussing “social justice does not only deal with the inequality and poverty that existed before COVID-19; it gives us an opportunity to really reflect together and build better together.

Professor De Villiers echoed the call for co-operation and the joining of forces, stating that universities cannot rectify ills in isolation and that they are part of a bigger group. “We are part of government, of civil society and also of industry. Together with these three, the university forms part of what David Cooper has referred to in the past as the so-called ‘quadruple helix’. We all need to function as a team going forward to help resolve these issues”.

Professor Madonsela, in turn, warned that times of adversity often cause despondency and the loss of hope “It is also easy to get angry and start blaming others, especially people who do not look like us”, she added. By the joining of hands, as the M-Plan asks of us, and because of the resilience of our nation, she expressed the hope, nevertheless, that this period of despondency will be overcome and that we will see poverty as “history” by 2030 and structural inequality greatly reduced by then. She also referred to the newly established M-Fund, “one of the pillars of the M-Plan” as our own “‘community chest’ to fund the acceleration of progress towards ending poverty and reducing structural inequality by 2030”.

Expressing the aim to reach 4 392 wards with the M-Plan, Professor Madonsela called for “everyday justice”, including the education of family members to join hands in fighting everyday discrimination.

The M-Plan seeks to contribute to such initiatives by investing in a ground-up approach where communities in all of the 4 392 wards dream about the future they want, in line with the SDGs. They are then assisted to uplift themselves to realise sustainable development and socio-economic inclusion.

“If you want to make a difference for social justice, firstly, play your part in ending poverty and inequality through everyday justice. Educate members of your family and others about the dos and don’ts to reduce poverty and reduce inequality. This includes reducing everyday discrimination.

Reverting to the M-Fund, she pointed out that even the smallest of contributions thereto will ensure that every ordinary person can play a role in pooling resources together that will ensure that no one is left behind.

In closing she expressed the hope that the summit will cause the attendees to leave it “with a burning sense of optimism, a sense of believing that we can achieve social justice, reduce inequality, end poverty and work together in reflecting on where we are, researching our journey, and building better together”.

In a separate contribution, Dr Phumzile Mlambo Ngcuka highlighted the aggravating effect on poverty and inequality caused by the COVID-19 pandemic and predicted that 47 million will have fallen into poverty in its wake and that women between the ages of 24 and 35 were “the worst affected because of their reproductive responsibility, young children, bearing children, and, at the same time, needing to go and work but being unable to hold down a job, in some cases, because of their unpaid care responsibilities”.

To substantiate this, she mentioned that for every 100 young men thrown into extreme poverty, 117 women will experience the same fate. “To leave them and give up on them would mean that we are designing the next generation of poor people for the world and I hope this is not something we will take lightly and leave unattended to” she said.

In further aggravation of this problem, she referred to the adverse effect on the plight of women caused by gender-based violence. Climate change, together with conflict and war were further contributing factors to abject poverty.

Young women were the most vulnerable to poverty and injustice in both developed and developing countries, from the United States to Bangladesh. Black or indigenous or rural people were worse off in what she referred to as “the feminisation of poverty”. She called for better education, fair and equal wages, access to family planning and access to cash transfers. We must ensure, she added, that women be targeted as a critical group when social protection measures are implemented.

In conclusion, Dr Mlamo-Ngcuka urged attendees to assist with “collecting data to enable governments to make evidence-based policy changes to monitor and ensure that there is effective implementation. We also urge you to remember that while we do this work, we are inclusive of young academics, Black academics and women. They must also be part of this work so that we are able to reflect their lived experience as best we can and to fortify their intellectual prowess”.

Aligning law reform with social justice and Sustainable Development Goals through data analytics: reflections, reset and rebuilding

Ronald Lamola, Minister of Justice and Correctional Services

Thank you very much for extending an invitation to me to be part of such a probing and thoughtful discussion. I say probing and thoughtful because at the core of this discussion one is required to assess to what extent we have been able to implement and integrate the SDGs in South Africa and perhaps, more precisely, into our justice system.

In his acclaimed book *Pedagogy of the Oppressed*, Paul Freire argues that in the endeavourby women and men seeking to be more fully human, dialogue cannot be carried on in a climate of hopelessness. If the dialoguers expect nothing to come of their efforts, their encounters will be empty and sterile, and bureaucratic and tedious. I have no doubt that this discussion is not taking place in a climate of hopelessness

On the contrary, we are now seeing more hope as a result of the actions of state institutions, which ensure that the wheels of justice spare no one. Everyone who steers the great wheel of society and abuses public power for their personal benefit must have their day before the corridors of justice. At times this may be a long, tedious and bureaucratic process, but it is not a sterile one. All public resources must reach the intended beneficiaries, in every rand and cent.

I believe that the state must be a conduit of social justice. In other words, the role of the state, among other things, is to deepen equality in our society. Although we, as a nation, still celebrate twenty-five years of a constitutional and a democratic state, we must be honest: obtaining social justice is still elusive in various communities and spheres of our society.

Politically, equality is afloat, but social justice requires a substantial amount of work. As I am fond of saying, although we may celebrate the fact that we have the greatest constitution in the world, the Constitution still requires a significant amount of implementation. The Constitution must be felt and touched by people in Pofadder, Thohoyandou, Mqanduli and in each and every part of our country. As a result, social justice is that which our fellow South Africans must experience and touch.

Data is said to be the lifeblood of decision-making and the raw material for accountability. In the age of the Fourth Industrial Revolution, analysis of big data is commonplace with consumer profiling, personalised services and predictive analytics being used for marketing, advertising and management. Similar techniques could be adopted to gain real-time insights into people's well-being and to target aid interventions to vulnerable groups from a government perspective.

According to the UN, new sources of data, such as satellite data, new technologies and new analytical approaches, if applied responsibly, can enable more agile, efficient and evidence-based decision-making and can better measure progress on the SDGs in a way that is both inclusive and fair.

In our context, there is a significant convergence between South Africa's National Development Plan [NDP] and the SDGs. According to an unpublished analysis by the Department of Planning, Monitoring and Evaluation and the UN Development Programme (UNDP), 74% of the SDG targets are directly addressed by the NDP and sectoral programmes address 19% of the remaining targets.

The 2030 Agenda and its SDGs are realised within the context of South Africa's medium- and long-term development planning, which commenced with the Reconstruction and Development Programme [RDP] in 1994. The RDP's overreaching aim was to mobilise all people and the country's resources towards the final eradication of the results of apartheid by building a democratic, non-racial, and non-sexist future. In essence, it was a policy designed to usher in social justice.

Underlying the RDP was the notion of social transformation, which included redressing apartheid, political and economic inequalities through meeting basic needs, poverty eradication, democratisation, redistribution and securing human rights.

According to Statistics South Africa's [Stats SA] living conditions survey, more than one out of every five adults were living below the food poverty line in 2015, while a third (33.8%) were living below the lower-bound poverty line and approximately half (40%) were living below the upper-bound poverty line. A South African's likelihood of being trapped in poverty is, to a large extent, determined by gender, race and location.

The NDP aims to eliminate poverty and reduce inequality by 2030 by reducing the proportion of households with monthly income below R419 per person from 39% to

0%, and to reduce the Gini coefficient from 0.69 to 0.60. To achieve this, the plan emphasises inclusive economic growth.

The NDP also provides a long-term strategy to increase employment. It identifies a number of sectors through which employment and opportunities can be created. These include education, vocational training and work experience, public employment programmes, health and nutrition, and public transport, among others. To reduce the effects of poverty in the short term, the NDP made a number of proposals.

As you can see, at the core of us implementing the NDP, and as a consequence the SDGs, is government's ability to interpret the data before it. For instance, social security grants based on Section 24 of the Constitution and Section 29 of the Bill of Rights recognise the socio-economic rights of South African people.

It is estimated that 71.9% of elderly people received an old-age pension by 2015, while 92.2% of those classified as poor received social grants. Child support grants were provided to 34.3% of households with children. This is a direct link to poverty reduction, as per the SDGs, and ultimately the reduction of inequality in our communities.

Data provides an important means for government to not only assess progress, but also develop important policy perspectives. For instance, it can be of great use with our mortality rates. One is then able to devise policy to address drinking and driving problems, the accessibility of firearms in our communities, or even the importance of ensuring that universal health coverage in the form of NHI [National Health Insurance] is a success.

Chair, one of our priorities, as this administration, is to ensure that we review old-era legislations. We have to complete the project that has been started by the [South African] Law Reform Commission [SALRC], in this regard, and society can play a great role in helping us to finalise this project. Given the political orientation and objectives of the apartheid regime, it is conceivable that some of the legislation we have inherited still hold deeply imbedded unconstitutional values in them.

Data is like oxygen for policy development and the attainment of social justice in our context. Through Stats SA, we have the means to analyse, collate and develop the data to drive the necessary change. But one thing is clear: in the last couple of years, in

particular, our quest for social justice, as a nation, has been suffocated by corruption. If we accept that social justice is described [as per the UN definition] as 'the fair and compassionate distribution of the fruits of economic growth', then we must agree that corruption has indeed derailed us.

To prevent this, it is implied that one must enjoy some level of political integrity. Therefore, addressing corruption is a substantial element of social justice because corruption and maladministration is the antithesis of social justice. Corruption creates victims of theft. As Former President Mandela once said, 'It is the dictate of history to bring to the fore the kind of leaders who seize the moment, who cohere the wishes and aspiration of the oppressed'.

We South Africans have succeeded quite admirably in putting in place policies, structures, processes and implementation procedures for the transformation and development of our country. We ought to vigorously implement policies. We cannot falter before the future of this great nation. It is in our hands. We have to ensure that every rand and cent counts, and that it reaches the intended beneficiaries.

We have to do this by building the capability of the state, of civil society and of everyone in order to enable us to implement that which we have said we will implement. Making decisions and policies but failing to implement them is the same as not having made the policies and as not having made the decisions. Thank you very much.

A Message of Hope

Revd Dr Thabo Makgoba, Archbishop of Cape Town and Primate of Southern Africa

Dear friends, my apologies for not being able to participate more fully in your proceedings today. I am honoured to be asked to greet you and wish you well in your deliberations, which are crucial for our country and for the future of our children and our grandchildren and the generations to come.

Congratulations, Prof Madonsela. We still call you the Public Protector for the sterling work you did in raising the levels of values and accountability, or mutual accountability, while you occupied that prestigious office. Congratulations to your team for this initiative and for the work that goes into organising these summits.

As a person of faith, I base our church's advocacy of social justice and the advocacy of the Development Trust established in my name on the concept of 'the common good'. This concept is one rooted in God's desire that human beings may flourish, or as those in my faith tradition say, in the words of John's gospel, 'that they may have all life, and have it abundantly'.

Working for the common good means ensuring that everyone has a liveable standard of material well-being, enough food, clean water, housing, clothing, healthcare, and the like. It means that all who are vulnerable will enjoy special protection and that all will have an education that gives access to jobs. In its widest sense, a society organised for the common good is one which is stable, safe and just – a society that accords everyone respect materially, emotionally, spiritually and intellectually.

In the face of global inequality and discord, working for social justice, for the common good, was already a priority before the coronavirus disease struck. It is now even more urgent. At a time when we, as a society, need to give top priority to promoting human development and fostering common goals through our support of education, health and the development of entrepreneurial skills, as well as mentoring and encouraging dialogue in communities, today's event is fitting.

The SDGs identify where we have to be in 2030 to create a sustainable world. With these universal goals, we will need to mobilise efforts to end all forms of poverty, fight inequality and tackle climate change, while ensuring that no one is left behind.

Each of us, today, represent our own community and our own section of society. But all of us have a common identity: we are all South Africans, and our nation needs us. It needs us now more than ever before. Speaking to those whom I represent, religious communities have a major impact on the function of society and, ultimately, on peace. Persons of faith communities in all our cultures wield great power.

All faiths have in common the objectives of promoting unity, love, compassion, peace and cooperation. We often do not appreciate fully enough their power in shaping communities and in achieving social cohesion. And being at the forefront of where people from different cultures and faiths meet and cooperate, the interfaith community has the capacity to harness resources to help overcome inequality and poverty, and to reduce the potential for conflict in society.

I deliver these reflections at a time when there has been a stabbing in a cathedral in France, and, today, shootings in Vienna. Of course, we know of the challenges that we face globally. I am saying that, as faith communities, we need to ask ourselves: 'To what extent can we contribute to plugging the gap in the disparity between the rich and the poor, both globally and at home? How can we work hard towards equality among people?'

Friends, as you begin your programme today, we know that the task ahead of you is a hard one. But I am confident that you will succeed in sharing insights and practical proposals for the way ahead as you work towards the fulfilment of a world in which social justice is a reality. Thank you. God bless you. God loves you, and so do I.

A Question-and-Answer Session

Desiree Chauke with Professor Thuli Madonsela, Law Trust Chair in Social Justice and M-Plan Convenor, Stellenbosch University

Professor Madonsela kicked off proceedings by expressing her joy at the progress thus far achieved by the M-Plan. She cast a nostalgic look back to her childhood when, in church, she used to sing a song called 'All the Colours of the Rainbow' and how that reminded her of the joining of hands, across divides to make this world a better place.

Both Professor Madonsela and Ms Chauke commented on the goose-bump moments they shared at the singing of the Anthem by young South Africans and the reading of the full Preamble to the Constitution at the opening of the summit. "It just gave me a sense of hope that this is doable, but also that it really is possible to recognise our past and our present and reset together and rebuild together. It really is possible", said Professor Madonsela.

Ms Chauke referred to the unveiling of the artworks at the entrance to the Law Faculty at Stellenbosch University the previous day and asked Professor Madonsela how that tied in with the Annual Social Justice Summit. Professor Madonsela replied that the initiative by Stellenbosch University was in recognition of "where we are and how the past informs where we are, as well as the commitment of this university to join hands with all willing South Africans and others to take this country to where the Constitution wants it to be. The Preamble is that vision statement", she continued, "that we all adopted as South Africans, and we said that we did not like who we were or who we had become as a nation and that this was the nation we wanted to become…"

The artworks, she stated, would cause the Preamble to be seen by every law student who is arriving for the first time as a reminder that this is the foundation of their legal studies, that social justice lawyering entails a serious legal commitment, and that social justice lawyering should be part of every lawyer's training, but although these future lawyers will be part of the foundation of the country we are building, it was also her hope, explained Professor Madonsela, "that everyone in this country is going to put the Preamble where everyone can read it. And… when they start their meetings, especially policy meetings (that) they will read this Preamble together first so that they always remind themselves where we are going".

Ms Chauke then wanted to know what had thus far been achieved by the M-Plan, in view of its prominence at the Annual Social Justice Summit. The captain of the ship modestly replied that only a few droplets towards the mighty ocean of social justice had been contributed, adding that the impressive line-up at the summit was indicative of the increase in the number of institutions that have opted in. Professor Madonsela then highlighted three elements that generated optimism: "The critical mass is increasing" she said. "Secondly, we have now invited people to become councillors in the Council of Social Justice [Champions] that is going to manage this whole programme and the M-Fund. And, thirdly, the M-Fund itself is in the process of being established and we are just waiting for the councillors to sign up as trustees and then we move forward".

She also expressed her pleasure in the tremendous growth of research programmes. "We designed a tool that is called the [9-Dimensional] Social Justice Impact Assessment Matrix or SIAM. That is the tool that is informed by Constitutional Court decisions, such as the judgments in *Van Heerden*, and *Bato Star* and so on. That just reminds this country that with everything we do, we must first ask the question: 'Will this advance equality and will this reduce poverty?' And if it does not, then it is not in line with the social justice commitment in the Constitution. We, therefore, have to rethink it all and this is a tool to achieve that. That is SIAM".

She also announced the piloting of a social justice project which is about poverty and equality mapping in agreement with the South African Local Government Association (SALGA) and the Municipality of Swartland. "We are just waiting for the ethics committee at the University to make sure that we do not harm anyone in the pursuit of goodness and we will be good to go very soon", she added.

A further indication of progress was the formation of SCOPRA [the Social Justice and COVID-19 Policy and Relief Monitoring Alliance] which is a smaller think tank in our social justice community that is monitoring COVID-19 policy and relief responses and is equipped to provide government with advice and directives towards a better outcome after COVID-19.

This prompted Ms Chauke to ask what government, the Solidarity Fund, and the M-Plan, were doing to accelerate economic inclusion and well-being in terms of social justice Professor Madonsela replied that she thought government had been doing its

best and that despite the fact that we had become the most unequal country in the world and poverty is at unbelievable levels, a holistic and data-based view showed that today was better than yesterday. This brought a reaction of scepticism from Ms Chauke who felt that people's actual experience did not bear out that perception.

To illustrate her point, Professor Madonsela quoted the example of Palesa Musa, who although she was certainly still poor, could walk about anywhere without a pass and did not have to fear that a policeman might kick down her door in the middle of the night. She admitted that she was speaking from privilege and that she was one of those who had "received the early, low-hanging fruits of democracy. And you are right that this is why we are talking about 'all hands on deck to leave no one behind' because there has been improvement, but there is also patchwork".

Explaining how South Africans could provide little, incremental improvements, Professor Madonsela said that "the Social Justice M-Plan, provides a vehicle to bring all of the little lights together. I meet people who are paying fees for someone, people who are providing accommodation for free to someone, and people who are feeding people. We do that, I do all of the above, but these little lights are all over the place. The idea of having this Social Justice M-Plan is twofold. Let us connect those lights; let us connect those droplets and form a mighty ocean where the visible difference that you are asking about can be seen and felt by everyone".

While implementing a systemic approach was essential, care had to be taken that "no one (would) fall through the cracks. I have said that everything has improved, but if you go to a community like Kayamandi, which is here in Stellenbosch, the four wards have not felt a lot of the change that we want to see. If you go to a community in KwaZulu-Natal that is called eManzimeleni, they have not felt the change. For example, they asked for a community garden and a community centre, but they got a stadium and toilets". Thus, Professor Madonsela explained, while government had the best of intentions, they were not always "impact-informed" and that is why data analytics were so important and that is also where SIAM plays an important role.

"Intentions are not enough; impact is enough", she said. "Have the good intentions, but also have the positive impact. And that is why we have started with Swartland". Government, she further explained, sometimes failed to produce the impact it had aimed for.

During a policy's planning stage, Professor Madonsela emphasised, one had to ask oneself who was going to benefit from the proposed policy and whether the lives of women, young people, the elderly, disabled persons and even foreigners would be improved by its implementation. Who, after all was going to benefit from this policy? Where a new policy was contemplated, mechanisms had to be employed to ensure that all people, wherever they may be, receive the message so that one 'leaves no one behind'.

Ms Chauke wanted to know whether the government's National Development Plan was relevant or if government was still committed to it in view of the emphasis placed on the M-Plan. She also wanted to know what sort of conversations were being held with government to ensure that all are on the same page, to which Professor Madonsela responded by referring to the attendance of Minister Jackson Mthembu at the M-Plan's launching, having been delegated by the President to do so. She also spoke of a team from the Department of Planning, Monitoring and Evaluation] that came to Stellenbosch University to meet with her. "That is how committed they are to talking to us," she said.

"But we are not only looking at national government. We are also talking (locally) to Swartland Municipality; and we are talking to everyone because, for us, leaving no one behind is not about choosing a government for the people. People have to choose their own government. With us, we work with whoever to make sure that we plan better, do better and we 'leave no one behind'. Not just with poverty, though. We 'leave no one behind' with equality either."

Here Professor Madonsela pointed out that it was not only the inequalities caused by apartheid that had to be addressed "…but also other inequalities that have emerged as human beings cast others out of the boat. For example, if you are in the LGBT[QIA+] community, or if you are a foreigner, you may have been cast out of the boat, not necessarily because of apartheid, but because humanity tends to do those things".

"Social justice" she said, "is about building that inclusive South Africa where everyone belongs, which is what we mean when we say, 'to heal the divisions of the past and establish a society founded on democratic values, social justice and fundamental

human rights'". As the Law Trust Chair, Professor Madonsela was asked what activations she was hoping to work on "to take this conversation forward".

Referring to the launching of the M-Fund at this summit, Professor Madonsela named two things asked of all South Africans: for "retail outlets to lend us their collecting points so that we can have an app there that allows you to donate to the fund" and secondly "that I, you and even children donate a minimum of R5 when we see the sign of the Social Justice M-Fund". She also mentioned how, at Harvard University, an estimation was done "of how those little droplets of money can do wonders". But that did not mean that big donors were excluded:" We are always looking for big donors…"

Referring to tradition, Professor Madonsela said that "…this project is really about ubuntu, human solidarity". When someone in ancient societies fell ill "…everyone came and did what Richard Mabaso calls 'imbumba' – in siSwati we call this 'lilima'. In other words, we do not give you charity, but we hold your hand and work with you to lift yourself up".

Moreover, "…we are doing it for ourselves because the African notion at the core of our existence has always been about being stronger together, as Stellenbosch University also says. It is more like with elephants. Elephants will help another elephant that is in trouble, will cry when an elephant is dead, even if it is not from their tribe. Because they know about when they work together, they are a stronger force against everything else.

This is the same thing as with the SDGs, which is leverage for every human being, in every community. Release everyone in your country from the shackles of poverty and underdevelopment as your key to sustainable development, growth and advancement as a nation".

Apart from the launching of the M-Fund at this summit, which she described as "very exciting", Ms Chauke wanted to know what some of the most exciting milestones were, achieved to date.

Professor Madonsela immediately referred to SCOPRA, which was an already existing think-tank on social justice when COVID-19 arrived, which enabled us to quickly "…realise that the existing social cleavages, the existing disparities, were going to be exacerbated by lockdowns, and that poor people (or those on the margins of society)

were going to be more affected". SCOPRA had made submissions…"and we do think that we have been part of the impact of those submissions", she said. Professor Madonsela referred to government's R350-grant, as an example of what she called palliative care". "It is really just like giving people Panado. Sustainable development is about making sure we find out why people are poor and how we help them to be lifted out of poverty. But not just to be just out of poverty. How do we create a country where everyone is prospering? That is what we have done".

Professor Madonsela also referred to the creation of SIAM, an instrument for social change. "If you are saying, 'How do I measure if this thing is in line with the Constitution or not?' SIAM shows the nine dimensions to be considered. Such as "Who is this policy for?" and "Who is going to benefit? Will it exacerbate existing disparity? Will it reduce inequality? Will it reduce poverty? Whose lives are going to be made easier? Who will find it easier to comply?"

"We even say that if, for example, there is no other policy you can adopt because this is the only policy possible under the circumstances, then what is your conversation strategy? In other words, you do not wait to determine your conversation strategy when your policy has flattened people to the ground.

"For example, with some of the services we digitalised for students it was only when we had already taken everything online that we discovered some of the students do not have digital instruments or digital devices. Some others do not have data. Some are living in areas where there is no connectivity at all so that even if they do have a cellphone, they do not have data.

Professor Madonsela said further: "We are part of that conversation. And I think above everything else, for me, it is the fact that this nation is awakening to this term social justice. Social justice had always been in our Constitution and our Constitution repeatedly says that we are aiming for three things to achieve: a socially just society, a society based on democratic values and a society based on human rights".

While, since democracy, human rights formed the core of most conversations, "…that conversation has died over the years; I think social justice is on the lips of everyone today…and…we cannot really achieve what we do not aim for".

Ms Chauke next asked how COVID-19 may have affected the efforts towards social justice. A ready illustration of how it did, said Professor Madonsela, was evident at this summit where "…we are struggling with technology organising the summit…" and referred to the words of the late Ben Turok after the First Summit, which was a live event, when he said that never in his wildest dreams did he ever think that he could be in a room where people who have so many different views about South Africa are together, and are agreeing on one thing: that we need to achieve social justice. The shadow of the past is still with us and all of us should join hands to achieve that". And, Professor Madonsela continued, "…this M-Plan that we are talking about was adopted by everyone in the room without any reservations".

This was the kind of feedback, said Professor Madonsela, that drove her to continue. "Nobody, well, very few people in this world wake up in the morning and say that they want other people to suffer. People do things they think are going to help themselves and I call it the 'just us' approach. And they do say that we evolve like that as human beings. At the starting point, you are only concerned about what is just to you and what is just to people like you. Engagement helps people to understand that as long as there is injustice somewhere, there cannot be sustainable peace anywhere". If justice was only viewed as being "for us", we would end up with the fractured structures of the apartheid era, she warned. "But we also cannot develop fully because we are leaving a lot of people who should be part of our development strategy behind."

Ms Chauke wanted to know if there had been any challenges that have dampened progress since the government's endorsement of the M-Plan during the First Social Justice Summit and also what the next steps were after the summit with regard to the M-Plan and the M-Fund.

Professor Madonsela replied that an unintentional challenge was thrown up by COVID-19 and the government's announcement of the Solidarity Fund as this brought into question if an M-Plan – which had already been approved – and an M-Fund should be continued with while the Solidarity Fund was in place, "And we came to the conclusion that we need both, and that they can complement each other.

"The Solidarity Fund is looking at everyone being carried forward. It does not measure whether you are rich or poor. Instead, if you have been impacted by COVID-19, they will help you. Whereas the Social Justice M-Plan only deals with everyone who is poor.

It does not matter what colour they are, or what gender they are. We do not want anybody to be poor by 2030. That is SDG 1. It is also looking at inequality. It does not look at what caused that inequality, but we know that most of that inequality was caused by our unjust laws of the past," said Professor Madonsela.

In keeping with this spirit of co-operation Professor Madonsela mentioned that colleagues from the Solidarity Fund had been invited to the Summit because nobody can ever achieve anything alone. "Society is like a body", she said, "and in your body you cannot have your foot working against your head … you need everything to join together so that the body is healthy and it moves in one direction".

Ms Chauke then questioned whether interactions of this nature were not perhaps too intellectual and leaving out the people they are meant to benefit. "How do you make sure you bring in that component as you work on achieving what you set out to do?" she asked Professor Madonsela.

As the end of the question-and-answer session drew nearer, Professor Madonsela asked that all South Africans join hands with the majority who are already doing something to improve social justice by trying to end poverty and end inequality. "It could be helping a relative with food, with accommodation, with transport, with school and with medical services," she said. "It could be helping total strangers. Everyone is doing something. But we are asking every South African, wherever they are, to join hands at this time so that we 'leave no one behind'".

Professor Madonsela finally reminded us that the Social Justice M-Plan was not an altruistic aid, but that it represented a ground-up approach in which people are helped to help themselves.

"We use the science that we have to help communities understand the SDGs and lift themselves up," she explained. We connect them to resources in government, to resources in business, but also to the social justice fund, the M-Fund, which will be like an impact investment fund where we do not invest randomly. We have looked at Swartland. We invested in a dream that Swartland had already looked at and decided what the community would look like by 2030 and how the fund helps them to get there". And in this, the M-Fund played a crucial role later: a total of 4 392 municipal

wards, with a ground-up approach based on the SDGs, focusing on 10, 1 and 2 were to be reached, while, secondly, education will have to be pivotal.

Finally, the founder and leader of the Social Justice M-Plan concluded the session by appealing to all to “make sure that we put in the R5 if we can, but that we are also part of this energy system, which says that we need everyone on board for all our sakes, and which is part of ubuntu”.

Closing remarks

Prof Nicola Smit, Dean, Faculty of Law, Stellenbosch University

Programme director, honourable Minister Lamola, our host, Prof Thuli Madonsela, speakers of this first session, as well as delegates who are attending virtually today, it is a great honour for us to welcome you at this Second Annual Social Justice Summit.

I want to thank the first session's speakers, including, of course, Executive Director of UN Women, Dr Phumzile Mlambo-Ngcuka, Archbishop Thabo Makgoba and Prof Wim de Villiers for their thoughtful contributions this morning.

As highlighted by our speakers, the impact of COVID-19 makes this summit even more timely, relevant and important than ever before. As a nation, we indeed need to reflect, reset, reimagine and rebuild our current positions, policies, safety nets, and support, as well as our chosen pathway to realising social justice for all. Archbishop Makgoba formulated this very well by saying that we need to trust ourselves, we need to have hope and we need to believe that we can succeed.

Constitutional Court Justice Leona Theron, in 2018, wrote in a short contribution, 'Leadership, Social Justice and Transformation – Inspire a Leader', that the rights captured in our Bill of Rights, such as the right to equality, access to housing, health, education, water and many other social rights, are the foundation for social justice to be achieved. This is, of course, a rights-based approach because it is through and because of the delivery of these rights that social justice can, in fact, be achieved.

Human rights litigation is, therefore, an important mechanism to use in achieving social justice. However, we all know that litigation is time-consuming and costly and, therefore, more recently, we have realised that this is not the only or perhaps even the best route to follow to pursue social justice for all. An important point underlined today is, therefore, that in order to achieve social justice it is indeed 'all hands on deck'.

Due to our limited resources and the impact of things beyond our control or somewhat beyond our control, like climate change, we need to find ways to mobilise large-scale participation, law reform and smart processes using relevant data, accurate analytics, et cetera. This is, of course, where the M-Plan and also the M-Fund fit in perfectly.

We cannot go about our business as usual. The impact of COVID-19 extends to the health of our nation, economy, poverty and households, especially female-headed households, and income inequality, food security of people, environmental, technological and educational challenges.

All of this means that income inequality increases due to this pandemic, thereby aggravating the already high-income disparities in South Africa and compromising South Africa's progress towards attaining targets under the SDGs, and this, in turn, threatens the already fragile social fabric of our nation.

In the socio-economic impact assessment of COVID-19 in South Africa, the UN recommends very clearly that policy interventions need to pay specific attention to those persons hurt most by COVID-19. It makes sense. Broadly, a strategic thrust as well as interventions are usually targeted at those persons most disadvantaged in terms of poverty, inequality and sectoral and production impacts.

The UN also states that a new dimension of intervention responses mitigating the impact of COVID-19 needs to be differentiated by the expected losses and impact of the pandemic. And this includes, for example, that the restructuring package to be directed towards the economy should be to those economic sectors where growth will take place or, for households, that the intervention should be targeted according to the household poverty level and its gender dimension, as underlined by the UN and emphasised by Dr Mlambo-Ngcuka.

How is data relevant in this journey? If a microeconomic analysis presents a classification of households in South Africa, for example, which goes beyond the basic poor and non-poor to a ranking that factors in the likelihood of falling into poverty, this classification could, for example, divide the poor into different categories such as chronically poor or temporarily poor, and the middle class into categories such as vulnerable and middle class.

A stimulus package or social protection could then, for example, target the businesses and the chronically poor in society. While support to these households is essential, there is a case for the protection of other categories of households to, at least, preserve the poverty levels prior to COVID-19. Data will feature in today's programme and Minister Lamola's presentation will also touch upon this issue.

As the Rector indicated, there are many challenges, but at the global level the SDGs set by the UN provide us with a useful outline to frame these challenges overall as the need to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

The most recent UN report of South Africa, the voluntary national review that was presented on 17 July 2019, is worrying. In addition, the potential impact of COVID-19 on the achievement of SDGs was built on this report which stated that South Africa, even pre COVID-19, struggled or experienced challenges with SDGs 4, 8, 10, 13, 16 and 17, and clearly these challenges will only be aggravated by COVID-19.

This has brought to the forefront, for instance, the challenge of achieving SDG 4, quality education, and SDG 8, decent work and economic growth. One challenge in particular – and of course we felt this very clearly in the case of the University because of inequality of access to internet, for example – was school and workplace closures and not all households having access to essential services to access these educational resources and to be able to continue to work from home.

Over and above all of this, we know that the need for significant funding resources will increase. These resources were already limited prior to COVID-19. It will be much worse in 2020 with many different interest groups requesting funding also to further the SDGs.

To conclude, it is, therefore, an opportune time to bring together experts from different disciplines to deliberate on how we can ensure that no one is left behind. I look forward to the contributions of all the experts over the next couple of sessions, including the parallel sessions this afternoon, and I look forward to hearing how you reimagine our response to pursuing social justice for all.

Chapter 4

Keynote Plenary I

The role that can be played by the corporate social investment sector and young social justice people in integrating the post-COVID-19 recovery programme with the SDG quest, focusing on how the M-Plan weaves this together?

Kate Robertson, Co-founder, One Young World

On this day, the 4th of November in the year 2020, I would like to put forward two points in the interest of social justice in context of the M-Plan. I state the date because I believe that this is a day to reckon honestly with democracy. There is a fault line that has always existed, but which is becoming increasingly apparent and must be acknowledged. It is a fault line that exists because it is a fact. It does not live in theory or policy and it is a fact about people. It is people that make up our democracies, not systems. People lead and are led, and this is done by communicating with individuals and with the masses.

This brings me to my first point. There will be, and there always has been, communication between leaders and the people, and between government and the electorate. These days, interestingly, the people talk back, and not just at elections, but constantly. Those who would make change, whether it be change for the better or change for the worse, must master the art of communicating with the people with words that they, the people, understand and that move them.

In many democracies around the world, the evidence is plain: people can be led, en masse, just with words. This seems simplistic, but in deriding this simplicity and choosing to move on with our better-educated, better-informed arguments of increasing complexity, we are quite simply failing in all directions. And I say ‘we’; I include myself.

Consider this quick example: New Zealand is having a good pandemic. If there is such a thing, theirs is good. It is easier there as an island state with a small population, relatively. But I urge you to look very carefully at the communications of its very young Prime Minister. They are clear, simple, unifying, immaculate and masterful, and have delivered her and her party a majority never before seen in New Zealand’s history.

In terms of simplicity and clarity, the same can be said of the communications delivered by successful politicians – not successful governments, but successful politicians – in much larger democracies., These are communications were not unifying, but they got those people exactly what they wanted. With Brexit, for example, the United Kingdom wanted to take back control.

None of us derided the message of the 2008 US [United States] presidential election. It was simple, clear, and unifying. Yes, because we are better-educated and better-informed elites we liked the candidate. Barack Obama's brilliant cry of hope – 'Yes We Can' – swept up the whole world in its optimism. The messages of the 2016 election, on the other hand, were not unifying, but equally clear and simple – 'lock her up', 'drain the swamp' – and were also delivered by a charismatic leader.

The point here, made as simply as I can by way of a signpost to the necessary tools for delivering the M-Plan, is this: if the aim of the M-Plan of social justice for all cannot be communicated in a way that the least educated can grasp and the most educated are prepared to believe, then the M-Plan will not be delivered; it cannot be. Democracy demands clear and simple communication in order for the people to endorse it.

Let us now address the fault line. Let us walk up to the edge of the 1 000-foot-deep chasm that we ignore at the peril of our democracies. On one side, there is the individual, the self, and on the other, society, the collective. I posit that this is a chasm because we have made it a chasm. Yes, society, on the one hand, is made up of people, but the very second we choose, and it is a choice, to deny the existence of self-interest of the individual, we are sliding into the darkness of that chasm.

Self-interest is an immensely powerful and undeniable force in history and we need to get on with dealing with it and facing it as a fact. In many of the more populist democracies, the liberal elites, and I guess that includes me, have arranged themselves on the side of the chasm that is the collective, i.e. society. Business and the corporate world, in my lifetime and certainly since the financial crisis of 2008, have ended up on the other side, that of self-interest. Society, good; business, bad, to put it simply. And then ask yourselves: who is it that really thrived? On which side of the chasm is there success? It is on the side of self-interest; it is business.

Do I think this is a fair assessment of business and their leaders? No, not entirely. Are there businesses that are self-interested? Yes. Do they really care about the societies in which they operate? Actually, some do. And here is the thing: if my first point is about the need for clarity and simplicity in communicating around social justice with the M-Plan, there is a second point I still need to make. The collective side of the chasm may not care for capitalism. Fair enough. But without capital there will be, there can be, no progress for the collective.

The majority collective in China has thrived for the last twenty-five years. Never in human history have so many people been lifted out of poverty. They have thrived on the capital derived from their hard-working masses primarily employed and paid by businesses, no longer the state. Not for nothing did the successive governments of China semi-privatise government organs that could provide jobs and capital.

But we are not dealing with China. There is no democracy there. Let us move west from there to the economic powerhouse that is Germany, which was saved post-war by the Marshall Plan. Was this US philanthropy in action? Yes and no. It certainly was concern by the US government for the collective of Europe. But it was the provision of enormous amounts of capital derived from the taxes of the capitalist giants of the US economy that funded the Marshall Plan. In Germany, today, governmental organisations of all types work seamlessly with the power of the collective in the form of Germany's mighty trade unions.

These are not two forces arranged against one another, but two extremely complex organs united for the good of the collective with the self-interest of neither denied. Nor are the interests of business, government, or the people denied. In many ways, similarly, governments and businesses work together seamlessly in the incredibly successful Nordic countries of Europe, and arguably the same can be said of Canada.

If we look at the chasm and acknowledge that it exists, we can acknowledge the fact that bridging it is possible and that this is being done by successful countries who really are taking care of the collective. The Social Justice M-Plan itself is well-structured, I would argue, and certainly intellectually sound. But I would also argue that with South Africa's commercial enterprises put at its heart in every possible instance, the plan could succeed.

Yes, it will have to overcome decades of deliberately complex, obfuscating, anti-business rhetoric in public communications. The collective, the people, will need to know exactly what the M-Plan is, and what is in it for them as individuals. The things that we all want: jobs, affordable healthcare, and homes.

Only a brilliantly well-funded M-Plan can deliver. And whether it is deriving its funds directly from the state, where those funds come from people paying taxes who have jobs and come from business, or the M-Plan is funded directly from corporate funds, the money, the capital, has to come from somewhere and, these days, it often has to be self-generated. The endless lending and gifting from the [International Monetary Fund] IMF, the World Bank and other financial institutions cannot continue in a world addled by the debt caused by the pandemic. And this debt will last as long as that of the post-Second World War European debt.

I know that it is said that the M-Plan is too ambitious. There is no such thing as 'too ambitious. Social justice itself is hugely ambitious and is not delivered in many countries around the world. It is only possible where leaders, like Jacinda Ardern and the Nordic leaders, are prepared to bestride the chasm between business on the one hand – self-interest, if you like – and government and civil society on the other.

If the communication of the value of the work of both – of government, and of business if only for providing the taxes the fiscus requires –is not clear and simple, young people will continue to condemn business and its power. This is the case with some of the brilliant emerging young leaders in the United States. They condemn business and its power. That is never going to work in the United States, and we are seeing this play out tragically today. The collective will continue to suffer poverty and extreme poverty. There is no other way.

The economically disenfranchised of the world, including South Africa, will continue to follow terrible populist leaders who cannot deliver on anyone's interest but their own. They are followed by the economically disenfranchised out of desperation because we, the liberal intellectual elites, continue to fail to communicate simply and clearly; we continue to fail to embrace the power of the capital engine that is commerce and business.

If you take the M-Plan and its huge ambition, the SDGs from the UN are themselves only a framework, and an ambitious one, for the whole world. But the funding there too is coming from the corporate world, particularly in those countries where the corporate world works hand in glove with government in the interest of the collective.

The SDGs have been set back a long way by the pandemic. Every country, including South Africa, is suffering terrible deprivation. But it is only by putting business at the heart of this M-Plan – along with government and civil society – that the funding is going to be in place. And it is going to take funding.

We have to remember that for all the current avails of the South African economy, South Africa remains an extremely rich country: rich in its arable land, rich in its continued wealth of mineral resources, and richest of all in its absolutely brilliant, ambitious, self-interested peoples who have a right to their self-interest, and who have a right to jobs, healthcare, homes and the benefits of a profitable partnership between government and business.

So, is the M-Plan achievable? Yes. Is social justice achievable? Yes. South Africa is the country where almost all the terminology of social justice was conceived by Madiba. That is my take on this. Where will young people be in this? They will be trying, my young South African leaders, with all of their hearts, minds and bodies, but they are nothing and nowhere if this divide continues to be delivered between the sources of capital and the needs of the collective.

Thank you for hearing me out today. I hope this is useful and that even if you do not agree, you can, at least, find an argument to come back to. This was a simple argument, which is needed: a simple argument, and simple communication, to deliver social justice. Thank you.

Winning minds for social change

Clare Shine, Vice President and Chief Program Officer, Salzburg Global Seminar

We at Salzburg Global Seminar have now embedded the SDGs across the whole of our programme portfolio, whether we are working with indigenous peoples and refugees on the future of education, or the leaders of finance and global peacebuilders. I think that resonates with our topic today.

I am going to speak briefly to four key foci. First is the context for action for social change. Since my topic is 'winning minds for social change' I will then focus on whose minds: what institutions and individuals are we talking about, and how do we win those minds? And, finally, a few reflections personally on the role and responsibility of the university today in leading this movement for social change.

In the context for action for social change, we are, right now, at a nexus of converging crises and opportunities. Even pre COVID-19, economic, social and racial divisions were driving political, cultural and media polarisation. COVID-19 is acting as a threat multiplier, but it is not the only one. Many will talk of the triple pandemic of COVID-19, climate [change], and inequity or injustice played out across economic, gender, racial and other divides.

Collective action problems need collective solutions, whether we are talking about global public goods like climate, the knowledge economy, financial systems, biodiversity, and so on, or looking at the rule of law and functioning institutions.

Underpinning this is the huge importance of national and social cohesion. If we had to channel individualism and institutional individualism to foster real social solidarity for a reset, then we need to understand the roles and responsibilities of different institutions, including the state as the champion in chief of human flourishing.

These challenges are, of course, not being addressed as we stand still. The landscape is moving very fast, whether it is the Fourth Industrial Revolution radically transforming the future of work, or the bio-digital technological revolution happening around us in ways that we do not really see and probably do not understand very well.

The term 'COVID-19 dividend' is not popular with many, but I like it because I think it helps us to focus on the accelerated capacity of the pandemic. We are seeing a lot of hashtags such as '#BuildBackBetter' or, as I prefer, '#BuildForwardBetter'. We need to

deploy that post-COVID-19 regeneration for the SDGs and not see the immediate economic and societal crisis as a reason to take our foot off the pedal or to dilute our focus whether that relates to the digital divide, to decarbonising our businesses and our economies, to making our food systems genuinely sustainable and equitable, or to reinvent school models, including the way we test, the way we teach and what we are testing and teaching for in this fast-changing world.

In all of that, South Africa has a huge advantage. Apart from being the most wonderful country, it has the youth dividend. The world has entered the ageing curve. Many countries in the Global North, in particular, are very worried indeed about their fast-ageing societies. And while a country like South Africa is, of course, already on its own ageing trajectory, it has extraordinary youth and innovation capacity at its service, and I think that is something to celebrate.

Moving on to the second focus, that of 'whose minds'. Which institutions and individuals are levers for this kind of social change? As you know, the SDGs are incredibly comprehensive, as well as bold. They require us, by 2030, to renegotiate a social contract between or around systems, individuals and institutions. The SDGs do not, however, reference some key things like race, and like culture.

My entry point, more and more, is this: how do we collectively build a shared culture of sustainability? Because as history shows us, and as all of you in your different disciplines will know, it is when there is a mind-set shift or a readiness in society or a particular discipline to embrace new ways of thinking or acting that we start to see lasting change happen at scale and be copied in other locations.

How can we drive change when risks arise and trust, across society, is at an all-time low, and how can we act smarter and faster for more equitable and sustainable societies? Currently, we organise our lives and our societies in linear ways. We have silos within universities, within corporate departments, within government ministries, or in the whole way we think about line management and line budgets.

At one level, we have to do it that way to stay sane and to keep things manageable. It is also what we are trained to do. But when we flip the lens and we look across the divides at where there can be win-wins, multiplier benefits of new approaches, then I

get excited, but I also see a lot of potential. That ability to flip the lens can be seen against a bigger backdrop, which is a paradigm shift around people and power.

You will know better than me that, enabled by technology, the whole contract we have with those who influence us, those who rule us, those for whom we vote, the way money is spent, and all of those aspects we have previously taken for granted will be changing in future years. Many countries have already begun participatory budgeting. The voice of the citizen will have new reach and new legitimacy as we go forward. And that, again, is fundamental to understanding how we can win minds.

We need new collaborative paradigms. No single institutional set of stakeholders can solve this by themselves. In my own work, a very useful question I find, whatever the topic, whatever the person I am chatting with, is the following: who do you know how to talk to?

There is no right answer. It is a listening question. But it is very revealing because often people who are very well-meaning, whether they are top leaders on the front pages of our newspapers or changemakers on the street, can feel very lonely or unsure of how to talk about things when they are stuck or do not understand.

I suggest that we should not underestimate that loneliness. The challenge of being a true entrepreneur and changing the culture so that people can understand the power of cross-learning is already a very important and authentic step forward for winning minds. It is a way of acting non-transactionally and, again, to get these multiplier benefits.

I feel that I am in a great position in this agenda because I am sandwiched between experts in law reform, corporate social investment and business and they are a very important part of the 'who'. When we think about fast, comprehensive change, we need to connect in a non-judgemental way.

When I refer to the people who currently run the system, and I say that completely neutrally, I mean the people who, right now, around their board tables, around their cabinet tables, and around their mayoral offices, influence how millions, if not billions, will be spent, and influence the rules and laws that will shape lives for future generations.

In addition to leaders in board governance, finance, and public sector strategy, we need to think about those who are reinventing or designing the future of technology, bearing in mind that technology can be an incredible force for good, but that there are also issues and risks around technocolonialism, accountability, and the fair payment of taxes and so on.

Our compact with technology, and those who develop, design and run technology, will be a very important part of how we win minds for social change. Universities and educators are a critical part of the minds that we need to win. But so are entrepreneurs, disruptors, new voices and, of course, political representatives at local and international levels.

In terms of levers for change, I have been doing a lot of work recently with corporate leaders around corporate governance. In our conversations, they see COVID-19 as a wake-up call and an accelerator. As one said to me, “We can no longer unsee systematic risk”. That opens new opportunities to them to engage and to embrace what Geoff Mulgan would call “collective intelligence”.

As I mentioned, the operating ecosystem for business, finance and governance is changing extraordinarily fast and smart leaders know that they need to harness demand from within, as well as from outside. Expectations are changing in the marketplace. We only have to look at climate investment, as one example, from employees, from public scrutiny and with the power of the internet for the public to be ever better informed.

At the same time there is friction in the system. When we talk about ‘whose minds’, we need to understand that a lot of the energy for change is, I would suggest, blocked or diluted. Many mainstream institutions and sectors seem to be afflicted by short-termism or institutional inertia. For example, the way we currently measure success, the way we measure results, is pretty short term. Sometimes we hear it called ‘the tyranny of metrics’.

Companies have quarterly reporting. Very few CEOs have yet gone for a longer-term view. Elected politicians are subject to electoral cycles. It seems topical as we think of what is happening in the United States today. Even in a sector like philanthropy it is much easier for a philanthropist to measure success in terms of numbers of new

toilets or vaccinations than with complex, messy matters like gender justice or racial equity. So, co-opting the energy from outside and listening to changemakers within institutions is fundamental to laying foundations and readiness for bolder change.

On to my third point: how can we try to win minds for social change? I talked about flipping the lens before and I would also like to think about bringing down that wall. How do we change the barriers to entry, and bring down the fear factor of engaging collaboratively in change? One aspect, I think, is to know your audience and to be ready to change messaging. Many people who lead their field in academia or in business are highly technical. They are specialists. That is why they have succeeded in many cases.

But that same expertise can, for some, be a barrier or even exclusionary. It can also be manipulated. I come from the UK where, in the Brexit referendum, politicians said the people have had enough of experts. And we have seen, throughout the COVID-19 pandemic, some repeated discrediting of data, evidence and science for goals that do not serve social change and communal well-being.

We need to, in appropriate situations, change the entry point for our narratives. More relevance, more accessibility. How do we imagine a future that is not currently the one on offer? And how can we use smart storytelling to map different political, social and economic futures?

For the world of a university, I think that can involve being open to new creative lenses and different levers. A multidisciplinary university has incredible assets on its doorstep. Its creative departments may not be involved in this process, but can help us to think differently about the ways in which people are moved to make change.

We can also be open to what behavioural and neuroscience are teaching us, and to new disciplines like influence and marketing. And we can be observant of where unexpected champions for change may be coming from. Now, it is easy for us to look at somebody like Greta Thunberg, who launched the Fridays for Future movement, but nobody saw a pigtailed schoolgirl being a lever of change. In your societies, close or further away, there will be people as yet invisible who are capable of, I do not want to say, ‘speaking truth to power’, but of persuasion on a whole different scale.

Here are a couple of brief examples of ways we can flip the lens. One relates to collective sector leadership. Spectatorship, being passive, can take many forms, but

so can being active, and having the courage to be a first mover. Not every changemaker is wearing a hero's costume. When George Floyd was killed in the United States, the whole world saw a movement in the streets around Black Lives Matter.

But what has interested me is the different ways in which [movements manifest in] different societies, because every society has its deep patterns of historical and structural injustice. In South Africa, you do not need me to remind you of that. Every society and every sector can find its own pathways to put a spotlight on its own practices and its own commitments to change.

I mentioned that we work on corporate governance. I learned, just recently, that after the George Floyd killing the top-twelve general councils for the world's top-twelve private banks came together, informally, to draft a letter, an open letter, to the global community about what private sector institutions and banks could do themselves.

That document, which is public, looked at internal action, external supplier engagements and social action efforts. Those institutions influence trillions. It is just one example of how the quiet people, mostly men in grey suits, were themselves realising that they too could be changing their own minds and helping to lead a movement for change.

My second example about movement building relates to the critical need for much bolder, more interdisciplinary thinking and changing the lens. Because of COVID-19 we are all thinking about health and we have talked for a long time about health in all policies. But it does not necessarily capture the imagination.

When we look out at the world over the next thirty years, even beyond the SDGs, we know that the world will urbanise. About three-quarters of the world's population will live in urban centres. Most of that new urban growth will happen in the Global South and that means that there are billions if not trillions to be spent on the new or expanded cities of tomorrow. We also know that no society, rich or poor, has figured out how to pay for physical and mental health, for social care or to promote well-being across its societies and economies.

And, thirdly, we know that, in terms of climate, we talk much more about climate now than we do about nature, and yet nature is a source of solutions, if we do not screw it

up. It is a source of economic savings, and nature-based solutions can be one of the most important issues, both for human well-being in cities and for climate resilience.

We are proud, at Salzburg Global Seminar, to be directly involved with the new National Park Cities movement across the world. And I was proud to be alongside the mayor of London to launch London as the world's first National Park City, which is participatory and which takes as its mantra, 'greener, healthier, and wilder'.

My last comment goes directly to equity and social change because we know from all the data that, in cities, poverty is a threat multiplier. During COVID-19 and before COVID-19, the people who had the least access to healthcare, good housing, green space and safe outdoor play were, of course, the poorest. Flipping the lens and putting investments to use for all can have the multiplier benefits I have just mentioned.

In closing, I go back to the big picture – to the role and the power of universities. Big ideas like the SDGs can shape societies for decades and universities are the incubators for those big, bold ideas.

Currently, we are living in an age of anti-intellectualism and culture wars. That is extremely worrying, and it is high risk. Leaders and students at universities can help to address that trend by helping to redress the generational divide, which is at terrifying proportions, and plays a leading role in radical reinvention. The M-Plan and the M-Fund are a stake in the ground in that respect.

I wish you a fantastic day of debates. In particular, I wish that this initiative can bear fruit. Thank you so much.

The role of business in integrating the post-COVID-19 recovery programme with the SDG quest

Busisiwe Mavuso, Chief Executive Officer, Business Leadership South Africa

Thank you very much to the [Thuma] Foundation for inviting me to come and have this conversation with you. I think I have had this conversation many times with Prof Thuli Madonsela and I really appreciate the effort she is making to ensure that we continue to drive the social justice agenda in this country. I am very glad to share my views at this Second Annual Social Justice Summit under the theme 'all hands on deck to leave no one behind in the post-COVID-19 recovery agenda'.

We are having this conversation during a critical time when we, as the world, are confronted with what we last saw in the late thirties during the Great Depression. We have been thrown one of the wickedest curveballs in the form of the COVID-19 pandemic. And I think what makes it wickeder still, in our case, is that it found us at our weakest as a country.

Most of you will remember that the economic outlook for 2020 was already bleak at the beginning of the year, with a projected 0.3% growth. At the beginning of October, we also posted very bleak unemployment data where we recorded 2.2 million jobs lost in the second quarter of the year. This was after the shocking second quarter annualised 51% negative economic growth.

In approximately seven months, COVID-19 has unravelled much of the progress that we have made as a country over the last twenty-five years and it has definitely exacerbated the weaknesses of the last ten years. Unfortunately, what all of this means is that the deprivation, for the majority of South African citizens, has just intensified.

If the plan is to have 'all hands on deck to leave no one behind in the post-COVID-19 recovery agenda', it means the interventions that we need to put in place ought to be those which will drive the inclusivity agenda that has been elusive for us as a country for the past twenty-six years and definitely before that.

Now, from a business perspective, what we need to answer is: what ought to be our role in integrating the post-COVID-19 recovery programme with the SDG quest? This is the topic that I have been asked to address this morning.

If we agree that the aim of the SDGs, in the main, is to end poverty, then we should certainly be concerned, as business, that we are sitting in a country with poverty levels of 55% while our unemployment sits at 30% in terms of the narrow definition, and 40% in terms of the expanded definition, with more people who are unemployed than those who are employed in all the provinces except Gauteng and the Western Cape, and with youth unemployment at 57%. Then, as business, we certainly have our work cut out for us in as far as ensuring that the integration of the post-COVID-19 recovery programme with the SDG quest is definitely achieved.

Here is my thinking in terms of what we need to be focusing on and what it is that we need to do, as business, from this perspective. If our interventions aimed at post-COVID-19 recovery, as business, do not have as the ultimate goal the changing of the structure of the South African economy, then we certainly need to go back to the drawing board.

Countries that will bounce back quickly from the devastation of the COVID-19 crisis are those with diamond structures where 10% of the citizens are opulent or rich, 80% are in the middle class, and 10% are poor because it is the middle class that carries economies, not the rich. So, let us agree that our pyramid economic structure as South Africa of 10% opulent, 40% middle class and the bottom 50% subjected to abject poverty is fundamentally flawed.

Surely, we have to agree that having only 1.7 million people paying 80% of the income tax does not help our case as a country. Let us agree that having overtaken Brazil as the most unequal society in the world undermines a post-COVID-19 recovery programme with the SDG quest. The current formula that we have in this country, of having only 7 million people earning enough to pay Pay As You Earn [PAYE] and 18 million dependent on some form of social grant, should certainly be unacceptable.

Why? Because such injustices are bad for business. They are bad for economics and they definitely do not make any moral sense. The biggest problem about such domestic inequality is that it undermines social stability. And, unfortunately, when your neighbour is poor, then your wall cannot be high enough. These are the considerations for looking at what interventions we need to put in place, as business, to drive the post-COVID-19 recovery programme towards the SDG quest. These are the things that we need to take into account.

Colleagues, I am talking about what the role of business ought to be in this regard and I am sponsoring the view that whatever our interventions are as business, they have to be geared towards changing our economic structure, which is a 10-40-50 pyramid structure. I am saying that if our interventions are not geared towards changing our economic structure, then, as business, we need to go back to the drawing board.

If we work towards this and get it right, as business, it will be self-serving because it means that we would be investing in our future markets and in our sustainability. With a diamond-shaped economy, which is what we should be working towards attaining, there are more people who have disposable income and who can now afford to buy our goods and services. And because they now have the ability to buy our goods and services, demand increases. When demand increases, then we need to produce more. If we need to produce more, then we need to hire more people. If we need to hire more people, then unemployment decreases. But, on the other side, having more people employed means that there are more people earning salaries. If there are more people earning salaries, then there are more people paying taxes. If there are more people paying taxes, then tax revenues increase. If tax revenues increase, then there is more available to the fiscus.

I think you get the drift, colleagues. I am merely making a point towards Economics 101. I am saying that business driving the socio-economic transformation agenda and driving the SDG quest means that we are investing in our own sustainability, which means we will be investing in our own future market.

Just in case my business colleagues in the room are asking themselves why this is our problem, as business, the answer is simple: because ours, as a country, is an incomplete transition. The situation we are facing in the country right now is precisely because our transition as a country is incomplete.

If you agree that business is the only partner, the only social partner with disproportionate resources, then let us also agree that business ought to do more in driving a post-COVID-19 recovery programme with the SDG quest because the economic vulnerability of some segments of society increases the vulnerability for all of us.

Only business can do something to change the income distribution in this country where we have 10% of the population earning 58% of income. And it is not just 10% of the population. It is the 10% sitting on top of the economic structure or on top of the pyramid earning 58% of the income. The 40% that is the middle class earns 35% of the income and the bottom 50% earns less than 10% of the income.

Let us not even get started on what the wealth distribution in this country looks like. As South African businesses we have a special responsibility towards driving our socio-economic transformation agenda. If these things are left unattended, they will be a recipe for disaster and they definitely are a recipe for anger and frustration.

The role we are being called upon to play, as business, ties in with the notion that we discussed at length, in January 2020, of stakeholder capitalism versus shareholder capitalism, or rather this notion of 'conscious capitalism'. How does business alter the lens through which it engages with these things towards that which is going to be geared towards conscious capitalism? And, if we can answer this question, then it means we will be well on our way towards driving a post-COVID-19 recovery programme that is geared towards an SDG quest.

As I draw to a close, Madam Facilitator and my colleagues, let me share with you the following conversation I had with a colleague some time last year. We were reflecting on these issues, on what the biggest pains were for South Africa at that moment. And he said, "Are you worried that, as a county, we have way too many people who have nothing to lose?" He said, "That is a dangerous space to be in as a country".

He said, "I remember when this was me as a young boy growing up in this country". He said, "We would go out facing the police and the South African National Defence Force as young boys with sticks and stones, facing R1 rifles". He said, "We know that three things may happen: you may get shot, you may die, or you may actually get paralysed". He said, "But because we had nothing to lose, we did not care".

Let us agree that we do not want a country with so many people who have nothing to lose. Let us agree that when people have something to lose, they think before they act. Let us agree that when people have something to lose, they become measured and they become derated, and that is what South Africa should be striving for.

I think that in answering the question of the role of business in driving or, rather, in integrating a post-recovery programme with the SDG quest, my answer, Madam Facilitator, is that the interventions that business ought to put in place in driving this recovery programme ought to be those that are geared towards inclusivity and definitely have to be those that are geared towards changing the pyramid economic structure that we have in this country.

Thank you, Madam Facilitator, and thank you everyone for your indulgence.

A private sector perspective on bridging the poverty and equality gap

Dr Adrian Enthoven, Executive Chairman, Yellowwoods, a private investment group

Thank you very much and a big thank you to Prof Madonsela for inviting me to make my impress at this very important summit. I pick up where Busi left off in her input in that business, I think, exists as a very significant resource in society that needs to be mobilised to help advance the SDGs and needs to be a full partner in delivering the vision contained in our Constitution.

I have been asked to talk about our journey as an investment group and the way we think about our role in bridging the poverty and equality gap. That starts with what we think of as the two generational challenges we face, which have been well-articulated at the summit.

The first is the challenge of economic exclusion. The fact that large swathes of the population, both in the developing world, like South Africa, particularly, and increasingly in the developed world, are excluded from the broader benefits of modernity, such as the benefits of dignified work, of being able to keep a family healthy, of adequate and decent housing, and of education. This issue of economic exclusion is something that sits at the heart of the poverty and inequality challenge that is being discussed at this summit. It is a challenge that we, collectively, need to dedicate ourselves to solving.

The second generational challenge is the challenge of climate change. It is important to recognise that these two challenges are interrelated and mutually reinforcing. The people who are most affected and impacted by climate change are not the wealthy. It is the marginalised and the poorest of the poor who suffer. Whether it is crop losses of small-scale farmers, or erratic weather events such as floods and storms and the impact they have on people's houses and food insecurity, these are the things that are increasingly going to become major disruptors and are critical challenges for us to address.

At Yellowwoods we have three pillars that we have adopted as our approach to think about how we can contribute to addressing these challenges. The first of these is looking at levers that exist inside the businesses we invest in. Our approach has not been to outsource philanthropy or to outsource the impact or the responsibility of

addressing these social justice challenges to third parties or to a foundation. It is something that is [central] to our business itself.

There are lots of different ways in which different business groups have thought about how to build businesses in a way that also positively impacts society. The model that we like to use is a model Richard Porter called 'shared value', which is about where the significant opportunities for impact are –the positive impact in the business that is also going to be something that is strategic and [central] to the business.

This is something that we have thought about through all of our investments, a few of which I will point out. I am not going to go into a lot of detail, but the first and fundamental one for us is that, before you do anything else, your responsibility as a business, in our view, if you are in a position to do so, is to pay a fair and living wage to people who work for you.

If you are receiving the full time, all the working hours, of an individual, of a worker, then you need to make sure that you remunerate that person with sufficient income so that they can live a dignified life and so that the wage is fair. This is not about minimum wages. This is about what it is that the people on the frontline, the frontline workers in a business, need to earn.

We have looked at this through all of our businesses and it is obviously different in different areas, and in different countries. We have extended this approach to contract workers as well. Where we have outsourced security companies, for example, or catering companies or garden services, those people also need to be earning decent wages and we have instituted a system of top-up site allowances that effectively allow contract workers across all of our businesses to earn what we consider to be a decent wage.

I think that is something which is fundamental and something that, if there is a living wage movement in South Africa, is something that is important for business to get behind. Obviously I am specifically referring to businesses that are able to. There are businesses that are not in a position, for whatever reason, to pay significantly above the minimum wage. But I think that businesses that are able to have a responsibility to do so and have to think very carefully about what a living wage looks like.

The second focus, for us, has been on inclusive employment. That is to say: when we are employing particularly frontline workers in our businesses, how do we try to grow the pool of people we are employing from to include those people who are most marginalised?

The third area has been in supply chains. With Nando's, for example, we used to procure all of the peri-peri from a few large-scale suppliers. That has now changed and all of the peri-peri for Nando's, globally, is procured from over 1 200 small-scale farmers. That is something that is critical to support livelihoods and has also diversified supply. For Nando's, it has been a project that has had extensive social impact and benefit and has impacted the business.

That also applies to the artist programme. All art in Nando's restaurants, across twenty-five countries, comes from emerging South African artists, and that is also now being applied to furniture and design and other items. The idea of this is that we expand these kinds of programmes that build local jobs and local economic activity to other businesses as well so that we can start to insource and localise a lot of these opportunities.

We also oversee the wine farms and the grapes that are supplied to Spier, as well as local procurement across &Beyond lodges across the African continent. Supply chains are a huge opportunity for impact and for addressing the SDGs, and that is something we have been very focused on.

On the issue of climate, I think all businesses really need to commit to science-based targets for reducing carbon emissions. This is a process that we have been going through with all of our businesses. Where there are elements of supply chain or energy usage that cannot be reduced, like, for example, the carbon intensity of Eskom's energy, there are insetting or offsetting programmes that can help to address that. But I think addressing carbon and climate change is absolutely critical for all businesses and is something that requires a lot more focus, particularly in South Africa.

And then, finally, we have been thinking about products. With financial services companies, what kinds of products will help people emerge out of poverty? How do poor people use insurance, savings, and credit products? And how do we make those products accessible and available to people in a way which is not just affordable, but

is designed to help them emerge from poverty and help them from slipping back into poverty? Managing cash flow on a daily basis is something that is critical for people who are trying to emerge from poverty, and financial services companies have got a critical role to play in helping to support that process.

I would say that, in relation to our businesses, this is a journey. I do not think that we can get to a point and say that we have solved all the problems. It is critical, both as an investment business and for the businesses that we invested in, that these discussions happen at board level and are central to thinking about the strategy for the business, how executives are remunerated and incentivised, and is a journey that we are committed to continue on.

The second pillar of our approach has been to think about what the big obstacles, challenges or problems are that limit inclusion in society and what our role might be in addressing those. As we have thought about that over the last fifteen-odd years, we have come to a particular approach to these issues around economic inclusion, which has been the main focus for us.

The first [obstacle] is that there are deep, systemic problems that we have not yet found solutions for. It is important – I am not sure exactly where the phrase comes from – to fall in love with the problem and not with the institutions that are addressing the problem. In other words, it is important to support, not institutions or organisations, but processes, ideas, and initiatives that are helping to solve a particular problem and remain focused on what it takes. I will come to some of the problems that we have been focused on.

The second [obstacle] is that these large-scale, systemic problems require [the input of] our multiparty, multisectoral bodies. These are not problems that get solved by one party, by one business or funder, or by government alone. These are problems that require multisectoral, cross-party multi-funders. I think the M-Plan and M-Fund is a very good example of an initiative like this.

The third [obstacle] is that these are initiatives that need scale to shift the system. Impact needs to happen at scale. And, finally, they require a long-term mindset. These problems are not solved in three-year funding cycles. They require many, many years, if not decades, of constantly applied energy and focus, and resources.

The four areas that we have chosen to focus on are areas that we consider to be fundamental in relation to the issue of inclusion, and are also issues that we feel we have got something to contribute. The first has been in school nutrition where we have a programme called FUEL, which has been supporting eight of the provinces to support 4.5 million learners. It has been about helping to improve the state's national schools feeding programme.

It is not about setting up parallel structures. When we have got significant resources that are going to that programme it is about how to partner, with the expertise that we can bring from the private sector, to work with government at provincial and national level to make that feeding system as effective and as efficient as possible. We have been running that programme for about fifteen years and, as I said, about 4.5 million learners are supported through that in partnership with government.

The second big area that is central to any focus on inclusion or thinking about big levers to impact on inequality and poverty is early childhood development [ECD]. We have partnered with a number of the big funders, organisations and companies focused on ECD to try to build one major national programme or umbrella programme that can support the roll-out of ECD facilities across the country which will support those around a million young four- and five-year-olds who are not currently in ECD centres.

The initiative is called SmartStart and there are around 3 800 of these active franchises. It is a great example of something that is not just about the outcome for the kids. Obviously it is about fine and gross motor skills, nutrition and so on, but it is also about the opportunity to create 60 000 work opportunities for young marginalised women across the country through the building of social infrastructure. It is very important, but, again, not something that happens in a short space of time. We hope that by 2030 the goal of having all four- and five-year-olds in quality ECD support facilities will be in place.

The third area is in education where we have supported the Programme to Improve Learner Outcomes [PILO] run by Murphy Morobe and Mary Metcalfe. That is live in over 7 000 schools now. They have delivered over a million toolkits. It was the first programme that brought together, in KwaZulu-Natal, the Department of Education, SADTU [South African Democratic Teachers' Union], NAPTOSA [National Professional

Teachers' Organisation of South Africa], and trade unions in one initiative to address schooling together. Over 35 000 school officials have been trained through that programme. Clearly, education is absolutely central to addressing inclusion and the SDGs.

The final area is inclusive employment. We founded, along with some of our businesses, Harambee Youth Employment Accelerator [now part of the SA Youth network under the Presidential Youth Employment Intervention] about eight years ago, which is about trying to help marginalised, excluded young people transition into income-earning opportunities. We have done over 3 million job matches and assessments, 750 000 work seekers have been supported, 170 000 young people have been put into jobs or work experiences, and we have partnered with over 500 businesses to figure out where the demand is for these young people.

I am an ambassador of the Social Justice Initiative. One thing that we felt very strongly about is the need for South African businesses, organisations, and individuals to support social justice organisations and the goals that have been outlined at this summit.

There was a particular crisis that occurred when Atlantic Philanthropy left South Africa and they left a huge gaping hole. We are in a terrible position that the majority of funding for social justice organisations in South Africa, historically, has come from organisations, individuals and companies outside of South Africa. We have been trying to help lobby other businesses to build funding for the social justice sector.

The M-Plan and M-Fund is something that we really welcome. It is a hugely important initiative about building, mobilising and galvanising local support for social justice initiatives and organisations, and the goals that have been articulated at the summit.

In closing, I will just say that there have been some critical victories won and a lot of progress made since 1994 that social justice organisations have been responsible for. I would like to go through a few.

Independent Media played a critical role with Gupta Leaks. I like the Washington Post's slogan, 'Democracy Dies in Darkness'. There have also been accountability organisations like Corruption Watch and others supporting access to justice.

Public interest litigation is so overlooked in terms of the massive role that it has played. LGBT[QIA+] organisations, for instance, launched wide-ranging litigation from 1994 to 2007 to support LGBT[QIA+] rights. The ones that we all know are the TAC [Treatment Action Campaign] case for antiretrovirals, the Grootboom housing case and, during the state capture years, the 2016 Nkandla judgment.

The Glenister and Helen Suzman Foundation judgments on the independence of the Hawks and the IPID [Independent Police Investigative Directorate] were also critical, as was the removal of Ntlemeza and Abrahams from the Hawks and Abrahams from the NPA [National Prosecuting Authority]. One that is often forgotten is the nuclear programme that was stopped by SAFCEI [the Southern African Faith Communities' Environment Institute] and Earthlife Africa [Johannesburg]. Had those organisations not intervened at the time they did and in the manner they did, we could well be sitting with a trillion-rand infrastructure programme.

I mention all of this because to address these goals has been a big focus for us. We need active, vibrant civil society organisations that are funded and supported by local businesses and funders. These are all part of what I have been describing and what Busi spoke to, which is the critical role that business has to play as a partner to government, to civil society and to other organisations to help advance social justice and the SDGs articulated at this summit. Thank you very much for having me.

The role of the faith community in integrating the post-COVID-19 recovery programme with the SDG quest

At Boshoff, Founder, Christian Revival Church (CRC)

I greet you in the wonderful name of Jesus Christ and I want to thank you for the great honour and the great opportunity to be part of this social justice forum. A lot of love and respect to Adv Thuli Madonsela, our previous public protector. I admire you and I thank God that he is using you to put this forum together.

COVID-19 has taught us that we are facing challenges like never before and we all have to get busy to address the inequalities and the injustices in our world and society, as the Bible says. I am going to talk from the Bible because I do believe that without God in the equation, we will not reform anything and we will not change anything permanently. 87% of our country are professed Christians and I think even the Muslim brothers and sisters and the other believers and religions will believe what I have to say today – that our God is a God of justice, and that God is against all forms of suffering and pain in society.

Today, I am going to use the Word of God to appeal to the Christians out there to take up their responsibility to bring healing to this beautiful country of ours. People are more hopeless than ever. People are in more distress than ever. Suicides are higher than ever. Teenage pregnancies are higher than ever. So, naturally, the picture, of poverty and millions of job losses, is not beautiful.

But today I want to bring a message of hope and, I believe, some proactive solutions as to how we can address the way forward. I love Adv Madonsela's vision: alleviate poverty by 2030. I want to get on board with that and I want to be involved. All our churches and, I believe, Christians all over South Africa, need to get involved to attack and eradicate poverty from our society, in Jesus' name.

The Bible says, in Proverbs 14:34, 'Righteousness exalts a nation'. We know that to reform society and to address the injustices in our communities and in our world, we need everybody on board, including the church and the religious sector. We need the government; we need political parties; we need tertiary institutions, like we have today, with brilliant minds; we need the financial sector; we need the agricultural sector. We

need everybody on board to rebuild South Africa into something beautiful as a post-COVID-19 country.

We know that the road to hell is paved with good intentions, and we also know that if good men say and do nothing, evil will prevail. So, I want to talk on the basis of God's Word and I want to challenge people to get involved in eradicating inequality and all forms of injustice. I really do believe that the church holds a key as the hope of South Africa to give direction and vision.

In Isaiah 1:17, the Bible says, "Learn to do good; Seek justice, Rebuke the oppressor; Defend the fatherless, Plead for the widow". In Jeremiah 22:3, the Bible says, 'Thus says the LORD: "Execute judgement and righteousness and deliver the plundered out of the hand of the oppressor. Do no wrong and do no violence to the stranger,' – no xenophobia – 'the fatherless, or the widow, nor shed innocent blood in this place". In Psalm 82:3, the Bible says, "Defend the poor and fatherless; Do justice to the afflicted and needy".

The Bible is very clear, from the Old Testament to the New Testament, that our responsibility is to fight for those who are suffering and to be involved in uplifting those who are bound by poverty and the ailments and ills that come with poverty. I think sometimes people look at Christianity as a white man's religion or people look at Christianity as something that is theoretical. Nothing can be further from the truth.

Everything about God is justice: social justice, to eradicate poverty, and to uplift those that have been left behind. Wealth redistribution, I will show you, is in the Bible. So too are all the answers that we need, the solutions, because we can all find the problems. We know the problems. We can all talk about the problems, but we need more than problems. We need people who can solve the problems, people who can come with proactive solutions and people who can unite with government, with political parties, with business, and with financial institutions.

One of the previous speakers said, 'Where is the money going to come from?' That is a good question and I want to address that today because there is money, but the money is not being invested. The money is not being put in the right hands.

I believe we have to mobilise Christian leaders. Maybe a great suggestion would be for Adv Madonsela to call denominational leaders together to talk about social justice

because these preachers stand up in their pulpits every single Sunday and talk to millions and millions and millions of people and establish people's core beliefs and core values.

I think any forum, including our government – and we have had a lot of deliberation with our government, including the President – that thinks they must take the religious sector out of the equation is making a massive mistake. The religious sector has tremendous influence in the way that people think, and in the way that people will become actively involved in eradicating poverty.

As a matter of fact, when you look at Jesus Christ himself, and I am not preaching today, I do believe that he is the truth and that he addresses the ills of society. If you study Jesus, he is the greatest reformer, the greatest leveller, and the greatest person who ever spoke about lifting people out of poverty and lifting people out of oppression. If ever there was anybody that reformed society, it was Jesus Christ. That was during the worst Roman oppression ever. He comes and he brings a message of hope – something that our country really needs.

I want to talk about this because I think we get caught up and we have this picture about the church, which is that the church is just a building with a tower and a clock where people go get a little message. That is not the church. The church is the place where God's people are equipped, empowered and mobilised to go out into society and to address the ills in society.

In Luke 4:18, when Jesus talks, he says, 'The Spirit of the LORD *is* upon Me' and the first thing he talks about is to preach the gospel to who? To the poor. And then he talks about healing the broken heart, setting the captives free, setting at liberty those who are repressed, et cetera. I have been a pastor for thirty-four years and let me tell you something: I have learned that while people are bound by poverty, you do not get them free from all the other things. Out of all of them, poverty is the greatest ill and the greatest giant that we are facing in South Africa.

We have 30 million people who live below the breadline. We have people who do not have more than one meal a day. We have people without jobs. That leads to many, many other social issues in our community: crime, not that there is any excuse; violence; gender-based violence, not that it is an excuse; and drug abuse, which is at

an all-time high during this lockdown. Depression, as one of the professors spoke about, is at an all-time high.

There are sicknesses that were not diagnosed because of this COVID-19 lockdown. And God forbid that we go back into a serious COVID-19 lockdown because there are diseases that will be diagnosed way after this that will have devastating effects on people. Marriages have gone through divorce. There are crises upon crises upon crises because of this isolation, but because of poverty as well. People are hopeless, people are in distress, and there people sitting next to the road every day who cannot find jobs. These are realities.

This is the picture of South Africa and Jesus comes and he addresses this. I really do believe that if the church would preach the right message and empower the people to do what Jesus instructed us to do, we can eradicate poverty from the face of the earth and especially from South Africa, which is supposedly a Christian nation.

I want to talk about the Good Samaritan, or the good South African, where Jesus illustrates […] responsibility towards our neighbour. That is the gospel that Jesus teaches, that once you are a child of God, you do not live for yourself and your family. You live for everybody. Those who do not have, you give to them. Those who are pushed down, you lift them up.

I still find it very difficult to comprehend that so many people are still stuck in pre-1994, in an apartheid way of thinking, which was a demonic system. […] because the church endorsed apartheid, but that is not the message of the gospel. The message of the gospel is one of liberation, one that brings freedom, one that brings hope to people and one that gives love for humanity.

Jesus talks about this great story – it is not a parable; it is a real story – about the man who travels. He is overwhelmed by thieves, he is beaten, and he is left by the wayside, half dead. He is talking to a very religious man who is saying, "'What must I do to inherit eternal life?' And Jesus says to him, 'Well, what does the Lord say? "You shall love the LORD your God with all your heart, with all your soul, with all your strength, and with all your mind," and "your neighbour as yourself"'. This man, seeking to justify himself, said to Jesus, 'And who is my neighbour?' Because sometimes we live in so much isolation that our neighbours are those who think like us, talk like us, and look like us. We do

not even see the rest of the people in the world, and that is why our world is hurting. Because will walk past suffering people for 100 miles to go reach somebody who looks like us and thinks like us. We are not going to change South Africa this way and we are not going to alleviate poverty this way, through some theoretical, intellectual conversations.

We need something much more than that. We need a mass mobilisation of people. We need business on board, government on board, and the church on board. Get the church's theology sorted out concerning institutional racism, concerning wealth redistribution, concerning land reform, concerning the upliftment of those who have been oppressed, et cetera. Jesus talks about all of this in the Bible.

That is why I cannot go outside of the Bible. I used to live outside of the Bible; it led nowhere. But when we come to truth, we understand that when we meet our creator for real, we find the heart of God for humanity. I have met many politicians, and in the same way people speak about this corrupt prophet or that corrupt prophet, or say that all men of God are corrupt, I could say that every politician is corrupt, every doctor is corrupt, and every lawyer is corrupt. That is just a load of baloney, if I can say it very politely like that.

There are many, many, many righteous servants of God who want to be part of the solution to alleviate poverty and inequality in our society. These people sit in our churches. We have people who are from the wealthiest to the poorest, and from the most intellectual to the most illiterate. The reason is that the church has to be the middle ground where people can meld together and where people can actually get a heart for humanity.

Back to the story. Here comes a priest. He sees the need, he looks at the need, he walks to the other side and he just moves on. Next comes a Levite. He sees the same man. He looks at him, he ignores the man, crosses the street, and goes the other way.

That has been happening for a long time in South Africa. You do not have to go very far to see people suffering. You do not have to go very far to see that people are in trouble, people are hurting, and children are hurting. There are 7 million orphans in South Africa. There are single mothers. Only 16% of children in South Africa grow up with both parents. That is a social problem because a child who grows up in a home

without a father is three times more likely to end up in a prison than a child who has a father.

If we want to address the [problem], we have to address the whole package. We have to address the spiritual aspect, the emotional aspect, the financial aspect and the economic aspect, and we have to come up with a vision or a blueprint that is all inclusive.

Then, there is a Samaritan, somebody from a different culture, who sees the need, goes to the person, helps the person, lifts the person up, takes the person to an inn and then pays the bills for that person so the person can get educated, the person can get skills, and the person can be empowered to find a job.

We cannot put Christianity in theory; we need much more than theory. We need people, now, to become the hands and the feet of God in our society. I do not care if you believe in God or not. You are not changing South Africa or this world by taking God out of the equation. It is not happening because the only one who can change a human heart is God and the love of God. The only power that will give us any compassion for people and humanity, especially people not like us, is the love of God that is shared broadly in our hearts. This is not preaching; this is life. This is what God came to do.

Jesus then tells this rich, young ruler, “Go and do likewise”. What is he saying? He says to be the hand that cares, to be the hand that heals, to be the hand that is open financially and generous, and to be the hand that lifts. I say this to people all the time. I am an Afrikaner. I come out of apartheid. I was part of the apartheid system. I am the only white racist that I have ever met because every other white person has never been a racist. At least I say I was a racist. God saved me. God got me out of racism and God spoke to me and said that the hand that oppressed must now be the hand that lifts.

You cannot separate Christianity from social responsibility. That is why I am so adamant and passionate to address this. 87% of our country call themselves Christians and we are sitting in this situation of inequality, of poverty, and of people suffering. What Christianity is that? What Bible are we reading? What gospel are we preaching? When we get the message right, from our pulpits, and get our theology right, that is going to be a huge part of resolving and solving the problems in South Africa.

I have no doubt that the church has a major role to play. I understand many people want to take the church out of communities. In the last year, I have sat in six, maybe seven, different meetings with our President to fight about the church having to be essential. I also got guidance from Adv Madonsela that the church has a vital role to play to uplift people, and to alleviate suffering. Yes, we need money, but we need more than money. We need hands and we need feet and we need compassion and we need understanding. We need a strategy; we need a plan.

I want to close: for social justice to take place, number one, we need an inclusive vision. We need a vision that will unite our country. I said this to the President, I said this to Mmusi Maimane, I said this to [Julius] Malema, and I have said this to absolutely everybody. Give us a vision where every South African can feel they fit into South Africa because what vision does is vision mobilises people. Vision gives people responsibility. The minute you exclude me, the minute you threaten me, I am going to hold on to what I have. I sit with a lot of government officials and I talk to them about these things. Our business people do not want to reinvest in the country because they are afraid of policies.

We want to alleviate poverty, so we need to give people security. We need to give people the security that their investments in South Africa will be secure. Every person should be able to ask where they fit in, whether they are a white farmer or a girl in the township. Where do I fit in? Do I fit into South Africa? Am I part of this? Every citizen needs an empowering vision because without vision, people perish. Then we need to educate people in our country to build a better world for all.

Number two, we need to teach people to see the world they live in. See the world. I do not know how you are going to see the world without the eyes of God because, inherently, people are selfish and greedy.

That is why I say – whether you agree with me or not, I have done this for too long – we are not going to change people's minds with just a good conversation. We need God to come into people's hearts and God to give people a vision and open their eyes to see people, not based on their skin colour, not based on their culture, but to have compassion for people to alleviate suffering. We need to teach people to see the hurt. That is what Jesus is teaching here.

Number three, we have to teach people social responsibility. That has to start in primary school, to teach people that they have a social responsibility, and go right through to university. As the Bible says, 'Love your neighbour'; Do unto others as you would have them do unto you; 'For everyone to whom much is given, from him much will be required'.

I understand that we have many challenges. I understand that there is institutional racism. I understand that there is inequality. I understand that there are problems upon problems like gender-based violence but we need to come up with proactive solutions like this M-Plan. I thank God that corruption is being addressed and I am on the same page with certain things concerning suggestions that I have given, for the last five years, to certain people concerning amnesty on corruption, which we cannot talk about now.

I will say this again in closing: we need a vision for South Africa. We need a vision that unifies everybody – the church, civil society, business, and government. There has to be a vision and the vision should not be politicised. The vision should be for the betterment of all humanity, to uplift and eradicate poverty as goal number one, in Jesus' name.

We need a workable strategy that empowers people into ownership because to eradicate poverty, we need jobs. We need to define and address true white capitalism, what it is, and not just throw it out there. We have to address the mining industry. We have to revive manufacturing, the textile industry, and commodities, and bring markets back to South Africa to inspire confidence in the business community. I understand urbanisation, but we have to empower people who are sitting in homelands as a result of apartheid and get manufacturing to the people, and get jobs to the people, so that we can alleviate poverty.

I have no doubt that, with skills development and training, we can build and will build a better South Africa if we see humanity through the eyes of God and if we get a vision that will unite all the people, irrespective of their political beliefs. We will build a better South Africa of hope and prosperity and peace. In the name of Jesus Christ, may God bless South Africa. Amen.

The Solidarity Fund and its quest

Gloria Serobe, Chairperson, Solidarity Fund, and founder, Women Investment Portfolio Holdings Limited (WIPHOLD)

I have been privileged enough to be asked by this summit to come and address how we relate the Solidarity Fund to what the Social Justice Summit is trying to achieve. To do that I have to give a quick background to the Solidarity Fund itself and then, at the end, I will link back to how we see ourselves side by side with the Social Justice Summit.

Because of the level of destruction that COVID-19 has caused all over the world in such a short space of time, we can be forgiven for not remembering that the first COVID-19 case reported in the world was hardly a year ago, on 17 November 2019, in China. Three months later, on 11 March 2020, the World Health Organization [WHO] declared the COVID-19 outbreak a global pandemic after observing the devastating effects all over the world, especially in Spain and Italy.

By then, South Africa, a week earlier, had experienced its first known case of COVID-19 on 5 March. Ten days later, on 15 March, President Ramaphosa declared a national state of disaster in terms of the Disaster Management Act. And on 23 March, the President declared the first lockdown of the country, effective 27 March.

At this point, the President also announced the establishment of the Solidarity Fund, chaired by myself and Deputy Chairman Adrian Enthoven. The South African Government's response was nothing short of amazing and was applauded and given credit by the world, especially the WHO, which had only compliments for South Africa.

As an independently run rapid-response vehicle created to respond to the COVID-19 epidemic in South Africa, the Solidarity Fund became the platform where South Africans from all walks of life, as well as our international allies, could express their support to fight this pandemic. […] The financial donations given to the fund allowed it to lessen the impact of the pandemic as effectively as possible. We can never thank South Africans enough. The fund received R3.2 billion in financial contributions and over US$305 000 from more than 14 000 individuals and 2 640 corporates.

Our tactical response, with this leap of faith from our South Africans and partners and given that COVID-19 did not discriminate between rich and poor, urban and rural, and

townships and suburbs, had to be extremely innovative and deliberately inclusive of each of these communities.

Our interventions, as the Solidarity Fund, will always, naturally, be measured against the SDGs given that, as a country, we are a signatory. The SDGs are founded on the simple concept of 'leaving no one behind'. We have to integrate the COVID-19 recovery programme with the quest to achieve our SDGs. Specifically, SDG 10 speaks about reducing inequalities, and poverty.

From the very start, it was clear that this pandemic would transcend a health crisis to become an economic, societal and humanitarian crisis as well. Any national and coordinated response needed to not only address the immediate concerns, but also the resultant and ongoing effects of the lockdown.

The Solidarity Fund is steered by its mandate to support the national health response, contribute to the humanitarian relief efforts, and mobilise South Africans to drive a united response to the coronavirus disease pandemic. In that regard, SDG 10 refers to the issue of human rights and access to essential services and social protection.

In effect, South Africans and their international allies, in terms of financial contributions and in-kind donations, responded specifically to this. They felt the country and its people were under siege and needed to be protected. This meant that as the Solidarity Fund we had to respond with this particular mandate in mind.

Working independently of government, as a supplement to their work, the fund's mandate manifests itself in the work the fund does under three pillars. The first is a health response, which seeks to support urgent aspects of the health system response and support and protect frontline health workers. The second pillar is humanitarian relief, which provides humanitarian support to and strengthening of the most vulnerable households and communities. The third pillar is behavioural change, which works to unite the nation in action against COVID-19 and encourage behavioural change in local communities.

At the very start of the pandemic, the fund was reacting to the needs that were most urgent. Work was focused heavily on assisting the country in ramping up our medical capabilities and supplying medical staff with equipment, such as beds and ventilators, and the PPE they needed to do their work. The fund also worked to provide immediate

humanitarian relief such as food parcels and support for organisations that worked in the gender-based violence sphere.

As the landscape shifts, so must be our approach. The 'new normal' is now a well-worn phrase that has come to refer to the new era in which we learn to live with COVID-19. There is no doubt that people do have pandemic fatigue. They are tired of the disruption to their lives and want to move forward.

Science has shown, however, that this will be with us for some time and, as such, the role of the fund has shifted slightly to incorporate projects with long-term impact alongside immediate rapid relief. The behavioural change pillar driven predominantly by the Citizens in Solidarity campaign is becoming even more important as we aim to keep South Africa safe moving forward.

Social justice and the fight against inequality in all its manifestations go hand in hand. Even before the COVID-19 pandemic raged across South Africa, the country was fighting a battle with unemployment, poverty and gender-based violence. With the pandemic and the subsequent job losses and uncertainty caused by the lockdown, we are seeing a rise in all of these.

The role of the fund is to identify the areas where it can make the biggest difference in slowing down the impact by offering immediate aid. However, the fund also has to seek to balance rapid-relief efforts with long-term sustainable interventions. And our role of assisting those affected by COVID-19, taking a long-term view, allows us to ensure greater impact.

I will briefly give two examples of our long-term relief programmes. The first is the fund's once-off farming input voucher. The fund allocated R100 million for a once-off farming input voucher of R2 000 each to be disbursed to 47 000 rural households, 66% of which are women-led.

Subsistence-focused smallholder and household microfarmers have lost income from a combination of sources during COVID-19 restrictions, such as family remittances from urban areas and income from informal work. This has compromised their ability to fund their ongoing farming activities and the next farming cycle.

These subsistence farmers, who are predominantly rural, play a critical role in household food security. Appropriately 75% of these households engage in agriculture

to provide extra or supplementary food to their household. These farming input vouchers are a mechanism to assist these farmers to continue their work so that they do not sink further into the poverty trap.

Our second example is the fund's gender-based violence interventions. Since the start of the pandemic, there has been an alarming rise in gender-based violence [GBV] incidents. GBV is the second pandemic that South Africa faces and the fund quickly identified it as a key workstream in helping the country stem the COVID-19 tide. The first GBV intervention saw R17 million disbursed to shelters, the national Gender-Based Violence Command Centre [GBVCC] and a communication campaign to enable important places of shelter, protection and support to continue working in light of increased demand.

The fund has just put out a call for applications for the second intervention, which has an allocation of R75 million. This second phase will differ from the first in one crucial way, in that it looks at immediate support as well as addressing systemic investments to drive medium- and long-term change.

At the start of the global pandemic, memes were shared across social media [platforms] stating that we were all in the same boat. Those were quickly replaced with more accurate ones that pointed out that we were all in the same storm, but not in the same boat. COVID-19 has put a spotlight on the inequalities in the world. But, specifically, for South Africa, this is a systemic and structural consequence of our history.

Some of it was legislated historically. For example, communities living in Limpopo and the Eastern Cape, and in rural areas across South Africa, are the most vulnerable to poverty. So our interventions, as a fund, had to be deliberate and specific, taking this into account.

I have two quick examples. When, in the beginning, there was a need for testing, some parts of South Africa did not have access to testing because of where they are located. We then made an arrangement with Transnet – and we are grateful for this – for them to convert two of their Phelophepa Healthcare Trains into testing stations. One of those trains is in the Eastern Cape and the other one is in Durban, in KwaZulu-Natal. This was to make sure that in the far-flung areas, at remote sites next to the railway

tracks, the communities could have the testing which ordinarily would be a problem if those Transnet trains were not there.

The other intervention that was quite innovative came once the rural areas were in lockdown, and communication became a problem. The leaders of these areas could not speak to their communities about all the messages about washing hands, social distancing, isolating and all of that. To meet that demand, we provided loudhailers for these rural areas – all 882 of them in the country in all nine provinces – so that the leaders could communicate through the loudhailers without social distancing being a problem.

I am giving these particular examples to illustrate that the fund was forced to be innovative given our special situation in South Africa, and that we do have these conspicuous inequalities. We have to make sure that 'nobody is left behind'. We have to meet the needs of these different lifestyles, demands and situations where people find themselves.

To end, I will say that if the Solidarity Fund leaves behind any legacy, I hope it is this: that the work the fund did, allowed South Africa to weather the storm and lay the groundwork for the country to rebuild itself through unity and solidarity to create a better and a stronger future. In that, we are aligned with what the Social Justice Summit is attempting to achieve, which is to make sure that 'all hands [are] on deck [and] no one is left behind'. Thank you very much.

Chapter 5

Keynote Plenary II

What role are universities playing in integrating the post-COVID-19 recovery programme with the SDG quest?

Prof Adam Habib, Vice-Chancellor and Principal, University of the Witwatersrand

Prof Francis Petersen, Rector and Vice-Chancellor, University of the Free State

Prof Dan Kgwadi, Vice-Chancellor, North-West University

Prof Sakhela Buhlungu, Vice-Chancellor and Principal, University of Fort Hare

Prof Eugene Cloete, Vice-Rector: Research, Innovation and Postgraduate Studies, Stellenbosch University

Prof Nico Koopman, Vice-Rector: Social Impact, Transformation and Personnel, Stellenbosch University

Prof Adam Habib: "Thank you very much. Colleagues, friends, ladies and gentlemen, it is wonderful to be here. Thank you to Prof Madonsela for inviting me to share my thoughts on universities and their role in the post-COVID-19 world and how would we speak to the issue of the SDGs. It is also wonderful to be with Francis Petersen and Dan. It is always great to speak with fellow vice-chancellors.

I want to speak to the SDG on higher education, I want to speak to the SDG on health, and I want to speak to the SDG on inequality. I think that universities have an important role to play on all three fronts.

The first and the most obvious is if you look at COVID-19 and the issue of access. What COVID-19 has done has accelerated the possibilities of universities going online. If you take a place such as Wits, something like 12% of our programmes was online in February, March this year. From April, May this year, 100% of our teaching programme was online. In effect, COVID-19 compelled us to do so. That is going to live with us in quite significant ways.

I do not believe we are going to go completely online, but I do believe that, in the coming years, we are going to move towards what I call 'blended learning' with part of our programme online, and part of our programme face to face, and we are going to

navigate, if you like, between the two. In a sense, what is important to recognise is that this is going to enable greater access, if we can create the technological infrastructure to enable that to happen.

Next, what is important to me is the issue that all of our challenges, globally, are transnational in character. If COVID-19 has demonstrated anything to us, it is that all of our challenges are transnational, whether it is climate change, inequality, social and political polarisation, renewable energy, or public health; all of these are transnational in character. If we are going to resolve them, we need global knowledge, and we need great world-class technology and science, but we also need local knowledge, and local understandings. And, frankly, we are also going to need institutional capacity and human capabilities.

Our notion of global partnerships undermines that. Our notion of partnerships is to attract good, talented people to London, New York and Beijing, and then 80% of them do not return. That notion of partnerships undermines institutional capacity because it entrenches the brain drain. We need to reimagine higher education that shows us, if you like, how to be able to teach and to be able to have research programmes that are transcontinental, transnational and trans-institutional.

There is nothing that stops UCL from having a joint programme with the University of the Free State on public health. It seems, to me, that we could do that given the digital technologies that exist today. That will enable us to grow institutional capacity, and to grow human capabilities. So COVID-19, I suspect, is going to put on the agenda, in quite a dramatic way, the issue of transnational and trans-institutional teaching programmes.

That is the first big issue that I wanted to speak about. The second is the issue of health and the role of universities in that. You would have seen, with COVID-19, this huge challenge that has emerged around vaccine nationalism. The Americans and the British and the Europeans and the Chinese have bought up the world's supplies. The big question is, with the world's supplies bought up, will we get the vaccine, even if we find one, one year, eighteen months too late? In the context of poor people, people in the developing world are likely going to die.

What that raise is two issues: the importance of vaccine research and vaccine clinical trials in places like South Africa and the developing world and, secondly, production capacity. Both of those things are going to require universities. We, at Wits, are already undertaking two clinical trials. But we have no production capacity.

You would have seen that Aspen announced in the last twenty-four, forty-eight hours that they will now be producing a Johnson & Johnson vaccine in South Africa. But to make that sustainable, production capacity has to be supported by new vaccine technologies and new vaccine research. That requires a relationship between our universities and our corporates and seems, to me, fundamental to that agenda.

I want to argue that universities are fundamental to health, if you like, and to ensure that we create both the research and production capacity for drug therapies and vaccine production. Also, we are going to be fundamental in saying how this should be equitably distributed so that it is not only the people in Sandton or Cape Town who get access to the vaccine, but also the people in Mdantsane and Graskop who get access to the vaccine.

Finally, the third element of this challenge is, if you like, the SDGs [on] inequality. Universities are absolutely fundamental in researching the kinds of inclusive policies that are required to enable growth, but also to enable inclusion. We can only do this if we speak honestly and truthfully. We must have the courage to tackle difficult questions.

We can have the best policies, well, we can have the best economic policies in the world, but if we do not have the courage to speak honestly about incompetent state officials, the fact that we have made bad appointments in the state, and the poor capacity of our state to implement any policies, then we are not going to succeed. We have to speak openly about BEE […] as universities can play an important role in inequality, in health, and in higher education.

But [universities] are only going to play that role if they have got the courage to speak truth to power, and to raise the difficult questions that are located in our society. If we are going to be trying to be politically correct, we are not going to be able to ask the hard questions and, therefore, are not going to be able to advance the solutions, the agent-oriented solutions, that would allow us to address access to higher education,

to ensure the quality of higher education, to ensure access to health and quality of health, and to ensure appropriate policies in addressing inequality.

It seems, to me, that in all of those areas universities are fundamental to the agenda, but only if they have the courage to speak truth to power. I will stop there. Thank you very much".

Prof Francis Petersen: "Thank you, Chair. I also would like to say good afternoon to my fellow VCs, Adam and Dan. Thank you to the organisers and to Prof Madonsela for inviting me.

I totally agree with what Adam has been saying at a more global level. My presentation is going to be referring to more of a University of the Free State response in bringing the COVID-19 recovery plan closer to the SDGs. I want to start off with the contribution of higher education to the SDGs. I want to refer to a statement made by Joanna Newman, who is the Chief Executive [and Secretary General] of the Association of Commonwealth Universities [ACU].

She stated that universities are living laboratories, and this probably also links up with what Adam has said, which underpin all development targets, and the SDGs, from poverty reduction to employability to health to environmental sustainability to education – all seventeen SDGs. I think most universities are involved in the SDGs in some way or another. The University of the Free State is involved with most, if not all, of the SDGs.

But the question is, how would we, as a university and as the University of the Free State, go about approaching the SDGs and our involvement with the SDGs? First of all, education, as a key component of the University, is quite crucial. We do that through learning, through sensitisation, through engaging with the students and through all that the students would do at the University. We try to integrate some of those SDGs, and SDG thinking, into the approach.

The second one is the impact of research. We have heard about, for instance, vaccine development, but there are a lot of other applications in relation to the SDGs. That is the second component, the second way of how we deal with that.

Engagement with the public is very important. I often say that the universities should not only focus on what we are doing in research and how well we teach, contribute

and transfer that to our students, but also, through our teaching and our research, on the extent to which are we bettering our publics out there, be they a poor community or a company, a business or an industry. The engagement with the public, for us, is quite crucial.

Then, very importantly, how do we responsibly manage our operations as a university? Whether it is green energy that we utilise, or whether we look at the environment, how do we manage our carbon footprint? That is how we, at the University of the Free State, approach our engagement with the SDGs.

If we talk about the COVID-19 recovery plan, then really what we are talking about, primarily, is economic recovery. There was a lot of engagement the last couple of weeks. I want to refer to a statement that was made by our President in his address to the nation in April where he referred to our 'new economy'. He said that our new economy must be founded on fairness, on empowerment, on justice and on equality. That is what we really need to get right.

I am not going to go into the detail of the economic recovery. I think we had various papers even before Minister Tito Mboweni presented his mini budget and the President presented the economic recovery plan. There was engagement with Business Unity South Africa [BUSA]; there was the plan with the social partners. There were many documents, but, primarily, COVID-19 recovery in South Africa, and probably also globally, is focused on economic recovery.

Therefore, in terms of integrating the COVID-19 recovery, which in a sense is our economic recovery, with the SDGs, we need to understand where and what the University is effectively doing. Again, I am now localising it more to the University of the Free State. As Adam has indicated, there are seventeen and we can talk, probably for days, on all of the seventeen, but I lifted out a few that I think are important in the context of this specific conference and summit that we have.

This one speaks to SDGs 1, 2 and 8, which focus on no poverty, zero hunger, and decent work and economic growth. And it is linked to the following aspects of the COVID-19 recovery or economic recovery plan: how do we reposition things like mining, agriculture, and agro-processing? How do we focus on water projects? How do we look at employment stimulation, localisation, and economic growth?

What we have decided, as the University, is that economic development, in the sense of poverty and inequality, is quite crucial for us. We have a pro-VC who is coordinating that on behalf of the University. We are doing a lot of work on agriculture and what agriculture is, and we have a faculty that focuses on agriculture.

Agriculture is quite big in the Free State province, so it is, for us too, very important to say, 'How do we add to the value and try to make the agriculture more competitive?' We also have research and development in the areas of geology and mining. And there is obviously a lot that we could list here in terms of bringing those two goals together.

The second one is SDG 4, which Adam also talked about, is quality education. How do we ensure inclusive, equitable and quality education and also promote lifelong opportunities? The University of the Free State and, I presume, universities in general need to play an active role. But if we link it to the COVID-19 recovery plan, for me, the focus should really be on human capital development, and that is what we are doing.

But also, why are we doing it? We are doing it to build a capable state, or to assist in building a capable state, because in delivering these COVID-19 recovery plans, we need to have people with the right skill set, and we need to have people with the competency to be able to deliver, which is also to build the economy.

What I am presenting is just some of the things that we are doing at the University of the Free State to be able to talk about lifelong learning, to talk about changing skill sets, and defining and looking at reskilling, but also to look at entrepreneurship as a vehicle to be able to build the economy.

With SDGs 5 and 16, the focus on gender equality [and peace, justice and strong institutions] is crucial. In the context of COVID-19, we have seen an increase in gender-based violence, for instance. Our Centre for African Gender Studies is doing a lot of work in trying to understand and enhance our understanding of the issues of gender rights, equality and gender-based violence.

Sustainable development is impossible without sustainable peace. The work that we are doing on conflict, peace and justice out of our Free State Centre for Human Rights, which focuses on advocacy, practical and legal work, and engaged scholarship, is trying to bring that aspect to the fore.

Then, Madam Moderator, the final SDG, which I think is probably the most critical one, is partnerships for goals. I believe that if we would really like to be successful in delivering a COVID-19 recovery plan and linking that with the SDGs, it is about collaboration, and it is about co-creation – some of the things that Adam Habib also mentioned – but it is also about trust.

For me, those partnerships are crucial and need to be intentional. There needs to be an intentional focus on strong relationships between the private sector, business, NGOs, the public sector, and government. If not, if there is no appreciation for that, I would say that it would be very difficult. We can do all the SDGs and get involved, but to make sure that the SDGs have an impact on our economic recovery, that is going to be extremely difficult.

I would say this is the crucial one, and universities should play a major role in trying to stimulate those sorts of partnerships. Thank you, Chair".

Prof Dan Kgwadi: "Thank you very much, Chair, and thanks again to Prof for inviting me to this meeting. [My contribution] is on the responsible citizenry that we, as universities, are responsible for producing.

We have the youth of the country at our disposal. They come to our institutions to learn. And what we need to provide them with is good, quality education. They need to get quality education that will then ensure that we get responsible citizens that come from this. I think Prof Madonsela will relate to this quite a lot. I had a discussion with her the other time on this issue and I know her views very clearly on this one.

What we need to do is to close the gap. The products of our institutions must be ready to go and reduce this inequality that exists in our society. It is only through good education that we can do that. And, of course, good education alone does not help if the mindset is not right. There must also be the right mindset that goes with this. I think, in a way, Prof Habib related a number of things to ensure that the politicians are also right. We have got the right people. It talks to the right mindset.

We will then be able to reduce this inequality. We know how education empowers one. We can all talk about our own stories of how we have been empowered by education from poverty to, at least, the stage where we are. Without good education, definitely,

the families will remain as far apart as they are, economically. We hope that what we do at our institutions will then be able to address this.

The next thing is for universities not to remain ivory towers. I think all of our institutions have community service departments. Community engagement is one of the crucial parts of the University whereby we implement our expertise. It is not just about providing handouts; it is an implementation of expertise by universities in the communities where they are based and at times, of course, even far from such communities. We do, as a university, then engage a lot with the communities in different ways to address what COVID-19 has really cost them, and this implementation of expertise is very important.

I must say, partnerships are key to universities. We do not operate as ivory towers. We have partnerships with industry, and we create partnerships with the health societies. In finding the cure to the virus, with vaccines and all that, we are there as universities, as partners, with whoever engages with us. It is very important that the issue of industry and innovation is our focus because we need to ensure that innovation is driven from our institutions.

That is all I want to add to what the colleagues have been saying. With the other SDGs, there is quite a lot we can talk about, but, for me, it was important to focus on this one, on good education, and the role that it plays in reducing the inequalities. Of course, then poverty and hunger can be addressed through that. Thank you very much".

Prof Sakhela Buhlungu: "Thank you very much and thanks for inviting me to participate in this discussion. Indeed, it is a discussion whose time has arrived. I am going to come in from a slightly different angle, partly because our university is and remains a rural university. It exists in a rural setting and so the impacts of COVID-19, here, are particularly harsh on communities, but also on our students, their families, and so on. That is what we bring here.

In addition to what everyone else has been saying about, for example, the fact that we provide skills and so on and so forth, it remains that the University of Fort Hare exists in a rural setting. We have a campus in Alice; we have a campus in Bhisho, a very small town; and we have a campus in East London, a very rural metro, for that matter.

How we interact with these communities is very important. Our role, therefore, is to assist in various ways. We assist through skills development and through providing services, such as our legal clinic, which has a base in East London and in Alice. Those are skills that are needed, especially in times like now when people are going to go through difficult times financially. So, our legal clinic is there.

But we also provide a whole lot of other things. We provide biogas energy, for example. We have a very important unit in our university that provides biogas and distributes it to rural communities. We provide short-course programmes through our Bhisho campus, and these short-course programmes have different facets. We have one for traditional leaders, we have one for municipal managers and municipal authorities, and we have one for senior civil servants and politicians.

We have all of these services and through these interactions with these communities and these structures and institutions, our role, I suppose, to repeat what one speaker said, is to develop, build and nurture responsible citizenship, but also responsive citizenship which is responsive to the inequality in our region that is responsible for a whole lot of other ills, social ills, and gender-based violence and so on and so forth. We are right at the heart of it here.

We also, I should add, have a thriving Faculty of [Science and] Agriculture which has been in existence for decades. Once again, the training, the skills, and the support that we give to communities, is very important. We also, of course, have our Nguni cattle project, which again, provides support to rural communities. We are basically the hub through which some of these interactions happen. All of them are interactions that are intended to deal with issues of inequality, poverty, lack of access to clean water, lack of access to clean energy and so on and so forth.

So, yes, all our activities, including the teaching and learning programmes and qualifications, are all oriented, in one way or another, towards addressing some of the SDGs. We are very proud, therefore, of playing the role in the communities that we exist in and making sure that there are some ways in which people are trained to mitigate some of these issues, such as inequality, poverty and so on and so forth.

Of course, it is not easy. COVID-19 has not made things easy for us. It has had an impact on our university, on our region, on our province and, of course, nationally. We

are surrounded by communities in distress. We have lost a few students during this time. Many, many people have lost family, friends and parents. And, once again, we get called upon to intervene to help mitigate some of the sharper and harsher impacts of COVID-19.

So, we are very pleased about the role we play. We also have extensive partnerships and, once again, we have partnerships with other universities; but, very importantly, we have partnerships with communities where we provide a whole range of support programmes. Some of these were there before COVID-19 and so, in other words, I am not saying that they are all there because of COVID-19, but some of them will have a much bigger impact post COVID-19.

We have been running, together with the province, programmes on the preparation of matriculants during a winter school that we hold here for two weeks on campus. We have a whole lot of those things, and it is all thanks to the partnerships that we have.

I think that we, as a university, will continue being there, but it also means that we have to think differently, and we have to make our students think differently. We are not going to be able to conduct ourselves in the same old ways as before, which is why we are putting a lot of emphasis, now, on ensuring that the University remains stable. Whatever the causes of instability, we are addressing those vigorously so that we play that constructive role in society, and we are a stable university that can undertake some of those tasks.

I will leave it there, Moderator, and wait for the discussion. Thank you very much".

Desiree Chauke: "Thank you so much, Prof Buhlungu. I know this is not supposed to be a Q&A session, but I am abusing my position here. You are saying that your institution is a rural institution, but it is also one of those legendary institutions in the country in terms of the iconic status of some of the most prolific and celebrated liberation fighters coming out of your institution. Are you finding it challenging to maintain that status?"

Prof Sakhela Buhlungu: "Thank you very much. Actually, I am glad you raise this question, because the way we are using 'rural' here is an affirmation. We are claiming it, we are embracing it, but we are also working with it. In other words, we do not see it as a deficit, or as a stigma; we see it as a positive. We are deeply embedded in these

communities in ways that other institutions, city-based institutions, will never be. That role, for us, is an organic role that happens all the time.

But I should then say that, yes, being rural has got its own challenges for us. I will give one little example. In the town of Alice, I cannot remember what the population is, we are the biggest institution. The town of Alice does not have its own water treatment plant. The treatment plant, the waste water treatment plant, is owned by the University and the town rents it from us. It just shows some of the difficulty, and some of the ways of improvising and learning to embrace that rural nature of our region.

Yes, there are others. We have a farm on campus and very often the livestock of the rural farmers break into our farm and destroy the crops, and there are fights and all of those kinds of things, but that is exactly part of the mix. That one makes this legendary institution too exciting".

Desiree Chauke: "Thank you so much for a very affirming and very positive outlook in terms of your institution. Let us now move on to Prof Eugene Cloete, Vice-Rector for Research, Innovation and Postgraduate Studies at Stellenbosch University".

Prof Eugene Cloete: "Good afternoon, colleagues. Good afternoon, Moderator. Thank you for the opportunity. I have been enjoying the discussions so far.

I want to talk to you about a topic which, in the face of poverty and inequalities, might sound provocative to start with, but you will soon get the drift. I want to talk about wealth. And I use 'wealth' specifically in the context of universities being places where we create a wealth of knowledge and where we then share that wealth of knowledge.

But I want to take it one step further and I want to use WEALTH as an acronym for what, I think, should be the agenda for research on the African continent. It certainly plays a big part in our research agenda at Stellenbosch University. And it gives a good summary of the SDGs. We are working also with the African Union Development Agency (AUDA-NEPAD) on this to help develop a roadmap for impact of research in Africa. So, let me start with my acronym.

The W is for water, and that means water provision. In Africa, 300 million people do not have access to water on a daily basis. The E is for energy, with the focus on clean energy. The A is for agriculture, and with that comes food security. The L is for land, and how we optimise and use our land. The T is for technology, and the H is for health.

If you take away any one of those six elements, you are poor in one way or another. You are either water poor, energy poor, land poor or health poor. At the moment, the highest priority on the African continent, taking into consideration a combined report of surveys done on the continent that was published by AUDA-NEPAD, indicates that health is the number one priority and the number one issue, with COVID-19 and beyond.

I want to elaborate and take the WEALTH acronym further. So, it is water, energy, agriculture, land, technology and health. As the University, we focus on all of these areas. We have research chairs, institutes or centres of excellence in these areas. In fact, in the field of health, we share, with the University of Cape Town and the University of the Witwatersrand, a centre of excellence in tuberculosis research. We have two centres of excellence working on HIV, and so on.

I want to expand a little bit more and move away from just the hard science. You will notice that water, energy and so forth are really about the natural sciences. But the W is also for women, and how we empower women in science, in academia and on the continent. The E is for energy, but there are quite a number of other Es. We talk here about education, employment, the economy and equity.

The A for agriculture, but also access. That means access to water, access to energy, access to the economy, access to education, and access to health.

The L is for land, but also for leadership and thought leadership. And you would have noticed, colleagues, that there are many leaders who speak, and they speak a lot, before they think and then they have to explain, afterwards, what they thought they were saying.

The T for technology, but also for transformation, and I mean transformation, here, in the broader sense of the word. I think COVID-19 transformed the way that we work, and pushed the future right into our faces, in terms of universities, and not only in universities, but also many other organisations.

I often used the example of people sitting on our highways every day between Pretoria and Johannesburg, and Cape Town and Somerset West, and I always said that I reckon 50% of those people can, in fact, work from home because they spend two hours in

the traffic, they get to the office and they email each other from the one office to the next office, and then they spend two hours getting back again in the afternoon.

COVID-19 has taught us that we can do this work from anywhere in the world. At the moment, one of my colleagues – in fact, our senior director for research – is in France in serious lockdown. We just had our meeting yesterday and it was very much business as usual.

The H is, of course, for health, as I indicated, but also for housing and for hope. What the world needs right now is a huge amount of hope. I want to start ending off by categorising the world in four categories of hope. The first is where people have lost hope, specifically with COVID-19, and that leads to depression. People have lost their jobs and they feel that the future is totally out of control.

Then we have a category of people who have been denied hope, and there are millions of people in Africa, in South Africa, who have been denied hope. I am thinking, specifically, of our young people, and our students at universities at the moment. Many of the promises that were made to them did not materialise and this is why, I believe, we had #FeesMustFall and a lot of other pressures. Denying hope to people make them angry and we have seen that and we still see it today in all the protests that we have.

And then, of course, we have hope deferred. For that we need patience. And what we need, at the moment, is hope realised. For that we need a good vision, we need a plan and we need action. I believe universities are key players in delivering on that hope by educating our population and doing relevant research that addresses the major needs that we have on the continent, but also in South Africa.

Thank you very much, with those few words. I am glad to be here and thank you for the invitation".

Prof Nico Koopman: "Thank you, Moderator, it is a pleasure to join you. My contribution also focuses on the role of universities with regard to social justice in the context of COVID-19. I will make three points. I will, firstly, say what I think the role of the university is with regard to helping to develop intellectual and conceptual clarity in the face of resistances to social justice, and then make two or three concluding remarks.

Let me start with the various resistances that we have to social justice discourse and social justice initiatives. I think it is important that universities help us to look at the resistances. One resistance is that the term 'social justice' is vague. What do we really talk about when we speak about social justice? Let us, therefore, say our task is to help with a nuanced and analytical way of speaking about social justice.

One could say social justice is the justice of and for society – for human society and for natural society. Social justice is constituted by a variety of forms of justice. It is redistributive justice, which is justice that distributes the necessities and goods of life fairly to all, especially to the most vulnerable in society. We need the will and the wisdom to ensure fair distribution to all. That might be one way of talking about justice, and social justice.

Restorative justice is another form. It is justice that seeks the healing of what has been broken, be it relationships, trust, truth, dignity, freedom, equality, or humane life. Another form of social justice is restitutive justice, which, we say, is justice that establishes again the original status, justice that seeks reparation of what has been broken, justice that heals wounds, justice that seeks appropriate compensation, and justice that rights wrongs.

We also have rehabilitative justice. It is justice that is therapeutic, healing, and educative; justice that restores privileges and reputation; and justice that takes away stigma and rejection.

And then there is retributive or punishing justice, which does not seek vengeance and destruction, but which seeks regret, remorse, repentance, reparation, rehabilitation, restitution, reconciliation and healing.

Finally, reconciling justice is justice that does not alienate people, but embraces and brings people together.

All these forms with all the Rs are forms of social justice. It is justice for all in all of life's relationships and spheres. And it is important, on this conceptual level, to say that justice, social justice, encompasses all relationships in which we live in human and natural society. It can, therefore, be described as justice that opposes racism, classism, sexism, homophobia, ableism, ageism, ecocide, and so forth.

For me, what is also important, on the conceptual level, is that we must develop discourses that say social justice defines the constitutional principles of societies, especially the South African society, where we say our most basic value is the value of dignity. There is no talk of dignity if there is no justice. We say in the Constitution that we want healing, freedom and equality and where there is no justice there is not really healing, there is no freedom, and there is no equality.

A last remark, on the analytical level, can be that we say we distinguish between social justice as a vision, as a value, as a virtue and as an obligation. Justice is an expression of the vision that we have for society. Justice is a value that we adhere to, and something that weighs heavily on us. Justice is a virtue that we embody and live out, a predisposition, a tendency, an inclination, intuition, a habit, and the excellence with which we live.

Justice as virtue means that we do not only talk about justice as something outside us, but that we ask whether we are people who embody justice, people of justice, just people, righteous people, and fair people. And, lastly, justice as obligation refers to the duty to seek justice through decisions and policies that we formulate. We draw upon various decision-making and policymaking theories and models to advance justice.

Colleagues, a second point of resistance to justice is that some people say, 'No, leave this discourse; it is exclusivist; it is extremist; it is even ideological.' When we talk justice, people say, 'I feel you make my mouth dead; I cannot speak because I differ from you.' Justice is viewed, by some, as a populist position one takes up that stigmatises and demonises everyone that differs from oneself. And advocates of justice are often viewed as people thinking they are on the moral high ground.

Then, another very brief opposition to justice discourse is that people say we become emotional when we speak about justice. For some it is a word that evokes joy and for others it is a word that evokes threat, and it is important that in justice discourse we say, 'No, we cannot eliminate emotion.'

Yesterday, at Stellenbosch University, together with colleague Thuli and the Dean of our Faculty and other colleagues, we launched a great work of art where one can clearly see the principles of the Constitution of the Republic of South Africa. And that was not only a pure cognitive opportunity; it was an emotional moment when one sees

how students and staff walk past here, and they see the commitment to dignity, to healing, to justice, to freedom, and to equality.

The last point of resistance to justice discourse is that we look good on paper, but not good on the playing field. At Stellenbosch University, during this time of COVID-19, we, in a very special way worked hard to say, 'How do we think about justice, get more conceptual clarity, and how do we live it?' We, therefore, say, 'Through all our work, our research and innovation, our learning and teaching, and through our transformative social impact, we advance justice.'

We have developed values that we summarise with the acronym ECARE, which stands for Excellence for justice, Compassion for justice, Respect as a value in the service of justice, and Equity for justice.

In conclusion, Chair, yes, we must reflect upon justice, we must get clarity, and we must use all our academic imperatives at universities to advance justice, but in the end we must do it, we must practice it, and it must become concrete. The M-Plan, on which we focus here and which in a special way gives momentum, is one crucial vehicle, one crucial element to take us forward, to say the credibility of all justice discourses is measured, in the end, by how we look on the playing field.

All our discussions, also now at the conference, will [advance justice]. We do discuss with the hope that it will take us forward to look good on the playing field as well. To do it with belief, as Immanuel Kant has said, there is nothing as practical as good theories. We do it in the belief that all our words, in the end, make new worlds where justice reigns supreme. Thank you".

Desiree Chauke: "Thank you to you, Prof Koopman. You are saying we should look good, but also 'do good'. Thank you very much to all of our speakers. To quote Kate Robertson who spoke earlier: social justice is not only a word; it is also lots and lots of work.

Thank you so much and to all the participants, Prof Adam Habib, Prof Francis Petersen, Prof Dan Kgwadi, and Prof Eugene Cloete.

Profs, before I let you all go, just a quick one. Prof Thuli Madonsela was saying earlier on that we have to do the new normal, as everybody says, but the online platforms take away that sense of community that was there when the project was launched last

year. Just give us your sense of how we have to do things now, contributing to a summit while you are in your office or at home. Let us start with you, Prof Petersen".

Prof Francis Petersen: "Thank you very much. I do think that online is going to be there with us going forward. We cannot argue against that. But I do think we have to build in an opportunity for us to also get together. When we designed a flexible HR model for the University of the Free State, I said we need to build in at least 5% time where staff come and spend some time at the University because that social cohesion aspect is, for me, quite crucial.

Although I fully support and I do not think we could argue against it, that virtual engagement is going to be the [norm], I would ask, as in the case of online teaching and learning, that we also have a blended approach in terms of going to conferences, and having summits like these, because that social cohesion aspect and just to talk to one another in person is, for me, quite crucial. Thank you".

Desiree Chauke: "Thank you very much for your response. Prof Kgwadi, how are you finding it from the North-West perspective?"

Prof Dan Kgwadi: "We actually pride ourselves on vibrant student life. We cannot talk of a vibrant student life when we are online. There must be contact of some kind. But what is clear is, moving forward, we need to now have a multimodal approach where we can switch to online as and when the situation dictates, but we must also be really ready. We really want to be a contact campus.

We need to provide our students with this experience. It is very important. One cannot read in any textbook how to mix with each other and live together. One can only experience diversity when one is in contact, not really online. But to be able to switch to the mode when the situation dictates is very important with online.

But this one really works for me. What also works is that with online, one can actually go to a conference that otherwise one would never have thought to attend. That worked very well. Thanks".

Desiree Chauke: "Prof Cloete, let us give you the last word. We are trying to find out how your institution is interacting with the new normal of having to do things online".

Prof Eugene Cloete: "First a perspective on the old normal and the new normal. I do not think there was ever an old normal and I do not think there will ever be a new

normal. That is an oxymoron. The only normal is change and that is true for our individual careers, for our students and for our systems, and for the world, for that matter. We are seeing that in the election taking place at the moment in the United States. There is no new normal, it is just change. That is the only normal.

But I think and I want to add on to what Dan said, that the university provides more than just information and knowledge. Being on campus provides the students with tacit knowledge and that tacit knowledge is equally important. What the internet can give one, what books can give one and what most lecturers can give one would be explicit facts. That is explicit knowledge.

We cannot experience and get tacit knowledge over the internet, unless we improvise something that will bring tacit knowledge back. And I believe this is why universities have existed for hundreds of years. It is because of that experience which we cannot match online.

I also want to agree with Prof Francis Petersen that we are social beings. We need to interact with one another, we need to see each other, look at each other. More than just see the top half of the body, but to read body language and so forth. Tacit knowledge is missing at the moment, and we need to find ways to bring that tacit knowledge back".

Desiree Chauke: "Again, let me thank you for your time today and all the best for all the amazing work we will continue to see in terms of social justice coming out of your different institutions".

Chapter 6

Social Justice Champion of the Year

Professor Madonsela opened the session on Champion of the Year by expressing her delight at having the Minister of Justice [and Constitutional Development] – as the "custodian of the Constitution"— accept an invitation to be part of the M-Plan for Social Justice. The concept of having "champions of the year" was born from the realisation that the Social Justice M-Plan could not be managed by "a handful of academics", as had been the case before. A council was needed to look after the social justice fund and oversee the programmes under the Social Justice M-Plan. The members of that council were to be the "Social Justice Champions".

It took a while, firstly, to do the investigation", Professor Madonsela explained, "and research the kinds of people we needed on the council. They should be people who are already working on social justice matters. Because, I say, one never hires a person to do things they have never done before. Lastly, it was then approaching them and making sure that they were willing to serve".

Chairing this meeting, Ms Desiree Chauke then proceeded to name the enlisted members of the council:

- Professor Wim de Villiers, Rector and Vice-Chancellor of Stellenbosch University, Co-Chair of the Council of Social Justice [Champions].
- Basetsana Julia 'Bassie' Kumalo, who is the Executive Chairman and CEO of Basetsana Women Investment Holdings, as Co-Chair.
- Wendy Ackermann, one of the founders and honorary life presidents of Pick n Pay.
- Dr Bonisile John Kani, actor, director and playwright.
- Dr Nicky Newton-King, former CEO of Johannesburg Stock Exchange (JSE).
- Justice Yvonne Mokgoro, former judge of the Constitutional Court of South Africa.
- Sello Hatang, Chief Executive of the Nelson Mandela Foundation.
- Doreen Morris, television anchor and producer of the Miss South Africa pageant.
- Kate Robertson, Co-founder of One Young World.

- Busisiwe Mavuso, Chief Executive Officer of Business Leadership South Africa.
- Felicia Mabuza-Suttle, a businesswoman, author and former talk show host.
- Futhi Mtoba, former Chair and partner of the Board of Deloitte Southern Africa, who is also the founder of TEACH South Africa.
- The late Dr Beatrice Wiid, Chair of the Board of the Interchange Foundation.
- Ashraf Garda, Founder of Champion South Africa and Host of the Marketing Wars Podcast and the Champion People Podcast.
- Advocate Xoli Maduna, Executive at the South African Revenue Service (SARS), Tax Court Litigation.
- Professor Sakhela Buhlungu, Vice-Chancellor of the University of Fort Hare.
- Professor Francis Petersen, Rector and Vice-Chancellor of the University of the Free State.
- Neil Coleman, Co-Director of the Institute for Economic Justice.
- Justice Edwin Cameron, former judge of the Constitutional Court of South Africa and Chancellor of Stellenbosch University.
- Prof Nico Koopman, Vice-Rector: Social Impact, Transformation and Personnel
- Alysa-Abby Kekana, Secretary-General | Student Financial Access, Student Representative Council.

Professor Madonsela welcomed “these great South Africans …willing to join their lights to have a very systematic ground-up approach to advancing social justice”. This meant that “they are coming into this quadruple helix, which is what the Vice-Chancellor referred to as government, business, society and academia, joining hands to advance social justice”.

Asked what it meant to be a Social Champion and what stood out about the present nominees, Professor Madonsela responded by referring to the first 2020 Social Justice Champions selected, Kabelo Mahlobogwane and Eon Hendricks.

Kabelo founded the “Marking App, a mobile app that auto marks school assessments and gives learners access to immediate feedback with the aim of reducing the administration load for teachers so that they can focus on quality teaching and preparation with the end result of improving education outcomes in South Africa, Africa and the world”. The Trevor Noah Foundation had awarded a grant to him for this project.

He also formed a trade union, the Educators Union of South Africa [EUSA], that organises within the education sector and which he serves as National Spokesperson, is Chief Ambassador for the Thuma Foundation, which is a [Democracy and Social Justice Advocacy Organisation] that was founded by Professor Thuli Madonsela and also the Co-founder and Coordinator of the Young Education Changemakers Summit, which ran a successful programme called #HelpTheParentTeach aimed at assisting parents with home-schooling during [Alert] Levels 5 and 4 of the COVID-19 lockdown.

Professor Madonsela then turned to the co-champion, Eon Hendricks, a law student at Stellenbosch University and a founder of the Clay Foundation (Creating Leaders Among Youth), as well as an ambassador for the Thuma Foundation. The Clay Foundation promotes the support of local underprivileged students for admission to Stellenbosch University and was involved in numerous COVID-19 relief efforts, including the distribution of food and masks while it also built a hiking route for Idas Valley to wine farms with the aim to intentionally reroute tourism through previously disadvantaged areas in Stellenbosch.

Professor Madonsela congratulated both Kabelo and Eon and while noting that they were both linked with Stellenbosch University she stressed that they had been selected by the public. She also expressed the hope that more voters would participate in future selections.

With the council now in place, it became possible to have the public interact with the process throughout the year so that the process is referred to the council, rather than to Professor Madonsela and her team.

Professor Madonsela indicated that future public invitations had “to go to the ground” so that people at all levels and ages could be reached for nominations.

“It is any person who has moved mountains to advance social justice” she said. “And in the spirit of the M-Plan, because the M-Plan is not about pointing fingers, it is about rolling up our own sleeves and doing something”.

She referred to the work done by Eon, including through his Clay Foundation, as an illustration of the fact that even children may get to know about opportunities, as did the children of Idas Valley, which allowed them to “know about possibilities in life and are, therefore, able to dream big and to follow their dreams”.

Responding to Ms Chauke's question on what she had experienced thus far at the Summit, Professor Madonsela replied: "The people of South Africa, and the world, have responded positively to this call that we join hands or have 'all hands on deck' to advance social justice", adding that the speakers at the conference were "out of this world".

Chapter 7

Parallel Sessions

Land and poverty

Professor Danie Brand, Director of the Free State, Centre for Human Rights at the University of the Free State, announced that he will be facilitating this session. He then introduced Professor Elmien du Plessis, Associate Professor in the Faculty of Law at the North-West University as the first speaker, someone who often debates the country's most contentious issues, specifically land reform and the ongoing issue of the amendment of the Constitution with respect to property.

Professor Brand then introduced Annelize Crosby, as respondent. She heads Land Affairs at the largest agricultural association in South Africa, Agri SA, which at last count represented about 70 000 farmers, by far the majority of commercial farmers, in the country.

"Annelize is a lawyer by background. She is also someone who is prominent in the current debates about land reform, particularly from an agricultural perspective in South Africa

Our rapporteur for this session is Wandile Sihlobo who is the Chief Economist at Agbiz, the Agricultural Business Chamber of South Africa. Wandile, who was a member of the Presidential Advisory Panel on Land Reform and Agriculture, is a well-known commentator on issues regarding land reform and agriculture and agricultural economics. I am going to hand over to Elmien".

Professor Elmien du Plessis: "Thank you. I want to start off by thanking Prof Thuli Madonsela and her excellent team for organising this summit. I am both excited and overwhelmed to be the resource person for Land and Poverty. Land alone, I think, justifies a two-day summit. I would like to frame some of the issues around land that specifically speak to SDGs 1 and 2 and to social justice.

I also want to put in a caveat: I am mostly going to focus on rural land and for that reason we are going to speak a lot about agriculture because the time does not really permit us to go into urban issues or to speak about the connection between urban and

rural. Nevertheless, one should not lose sight of the fact that the urban is also important and worthy of discussion.

To focus and frame the discussion, we need clarity on what we mean with regard to certain concepts. I am going to start with some of the SDGs. Goal one is about ending poverty in all its forms, and that goal focuses specifically on equal rights to economic resources, as well as basic services, ownership and control over land and other forms of property, natural resources included, and financial services.

Goal two is about ending hunger, achieving food security and improved nutrition, promoting sustainable agriculture, doubling agricultural productivities, and securing the income of small-scale farm producers, family farmers, pastoralists and fishers through equal access to land and other productive resources and inputs. We often call this the value chain, which also includes access to knowledge and financial services. This goal gives us much to talk about in terms of the agricultural sector.

I want to pause here and make a comment or two about food security because it also links with social justice and COVID-19. Nationally, South Africa is food secure, but at household level many households are food insecure. Whether you are food secure or not depends on where you live.

Before COVID-19, in 2017, almost 20% of households in South Africa had inadequate or severely inadequate access to food. The argument, then, is that involving these households in agricultural activities for subsistence farming, for instance, coupled with social grants, can play an important role in reducing the vulnerability to hunger of rural and urban food-insecure households.

Of course, COVID-19 worsened the problem of food security. Some households are even more food insecure, and I was shocked yesterday to read that the HSRC [Human Sciences Research Council] survey showed that in some townships up to 66% of people did not have money to buy food. In that sense, they were food insecure. In some areas it is dire.

That links, of course, to social justice because when we speak of social justice, we speak of just, fair and equitable redistribution of opportunities, resources, and privileges and burdens in society. We should try and benefit as equally as possible and

the burdens in society must be spread equally. In land reform, social justice has a strong focus on access to land and resources.

I also want to define what I am talking about when I talk about land reform because that can also be confusing at times. When I talk about land reform, I refer to the legislative, policy and other measures that government has to broaden access to land, to improve the security of tenure of people who are tenure insecure and to restore the rights in land.

I also want to make it clear that in South Africa the social justice imperative also comes with an obligation to address the history of inequality when it comes to land. There is a strong historical connection in South Africa.

Through all this we have to navigate a policy direction. We ponder questions such as: what must land reform achieve? Do we want equitable access to resources for as many people as possible, or do we also expect that those people who get the land must use the land productively? Do we want to ensure tenure security only?

Suppose that there is acquisition and transfer of land from a private landowner to a beneficiary, how must the state acquire the land? Are they going to do this through negotiated transfer or through expropriation? And, of course, the question that we ask now is: what compensation must be paid if the state expropriates? Who must fund land reform?

These are, for me, all quite significant questions that frame the finer issues on which we work. But for the purposes of this summit, it is also important to discuss real solutions to specific problems. In that regard, I am going to look at a few issues that I think need urgent attention.

If we look at Section 25(5) of the Constitution, it orders the state to ensure equitable access to natural resources, and that includes land. This is the section, among others, that gives life to the land redistribution programme. This programme has been driven mostly by policy, and in the past decade the policy has been fairly vague and not really implemented consistently.

Important questions here are: Who must benefit from land reform? What land must be targeted? Should beneficiaries get leases or should they get ownership? How will the

state support the beneficiaries if the state will support them at all? Here, in this programme, we need urgent policy direction.

I am happy to report that there is some movement towards clearer policy direction visible after recommendations by the President's panel on land reform. We also have other policies that have just not been implemented previously that we have to ensure are implemented. But I also gather from the Portfolio Committee reports that there are talks of a long-awaited redistribution bill that will become an act. Legislation in this regard is highly welcomed.

If we talk about land redistribution, a recent example here is the 700 000 hectares of land that were transferred from the state where people can apply to have access. I think it is a great vision, the intention behind it is great, but unfortunately there are quite a few problems in the implementation of this idea.

Recently, reports have surfaced that, in the past few months, the land that was earmarked for this redistribution is already occupied. Land is often occupied by communities who live on it in terms of customary law, whose tenure is already insecure, or people who previously benefited from land reform and are farming successfully. In some instances, there are talks of bribes and corruption which needs to be addressed urgently.

The idea is great, but when it comes to the implementation there is a disconnect. It is therefore essential and urgent in this respect that a land audit be done in South Africa so that we can know who is on the land, and to ensure that the land is not taken away from people, like beneficiaries and communities, who have some form of right to be there.

That is land redistribution. Land tenure is the other programme in land reform, and it refers to people who live on land, but not as common law owners, or as owners with title deeds. We can think here, for instance, of farm dwellers, people living on land in terms of customary law, or labour tenants. These are the main groups in the tenure reform programme.

The aim, in this programme, is to ensure that people get rights in land, that their rights in land are secured in order to reduce their vulnerability, and to enable them to build sustainable communities and cites and then eventually the country. This is especially

important for agriculture because you need security of tenure if you want to do things on the land. It is also important for infrastructure building. It is important for resilience. It is very important for women's rights so that it can ensure that they are not easily evicted or not left more vulnerable.

We lack laws that protect communities living on land in terms of customary law. In that regard, we recently saw quite a robust engagement in parliament, but it was on the limited amendment of the Upgrading of Land Tenure Rights Act when actually what we required was a complete overhaul of the framework for securing the rights of people living on land in terms of customary law.

These communities are vulnerable to being displaced, especially by mining companies. The role of traditional leaders often falls under the spotlight here. There are allegations that traditional leaders facilitate such displacements of communities, and these allegations need to be investigated. Communities themselves should have the power, as recent court cases have affirmed, to make land use decisions without the fear of being killed.

When it comes to agricultural land, specifically, we have the Extension of Security of Tenure Act that needs to be implemented properly to ensure that farm workers are not unlawfully evicted. We also need to facilitate possible ownership of housing on farms for farm workers. This is something that the act envisioned, but which was never implemented.

The story of the labour tenants is a telling story of the gap between an adequate legislative framework, an enabling Constitution and the implementation of all of this. The *Mwelase* case in the Constitutional Court, which dealt with these labour tenants along with many other cases that were heard and judgments that were handed down in the Land Claims Court, has shown how time and again the Department [of Rural Development and Land Reform] failed to provide information, or to implement the plans and to finalise things. The courts had harsh words, and cost orders in many cases, for the department.

Eventually, in the *Mwelase* case, specifically, the court had to grapple with the question of how far a court can interfere with the workings of the executive. To what extent can the court really tell the executive what to do? And, in that case, the outcome was fairly

drastic. It carried certain caveats, notable among them being that the courts ultimately have to ensure that constitutional rights are realised.

That is what I regard as our duty as citizens as well: that we participate in processes, that we give our input in policy, and that we find solutions, no matter how difficult and messy these conversations can be. Land reform needs to happen, and it needs to happen within the rule of law. We need the government to provide support by facilitating processes or by promulgating supportive legislation. But in the event that government does not fulfil its constitutional obligation, it is also our duty to hold it accountable in the myriad of ways our democracy allows for. Annelize was asked for her response".

Annelize Crosby: "Good afternoon everybody. If you look, first of all, at the social development goals that Elmien has spoken to and if you have studied the Presidential Advisory Panel's report on land reform, you would see that they touched on a number of social development aspects in that report.

For example, the report speaks to the restoration of human dignity and social justice by enabling and resourcing restitution through redistribution and through securing tenure in rural and peri-[urban] areas. It also speaks to food security concerns among the poor. It advocates for a comprehensive approach to land reform emphasising rural-urban linkages while addressing unique territorial characteristics.

Elmien mentioned that the focus was on agricultural land reform, but I think it is important to acknowledge that the urban component of land reform is also very important and that it is something that has been neglected even more than rural land reform. We probably have the biggest need for land, and particularly land for housing, in and around our urban areas and our towns and cities. I am very much in favour of having a holistic approach to land reform that looks at all the different elements including urban space.

What is also important is that if one does take a holistic view, one needs to try and look at what possibilities the new technologies of the Fourth Industrial Revolution may present to us. When we talk about the Fourth Industrial Revolution, and we talk about agriculture and food production, concepts like precision farming, urban farming, vertical farming, et cetera all come to the fore.

It is a very interesting idea that in the not too distant future we may not need so much land anymore to produce food. Increasingly, technology enables us to produce food in smaller areas, vertical structures, and in all sorts of ways that we had never thought of before. This might open up land for other uses.

As such, we really need to start thinking holistically about food production, food security, farming, land tenure and technology. As the Presidential panel report rightly said, there is a whole spectrum of land needs that has to be catered for. Everything from urban land for housing, to land for subsistence farming for smallholders, for medium farmers, and all the way up to large-scale commercial farmers. You can never have a one-size-fits-all solution to cater for all those different land needs. You really need to have different programmes that are targeted to these specific needs.

In terms of empowerment, if you truly want to empower people, you really need to try and give them title. I know it is not possible in all instances. I know in the communal areas it is a huge challenge. But in the long term, title is what truly empowers people.

I do not know if all of you know about the International Property Rights Index that is published annually, but one of the things that consistently comes out of that index is that there is a direct correlation between the strength of property rights, the measure of protection for property rights in any particular country, and the per capita income of the standard of living in that country.

In countries where there is quite strong protection for property rights, you would find that people generally also have a higher standard of living. Thus, property rights are indeed a key ingredient for economic and social prosperity and we really need to try and speed up and simplify the transfer of title to people in both urban and rural areas.

We are running a project at Agri SA, together with the Free Market Foundation, where we are looking at the transfer of title to farm workers in situations where farmers want to make land available to farm workers. It is incredible how many obstacles you come across when you try to do this.

Some examples are: the red tape involved in the subdivision of land, donations tax, lack of co-operation from the municipalities, problems with providing services to people who live on farms and all sorts of things. It really is not easy. Those blockages need to be unblocked and the whole process needs to be simplified if you want to

make it easy for people to get title to their land. In terms of ensuring sustainability and supporting all farmers, there is a lot of promise in this draft blended finance policy that is now underway. It has not been finalised as yet, but the idea is to leverage both public and private sector resources to support investments that will unblock and enhance agricultural production, agro-processing, infrastructure and comprehensive land acquisition by Black producers and entities through deliberate and targeted financial and non-financial interventions.

It has always been a struggle for Black farmers to get access to finance, whether it be finance for the acquisition of land or finance for actually producing on that land. The state itself does not have the resources to enable those farmers to do this. Therefore, the only solution is a partnership, whereby you involve the private sector and you create a blended finance system.

Without any doubt, implementation has been the biggest stumbling block causing us to not have quicker and more sustainable land reform in South Africa. You can only look at every single report that has been produced. Also, the courts have been very critical about how the department has failed to implement most of the available programmes.

The only solution to that is, once again, a partnership between government, communities and the private sector to really start focusing, apart from, maybe, the redistribution bill that Elmien has spoken about where I agree there is a gap that needs to be plugged. There is not that much wrong with the policies and the laws that we have at the moment, but the problem is that they are not being implemented properly. We do not have the resources. The Special Master has a very good implementation plan, but the question is: are they going to get the resources to actually implement that plan?

Resources, the capability to implement, is our number [one] problem, and that is what we really need to focus on collectively if we want to take land reform forward and thereby make an impact on poverty and food security as well".

Wenzile Msimanga: "My question revolves around traditional reform hindering the process of creating sustainable farming in South Africa. What I mean by this is that we are seeing a trend where the world is turning towards green technology and

alternative ways of farming, and there is less appeal for using large amounts of land to farm.

How are farmers or landowners being supported to find a space within the Fourth Industrial Revolution and create sustainable ways of farming, looking at the trends in Netherlands and other countries that are at the forefront of green technology"?

"That is not such an easy one to answer," said **Annelize Crosby**. "First of all, it is, of course, a matter of informing farmers about the possibilities. I think many of our farmers are not necessarily aware of the technologies, and the possibilities they open up. Secondly, we need to ensure that we have those technologies available in the country. We will probably have to look at our agricultural training programmes and make sure that it becomes part of the training of young farmers. And then you will probably need resources, and hopefully some of the resources can come from this blended financing programme to enable farmers to start making use of those technologies".

Wandile Sihlobo added: "I think there are a couple of ways in which we can frame Wenzile's question. Broadly, perhaps, it would not be a clear analysis to say there is a move away from the current status quo because I do think that industrial food production is going to remain for quite some time, specifically with growing urbanisation.

There are certain agricultural practices that people can do, such as vertical farming, but that is largely more with horticultural, vegetable stuff; that is where technologies are really able to push the boundaries to a large extent. But when you look at some of the basic commodities – corn, wheat, soybeans, et cetera – there is not really a large substitute on that globally, now. You could see that from looking at the outputs of various agricultural commodities that come out many parts of the world, such as the United States and elsewhere, the Netherlands included.

The other thing I would add is to say that, insofar as technology is concerned, South Africa, particularly the commercial agricultural side, is at the cutting edge when it comes to technology in agriculture. Perhaps for today's discussion the question is: how do you make sure that smallholder farmers and new Black beneficiaries of land reform get to participate in, and benefit from, those technologies?

Regarding the Fourth Industrial Revolution, you have to ask: what technological advancements are occurring in agriculture under the Fourth Industrial Revolution? Because there is not a lot of new, exciting technologies per se. If you look at it, it is advancements with seeds to boost productivity on yields and also advancements that are biological and mechanical, like the new tractors and drones and so on. That, then, introduces the layer of the support system of people who need to be able to acquire those technologies and then be able to improve their productivity.

With regard to the urban farming, I think that South Africa is taking it on to a certain extent, but it will by no means replace the traditional farming that you do see. The only thing that we need to do is continue with the technologies that we have to stay productive, and that requires consistent investments in the sector.

Annelize mentioned that for land reform to actually be happening we need partnerships. But I would like her to delve into how those partnerships between the private sector as well as government and communities should be structured? Who should do what? It is high level. What exactly are the sweet spots that we need to be hitting?"

Professor Zsa-Zsa Boggenpoel: "What role does the emerging Black farmer play in the partnership? Did you want to elaborate? I think especially of technology and the Fourth Industrial Revolution and its impact, or the assumption that we make that emerging farmers have access to all of those things in the same way as the previous owner may have had.

I was just wondering about who is involved in that partnership – government, the owner, but also then the emerging farmer or the emerging Black farmer to be more specific".

Annelize Crosby responded: "When I refer to partnerships, I am referring to very practical, grassroots-level partnerships like the examples that we had at the 2018 Bela-Bela Land Summit. Some of them have been running for over fifteen years and are quite successful. There are a couple of potential problems. Very often, when you talk partnerships, people only think equity shareholding schemes in the Western Cape and they have a very negative view of that.

Government's role would probably be limited to making available some grants, which they are proposing to do now in terms of the blended financing, first of all. And then, secondly, a monitoring and evaluation role. We do need to recognise the power imbalances that may come into these relationships that will need monitoring and they also need to be structured properly.

The role of the commercial partner, whether it be a commodity organisation or an existing commercial farmer, would mostly be that of skills transfer. And in terms of the blended financing, there is a proposal that there must be a sunset clause. There must be a point at which that partner exits so that the Black partners can basically run the business on their own. That is not necessarily the only model, but in terms of the blended financing, that is the proposed model.

Then, of course, the partner, your Black partner, can either be a community, likin a restitution community, or they can be farm workers or smallholders. They would want to acquire the skills they do not have as quickly as possible. Very often they are very good at farming, but they may not necessarily have the marketing skills or the financial skills or management skills. Those are the kind of partnerships that one has in mind".

Professor Brand addressed Professor du Plessis: "I have a question on the issue of rights. Elmien, you said that one of the conditions for addressing poverty through land is to provide some form of secure tenure to people when they are on land. I refer to security in that sense, Annelize, as you also referred to it, very specifically related to title and a correlation between title and economic development. When we talk about rights and secure rights and rights that can play a role commercially in that sense, do we only talk about an unreconstructed understanding of ownership?

The reason I ask that question is perhaps from an academic point of view, but it is because most of the current and most exciting work on property law in South Africa precisely tries to move away from that idea of an absolute ownership right that can be exercised to the exclusion of everyone else. When we speak about title or secure rights to land, is it only in that traditional model that we speak about? Anyone can respond".

Professor Du Plessis responded that this was "something that I advocate quite strongly for". She continued: "We must move away from the model that suggests that

ownership is the only way to hold land in a secure way. I think that will move the transformation process along.

When we talk about rights in land, we do so based on the common law notion we used during apartheid, with ownership at the bottom and all other rights either depending on ownership or below ownership. That means that when an owner's rights come into conflict, for instance, with the rights of a farm worker, those ownership rights necessarily trump the rights of the farm worker, whatever those rights might be.

If we flatten out the idea, and to latch on to Annelize's request to also bring in urban land, in eviction law there are some instances where the rights of unlawful occupiers in buildings can suspend the rights of the owner until there is a just outcome for everybody.

We need to rethink these issues, especially in terms of customary law rights that you cannot really put into title and into the common law notion of ownership as we know it. It is impossible, in a sense, to ensure that, unless you want to break up the community, but that is a long and complex conversation.

Strengthening the rights of people living on the land that, in some instances – when it is just and when it deals with the issues that we are talking about here can suspend the ownership from enforcing their ownership rights – will actually speed up some of the issues that we have if we talk about a private-private relationship.

I do not want to be too academic about it, but I think it is important that we rethink how we see rights. I know people often also say that rights can be limited, ownership can be limited, as we know, and that there must be social considerations that also limit ownership rights.

People also get very scared when one says these things because it invokes the idea of social consideration, socialism, or communism. That is normally the line of thought. In this case, something like the eviction law comes in as quite a good analogy: when it is not just and equitable to evict somebody, the ownership cannot enforce their rights, and I think that needs to happen in many other property relationships".

Annelize Crosby expressed er agreement with Professor Du Plessis: "What (Elmien) is really talking about is a balancing of rights. But there is another element to this, and that is the economic empowerment because if you want to economically empower

people, those rights must be transferable, and you must be able to use them as collateral.

If you want to look at the differences, you really need an overhaul of the whole system because then you need the banking sector, for example, to recognise certain rights other than title to be acceptable as collateral. The balancing of the rights is one thing, but the economic empowerment that goes with secure rights is something different".

Economic inclusion and well-being

Dr Lumkile Mondi who tutors at the University of the Witwatersrand at the School of Economics and Finance introduced himself as the facilitator. He was joined by Dr Nthabiseng Moleko, a senior lecturer in Managerial Economics and Statistics at the University of Stellenbosch Business School (USB) and the respondent, Dr Neil Coleman, Co-Director of the Institute for Economic Justice. The rapporteur was Phelisa Nkomo from the Department of Economic Development, who is a developmental economist by training.

"We are going to allow Dr Nthabiseng Moleko to give a presentation and thereafter Dr Neil Coleman will respond. Dr Nthabiseng Moleko, the floor is yours".

Dr Nthabiseng Moleko opened proceedings: "What I will do today is lay out a very quick synopsis of the current situation of the South African economy. Then, I will go into some of the strategic alternative interventions that we believe are necessary so that we can come out of the economic quagmire we clearly are in. You will see that I will be very fast in going to the diagnostic assessment and the *status quo*. It is important for us to do that so that we have a premise upon which we are saying an alternative is necessary. That alternative is what I will then focus my presentation on.

The reality of the situation is that, in the last quarter, 2.2 million people lost employment, according to the Labour Force Survey. That led to the 42% I refer to as the unemployed population.

We know that there is also a gender dynamic to the economic situation in South Africa. Black women, particularly those in the rural areas, are more disenfranchised when you look at indices like unemployment in addition to the actual level of income. You find that there is a wage gap of between 23% and 30% on average. For the same work, women are paid less.

We also know that from a point of sharing of wealth there is 10% that owns 90% of the asset wealth in the country. This, in no way, is not linked to the 17 million people who rely on social grants. The economic dimension is also linked to the situation of the education outcomes because we know that almost half of our learners drop out from a secondary learning level, for example that they do not finish matric. This definitely has an impact on the economic outcomes and the measures we need to take in the

labour market and how we deal with the structure of the massive youth unemployment, and also the type of skills and the composition of skills that our youth have. We know that of those who finish, only 15%, at most, are absorbed into our post-school learning system, into universities or into TFET colleges. The outcome is that we see 30 million South Africans living below the poverty line as at present.

We know that unemployment is worsening. We know that youth unemployment is highly concentrated in five provinces – the Northern Cape, Mpumalanga, KZN [KwaZulu-Natal], the Eastern Cape, and Limpopo. These are rural provinces. It goes up to 70% when you look at the expanded definition. The reality is that year-on-year, GDP from 2012, has struggled to increase above 2% year on year.

It has simply waned and depressed, particularly in the time pre COVID-19 when we experienced two technical recessions. Then, during COVID-19, we know that there has been a sharp contraction of 7.2% estimated year on year as a result of that quarterly 51% contraction in the last quarter.

We also know that year-on-year estimates for growth of GDP have been under 1% in the last two years. So, there is a structural problem of not being able to grow the economy. What we have targeted correctly is the issue of inflation we are within our 4% to 6% band. However, with the report that I am going to cite that I have written together with various other economists, Prof Swilling being one of them, I want to make the point here that the issue of monetary policy being used in a more decisive and alternative approach to try and deal with the level of problem that we have, particularly post-COVID-19 recovery, requires a completely different shift in terms of mindset, and also a shift in terms of the use of monetary policy instruments to help us change the state of the economy.

In order to prevent a free fall, which is where we are, we believe that there is need for seven strategic interventions to be implemented very quickly. The result will not only prevent a free fall, but it does look like, based on what has happened with the fiscal stimulus, we are going to be in this period for longer. And the deficit problem that we have, without a clear growth problem, is not necessarily going to be mitigated by some of the measures that are in place.

The crisis before COVID-19 must be stressed. We were in a crisis before COVID-19. We remain in a low-growth trap. Not only that, but the economic shock that will be affected due to the COVID-19 scenarios that we point out in the report, must be mitigated so that we prevent the free fall.

The current unemployment levels I will not talk to. For me, 70% is really a problem. [This is the youth unemployment level if you look at the last quarter's unemployment rate in terms of the expanded definition. This grey is the women and this is the average.] Let us focus on those discouraged work seekers and not only on the narrow definition that causes us to lose the real story.

The state of the economy when you look overall at the last five economic plans and economic frameworks from which we actually worked, is that the outcomes are far lower than what had been purported as over 5% growth that had been a target, across the board. From GEAR [the Growth, Employment and Redistribution strategy] all the way to the NDP [National Development Plan 2030], which is a vision for some, but others argue is not necessarily an economic plan.

But the point that I am raising today is that this economic plan and these economic strategies have not yielded a growth path of more than 3%. The problem in South Africa is that you need a growth path of 6% to 7% to deal with the unemployment rate problem if you do not actually bolster your growth to the level of 6%.

What we are seeing with the [National] Treasury right now is very concerning, where average growth is being targeted at 3% for next year, but the outer years are 1.5% and 1.7%. This is an admission by the Treasury that they are unable to come up with ideas that will bolster economic growth. Therefore, this is where the alternatives must come in. It is clear that the Treasury have given up in terms of economic strategies, outcomes and ideas as to how you can bolster economic growth. So, we are coming with them.

Per capita growth in South Africa is contracting in comparison to other emerging markets. In terms of year on year, if you look at us in 1994 compared to where we are now, we can see that we are almost where we were then. Quality of life has not improved – it is contracting. The inequality levels, we all know [the red], in South Africa are worse than most economic outcomes for all African economies. Those that we

think we are better off than, we are actually, in terms of distribution of income, distribution of wealth and economic gains, in a far worse-off situation. So, we must deal with the issue of distribution of wealth and distribution of income.

What, therefore, are we saying? There must be an alternative. This is without a doubt the case. I think that with the economists who have written a letter to the Ministry of Finance, in the Treasury, there is agreement from both the left and the right to say that whatever fiscal approach is being taken, which is austerity, must be reviewed.

We are seeing, though, with the budgetary statement and the supplementary budget review, together with the medium-term budgetary policy statement of the Minister of Finance, that Treasury has simply elongated it from a three-year framework to five years. This is simply problematic in that they are not changing the strategy because all the subsectors have felt the effects of COVID-19. Everything has experienced a shock.

There is lower commodity demand, there are drastically declining agricultural exports, and other subsectors. There is obviously a drop in household demand by virtue of non-essential services versus essential. But also because of the lower level of wage that is being earned at 30% level drop. Subsectors have contracted severely, and this affects economic activity, as we know, and the result over the year that is estimated is a shortfall of [R]304 billion.

The question then is: which of the economic sectors will boost economic output if the government or the state arm is also contracting? The private sector is contracting, trade is contracting, and you are seeing that your investment levels have not been bolstered.

The only arm that is able to bolster these up to try and propel growth into the economy and to boost economic activity, boost household demand, and boost using procurement enterprise activity, the one that every other country in the world is using, is the fiscal stimulus. South Africa, however, is saying, no, we are actually going to go on a downward trajectory; we actually want a surplus, which is absurd in these times.

So, the alternative: we have modelled a clear outcome in the New [Wine Into New] Wineskins Report of the alternative and the different measures that we will focus on. But what is most important for us, as South Africans, is for us to see a socially just

outcome, an equitable outcome, and a redistributed outcome. We need to be concerned about employment as much as we are concerned about debt to GDP, if not more.

We need to be concerned about the effect of any economic plan on inequality, as much as we are concerned about the effect on fiscal sustainability. If the focus is only on fiscal sustainability and debt and we are not looking at how these economic plans are affecting redistribution, affecting the lowest income decile earners, affecting the unemployment rate, or affecting the poverty line and the proportion of our population below the poverty line, we are still playing games.

Therefore, in our estimates, based on the strategic interventions we have clearly outlined, if you implement these interventions, GDP will grow, unemployment will close by more than 27%, you will be able to deal with the level of unemployed workers, and you will improve the lower-bound poverty line proportion. You will also come out of the low-growth trap and gravitate towards economic growth because you are boosting industrialisation, and you are boosting economic activity in subsectors that previously had not necessarily been focused on.

How is this possible? We have set out seven fundamentals. These fundamentals are very clearly outlined in the paper, but I want to share them with you because I believe that without these fundamentals it will be difficult for us to reach the outcomes we want, even if we implement the strategy. We have got to have a clear economic strategy.

Unfortunately, the President has based the economic recovery plan [the South African Economic Reconstruction and Recovery Plan] on these five points of infrastructure, investment, employment intensity, corruption and building an efficient and effective state. But they are not dealing with the subsectors. They are not dealing with the issue of what the impact of the plan will be. They are not dealing with the pointed revival and review of how to manage the state, to coordinate the state better so that you improve outcomes.

We cannot simply put a plan on what is happening now. It is literally like putting a rubber stop to a tsunami that needs literally drastic measures on how the government even functions and operates.

So, we need a decisive economic strategy. We are not seeing that. We also need to enhance productivity that is local. We must review the value chain and distribution channels. The reason why the economic outcomes are as they are, even if you join, is because many subsectors are actually controlled by oligopolies.

There is a focal point in the paper where I drew an analysis on the retail value chain and the supermarket value chain. Three companies alone control 82% of South Africa's value chain on the supermarket space. All household items are brought in these three companies – the Spar Group, Shoprite Holdings and Pick n Pay. If you add two more – Massmart, and the Woolworths Group – that goes up to 96%.

What this means is that the value chain of how they deal with suppliers, the pricing, the different interventions in terms of control of prices, and the output on the side of supply chain, is controlled, really, by or five companies. These companies dictate to suppliers many of the terms and conditions that affect the economic outcome. Therefore, you need to restructure the distribution of these and also enable entry of newer and smaller SMMEs into various subsectors, but that is just a case in point.

There must be aggressive transfer of factors of production to Black South Africans. We have got to be aggressive about this, and unapologetic. The reason why wealth and the redistribution gains affect growth, if you have a driver, and sub-Saharan Africa generally has this as a case in point, is because of inequality. The distribution gains of growth are concentrated with a few, primarily. This trickle-down effect does not happen because of the concentration of wealth. You have got to deal with the spread of wealth across all in the economy and population. That is outlined very clearly.

The use of technology to advance growth and the energy transition are some of the other subsectors that need to be used, particularly the energy transition which can create a new entire subsector as a frontier product which the country can actually use to bolster particularly the Mpumalanga area and some of the other regions. Particularly with the downward use of coal in South Africa's energy mix, you can actually have an alternative.

But you have got to have a clear plan of how you are going to localise components, and how you are going to localise industrialisation in that subsector, but it does not look like there is anything different that is coming to the fore in this regard. We are

looking like we are simply going to import goods and import capital as we have been doing and not really generating new industries from South Africans in this regard. That is the problem with our economic output.

We have spoken to this at length in the media, I will not speak to this. As much as we speak about this, we must speak about growth. The reason why there is a deteriorating fiscal balance as proportion of GDP is because there is no growth. If your growth remains at 0%, 1%, or 1.5%, even debt remains constant as a proportion of that GDP or the economic output, and it will remain on levels where it is between 60% and 70%.

By the way, with the growth debt-to-GDP ratio, if compared to other countries, we are not in a crisis, and we want to state that: we are not in a crisis, as would be purported in the media. We are actually not doing worse than other emerging countries who have more than 120%, 130% or 140% debt to GDP.

Whether that is the approach now because of the fiscal stimulus necessary to get us out of the trap that we are in, in terms of a low-growth trap and also the economic contractions, can be discussed as to what the appropriate level is. But we are nowhere near a debt crisis as a country.

The level of investment in South Africa has gone down. Companies are not reinvesting. There is actually disinvestment. This is shown by various reports that have been done by independent studies from other universities and other centres: companies, top-50 listed firms, are actually cash hoarding and they are not reinvesting as gross fixed capital formations; and total investment coming in, with all our economic policies, is not as positive as we would have hoped.

With gross fixed capital formation in comparison to other countries, South Africa is not growing and reinvesting as much as China, Brazil, Turkey and the likes. We talk about investment, but whether we do it is another thing. The current proportion to GDP is about 17%, 17.9% to be exact, and we are not necessarily doing well in this regard.

There is massive risk aversion. When we talk about private sector credit extension, I want to speak to the loan guarantees. The private sector, in the main, has really increased mortgage advances as a proportion of their private sector credit extension total. That component, even with the compressed output, is the main and the biggest

increase. Is it into investment, into productive capacity, new industries, or new participants? No, the loan guarantee scheme is showing us that.

As a result, what are we seeing? In the main, South Africa's primary sector is in a lull, and the secondary sector is deindustrialising. We have remained flat [here]. If you look at the numbers from the 1960s, we are on a downward trajectory with both of these components. In fact, the primary sector was contributing almost 30% to GDP, and now it is at less than 7%. Agriculture and mining have contracted. Their contribution is less than 10% in our economic output. But,, deindustrialisation has also led us to 16% to 18% in terms of manufacturing. I am not sure what the numbers will be for this year with the effects of COVID-19, but we can expect them to compress if nothing is done radically.

The real growth comes from dead-driven consumption in the secondary sector and in the tertiary sector, which is your tourism sector, your financial and real estate services, and your wholesale and retail trade. That is not really where most newly industrialised economies grow to have a sustained growth, to have a growth that actually deals with unemployment, or to have a growth that allows you to boost new subsectors and increase your export yield. We have to grow the two underpinning ones so that you can actually deal with the constraints and the structural problems.

What do we seek to achieve if we grow? What is it that South Africa wants? We can continue on this path that we have seen in the last twenty-five years, which is a low-growth trap, real disinvestment, and the private sector not reinvesting, but also the economic outcomes of this low-growth trap, which is unemployment, inequality and poverty continuing. I would say that we should go for the alternative.

The current status quo is that we are borrowing money from multilateral agencies. The R500 billion fiscal stimulus is not R500 billion. R200 billion of that, alone, is not even reinvested into the economy.

We have heard and seen from the private sector that only R16 billion, – at most, the projections for January are R21 billion – will be reinvested into the private sector companies that apply through the loan guarantee scheme, the beneficiaries of that R21 billion, next year. Currently, it is R16 billion of the R200 billion. If you just remove

the R200 billion, R16 billion alone, that leaves you, on average, R300-and-something billion. R70 billion of that is also tax deferrals.

The net effect is that when you actually calculate the stimulus, it is almost R40 billion and the Temporary Employer/Employee Relief Scheme [TERS] is really what you can attribute as having been the real fiscal stimulus. I think Neil will say a lot more about that because I know that they have done a lot of research on that at the IEJ [Institute for Economic Justice].

The result is that we are going to see projected, now, a 7.8% contraction in growth, a widening deficit, but there is no real structural transformation. There is no new or clear coordination of monetary policy and fiscal policy instruments to change the outcomes. We are continuing on this deindustrialisation path with no change in the financial infrastructure so that we can see different outcomes. The real distribution measures are very poor relief measures on the UIF [Unemployment Insurance Fund], the loan guarantee scheme and TERS in terms of economic outcomes. And there is a lot of noise that has been made about these because they hit and affect the lowest of our people and therefore, we must see different things.

The real non-interest expenditure is what we must focus on. In the budget of the fiscal stimulus there is actually only R36 billion that has been pushed into the economy as a result. If you analyse the numbers, there have been a lot of downward trajections, almost R100 billion contractions, from the reprioritisation. And if you look at the detail, you can see clearly that the money has not actually been pumped into the economy – there have been downward revisions in the different budgets.

What are we saying must be done? South Africa must industrialise. We must absorb using labour absorption strategies. I will focus on one of these labour absorption strategies subsectors just to explain what is being said there.

One, there are sectors where they can absorb a large number of unemployed skilled people, unemployed people who have low skill, particularly women and youth. We must target, specifically, plastics, metals, construction, and agro-processing. These have been shown to have an alignment and impact on economic employment.

The second is that we must stabilise sectors that hold the potential to keep us having productivity and economic output. These, even though they do not have potential to

absorb more labour, are critical for our manufacturing subsectors. These are the chemicals, machinery and equipment, agriculture, and transport machinery. South Africa has very high value chain possibilities with looking at state procurement, particularly in this regard.

There is a dual focus that is needed on your labour absorptive sectors and non-traded sectors, particularly those that can bolster domestic production. We must understand that we must balance this out with the digitisation that is coming in the future, because in some subsectors there is competition for jobs, primarily because of digitisation, and we cannot run from that. But if you have a dual focus on high labour absorptive sectors and those that can deal with the spill-over effects or the retraining of some workers in some subsectors, you can actually deal with this. Particularly, we can focus on the auto sector.

Improve your maths offering and boost secondary schooling completion rates because these are linked to the technical qualifications required to bolster these manufacturing subsectors. We cannot ignore the recommendation from the report to use community service programmes, to use conscription, to develop an artisanal class of Black people, and to provide the expanded works programme the state has using, a public employment guarantee scheme, which we also support because we believe that you can use the public employment schemes, but you must underpin them in the community for the different type of jobs that are needed. However, the way in which they are being managed and implemented is a case in point in the paper and I think there is more detail in that in terms of best practice.

The channelling of skills and individuals from higher education to the employment market has to be more synchronised. We have got to pay attention to the TFET sector performance. Our TFET colleges hold a clear strategic role in bolstering employment opportunities, along with SMMEs, particularly in your rural and in your peri-urban outcome areas where you can actually deal with the unemployment problem strategically using TFET.

But it seems that all of these elements, when we look at the economic cluster, are independent. The economic cluster does not work parallel with the economic outcomes of Department of Higher Education and Training, and we need to deal with this.

Clearly, industrialisation is the second one that is proposed in the New Wineskins Report. It is requisite and fundamental in any country that increases its growth. All countries that have increased growth in the last few years have had a growing manufacturing subsector. We can look at the details in the discussion.

With domestic food production and rural development, South Africa's economic nodes are in urban areas and primarily those that were not the TBVC [Transkei, Bophuthatswana, Venda, and Ciskei] states. But those areas where there was under development in infrastructure have remained so. There has not been a catch up. Those subareas with high unemployment are usually those that are also highly rural and you find economic migrancy is quite prevalent because there are no economic opportunities. You have to deal with unequal development. The spatial pattern of apartheid has remained.

I believe and we believe that domestic resource mobilisation is key in terms of transferring assets across the board using our capital market surpluses. The private sector must be disciplined so that we can change these outcomes. Is it possible to do this? Yes, it is. Why am I saying this is possible? It is possible because other countries have done it. These are in the presentation, in the New Wineskins Report.

But what I want to show you is the New Wineskins Report. The projections are very clear: if you implement the alternative policy reform measures, this is the effect on GDP, and this is the effect on household consumption [the blue]. [The green line clearly shows the incremental growth, and what the effect is on gross fixed capital formation.]

We are not just thumb sucking here. We have estimated the impact on exports, on trade, and even on debt to GDP. You are going to see the debt-to-GDP ratio increasing incrementally because of the fiscal stimulus proposed, but as a result of economic activity and the multiplier effect across subsectors. We specifically highlighted manufacturing to say that the PIC [Public Investment Corporation] should be used to bolster the economic cluster of manufacturing and investment into the manufacturing subsector as a priority and then you will see economic activity boosted and the downward trajectory in terms of the debt-to-GDP ratio.

Is it possible? Yes, other African countries have done this, they are doing it now, and they are growing at 7%. South Africa is targeting 1.5%. We can use this as an

opportunity to reignite, restore and recover. I will speak to some of the relief measures in the discussion that we have. Thank you so much, colleagues".

Dr Neil Coleman responded to Dr Moleko's address: "The question that Dr Moleko, ended off with – is this possible? – is, in a way, what I want to focus on, and the political economy of this transformation that she is proposing. I do not for a moment think that given the political will, given this smart planning, given the proper strategic thinking, what she is proposing is not possible. The question is: how do we ensure that that comes about?

It is about how we create the conditions, but also about how we sequence the transformation that she is talking about. The theme of this summit is about leaving no one behind and using the COVID-19 crisis as an opportunity to do things differently. I think we are tragically missing that opportunity at the moment.

There is a duty, internationally, in terms of international law, but also in terms of our Constitution, to use the maximum available resources to advance socio-economic rights and the SDGs, and arguably the failure to do so is subject to litigation if that is where that has to go.

The question is: given the failure of government to seize the opportunity to turn this crisis into a transformation agenda, how do initiatives like the M-Plan, like civil society more broadly, begin to leverage an alternative which is coherent, but also has the necessary political support from all constituencies in society?

In the IEJ, that is the Institute for Economic Justice, we talk about the notion of a three-pronged strategy, which is similar to what Nthabiseng ended off on. Our three prongs are: stabilise the worst-hit communities, households and industries; stimulate the economy, get the wheels of the economy moving; and structurally transform the economy away from its traditional structure, the apartheid inherited structure.

A lot of Nthabiseng's input was on the third element, on the structural transformation. The question is: how do we move from where we are now to that transformation? And the first thing I think we have to recognise is that we are sitting with a severe humanitarian crisis that needs the relief measures, the relief package and the stabilisation measures for workers, households and businesses.

The idea that is accepted internationally is that when you have a crisis of this magnitude, you need to move quickly, you need to go early, you need to go big, you need to go hard, and you need to have measures that are concomitant or of the size that is responding to the scale of the problem. You need to go to households and not just assist the big businesses, like what happened in the global financial crisis. Assist ordinary people on the ground.

Just quickly, the humanitarian crisis: what is it? I think people will be broadly aware of that, but allow me to remind you of what the NIDS-CRAM [National Income Dynamics Study (NIDS) – Coronavirus Rapid Mobile Survey (CRAM)] survey found. They found that over 37% of households during the crisis did not have money to buy food. Between 2.2 and 2.8 million people, depending on the stats that you use, lost jobs, and that is weighted towards women, as Nthabiseng outlined.

We are talking about a situation where we are reaching 50% unemployment which, as Duma Gqubule has said, creates 'an unviable society'. We are talking about roughly 13 million unemployed in the society. Now, some of the jobs have probably been regained in this period as the worst part of the crisis has eased off slightly, but there is no doubt that we are sitting with unemployment of at least 11 to 12 million people over the next medium term.

Thirdly, over 13 million South Africans have been dependent on special grants that were introduced to address this crisis. This is in addition to the normal grants that government has used. The COVID-19 grant went to over 5 million people. The caregivers grant went to over 7 million women, mainly. And TERS, the Temporary Employer/Employee Relief Scheme, was financed by the UIF.

We know that it was only through a massive mobilisation by civil society, organisations like the IEJ, the C19 People's Coalition, and Thuli Madonsela herself, that an extension of three months for the COVID-19 grant was secured. But the caregivers grant to over 7 million women has been dropped. The TERS grant has been dropped.

This is a serious crisis. If there were 30 million people living in poverty before COVID-19, as Nthabiseng indicated, then we are talking about an even greater level of poverty

now and these grants probably reach up to half the South African population. This is a serious humanitarian crisis, as I indicated.

On top of this we have the National Treasury's brutal cutbacks in services and in public sector spending, which has all types of implications for health, for education and so on.

The R500 billion package, as Nthabiseng indicated, has failed to materialise in significant areas such as, for example, the credit guarantee scheme of R200 billion, and the job scheme of R100 billion. These had largely failed to materialise and the rest of the elements of the package have been ended, except the three-month extension of the COVID-19 grant.

Very worrying is that the Economic Reconstruction and Recovery Plan, which was announced by the President in parliament, completely drops any mention of relief measures. The approach that is now been taken is that the relief period is over, we are now going into a medium-term recovery phase. But as John Maynard Keynes said: "In the long run we are all dead". Things that do not address the humanitarian crisis in the short term are not going to assist in a longer-term recovery.

That brings us on to the next reality, which is that we are facing an economic depression. We were in an economic recession before the COVID-19 crisis. This is now deepening into an economic depression with up to 10% drop in GDP. That is the second element of what is required – a stimulus package to address this depression that we are confronting.

If you look at international economists like Kenneth Rogoff, who is very much a mainstream economist, as Nthabiseng was saying, he is one among many economists internationally who have said that we are in a war situation in this COVID-19 situation and that basically governments need to spend without limit. That was Rogoff's statement.

The IMF [International Monetary Fund] itself has said that premature cutting back in spending by governments will have massive negative implications, and not just social implications, but economic implications for managing debt, for managing deficits, et cetera because you shrink the economy prematurely.

The issue of management of debt, fiscal deficits, et cetera on intermediate objectives must be subordinated in the broader social objectives of growing jobs, growing the economy, diversifying our sectors, et cetera, which is essentially what Nthabiseng was arguing.

The inequality of the low job vector, the low job growth path, requires the third element of this package, which is structural transformation and diversification. A lot of the report that Nthabiseng was speaking to deals with this issue.

The structural transformation goes way beyond the notion of the structural reforms which are contained in the economic recovery plan. The idea of structural reforms that lower the cost of doing business and improve energy provision, network industries, transport, et cetera are all important. But they are not sufficient in order to deal with the structural transformation that we require in our economy.

If you look at each of those areas, whether it is energy, transport, et cetera, you can see that, given the challenges in our society, this can either be done in a way which is purely trying to service narrow interests, or it is addressing the broader social imperatives which we have.

I think we need to remember, in relation to all these things that have been raised by Nthabiseng, that they have both social and economic multipliers. Whether it is diversifying sectors, or state investment in the productive sector, infrastructure, et cetera, these have economic multipliers. The same is true for issues like social grants, for the stimulus effect on investing in community.

Finally, I started off with the political economy challenge and the strategic challenge now is: how do we get the good ideas that Nthabiseng was putting forward to actually take root and to be implemented?

Those are not issues of economic coherence alone. It is not about evidence purely, and it is not about good policies and good documents, because we have got lots of those. It is about a shift in the mindset of our policymakers, of our business community, and of society, more broadly. The notion that we are going to use the crisis as an opportunity to change the economic trajectory has not materialised.

The denialist mode, which has been reflected by the National Treasury and by government, unfortunately, more recently, in the presentation of the economic

recovery plan, which hopes that the problem is going to go away in the short term and that normality is going to resume, is frankly a nonsensical approach. Because we are sitting with this deep, deep crisis – a humanitarian and an economic crisis.

The current stance that is being adopted is a head-in-the-sand type of stance which is driving us headlong towards a precipice. The humanitarian crisis is also leading us into a depression. We are leading towards what Duma Gqubule has called 'an unviable society'. The question is, how do we stabilise our situation, and build a bridge to where we need to go?

This, obviously, requires coherence, evidence-based alternatives, which draw on the international experience. The international experience has a lot to show us about how governments have responded in the ways that we spoke about earlier. But, secondly, most importantly, society needs to mobilise through the M-Plan, but also through massive mobilisation by constituencies.

We have seen recently that with the ending of TERS without the agreement of labour and business, labour and business are in an uproar. Are they going to be able to do what we were able to do with the COVID-19 grant, to get government to reverse its position on this? That needs to be done on every element of the relief package that is required.

We need drastic action. Adrian Enthoven this morning spoke about legal actions that have forced government to implement human rights as contained in the Constitution. There really needs to be a rethink by society, by all the critical sectors, as to how we are going to shift this disastrous trajectory that we are on currently. Thanks, Chair".

Dr Moleko responded: "The National Treasury – which we have not even touched on, the power of the National Treasury across the economic cluster – though they are accountants, really, from the fiscal perspective, has taken the place of policymakers in crafting economic policy and it seems that ideas that may be contrary to what positions the National Treasury holds are usually swallowed up.

We saw this last year in the process of some of the economic transformation committee and alternative proposals that were set out by the dti[c] cluster or the economic cluster that deals with trade and industry. Even though there were some elements trying to come with alternatives in terms of industrialisation focusing on

macroeconomic framework changes, this was literally not taken seriously, not even adopted, because of the power of the National Treasury.

I think it must be dealt with if we are going to see alternative outcomes because if the economic outcomes and the framework that we are operating in now continues, as Neil is saying, with the type of policymakers and big business beneficiaries and alignment of all economic gains literally focused on them, not households, not the rural, not the peri-urban or the poor, we are going to be in trouble.

We are having a humanitarian crisis, as he has laid out, and I believe that the ability to stabilise and put in place these measures that he has spoken to are crucial to quelling that because it is households that are really affected. There is a storm in Johannesburg. The diversification of subsectors and the economic depression. I like what he says about we have entered economic depression versus economic recession. Why? Because of the sustained recessions that we have had, if you sustain an economic recession over time.

But I am really hopeful about the momentum that alternative voices will continue to have. We cannot stop. I think that the momentum that he is suggesting about the M-Plan and different policymakers, academics, continuing to apply pressure, is what is necessary in the country so that we can see alternatives implemented. I think we need to talk to business, we need to talk to the ruling party, and we need to talk to the economic policymakers so that we can see a change and so that we can quell this economic depression.

Neil speaks very correctly of the microeconomic reforms. The issue of reducing the cost of doing business, network industries, lowering the cost in ICT [information and communication technologies], transport, all those things are necessary. But these are part of the underpinning framework of the National Treasury's economic strategy from last year and you cannot change an economy through microeconomic reforms. What South Africa needs is decisive macroeconomic reforms, decisive macroeconomic changes, decisive fiscal policy and monetary policy instruments that enable this.

We have not spoken about the use of Reserve Bank ratios for banks, for example, to promote money allocation to productive sectors. We have not spoken about the use of the Reserve Bank as a lender of last resort. We have not spoken at all about how

we can use more aggressive instruments in this time instead of honing. And I think that this is what he is talking about when he refers to the focus on microeconomic reforms that is almost being held above macroeconomic reforms even as these macro reforms are those that have the most impact.

I totally agree when he talks about stabilising, stimulating and restructuring. This is what we need and I think we are really on the same path, showing what I think all of us are shouting, whether it is from the New Wine Into New Wineskins Report or its different clusters. We all agree that something radical has to be done and I think we must merge all of our initiatives into one.

But all of us must repeat this everywhere we go because we need a decisive alternative. This, for me, is not even the question, but it is non-negotiable. We have to have an alternative. Thank you so much".

Lumkile Mondi had a further question to ask of Dr Moleko: "South Africa has always had alternative plans, whether it is the macroeconomic research group, among others, and other ideas that they will put forth". And basically, even the plans that government has had, some of which have been very good, we have not seen being implemented in the way which had been envisaged.

If we come with new ideas, even if those ideas curry favour with the policymakers, what should be different at this time when in fact there have been so many plans and yet so little being done?"

Phelisa Nkomo added: "Nthabiseng makes the points around the gender dynamics of the crisis, and Neil links that as a human crisis. But I think that, actually, we must reflect on particularly the gender dynamics and say that in this context, for instance, knowing very well that women already struggle because of the wage disparities within the labour market, they are facing much more economic vulnerabilities. That is the first issue.

The second issue is the fact that we have seen increased gender-based violence during this period and, therefore, it means that there are power and relationship vulnerabilities for women. It is something that we need to ponder and actually classify it as an increased social tension because it means that as long as women are

dependent on relationships or on their partners, it actually makes them more vulnerable.

The third component is the existing social protection system, which is linked either to you drawing a social grant from the Department of Social Development or to you being active in the labour market.

For instance, many women who have been active in what we call vulnerable sectors such as retail, or domestic work since domestic work is linked to increased access to income for households, had to be laid off because households' income has declined and there was no demand for their services. This also means that the women who are in those households have to double up to do house chores while remaining productive in the mainstream economy.

The fourth area, in terms of the vulnerabilities, is communities. The crisis has also exposed that the safety nets within our communities are very thin and are very thin on several fronts. The first issue is around the fact that many community-based organisations have no access to funding. Therefore, women have no support in gender-based violence or if there is an issue around access to food or shelter.

The other component around the community vulnerability is the lack of human and social solidarity. The reason for that is what our government has also used: it has used neoliberalism to organise society. When you use neoliberalism to organise society, in fact, you are promoting individualism. I think it is something that we need to ponder.

But my question to both Nthabi and Neil is that I would really like them to comment on the issue of state capacity because it bothers me a little and most of the time, we do not make time to pinpoint and say: what are the issues around state capacity that we need to think about?

My theory is that you have people who have remained in the system since 1994 and it is true that you have lost a certain capacity. But, when we talk about state capacity, and I do not want to go into the political economy question because there is a direct link. What areas of state capacity are we talking about that we think need to be built and strengthened so that it is able to deliver to an evolving society and address economic needs of South Africans?"

Dr Nthabiseng Moleko: "On the point on gender dynamics, I concur with Phelisa. I think it is more of a contribution and I think we could have gone deeper into it. It is correct that the gender parity issue must be dealt with.

The point that you raise is a critical one because many people argue, Dr Mondi, about this issue of implementation. I want to put it to you; implementation is not the problem. Why do I say that? This capacity of the state, we agree, all of us, that there is leakage, there is corruption, and there are inefficiencies, particularly at local and district level. We need to deal with the state capacity.

But the career pathing, the use of technical skills, the internal growth of careers, the failure of separating political power, particularly from an administrative perspective in the different departments, has been one of the outcomes of the politicisation of administrative posts which has led to all the kinds of failures and lack of continuity that we see between ministers, the political head, and the administrative head. This is in the New Wine Into New Wineskins Report. Therefore, there are things that can be implemented and the whole planning process of the state, and the coordination of the planning, is one thing that must be done.

Last point: implementation is key. GEAR is an example of the best outcomes, economically, that we can pull out to say, the state was a machinery then; SARS was working, there was no state capture, but of the economic outcomes, unemployment was still at its best at 22%. This is a crisis in the world.

You can also see that the growth strategies were ineffective in really changing the economic framework. The poor remain poor, and the rich remain rich. You merely use cash transfers to deal with the wealth distribution. But the investment pathways remain very much constrained and remain where they are.

You must therefore break that, and I think that the problem is economic policy. Therefore, improvement of the state simply will not change investment pathways. It will improve efficiency and reduce leakage".

"Following on the same trajectory as Nthabiseng," concluded **Dr Coleman**, "the question is not about whether things can be implemented. The question is, number one: is there the political will to do it? Number two: is there a plan to build the capacity

where it is more complicated to do it? Number three: are we sequencing our interventions correctly?

If we look at this previous period, we rolled out 13 million new grants in that period. Given the political will, there was ability to do that. There were some difficulties, but it was done. And then you add TERS. It is also about the question of sequencing your interventions so that the concrete measures that you take are not ones that require massive state capacity immediately in the short term, which would be my critique of the economic recovery plan. For example, we were looking at new public work schemes as opposed to extending the grants when we already have the infrastructure and the ability to extend the grants in this situation of humanitarian crisis. It is not necessarily a case of either or, we can do both. But some of them are about medium-term capacity building.

The same relates to some grants to businesses who are struggling because a loan scheme to businesses that are really deeply indebted does not actually help them when they need relief measures. And then you use those grants, for example, to leverage public investment or public stakes in those companies that you are giving aid to, or you involve workers in ownership schemes in those companies. It is about sequencing and, in a way, building and leveraging the type of transformation that you want to see down the road. That also responds to Phelisa's question about state capacity.

Finally, I would say that in this big debate about the public service, we still have not grabbed the issue by the horns, which is the need to reconfigure the public service. The public service that has been so outsourced, that is so dependent on private sector contracts and is so fat around the upper levels of the bureaucracy – we need to shift those resources to frontline service delivery.

It is not about cutting wages in a blanket way and then saying we have shortages in all these areas. There is a need for a much smarter strategic approach, and I do not believe that there are plans in place in government that are responding correctly to the challenges that we are currently confronting".

Education and training

Professor Jansen welcomed everyone and introduced Dr Choice Makhetha, Senior Director of the Division for Student Affairs at Stellenbosch University as resource person for the group.

Dr Makhetha: "The Fourth Industrial Revolution with all its opportunities is in the process oleaving millions of young people behind. If basic issues within education and training are not addressed, we will be creating a new generation dependent on grants and handouts from government. Education is meant to uplift societies and break the cycle of poverty. Education is meant to bring development and enlightenment to many, including those in rural areas and those who are disadvantaged.

COVID-19 reminded us of what we had swept under the carpet. It laid it bare for all of us to see, to remember, to reflect and to go back to the drawing board. That is to say, COVID-19 gave us a rare opportunity to pause long enough to make sense of rapid development and the total neglect of basic human rights. Now, the United Nations' SDGs are there to provide a base and a guide for us to improve on what needs to change.

The South African Government, working with different stakeholders, designed the National Development Plan. Was it based on correct information, or was it just a wish list? Did it take into account what it would need to achieve those goals, or was it just projections not anchored in reality? How do we disrupt the current direction our education system is going in? How do we align the vision of education and training with the United Nations' SDG 4 for equal, quality education?

Who should take the lead in addressing the social injustices still prevalent in the education sector? Is there a commitment from the whole sector? How many of the leaders within the education and training sector are consciously challenging the mindset of all stakeholders, including their councils, senates, alumni and donors, and interrogating the values and practices being passed on from one generation to the next, which impact institution culture?

A lot needs to be done and the time has come where we need to hold one another accountable for transformation within the education sector, and for eradicating racism, sexism and all kinds of discrimination. Together, we need to shape an

education system that genuinely empowers young people to enter the marketplace, be actively involved, and become successful. In other words, an education system that instils confidence, restores dignity and opens doors for a better life.

Education is expensive. Apart from the fees, there are so many additional costs never anticipated. These are other stumbling blocks we need to remove that are costly and detrimental to achieving the goal of education.

Why are we still negotiating that people be treated right in 2020? This should not be the struggle of this generation of students. Who should resolve issues of articulation between TFET colleges and universities and why is it taking this long to address? Who should address the inequalities that exist in the education system?

So many reports have been written, and the latest was the South African Human Rights Commission's report on transformation and post-school education in education institutions in South Africa. Monitoring structures have been put in place and how far are we? Are we making visible progress?

The #FeesMustFall movement raised many pertinent issues that negatively impact the learning journey of many students, from admission to graduation. How are we doing? We need to make a commitment not to leave any student behind, to speed up distribution of learning materials, and to close gaps where there are inefficiencies to prepare well for 2021, to receive learners and students, and to provide them with the kind of support they need, meeting each student where they are.

Regarding our readiness for 2021: is the training of educators adequate for the generation of learners we have in order to cope with the requirements of the Fourth Industrial Revolution in the classroom and the sudden life changes that require an ability to adapt and be resourceful? Are colleges and universities ready for the kind of student coming in 2021?

Mental health challenges are on the rise. What kind of support is there in the classroom environment and beyond? Where does the responsibility of the school and the university end? Family circumstances affect the student and the learner and for the student to focus and be successful, there needs to be a broader intervention that empowers them to be strong for themselves and for their families.

How can we use and share the limited resources we have? A sectoral support strategy needs to be developed to ensure equitable support at every education institution. These are some of the issues that we need to be conscious of and to commit to addressing in our effort to provide equal, quality education. Thank you.

Prof Jansen: "Thank you very much, Dr Choice Makhetha, for that sterling, but also precise analysis of where we are in terms of providing quality education, especially in the context of COVID-19, on the one hand, and the challenges of 4IR [the Fourth Industrial Revolution] on the other".

Dr Nic Spaull, Research Fellow at Stellenbosch University's Research on Socio-Economic Policy was introduced next as the panel's respondent.

Dr Spaull started by asking the question: "Why are we still negotiating to achieve the most basic things that we need for children to have the right to basic education realised in their lifetimes?

In my response I would like to focus on three things, and to make it easy to encapsulate or to remember, I am going to use the same acronym as our curriculum statement, CAPS [Curriculum Assessment Policy Statements]. The three things are: the curriculum, assessment, as well as inequality in policy. I think that Choice, in her description, covered each of those topics.

Starting out, Choice mentioned the National Development Plan and asked: when was this developed, and was it a wish list? Did it take into account the challenges of what South Africa has in front of it and what needs to be done to improve the situation for the majority?

We are now thrown back into that question. In our response to COVID-19, both this year and in the years to come, as far as curriculum is concerned, how do we make up two years of teaching and learning in one? How do we catch up virtually an entirely lost year of academic learning, which is 2020? That is not something that can be done by just saying that, in 2021, teachers need to cover one and a half or two years. I think that is the first realistic challenge in front of us.

The second one around assessment is: how do we assess children knowing that they have not had the same opportunities as those last year, as well as people who do not have the same opportunities as other children in the rest of the country? When we are

thinking about assessment as we head into the matric exams, for example, will this COVID-19 generation of matrics and COVID-19 generation of children who were at school at this time be perpetually disadvantaged because of the standard that we hold them to? But then, if we do not hold them to the same standard historically, this brings with it a whole other set of challenges. Are our COVID-19 matrics the new OBE matrics who are facing challenges when they come to the university or the post-school system, which means that their labour market opportunities are heavily compromised?

Thirdly, there is the issue of policy. Do we have a long-term policy response to the COVID-19 crisis? The answer to that, at the moment, is no. We see people reacting and behaving as if this is something that is just a three-month or a six-month issue, that is, until we get a vaccine, and then distribute this vaccine. It is not. It will take us between five and ten years to recover from this crisis, which is a crisis in learning, but also a crisis that has now exposed, with renewed vigour, all sorts of inequalities that I think we knew were there.

This brings me to the last point that I wanted to raise, which is inequality. I feel like COVID-19 has truly revealed the vulnerabilities of our education system in a way that makes it unignorable. Before COVID-19 happened, 25% of schools had no running water. How was it that, within three months, the Department of Basic Education allegedly managed to provide running water to every single school in the country? Because there was political will to do so.

This is now revealing to us that the lack in our system is actually political will. We cannot think about the problems we have in the education system as being technical challenges that need technical solutions. These are political challenges that need political will and political solutions. I think this points to the fact that those things are not taken seriously by politicians.

In the budget that was just announced in the last week, we saw that the R6 billion which was allocated to fixing infrastructure backlogs has now been spent on PPE and all sorts of COVID-19 necessities. The money that was going to eradicate pit latrines, build functional schools, et cetera has now been removed and allocated to a short-term crisis, which is COVID-19.

Instead, a similar amount of money, about R7 billion, has been allocated to teaching assistants for four months. This reveals the short-term thinking within the education system: that we can catch up learning within four months using teaching assistants who are not trained. There is no process for recruiting them and the only reason why they are being appointed is to spend that money in this financial year.

I think the silver lining around this relatively dark thunder cloud is that we have an opportunity and we should not waste a good crisis. There are many things that people have been mentioning in our education system for a long time. We need to get the essentials right. That is, both the essentials in infrastructure, as well as the essentials in the curriculum.

We need to focus on fundamentals like reading and maths and ensure that all children have a firm foundation at the start of school, which currently they do not. We need to teach children at the right level, where they are, rather than thinking that they are progressing through the curriculum simply because they are going into a higher grade.

In closing, I would say that I think we need to be realistic about the challenges that are ahead of us, and that what is needed to address the situation is now at our feet. Unfortunately, at the moment, we do not seem to have enough of a long-term vision or even a medium-term vision of how we can get ourselves out of the pit we find ourselves in. That challenge is a leadership challenge which lies at the feet of those who are governing our society. That is the challenge that is in front of us now".

Professor Jansen next posed this question to the panel: "what can a long-term policy response to the likes of COVID-19 look like in education?

If we just look beyond the catch-up mentality of people right now – two, three, five, ten years from now – what can we start doing, in policy terms, to deal with these very unequal effects of the pandemic on education?"

Dr Makhetha: "Access at all levels should be opened up and that everything a student or learner requires, should be properly facilitated.

For instance, right now we are dealing with COVID-19, with laptops being distributed all over, and you find that students who depend on NSFAS are actually the ones who are still waiting for devices for learning to happen.

But it is also in the development of educators for the kind of learner that we are faced with going forward. And, more than anything, it is about ensuring that there are support systems built in into the system. It should not be a catch-up process every time.

For instance, we know the challenges of rural areas. We know the challenges of first-generation students. I am left shocked every time that our schools still do not have social workers, all of them, as a start, and that not all universities have student counselling and well-resourced development centres.

These are basic life issues that really block many young people from being successful within the education system. If support systems can be thought through, to support a learner from the beginning to the end, it would be more helpful.

Dr Nic Spaull: "I think there are three things which I would foreground here. The first one is ruthless prioritisation. As a country, we need to be realistic and accept that we cannot do many things well. We need to accept that we have to go back to basics: how do we make sure that there are no schools that have classes with more than sixty children in each of them?

Of course, it needs to be lower than that. It needs to be forty or even lower. But the point is, for now, we need to say that within the next three years, we must eliminate all extreme class sizes. There must be electricity in every school. There must be running water in every school. We need that ruthless level of prioritisation. That is the first one.

The second one is forcing the policy proposals that get put forward into SMART goals: specific, measurable, achievable, realistic, and time-bound. An example would be that by 2030 all children will read for meaning and calculate with confidence by the age of ten. We know what it is, parents can understand it, it is time-bound, it is achievable, and everyone agrees that it is something good that we need to do. We do not need twenty-seven goals. We probably need five of these very SMART goals.

For the third one, COVID-19 has given us a glimpse of what is possible when there are political consequences attached to non-delivery. Water is one example I mentioned earlier. Non-delivery must be met with consequences. If schools were not given running water so that children and teachers could wash their hands, which clearly was an issue before COVID-19, teachers' and children's lives would be on the line.

Suddenly, they managed to speak to Rand Water and within three months we solved that problem.

If we had more political consequences and urgency attached to these limited number of goals we could really see progress in the next five years rather than pegging our expectations to the United States, the United Kingdom or other rich countries and thinking that this is what we need to be achieving before everyone throws their hands up and says it is not possible. We need to be realistic, set good goals and prioritise ruthlessly".

Data analytics and poverty mapping

Dr Pali Lehohla introduced Professor Thuli Madonsela as resource person.

He then continued: "Let me start by talking very briefly on the issues of social justice that are closely tied to poverty and poverty's multidimensionality. Amartya Sen, the Nobel Laureate, said: "Human lives are battered and diminished in all kinds of different ways, and the first task […] is to acknowledge that deprivations of very different kinds have to be accommodated within a general overarching framework". I think the ambition of the Chair in Social Justice at Stellenbosch University reads appropriately. The framework that they have established is a very important one.

One of the things that we have had in South Africa is adopting multidimensional poverty where we look at economic activity, standard of living, education and health. When you look at all of those, they are covered in the SDGs".

Professor Madonsela then delivered her address: "I want us to imagine how life goes generally. For example, when somebody is starting a business or they want to scale a business, what do they do? Can you imagine anybody just starting a business randomly without any assessment of what product are they designing, what service are they designing, or whether there is a market for it? Who in the market is going to use it? If, for example, I want to do wheelchairs, would I not want to find out whether there are many people with disabilities? If I want to do toys for children, would I not want to find out who can afford those toys, and with the way I am going to distribute them, will they be able to find those toys?

The truth is, businesses do this. They do market research. They do product research. The product design process starts with the market research with a view to making sure that whatever service is designed, it fits the needs of the market. Think about, for example, how Uber has displaced the taxi industry. When the needs of society shifted, the taxi industry did not move and Uber stepped in. The same thing happened with Airbnb, and many other industries.

If you look at COVID-19, those who did not have a product on the market were left out. China, for example, is the country that COVID-19 originated from, but their GDP has grown by 3.5% in the middle of a pandemic. Why? Because their products are designed for use online and their community has, over years, been allowed to go online.

Therefore, when you design products to go online, you are serving people who are online.

When we are planning a development we do an environmental assessment, which means that we worry about the harm that we are going to do to the environment, and to the flora and fauna in the environment. But what happens when you are designing a law, a plan or a development initiative for people? Do we ask ourselves: who is the ideal beneficiary of this? Where are they right now and in what way will this meet them where they are?

My experience is that most of the time, we do not do that and COVID-19 became one of those experiences where we saw this approach of indifference to difference and disadvantage at play. First, we decided that education must go online, globally, and we decided that governments must go online, globally, and we also decided that commerce must go online, globally. Eventually, we discovered that some could not be governed online, and then we made compensation approaches.

We also discovered that not many could study online because they did not have data devices, they did not have data, and some did not have connectivity. Then, we changed so that we have compensation strategies. When it comes to buying, we eventually just opened because we could not, when it comes to commerce, put people online overnight.

Is this in line, though, with our obligations internationally and nationally? The answer I have, as a social justice researcher and human rights lawyer, is that this goes against our international obligations, and it also goes against the law.

Consider the following cases: one, *Minister of Finance and Another v Van Heerden*; two, *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism and Other*; and three, *Investigating Directorate: Serious Economic Offences and Others v Hyundai Motor Distributors (Pty) Ltd and Others*. In all of these three cases, the Constitutional Court has said that before you approve any law or policy, you have to ask yourself: will this comply with the equality and social duty in the Constitution? And, in Van Heerden, it specifically said that that equality duty includes positive measures to redress imbalance where there is historical imbalance. *Van Heerden* also says that if you

ignore that indifference and disadvantage, you would be in violation of the equality duty in the Constitution.

That equality duty is also there in the Universal Declaration of Human Rights, in the African Charter on Human and Peoples' Rights, and in many other instruments, such as SADC [Southern African Development Community] instruments that we are part of. In the United Kingdom, they have their Equality Act that makes this clearer. They do not have a written constitution, but they have their Equality Act. Section 49 of that Equality Act states that you cannot approve a law before you asses what the social impact will be.

In South Africa, I do think that fidelity to the constitutional duty was not made clear from the beginning. And I want to take responsibility here. I worked in the Department of Justice and Constitutional Development for many years. Instead, we created the [Promotion of] Equality [and Prevention of Unfair Discrimination] Act separately. But at no stage did we say: what happens with everyday decision-making, and what happens with everyday policies. If you look *at Minister of Finance v Van Heerden* – and it is an old case, it has been there for more than ten years – somebody from academia or from government, should have looked at this jurisprudence and then made it into a small template. For instance, there is a booklet that Joyce Maluleke and I wrote about women's rights and it said: this is what women's rights say in statutes, this is what the courts have said, and this is what you need to do based on court jurisprudence.

We have not done the same when it comes to the equality duty, which includes making sure that you are not indifferent to disadvantage and difference. But we have been advancing equality and sometimes people say that people do not care about equality, but people do care about equality. The science has been wrong.

Leveraging data analytics is what this whole project is about at the core. It was then amplified by including the M Plan and the M-Fund, et cetera. But at the core of it is using data science to make policymakers predict the impact of those policies on different groups that are differently situated in society and, if possible, reconsider the policies.

In South Africa, Dr Pali Lehohla is now helping us to mine the data initially, and to create updated, disaggregated data that can then be used to measure or assess

whether a policy is impacting people negatively or a future policy is going to impact people negatively. We are doing a poverty and equality mapping exercise at Swartland and we have designed a policy that is called SIAM – the [9-Dimensional] Social Justice Impact Assessment Matrix – with the intention of applying it to this.

Before I conclude, I want to say to you, the Rockefeller Foundation – we presented to them when we went to New York about eighteen months ago – is now advancing in terms of using data science to plan better in social sciences. We know that data science is used to predict, for example, the likelihoods of epidemics. That is why we have done better with COVID-19. It is used in science as well, in various areas of science. We are borrowing that science because it is plastic enough to be used in social sciences to predict the future and to avoid a future that we do not want.

In addition to looking at poverty mapping, in this section, we would like to engage more meaningfully: how do we take forward this science of data analytics? How do we make sure we do not exacerbate poverty and inequality with good intentions? Inequality operates like a pandemic, and poverty also operates like a pandemic, exponentially.

If you implement a policy and you do not realise that the poor people would be affected by their educational disadvantage, their health disadvantage, their distance disadvantage, their asset disadvantage and all of the things that are pulling them down, you might just be surprised. For example, banks would say: to give you money, we want you to give us collateral. But if you are from Kayamandi and you own no assets, how do you provide that kind of collateral?

In conclusion, in the case of *Minister of Finance v Van Heerden*, Justice Moseneke, in the Constitutional Court, said the following: “Our supreme law says more about equality than do comparable constitutions. Like other constitutions, it confers the right to equal protection and benefit of the law and the right to non-discrimination. But it also imposes a positive duty on all organs of state to protect and promote the achievement of equality – a duty which binds the judiciary too”.

That is where we are starting from, dear colleagues, with the understanding that we have a duty to make sure that everything we do promotes equality. The Minister of Justice [and Correctional Services], Minister Ronald Lamola, said the same thing this

morning, which means that government is not against this, but it is a question of how we, in this room, give them the science of doing it right.

Dr Juan Oviedo, Chief Statistician of Colombia and Director of the Colombian National Administrative Department of Statistics [Departamento Administrativo Nacional de Estadística] (DANE), next addressed the group:

"We have to allow information to illustrate the public policies that have to be designed in order to solve all the inequality challenges that are deepened and are more important in the current situation. We see that the current pandemic is affecting, disproportionally, households under poverty, households with very fragile income structures, and, at the same time, elderly populations that have very important needs in the current situation, and in the rule of law that Colombia also shares to this approach to social justice. That is why we were very happy to accept the kind invitation to participate in this framework.

We believe that national statistics offices should keep in mind that the information we produce always has to be equity oriented, has to be gender sensitive, and has to be inclusive, but, at the same time, has to be targeted and has to allow policymakers to efficiently use the budget, in the case of countries under which the rule of law is the status quo, to optimise the way the public budget is allocated in order to solve all the inequality dimensions that we are facing in our societies.

In Colombia, we wanted, under the current government of President Iván Duque who was appointed in 2018, to put into practice this framework under which information was going to be a catalysing factor in order to develop sound public policies in such an unequal country as Colombia, but at the same time such a heterogeneous country under which we have, let us say, twenty-five countries inside Colombia. We are a very diverse society and we need to allow information to show these diversity measures in order to inform a public budget, but also the profile of the strategies that the private sector develops in specific locations.

That is why the government decided to set all the purposes of the public policy to define a social compact – a social compact about equality, a social compact about entrepreneurship, and a social compact about institutional frameworks or institutional trust – because we have to reckon with ourselves as a society that is affected by an

institutional trap where citizens do not trust the government and where citizens do not trust each other. It is very difficult to allow sustainable development to be visible and to be effective in such a framework.

And that is why the government fostered the National Statistics Office to allow the Multidimensional Poverty Index [MPI] to become a public policy scoreboard in order to see how efficiently the financial resources that are allocated to solve specific deprivations of households in our country are able to impact the MPI in all the dimensions.

We have developed a disaggregated measure of the MPI in order to allow even local authorities to be sound as regards targeting public efforts, policy design, but also financial resources in order to allow social justice in our country. We are very glad to hear the statement by Prof Madonsela and we value very much the job you are doing. Please come to us. I know that we are very far away, but technology could put us together in common objectives and this is something which is very encouraging for us.

What we wanted to share with you is that, essentially, in Colombia we have two frameworks to approach the situation of poverty of our households. This is the income approach, which we are not going to talk about today.

But currently we want to see how Colombia, since the Stiglitz Report on public policy and capitalism, was going to be compatible with the equality of opportunities and a more integrated approach to social justice in our country. In Colombia, it was the Multidimensional Poverty Index framework that was defined by OPHI [the Oxford Poverty and Human Development Initiative] at the University of Oxford.

This is an index that, in the case of Colombia, allows us to tackle the developments of public policy in five main dimensions: the educational conditions of our population; the early childhood and youth conditions that all children and youngsters in our country are facing inside their households and the educational system; the dimension of the labour market, and how we are going to allow our citizens to have the right to access a sound labour market; the health dimension; and the housing conditions and public services dimension.

In Columbia, those five dimensions with the associated fifteen characteristics have been measured first by a living standards survey, which has been performed annually since 2010 or 2011. At the same time, we had our regional, or rather a subnational, but very aggregate subnational representativeness of the measurement of the living standards survey. That is why the government invited the National Statistics Office to further disaggregate information from the Multidimensional Poverty Index at our state level.

That is why we created a sample of the living standards survey which is performed annually in Colombia, and we managed, for the first time in the current history of Colombia, to have a state-level disaggregated Multidimensional Poverty Index, which is something very empowering because the poverty mitigation public policy cannot be completely delegated to the central government, but requires an alliance between the state- and national-level public policy, and also the private sector, social society, and the civil organisations in every department, in every state in our country.

The National Statistics Office performed that, but at the same time we were finishing and wrapping up our population and housing census in Colombia that managed to get, say, twelve or thirteen characteristics of the Multidimensional Poverty Index. Thanks to the fact that this was our first time in our statistical history that we performed a population census under which every citizen voluntarily provided his or her national identification number, passively, that is, invisibly, every interview was georeferenced. So, we had the X-Y coordinate of every individual in the population census.

We managed to integrate the information of the population and housing census of Colombia of 2018 with health administrative records and the national identification database thanks to the fact that, in Colombia, we have a national statistics system that empowers the National Statistics Office to have access to all administrative records in our country, both private and public, if they are associated with the provision of public services, or public utilities, in our country.

That is why, taking into account that we were able to georeference every survey and every interview of the population and housing census, we were able to identify, from the national identification database, every person that was in the housing and population census, and we were thus able to integrate statistical and geospatial information.

In line with what Professor Madonsela was advising, we need to empower the public authorities to develop their task. We need to provide information that geolocates or georeferences where the problems are. We need to empower the citizens too to see what the main problems are that they are facing in the close network in which they are living.

With this integration, and with a very data science approach and a very innovative approach, we even received the advisory from the University of Southampton to develop some approaches. We were able, for the first time in Colombia, to allow the Multidimensional Poverty Index to be georeferenced at a street-block level. We were thus able to empower every local authority of the 1 102 municipalities that we have in Colombia to see how poverty, in the dimensions or the framework of the Multidimensional Poverty Index, was spatially distributed in every municipality in our country.

This opportunity also allowed us to be responsive with regards to the current pandemic that all our countries are facing. Thanks to the fact that, again, the national population and housing census was georeferenced, and was enriched with the national identification database of every citizen, we were even able to integrate with more complex administrative records, as with the individualised health record of every citizen that the public health system has in Colombia.

In the case of Juan Daniel, for example, they know of every instance that I went to the public sector in order to be helped or to be healed if I had an illness. This allowed us to know every comorbidity and every specific situation regarding the health of every citizen in our country, and we were able to integrate and to develop our vulnerability index regarding COVID-19, which measures the probability of infection.

In the case that a given citizen gets infected with COVID-19, due to the fact of his specific condition from a health perspective, from a demographic perspective, for example, his age or educational level, and at the same time if the dwelling in which he is living is characterised by overcrowding or some specific risks such as inadequate housing materials, we were able to set a probability of having a higher level of complications if the population got infected with COVID-19.

This is something which is very empowering. For example, in the case of Cartagena, you are able to see every street-block level, and thus see how poverty is distributed.

On the main screen of the National Statistics Office of Colombia, you can go to this platform under which, for example, you might want to go to see one of the main cities that is representative as regards people of African descent, but at the same time knowing that we have a very important challenge as regards poverty alleviation in that city.

We could go to the department of Valle del Cauca, the state of Valle del Cauca, and we could go, for example, to Buenaventura which is on the Pacific coast of our country. Here, for example, when you go to the MPI dimension you can see every street block of Buenaventura with the intensity of the Multidimensional Poverty Index of every street-block level. You can also see that there are some specific data sets: for example, in this street block, 82% of the population lives under the situation of multidimensional poverty and we can characterise the main dimensions that are causing this high level of MPI in this street-block level.

Taking into account that we were able to georeference that, we could, for example, also go to the capital of the state of Valle del Cauca, which is Cali, and we could see not only the distribution of the multidimensional poverty, which is concentrated in some locations, but we could also see how the multidimensional poverty situation of the households is linked to the vulnerability risk of COVID-19.

We could see that this location of Cali, which is Siloé, is at the same time a situation in which we could see important levels of the Multidimensional Poverty Index, and at the same time we can see that there are some street-block levels that are at high risk of complications, if the population that lives in these dwellings is infected by COVID-19.

The main message that we wanted to share with you is that the data science and the integration of geospatial information and statistical information could become an enabling factor, in allowing the rule of law of our countries and in terms of the social justice perspective, with regard to poverty and the inclusiveness or the inclusivity dimension of the poverty measurements to be targeted. It can at the same time, be responsive to the specific requirements of our citizens.

This is the main effort that we are performing in Colombia, and we are working with John and Camillo, my partners here in this presentation, in order to allow this opportunity that we have in the population and housing census to be continuous, at least at a yearly frequency, to use some geospatial convergence techniques in order to update the distribution of poverty at the municipal levels in our country.

The group's respondent, **Dr Turgay Celik**, a Professor of Digital Transformation at the University of the Witwatersrand, and also director of the Wits Institute of Data Science reacted as follows: .

"Until recently, I have been running a data science programme at the national level. We have this national e-science programme which trains master's students in the field of the data science. When we train them, we are also training the engineers and scientists, as well as the scientists from the social sciences and the humanities.

It is a mixed programme and that is where I come from. I am also an associate editor of several technical journals on subjects from limit sensing to signal processing, and those journals are actually relevant to what we want to do in regard to the involvement of data science in poverty mapping.

In terms of the presentations that have taken place so far, my colleagues have already laid the foundations for what is happening in the field, especially in terms of utilisation of the data and as well as data analytics techniques to create the poverty mapping, and to make predictions about that map. It is an interesting area, especially with the geospatial products that come from the satellites, and in terms of the application of those geospatial products with machine learning and data analytics techniques. With these tools, we will be able to predict a poverty map for the following few years.

Another factor that emerges in all such maps is climate and, specifically, how this climate is changing. We need to have this cross-disciplinary discussion, and people working on climate change can also feed into this discussion. They usually use large-scale simulations to tell you what might be happening in next five years, and if the flooding, drought, et cetera and all these factors would be impacting the poverty map.

As a result, it is really interesting to see how this map fits into the multidimensionality of the poverty. As my colleagues were just referring to the multidimensionality of the poverty, so you could just be approaching it from different perspectives.

My perspective is mainly from the data science aspect and, of course, the technology aspect as well. What I want to emphasise here, is that the presentation Juan has given us was quite impressive. However, it is also a bit dangerous in terms of how we collect such data, and then how often we update the data that will be presenting the certain prediction maps to us.

That talks to the problem that you might be creating with a poverty index, if you are not keeping clean and continuous data flowing into your models, that index might also then be a problem for you when you make predictions. That will negatively impact the policies that you would be developing.

I see that data science will definitely fit into the predictions of how certain activities might be impacting your policies. However, I want to emphasise that the tools are definitely there, and the satellite images are there. We can just collect all the information from the simulations as well, but we also need to be cognisant of what we can do with the existing data, and how we should be handling it.

What I want to emphasise here is not only the use of the data, but also perhaps looking into the cases where you would be getting the input and not only from the data that is produced by the end user or the satellites, et cetera. Rather, we should also be getting the input from the direct end users who are feeling the certain consequences of whatever policies we are putting in place.

Then the question is how we can hear the people's voices, those who are actually direct consumers of the policies that you are putting in place. Would we be utilising the existing frameworks and the technology? Or would we be using some other prediction methods or simulations? How can we assess the direct impact of the policy on the people? That is my question to the panel.

Professor Madonsela sought to provide some clarity: "From our end there are three dimensions to the issue. Thank you to the two professors for what you said. The one is the poverty and inequality mapping, which is an exercise on its own. The other is data science as a decision-making tool. The data science as a decision-making tool need not be linked to the poverty and inequality mapping. However, to the extent that we would have a map, whether it is longitudinal or static, it gives us the data we are going to mine to predict the future impact of a policy.

Let us say government had come to us, as data scientists, to say that they want to put education on the internet. Because of COVID-19 we cannot have people in classrooms. We would then have used existing data. In South Africa, there is a poverty map of 2018 that used data from 2011. We would use that and then we would also use household surveys, whatever is available, because you cannot manufacture data.

Then we say, if people are sitting where they are sitting in terms of the indicators, similar to the ones that Juan has mentioned, how will they migrate into this? We test the impact of policy in the virtual space and then see how people would progress.

In other words, instead of South Africa being surprised, for example, in the next twenty-six years, that we have become an unequal society, this time we predict that if you implement policies like this, like this, and like this, in one year's time, this is how poverty is going to be, exacerbated by inequality. But you are doing all of this in the virtual world and then you can decide if that is the pathway you want to take or if that is not the path. I just wanted to clarify.

Secondly, Professor Turgay, you mentioned speaking to the people. The poverty and equality mapping that is being piloted at Swartland takes into account existing databases, which is the existing poverty map. It takes into account household surveys. But it does two things in addition. One is that it disaggregates the data further in terms of the groups affected. It also disaggregates it to the level of the ward. Thirdly, the survey includes interviewing people. Initially we were going to interview everyone. COVID-19 and money and time did not allow us to interview everyone.

In some ways, we are learning from what the Carnegie Report did in 1932. We think if we had handled equality and poverty the way the Carnegie people handled it, we would have done better on poverty and equality. But, of course, there the only thing with miners is that we would obviously not get one group to ride on the back of another. It is just that comprehensive systemic approach we would borrow from the Carnegie approach.

In reply, **Dr Celik** had this to say: "I think what you are referring to is raising a question about how adaptive and flexible the policies are against the changes. When these predictions are made, basically we develop the policies based on the predictions and we make the policies not adaptive.

I think, here, what you are referring to presents a case where, perhaps, the sampling was not a good sample and then you developed the policies based on that and made the predictions. However, then you just need to make sure that these policies need to be adapted to receive the further input from the further predictions that might be informative. That is actually what we are referring to in your case.

Regarding the feedback from the end user, the question becomes, how can we facilitate to receive feedback more easily? Rather than just doing the surveys at set intervals, can we not just use the technology and the machine learning to facilitate that process? That is the biggest question.

The third question is quite important. If we can define what we mean by the equality as well as the poverty, that might be quite different depending on your context. And quantification of that from the different factors might be easier for the data scientists. I think that is also an important factor. That is what I want to comment on.

Dr Oviedo: "This is something very challenging. What our colleague is mentioning is something very important because currently we see that data science is becoming a very important partner as regards the production of official statistics. We, in order to have this linkage or this marriage between data science and standard statistics production, need to have it be very clear what the purpose is that we want to satisfy in this integration.

As regards national statistics offices, we are seeing that the concept of data stewardship under which we try to produce not only sound information, but also relevant information for public policy purposes, needs to have a conceptual framework under which we are going to have a relationship between the statistical production or information production, and the social problems or the social phenomena that we are addressing or we are trying to disentangle in the production of information.

This is something very challenging because it requires an interdisciplinary dialogue, and not only between national statistics offices and data sciences, because we are doing that. Our future, as national statistics offices, is to have relevant dialogue with people like Turgay or everybody that is in data science. At the same time, together, we have to set some interdisciplinary dialogues within the public policy framework and

with the private sector in order to see if the information we are producing is going to be sound as regards the social requirements.

This is something that I value very much from Professor Madonsela. Everything that we are doing has to orientate or illustrate a social dimension of the citizens we are trying to identify or to profile thanks to our information".

Professor Madonsela had further questions in mind: "Everything else at this stage is using data science to predict how the future is likely to unfold, depending on the different pathways you take. I think the question we will answer is, just to go back to the room, should that science be imported into social policy design?

I ask this because policy design uses it. Climate science uses it. How Ebola was tackled, for example, was that they predicted how it was likely to unfold and what core determinants and comorbidities were likely to enhance it, and then they contained it. We are doing the same now with COVID-19. We may make mistakes, but we are using the science.

I think we have to answer that question. Then we say, what do we have already that can do the science? That was our presentation to the Rockefeller Foundation. At first they asked us many questions, but, guess what, now they are moving. They have put US$100 million into data science for social policy planning. We are sitting here and we are not talking about the old way where they have a causal look at your statistics, Dr Pali. We are talking about borrowing exactly from the other sciences and saying, can we do the same in social sciences?

I remember when I presented to the deans here at Stellenbosch University when I came back from Harvard [University]. The one thing they warned against is what Professor Turgay has also raised: you cannot do data science or algorithms only because how you have taught those machines will determine the answers, and the data you fed those machines will determine the answers. You also need to include qualitative data.

If we have answered the question, this is the science we want to design in South Africa, leveraging data science for better policy planning, to see, how did this policy affect rural people, older people, young people, et cetera, and what happens in the event that another pandemic comes in? For example, at the moment everyone is saying, "Let us

get a vaccine". But while we will get a vaccine for COVID-19, what if another pandemic that is not COVID-19 comes? What are our social sciences planning for that?

Once we have done that, then we could agree as a group and say, 'How do we move forward to then deal with all of these other unanswered questions?' and even go back to the Rockefeller Foundation and say, 'You guys have moved forward, what have you discovered that we do not know?' That is my view.

Professor Green: "I think that we would accept that data science is a predictive tool. It enables us to experiment, but then, of course, also to design policy, whether it is in relation to poverty reduction, social justice or a number of other issues. And you asked us, or we asked, 'What would we do if we did not have it?' If we did have it, we could avoid a future we do not want. That was a point that was made. So we do not exacerbate inequality, health distance, asset disadvantage and so on.

Juan gave us many interesting examples and particularly so since they have moved over to action. They have developed a number of key interventions and tools that they can use. And then he gave us some city examples where this could be used and a real example in terms of COVID-19 at the moment.

Then, of course, Turgay made the very important point that your data mapping and your impact prediction is only as good as the data you are getting and only as good as it is actual, in other words, up to date. And so we could be making the mistake that we are presenting a scenario which will lead to policy which many not be relevant anymore because the data is no longer really true". Professor Madonsela: "I want to add to the narrative that we said that there are two pilot projects that are taking place at Stellenbosch [University] at the moment. One is the pilot at Swartland on poverty and equality mapping. Another is the pilot at the law school where we have designed a tool that could be used with an algorithm, or you could use it manually, to do this prediction that we are talking about. That tool is called SIAM – the [9-Dimensional] Social Justice Impact Assessment Matrix – and it has nine dimensions that the policymaker must interrogate. They need data to feed to each dimension. You will find a copy of it on our website. We have sent it to government as well. The pilot at Swartland was just mapping,…it is not really the assessment part, which is what we are battling with. The question is, how then do you use an analytical tool to predict the future? Because at the moment we are going to discover what happened, but we want

to look at what is likely to happen in the future if they continue with the way they have been doing things. How do we then advise them to rethink areas that they might not want to?"

"At the moment, it is a backward-looking tool like all our statistics, what we have discovered", added **Dr Lehohla**. "How, then, do we model this to look ahead and plan for different outcomes and pathways? Professor Madonsela, the point we are making is a very powerful one.

And I know we do not have time, but we have looked at all these things and in the presence of COVID-19 everybody talks about modelling. Yet, in the plan, the planning systems of government, we are all backward looking, completely backward looking instead of forward looking and adopting forward-looking tools. I think SIAM and the programme here have very strong futures to change the way we do business in government".

Dr Celik had this to add: "Colleagues, perhaps, definitely, there will data science tools or other statistical tools, or AI tools, technology-related tools, that we would be using for policymaking to identify the certain issues that might be, the poverty that might be, the inequality that might be, and other aspects.

It becomes about how we can make the policies adaptive, as well as the social response to it, to adopt those changes so that maybe today it is more about the data science, but maybe tomorrow it will be something else. The data science will be feeding into your policymaking process and the question becomes, how we can make the policies adaptive to consume the data and the products of the data science?

That is my understanding from today's session. Perhaps we can just consider developing the framework to be able to implement such policies, and those policies will be adaptive and socially responsible to consume the data products. We can call upon this more data-informed, adaptive and socially responsible policymaking, in terms of how we can create such policies, and how we can create such a framework.

Professor Madonsela once more contributed to the lively debate: "It seems to me that it is in line with that, that at the moment we are creating the data. If we had the data, for example, we would not be doing what we are doing in Swartland. We would have moved to the stage you are talking about, Professor, and would be saying, 'We have

the data, how do we apply this tool to assess if these policies are going to lead to the South Africa that is already promised in the Constitution?'

You will remember when I started, I started with the fact that we have a responsibility to these people. It is a constitutional responsibility, and it is a human rights responsibility. There are three Constitutional Court cases where, when I read them, I believe that every policy we have ever designed was wrong. It never asked, 'How is this policy going to impact on older people, on rural people, on people with disabilities, and on the LGBT[QIA+] community?' That was number one.

Number two, 'Will it exacerbate existing inequality? Will it exacerbate existing poverty?' We never asked those question of policies. So, the idea is to design tools that would say, if you are going to ask that question, how do you measure that? Because right now government has its own tool. They call it SIAM. You know it, Professor Pali. It is the [9-Dimensional] Social Justice Impact Assessment Matrix.

I got my constitutional law class to look at it. The answer is yes or no. 'Will this promote social cohesion, yes, or no?' How do you say yes or no if you are not using anything that says, if implemented, it is going to do one, two, three and that one, two, three is going to divide people or unite them. That is where the data science comes in, but not on its own.

Taking what you said, Professor Turgay, which I think Professor Pali has said previously, is that you are talking about data, which is quantitative, but you are also looking at qualitative data – people in their own voices. So, going forward, what do we do? We can share with you what we have, which is what we are doing …

We want to work with all of you, because you are doing data analytics, for example, for economic predictions. It is all numbers. But now we want to use the same science to predict how humans are going to be affected.

If you take where I am in Stellenbosch, for example, we are designing a policy. Will people in, for example, Kayamandi get poorer, or will they have more difficulty in accessing any benefit that comes with that policy compared to a suburb such as, for example, Helderberg? Those are questions we are going to ask. But you need a science that would look at what the questions would be.

I think that Juan gave us a set of five areas that they look at in Colombia, just on poverty. Remember, in South Africa they will be looking at both poverty and inequality. Colombia is giving us a concrete example of areas that they look at. Would these areas be impacted negatively or positively? And I thought that was powerful".

Health, mental health and nutrition

Mark Heywood introduced two speakers in this group: Professor Jimmy Volmink, Dean of the Faculty of Medicine and Health Sciences at Stellenbosch University, and the MEC for Health in the Western Cape, Dr Nomafrench Mbombo in response. The rapporteur was a medical practitioner, Dr Kathryn Chu.

After saying that COVID-19 had "changed the health landscape in crucial respects, but in other crucial respects nothing has changed," he continued: "It has changed because it has taken its toll on life in our country, it has taken its toll on mental health and it has taken its toll on our ability, on our health system and on our health workforce. But what has not changed is that the other challenges of the health system have not gone away in the context of COVID-19. HIV is still here. Tuberculosis is still here. Non-communicable diseases are still here. And in many ways, we face greater challenges because all of those other health challenges now have to compete with COVID-19".

Professor Jimmy Volmink was introduced. He started his contribution with a question: "How does COVID-19 harm our health and what can we do to limit the damage?

Let us just start by agreeing that COVID-19 poses an existential threat to people everywhere. The health and social consequences of the pandemic are far-reaching and quite severe. I am going to touch on the different ways one can think of the disease inflicting damage on our health and well-being.

First, there are the direct effects of the virus on morbidity and mortality. We know that the total number of cases of COVID-19 worldwide now approaches about 50 million with over 1.2 million deaths being attributable to the disease. In South Africa, more than 700 000 cases have been confirmed and around 20 000 people have died so far.

Of course, these figures are likely to be underestimates of the true toll of the disease. It is also important to keep in mind that even for those who survive the condition, the health consequences of COVID-19 are often severe and prolonged. The term 'long COVID' has been coined to describe that.

A second way in which COVID-19 harms our health is through its impact on the health system. As we all know, in many countries, hospitals have been overwhelmed by the

sheer volume of patients presenting for treatment, leading to facilities not being able to cope or keep up with the demand for personnel, equipment and therapeutics.

While this has thankfully been less of a problem in South Africa, what we have seen is the negative impact of the pandemic on the provision of routine healthcare. For example, people suffering from diseases such as HIV, TB, heart attacks, strokes, and cancers have had their care either delayed or denied. And children requiring vaccination for preventable diseases like measles have, in many instances, not been able to receive it. These factors undoubtedly have contributed further to suffering and death.

The third thing I wanted to mention was that COVID-19 harms us by affecting our mental health. I think there is not a single person who is not worried about the risk of infection to themselves and to their family members. And those who have actually lost loved ones to COVID-19 experience the pain and the fear so much more intensely.

Add to that the students who are struggling to cope with online learning without the necessary infrastructure, workers who are struggling with working from home, and those who are burdened by the loss of income. All of those are major stresses.

It is important, also, to specifically mention the frontline workers who continue to put their lives on the line for us during this pandemic. I am talking here about doctors, nurses and other healthcare workers, but also other essential workers who have been out there when some of us have been in lockdown.

The mental exhaustion, the stress, and the anxiety that they have experienced continues to be quite profound. And yet this is not all. Isolation, psychological pain, stress and anxiety, difficult as these human experiences are in their own right, also have further knock-on effects. It is not surprising, then, that we are seeing an increase in alcohol abuse, domestic violence, homicide and suicides.

The fourth and last area that I will mention, for the purposes of this input, is that our health can suffer as a consequence of the policy interventions aimed at controlling the pandemic. Public health measures such as social distancing and lockdowns are of course important, but we need to be cognisant of their serious unintended consequences.

Lockdowns, in particular, have contributed to massive unemployment, hunger and social isolation. The HSRC recently, for example, reported that in the early phase of the hard lockdown in April this year, 28% of people were going to bed hungry. By July, this figure had grown to 40%, and between August and September further increased to 43%. We know that even before the pandemic South Africa was already one of the most unequal countries in the world and that hunger was pervasive in this county. COVID-19 has taken these problems several notches up.

Let me end by asking the question: what can we say about the way forward? The first thing is that COVID-19 and its aftermath will, without a doubt, impact our lives for years to come. Our future, today, is more uncertain than it has been in a long while. Of course, we all hope to weather the current storm and reach a point where thriving will again be possible. But hope is is not a strategy. If we are to rise above the current challenges, we will all need to be active role players in building resilience and finding long-term solutions.

As we face the present and future, I think there are four things that are critical. The first is self-care, the second is compassion, the third is social cohesion and, the last is sound policy.

In terms of self-care, we need to make every effort to take good care of ourselves. The safety instructions on planes remind us that we need to put on our own oxygen masks before attempting to put on the mask of the person sitting next to us. We are in this for the long haul, and we must do all we can to preserve and bolster our mental and physical stamina. But we must also be willing to reach out for support when we need it. That is self-care.

Compassion. COVID-19 has left no one untouched, but what we did not know is that not everyone is affected equally. Those who suffer most are the vulnerable members of our society, such as women, those living in poverty, older people and people with disabilities and pre-existing conditions. If there was ever a time for us as South Africans to reach out to each other with kindness and compassion, that time is now. This is the time for generosity of spirit. Let us remind ourselves that compassion is not just about how we feel about the plight of others; it is about what we do to help relieve suffering.

Let me come to social cohesion. We are living in a time that calls for the recognition of our common humanity – for a real demonstration of ubuntu. It is a time for us to hold hands and pull together. It is a time for renewed commitment to social cohesion or the willingness to cooperate for the common good.

And yet, as I say this, I know that social cohesion is not easy to achieve in the face of so much inequality around us. When people experience economic injustice and feel vulnerable, they do become dispirited and angry and they do lose hope and become destructive. But I think that the pandemic should be seen as offering us a new opportunity to be brave and to join hands with those who have been forgotten and neglected, and, in a word, to reset.

Finally, I wanted to touch on the need for sound policy. Going forward, we will need to develop sound policy with equity in mind. Public health measures such as self-isolation, quarantine, social distancing and lockdowns will probably continue to be necessary, as will the tracking of infections and deaths. However, in tandem with this, we will need to respond to the social consequences of the disease, as well as the measures employed to fight it.

Policy decisions, where possible, will need to be individualised to particular areas of circumstances rather than resorting to one-size-fits-all approaches. Policies will need to be science based, but we need to ensure that a sufficient range of disciplines are represented in the room where decisions are taken so that we are not misled by narrow and simplistic narratives about what is best for ensuring our nation's health.

Needless to say, mental health services must be accessible and timely. Food distribution needs to be stepped up and be kept free of corruption and fraud. Social safety nets must be strengthened and jobs will need to be created.

In closing, a quote from the 2020 Nelson Mandela Annual Lecture which was delivered, as you know, by the United Nations Secretary-General António Guterres. The pandemic, the Secretary-General said, "has laid bare risks we have ignored for decades: inadequate health systems; gaps in social protection; structural inequalities; environmental degradation; the climate crisis". He then added: "COVID-19 is a human tragedy. But it has also created a generational opportunity. An opportunity to build back a more equal and sustainable world".

Moving forward, the financial constraints under which government will operate will be very real, and I am sure Minister Mbombo will reflect on that, but we cannot afford to be locked into a scarcity mindset. It is my hope that we will take hold of this once-in-a-century opportunity to ensure that what we do, whatever we do, we do what it takes to survive. But not only to survive: to survive, but also to thrive, as a nation".

Dr Nomafrench Mbombo: "To take off from where Professor ended in the context of what has been happening in South Africa even before COVID-19, there are three challenges: unemployment, poverty and inequality. You find that it is health that absorbed these challenges more than any other sector. We know that when a person is unhealthy, that person will not be able to go to work and it impacts profit. Also, vice versa, when the environment there is not conducive to well-being, it has an impact on health, generally.

Where we started, those three challenges were never addressed. By the time we had lockdown [Alert] Level 5, which had a huge impact on the economy, health had to absorb all of those. That is why, for us, we never created binaries when it comes to the economy and health because those two go hand in hand.

COVID-19 came at a time when approaches in health, for us in South Africa, and some of the social determinants of health were never addressed because we still worked in silos. For example, sanitation, sewerage and other parts, and gender inequalities form part of the social determinants of health. We have always been more biomedical in regard to managing this, yet you will find that all of these do have an input.

Pre COVID-19, the public and the private had never worked together to ensure that patients, especially public patients, would be able to be anywhere. When our services were full, we found that, next door, we could have explored that collaborative part of it. We have never been up to that level.

When it comes to the healthcare workers, the whole package, specifically the psychological package, has never been there. In some contexts, the environment is tough. They are being attacked by the patients when the patients have to queue very long, and even the employer-employee relationship in the labour space has never been there. I am just highlighting some examples that actually were there even pre COVID-19.

With the six months that we have had COVID-19, one has to make a point of taking all of these into account, up to the level, now, where the non-COVID-19 services have had to be paused in order to prioritise COVID-19 patients. You can understand that the situation was quite dire in regard to that space.

Talking about mental health and nutrition, the lifetime prevalence in adults, for example, when it comes to the issue of the mental health, you will find that in the Western Cape it is the highest compared to the other provinces, even prior to COVID-19.

In the mental health space, the recent NIDS-CRAM study compared data from 2017 to data from 2020 in terms of the mental health of adults, disaggregated by gender. You will find that there is quite a large difference between the pre- and post-COVID-19 eras, in terms of mental health status.

There is malnutrition, specifically among children and the vulnerable. We are talking about children who used to access nutritious meals provided by schools and ECDs. Then, we get an environment where we will find that, now, there is no such access when it comes to food for the children.

Older persons used their grants, even pre COVID-19, for the whole family. Now, the young ones, the youth, specifically, who used to go out during the day looking for work and did not have to rely so much on the older persons in terms of their food provision, ended up being at home because of the lockdown.

Consider the messages that we were sharing, the NPIs (non-[pharmaceutical] interventions): wear a mask, we are saying to the people, and social distance. How, when you cannot even physically distance within your own household? In the essential service worker's space or businesses, you will find that they could be able to physically distance in terms of going to the shops. But what is the use when they go back home and they cannot even physically distance, let alone wear a mask?

I am trying to paint the picture that was there even pre COVID-19. Where are we now? In May, when we took the dive in the Western Cape, we could say that we managed the pandemic better; however, there was still the issue of the non-COVID-19 cases or health services. There was the 60% decrease in the utilisation of the mental health services; the HIV, especially in terms of the screening and also the initiation of the first

treatment, the ARVs; the TB; the immunisations, specifically for measles, the first dose; the antenatal care services. That is when we said that these kinds of services are low risk, yet high impact. Also, there are consequences if we do not prioritise those. Therefore, we have to do that now, in terms of changing the queue.

It is true, as Professor has indicated, that currently the face of COVID-19 is poverty, and it is inequality, which has actually gotten worse. The issue now, policy wise, is what we are doing or have to do, and how we respond as government. The healthcare system cannot do it alone. That is why the issue of the humanitarian approach interventions, working transversally, is one of the lessons we got from COVID-19. We have been trying to bring in working across all departments. Because while we are responsible for the health services, health is everyone's business.

Using the hotspot strategy for COVID-19, we could identify those families and households that were at risk in order to, at least, bring them dignity. The opportunity from when we were working with the private facilities to access beds for critical care now makes it easier for us, going towards universal healthcare coverage, to continue working in that space. Because, again, the healthcare system of South Africa is still unequal.

We have the opportunity to use frameworks, such as the SDGs, and apply them across, specifically with nutrition and also with mental health. As you can see, the SDGs, from 1 to 17, speak across in terms of what needs to happen. Just to make an example: SDG 5 talks about gender equality. How do we ensure that we provide good nutrition and also support to women, even with issues related to child support?

This was another lesson: the mere fact that we could build an 862-bed hospital within a month means that gone are the days when government takes so long and gives all the excuses when it comes to implementing stuff because of all of these compliance measures. With the departments, especially the HODs, coming together to come up with these kinds of solutions, it forced us to make that provision.

In conclusion, because the Prof spoke about the policy imperative, we have the provincial recovery plan that looks at three areas. The central one is about how we bring dignity. What do we mean by that – dignity? It means that dignity needs to be protected throughout your life. It is about opportunities for work and the income

needed to live because you might get many ‘kospakkies’, but an ordinary person will rather want to have access to jobs while the ‘kospakkies’ assist them during the time that they are trying to secure a job and feed the family. It does impact dignity.

So, there is dignity, and then we have the issue related to jobs and access to economic opportunities. Well-being, which is the whole package, is not only physical, but also mental and social. It talks to the issue of social cohesion, as Prof mentioned. It is also about safety, which I am sure it does impact across.

We are already busy implementing changes across the lifecycle, the lifespan, starting with the unborn child, to the first 1 000 days, to the first two years of a child’s life with regard to safety and nutrition. Those are crucial.

In closing, in terms of social justice, and the lessons learnt, it is about the status quo of the unemployment, inequality and poverty that was there before COVID-19. It is going to be worse. And the interventions, especially in our case as the Department of Health, are no longer biomedical. We might have it all – the specialists and the high-level impact evidence-based approach to managing the disease and all of that – but until we close the tap, we are going to keep on mopping the floor. Closing the tap means that you have to go and work with the people.

The system that was lacking was a people system, which we now have to go back to and engage with. We have to bring more of the people in the spaces through to the health committees, the hospital boards and all others. As you can see, I am wearing this T-shirt that says ‘Vulimpilo Recover’. So, while we are recovering those services, we have to recover those with the people. Because one thing is for sure: we will never be able to go back and have some of the elective surgeries that we delayed, but, at least, we could be able to do something around that.

Indeed, Professor, I agree that there is the issue of the compassion, the issue of social cohesion, and the issue of even the basic services. No one would have ever thought that we could do it. We got an opportunity where everyone could listen to us, and now that people could listen to us, we could say, ‘hey wena, local government, make it a point that you improve sanitation there because, normally, we get high levels of diarrhoeal disease in that area’ and so forth. So, we are using that opportunity.

The same applies with the private sector. They relied on us, private healthcare, during this time. It then makes it easier going towards universal health coverage, public-private partnerships, and also taking care of our healthcare workers because without them we would not have been able to be where we are. Lastly, working closely with the unions, with the labour unions, now forms part of our decision-making, not only at the provincial level, but in each and every facility with regard to the occupational health and safety measures for the staff".

Mark Heywood: "I was deeply involved in Life Esidimeni and it strikes me that mental healthcare services have not improved substantially, if at all, since Life Esidimeni"commented Mark Heywood, "And yet, now, we have got this massive new burden of mental stress and mental illness as a result of COVID-19. Would you suggest a particular plan might be necessary to recognise and target mental health and to help people through and beyond this period?"

Dr Mbombo: "Some of the drastic changes that we had to make during COVID-19 at the time when the pandemic was at its highest point, was about destabilising most of the hegemonic ways we did things, specifically around mental health.

For example, for the seventy-two-hour observation for those who are not necessarily being diagnosed, patients used to go to the district hospitals. We have to divert them and then they go to the specialist hospitals so that you can relieve the district hospital to focus on COVID-19 and so that you do not mix the patients. And for those in specialist hospitals we added more spaces, like in Valkenberg and all of those, so that we are able to accommodate more people.

One particular intervention is about making use of telephone access. The messaging that people can understand is that depression is more than sadness. When you feel like you are depressed, there is the number to call. Our specialists are available via telephone. For some of the people who could not, those who would normally get admitted, I am speaking of the mental health users, they could have access at community health centre level. That is part of this.

More access is crucial. Telephonically, as we do with physical health, with telemedicine, and also like we do for learners with suicidal tendencies during the exams. In terms of the stats that I saw, you will find that there have been more people

with a high level of education. There has been an increase in mental health issues in the middle class. Understandably, some of them had been businesspeople and they could not cope and had nowhere to go to. I think we need to have more access instead of institutionalising people".

Professor Jimmy Volmink: "I would agree with those comments. I was a GP, in a previous life, in Mitchells Plain for about twelve years. My patients came from Mitchells Plain and Khayelitsha, by and large, and the most frustrating thing was the lack of access to mental health support. This is not a new problem. This is an issue that has been in existence for a very long time.

In fact, at one stage, we were having conversations saying that rich people see psychologists and poor people go to church to get their mental health support. So, I do think that there are structures in the community such as faith-based organisations and other voluntary groups that could be supported to play a more effective role. Because if you are untrained, you sometimes do the wrong thing.

I do not think that we are going to be able to scale up numbers of psychologists and psychiatrists fast enough in this country. We are going to have to look at different levels of healthcare or mental health workers, but also at how to use the resources that are in the community and support those. Because I think a lot can be done by just having somebody that you can talk to, somebody that can help you work through something.

Mental health support often helps people get through a difficult situation, and so helps to build resilience. Then others would be for when people break down and have a pathology that needs to be managed. All of that is necessary, but ultimately, Mark, I think that, at the end of the day, I really feel that as with every other condition, it is not good enough to simply treat the condition. It is important to look at what is behind it or what is causing it.

The Minister spoke earlier about the social determinants of disease. There are social determinants of poor mental health, and unless you are dealing with that, you will never be able to cope with all the mental health issues in communities".

After thanking Professor Volmink, **Mark Heywood** continued: or. "I am going to take that point made by both yourself and the MEC into this final resolution. One of the

critical things that you have both stressed is the need to address the social determinants of health and the social determinants of COVID-19 in the next phase of our response. That connects squarely to this question of social justice, but also to what the MEC was talking about with the way the economy and health are woven into each other as mutual determinants".

Dr Kathryn Chu was then asked to identify key points to take forward: "The MEC discussed that in pre-COVID-19 conditions we had three major issues, and that we still have three major issues: unemployment, poverty and inequality. On top of that she highlighted that in the Western Cape mental health issues really are high, in fact, higher than other provinces. She also mentioned that social determinants of health were really not addressed before the pandemic.

Then Dean Volmink started out by saying that, first of all, the COVID-19 pandemic has been an existential threat to everyone, and he mentioned four different areas. The first was morbidity and mortality. There are more people who have been affected and have died. Secondly, the stress on the health system, specifically the collateral damage to other health services, such as HIV [treatment] and surgical care, but he forgot to say that. The third thing was mental health. The fourth was the health effects of some of the policy interventions that have been made around controlling the pandemic, such as the massive unemployment and social isolation.

Then he led into four things that we can do. He mentioned self-care and compassion, social cohesion, and then sound policy and making sure that there is no one-size-fits-all plan and making sure about getting multisectoral input into policies. I think that was one mistake that we have made. We were very biomedical. That leads into the MEC's comments and I think the main thing is that the solutions are people oriented and not biomedical. She mentioned transversal, multisectoral solutions. She mentioned looking at the whole picture from an SDG framework, so looking back at poverty, at gender equality, and so on, and the lessons that have come out of the COVID-19 situation. The first was that there has been a big public-private sector divide in healthcare, but with COVID-19 we were able to access private beds for public patients around COVID-19 and I think specifically ICU beds. That was one win. Then, also, the fact that the Western Cape managed to build two COVID-19 hospitals in rapid time represented a coming together of many the different sectors. Also very positive".

But moving forward, to address Professor Volmink's questions around policy and what sound policies can be used to move forward, he mentioned ensuring dignity throughout the lifespan, jobs, and improving well-being, both mentally and socially. And then, back to just wrapping up, again, social justice is really about addressing the unemployment, poverty, and inequality, which the COVID-19 pandemic has just exacerbated".

Professor Volmink: "Mark, I think the only other thing that we have seen in this pandemic is the role of corruption creeping into this and I think it is worth a mention. The social determinants of health are so important. Previously, people would frown at you when you talk about health and you talk about social determinants of health because they think of health in terms of hospitals and clinics and so on. COVID-19 creates the window of opportunity to really open this discussion about the social determinants because people can now see it for themselves.

I had one visit to Cuba and I was really impressed by what they have been able to achieve with really very rudimentary medical services because they have taken care of the social determinants of health".

Access to justice and the rule of law

Judge-President Dunstan Mlambo facilitated this group with Judge-President Dennis Davis its resource person, Professor Theo Broodryk as respondent and Dr Mary Nel as rapporteur.

Judge-President Mlambo: "Before I hand over to the resource person, I want to say that the overarching theme of this summit today cannot be contradicted with anything else, especially at this time in South Africa where many disparities have come to the fore.

looked at the framing of the issues for this summit and I was thrilled that it hits the nail on the head and it locates access to justice as a critical point in all of the discussions, and a critical goal too in terms of all seventeen SDGs. The SDGs are specific in their objective: that within fifteen years, from 2015 to 2030, all nations or states should work towards eradicating injustice and inequality. That is stated squarely in Goal 16.3 concerning 'equal access to justice'".

He then introduced **Judge-President Davis** who, in turn referred to Judge-President Mlambo as "South Africa's walking expert on legal aid"; a topic that was going to receive prominence in the ensuing discussions.

Judge-President Davis: "The reason I chose the following issues is that, when I look, for example, at access to justice, and by that I mean access to legal rights, which people should have whether they be accused in criminal trials or in civil cases, it is all too often the situation that people do not get adequate legal representation. We do have a legal aid system and, as I indicated earlier, Judge-President Mlambo has done heroic work in this regard.

It raises profound questions about whether that is a system we can continue to expand. I raise this particularly as result of COVID-19 and the fact that, to some considerable extent, there is now a limitation on state resources of a particular kind, which may mean that we have to think somewhat more imaginatively about how we are going to do the business of representation.

I do think it is an important point to bear in mind. In my twenty-odd years on the bench, it has troubled me on numerous occasions how many times, when one reads the situation of the case before oneself, one is faced with a default judgment and

somebody's house is about to taken away from them. Notwithstanding the fact that the rules now seek to protect people in a way that they did not before, how much better would it have been if they had had access to a lawyer.

I was struck early on that at the Cape High Court the Bar was, at one stage, conducting a trial run whereby a judge who felt that a matter should be postponed so that the person could get proper legal advice could do so and refer this to a committee at the Bar. The fact that it stopped saddened me and I want to raise that and the methodologies thereto. That is number one.

I am concerned about the rules of court. They are complicated. They come from England. Yes, they have changed. In some cases, I battle to understand them myself. And I wonder whether we can really seriously argue that they provide the most expeditious access to justice for ordinary people.

I mentioned default judgments. There is now a series of changes to default and summary judgment applications, which is not easy for even judges to understand. The question, therefore, arises as to how best we can provide a system that is truly understandable to ordinary people in ways that actually affect their rights.

And it is a really important point. We are an African society and we talk about transformation so much. There are clear anthropological studies that show the manner in which certain forms of justice were essentially pursued in the past. One might want to think about how one can incorporate the spirit of those into a system for the many, many cases where it would be more congruent with our mores. I raise that as a second point.

I am particularly interested in this issue of mediation which we have begun in South Africa. I think we need to explore it and debate it more fully. There are many cases clogging up courts that do not need judges. There are many cases that are polycentric in nature, by which I mean to ask: is it really through the law that these matters are best dealt with?

I am always struck by the fact that when I am involved in family law disputes and I say to the parties: 'What do I know about a family more than my own family?' There are no law reports, in so many cases, that are going to help me. And lawyers, in a sense, add more fuel to the fire. One really hopes that the mediation system that we have begun

in South Africa can be extended, expanded and dealt with accordingly, and I wanted to put that on the agenda for debate in relation to access to justice.

I also wanted to say something about judgments. I often wonder who they are written for. All the learned judgments – and I accuse myself of this too, let me reassure you – are wonderful and perhaps the academics think we are very learned and so forth, but what we actually must think about is also writing for the affected parties. We must write for the parties who come to court, very often saving their last little bits of money in order to seek justice and, win or lose, they need to know, in their own way, in a way that is understandable and accessible to them, how that should happen.

That, then, links to a point I did not make, but just want to touch on: are we satisfied that we are providing sufficient education to the public at large to ensure that they understand how they can access justice through the mechanisms I am talking about? You will see that I have tried to broaden it beyond courts. Are we satisfied that they know what their rights are? Ask any American child and they will tell you that they know the American Bill of Rights. I am not sure that this is true in South Africa, and I do not think we have done enough to educate our public in this regard.

This brings me to my last point, which I think is equally important: you have got a whole bunch of rights in the Constitution, whether they are socio-economic in nature, or first-generation rights, but what if you can only access them if you have the benefit of, let us say, an NGO that comes to your aid or are lucky enough to get an amicus acting on your behalf? Are we satisfied with that for the vast majority of people? For the people who live in homeless conditions, the people who live on the margins, and the people who, in a sense, are denied fundamental levels of social justice? In a society where race and class are so inextricably intertwined that we cannot separate the one from the other, in circumstances where, for very many millions of people, the rights that are enshrined in the Constitution, which proclaim loudly, luminously and eloquently – 'You have these rights!' – are actually inaccessible, how do you vindicate them? How do you, in fact, access them if you have no resources to do so and you may not even know what rights you have? I do think we need to have a debate about that".

Judge-President Mlambo thanked Judge-President Davis and continued: "You have framed the issues squarely, especially as they relate to this country and our constitutional framework. You mention the Bill of Rights and the myriad of rights that

ordinary South Africans are entitled to, but do not have access to. You have pinned your talk largely on access to a lawyer, access to court and access to court resolution of legal disputes.

I can say a lot more about it and thanks for your comments about legal aid. I hope we will have time to discuss it because I can tell you now that on the demand side of legal services, we are way out. We require a lot more".

He then introduced **Professor Broodryk** who thanked Judge-President Davis "for the summary and context" that he had provided, and then continued: "I thought it quite succinctly and accurately captured the key issues and concerns that are relevant to a discussion such as this, i.e. one surrounding the rule of law and access to justice.

Perhaps from the outset I can make the admission that I am concerned about the long-term implications of COVID-19. I think they will be profound. If you, for a moment, imagine the concentric ripples generated by a stone thrown into a pond: the innermost circle is the immediate impact of the virus, which is fear, illness and death; the second largest circle is COVID-19's indirect health effects such as, for example, missed cancer screenings; and the third circle, the social and economic impact of rising joblessness and shrinking economies, is larger still. Like every crisis, the pandemic will amplify existing social fractures and inequalities, and this will have political consequences. In fact, you could go so far to say that some governments may even fall because of COVID-19. That leads to the fourth and perhaps biggest circle, which is geo-politics. How world powers choose to look after themselves versus the rest of the world may define global politics over the coming decades.

These longer-term effects of COVID-19 can, to varying degrees, be avoided or mitigated. For example, regarding the social and political impacts of the third circle to which I referred, various interventions could mitigate the effect of COVID-19, such as debt relief, investment to help the digital transition, and enhanced democratic structures and institutions. All of these interventions are relevant to a discussion of this nature.

As I have said, Judge Davis has, in my view, framed the key issues quite succinctly and accurately. I will now raise a response to a few of these issues addressed, but I am sure that the remaining issues will be covered in the discussion that follows.

Firstly, I agree that more can be done through the present legal aid system to ensure adequate representation for the poor, vulnerable and marginalised citizens of South Africa. Liz Curran and Mary Anne Noone, in *Journal of Law and Social Policy*, state: "If people cannot access legal help and assistance to seek remedies or enforce their rights, then their participation in society is diminished and the rule of law undermined".

The rule of law connotes equal treatment, equal legal protection and accessible justice for every citizen. It has become an integral element of good governance in every democratic state. In my view, the government certainly has a key role to play in ensuring equal treatment, equal protection and accessible justice. There are various ways that this can be achieved.

An obvious way, from a legal aid background and context, is for the government to provide increased funding to increase the capacity of legal aid institutions to meet the demands of ordinary citizens insofar as the provision of free legal aid is concerned.

Regarding Judge Davis's reference to the increased use of mediation, I am afraid that my view tends to be a rather unpopular one. Forty years ago, in the context of a world survey on access to justice, Cappelletti, Garth and Trocker sounded the following warning: "The greatest danger […] is the risk that streamlined, efficient procedures will abandon the fundamental guarantees of civil procedure – essentially, those of an impartial adjudicator and of the parties' right to be heard".

In my view, this warning has a special relevance in modern-day common law systems with ever-increasing demand for cheaper, more efficient and speedier procedures for the resolution of civil disputes. For example, if a judge in the exercise of his or her case management powers strongly advises the parties to pursue mediation and stays the proceedings pending the outcome of this process, or directs the parties to proceed to mediation, the practical effect of such an intervention by the judge is arguably to deny the parties their right of access to court to obtain a judicial determination on the merits of the case.

Although mediation, in my view, certainly has a role to play, I would caution that an overly strict exercise of case management powers by judges and embracing of alternative dispute resolution methods, such as mediation, at the cost of trial

adjudication, may have an adverse effect on civil litigants' fundamental rights, specifically the right to be heard and the right of access to courts.

Finally, I would also like to raise an issue regarding the question posed by Judge Davis about whether ordinary citizens can vindicate their rights and hold government accountable to its obligations as contained in the Constitution and then, specifically, the Bill of Rights. In my view, the civil procedural mechanisms that allow for collective redress in South Africa remain underutilised.

For example, in my empirical research I demonstrate that since the introduction of the class action mechanism in South Africa more than twenty-five years ago, there have been fewer than twenty class action certification judgments handed down by our superior courts. The ability of such a mechanism to facilitate the provision of access to justice cannot be overstated. In fact, I call for the increased utilisation of our collective redress mechanisms, even more so given the current socio-economic climate".

To kick-start the discussion and include the participants to this session, **Judge-President** asked about the issue of mediation: "I would be interested in the views of participants about having mandatory mediation in RAF [Road Accident Fund] cases as an enhancer to access to justice for road accident victims.

There is a background to this. If you look at all court rolls, in particular the court rolls in Gauteng, you find that on a daily basis more than 100 RAF cases are on the roll and they all end up being settled. And the question you ask is: when you look at the time these cases have spent meandering through the justice system until they are settled, which is nothing less than three years, why should RAF victims have to wait for three years on matters that can be efficiently resolved through mediation?

I think that is one question I want to pose to you. Do you want to respond to it now? Because that is just one class of the matters that are clogging court rolls where people are insisting on saying 'access to justice'. But is it really access to justice when you require judges to rubber-stamp settlement agreements instead of really adjudicating those disputes? Prof Broodryk, I thought I would just raise that with you in view of your stance against mediation".

Professor Broodryk responded that his stance was not "against mediation generally, it is against mediation at the cost of civil litigants' right to access the court in certain circumstances" he said. "I do think that mediation has proven to be successful in certain spheres of substantive law. I think the Commission for Conciliation, Mediation and Arbitration [CCMA] is a perfect example of mediation or, in that context, conciliation serving a very valid purpose and fulfilling a very effective role. I think the last time I saw, more than 70% of matters at the CCMA are conciliated.

Nevertheless, litigants are, in certain circumstances, still afforded the right to approach the court should they so wish. You validly mention that where it is simply a rubber-stamp exercise, I agree that, surely, in those circumstances, the role of mediation could be argued to be more prudent or worthwhile to explore as opposed to forcing litigants to engage in litigation in relation to those issues.

We should also be careful not to create alternative solutions without addressing the problems vested in the RAF system at the moment, which is the inefficient operation of the RAF system, generally speaking.

"The RAF is a bane of the courts and I am absolutely convinced that many of these cases can be mediated. Family law, unquestionably" said Judge-President Davis before continuing:

"And it is all very well – I know what the research said in the 1970s – but I had a valuable experience in Australia last year when I went to their courts and watched how mediation worked with the mediator, who was referred by the judge, in a whole range of cases. It is extraordinary the extent to which the sort of statistics that are being bandied about relating to the CCMA effectively apply there as well. You really clear out a whole bunch.

Then you get the sorts of cases, which you and I would be well aware of, where you say, 'Can you not go and settle this?' Of course, it happens every day that a judge is going to say that to the parties. But the answer is that somebody comes back and says no. And if you can say, 'I am sorry, you are now going to go to a skilled mediator. You cannot waste my time and the time of the court', then a whole range of issues will be parked, which essentially unlocks access to justice for others.

I do think we should hold on to it. It has certainly begun to work enormously well in the labour field and there should be no reason why it cannot in other fields".

"Road Accident Fund victims are a class of people who require access to justice" **Judge-President Mlambo** remarked. "You cannot have a system, as Professor Broodryk points out, that enables and enriches lawyers at the expense of Road Accident Fund victims simply because they can use court rolls to achieve that. But, anyway, let me leave it there. We have said more than enough".

The comment by **Ms Mbali Mtshali** that "South African education on the Constitution and, in general, on the Bill of Rights is wholly deficient for the underprivileged and many do not know how to access justice. University law clinics are vital in primary access to law and justice" was put to the panel for response.

Judge-President Mlambo agreed: "I do not know if there are any comments that one wants to make. I can vouch for this, Ms Mtshali, that South African society in general does not know or understand the Constitution. It is something that I think should be taken up in greater efforts to make sure that broader South African society is aware of what their Constitution says about them, what they can access, and what is due to them".

Professor Broodryk: "I think it is a valid comment. A large part of what we as a university law clinic does is empowerment – empowerment in the sense of educating communities on their constitutional rights and educating them on their non-constitutional rights, like the rights contained in the Consumer Protection Act, for example, as well as financial literacy upliftment and empowerment. It is an important comment.

Judge Davis raised an issue which I agree with. I think the way judgments are being written are, to a large extent, rendering them inaccessible to the public at large. One can link this comment to that specific issue raised by Judge Davis. This is also where law clinics come in. They have a responsibility to convey and communicate the contents of those judgments, which we make, in palatable and understandable ways.

Let us take, for example, the Constitutional Court litigation regarding the lack of judicial oversight in the issuing of emoluments attachment orders in 2016. A large part of our upliftment and empowerment work is based on explaining the contents of the

Western Cape High Court and Constitutional Court judgments to communities, not only within the Cape Winelands area, but nationally. Why? Because we do not think the contents of the judgments are accessible to the public at large – to those people who are actually affected by the outcome of the litigation".

Judge-President Davis agreed with Professor Broodryk's contentions and then went on: "If I had my way, we could do many things. Let me give you an example. I think what the legal aid clinics do is fantastic, but one can really broaden the horizons. There would be no reason why we could not have an hour every week [to discuss pertinent judgments] on various radio stations, in vernacular languages, I should tell you. Sadly, because of my apartheid education I cannot speak a vernacular language, but if I could I assure you I would be more than happy to be on one of them. I can certainly be on some of the other stations. If you take what Prof Broodryk has said, you take the judgment of a week, as the Con Court or the North Gauteng High Court comes down with a judgment, and you explain it in words of one syllable.

I think, for example, of Judge Potterill's very interesting judgment about children and food – the child food scheme [National School Nutrition Programme (NSNP)]. It would be fantastic to be able to have that on all sorts of radio stations where somebody comes along, explains it, invites comment, and the people who listen to radio, ordinary people, can then get a real sense of what is going on. We can use television and radio and all sorts of media to basically explain, in words of one syllable, what it is that judgments are and what implications they have for them.

One could also expand that into further explanations. If, for example, people came along and said, 'we have a school in the Eastern Cape that is not getting food for its children', one would then be able to say, 'perhaps you want to go to one of these particular NGOs and they may be able to assist you'.

One could really have a massive campaign, and I think all of the radio stations and television stations owe it to the country to provide an hour for free every week for that particularly, just to give an example".

Judge-President Mlambo: "That is critical, what you have just said, because I was minded to say the same thing about the use of radio stations. You will be amazed: some of us who have done public interest law work, having gone to hostels, to taxi

ranks, and to informal settlements as they are called, noticed that in each household you will find a radio. And they listen to it. It would provide an enhanced constitutional education. If we have a public broadcaster that is properly aligned to what it must do within South African society, it would be easy to do what you say, JP Davis.

I think it is something that needs to be taken up and probably said in much more vocal terms elsewhere because, as Professor Broodryk mentioned, what the legal aid clinics, law clinics, universities, and court-annexed or court-based [mediators] do is that they reach the people who actually are in trouble with the law or require legal solutions to their issues. You need to reach that group, and an even wider group which then becomes aware of what is in the offing in terms of our Constitution. Thank you very much for that.

The next comment from **Ms Mtshali**, and it is directed at you, Professor Broodryk, says: 'Do you agree that access to justice requires the use of differentiated responses, also in respect of social justice for historically disadvantaged groups such as women, rural communities and historically discriminated social classes?'

You have started to touch on this, Professor Broodryk, when you spoke about community empowerment legal programmes. But here is a question that requires you to unpack it in an even bigger context. And, if you do not mind, you could also go to the Traditional Court Bill in terms of what it is intended to do for these communities that are mentioned in Ms Mtshali's question".

Professor Broodryk: "I think, again, it is a very good question that was posed. The short answer is, yes, it absolutely requires differentiated approaches. I can give you an example after I have sketched the context of the nature of the work that our clinic does specifically. We do civil work. We do not do criminal work. As part of the civil work that we do as a law clinic, we focus largely on the opposition of eviction applications instituted to evict farm workers in the Cape Winelands area. And, secondarily, we focus on family law-related disputes. A large part of that work is the protection of the rights of women and children. That requires a differentiated approach compared to the work that we do, for example, in our Worcester satellite office where we primarily focus on the opposition of eviction applications.

We know that last year, our customer base comprised mostly women and that approximately 60% of the 2 100 individuals who approached us during the course of the year were women. The majority of those individuals approached us with family-related issues. We know that it is important for them to feel comfortable in the way that we empower them, and that we enable them to look after themselves and their children. In response, we ventured into the Somerset West informal settlement community to conduct a women empowerment workshop over the course of a weekend. We got the community's women involved in the workshop. We sat them down and we tried, as far as possible, with the entire clinic team present, to engage them in discussion, empower them, and provide them with a toolkit to equip themselves to protect themselves and their dependants.

Our approach is quite different if you compare that to the impact litigation work that we do. For example, we recently litigated in the Western Cape High Court with the in duplum judgment, which stands to benefit the South African community at large. Part of the beneficiaries of that litigation will not necessarily be historically disadvantaged groups such as women. We anticipate, there, that the larger group of beneficiaries will be male beneficiaries. A large part of that group will be white male beneficiaries, although it will certainly benefit Black and coloured individuals as well.

I think the point I am trying to make is that you certainly have to adopt a different approach depending on whom it is that you are trying to benefit, and in respect of what the issue is. Our empowerment approaches require a differential approach".

Judge President Mlambo: "You agree essentially that a differentiated approach is important and must be looked at and must be considered in the overall strategy of enhancing access to justice overall. Thank you very much for that".

"I just want to touch on an issue that you mentioned earlier about the funding of Legal Aid South Africa. Those of you who look at what Legal Aid South Africa does, and at their annual reports, will see that just over 70% of their work is in the criminal law sphere and less than 30% is in the civil legal aid sphere.

Now, you asked yourself why the funding for civil legal aid services should not be increased. It is because, if you want South African society to have confidence in the justice institutions it creates, you cannot expect this to be the case if they say, "Well,

you pump money into an entity that only focuses on people who are in conflict with the law".

If you look at a number of studies that have been done, and I am sure Prof Broodryk, you are aware of this, they will tell you that there is a bigger need for legal aid services than for criminal legal aid services. But we still have this historical imbalance in the funding of the services that Legal Aid South Africa provides.

Perhaps an answer lies in actually having a different entity that focuses only on offering civil legal aid. Legal Aid South Africa goes out of its way to identify these marginalised groups that Ms Mtshali mentioned – disadvantaged groups, women, rural communities and historically discriminated social classes – and prioritises them in the funds that it has in terms of the offering that it gives, but its funding is wholly skewed in favour of criminal legal aid services.

So, yes, Judge Davis, you are correct. I was at Legal Aid and we made these representations at many stages, especially when we went to the Portfolio Committee. In each sector of society, you will find that there is a group that requires prioritised legal assistance in particular: distressed bond holders, for example, women, and rural communities in terms of access to the services that they are entitled to, which are all available in the urban areas and they have to spend money to travel to the urban areas to access those things.

I think this is an area that requires proper attention in terms of ensuring that there is proper funding, but not only of Legal Aid South Africa because, by itself, it will not be able to take care of the demand side of legal services in South Africa. We also need to also make sure that, as the call was made by Professor Madonsela this morning, corporate South Africa looks at the legal NGOs that are there and are properly located in terms of advancing particular needs of South African society".

Professor Broodryk: "Firstly, I agree completely. I think that, at the moment, Legal Aid South Africa provides the opportunity for university law clinics to apply or to tender for service delivery as a co-operation partner. And that is within, specifically, the civil space as opposed to the criminal space.

What is of particular concern is the decrease in funding allocation by Legal Aid South Africa to the law clinics to provide those civil services. The pot of gold is getting

smaller. The number of competitors is increasing because the demand for the service is increasing.

The extent of need for access to civil legal aid services has not been as high as it is at this point in time. The question is, how do you address that need? Ideally, there would be an increased funding allocation by Legal Aid South Africa to not only law clinics, but to legal aid providers nationally to assist them in providing civil services.

Secondly, it should not be lost on us as university law clinics that we have an opportunity to empower community members and community leaders to advocate on behalf of their communities, ideally through paralegals at legal aid institutions, formal or informal, in those communities. That is something that we as legal aid institutions need to explore so that we do not sit back and wait for the state to increase its funding allocation to Legal Aid South Africa, and then for that to dribble down to legal aid institutions. I think that is one practical example of what could be done over the shorter term to address the need".

Judge-President Davis then commented: "I think you are right; it is an anomaly. My fear, of course, is that we are not going to get any money because there is no money to be had and that is a real problem. The question is, how are you going to do this?

We have seen the justice budget already being cut this year. I think that is really wrong in all sorts of ways and we probably need to deal with it. But I am really anxious about the fact that with impoverished resources the idea of expanding into the civil area then becomes a serious problem. And you are dead right, there is an anomaly here which we need to fix, but it is not being fixed.

I do think that, in the interim, the Bars, the legal profession, should be helping the legal aid clinics as best they can. It will not be perfect, but they should at least make an [effort]. There is no question, I noticed that the pilot scheme in the Western Cape High Court helped many people, who sadly now do not have any assistance at all. But I am really anxious, JP Mlambo. Where are we going to get the money from"?

Judge-President suggested that "…a proper consultation process by government is necessary here and continued: "We have the government establishing the Solidarity Fund to assist because of the COVID-19 pandemic, which is commendable. I do not want to talk about what has happened to the money that was meant to go there. But I

am saying that it is a noble decision by our government to establish a fund that looks at people who have come a cropper because of the COVID-19 pandemic.

But if you are going to disable one of the key constitutional entities that enhances and enables access to justice by reducing their budget, they will be forced to reduce their legal capacity in terms of the warm bodies, either the lawyers or the paralegals, attending to these matters. They will have to close offices.

If you create a Solidarity Fund on the one side, but you disable an entity that will ensure that beneficiaries who must get assistance from the Solidarity Fund, especially those in rural areas, get that assistance, I am not sure if we are going anywhere. We need a much bolder approach to this.

One aspect that I am not scared to mention is that you cannot just cut the budget of an entity like Legal Aid South Africa. It is a key entity that is there to ensure that there is access to justice overall. If you disable them, you are creating an avenue for people to lose confidence in our rule of law or constitutional arrangements. That is one issue that I thought I should mention.

And linked to this budget issue, N Smit has posted a comment here: “Indeed, the education budget is also being reduced. We will need to think very creatively. Our law clinics will in future also involve many more final-year students than what was the case up to now”.

This still addresses the budget. Properly stated, our government needs to prioritise entities that are ensuring constitutional confidence rather than throwing money at entities that fail to live up to their objectives year in, and year out. I am sorry, I have to mention this because we see it. We preside over cases that show us that the money is going where it should not be going. Judge-President Davis, I see you have come up.

“I cannot but agree with you” said Judge-President Davis. “I wanted to say amen to everything you said, but I want to go further, to amplify the point, if I may: when you say government has to spend the money on areas that ultimately vindicate their constitutional obligations that is dead right.

The way a budget should work is that you start off with the obligation to provide basic housing, education, medical care, et cetera for society. Those are constitutional commitments. When you fashion the budgets, you fashion around those priorities and

you do not fashion around, if I could call them fancy projects, vanity projects, which actually are not part of that.

You are right. One of those commitments has to be the vindication of access to justice. That, housing, education, water, et cetera – all of those are vital. We have to frame the debate. That, I think, is what we should also be doing, all of us. When the budgets are formulated, we should say to government, "You are constitutionally obliged to ensure as best you can that those rights are realised progressively".

What that means, therefore, is that when you actually sit down and plan your budget, you should plan it in such a way that we can see a progressive realisation of those rights. I do not see budgets being fashioned that way. Otherwise, I do not quite know how you give [R]10.5 billion here and [R]15 billion there. As you rightly say, we often see this as judges.

Your point is a profoundly important one, in a sense integrating this stream with other streams in ensuring precisely that our priorities are based essentially on our constitutional commitments".

A question from **Claudi Mailovich** from Business Day was then put to the panel: "Does that mean that the budget should then be allocated to the NPA or legal aid instead of, for instance, going to SAA?"

"All I was saying was that there needs to be proper consultation and proper identification of really needy aspects of our society, or of our government activities that identify areas where the budget cannot be cut willy-nilly," said **Judge-President Mlambo**. "We know that our government focuses on the economic cluster in terms of bailouts. And that is where I come in when I say that you cannot really get the access to justice entities you need to ensure constitutional confidence and confidence in the rule of law.

These are the entities that have demonstrated, year in and year out, that they have very little or no corruption in their ranks in terms of misusing the moneys that are allocated to them. And they show you, especially Legal Aid South Africa, that their spending of the budget that comes to them is up to 98%, 97% every year. Why, then, do you go there and cut when you know what critical role they are playing?"

Judge-President Davis: “I just want to add to Claudi’s point, which is a mischievous point because, you are right, we are not in a position to say whether money should go to SAA or elsewhere. The fundamental proposition that I think we are advancing is that the government is obliged by the Constitution to vindicate those commitments that it has in the Constitution.

If you read it, of course it means safety and security of the people, which is where police come in, and education, health, water, et cetera, but it also means access to justice, which is not a massive budget, compared to the others. For a relatively small sum of money we could do a hell of a lot. I am simply saying that we need to have a debate in which we can see how those prioritisations are justified and that is why the access to justice issue becomes so important”.

Judge-President Mlambo then referred the panel to “another very valid comment by **Ms Mtshali**”: “There needs to be a revision of the budget allocation if there is a disproportionate use of funds for criminal legal aid, but there is still a high capacity rate in our prisons, which are situated very far in many instances. Those who are underprivileged in the first instance will have limited access to their family support in the event of rehabilitation attempts, which may impact the recidivism rate”. And she asks boldly: “Is this wrong?” Professor Broodryk was asked to respond.

Professor Broodryk: “I think it speaks exactly to the issue that has been raised now”, he said. “It is a broader debate that needs to be had about funding allocations.

I want to revisit something that Judge Davis raised earlier that we did not really elaborate on. I think we should not lose sight of the fact that, potentially, there would be scope for increased self-representation by individuals to approach the lower courts in South Africa, had the rules been more user friendly. I think that is something that can also assist in facilitating access to justice.

At the moment, the rules are drafted in such a way that it is complex and difficult to navigate, in some instances even for attorneys and for counsel. How can you expect the indigent community to navigate those rules? If those rules are drafted in a user-friendly fashion, we will not need to sit back and wait for government to increase funding allocations. Those individuals can approach the court en masse, either the Small Claims Courts or the Magistrates’ Courts, and then vindicate their rights of their

own accord to the extent that it is possible. I think that is something that needs to be explored as well”.

With that the session came to its conclusion.

Peace and social cohesion

Dr Wilhelm Verwoerd welcomed the following members of the panel: Professo Pumla Gobodo-Madikizela from the Historical Trauma and Transformation Unit at Stellenbosch University, Dr Mshai Mwangola from Nairobi, Prof Pumla Gobodo-Madikizela, Richard Mabaso from Mpumalanga and Erin McCandless.

Dr Mshai Mwangola was introduced as "…a performance scholar who uses culture to do her work as an academic, artist and activist. She is also very involved in civic education in Kenya". She opened proceedings: "I am just going to jump straight into it and try to set the ground for a quick discussion. I really appreciate that Wilhelm said that I was performance scholar. Very briefly, I know these questions of 'Where is your evidence?' and 'Where are you drawing these thoughts from?' come up. I did send a discussion prompt, but I am not sure that everybody has had a chance to look at it. I am happy to make that available. You will find that I have put in links to some of the sources that I am drawing from.

Very much, I am drawing from conversations. I am interested in how people make meaning in the world. The emphasis here is on how people make meaning – not just the academy or sites of people who are recognised as doing intellectual work – with the belief that everybody is always doing intellectual work, the evidence of which we do not often see and do not often use in the ways that they themselves do.

Just quickly, a series of civil society conversations: I chair a trust. We are the biggest non-state facilitator of civic education in Kenya and we do a lot of facilitating for other people. We listen to what comes through from our partners. I am also a founding member of an information platform we call The Elephant – that is www.theelephant.info – and what we do is encourage people to think in different ways.

As part of that I have been hosting a series of conversations. I am drawing a lot from them, particularly one on social inequality. We call the conversations the Corona Cafés. What we did was not so much to talk about the pandemic, but to ask how we could use this moment of the pandemic to help us think about our society, to question and, in that particular café, to think about social justice. I am also drawing from a scenario project that I have been working on where we are looking at making Nairobi

a just city. I am happy to go back to any of those, but that is just to give you a sense of the evidence that I am using for what I am speaking to.

I will draw your attention to the concept note. One of the things it said was: "A collateral value of COVID-19 is that it has given us a new lens in which to see the injustice and threat to peace and sustainability encapsulated in systemic poverty and inequality, mostly along the contours of historical injustice". For me, this is what has set the keynote for what I want us to think about.

I also wanted to use a quote from one of my favourite writers. I love putting intellectuals working in different spheres in conversation with each other. This is Ayi Kwei Armah in his novel *KMT: In the House of Life*, which is really about doing intellectual work. I want to read this quote in its entirety. I will not read any other quote. I thought this one would be useful for setting the tone:

> Let us work to turn the forgotten paths into the remembered way. Let us mix the long memories of a people once forgotten into new narratives of our own making as we move into space of our own choosing, as we dream in images drawn from our people's best desires, as we plan [in] designs drawn from our own reflection, then make again the universe that might have been, but was not, here in this place, now in this time, freed for our new creation.

The premise of everything I am going to be saying, under my theme of recovering from the pandemic, is that many of the conversations, particularly in policy spaces, seem to be about how we can go back to the norm we have come from. I want to suggest that the work of recovering from the pandemic should, instead, be doing what Arundhati Roy challenged us to do right at the beginning of the pandemic season. She said that we should look at the pandemic as a portal through which we move into a new space.

To define the terms: when we talk about a social justice lens, for me, 'social' reminds us that this must be people driven and people centred. Many of the conversations around COVID-19 have been virus driven and virus centred. I want to keep going back to what Armah says about 'long memories of a people'. You are always putting people, the basic units of society, at the centre.

Like when we talked about mitigation, the recovery plan, and the response, has to be founded on what is happening in the whole of society. I do not know about South Africa, but in Kenya our conversations are being driven by what is happening in the economy. Two days ago, our Treasury Cabinet Secretary said that they know things are bad, but we cannot shut down; we cannot go back to the measures that we know we need for the health sector because our economy is suffering.

There are big conversations in the realm of politics. We have elections in a couple of years and the politicians have been holding huge rallies. They want us to have a referendum, and everybody is saying that we cannot go into a political season right now. But then, of course, that is lost, the social cost is lost, in the imperative of the economy. This fundamental tension is what we have to pay attention to and do something about.

When we think of justice, I want us to think in terms of what Johan Galtung talks about: positive peace. I really like the notion of sustainable peace. If you look at the report of the advisory group of experts for the 2015 review of the United Nations' peacebuilding architecture, it is called 'The Challenge of Sustaining Peace'. They emphasise that we have to get this idea of, number one, positive peace and, number two, as the UN has always talked about, peacebuilding.

They say that you must define peacebuilding not only as saying that, when a society has gone into violent conflict, you want to prevent the relapse into violent conflict and resolve the issues that sent people into conflict. That is one part of peacebuilding. But you must also, just as importantly, prevent the lapse into conflict.

Often dealing with this lapse into conflict involves dealing with fundamental issues, paying attention to issues of historical injustice, paying attention to the inequalities in society, and making sure that you invest in redressing those situations. For me, it is useful to think about SDG 16, which links the issues of sustainable development, inclusivity, access to justice, and effective, accountable and inclusive institutions.

I did a presentation to the Chair in Social Justice at one of the conversations we were having. And that time, it was around April–May, I was looking at mitigation measures across Africa. What is it that countries were doing across the board? I would be happy to go back to this question if anybody wants to know. Our biggest concern was that

we were looking at the mitigation measures and wondering what the cost would be in terms of social justice.

For example, if you shut down factories, put lockdown measures in place or tell people that they must wear masks, how are diverse communities managing to deal with that? What is the impact of shutting down businesses, especially small businesses, on people? What does it mean when you say that people cannot cross borders or everybody has to be at home by seven o'clock?

Ironically, now that we are talking about recovery, our worries are the other way around. For example, in Kenya, three weeks ago, we reopened schools. We reopened only exam classes and one class in junior primary. During this time certain schools have had to close down because of mass infections. At least one principal has died. A dean of a university has died. And this morning I saw that one school had reported that fifty-two students had been infected.

The huge issues arising out of this are that especially public schools are saying that government has not provided for them. Some of the schools have no running water. Government has not provided masks. Government has not provided sanitiser. Government has not built extra classrooms as was done in Rwanda. You have children in the same classrooms being told to use the classes that are not there, with no additional teachers.

We are looking at a crisis, but the Minister of Education has said that, even if we go through a second or third wave and people die, we cannot keep the schools closed because we are losing too much time. So, I speak of social justice issues in that sense.

The centring of state security rather than the security of the people is another thing that we need to discuss. Most of our responses, with mitigation and recovery, have been coercive, punitive and through force rather than through the use of rewards and persuasion. I was talking to people working in a hospital who have been told to go back up to full staff even though that sometimes means that the staff who are vulnerable are having to go back to work.

Let me quickly go through the rest. I am talking about a human rights-based approach, as much to mitigation as to the question of recovery. I am looking at a response that is people centred and people driven, rather than state centred and state driven; that

focuses internally, not only within the country, but also within communities in terms of what works for them, what they prioritise, and where their resources are; and that builds solidarity across and among social diversities, taking into account the unique social, political, historical and economic circumstances, the whole range, which affects different countries, different societies, and different marginal groups within them.

I will finish by asking, although I have got much more to say, what this concept of working together, a people-centric pan-Africanism, means in the twenty-first century, not only between countries, but also among communities. How do we do that and also learn from places in Asia, Latin America, the Caribbean, and countries within Africa, such as Senegal, that have done really well? Places right across the world, including small communities as well as big communities?"

Professor Pumla Gobodo-Madikizela, Chair in Historical Trauma and Transformation at Stellenbosch University was requested to respond: "I feel like saying 'wow', like I heard Wilhelm kind of saying, or exclaiming. I was full of exclamation marks myself, also at the way that you have been engaging with communities back in your own country.

I love the idea of Corona Cafés. In fact, I made a note, both a mental note and on my pad, to speak to Wilhelm about that and about adopting the theme and perhaps even continuing conversation with you. It is such a wonderful way of capturing what the issues are, and not about the virus, but about how we move forward from here. It has really incredible ideas. Thank you very much for that, Mshai.

I could not help thinking about Resolution 1325 when this topic came up and I saw that you were to speak on the panel. I realise, and actually it is amazing how time flies, that the question is: what have we done in the twenty years since this really extraordinary UN Security Council Resolution, Resolution 1325 on Women, Peace and Security? This resolution was passed just five years after the Beijing Declaration and Platform for Action, which galvanised women in a very powerful way. And, in fact, the one before that was in your own country, Mshai. This has been a wonderful time for us to reflect and the virus has forced us to sit down. I see that you have referenced SDG 16 and I think it is very important. One that came to mind, in context of [Resolution] 1325, is the SDG that addresses the challenge of achieving gender

equality by the year 2030. All of these questions, all of these resolutions, are relevant. In fact, they have never been more relevant than they are now because of the virus.

You highlighted some very important points and I cannot add to them, except to point out how critical these issues that you raised for us are. I will start with the question you posed towards the end of your presentation: what does it mean to build solidarity across social diversities? This is so important.

What we have witnessed in South Africa and, in fact, across the globe and especially on our continent, at this time, is staggering violence against women and against marginalised communities perpetrated by people who are supposed to be protecting us and protecting communities. The police, for instance, have been violent in their approach to enforcing the law, and enforcing the lockdown. The language in itself, the language of enforcement, of lockdown, and therefore of the response to the idea of enforcing, is strong-arm tactics.

What I would like us to think about, perhaps even at the level of reflecting on rapporteuring, is how we challenge this approach of the police, this approach that continues as if there was no change, as if there has been no change from the colonial period when our communities were seen as violable. 'You must force the law', 'the law and order', 'maintain law and order', 'force', 'enforce the laws' – all of this is language that the police that has come after has simply inherited. They have continued to operate as if they exist in the past, as if communities are enemies.

In the past, if you think about apartheid, communities that were marginalised, communities and people who were Black, people of colour, were considered by the state to be enemies of the state because, constantly, there were struggles against the regime. And so the language of the police, today, is language that responds to anything that is done, any campaigning, any organising within these communities, as organising that is hostile to the state.

Even now, with COVID-19, when all of us are suffering the consequences of this pandemic, there is no sense of empathy, no sense of compassion. This is why I really like you bringing up this issue of solidarity, and the critical importance of solidarity.

In attempting to answer your question of how we do it, one of the first steps might be to retrain the police or to train those who are training the police so that they

understand that these methods of policing are the methods that led us to crises and the crises that are repeating what happened in the past, like Marikana in our country, for instance. So many people were attacked by the police because they were not observing the lockdown rules.

For people who are protecting communities, from the spirit of protection and understanding, the important thing is to understand the pain and the suffering that people are going through and then to try to respond not in a manner of enforcing, but rather in a manner of understanding. That requires a lot of training. It requires a lot of undoing of those lessons from the past that have simply been inherited.

That is at the level of the protectors of communities. At the interpersonal level, with what you are doing, what you have described to us, the idea of continuing dialogues that focus on communities, starting at the level of communities, you are posing another very important challenge to scholars and academics who are always doing research in these communities. You are saying to these scholars: “Do research that is relevant to the communities. Do not do research for the sake of research itself, of academic scholarship, but instead do research that is focused on what the needs of the people are”.

I have to tell you, Mshai, that in our research unit this is our approach to research. We are interested in this process of engaging in dialogue between science and society, which is to say that, as scholars, we have to engage in research, but our research must constantly be in conversation with what is happening in our societies.

For instance, all our work in the area of trauma, in the area of healing trauma, in the area of finding ways of repairing the brokenness of the past, in the area of bridging the divide between racial groups and increasing dialogue, and in the work that Wilhelm is leading in our unit – all of this is geared towards establishing new knowledge, learnings and insights as well as feeding back to the community so that our work continues to be relevant.

This is important, particularly if the lens you are using is the lens of sustaining peace. So much of what is going on in our communities, the violence that we have witnessed in our communities, is as a consequence of the general language of violence in society. One of the things we have to be aware of, we have to be conscious of, is that

when we speak about violence, we are not only referring to violence of the physical kind, but also to other kinds of violence. For instance, corruption is in every way a violence against a society that is dependent on a state, on government, to take care of these issues of inequality. The problems of inequality in our country, the problems of continuing inequality that you speak about so powerfully in your presentation, Mshai, are problems that are inherited from the past. But it is not enough for us to simply say that these are inherited, or that these are the repercussions of apartheid. The question is: what are we doing about it?

We as civil society have different kinds of resources, but the state has material resources to help improve these circumstances. If billions go down the drain through corruption, then there are very clearly going to be consequences spilling over into these processes that should be centred on healing the inequality of the past, and healing the violence of poverty in these communities.

This is a consciousness that we need to bring to policymakers – this is violence. Because corruption has overwhelmed our society, it is an overarching problem, it has cut across all levels of civil society, and it has spilled over into the way that even small municipal structures operate within communities.

It is important for policymakers to recognise that what they are doing is actually inflicting violence on the fabric of society by way of destroying the morality of our communities, and that because this is happening right at the top, it is bound to affect the way people relate to, understand and obey the law.

You find that there is no respect for the law in our country. There is an utter disrespect for the law. Why is that happening? There is a range of reasons, but one of the most important ones is that right at the top, this violence, these operations of corruption, is a disrespect for the law of our country. It is because this is happening at such a high level that people do not take the law seriously.

I will tell you a very quick story, a true story. In the village town where I come from, Ntile in the Eastern Cape, young men were caught in the act of breaking into a home and stealing videos, computers and television screens. The police were called and they were taken away.

As they were being taken to the police van, they were very angry. They said, “If you are going to arrest us and if you want us to do service, then you must start with Zuma first”. This is not just a flippant statement. It is actually what people believe. If the law is not operating as it should at the top level, why should we be expected to obey the law at this level?

This is not only at the level of robberies or break-ins. It is at the level of violation, the violation of women’s bodies, and we have witnessed, in our country and in our countries on the continent, how violence has been meted out against women, mostly, and children. This is a serious problem because if we are thinking about peace and security, well, it is not happening in women’s homes.

As we all know, most of the violation that happens is as a result of betrayal by the ones that the women trust most – the lovers, the partners, the husbands – within their homes. The pandemic has exacerbated that; the pandemic has opened that up and made it even clearer that women are not safe in their homes. And so, as we shut down, and as we lock down, they are locked down in these relationships of violence.

We must recognise that policymakers must start with themselves first. We are headed towards the 16 Days of Activism for No Violence Against Women [and Children] campaign, which will start in a week’s time in South Africa and elsewhere. We are going to see parliamentarians dressed in their regalia and their ANC colours, joining us and marching with us.

Why is it that there is marching when it comes to this violence that is happening out there, but when it comes to the violence that has happened at the level of the state, the violence of corruption, they do not march? They have the power to march.

My wish is that, as we conclude this, we challenge these leaders at the highest level so that the language of understanding what is happening at this highest level of power and leadership in our country, the language of describing these actions that are against the law, changes. We should call it violence, the violence of corruption; we should call those who are corrupt the perpetrators of the violence of corruption.

This then gives us language to organise and mobilise in larger numbers because, now, this is happening in the courts of law through the Zondo commission, but once the

language reaches us at the level of civil society, we gain the power and the imagination to act in ways that are much more powerful.

But that also has to happen in parallel, with the parliamentarians themselves, particularly women. Why women, particularly? Because this is the era of women. This is the twentieth anniversary of [Resolution] 1325. This is the twenty-fifth anniversary of the Beijing Declaration [and Platform for Action], and this is the fifth anniversary of the SDG that called upon us to ensure equality, gender equality, by the year 2030. All of these are landmark moments.

This is a landmark moment for us. This conversation we are having, here, is a landmark moment. We ought to take it back to these leaders who are women, first. We start with the women and implore them to act in the interest of the societies that are suffering, not just as a result the COVID-19 pandemic, but the pandemic of the violence of poverty and the violence of marginalisation within our society".

Erin McCandless: "Mshai, I really like that you linked to this to the global agendas. I think it is important because COVID-19 is a global challenge. We have a great opportunity right now because policy, and leaders, at the highest levels, are opening doors and talking about linking this to inequality, linking this to building back better, and linking this to transformation.

For South Africa, that is beautiful. That is music to the ears of those of us who want to see transformative change everywhere. I think that there are opportunities to connect across borders to those transformative discourses and movements that are there.

I am a peacebuilding scholar, an Associate Professor at Wits. I work on social contracts and I have done quite a lot of research on COVID-19 and social cohesion, and building back better as well.

I struggle when we have these parallel sessions because I want to be in all of them. I am sure that we all feel that way. But we need sessions that really do explore the multidimensional risks, the methodologies for how we tap into them, and the multidimensional analyses we apply to responses so that we get at the root causes.

The sustaining peace vision, also, at the heart of it, is about creating a national vision, and supporting the idea of a national vision and dialogue at the heart of peace. Both of you were talking about dialogue and I could not agree more.

I really had to struggle to develop some recommendations for this paper I just did on South Africa for my university around COVID-19. We need to engage the existing structures, such as Nedlac [National Economic Development and Labour Council] and so on, and talk about why they are not sufficient and how dialogue structures need to be much more bottom-up. We need to have much more transformative dialogue structures to promote the kind of thing that you are all speaking about.

And so, yes, I could not agree more. I was trying to investigate the police issue as well and there is a new police bill, although I do not know how participatory that has been, or how much real consultation has gone into it. But there is some good research as well that shows that the laws are all in place. It is the practice. It is not even necessarily coming from the top, but it is this culture of silence and condoning what is happening. There needs to be a breaking of the culture of silence in the police force so that there is much more accountability.

I love the idea of the violence of corruption and really shifting the discourse on that as well. It is absolutely appalling that two-thirds of the contracts for the money that went towards COVID-19 are being investigated. It is scandalous and people should be out in the streets. It is outrageous.

Social cohesion, there are tonnes of research on this, is connected to inequality and the perception of inequality and unfairness. It is key that we find better ways to connect these, both in terms of the analysis and the responses".

Richard Mabaso was the next contributor: "I think from me, Professor, there are just two points. Erin touched on the matter of the police force. I heard on the news this afternoon that 257 police officers have been arrested for corruption in South Africa.

But also, Mshai, you and I had this conversation last year and unfortunately COVID-19 happened. We were looking at how we take these conversations down to grassroots level and that is where the issue of civic education comes in. I will not dwell much on that point because, as I even told Prof at some point when we had a brief session

afterwards, we would like to get these kinds of conversations to go down to the people, to where the people are.

Sis Pumla mentioned the issue of corruption. It has become a pandemic of its own. But how do people identify and report corruption in rural areas? I just came back from the Free State to catch the conference. We left yesterday. We are distributing sanitary pads throughout the country. We are going to Limpopo tomorrow, and we are going to Mpumalanga on Friday. The reality is, these young people who are up there in the communities, they are starting to see becoming a politician as their career to make it in life, or to make their lives better, because the boys and the girls who have never been to school or have just been to primary [school], they who make the loudest noise, they become leaders.

It is quite important that we find a way for these conversations to be disseminated down to grassroots level. Those are the few points that I wanted to highlight, which we touched on last year as well".

Mandy Kinners agreed with "both speakers that we have to go beyond talking," and said: "I think Richard also mentioned that we have to go beyond talking shop.

In some of the earlier presentations they also spoke about doing research that actually brings change, or that makes a difference. I often ask, what will my mother do with this information if you tell her what you are doing research on or that these are your findings? It is not going to change her life. I think we can say that about most rural gogos. What difference is it going to make in their lives?

On this topic of social cohesion, I find it rather strange that, in South Africa, we have placed social cohesion under the [Department] of Sport, Arts and Culture. It tends to lean towards soccer or other sporting events, and then when it is over, it is over. We either win, we commiserate together or we celebrate together, and then what? What do we do to sustain it?

I am going to use a biblical phrase: we talk about a visitation and a habitation. How do we make this a habitation and not just a visitation that happens every couple of years when we have an event, or when we have a trophy to lift up? How do we take it beyond that? And how do we make it the responsibility of every person in our country?

Pastor At spoke about neighbours earlier on and said that your neighbour does not have to look like you. Your neighbour is a person who has a need and you have the solution to that need, period. If we begin to look at the problems we have in South Africa from that point of view – I have a solution to your problem, you have a solution to my problem – how can we help each other? How can we change our nation, together? Because our government is not doing it. They have failed us miserably. How can we now take back our agency? Cancel that social contract because they have repudiated it in every possible way. How do we take it back?

Those are the conversations I believe need to happen, also to remove that guilt. We liberated you, therefore you owe us a debt. How do we liberate our people from that guilt so that especially our women can use their votes? Use your vote. Do not withhold it. Give it to somebody else. Be punitive in your voting if you have to make a point.

It is about agency and believing that you can change the world that you live in. I think that is where we are stuck, because we are stuck under this social guilt that we were liberated by certain people and so we owe them a duty of gratitude, eternally. As they say, they will rule until Jesus comes, and we owe them a debt of gratitude until then. We have to take back our power and believe that we have the power and the ability to change the societies we live in.

Start those conversations at home. Then start the conversations in the family, and in the community, and so on. But the conversations have to start, otherwise we are never going to have the social cohesion that we have been dreaming about for twenty-seven years. It is not going to happen". Thank you.

Fundiswa Khaile: "I am a PhD candidate and my research is on social cohesion. I am looking at trust and a sense of belonging. For me, social cohesion is abstract and, therefore, there are certain things that need to be in place in order for us to achieve social cohesion, such as trust, a sense of belonging, participation and all of these other aspects that are critical.

It is not something where we can say, 'this is social cohesion', but when there is trust, when you see that people feel that they belong, there is that sense of attachment to the place. I agree with the speakers and Richard about the issue of civic education. You see, even in the protests, how people destroy properties because, for me, they still

think that they do not belong here. They do not have pride in these properties and, therefore, they can destroy them. They do not feel that they are attached to the place. Really, civic education will play a role.

Looking at a township, especially in Cape Town, because my research is looking at the City of Cape Town and City of Ekurhuleni, I observe some commonalities and differences between how people are attached to the places. For the people who are coming from the Eastern Cape, this is just a workplace. They are still orientated towards thinking that you are here to provide labour, compared to when you are done you still have a home in the Eastern Cape. Therefore, they do not have any attachment to the place.

For us, as researchers, we need to understand what the causes are of people behaving in the manner that they do, also in a protest. We see this level of violence in people demonstrating their dissatisfaction with government. What is it that government needs to do to ensure that there is trust between the citizens and also between citizens and government?"

Dr Mshai Mwangola: "If I start with what you just said, Fundi, it is so true. Sometimes, with the policy documents and the things we say and research, the question becomes, 'Who is listening?' How are they understanding? Richard has touched on this: what is civic education? How are people making meaning of what they are seeing? And, also, how are they speaking back?

I am a theatre scholar. That is my root. My art is theatre and storytelling, and one of the things that we always talk about is that silence, in itself, is doing something. When we talk about performance, when are you quiet? When are you just still?

And sometimes, as you rightly said, violence is somebody contributing to the dialogue. They are sending you a message and if they feel they cannot speak, they are doing it in another way. Rather than just condemn the violence, the first thing you have to do is understand what is being said and why people are using this. I am not saying violence is always a fantastic thing, but there are times when it is showing up important things that nobody is speaking about.

We have been talking this week, in fact, as part of the strategic planning process with my civic education and citizenship trust, Uraia, about addressing the question of

apathy. Why is it that some people in the society do not feel that they want to participate in political affairs or in holding government accountable? And what are we learning?

By the way, the big new term in the world of politics in Kenya is 'hustler'. Our Deputy President said, "I am a hustler and it is time for the hustler nation to take over the country". He is contrasting himself with the President who is part of the dynasty. Now the whole language in Kenya is about the dynasties versus the hustlers, but the hustlers are the ones who get by, by any means.

We are talking about what that means in terms of when people celebrate and they say, 'Yes, he is violent; yes, he steals, but then how else would he match the money of the dynasties?' That is a very interesting conversation and we are asking why. You know, crowds turn out for him. We are there preaching civic education, values, and all of those amazing things. They are not listening to us.

It goes back to that question that Richard brought up: what is civic education? I talked about the Corona Cafés. The new forums we started are pan-African forums and they are across the whole continent. In fact, yesterday, I had Brian Kagoro, whom some of you might know, Zimbabwean, based in South Africa, and Zukiswa Wanner, who is South African, although she lives in [Kenya], having conversations across the continent.

One thing that is really interesting, as I am listening to you talk about South Africa, is the echoing. It is as if you are talking about Kenya. One of our biggest areas [of concern] around the COVID-19 response and recovery has been police brutality. I think it is the Singaporean prime minster who said that COVID-19 is going to amplify the state of governance. It is going to amplify the things that we keep hidden or do not see about ourselves. Police brutality has become a big issue because, in this time of COVID-19, it is right there. You cannot ignore it.

That is why a movement like End SARS has had such resonance right across the continent. We look at what is happening in Nigeria and we can see it in our own countries. That is another really important place when we talk about security. Why is it that the state is afraid of its own people?

One of the things I use when we talk to young people is *Finding Nemo*. In the film, the sharks repeat the mantra 'fish are friends, not food'. I say, this is what we need to tell the police, that 'citizens are friends, not food' because we always feel like we are against them and we need to build that trust.

This question of moral authority that we have talked about is so important. We have just agreed, as the Uraia Trust, that one of our big focus areas for the next five years is to take on the question of values. Rather than focus on civic education in terms of teaching the constitution, which, yes, we will do, our goal is to build a national culture, to move beyond what the constitution says. How it is embedded in our lives and how we live it out is what we want to focus on.

Our President is the big HeForShe champion in Kenya, but his own Cabinet violates the two-third gender rule. In fact, the Chief Justice just issued a statement that put the country in a constitutional crisis. He said that the Kenyan parliament is unconstitutional because it does not meet the two-third gender rule. Of course, parliament is up in arms. They are saying that he cannot send them home. The President is obligated.

We are having a big debate on whether 'shall' means 'may' or 'must'. That is a big discussion in Kenya right now because if 'shall' means 'must' legally, then our parliament is illegal. Those kind of debates are really important.

Finally, you have given me so much to think about, I want to share something from one of the Corona Cafés. Someone said to me that our big challenges are tripartite. He said that if we can do these three things, we would solve all our problems in terms of social justice.

Number one is deconstruction. We must just stop saying something is bad. We must stop, think, talk about it and understand. As we said, recognising historical injustice is not enough. We must ask, 'If there were historical injustices, what are the legacies today? Who loses if we get rid of that?' Because we may say colonialism, we got rid of colonialism fifty years ago, but we have not changed the system that rewards the privileged even after fifty years.

Number two is that we need to construct a future that all of us want to go to, and that all of us want to commit to, including the elite. There is a stake in it for them. If we

deconstruct, we are taking away from them. We must construct something where they see themselves as having a place.

The hard part is managing the transition between the two. You must get people with certain privileges to feel that they want to commit and let go of them, you must get people who are not used to even imagining their own humanity to imagine that this could be part of what is their right, and you must get that transactional conversation going.

For instance, in the transformative scenarios project I am working on, it is not just about saying that the people who are vulnerable must get something. It is about building networks where, together, we work on a strategy to deliver social justice for everybody and we all feel that even if I give up some things, I am going to get something".

In closing, Dr Verwoerd spoke from a different perspective: "That resonates, given my embodiment as a white South African. This is one of the big challenges that we are grappling with in South Africa. How do we get people who are still in this elite position and still have so much power and so much wealth to see a different vision where we can be part of a bigger vision of coming home, but which then involves having to share our privilege and committing to more than just charity?

What has struck me in working with white South Africans is that people are very good at charity and 'let us share' and doing some upliftment work, but that is very different from social justice. It is from a distance, it is pretty, it does not involve changing power dynamics, and it does not really question one's own sense of power and privilege.

The theme that I have picked up with a number of the inputs is this challenge to go deeper in terms of our understanding of why we do not have social cohesion and social justice and peace, but also then to go deeper in terms of how we can root peace and justice in real relationships within and between communities and on our continent and beyond.

In terms of Erin's point about what happened with last year's resolutions and what the point of it all is, I hope that this will continue to build the energy through the M-Plan and the kind of people we are bringing together. There is this slow, patient work of continuing to stoke the energy of people to work at this, even though it will take a long

time to change some of these deeply rooted issues. Thank you for also inspiring me again to continue this work of patient social justice”.

Climate change and environmental sustainability

A warm welcome was extended by the first speaker: “My name is **Linley Chiwona-Karltun** and I am based at the Swedish University of Agricultural Sciences here in Uppsala in Sweden. I work with rural development issues and I hold an Associate Professorship within the subject of rural development.

I have the absolute pleasure to welcome our resource person, Dr Tsakani Ngomane, who is the Director of the Extension Programme in the Department of Agricultural Economics, Extension and Rural Development in the Faculty of Natural and Agricultural Sciences at the University of Pretoria, and our respondent, Prof Oliver Ruppel, who is the Director of the Development and Rule of Law Programme [DROP] at Stellenbosch University and a Non-resident Fellow at the Fraunhofer Center for International Management and Knowledge Economy IMW in Leipzig in Germany”.

Dr Tsakani Ngomane: “We are discussing, in our session, Climate change and environmental sustainability. It is so important that if you look at the seventeen SDGs, climate crosscuts about seven of them. We also hear the World Economic Forum, a body that describes itself as ‘committed to improving the state of the world’, acknowledging that humanity faces a mass extinction event on a scale not seen in the last 65 million years. So, this is a real situation.

In the context of South Africa, we have situations of drought. We lie within a drought belt. Our economy is largely dependent on climate-sensitive sectors. Any potential change in climate has significant impacts on society and economy and the UN acknowledges this. We have increases in temperatures and reduction in rainfall that threatens the productivity of our key sectors in the economy, with devastating impacts on livelihoods.

I was keen to hear that Professor Linley is in the rural development sector. That is where the most vulnerable in rural areas and informal settlements are hardest hit. To revive livelihoods in those areas is a significant challenge. What COVID-19 has done is to magnify the risks faced by vulnerable groups and societies around the world, including ourselves.

We have challenges of rainfall. I will not go into that, but you see the fluctuation in numbers [there]. What is key is that this situation of higher temperatures and

reductions in rainfall is expected to continue for a while longer. Prof Oliver, I am sure, will expand more on this. But the impact in the case of South Africa as a water-scarce country is that we are facing severe situations of depleted water resources and an increasing number of droughts and so on.

There is a high risk of environmental, social and economic vulnerabilities due to not only the scarcity of water, but other climate-related events such as wildfires. I am citing this as one of the key challenging areas in South Africa.

Our country is dependent, the economy highly dependent, on climate-sensitive sectors such as the agricultural and forestry sectors. Increases in temperatures and reductions in rainfall threaten the productivity in these sectors, let alone issues around water scarcity, veld fires, droughts, and so on.

Tourism is another driver of the economy, not only in South Africa, but in the region as well. It is ranked third in the world, our country, in terms of biological diversity. Cases of desertification caused by dry climate could potentially reduce that biodiversity capacity. It will further threaten the tourism industry. The increases in sea temperatures could alter migratory patterns of marine fisheries and increase the occurrence of harmful algae blooms, causing mass mortality of ocean life and other animals.

Temperature increases and changes in rainfall patterns could also potentially extend the areas prone to diseases such as malaria. All this, particularly the last point on diseases, impact significantly vulnerable groups and settlement areas. COVID-19 has exposed the underbelly in those areas.

[This slide] I wanted to share with you, quickly, the direct experiences that stay in memory, such as the extreme weather events, like your Cyclone Idai, that have resulted in loss of life and extensive damage across a number of Southern African regions. Mozambique was hardest hit in this context, with over 70 000 people displaced.

In South Africa, in Limpopo, in 2013, we saw the flooding of the Limpopo River when it burst its banks and claimed about ten lives while hundreds were left stranded. In KZN and the Eastern Cape, in 2019, many people lost their lives and some went missing after heavy floods and landslides in the Durban area, along that coastline. Recently, just a few weeks ago, in the Free State, runaway fires destroyed 100 000

hectares of crops. Homes and barns were left destroyed. Hundreds of cattle had to be euthanised to relieve their suffering from extensive injuries sustained during the fires.

In all these instances, and many others that I have not mentioned here, it is the vulnerable groups, in most cases farm dwellers and farm workers, who lose their livelihoods. Rebuilding livelihoods takes years, if ever. Just look at any climate disaster zone and how long it takes for livelihoods to be recovered.

[The next slide shows the features of the extreme events: the flooding in KZN on the top, and on the bottom you see the veld fires that are a constant threat, especially in the Western Cape and along the food belt of the Free State, Northern Cape and all that. That is what is dramatic. The middle image shows how Cyclone Idai hit many countries across Southern Africa that are still striving today to recover livelihoods. The livestock are an example of the livestock that had to be euthanised following the damage of the fire. The next slide is a resource.]

I learnt a lot from the World Economic Forum work around the opportunities for the Fourth Industrial Revolution in this climate space. The reason for that is because they put together a dedicated series, in 2017, Publications for Earth [The Fourth Industrial Revolution for the Earth], that sought to highlight the opportunities for the earth as presented by the Fourth Industrial Revolution: opportunities for oceans, opportunities for sustainable emerging cities, opportunities for life on land and so on. This connective reference point could help give us some more insights in terms of what to critique and what to take on board.

To highlight what one of the papers has identified as a key area of opportunity in this space presented by the Fourth Industrial Revolution: the exponential increase in computing power where human capacity to capture, store and process data has been transformed to a degree impossible to conceive. With the increase in the number of the cellphone subscriptions from 12% in just 2000 to 70% today, smartphones have become a way of life, with 6 billion around the world.

This ever-accelerating growth in processing power is having a profound impact on our ability to collect and process complex data. Our challenge then is how we transform, ensure accessibility of this data to everyone in society to deal with issues of equality,

and address poverty challenges using this particular platform and available information.

The second area that I am highlighting under the Fourth Industrial Revolution relates to the bioeconomy. I chose this particular theme because in the Southern African region, and in other areas on the continent, the natural resources, the value of nature, has not been unlocked to benefit everyone, especially communities that are deserving in this regard. The Fourth Industrial Revolution enables us to do this.

Literature says that, in human history, the ability to understand and harness the full range of nature's biochemicals and to imitate nature's biological functions and processes has remained limited. But, now, there are more technologies and there is science that leads us towards unlocking the value of nature. This is a space where we need to accelerate scientific work. We need to accelerate our technology and innovation that helps researchers to map out what the possibilities are, and what the sequences are to replicate earth biological endowment to the benefit of many.

The Fourth Industrial Revolution can help in this regard by opening wide-scale innovation for scientific research to unlock this potential as we seek to address, especially, Goals 1, 2, 3 and 5 of the SDGs.

Some quick insights in terms of what needs to be done at a very practical level: basic integration of early-warning systems, climate-resilient development, and incorporating those into our development agenda. I cite a simple, practical example that Mozambique applied when they were hit by Idai, drawing on lessons from 2000: it is important to evacuate people; you need to have evacuation plans. This goes with awareness-raising, with early-warning systems and all that. That is why it is so important.

The weather and climate information is critical for the agricultural sector. We well know the dependency of that sector on reliable climate information. It is also important to overcome communication barriers – language, and the platforms that we are using to communicate, like communal radios and all that – as we communicate messages around weather forecasting, and climate information for local and farming communities.

In dealing with veld fires, we need to go back to the basics where the ecosystem was controlled and designed in such a way that we could control veld fires in our planning process and our awareness-raising programmes.

[This is a slide with things to consider going forward.] I am constantly aware that impacted communities – whether they are displaced victims of floods or veld fires, you name it – require food, shelter, and water. Basic, basic services. Just to deal with the issues related to SDG 1. Basic, basic services.

We need to adopt a rights-based approach because a lack of response to the impacts of climate change equates to climate injustice. When we talk in a session or we are discussing justice, we need to adopt a rights-based approach in assisting this community.

There has to be collaboration. SDG 17, partnership for the goals, comes to mind here, which is about collaboration, meaningful collaboration, the co-creation of these technological innovations, and a building of trust between various stakeholders as we respond to the challenges or impacts of climate change.

Our collective goal should be to reduce the country, the region, and the continent's environmental, social and economic vulnerability to the increased incidence of climate disasters due to climate change effects. We need to grow the inclusive bioeconomy. I believe so much in this because it is linked to our traditional and indigenous communities where they can transform their livelihoods through nature-based solutions.

We need an inclusive bioeconomy. We need to generate incentives that are aligned with protecting rather than destroying our natural heritage. We need to ensure that innovators actually safeguard this natural heritage, for now and in the future. In the case of South Africa, we have a very progressive adaptation strategy that has recently been adopted by Cabinet. The key is to implement that in response to climate change. We need to adapt and mitigate at the same time".

Professor Oliver Ruppel: "I will spend a few minutes drawing some lessons from COVID-19 for the climate change agenda. COVID-19 provided an opportunity to reflect upon and to consider the implications of preparation when being confronted with a disaster of global proportions. The response to COVID-19 can serve as an example, in

my view, of how we can either respond or continue to ignore scientific climate change warnings.

While wearing masks and social distancing has been shown to be relatively inconvenient and lockdown effects have had an impact on our economies, how will the climate crisis, the displacement of millions of people due to rising sea levels and a lack of food security and water security, affect us on the way ahead?

We must let science inform the political discourse, which, in turn, must inspire legislators, policymakers and also procedures that can deal with what is most important so that we do 'leave no one behind'. Solutions to COVID-19, in my view, need to be aligned to those of the climate crisis for a global transformation towards more sustainability, resilience, equity, and what we are here for today, social justice.

In the past months, some governments have listened to science and have reacted drastically and with legal measures to the COVID-19 outbreak. It has become clear that those governments who listened had the comparative health advantage to those governments that did not. And while the pandemic can hopefully, next year, be overcome with the help of a vaccine, unfortunately, there is no vaccine against the climate crisis.

Government action and economic incentives post COVID-19 will play a decisive role in the global CO_2 emissions development. It is anticipated that governments and development banks will provide unprecedented levels of investment to stimulate battered economies and generate jobs. Now is the time to enact government policies to guide economies to a low-carbon future at lower social, political and financial cost than was the case pre COVID-19.

As the climate crisis remains our biggest challenge, COVID-19 has shown us how vulnerable we are to such global emergency. And, please, do not forget that Africa is the continent most vulnerable to the impacts of climate change to which our globalised world has no borders. The COVID-19 pandemic underlines the vulnerability of economic and social subsystems as a result of globalisation.

It is becoming clear that the manageability of the effects depends on actual social conditions. The crisis shows the importance of system-relevant sectors, such as healthcare, social security systems and food supply. The question is raised now once

again whether, in principle, general well-being in a comprehensive sense is not more important than a focus on material prosperity.

It should also be noted that other crisis phenomena, such as wars and the arms trade, fragile statehood, unfair trade relations and neo-colonial structures increase the vulnerability of societies. They need to be analysed and considered in problem-solving efforts in order for transformation to sustainably succeed.

Many of the prevailing principles and foundations of environmental and sustainability policy, such as the precautionary principle or the principle of 'leaving no one behind', remain indispensable in such ambitious policy. Lessons from the COVID-19 crisis are, nevertheless, emerging, which make it necessary to question or supplement the foundations of environmental policy.

More effective sustainability policy requires strengthening the nexus of environment and health. The fragility and vulnerability of the economy to crises is reduced by strengthening the resilience of economic and social systems. The COVID-19 crisis highlights that systems should not be optimised for effectiveness alone and that buffers are urgently needed to improve resilience.

Resilience is only achievable when the requirements of the sustainability goals 'to leave no one behind' and the ecological limits are respected. Structural justice means ensuring a good quality of life based on safe, basic supply for all people worldwide.

The solidarity of action as an expression of social resilience demands that all state, social and private actors, insofar as they initiate or implement environmental and sustainability policy measures, must consider the effects of those measures and all stakeholders must be involved. This requires adaptive governance as a result of constantly changing knowledge bases, which is becoming more important because of increasing needs to make decisions in the face of uncertainty.

Competent state and international organisations are required for crisis management and to coordinate and implement appropriate measures to ensure a transformation to sustainability. Local-level institutions are required to be involved. The potential of digitalisation needs to be systematically exploited to the fullest extent possible in terms of environmental protection, but also with regard to essential socioecological transformations.

In this respect, a new digital culture, which we are experiencing right now already, is coming and it is needed. The crisis, the COVID-19 pandemic as well as the environmental crisis, necessitates that sustainability becomes the centre of political action and the priority must be to ensure resilience of the society.

The state is obliged, because of various crises that are ongoing at the same time, to also improve justice frameworks, regulatory frameworks, and procedural access to justice frameworks. This needs to be substantiated and put into operational terms for individuals to come to the fore.

South Africa has implemented various national climate policies, Tsakani has already mentioned some of them, to accomplish its pledged nationally determined contribution to the objectives of the Paris Agreement and to fulfil their obligations under the 2023 stocktake.

Recent climate litigation efforts in South Africa, such as in the Tabametsi case, make reference to the international law instruments and the national efforts to achieve them. Unfortunately, it already becomes apparent that not only in South Africa will the implementation of those policies leave a significant emissions gap towards the achievement of the Paris [Agreement] goals.

To fill these gaps the law will eventually need to serve as a bridge between scientific knowledge and political action. The right degree of legal regulations and shifted incentives is crucial in motivating the required action for more collective success. Climate law is the instrument to incentivise and penalise, while at the same time reforming markets, and turning away from business as usual by means of social, legal, environmental, and technological interaction.

Lastly, and most importantly, perhaps climate justice, as has been rightfully stated recently by the drafters of the Climate Justice Charter, is the struggle of our time and our historical task as South Africans, as humans and as part of the wider living earth community".

Thanking Professor Ruppel, **Professor Chiwona-Karltun** commented: "You bring up many key issues. What really stands out and what you bring to the fore is the issue of climate justice, or the lack thereof, and the various frameworks and agreements that South Africa finds itself in or must commit itself to, including the global agreements

such as the Paris Agreement and how these will connect to the local agreements and charters that South Africa is in.

You say, lastly, that climate justice is not without its challenges, and I think it is these challenges that we can have a conversation around.

Douglas, you are an architect and are planning and constructing buildings that are taking issues of climate and sustainability into context. Geraldine, before we open the floor, could you tell us a little about what your interest is and how it fits into the presentations that we have listened to today?"

Geraldine: "I am involved and I am representing Rotary International, which is a part of civil society. I think what we have heard from Dr Tsakani and from Prof Ruppel today is the absolute importance of the partnerships between government, the lawmakers, and civil society so that we can keep people aware.

What I think is essential is that while we pressurise government, as Oliver was saying, to make the law, we also have to look for incentives to encourage the person on the ground. It is fine for governments to put laws in place, but if we have nobody on the ground who understands all the impacts, which the two of you have shared with us before, we have a major problem.

One of the areas Rotary works with, and I am sure most of you know it is an international organisation, is young people. We try and ensure that we are working on projects that are making them aware of the kind of crises that we currently have in the country, whether it is introducing an educational programme, putting environmental camps in place, or pulling together the Rotarians in Southern Africa, which Lou and Douglas and I are all involved in, to try and unify the work that we, in civil society, are doing in order to support what is being done by the researchers and to support the implementation of government policy.

Douglas Chisambe Katego commented: "There are problems that have been defined by both speakers to do with the challenges that we have with the environment, but what we need to explore and work on is the aspect of co-existence between our biosphere or environment and ourselves as humans.

That carries, in itself, very many angles, from what we do to control the atmosphere, our immediate atmosphere, by having responsible air pollution, using materials that

do not pollute the environment, et cetera. And that comes with what you just alluded to. I came here as a Rotarian. Yes, I am also a past district governor. What we are doing, as Rotary, is that we have just recognised supporting the environment as the seventh area of focus besides everything we do with health and education.

But the one thing that we know is that our children and the people around us are not aware of the challenges or are not aware that it is important that when I walk out of a room, for example, I should turn off my light or have a light sensor, or that I should use my water effectively or rain harvest my water. That is something we need to teach people, and it is quite wide, from an early age, like we teach our kids from an early age to wash their hands. And perhaps it is set in hygiene that we have to teach them ways of doing things that are friendly to our environment.

But from a perspective of identifying the problem, which the COP [Conference of the Parties] has been doing for ages … By the way, my daughter is an alumnus of COP 15. She went to the COP in Copenhagen. So, we are an environment family. Through the United Nations, they have been teaching them that. But at a certain point you see that there is no integration with the rest of the environment so that it becomes second nature, like washing our hands is second nature, and the rest of the things.

There are many other things that we can do to create a sustainable environment. We cannot change completely what we have been used to doing, but we can begin to develop an attitude and a mentality. Even with what I do for a living, which is architecture: for clients, a corporate organisation, to understand that they can spend 20% more on their building and save 50% in the next fifty years and be friendly to the environment, will not happen immediately".

Professor Linley responded: "You raise two very important issues there that I wish to pick up on. One is the issue of changing attitudes and being made aware, especially in the youth. And you link the aspect of second nature, like washing hands and hygiene. This has been very important in the context of COVID-19 as well. So, when we are thinking about the environment, we should think about it just like it is second nature to us, like it is to wash our hands and think about our personal hygiene. I think that is key. So too is the issue of developing an attitude that recognises that the environment is not something out there, but is part and parcel of us all".

Lou Botha commented as follows: “I am going to go back to basics in a sense if I may, and I am also a Rotarian, along with Geraldine and Douglas. I think what we are dealing with, and spoke a lot about, is climate change. And, with respect, what we have not spoken enough about is environmental sustainability, what that is and the lack of environmental sustainability we have in the world today.

We over-utilise, over-consume, our resources, both renewable and non-renewable, and we over-pollute. I think those are basic concepts and basic issues that we must draw back from. What does environmental sustainability mean? Climate change is a result of the lack of environmental sustainability and I think it needs dedication. It is important that people understand what environmental sustainability is. It is an equilibrium in the whole system on earth and it is got to continue indefinitely.

We are overreaching ourselves and we cannot continue to do that. And I think that it is a frightening prospect, but it is something that has got to be taught and people have got to realise that we cannot live the way we used to. It is, in turn, also a lifestyle crisis that we are facing that has got to be addressed as well.

Sorry, it is very much back to basics, but I believe we must not forget where we are coming from or why we have got a climate problem, a climate crisis”.

One of this panel’s resource persons, **Nolwandle Made**, was requested to comment: “Looking at Tsakani’s presentation and the insights of what needs to be done, I like the first part of it – let us advance and adopt rights-based responses. I work with water a lot and with water you have the right to water, which is enshrined in the Constitution, but you also have water rights which is where you apply for a licence to get water. And these two often collide.

I was working with a community during a drought where the people with water rights had more power than the people who were usually just small communities or rural communities. We impact the rights of others with our rights that were given by the law, whereas the rights enshrined in the Constitution of South Africa, in particular, are often trampled upon when it comes to issues of climate change, like with a drought in KZN or Cape Town or Makhanda, wherever.

But I do appreciate that we do need that rights-based approach in response to dealing with the climate crisis and I concur with that. That actually resonated a lot with me. I

agreed with a lot of what was said, Dr Ngomane, but that part of it was what I feel it is really all about".

Professor Linley continued: "I got to thinking that while the Fourth Industrial Revolution does provide many opportunities – especially if you are looking at phone connectivity since, before, we needed landlines, but we can now do things via phone and smartphone – it also does create some other demands that are unexpected or unwanted, such as that we need more energy, we need more electricity, and that electricity might result in us looking for more coal or oil or solar panels, and that might need more metals or water, and that means more dams and more conflicts. And, of course, the metals, it means also that we are looking at coltan and other types of metals. And then the lifespan of some of these technologies is very short. A cellphone gets completely full because you have to upload and update and you throw it away or buy a new one and there is a whole aspect of waste management and recycling. I was just bringing that in.

And when it comes to the SDGs, Professor Oliver, I thought a lot about how, with climate change, we are looking at partnerships and we are looking at co-creation and adaptive governance, which is the whole area that was under discussion in the last session related to what universities can do and the importance of tacit knowledge, both in the universities but also just out in society.

Here is where organisations such as the Rotary and other civil societies come in. How can we combine all these to really have not just a focus on planet variability, but more also a changing of our mindset on nature and the built environment around us?"

Dr Ngomane: "Professor Linley, the question directed to me around the bioeconomy and intersecting that with the Fourth Industrial Revolution. I think that a sustainable environment attitude and outlook towards policy formulation presents an opportunity, in the context of law reform, to deal with this crisis.

We have an opportunity to be prescriptive in a way, in a consultative manner, in terms of what the marketing opportunities are. How do we involve marginalised communities? How do we involve youth in this response action? What kind of energy sources, renewable energies, can be used to beef up this Fourth Industrial Revolution? We have a great opportunity.

Speaking of disposal, waste disposal, there are great experiences from other countries. In Singapore, for instance, there is a 'one person's waste is another person's resource' type of deal. So, how do we improve our waste management policy frameworks to ensure that we recycle more, embracing this green revolution?

On the issue of rights, the right to food and water and housing, I think conflict between those who already have rights that they gained in the past, like water rights and all that, as compared to constitutional rights, again, calls for a collaborative response with civil society, in particular, young people in that space, to ensure that the right to food, to water, and to housing as reflected in our Constitution is actually realisable to many.

I enjoyed the discussion. I love the notion of co-existing – the biosphere co-existing with us. How do we make that possible? We need to go back to the basics. One of the recommendations from this session should be for us to put forward an en masse programme around developing our second nature where we, as humanity, live in synergy with the biosphere. It is how the global response to environmental sustainability was framed way back before climate change".

Professor Ruppel delivered his final contribution to the panel: "I think Lou made a very important point about environmental sustainability. We need a reset. We need a structural reset in order to internalise what that means.

And that means that we must understand the limits of nature. We must understand the value of nature and we must understand the economy of nature. Only if we understand that, can we start to prioritise our interests because since the industrial revolution, we have actually neglected the most important interests available, namely the ones that lead to our survival as a whole, as humans.

We must learn what subsidiarity means. It means that we may have personal interests and material interests, but those need to be subsidiary to global interests, to the survival of people. That is where the solidarity issue comes in. We have to look beyond borders because we can only resolve these problems if we tackle them from a universal perspective, down to the ground. I am not saying that everyone in the most hidden village must be involved, but that the co-operation level has to be universal.

There, I think, it is key to involve everyone, from all the organisations. Just the wealth of capacity we have at university level … How many universities do we have around the world? If we would just link all these universities around environmental sustainability, around climate change, together with international organisations like Rotary, like the UN, and like the World Economic Forum.

But we need platforms and these platforms have to speak to each other and involve the youth and change our attitudes. They have to contribute to that reset that we need. And rights are good, but with rights come obligations. If you ignore that, if you only look into the law book to seek out your rights, you must be mistaken, because the right to water is, in the first place, the obligation to protect the water resources for the general public.

In terms of SDGs, a lot has been said. The co-operation issue for me is key. I think that civil society is also a major player. I believe in the strength of academic diplomacy where intellectual capacity can be built leading away the power from politicians who have, during the course of COVID-19 but also in many other instances, failed our trust.

In that regard, I would, lastly, just like to mention that Stellenbosch University is a wonderful place and it decided, two years ago, to establish one of the world's climate schools – an initiative under the World Economic Forum that created, in 2018, what is called the Global Alliance of Universities on Climate. There are twelve universities in this alliance and Stellenbosch is one of them. There should be many more.

But to have a climate school where all the faculties, where all the centres, where all the experts, link to the society as a whole, with all the students as ambassadors, could promote that new mindset together. What we have on the ground also is the big data school [School for Data Science and Computational Thinking] talking about transformation and [Industry] 4.0. I think these two initiatives can break ground".

Professor Linley closed the session with these remarks: "Going on to last words about the fundamental SDG, which is really SDG 17 about the partnerships. We should think more of partnerships crisscrossing not just the globe, whether it is the Global South or the Global North or the east or the west, but also transcending all these different sectors – the rich and the poor, the rural and the urban; all different types of classes; and different types of knowledge, whether it is implicit, it is explicit knowledge, or

whether it is tacit knowledge. I think that too often we are just looking towards a certain type of formal knowledge and thinking that this is the knowledge that will give us the solutions”.

Politics and democracy

Khaya Sithole said that he was reminded of the Americans who talk about 'no child left behind'. "I thought of it in relation to the theme of this year – 'all hands on deck to leave no one behind'. We know it to be a reality that we all have different starting points and we all have different positions economically and socially.

One thing that one could hope we would be able to use this opportunity to do, this being the great reset, is to try and find out how to bridge the pre-existing gaps and the pre-existing divides that existed within different parts of our society. And, of course, the one thing that we need to figure out, is how do we then say, after the pandemic has been conquered, that divide that existed, those bridges and those gaps that existed, have been narrowed in some respects?

One illustration of that will be how we eventually deal with the healthcare solution, assuming that a vaccine exists. One of the points that I am interested in is how we are even going to design the template for how to distribute it because, of course, the people who are rich will always be able to jump to the front of the queue, if it becomes a question of economics.

It is now going to be a question of how you actually solve a healthcare issue by insulating even the most vulnerable and the most marginalised from the financing question, particularly when you know that so many people do not have the finances. It is going to be a great lesson for all of us and it is important for us to try and start framing the conversations around that.

Obviously, this being the day that the Americans, who still insist that they have the greatest democracy in the world in spite of glaring evidence showing otherwise, themselves still do not know who is going to be in charge, it is an opportune one to talk about politics and democracy because, from where I am sitting, I have thought that our politics and even our democratic systems were fraying at the seams for a variety of reasons.

What we have seen, quite interestingly, over the past few months is the revisiting of the question of nationalism. When we talk about nationalism, it is even more acute in a time where people are looking around and saying, "Look, I need to save myself, I

need to save my family, and I need to save my country, first and foremost, before I start thinking about other people".

Of course, if your name is Donald Trump that has different manifestations because you are the person who is able to invoke the USA PATRIOT Act and say, "Well, if you are a company that is based in the United States and you stumble upon a vaccine, you will not sell it to anyone until you have solved the American healthcare crisis".

Those issues are now becoming far more amplified across the international landscape because we have to deal with the fact that, actually, it may just be the politics that come to science, but what happens when politics trump science? Do we end up worse off globally? If we are seeing the emergence of the type of leaders who are going to prioritise the politics over the science, then the risk, worldwide, is amplified. So, I thought it was quite opportune for us to be tackling these issues today. I am now going to hand over to our two resource individuals, Dr Justice Mavedzenge, who is a researcher in the Democratic Governance and Rights Unit at the University of Cape Town, and Mbusowabantu Madonsela from the Thuma Foundation".

Dr Justice Mavedzenge, a researcher in the Democratic Governance and Rights Unit at the University of Cape Town was introduced as the first resource person of the group: "Khaya, you said something that is very important. You said that when a country is facing a crisis such as COVID-19, one would expect to see the leaders or those that are in power doing everything that they can to save the country. In other words, you were saying that when a pandemic such as COVID-19 arises, it is an opportunity for one to say, 'What can I do for my country? What can I do to serve my country?'

Unfortunately, that is not what has happened and, unfortunately, that is probably not what usually happens when crises of this nature arise. My job, this afternoon, is to talk through or to give a regional perspective on what has been happening, and how different governments have responded to the COVID-19 pandemic.

To take it from where Khaya left off, did these governments respond in such a way that they were trying to serve their country or was it an opportunity for something else? My observation is that the COVID-19 pandemic was used, to a large extent, as a weapon to stifle democracy and consolidate hegemonic power more than an opportunity to serve the country or to serve human life.

There are two ways in which these governments used COVID-19 as an opportunity or as a weapon to stifle democracy. One is that they used COVID-19 as an excuse to promulgate regulations which disproportionately undermined certain rights that are core to the existence of democracy.

In other words, in a normal situation where there is no crisis, it would have been impossible or it would have been different to promulgate some of the regulations. But when COVID-19 hit the continent or hit the respective countries that I am going to talk about, they used that as an opportunity to then promulgate these regulations whose impact was to disproportionately undermine certain core rights.

The second way is that the attention of the regional and international communities was on COVID-19. It shifted from everything else to COVID-19. The focus of the media was COVID-19, and different world leaders were preoccupied with how to deal with the pandemic.

But some of our governments took that as an opportunity to undertake certain decisions which undermined core democratic rights. They did not necessarily promulgate regulations, but they took certain decisions which one could call executive action, whose impact was to undermine democratic rights.

I will quickly show how some of these rights that are at the core were undermined in a disproportionate way, and then I will end by suggesting what that means for social justice, not just in South Africa, but in the region.

The right to vote is one of those core democratic rights, and I will not go into detail about why, because I think I am addressing a group of people who are already converted on that particular point. But what has happened is that because of the threat that COVID-19 presented to human life, some governments took that as an opportunity to indefinitely postpone elections, while at the same time consolidating their majority in the different levels of the legislature.

For example, in Zimbabwe, during the COVID-19 pandemic, there were about thirty by-elections for the national assembly. The way these thirty by-elections arose or these thirty vacancies arose is quite interesting. It is simply because the government engineered a court application, or rather the ruling party engineered a court application, which attempted to force leadership change in the main opposition party.

Following that decision of the court, the leadership that was forced upon the main opposition party began to recall, from the national assembly, members of parliament. As a result, the country now has about thirty vacancies in the national assembly, predominantly in the opposition party, and several others at local-government level.

After that, the government, not even the electoral commission, but the government, the Ministry of Health [and Child Care], announced that the by-elections, which had been scheduled for December, had now been indefinitely postponed. It means that these vacancies in the national assembly cannot be filled.

Meanwhile, parliamentary business goes on and the right to representation for individuals is undermined because the excuse is that there is COVID-19. However, if we look at Malawi and we look at Mali and we look at some parts of The Gambia, and Egypt, you would see that it is possible to arrange and conduct by-elections without necessarily undermining public health.

The African Commission [on Human and Peoples' Rights] has actually issued guidelines on this particular question, and the WHO has also underscored the position that COVID-19 should not be used as an excuse to circumvent electoral democracy.

The second right that I want to talk about is freedom of expression and freedom of the media, which, I think, is the most important right in the context of the social justice summit. We have seen disproportionate assaults or restrictions on freedom of expression and freedom of the media in a number of countries.

For example, in Zambia, a private TV station had its licence revoked for being critical of the government's COVID-19 response. In Eswatini, the Committee to Protect Journalists reported the case of an editor of a privately owned website who was arrested and charged with treason, treason, mind you, for criticising the King's government on its response to COVID-19.

In Zimbabwe, the Media Institute of Southern Africa recorded seventeen cases, between March and August, involving harassment of journalists and some of them were arrested ostensibly for violating COVID-19 lockdown regulations. In Tanzania, some journalists had to flee to Kenya, to go into exile, for criticising the government's divine kind of response to COVID-19.

The government of Tanzania, similarly to the government of Burundi, did not treat the pandemic the way we treated the pandemic here in South Africa and in other countries. President Magufuli said that there would be divine intervention and so there was no need to shut down the country.

In Kenya, between 12 March and 31 August, ARTICLE 19, an organisation that deals with media freedom, documented forty-eight incidents of violation, including physical assaults, arrests and verbal threats, of journalists. At the end of my presentation I will talk about what that means for social justice.

The point I am trying to make with respect to freedom of expression and freedom of the media is that it was impermissible. Even though there was a crisis, even though the different countries were going through or were at the peak of the COVID-19 pandemic, it still could not be a justification for treating journalists in the way they were treated.

Let me move on to equality. One of the principles of equality is that if there is a law enacted that imposes limitations, then that law must be a law of general application, which means that it must be applied equally to all similarly situated persons.

What we observed in some countries is that governments would come up with restrictions on human movement and public gathering but enforce these restrictions selectively. For example, in Zambia election fever is in the air because their next election is almost around the corner. So, different parties have begun campaigning and electioneering.

What we observed is that politicians from the ruling party, the Patriotic Front, were allowed to conduct public gatherings, but civil society and the opposition were not. Initially, before the President relaxed the restrictions, there was a moratorium on human movement, public gatherings and so forth. But these rules did not seem to apply to politicians from the ruling party.

We saw the same thing in Zimbabwe where the President himself announced a lockdown in March and two days after he held a big rally. Then, we saw a number of opposition and civil society activists demonstrating against government policies they were not happy with. They were arrested and some of them are still facing charges today for violating those regulations.

What does this mean for social justice? We all know now that there has been so much corruption involved in the procurement of PPE, that there have been other forms of corruption during this pandemic, and that corruption is not just limited to South Africa. In fact, what we are seeing in South Africa mirrors, in a number of ways, what we are seeing in different parts of the region.

By constraining the freedom of the media in the way that I have described, the authorities have been able to undermine the capacity of the media to investigate and expose the corruption. At the same time, by promulgating regulations that disproportionately undermine freedom of expression, and even by arresting some of the journalists and some of the activists on charges such as communicating falsehoods, they have been able, to some extent, to intimidate those who would have wanted to speak out against the corruption.

My point is that the COVID-19 pandemic has been an opportunity to undermine these core democratic rights that I have talked about. As a consequence of that, there has been a closure of democratic space in the region, and when that space is closed, citizens and groups are unable to demand transparency and accountability from government. When we cannot demand transparency and accountability from government, it almost impossible to achieve social justice".

Mbusowabantu Madonsela from the Thuma Foundation, then addressed the panel as the group's second resource person: "A lot of what you said, Khaya, and what Justice has just said, is part of what I was going to speak about. Instead, I am now going to focus on just the politics aspect of things. I am going to be brief to open the discussion for all of us.

To begin with, I am one of those people who is going to be doing victim blaming. I am not going to look at Africa as a whole, but here in South Africa I believe the reason things worked out the way they did under COVID-19 regulations was predominantly the fault of the citizens. And it is because of our lack of understanding of politics.

I say this because politics, if we look at the etymology of the word, comes from the Greek word 'polis', which literally means "the affairs of the city". I have heard, many a time, that a person will say, 'I do not discuss politics. I am not involved in politics". But, if we go back to what the word means, 'the affairs of the city', it means that all of us

are politicians. Some politicians hold office, but all of us are politicians, which means that all of us have to be civically engaged. We need to understand what is going on and play an important part in getting to where we would like to be.

I would like to read you one quote quickly that illustrates this fact. The quote is by Ezra Pound who was an economist. He wrote *ABC for Economics*. He says: "Democracy implies that the man must take the responsibility for choosing his rulers and representatives, and for the maintenance of his own 'rights' against the possible and probable encroachments of the government which he has sanctioned to act for him in public matters".

This gives all the power and responsibility to the individual, to the citizen. It warns you that government will try to encroach. It is not possible, but it is probable that they will encroach on your civil liberties. It becomes your own responsibility to maintain your rights when they try to do that because they are only sanctioned to do what you have given them the authority to do.

This leads to something that Justice said about the powers that government has. I would like to make an illustration using what Andrew Heywood does when he speaks about the difference between power and authority. Government has power many times, and sometimes it has authority. But power is someone's ability to exercise their will over others, whereas authority is defined as someone's right to exercise the will. So, authority is legitimate power.

When government makes these regulations, enacts certain things, or promulgates policy, as Justice spoke about, sometimes they have the power, but they do not have the authority. Authority is what we give them. But when you have an uneducated populace, people who do not know their own rights and do not know where they stand, then they allow certain things to happen.

I do not necessarily disagree with everything that the President did under lockdown with the COVID-19 regulations, but at the same time, unlike with the other countries around Africa that Justice spoke about, in this country, had he tried to promulgate policy that we do not agree with, we have many organs of state which allow us to question these things.

There are certain people who can fight for Gogo Dlamini. We were not forced to adhere to all these regulations because our court system allows for us to object. This is why I call it victim blaming.

I believe we are on a pirate ship and not a cruise ship. On a cruise ship, like the Titanic, it is the captain who steers the ship and the rest of us are in our little cabins doing our own thing with no real care about anything as long as we get to the destination, which has been determined by the captain.

But on a pirate ship, all the way from the captain to the first mate to the deck hand, each and every one of them knows that they are responsible for one part of making sure the ship gets to where it needs to be. They also all know where it is going; they know the path. If the captain dies, the first mate takes over. If the first mate dies, someone else takes over, but there is a hierarchy.

In order for there to be a hierarchy for anyone to take over, every single person on the ship must know where it is going, how to get there and where they are at any given time. With us, as South Africans, particularly, we are not well educated in terms of politics, in terms of democracy and in terms of where we are going. I have heard people argue about the National Development Plan, while not having read the National Development Plan.

Here I believe I am victim blaming, but we cannot have social justice until each and every citizen becomes actively involved".

Professor Bradley Slade from Stellenbosch University was asked to respond: "I am going to put some other issues on the table and then we can discuss them afterwards. I will focus on theories of democracy, how they impact certain constitutional principles, how they relate to politics and how COVID-19 has influenced how we understand politics and the interface with democracy.

From my perspective, it seems relatively clear that the COVID-19 pandemic has shown up the cracks in our constitutional democracy and the way that politics play out in South Africa. The main form of democracy adopted in South Africa, namely representative democracy, appears to be the only viable, but not perfect, form of democracy through which we structure or mandate our government.

However, representative democracy coupled with one-party dominance has weakened the core principle which underlies democratic governance, and that is accountability. Although progress has been made towards achieving social justice, there is very little accountability with any real effect exerted over the executive arm of government. In the case of corruption, in cases where service delivery is in a deplorable state, all the socio-economic rights such as access to water, basic sanitation, housing and healthcare are not realised, all of which contributes to the non-realisation of social justice.

The lack on the side of the elected officials we mandated to hold the executive arm of government accountable in failing to realise basic human rights, which is a means to achieve social justice, has really come into stark focus if one considers the lack of medical centres, and the lack of access to food and water and basic amenities that are crucial for dealing with the COVID-19 pandemic.

The fact that the safeguarding and realisation of rights, this is the third point, is almost exclusively channelled through the courts, as was the case in the various challenges against the executive's lockdown regulations, is of concern to me because I wonder what the role is of elected representatives in safeguarding and realising the various rights of the people. I think their role could be a bit more prominent.

A deeper issue, with regard to representative democracy and the mandate given by the people of the republic to the elected officials to govern society, is the fact that less than half of the voting-aged population voted in the last national elections held in 2019. That means that not even the majority of the voting-aged population took part in our main form of democracy as channelled through elections. A key question is therefore, 'How can we bring in more people to participate in elections as a manifestation of democracy, which has important consequences?'

It needs to be said, however, that our society regularly participates in direct and participatory democratic processes. Through demonstrations and protests, citizens highlight the prevailing inequality and lack of basic human rights. And although utilising direct democracy as a means to enforce social justice is a necessary component of living in a free society, ideally it should not be necessary to resort to that type of democratic process as often as is currently the case.

There is growing sentiment that political parties generally do not care for the plight of the people, unless it is election time, and that this has a negative effect on the interest of political parties to work either alone or in collaboration with others towards achieving social justice. Perhaps we should rethink how the prevailing political system, political parties and notions of democracy come together in order to realise the aspirations in the Constitution, particularly social justice.

Maybe we need to think about the responsibility of individual citizens in this regard. But there is also a real concern if a voter is unable to find an ideological home in any of the political parties since the only manner through which participation in representative democratic processes can take place is through political parties.

It is in this regard that a further question arises: will the decision of the Constitutional Court in the New Nation Movement case delivered in June 2020, which paves the way for individual candidates to contest national elections, have any effect on accountability and the participation of voters in the democratic process? More precisely, would allowing individual candidates to contest national elections ensure greater accountability of the executive arm of government and entice a larger proportion of voting-aged population to participate in democratic processes, particularly representative democratic processes?

Given our political landscape and the premium placed on political parties, it remains to be seen whether moving away from a pure form of representative democracy and national elections to a hybrid form, which allows for direct representation, will draw more people into democratic processes such as elections, and whether a slightly amended formula for structuring national government, one that would allow for individual candidates, will have any real consequence in ensuring accountability that could enhance social justice".

Khaya Sithole carried the discussion forward: "In the South African context we tend to see, unfortunately, that the state tends to be far more responsive to violent protests, for example, which of course, for a person sitting in a village where they have not had water for five or six years, to then see that the people were able to take to the streets, burn a school or two, and then suddenly the state responded, only seeks to validate this idea that, actually, if the traditional democratic process does not work for you, never mind. There are all these alternative systems. Even though the people that

participate in them say that this works much faster, that this is much more responsive, it does come at the expense of the legitimacy of the democratic process that is supposed to be there. We cannot pretend that people woke up and completely abandoned democracy and simply said, “We are going to go for these alternative measures”.

Who is responsible for restoring the ballot box, for example, as the primary conduit of participation so that people can know that if they are not happy with the fact that there is no water, this is how they exercise their vote in order to get those particular items? Because my fear is that, in the absence of us restoring that particular conduit, people are simply going to stay away from the ballot box on the understanding that if there is no water, block a road, and there will be a politician in the afternoon”.

Professor Slade then commented: “It may also come down to how you view these democratic processes. What Wantu has said about people not being involved in politics, which is really deplorable, is that if you are living in a society, you are a politician, and you see the value of the different forms of democracy.

It is not only about voting once every five years. It is also about knowing what your role, rights and responsibilities are within the current system. How can you push government in the interim, in a way that may not necessarily always involve violence or a protest, to ensure service delivery or the realisation of basic human rights?”

Khaya Sithole: “We have now seen, and this, for me, was a very interesting point, that during the height of the COVID-19 pandemic, many governments said that they were going to invoke a state of disaster, they were going to do this and that. For many people the tension was around whether there is a justifiable encroachment on the type of civil liberties you and I enjoy on a daily basis versus the healthcare crisis that needed to be managed. Of course, at some point in time, one has to take a step back and say, “I understand that there is a bigger picture out there. I may not think that I am at risk, but the ten or fifteen other people that I am going to be in that shopping centre with might be at risk”. So, we all accepted that, begrudgingly.

But then people started saying, “Hold on, talk us through the justification of that regulation, talk us through the justification of the banning of that because we do not see the link between the healthcare risk you are trying to address and what it is that

you are putting out there". Did governments opportunistically use the COVID-19 pandemic as a way of pushing forward their agendas?"

Dr Mavedzenge said this reminded him of someone who had once said "Do not worry about the terminologies that are used by these governments". He continued: "Some will say that they have declared a state of emergency. That is what the Mozambicans will tell you. Then some will say that they are doing a state of disaster only. That is what the Zimbabweans and the South Africans will tell you.

But when you look beyond the terminologies, in the case of some of these governments, you will see that there is not much substantive difference between a state of an emergency and a state of a disaster. The extent to which they are restricting rights, without any direct relationship to the need to protect public health, is shocking.

There are standards that are supposed to be adhered to. These standards are there in the regional instruments. They are there in the international legal instruments, which all of our governments have signed up to. One important principle is the principle of proportionality, which has been domesticated in our different legal instruments, particularly the Constitution. This principle basically says, "Do not use a sledge hammer to crack a nut". In other words, do not do more harm than what is necessary.

You are right that, in the case of South Africa, the people were actually trusting their government when the government introduced these restrictions. It is when journalists started being hit by rubber bullets, and when citizens started being beaten, some to the extent that they died, that the citizens began to question. Why? Because the proportionality line had been crossed.

This is the reason why I argued earlier that some of the governments used COVID-19 as an opportunity to do something that, perhaps, they have always wanted to do, which is to entrench their hegemony, and to entrench their rule. They did this by disproportionately limiting rights as a way of incapacitating citizen agency for accountability and transparency".

On the regulations during the pandemic, **Khaya Sithole** referred to one of the arguments put forward during the pandemic in support of the regulations: if someone

is banned from selling chicken at a street corner in the township, then Woolies should also be banned from doing so.

“In that case it was a matter of, if other people cannot do it, let us punish even the people that can do it with the type of protocols that we have in mind. So, you had this bizarre situation where the chicken was a problem, but everything else in the Woolies shop could be sold.

Mbusowabantu Madonsela commented on this: “That is one of the situations where government encroached. It is not government’s job to keep the markets balanced. But the difference, where I disagree with Justice, is that in South Africa we have a stable democracy, and we have a stable state.

Regardless of the fact that those things happened, in our country, Woolworths could sue the state and it might take some time, but the state would have to then justify, in a court of law, why they made such decisions. That is because they enacted the Disaster Management Act and not a state of emergency. Had it been a state of emergency, and the terminology is important, they would not have had to answer to us. But since it was the Disaster Management Act, there are certain powers that they had, which they were given by the act itself. If I were Woolworths I would have sued the state for loss of funds because I do not think that the state had the power to do that. I do not see where in the Disaster Management Act it says, “Make sure that if you are punishing the one, the other is punished too to keep the market stable”.

But I think that is the benefit of South Africa over some of these other African states, like Swaziland”.

Karyn Maughan, Senior Legal Journalist and rapporteur of the session responded: “Essentially what happened was with pretty much all of the court challenges that were taken against the regulations, including the cigarette ban, the people who were suing government actually lost because there were certain interpretations of the Disaster Management Act and the court seemed reluctant to get involved.

What it highlighted was that we do have a kind of overarching dependence on the courts to remedy the wrongs or to remedy the irrationality of government, which is not always helpful. The only time the courts really intervened against the state was in

regard to the Collins Khosa matter where he was beaten to death for having alcohol in his home.

But in the other matters, with regard to the hairdressing and the cigarette ban, attempts to take on the regulations were unsuccessful. The difficulty is that litigating is very expensive and it was not the poor people, except in Collins Khosa's matter, who had the ability to use litigation as a mechanism to fight things that were unlawful. That is the issue.

Yes, litigation is a strategy to deal with irrational decisions, but it did not really work in regard to COVID-19. The cigarette ban effectively remains unchallenged. All the court rulings went against FITA and the others. I am not always sure that saying that people should have gone to court is a mechanism to deal with it.

The other problem is that, as you rightly point out, we deal with a fundamentally unequal society. It is about who has access to the courts and who has litigation. Some of the worst abuses that happened to people did not happen in regard to the Woolies chicken. They happened in regard to rampant police brutality against the poorest of the poor in circumstances where it was completely unjustified".

While agreeing with Karyn Maughan, **Madonsela** then asked: "Are you saying that the judicial system, as a third independent arm of government, is not independent? Because during these arguments, like with the Woolworths chicken and other things, legal experts and professors of law would sit there and find that they did not have the same ideas. If legal experts could disagree, is it then not possible that the court system is independent and the judges interpreted the law the same way that the executive interpreted the law?

Karyn Maughan replied: "In the FITA judgment, for instance, what I found disturbing was that the High Court, and it was judges that I respect, it was a full bench chaired by Mlambo, basically said that the requirement on government in order to justify its decisions under the Disaster Management Act was that the aim of the particular regulation or infringement or limitation on a particular right needed to be rationally connected to the goal of saving lives.

What FITA had argued was that it is not enough. You need to show that it is strictly necessary for this measure to be put in place and the court rejected that argument.

There was a sense that the courts, because COVID-19 was something that the courts had not dealt with and we have never had anything on this scale, did not want to be seen to breach that separation of powers line that they often get accused of breaching in circumstances where their decisions could have a real impact on lives, directly so.

It almost went into the realm of the absurd, particularly in the cigarette ban case, because government wanted to reduce the number of smokers going to hospital, but FITA was arguing that smokers were not stopping smoking, they were just buying unlawful cigarettes. The court said that they believed there was a rational connection between the ban on the sale of cigarettes and government's aim of saving lives and that this was all they were called on to determine and that this was what they were going to determine.

That was a disturbing judgment because I do not think it was correct. The government should be required to show, in the circumstances, that there is a necessity, which was not demonstrated in that matter. That is a bit of a worrying precedent".

There is no line in the sand when it comes to the pandemic. All those rulings still stand. They set precedents. With a number of the more interesting ones that people were mounting around kids returning to school, because there were cases on the other side, the courts did not want to find in favour of government. The workings of the Disaster Management Act and oversight of parliament, that was not heard. There were many unresolved legal issues with that, which disturbed me somewhat".

Khaya Sithole came in here: "Yes, that was one part of what we saw with COVID-19. It did raise many questions around issues of rationality in the exercise of public power. I did also share the sentiment that, at some point, it looked like the courts were abrogating their responsibility of saying, "It still has to pass the rationality test because you are exercising public power".

It is not good enough to say that there is a healthcare [crisis] out there because they still have the duty to interrogate every single regulation and then to say, 'How is this advancing the overall objective of the state?' Clearly, the banning of Woolworths chicken could have never passed the test. How are you at higher risk of dying because you are buying chicken?"

“The courts did not do a very good job with the rationality and proportionality questions”, said **Professor Slade**. “The defence of, ‘we know these are polycentric issues’ and ‘they have never dealt with a COVID-19 pandemic before’ is not that great. They did miss the first question, which is whether or not they had the authority to ban certain products.

There is authority, in my mind, to ban alcoholic beverages, but there is not any authority to ban anything else. You cannot, under a catch-all phrase, impose such a severe restriction on the sale of other goods. The courts missed an initial question – Does the Minister have the authority to ban this or that good? – before getting to proportionality or rationality questions”.

Madonsela posed a further question: “One of the things that Karyn just said was about how numerous things are hanging in the air. I am hoping a legal expert here can help educate. What do we do now in terms of these things that are hanging in the air so that they do not set precedents?

These court cases that were never ruled on or were ruled on, but were still left hanging, what can we do now? In case there is ever another pandemic, in order to avoid the government being able to do the exact same thing with the same piece of legislation, is there anything that we can do now?”**Khaya Sithole**: “Professor, there probably is the reality, and I think Wantu mentioned it earlier on, that litigation is remarkably expensive. Even FITA abandoned its own case. It was on the matter of, “Who cares if we win or lose? We can now sell cigarettes”. It is always important for us to have the type of litigation that is in the public interest rather than in the commercial interest because had this been a public interest matter that had been championed by someone who actually could not be bothered by whether cigarettes were being sold or not, that matter would have still carried on to say, “No, what I was asking has still not been resolved. I do not care whether people are selling cigarettes or not”.

There was a missed opportunity in that we allowed those with a commercial interest to champion the cause. If the government then felt that it was getting close to a tight spot, it would simply resolve the commercial consideration and say, ‘What are you suing us for?’ That is, I suppose, what happened in the FITA case”.

Karyn Maughan replied as follows: “Correct. There are financial consequences for FITA. At the end of the day, they are a private organisation, and they are going to need to justify that level of expenditure. If they were to say that they are doing this on a principle level, their members would say, “Principle is not going to pay our bills. We are already dealing with the financial consequences and, ergo, we are not going to pursue this”.

In terms of the litigation that was pursued by the DA on this issue of parliamentary oversight for the formulation of regulations under the Disaster Management Act, that is something that I need to check up on and should potentially pursue.

The big issue, and it has been raised by everyone, is that there is an accountability deficit. There were some bizarre things. Remember the cropped pants incident where government was dictating to people what they could and could not buy for clothing?

The difficulty is, how do you make it clear to government that, while the way in which it exercises its powers is understood and respected, it does not do that any good when it arbitrarily imposes limitations on people who are in a state of severe stress.

It is the arbitrary exercise of power on the one end, and then the excessive brutality of the police against the poorest of the poor to try and demand some form of compliance on the other – a power dynamic that is actually unhealthy in this country, at both ends”.

Madonsela then continued: “I am a fan of litigation. However, now that parliament is open, surely that is something that can be done in parliament You ask Nkosazana Dlamini-Zuma, she has to answer about all these regulations, ‘Why are they were necessary?’ That is something that parliament can do, unless I am mistaken, to get …” and **Khaya Sithole** interrupted him here: “There is a beautiful book, Wantu, by George Orwell called *1984*. It refers to this idea of a utopia and that is where you seem to be existing. A politician in South Africa would champion a cause even though there is no political mileage associated with it. That is a reality,” to which **Madonsela** stated that our Constitution allows it. “Do I have too much faith in our state and our rule of law?” he asked.

Dr Mavedzenge: “On the point that was shared earlier on about the need for brainstorming that focuses on pandemics, I think that it is necessary so that we get ready for the next pandemic, which I think is not too far away”.

Khaya Sithole replied that “We are looking at the possibility that we are going to be in the same situation and in another lockdown. How do we pre-emptively start saying that there needs to be constructive engagement about how this happens? Because we have been through this before. We have seen what does not work. How do we make it work better in the future?”

In conclusion, he added: “I think the final summary is that democracy and politics definitely suffered during COVID-19 and in some cases degenerated”.

Gender and other excluded groups

Professor Amanda Gouws fired the opening salvo in this session: "When I saw the title of this session, I was taken aback because it so reminds me of the add-and-stir model of doing things: here is a category, and everything that does not fit, we find a way to fit it in. What I would like us to do, then, is to think in intersectional terms; that is, not just thinking in terms of identities, but also about how people are actually positioned in terms of power in social relations that tie us all up in a matrix. This matrix is what can then be called a matrix of domination, with some of us having more power and others having less power.

I want to go back to the work of Iris Marion Young, to say that when we talk about social justice we talk about the concept of justice, and that the concrete conditions in which we think about justice are very important. Abstract, universal ideas are good and well, but I think what we have seen, in terms of the COVID-19 pandemic, is that there is so much in society that is directly linked to distribution and distributive justice.

That is what we are going to talk about today: issues of justice. At the second summit, Prof Madonsela is launching the M-Fund, but she is also consolidating the work of last year's summit. It is a really important occasion, and it is important for us to then put the spotlight on gender, LGBT[QIA+] communities and transgender individuals in terms of thinking through intersectionality.

Seehaam Samaai, Director of the Women's Legal Centre was then asked to deliver her contribution: "We all know – I think we are talking to the converted now – that South Africa remains a deeply unequal society which sees discrimination across the economy, in terms of gender, and race, as well as in relation to access to socio-economic, civil, and political rights. The pandemic has exacerbated and compounded especially the poor socio-economic conditions under which women live.

On 23 March 2020, the President announced the declaration of a national state of disaster, and it came into effect via a national lockdown which saw different rights being curtailed. Restrictive measures have been put in place where it impacts on the rights of people in the country; these measures were put in place using existing legislation, under the Disaster Management Act.

In other words, legislation enabled the state to declare a national state of disaster that, in turn, enabled it to invoke an integrated and coordinated policy to reduce and prevent the risk caused by a national disaster. The policy adopted allowed for a phased reduction in the limitation of rights through various stages.

And so we have a scale, with [Alert] Level 5 of the lockdown being the most restrictive, and [Alert] Level 1 being, effectively, the end of the limitations and restrictions. At the time of this conference, we are on [Alert] Level 1 with the country awaiting the peak of the infection, and also the second wave.

The response to the pandemic, globally, has primarily been a health- and security-centred response. Many states, including South Africa, have indicated that the measures were necessary to address the impact of the pandemic on countries, healthcare systems and to stop the rapid spread of the virus. South Africa implemented the state of disaster and its measures in order to ensure a state of readiness.

I am going to leave that there. I want to get into the meat of the presentation, which is that South Africa has very high rates of violence against women, and being forced to remain in a lockdown situation exacerbated the prevalence of violence against women.

Another category of women who experienced discrimination was women employed in private homes as domestic workers. The state relied on sectoral determination in respect of domestic workers to address unemployment insurance benefits to be paid to domestic workers who were dismissed. The state, however, did not take into account that the majority of domestic workers have not been registered by the employers as such and therefore were unable to access the social security.

Another category of vulnerable workers are women who work on farms, and these women were at particular risk as they worked throughout the [Alert] Level 5 lockdown because the agricultural sector was open during that particular period. They also did so without the necessary personal protective equipment.

Furthermore, seasonal workers and/or women workers who are in the exploitative agricultural sector are often not afforded recognition by the employers, and they are often not registered as employees. Thus, when the government implemented the

Temporary Employer/Employee Relief Scheme [TERS], these workers were excluded from access to social security benefits.

The restrictions on people's rights to work, whether those people were employed in essential services or not, meant that food security was threatened in homes and there were delayed, incoherent measures implemented to address food security. Sadly, the increase of child and old-age social security benefits did very little to address the food security needs of the poor.

The pandemic has shown that the interventions that were mostly necessary in effectively responding to the virus were predominantly enacted by women. As a result, women were and remain the face of the response to the pandemic: caring for sickly family members at home, and healthcare in clinics and hospitals; cleaners, nurses, community healthcare workers. All these tasks are conducted predominantly by women.

Women continue to be on the frontline of fighting the virus in the healthcare system, and here too many institutions have failed to provide safe and secure working environments. Throughout the state of national disaster, women have ensured that our agricultural sector continues to produce the food that reaches our tables. Many have done so in working conditions where their health and safety have not been prioritised.

The pandemic clearly had a devastating impact on the socio-economic realities of the poor and working class. However, women and girls disproportionately bore the burden of the larger impact of the pandemic and the lack of access to state services as well as state resources. In communities that faced extreme poverty and hunger during this time, women were rallying in service of their impoverished communities as well as their own families.

Women often used their hard-earned money during this period, supplementing or supplanting the state's obligations to feed their extended families and communities. These women hosted soup kitchens from their homes and many of them faced harassment by police, with some being arrested and others fined. We have heard about the case of the woman who was arrested in Dobsonville, Soweto for selling

atchar. There were many similar cases during this particular period where women were arrested for hosting so-called unlawful or illegal feeding schemes.

What we witnessed was women's rights activists and their allies building communities. I would say, it was their own feminist realising of empowerment and these women were building the leadership that they wanted to see realised in their own communities.

Women-led community organisations like the Cape Flats Women's Movement to take one example, and there are many others within the Western Cape, hosted workshops on subjects such as gender-based violence and sexual health and reproductive rights concurrently with the soup kitchens and also the food distribution initiatives they were creating.

According to Stats SA, we know that South Africa had more job losses in the second quarter of 2020 compared to the first quarter. I am not going to delve into the statistics, but we know that losses were incurred within the various community services sector, business sector, and trade and industry.

Although there were moderate losses in the mining and electricity industry, women in different geographical locations in the mining sector protested during lockdown, highlighting how women mine workers are continuing to be exploited and discriminated against. These types of protests also happen in different areas, not just in terms of mining, but also in terms of access to housing, among other things. We have also seen many arrests and much police brutality in relation to that.

What the state did was to bring out the R500 billion state economic plan, and we saw, sadly, that the focus was mostly around business in terms of the protection of jobs. We have seen a range of measures put in place: loan schemes were initiated, with R100 billion set aside for protection of jobs, or R20 billion for municipalities for provision of water.

However, the scale of crisis for business was laid out by Stats SA, whose data found that nearly half of the businesses that were surveyed may not have enough money to continue their operations beyond the present, with that particular stats report being done in April 2020.

With increased job losses, the burden of unpaid care work increased significantly for women-led households, and it weighed heavily on the shoulders of women in our country over the past couple of months. So, UNAID drafted a guideline on the gendered impact of COVID-19 and they indicated therein that the global pause in the world economy is disproportionately impacting women.

Their report further highlighted that women employed in the formal sector were working shorter hours than men. We know that patriarchy has deep roots in the South African workforce, so these global experiences were also reflected in the experiences of our South African workforce.

Women's unpaid care work increased exponentially during the lockdown period and during the school closures as the burden of caring for and educating children fell on women, reinforcing their role as caretakers in their communities. The pandemic showed that women's unpaid care work is maligned, in terms of the cost of the care that sustained families, supported economies and that also made up for the lack of social services. This contribution has not been valued as work.

The sad reality is that the number of women who experienced violence at the hands of intimate partners increased, notwithstanding the lack of reporting, during [Alert] Level 5 and [Alert] Level 4. We saw an increase in reporting as women started to navigate outside of their homes from [Alert] Level 3 onwards, with the relaxing of the lockdown restrictions. We have seen women's shelters providing support to GBV [gender-based violence] victims, without any recognition or compensation, and with little to no support from government.

Sadly, our government continues to pay lip service to their commitment to ensure safety and security for women, but without any serious financial commitment to address the problem. As a result, costs such as counselling services, shelter, legal support and representation of survivors of violence are being borne daily by the women in our country.

The COVID-19 pandemic has shown how the state's commitments are being realised by ordinary women demonstrating feminist leadership. Women in communities started building sustainable food gardens for food security, and many did not want to wait for political leadership or government to lead the way. Many of these women

walked past the state and led our country in creating the reality they want in their communities.

Governments must ensure that their COVID-19 responses do not deepen existing structural inequalities and create new vulnerabilities or roll back hard-fought gains in gender equality and rights and advancements in the removal of structural barriers in terms of, for instance, HIV prevention, testing, and treatment. Instead, the state, in collaboration with civil society and different developmental actors and communities, including women leaders, must innovate from the ground up, creating new opportunities for a different future that is just and equitable.

There are still many things that I wanted to highlight around the exclusions and inclusions of vulnerable persons, but I have already highlighted these examples in terms of domestic workers, in terms of farm workers, and of women within relationships, in relation to GBV.

We also know that in terms of refugees and migrant workers, there were challenges related to xenophobia, but there is no clear government plan in relation to that particular vulnerable group. Also, in terms of the LGBT[QIA+] community, we have seen that there were challenges. We witnessed a protest a couple of months ago, which was in Camps Bay, where transgender persons and queer persons were trying to highlight the challenges that they endured during this particular COVID-19 period, especially in terms of housing".

Professor Sandra Fredman, Professor of Law at the University of Oxford was the first respondent to speak: "What I want to bring attention to very briefly is how this pandemic has highlighted the importance of care work in our society, and that is not just the unpaid care work, but also the paid care work. And I would like to really focus on paid care work, here.

As feminists we have talked a lot about unpaid work, quite rightly, but the undervaluation of care work feeds through into the labour market. Paid carers who have been central to this pandemic and to caring for people, before, during, and after the pandemic, still remain undervalued and low paid, and subject to very poor terms and conditions of work. This is largely because it is seen as women's work.

Paid carers are overwhelmingly women, overwhelmingly Black women, in the South African context. I was very pleased that Seehaam mentioned domestic workers and I would like to focus my remarks on them because they so clearly epitomise the lack of value we give to paid caring, and the ongoing exploitation of domestic workers which has been made so much worse in this pandemic.

But, in fact, the pandemic is only exacerbating the poor and precarious conditions of domestic workers which predate the pandemic and stretch well back into the history of apartheid. South Africa has been at the forefront of attempts to regularise domestic workers' paying conditions and recognise them as workers like any other. We can see that in the sectoral determination, which is far in advance of most countries, and also in the key role that South Africa played in getting agreement for the pioneering ILO [International Labour Organization] Convention on Domestic Workers.

But there are many ways in which this pioneering position has not been sustained. Perhaps the most salient example is the way in which the National Minimum Wage Act differentiates domestic workers from others and gives domestic workers a lower minimum wage. In fact, using figures from March 2020, domestic workers are entitled to a minimum wage of only R15.57 per hour and this is lower than what is already a very low minimum wage in South Africa of R20.76.

As we know, domestic workers are overwhelmingly Black women and, at the very least, it seems that this is indirect discrimination on grounds of gender and race. The argument that is always given is that if domestic workers were given the same minimum wage as others, then there would be a higher risk of unemployment. But, certainly, the experience in the United Kingdom showed that when a minimum wage was implemented, unemployment did not go up, but the minimum wage did lead to better working conditions, better health, and better ability to look after children.

Even if there is a risk of heightened unemployment, exploitative work should not be an excuse, particularly given South Africa's constitutional commitments. There should be a social wage to underpin the unemployment effects, rather than an exploitative wage.

With the pandemic, the situation of domestic workers has worsened exponentially. Many cannot afford to pay their rent. Many were simply sent home, and their

employers did not continue paying them. Although social grants have extended to some domestic workers, many have been left out.

As Seehaam mentioned, some of these domestic workers have not been registered. But to this statistic should be added the very many migrant domestic workers, many of whom are from Zimbabwe and fall outside of the social grant system, as well as the domestic workers who are classified as self-employed because they work through apps or agencies. Thus, if we are thinking about how we should be focusing our efforts, there is an urgent need to equalise the minimum wage, to recognise that all domestic workers are workers, regardless of their classification, and to include foreign domestic workers in the social grant system, at the very least if their children were born here.

The bottom line is that we need to value care, and with it we need to value paid care, especially where the intersectional issues around all women and excluded classes come together through domestic workers".

Joy Watson, Senior Researcher on Social Equity in Parliament, was the second respondent: "What I really wanted to focus on against that backdrop is the need to look at our economic recovery plan in terms of its gendered implications.

Interestingly, we have seen the President announce this economic recovery plan, and we have seen the medium-term budget policy statement, which took place recently. Already there is a disjuncture between the economic recovery plan and the resources that were promised. Accordingly, we then see a reduction in the allocations to certain things.

Within the context of the economy contracting by about 7.8%, with the economic outlook in 2021 being very uncertain, and where job losses are severe, the poor are finding it very difficult to recover from the outbreak due to things like lower accumulated savings, the impact of funeral costs, loss of breadwinner income, and so on.

What we see is that the medium-term strategic framework that was announced is completely strategically focused on reducing the country's debt crisis. Specifically, we saw the Minister of Finance tell us that the focus over the next few years, the top priority, is on narrowing the budget deficit from [R]266 billion in 2021–2022, to

[R]84 billion in 2023–2024. Now, what this essentially means is that the government is pursuing a policy of austerity measures, and this has severe implications for service delivery cuts.

This is a policy approach that has been happening over the course of the last few years, which has had very serious repercussions for things like basic access to services, like vacancies in healthcare posts. We now see an accelerated effort to reduce debt and to cut services that are really necessary for basic human rights. We can see this in a context where people are already grappling with exorbitant electricity costs, access to housing, and poor food security. We can expect to see significant further challenges, here.

Interestingly, the Minister of Finance talked about an additional [R]12.6 billion that will be allocated to employment initiatives. This is nothing new. Over the course of the past few years, we have seen increased appropriations to employment initiatives, but, most importantly, none of these have worked. There has been a serious mismatch between how the money is spent, and the deployment of initiatives aimed at reducing unemployment in any real way.

When we think about this in terms of organisations like the Women on Farms project, which at this time runs initiatives like cooperatives and food gardens for improving access to food security, and they do not get a single cent from the government, there is clearly a call to overhaul the approach, and to relook at how those resources are utilised.

Within this context – the scenario that Seehaam sketched of women taking on the burden of unpaid care work, subsidising the cost of care and sustaining families and supporting the economy – we are going to see the situation being further entrenched, and women bearing the brunt of the contracting of the economy, of job losses, and of the fight to put food on the table.

We have seen and heard some mention of the plight of domestic workers, but there are other workers, like sex workers and seasonal farm workers, who have been severely impacted by the pandemic. I want to end with the point that with this focus on austerity measures, while there has been an announcement that the Social Relief

of Distress Grant has been extended to January 2021, the temporary increases in other grants will come to an end. This is going to have significant consequences.

There really is a need to keep our eye on the economic recovery plan and a need to follow the resources and to see how they are utilised, especially in the context of latent and horrible corruption, but furthermore, to also look at the feminist implications of all of these things".

Professor Gouws responded: "Thank you for that input: it brings you back to the point I made in the beginning about redistributive justice and how justice always happens in concrete conditions. If we listen to the reduction that is inevitably going to happen around very important resources for women, I think that we will see that this is going to be an ongoing struggle to make ends meet.

Let me just say that as somebody who is an academic working in an academic institution, women academics who had to teach online, especially if they have small children where they also have to do home schooling, have suffered enormously in terms of time pressure and stress under the lockdown.

Bearing in mind what was announced recently by the Minister of Finance – that R1.1 billion will be taken away from higher education to pay for keeping SAA in the air – you can see the matter of priorities here, and I think that is something that we really have to talk about: how money is reprioritised and moved around, and the impact that has on social justice".

Marthe Muller, the group's rapporteur, who is from SAWID [South African Women in Dialogue], was then given her opportunity to speak: "If I have a minute, can I, for our colleagues who do not know what SAWID's focus has been, explain our poverty eradication model? SAWID spent many years looking at the Chilean model where you pay young men and women as social workers to enter individual homes and make sure that everybody's needs, from cradle to grave, are equally met by pulling government tight through the needs of the family".

Cathi Albertyn wanted to know: "Here is my question. We have seen that COVID-19 is a harsh lens on inequalities that exist and these have been drastically deepened in some instances. But, given the way our society is gendered and shaped, and is unequal across the public-private and across different groups of women, if we had sat down

before the pandemic and asked what would happen in case of a pandemic, we might even have anticipated that this kind of thing could have happened.

The real question is, what do we do? I do not think this is business as usual. South Africa has, without question, got a constrained economy so we are fighting for access to resources. It seems that the only way out of this is really thinking about much more deeply transformative strategies, which might have to be in the long term, but certainly might also be in the short term.

Some of that is around caring, but it is also about how we value work, and how we deal with gender-based violence. I do not think we can go back to the drawing board and say, "Please do the same kind of things we said in 1990 and 2000 and 2010". I wonder if we should not apply our minds to that very difficult set of questions and discuss".

Professor Gouws pointed out that while a serious inequality gap between the rich and the poor existed in South Africa, disparity could also be seen between the Global South and the Global North. "For us to think that we can go back to the normal we knew before is not realistic. I think you put a very important question on the table and that is, 'What do we do now?' How do we engage the state?"

Joy Watson replied: "I am interested in the question you raised in the context of the work that Prof Thuli Madonsela is doing on this social justice initiative. I do not have all the background to this, but in the last year some time, in light of COVID-19, additional work was done and working groups were organised to look at issues like poverty and so on. A substantive report was put together and gender was a component of that, but there was significant room to improve and shape what came out there. I am wondering, as we discuss this, are we channelling it through this initiative or is this just a generic discussion in how we think about these things?"

"It will feed into this year's summit", said **Professor Gouws**. "There were gender panels at last year's summit as well and there were some good suggestions, but it is not clear to me what exactly the M-Plan wants to implement or how it should be implemented.

This year it is about crowdfunding and launching the M-Fund. Prof Madonsela is trying to pull together all sectors in society to contribute to social justice initiatives. But, as we all know, that is very difficult and it is very difficult to get people to make commitments, especially now after COVID-19.

To what extent is the business sector, for example, prepared to make commitments? And where do people up their focus? Is it going to be on women? Is it going to be on education? Is it going to be on housing? And we know all these things are intersectional, as we have said, but it is not being dealt with in an intersectional way at the summit".

Marthe Muller commented "It is an incredibly important issue because I think that Prof Madonsela's M-Plan is the best chance we have. But I also feel that unless people of previous privilege step forward in a completely organised way to say, 'this is what we will do in every ward in this country to support this plan', then I cannot see how the people who have suffered most in this country, Black African women, have to not be supported as this plan goes forward.

There is an incredible step needed by people of previous privilege to support this plan and I think that it is not yet in place. There has to be a giving up of privilege and a willingness to give the resources to make Prof Madonsela's plan for all of us work".

Professor Gouws commented that this was also the idea of the crowdfunding initiative but asked how this was going to be implemented. She continued: "We have seen that directly after we went from lockdown [Alert] Level 5 to lower levels, femicide picked up, and domestic violence picked up. Maybe it is not a matter of 'picked up', it just became more visible again. Do we have any idea how the Ministry of Women, for example, is going to deal with this?"

Joy Watson: "There has been some serious contestation around aspects of the National Strategic Plan on Gender-Based Violence [and Femicide]. For example, with the initiative around trying to fast-track the setting up of the board of the National Council on Gender-Based Violence [and Femicide], there have been issues around monies that were meant for civil society organisations not being disbursed. There is tremendous frustration for people in civil society in feeling not heard, and rising questions that are not being dealt with. So, at the moment this is contested terrain".

Professor Gouws: "Yes, it is contested. What makes it more difficult is the fact that, in lockdown, it was very difficult to have a type of activism that could continue this process that was happening before lockdown. Is there somebody who wants to ask a question?

Advocate Joyce Maluleke was given an opportunity to air her opinion: “As a department we have developed a framework to monitor government spending during COVID-19. We realised that when government says, for example, that [R]50 billion went to women, mostly it is in the form of grants, but not maybe in the form where women received it for businesses. Most women’s businesses are informal sector businesses, and all those informal sectors were not included. Informal sectors were not even receiving the UIF funds because they often would not have the necessary documents.

We have realised that this is the biggest challenge. COVID-19 exposed that, as government, we have not responded appropriately, or we have not built internal resilience to hunger. Yes, poverty has been there from long ago, but hunger is something that has developed and it is continuing to develop. As we grow, other people are not growing. They are becoming even worse off.

When Seehaam refers to the R200 billion that was set aside for loans for small business, the Minister of Small Business reported that women did not benefit from the R200 billion loan scheme to help businesses pay salaries in coordination with major banks and the [National] Treasury and South African Reserve Bank.

Women did not benefit from it. In regard to the R100 billion set aside for protection of jobs, women did not benefit because it was not focused on domestic work, or on those who look after their sick relatives. In effect, women only benefited from the R350 or the R500 that was given to them. As a department, we have discovered this, so I can confirm that Seehaam’s report is correct.

As a result, we have requested UN Women to assist us, as a department, to be able to employ three economists who will be able to deploy in the three major areas that government has identified for economic recovery and reconstruction, infrastructure, industrial and other areas. We will then be able to mainstream the indicators within those.

If we do not do that, two years down the line we will still be saying that there was a trillion [rand] set aside for infrastructure development in order to ensure that our economy recovers, but women will not have recovered. I think those are some of the challenges – you cannot set up a small department, give it a huge mandate and then structure it to fail.

It is a very small department. It is not given resources. It does not have human capital, it does not have financial resources. Hence, we have requested UN Women to give us people so that we can impose ourselves in all those offices so that we can ensure that women benefit.

Because I have only spent three months in the Department of [Women, Youth and Persons with Disabilities], one thing I have realised is that the department never worked with the Commission for Gender Equality [CGE]. And the CGE has powers. It has subpoena powers. It can also go to court. As a department we cannot go to court.

So, we had a meeting with the CGE to say, as a department, we will approach departments and say, "This is what we want you to do". When the departments do not do that, then we have to work with the CGE, and the CGE must subpoena them. Still if they do not comply, CGE must take them to court. Then we will support the CGE.

When it comes to the economic empowerment of women, I know that Prof Madonsela wants to start a fund, but a fund sometimes cannot address issues of national importance because the issue of poverty is a national problem. Yes, it can help here and here, but what will help more is when government has mainstreamed women, youth and persons with disabilities in its planning, in its budgeting, and in its monitoring and evaluation processes.

The same goes for the National Treasury. If the National Treasury mainstreams women, youth and persons with disabilities, all government departments will follow suit. That is one of the challenges that we are facing, but it is a challenge that we want to work on.

In terms of the National Council on Gender-Based Violence and Femicide [NC GBVF], there is a National Strategic Plan [NSP] that has been approved by Cabinet. That NSP outlines the responsibilities of both government and civil society organisations.

For government, pillar one focuses on the notion that there has to be accountability in the implementation of the NSP. The challenge is that, in government, most of the time they think the people who have to address issues of gender-based violence are in the criminal justice cluster, or the justice cluster. Yet, violence is also an economic issue. Women are economically dependent on those people who abuse them. That is why they cannot leave.

The NSP shows that each and every person in government is responsible for implementing measures that would ensure that women benefit from government, so that women are not victims, and also so that violence can be reduced. For example, the Department of [Basic] Education has a responsibility to ensure that it amends its curriculum to include social cohesion and the respect of other people, to ensure that children are taught at primary level that you cannot solve your problems through violence. They are taught to develop emotional intelligence.

The NSP says that the Department of Justice [and Constitutional Development] must develop legislation in order to determine the powers and the responsibilities of the council. However, the Department of Justice [and Constitutional Development] says it is not their responsibility to develop legislation. So, Cabinet, in the meantime, decided that while we are waiting for legislation to be developed, a council similar to SANEC [The Southern African Netherlands Chamber of Commerce] must be established in order for the coordination to continue and so that the council can be able to raise funds for the implementation of the NSP".

Professor Gouws asked: "I think there is also the need for pressure to come from inside government and specifically from the [Department of Women, Youth and Persons with Disabilities]. If the Department of Justice [and Constitutional Development] says that it is not their responsibility to develop the legislation, then whose responsibility is it?"

Advocate Maluleke replied: "I think I will disagree with you. CGE has been given powers to ensure that gender issues are addressed. They also have to ensure that they use their powers to effect change somewhere.

If the Department of Justice [and Constitutional Development] says it does not want to implement, our Minister cannot unilaterally enforce justice. So, we have appointed someone to develop legislation from our department.

Unfortunately, not having worked in government, maybe you do not understand the dynamics within government. It can take four years while the Department of [Women, Youth and Persons with Disabilities] and Department of Justice [and Constitutional Development] are fighting in terms of who is supposed to do what. This legislation was supposed to have been drafted last year, but it has not yet been drafted because

[the Department of] Justice [and Constitutional Development] feels it is not our responsibility. So, the department has appointed someone to do that".

Amiene van der Merwe then explained the function and aims of the hashtag campaign, #WomenInTheDrivingSeat: "It is about driving back better and, in a way, getting some advantage for women from the pandemic, in a dividend sense. We believe that one of the sectors where we can do that, as entrepreneurs, is in the transport sector, where we are hugely underrepresented. I think we are sitting at under 2%, 1.8% in the e-hailing industry.

We have been part of an IFC [International Finance Corporation] study that looks, specifically, at how e-hailing and on-demand can actually drive women's participation in that sector. But, if we do not systemically address why we are not there, i.e. by teaching women to drive for free, we will never change things. And if women have independent livelihoods and mobility, economic mobility, they are less likely to stay in abusive relationships. It was just an example of how private sector can play its part".

Ms Samaai: "I just wanted to note that there have not been any special measures that had been put in place for persons with disabilities, and it is still to be addressed.

In addition to this, there have been no specific measures taken for the expansion of the social security benefits for older persons and for minor children who are recipients of social security benefits. Increased amounts will only be for the duration of the state of disaster. I have been informed by various people that on SASSA [South African Social Security Agency] day, as it is called, many people were actually a bit despondent that they only received their [R]400 and not the [R]350. Many people had started depending on that particular R350.

Older persons had received an increase in their social security benefits for the period, but that is over. Provisions were made for shelters to provide it for the homeless, but no provision was made for refugees or for displaced persons.

In respect of domestic violence, the courts remained open, but we know that there was a major challenge around accessing that particular essential service. No provision was made, specifically, to address trafficking in persons. Forced labour was another aspect that was not addressed.

Provision was made for children only in relation to care and contact of children in terms of restrictions placed on movement between parents and other matters. In addition to that, there have been major challenges for homeless persons. One example of these challenges is that in Cape Town, we saw the establishment of a shelter that subsequently had to close down because of numerous reports of abuse. I wanted to place these challenges in context".

Cathy Albertyn complained that she did not understand the M-Plan and worried about the scope. She continued: "But it seems to me that if the intervention is at local-government level and at ward level, then something can be done around helping to build local infrastructures and local communities and local women by helping with things like hunger and violence, but not so that they are taking out of their own pockets, and looking at the ways in which they are resourced in order to deal with these problems at local level. There might be a recommendation around that to reduce the burden of care by subsidising and resourcing what is happening at local level. It does not engage the state, but I do not think that the state can solve everything anyway".

Professor Gouws thought it was a good idea to ensure that the economic recovery plan has a gender focus "…because it is, as always, gender blind. We need to make sure that money gets redistributed to where it is needed and specifically around these issues of care".

Advocate Maluleke added: "In terms of the municipalities, the challenge with people from the local government is that normally they do not get involved. The municipalities will advertise tenders or appointments of people, but they do not get involved. That is why municipalities can continue doing what they want to do because communities do not get involved.

Public education on being involved in the municipalities means that communities can make meaningful inputs into what the municipalities are doing. Now, municipalities will advertise and say that they have advertised and did not receive any input. So, people are not involved".

Professor Gouws wanted to know if she was thinking along the line of community or local-government lekgotlas where people can make inputs to which **Advocate Maluleke** replied: "Local government itself, whether there will be a tender or they are

changing things, or anything that they do, or if there is a tender to clean public buildings or whatever, because people do not know, and people do not see. Educating people to be involved in their municipalities would really make a change in their lives".

Feedback from parallel session facilitators

1. ***Land and poverty***

Professor Danie Brand, Director of the Free State Centre for Human Rights at the University of the Free State, facilitated this session, while Professor Elmien du Plessis, an Associate Professor in the Faculty of Law at the North-West University, was the resource person.

“The panel was focused on the links between land and poverty, in general terms, but specifically on the links between land as a resource and the achievement of SDGs 1 and 2 concerning access to resources and addressing food poverty,” explained Professor Brand.

Professor Du Plessis identified three issues that are of particular importance regarding land and poverty. These were access to land, how such access is generated and, thirdly, the problem of implementation of policies and legislation. On the latter she referred to the government’s recently announced programme whereby 700 000 hectares of state-owned land were made available, but where it was found that a large portion of that land had already been occupied in accordance with customary or indigenous law and also by other beneficiaries in terms of the government’s land reform process.

The respondent in this group, Ms Annelize Crosby from Agri SA, pointed out that economic development was no longer dependent on access to land because of the rapid technological developments of which South Africa is at the cutting edge and that increasingly, therefore, land had become less necessary as a resource for agriculture and for food production. Thus, she averred, the link between economic development and access to land as a resource was no longer valid and also that access to finance and other forms of support, capacity transfer and capacity building, were more important than access to land and that public-private partnerships were called for. Finally, it was her view that access to rights and security in rights were indispensable: title and transfer of title as a precondition to sustainable economic development were far more important.

Crosby was questioned about her opinion that the need for land as an economic resource, because of the technological development in agriculture, was no longer the

most important factor. How were these technological developments made available to farmers, particularly to subsistence farmers and emerging farmers, and was it viable to do so? This session's rapporteur, Wandile Sihlobo also disputed Annelize's argument, saying that the need for land as a precondition to economic development and economic production in South Africa would remain.

On public-private partnerships, Sihlobo remarked that they are often raised as a kind of a panacea to all problems in a fashion that one should guard against. Crosby countered that she was referring to practical partnerships at a small level between particular agricultural producers and emerging farmers and farm workers, for instance, which are quite removed from the ideological level. Rights and securing rights as a precondition for economic development were also questioned.

2. Economic inclusion and well-being

Dr Lumkile Mondi was the facilitator for the Economic inclusion and well-being session, led by Dr Nthabiseng Moleko, who engaged with both the National Treasury strategy around economic recovery, as well as the President's view of the economic reconstruction and economic recovery blend. Dr Moleko premised her arguments by offering an alternative policy, which was supported by seven strategic interventions. Firstly, she said, a decisive economic strategy with a clear vision of how to generate labour demand while stimulating productivity was called for. Secondly, alternative mechanisms should be considered for South Africa to increase its gross domestic product, with its focus on boosting local productivity, particularly agriculture, exports and manufacturing value-added sectors. A rethink, furthermore, was needed of how the Reserve Bank can be used as an institution that underpins economic recovery, the recent stimulus packages having proved to be inadequate.

The third pillar she referred to was the reform of dealing with oligopolies, in particular value chains, specifically looking at barriers to entry in areas such as the retail sector, and telecommunications. "The focus in our group was more on the factors of production, and on how the transformation of those could lead to higher growth and productivity levels", she said.

The adoption of technology to advance growth formed the next pillar. Moving towards digitisation, specifically to support labour-intensive and capital-intensive sectors, and

using Fourth Industrial Revolution technology would kick-start investment, thereby ensuring that our human capital is enhanced while we invest in labour-intensive industries using technology within that intervention.

Focusing on an industrial growth path led by labour-intensive goods and capital-intensive production processes that could offset the risk of technology supressing demand for labour was the next pillar. Those process were essential if we were to adopt technology while, at the same time, creating jobs and, in the process, address our problems within our economy. Energy was the last of the pillars and here South Africa was urged to move away from a carbon-intensive economy to stay apace with energy transition seen globally. “We need to act quickly so that the country can move away from the minerals-energy complex”, she said.

These seven measures were only possible within the framework of a capable state, she concluded “With a capable state, through the implementation of these seven measures, we will be able to deal with some of the issues and bring justice to the many marginalised South Africans who are trapped in unemployment and poverty and are facing huge levels of inequality”.

3. Education and training

It was now the turn of Professor Jonathan Jansen to deliver his parallel session’s feedback on education and training. He stated that the inequality in education – so visible to all – was related to politics rather than policies with the advent of COVID-19 further exposing the inequalities. “The discussion”, he said, “was less about drawing up a laundry list of things that are lacking and more about the lack of real political will, political drive, to resolve these issues”.

The concern came up that we are headed towards even greater inequalities that were caused by the loss of instructional time. “This was disproportionately reflected in what was possible with fully online and even synchronistic teaching, in the case of a large percentage of privileged schools, versus, at the other end, those schools that got nothing and where the children had no contact with their schools or their teachers,” he stated.

The pandemic had caused compensatory measures to be taken to make it easier for students to pass, which is understandable, but care should be taken not to allow children promoted to a next level unless the necessary knowledge is in place, and also the skills that enable them to succeed, both in successive grades, but also in the context of higher education and the world of work.

It became clear to the panel that, "under particular conditions, government can and does move to put in place resources for uninterrupted learning", Professor Jansen said. The provision of water to schools in the Eastern Cape where running water was not available, was an example of this type of needed intervention by the government. It was not for a lack of resources or skills that this was not seen to happen often enough, but "…simply a lack of politics, and a lack of social justice thinking running along the lines of 'my child is not safe until everybody's child is safe and secure'".

Lastly, it was emphasised that inaction caused frustration and that policies were needed for mitigating the multigenerational effects of the pandemic.

4. Data analytics and poverty mapping

The rapporteur in this group, Professor Barry Green, stood in for its facilitator Dr Pali Lehohla, while Professor Madonsela and Dr Juan Daniel Oviedo from Colombia were the resource persons and Dr Turgay Celik from the Wits Institute of Data Science, the respondent.

Professor Madonsela stressed the importance of reliable data for policymakers to select the most suitable path towards formulating their policies.

Professor Green also mentioned the two pilot studies undertaken at Stellenbosch University under Professor Madonsela's guidance: the SIAM study, and, populating that "a study in the Swartland with a mapping exercise to mine data and to plan its use while assessing the extent to which COVID-19 and relief responses could be made".

Dr Oviedo, in turn, drew attention to a number of key interventions and how policy needs to be responsive and informed by good analysis. By using data science, he was able to provide some urban examples as well as some real, current experiences.

In his response, Dr Turgay spoke of the fact that data often changed over time and that this should be carefully considered in making analyses. Dated data may cause us to end up with the wrong analyses.

"There was a recognition that data science is a very important tool for prediction in the future and that we are only scratching the surface in terms of its use, at this stage", concluded Professor Green.

Dr Lehohla suggested that it had now become possible for social sciences to borrow tools such as artificial intelligence from other sciences in order to plan. It would be foolhardy not to use modelling, to look ahead and consider consequences in determining the path to be followed.

Those tools are available, Dr Lehohla emphasised, and he referred to the presentation by Dr Oviedo who told the group how poverty mapping at a detailed level was successfully carried out in Columbia in the wake of COVID-19.

Lamenting the fact that our tools for planning in South Africa were still "very much backward looking", we have the right tools available: and now was the time to use them.

5. Health, mental health and nutrition

The two presenters were the Dean of the Faculty of Medicine and Health Sciences at Stellenbosch University, Prof Jimmy Volmink, and the MEC for Health in the Western Cape, Dr Nomafrench Mbombo, both possessing deep expertise to talk on this subject.

Prof Volmink described how COVID-19 worsened existing inequalities in health and how the pandemic impacted on individual health, health systems, mental health and on healthcare workers and essential workers.

He warned against "a scarcity mindset", quoting the UN Secretary-General as talking about COVID-19 as offering us "a generational opportunity". "The question is whether we take it," cautioned Dr Volmink.

MEC Mbombo's response was based primarily on the response to COVID-19 in the Western Cape, where one of the best responses to the pandemic in the country was

experienced. She emphasised that the social determinants of health should be addressed.

Issues of economy and health were interwoven, she stressed, and we should not address those topics as separate issues. Going forward we should focus less on a biomedical intervention and allow greater co-operation with communities in how we address COVID-19; medicine should play an important but secondary role in that approach.

The two presenters in this group agreed that mental health in our country had deteriorated as a result of COVID-19 and that concomitantly, malnutrition and access to nutrition moved further backwards.

It was recommended that much more emphasis should be placed on addressing the social determinants of health, including the social determinants of deteriorating mental health in our country. Our responses to all health issues should furthermore be people-oriented and people-centred.

On the adequacy of mental healthcare in our country it was agreed that we will not be able to adequately train psychologists, psychiatrists, and others who will be needed for a future crisis on this scale. Community resources for meeting mental healthcare needs had to be strengthened, particularly people's need for counselling, care and support.

Finally, the impact of corruption on social justice in health was also discussed. To fight and destroy this scourge, the political will to do so was a prerequisite – and urgently required.

6. Access to justice and the rule of law

The presenter in this group was Judge Dunstan Mlambo and his resource person Judge-President Dennis Davis. "Goal 16.3", said Judge Mlambo, "deals with the promotion of the rule of law at national and international levels to ensure equal access to justice for all… and is one of the main pillars of social justice, which is what has brought us all together today".

Judge-President Davis raised, firstly, the most simplistic form of access to justice, which refers to the ability of an individual to consult a lawyer to represent him or her in a court of law or the resolving of a legal dispute.

Access to justice, however, encompassed a much wider field. The Bill of Rights, for example, contains a number of rights such as access to health facilities, to education, to housing, and to many other rights. “Access to justice enables the realisation and the vindication of these rights by ordinary South Africans, either as groups or as individuals”, said Judge-President Davis.

The second point raised by the Judge-President dealt with the actual difficulties in terms of accessing justice properly. Rules of court, for instance, were complex and mostly beyond the understanding or even knowledge of litigants, unless they had lawyers. “This complexity in the court rules led to the denial of access to courts by individuals who would not be in a position to understand the court rules by which they have to play the game, unless, of course, they have access to lawyers”.

He then dealt with a second issue, namely Legal Aid South Africa, which is intended to ensure that South African citizens realise their right to access to justice. It may be necessary to look at how Legal Aid South Africa has performed, stated Judge-President Davis, what it has produced and what its difficulties are if it is not able to deal with the demands made by the right of access to justice.

It has been shown that more than 70% of its work is linked to criminal law, and less than 30% to civil legal aid while it was common cause that the bigger need for access to legal services is in the field of civil legal services.

The possibility of a fresh look at mediation as an enabler to access justice was the third issue raised by Judge-President Davis. This stems from the realisation that the goal to allow everyone access to courts, specifically, was not realistic or achievable. By introducing mediation to a wider range of issues that normally come to court, court rolls will be less congested, while ensuring that people still get adequate and necessary access to justice.

Judge-President Davis furthermore said that a critical look should be taken at the manner in which judgments of our courts are presented: they needed to talk to and inform their litigants and South African society at large of what the dispute was, what

the law is and how the court went about reasoning its way to the conclusion. In short, judgments could be written simpler.

He specifically asked that when we address social justice in a larger context, as it is enshrined in our Constitution in the Bill of Rights, can we be satisfied that ordinary citizens have the ability to vindicate their rights and to hold government accountable to its obligations?

The group's respondent, Professor Theo Broodryk, agreed with what was said about the gaps that Judge-President Davis had identified with regard to access to justice.

Judge Mlambo concluded the session by pointing a finger at government for not prioritising justice entities that will help it to ensure that South African citizens remain confident in the Constitution and in the rule of law. "Government should not only prioritise economic cluster entities in terms of bailouts, and should also stop this trend of cutting the budgets of justice cluster entities which can help it to ensure that South African citizens remain loyal and actually uphold the rule of law" he cautioned.

"Government needs to relook at how it goes about its budgeting initiatives. It should not relegate justice entities to distant cousins to the real thing, with the real thing being economic entity clusters", Judge Mlambo concluded.

7. Peace and social cohesion

Dr Wilhelm Verwoerd delivered the feedback of this panel, which consisted of Dr Mshai Mwangola from Kenya, Professor Pumla Gobodo-Madikizela from Stellenbosch University, and Richard Mabaso from the Imbumba Foundation.

Dr Verwoerd lamented the spiking of violence brought about not only by the COVID-19 pandemic itself, but indirectly as a result of the restrictive regulations installed to combat the disease. Peace and social cohesion suffered a further setback because of the enforcement of those regulations by the police, which Dr Verwoerd believed stemmed from an improperly reformed colonial heritage.

There was also a direct link between corruption and violence and the lack of peace. "We should use the language of corruption as violence in what it is doing to people, what it is doing to communities, and what it is doing to entrench the injustices that we

still are faced with," he said. A deeper understanding of the roots of corruption as well as of violence, increasingly also aimed at women, was needed.

The second leg of this panel's discussion centred on finding means to strengthen peace and social cohesion and to have mechanisms in place to ensure that similar situations as those experienced during the pandemic are people-centred and community-centred, rather than the state-centred, security-centred situations we experienced. "Where do communities and citizens and people fit into the picture of social cohesion, not just the state?", he asked.

Social justice was dependent upon peace and social cohesion. Accordingly, the focus should shift to preventive measures without having to wait until violence erupts or the peace is broken before responding to it, and not only respond when there already is violence or the absence of peace. Co-operation across state and community divides was needed to find a preventative bulwark against violence and disturbance of the peace.

The panel identified a real need for strengthening civic education in such a way that it becomes "…more deeply rooted in a culture, in a way of doing, and in a way of working together". Coupled with this was the need for the retraining of our police in order to cultivate a culture of empathy and understanding of the problems experienced by communities, rather than simply be employed to enforce laws and regulations.

"To deepen our bridging capital, our social capital, our trust and our sense of belonging together with a vision of why we should be addressing these injustices – that is the long-term commitment we need from people in communities, as well as the state, in South Africa, but also across the continent," said Dr Verwoerd.

8. Climate change and environmental sustainability

Professor Linley Chiwona-Karltun delivered this group's feedback. The resource person was Dr Tsakani Ngomane and the respondent Professor Oliver Ruppel, with Nolwandle Made the rapporteur.

The climate crisis stretched across the globe and is underscored by a series of international bodies who have environmental sustainability at heart. Dr Tsakani, who did the presentation, told the panel how climate change, with South Africa at its

intersection, puts at risk many industries, and also livelihoods that take place within the context of the South African economy, such as tourism, for example.

The loss caused by floods of not only homes, cattle, crops and livestock, but also of lives in the Limpopo area and Mozambique was indicative of the impact of climate change felt in South Africa and the region as a whole.

When this crisis intersects with COVID-19, the response to both the pandemic and climate change needs to be aligned, especially when we are looking at the groups that would suffer the consequences the most. “Therefore, we need to look at climate change as something that is about climate justice and accountability that requires governments to adhere to international agreements, as well as to national and local agreements” Dr Tsakani said.

The Fourth Industrial Revolution, in particular technology and innovation, also came under scrutiny. It presented new opportunities, but it also forced us to be looking at increasing energy use and what sources of energy we are going to be using. This, in turn, calls for an assessment of the impact these sources may have on issues such as waste disposal and our demand for water and a questioning of whether the green sector holds the key to these problems.

Partnerships between government and civil society were imperative for environmental sustainability and with that in mind the creation of greater awareness at a community level, especially by bringing in the youth, was called for.

Attitudes needed to be changed so that awareness became instilled as second nature – not a mere once-in-a-lifetime thing, and for this to realise it was important for everyone to understand what environmental sustainability is and that the climate crisis is a direct result of the lack thereof, of overusing, and of over-polluting with whatever activities human beings undertake. The call to respond without leaving anyone behind is no less valid as a response to climate change than it is for poverty and social injustice.

Society needs to understand that nature has an economic value, deserving of greater solidarity world-wide, universal co-operation and linking up in academia, NGOs, civil society, as well as governments.

A rights-based approach was called for, especially for increasing and creating awareness with young people who should also be taught that rights are linked to obligations. Thus, with a right to water comes the obligation to protect that water, irrespective of whether we are talking about an individual or a community.

“We have to stop thinking in terms of silos”, Dr Tsakani said. “We have to think more about having ‘all hands on deck’, which means academia, industry, the private sector, government, civil society, young people, old people, rich people, and poor people. Everybody needs to be a part of this solution because the problem has been caused by all of us, in some way”.

In accordance with SDG 13, which is calling on us all to take climate action, more emphasis should be placed on subsidiarity, which encompasses solidarity and justice.

Dr Tsakarni concluded her presentation with these words: “When it comes to climate change, we should think beyond borders, think about rights with obligations, and think more about environmental sustainability and not just about climate change”.

9. Politics and democracy

Khaya Sithole presented the feedback from this panel discussion. Reflecting on the COVID-19 crisis, it was generally accepted by the panel that the crisis presented an opportunity for some of us to live, for the first time, through something like a state of disaster – as did the rest of the world.

Whether politicians encroached on our rights and liberties during the crisis was discussed and while this certainly happened, it was agreed that where a healthcare crisis like this existed, the sacrifice was justified and acceptable. Some of the restrictive regulations, however, came under fire for their lack of rationality and logic.

On whether the law provided citizens with sufficient ammunition to combat irrational or unlawful measures, it was felt that the judicial system did not seem to side with the common man – the state invariably won its case against objectors to the measures taken. “On that basis, it left many lingering questions about how rational the state should be in the exercise of public power”, said Khaya.

Unfortunately, many of the applications against the regulations were based on vested interests, not those of society as a whole, so that once the commercial threat had been

removed by the time the application was heard, the litigation itself was suspended. The tobacco ban, for instance, was opposed by the tobacco industry for no reason other than its own commercial interests, the tenets of the common law or public interest completely neglected.

This situation once more highlighted the plight of the ordinary citizen when it came to defence of his rights in court: only those with pockets deep enough could partake in the onerous and expensive process. It is for that reason, where especially marginalised people are excluded from the legal system, that the role of civil society and non-governmental organisations becomes of paramount importance.

Nationalism and its possible re-arising during the pandemic also evoked discussion and it was evident that politicians tended to be guided by nationalist considerations: "Should I stumble upon the vaccine, surely I should sort out my own people first before I deal with the global question?" This was clearly the attitude adopted by Donald Trump when he relied on the Patriot Act of the United States, enabling him to order every institution in the USA to redirect its supply chain and its resources towards whatever the state says they should be directed to.

"Unfortunately, until the vaccine is developed and until countries across the world are able to get back on their own feet, it is going to be the instinctive reaction of many politicians".

10. Gender and other excluded groups

Professor Amanda Gouws presented the feedback of this panel. She observed that in respect of access to resources necessitated by COVID-19, the inequalities between upper-middle class and middle class and those who are excluded from classes were starkly exposed.

Seehaam Samaai, the director of the Women's Legal Centre, was the resource person who spoke about the impact of the COVID-19 pandemic and that apart from the fact that this caused a national health issue, care and the role that women fulfil in terms of care, unpaid care, and the stretching of care should also be considered.

The pandemic saw women having to cope with hunger, food insecurity and with poverty, either losing jobs, while domestic violence, primarily directed at women, also increased while police brutality was rife. Many women were employed in the informal

sector, as domestic workers, for example, and many of them had no access to unemployment insurance.

The panel's first respondent, Professor Sandra Fredman from the University of Oxford, pointed out that the R15.57 minimum wage of domestic workers was below the actual minimum wage and far too little for women to survive on. A rethink was called for on a realistic minimum wage and how women are included or excluded from state benefits.

The second respondent, Joy Watson, a Senior Researcher in parliament, talked about the economic recovery plan, how it is going to benefit women and how the government's priorities in terms of redistribution are actually going to lighten the burdens of women. It was also not clear how unpaid care, seasonal workers, farm workers or sex workers, all of whom suffered at the hands of COVID-19, would benefit from the plan.

The third respondent, Advocate Joyce Maluleke, the Director-General of the [Department of] Women, Youth and People with Disabilities, also acknowledged that the R200 billion set aside by government did not really benefit women and that UN Women was to be engaged to provide additional resources to address the exclusion of women from many economic priorities.

Redistributive justice, in relation to the COVID-19 pandemic, also had to deal with groups that are socially excluded and marginalised, such as LGBT[QIA+] communities, transgender people and, specifically, the disabled because of uncertainty about the government's priorities in this field.

Many questions remained unanswered, such as how the government was going to implement the Gender-Based Violence and Femicide National Strategic Plan [GBVF-NSP], how that plan will be resourced, and how the [Department of] Women, Youth and People with Disabilities can be strengthened in the campaign against gender-based violence and femicide.

In areas occupied by the poor, local-government infrastructure had to be rebuilt to enable women from those communities to access that infrastructure.

Public education was also needed so that people may be made aware of the resources they can access through local government. Education would enable people to help others to access resources.

Care and unpaid care and how resources are to be accessed to assist women who are marginalised and vulnerable while continuing with care work were of paramount importance.

Chapter 8

Closing remarks

Gesie van Deventer, Executive Mayor, Stellenbosch Municipality

Good afternoon, molweni, goeiemiddag, Minister of Justice and Correctional Services Ronald Lamola, Premier Alan Winde, Prof Wim de Villiers, Prof Thuli Madonsela, all protocol observed. Thank you for giving me the opportunity to partake in this summit. In a time where the entire world is facing great uncertainty, I am encouraged to form part of a broader community that continues the fight to end inequality and poverty, and to promote social justice.

The consequences of the COVID-19 pandemic have been far-reaching. Although every person has been affected in one way or another, the pandemic created painful awareness of how unequal the South African socio-economic landscape still is. It highlighted the extreme poverty many South Africans find themselves in. The gap between the disadvantaged and the privileged has grown so wide over the years that we are standing on the brink of a very dangerous situation, facing a point of no return.

I am, however, an optimist and believe that South Africa and South Africans are more resilient than we get credit for. The Musa Plan for Social Justice, or Social Justice M-Plan as it is known, is one such demonstration of our resilience. This is a unique empowerment plan focusing on a ground-up approach. The M-Plan focuses on unique, custom-made initiatives and admits that a one-size-fits-all approach is not practical in a country as diverse as ours.

This plan will allow South Africans to acknowledge, contribute and even donate as little as R2. That can help to motivate and propel momentous change. It is a plan built on facts and data, not speculation and wishful thinking. It is not a magic wand to end poverty, not at all, but a combination of hard work, lobbying and accountability to remove the barriers of poverty to create a more equal society.

I am convinced that if there is one person in this country who can drive such a plan, it is Prof Thuli Madonsela. Her relentless pursuit of fairness and justice has made her a champion and an icon in the fight for the rights and protection of all South Africans. We have worked very hard over the past few years to cement an excellent working

relationship with the University and have found it a beneficial relationship and partnership.

The extent of our partnership was highlighted when COVID-19 struck and we had to mobilise quickly to render assistance to our most vulnerable residents. Together with the University, Ranyaka, Visit Stellenbosch, the Greater Stellenbosch Development Trust and SCAN [Stellenbosch Civil Advocacy Network], we were able to come together as Stellenbosch Unite and we were, indeed, united. We could, therefore, provide critical support and assistance to our poor residents. This serves as proof that when we combine our powers we are able to change the course of potential disaster.

I believe that our existing partnership with the University will allow us, as local government, to fully support the Social Justice M-Plan, and will also help us to address inequality. Local government is the starting point of a democracy. It is the closest touchpoint of government that deals with the consequences and repercussions of poverty and inequality day by day. Addressing social justice is, therefore, critically important because the peace and prosperity of every local government is dependent on a more equal society.

I want to congratulate Prof Thuli Madonsela and her team on this initiative and look forward to working with them.

Alan Winde, Premier of the Western Cape

First of all I would like to say thank you very much to Prof Thuli Madonsela for thinking of me and asking me to join this Second Annual Social Justice Summit. Unfortunately, I could not be with you today, but it is an honour and privilege to comment and be part of a closing remark.

I agree absolutely with saying 'all hands on deck'. We need to make sure 'to leave no one behind' post COVID-19. We have seen what COVID-19 has done to us as a country and as a region. We have seen people getting poorer, people losing jobs and mass unemployment, and the Gini coefficient number is going in the wrong direction. What we have to do now, in the recovery plan, is to make sure that we reverse these trends.

The theme behind the summit and what you have been deliberating on I absolutely agree with. As government, provincial government, how do we work with you to make sure that you reach these ideals and these goals? Well, we are focusing on the recovery plan, of course, while still remaining safe. That is my first message.

We see the rest of the world locking down a second time. Our economy could never afford another lockdown. It means that we have all got to play our part in managing to continually flatten the curve. Where we see a spike in this virus, we have got to make sure that we zoom in on it and slow it right down again because we cannot afford a further lockdown. It will just make things worse.

In the recovery component of this, we have already said, as provincial government, that our focus is on jobs and I think that this is natural. We need to make sure that we claw back the thousands and thousands of jobs that we have lost across the province as quickly as we can.

Then, of course, there is safety, and safety has always been one of my key objectives since being elected in this province. We have got to make safety a priority in everything that we do. We have an unbelievable murder rate and we really have to reverse that. I have set goals to say that, within the next decade, we have to halve that murder rate. We are already putting funding into getting boots on the ground, even though it is not a mandate of the province.

But we also have got to talk about gender-based violence and we have got to talk about how we get behavioural change with regard to crime. That goes back to before

someone is born, to their first 1000 days of life, through their ECD, pre-primary and schooling. All the way through life, how do we make sure that we arrest this scourge in our society? Many of our programmes focus on violence prevention and getting to the root causes, and that is why we really have to put in a lot of energy.

The third focus area of our government is dignity, or dignity and well-being. When someone loses their job, when they are a victim of gender-based violence, when they are a victim of crime, or when they cannot feed their family, they lose dignity. We have got to make sure that, as government, we have social nets in place. We are looking at how we can improve the dignity of citizens in our province.

Those are our three focus areas and, of course, I think they are very much in line with what you have been speaking about as a group at this summit today. Thank you very much for playing your part and I look forward to us all being partners in the recovery of our region and our country as we move forward in the next months and years.

Prof Thuli Madonsela, Law Trust Chair in Social Justice and M-Plan Convenor, Stellenbosch University

Good afternoon. What a joy and privilege it is to address you at the end of such an amazing conference. I hope that you found the conference as amazing as I did. For this wonderful event we would like to thank everyone who participated, everyone who contributed their speeches and everyone who did the organising, the feeding, and the writing. I am going to thank everyone in an orderly way.

Firstly, we would like to thank the Rector and Vice-Chancellor of Stellenbosch University, Prof Wim de Villiers, as a speaker and as a sponsor of the event. Then, the honourable Minister Ronald Lamola for his inspiring speech and commitment to what government is doing and will do on social justice. Revd Dr Thabo Makgoba, Archbishop of Cape Town and Primate of Southern Africa, for his message of hope.

Prof Nicola Smit, Dean of the Faculty of Law at Stellenbosch University, for her wonderful speech reminding us of the grounding in human rights. Kate Robertson, Co-founder of One Young World, for an inspiring message about how we communicate to bring everyone on board. Clare Shine, Vice President and Chief Program Officer, Salzburg Global Seminar, for an inspiring message linking this to what the Salzburg Global Seminar is doing.

Busisiwe 'Busi' Mavuso, Chief Executive Officer of Business Leadership South Africa, for bringing business on board and making a business case for social justice. Dr Adrian Enthoven, Executive Chairman of Yellowwoods, for finding links between what business is doing in terms of CSI [corporate social investment], what his company is doing and social justice. Pastor At Boshoff, for linking faith to the advancement of social justice. Gloria Serobe, Chairperson of the Solidarity Fund, for drawing links between the Solidarity Fund and the M-Fund, as well as the Social Justice M-Plan.

Prof Adam Habib, Vice-Chancellor of the University of the Witwatersrand, Prof Francis Petersen, Vice-Chancellor of the University of the Free State, Prof Dan Kgwadi, Vice-Chancellor of the North-West University, Prof Sakhela Buhlungu, Vice-Chancellor of the University of Fort Hare, Prof Eugene Cloete, Vice-Rector for Research, Innovation and Postgraduate Studies at Stellenbosch University, Prof Nico Koopman, Vice-Rector

for Social Impact, Transformation and Personnel at Stellenbosch University, thank you all for bringing the town and gown element of what we are doing, what the role is of universities in development, generally, and advancing social justice, specifically.

Then, I would like to thank the facilitators of the ten sessions, the rapporteurs, the resource people, and the respondents. They are all too many to mention. I will just mention the facilitators of the sessions who are Prof Danie Brand, Dr Lumkile Mondi, Prof Jonathan Jansen, Dr Pali Lehohla, Mark Heywood, Judge President Dunstan Mlambo, Dr Wilhelm Verwoerd, Prof Linley Chiwona-Karltun, Khaya Sithole, and Prof Amanda Gouws.

Of course, we would not be here without the team that worked day and night to make this happen: Marna Lourens, Diane Gahiza, and other members of the social justice team. And the organisers of this conference, Eastern Acoustics. I must just say that the Stellenbosch Conferencing Unit procured this amazing team. Thank you to the organisers for the wonderful job they have done.

But to wrap up, dear colleagues, we are ending the Second Annual Social Justice Summit. It is said that the journey of a thousand miles begins with a single step. One of my father's favourite sayings was a scripture that says, 'Do not despise [these] small beginnings'. Our journey today is a second giant step in a journey of a thousand miles which is about placing 'all hands on deck', in pursuit of social justice, 'to leave no one behind'. It is also about the COVID-19 recovery programme and the SDGs.

You will agree with me that we have made visible strides since we met on 29 August 2019 for the last summit from the point of view of people mobilisation to join the social justice quest. This has been progress. But that was not the first time we had met. We had also met, hesitantly, at a historic event of women healing the divisions of the past at Cornhill, where we met Palesa Musa, and at the Salzburg Global Seminar, where we met the person, the grandmother, who suggested a Marshall plan.

The inaugural summit emerged with a declaration that states the following:

We, the participants at the Inaugural Social Justice Summit gathered here at Hazendal Wine Estate, among us stakeholders from government, business, the community, the legal profession, academia and the media:

[1] reaffirm our commitment to the Constitution and the vision it has for South Africa to emerge from the ashes of colonialism, apartheid, patriarchy, xenophobia and related injustices of the past;

[2] 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 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;

[3] note with deep concern chronic levels of poverty and inequality marked by patterns of socio-economic exclusion for many and extreme racial, gender and age disparities in socio-economic opportunities in South Africa, primarily along the contours of unjust laws and policies that sought to create a system of white privilege and Black disadvantage under colonialism and apartheid;

[4] further note the persistent gap regarding equal enjoyment of all rights and freedoms by women, compounded by the intersection of gender and factors such as disability, age, urban-rural divide, township-suburb divide, nationality, sexual orientation and other forms of human diversity that have historically been leveraged to oppress and exclude on the basis of difference;

[5] further note the escalation of fractured relationships and deterioration in the social cohesion, particularly on the grounds of race and class, as well as ceaseless patterns of violence, particularly against women, children and older persons, mostly in isolated rural residences such as villages and farms;

[6] further note that the TRC did great work in exposing physical and psychological abuses in the security sector, but did not deal with social, economic and psychological impacts of apartheid, and that other efforts since then have not adequately addressed the systemic impact of past injustices;

[7] believe that as long as there is injustice somewhere, there cannot be sustainable peace anywhere;

[8] further believe that the Constitution offers a transformative framework for healing the divisions of the past by redressing power and resource imbalances in society and promoting social cohesion;

[9] further believe that there is a need for a more accelerated pace in advancing social justice, leveraging opportunities created by the Fourth Industrial Revolution, focusing on poverty and inequality, and that this requires a social compact on social justice with all hands on deck between government, business, society and the international community; and

[10] are convinced that an integrated action plan that seeks to provide a systems approach to change, focusing on policy reform, public participation and strengthening democracy, including eradicating corruption, sharing resources and promoting social cohesion and resources mobilisation, is needed.

We, thus, hereby:

- commit ourselves to join hands in advancing the constitutional promise, human rights and Sustainable Development Goals in a manner that redresses imbalances of the past while ending poverty and ensuring no one is left behind with regard to full participation in all aspects of the economy and social life;
- commit to reverse racialised, gendered and other inherited and emerging disparities in the economy, education, health, science, environment, technology, infrastructure and all areas of life;
- agree to the proposed M-Plan to accelerate change, focusing on
  - policy reform through data analytics to ensure inclusive social impact;
  - mobilising society towards social accountability and social cohesion;
  - everybody showing leadership and contributing to a capable state; and

– resource mobilisation from society and international friends to fund accelerated social change.

At the conference that took place over the two days following, we adopted a resolution that endorsed the contents of the declaration and undertook to leverage SDG opportunities to advance social justice. That was a great reset opportunity twenty-five years into democracy. Before then, the great reset was the adoption of the 1996 Constitution, the Preamble of which was read by children this morning to remind us of the commitment we made to ourselves and all the people of South Africa when we adopted this Constitution.

The art at the Stellenbosch University Faculty of Law building is a symbolic affirmation of that commitment and the institution's commitment to honour it, as Vice-Chancellor Prof Wim de Villiers announced this morning and during the unveiling of the art. At the core of that promise is healing the divisions of the past and establishing a society founded on democratic values, social justice and fundamental human rights. We also promised to build a democratic society where everyone's potential is freed and life improved.

At the core of that promise is the equality duty, mostly borne by the state, which is essentially about ensuring that all equally enjoy all human rights and that before adoption of all policies, laws and decisions they must be tested for impact on that equal enjoyment of all rights and freedoms. This includes reversing the legacy of the past which, according to the Constitutional Court in cases such as the Minister of Finance versus Van Heerden and Bato Star versus Minister of Environmental Affairs, is a constitutional duty.

Today we heard that we have made progress, but still have a long way to go. The areas we deep-dived into today include Land and poverty; Economic inclusion and well-being; Education and training; Data analytics and poverty mapping; Health, mental health and nutrition; Access to justice and the rule of law; Peace and social cohesion; Climate change and environmental sustainability; Politics and democracy; and Gender and other excluded groups.

The road ahead should be about implementation. The Council of Social Justice [Champions] has been established and members appointed will lead us in this regard,

while the Chair in Social Justice will continue to lead the Social Justice Think Tank. The key areas to be consolidated include the [9-Dimensional] Social Justice Impact Assessment Matrix or SIAM, and related tools for leveraging data analytics to avoid policies that are indifferent to difference and disadvantage.

We will also finalise the poverty and inequality mapping pilot at Swartland and the SCOPRA work that we are doing in response to COVID-19. We will also turn all of these decisions into reports, as we have done with previous ones, disseminate these and continue to join hands. In this regard, we invite you to make use of our Social Justice Hub, which we established at the beginning of this year.

It is said that the time to plant a tree was twenty years ago, which means we failed to plant a tree twenty years ago. But the next best time is now. Here we go, holding each other's hands, making sure that 'all hands [are] on deck to leave no one behind'. And why are we doing this? It is for us all and that is the essence of ubuntu. Thank you again. May God bless you all.