



**Summary report on the**

**Third Annual Social Justice Summit**

**“Social justice, economic equality and peace – A new socio-economic pathway for South Africa and the continent”**

The Retreat at Boschendal, Franschhoek

Tuesday 12 October, 202

## Introduction

Singing the South African national anthem and the emotional delivery of the Preamble to the South African Constitution by three young children in Xhosa, English and Afrikaans led to the start of the Third Annual Social Justice Summit on 12 October 2021.

The South African Constitution was the genesis of the Social Justice hub. The preamble of the Constitution is a guide to remind us of what needs to be achieved.

### Preamble to the Constitution of South Africa

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.

The third Summit, hosted by the Law Trust Chair in Social Justice at Stellenbosch University and the Social Justice Champions, was held at the Retreat at Boschendal in Franschhoek. Many people joined online because of the COVID-19 pandemic, which had been in its 18<sup>th</sup> month at the time.

One of the aims of the summit was to see how far we have come as a country as far as social justice is concerned, particularly with regard to economic inequality in our country. How has COVID-19 impacted on

that economic inequality? How has the policy been implemented? To what extent has that made the situation better or even worse

News Anchor Cathy Mohlahlana facilitated the Summit and reflected on the International Conference on Social Justice, which had been held the day before and looked at law and policy reforms and the interventions that can be applied to address social justice.

### **Important commitments made**

Participants committed themselves to introduce legislation and other measures that ensure greater accountability for advancing equality and ending poverty through purpose reconciliation of the relationship between economic policies and equality imperatives.

An agreement to advocate for a law or clause in existing legislation that makes it mandatory for government to certify that a law of policy it intends to pass will advance equality and diminish poverty and not exacerbate the situation on these two social justice imperatives. We further agreed to design and promote a model law as well as collaborate to design tools for predictive impact assessment of laws and policies.”

### **Background**

The Social Justice Chair (CSJ) is a justice hub that promotes social justice scholarship, consciousness, public policy design skills, and collaboration around social justice issues and community access to social justice resources, to accelerate social justice reform in academia and society. The Third Annual Social Justice Summit was preceded by the International Social Justice Conference. The Summit sought to reaffirm stakeholders’ commitment made by the government, business, civil society and academia to join hands in implementing the Social Justice M-Plan at the Inaugural Social Justice Summit and International Conference held in August 2019.

The purpose of the Third Annual Social Justice Summit was to reflect on the state of social justice in South Africa, focusing on economic equality, the impact of Covid-19 regulatory responses, the adequacy of current policy frameworks for rebuilding better and restitution, as well as the impact of economic inequality on peace and the rule of law.

The summit reflected on the factors behind the recent social unrest, future scenarios and ways through which the Musa Plan for Social Justice (Social Justice M-Plan) could be leveraged for rebuilding better together, focusing on the economy and social fabric in a manner that leverages inclusion for sustainable growth, development and peace.

It reviewed progress on the implementation of the Social Justice Declaration adopted at the Inaugural Summit and the Social Justice M-Plan and emerged with an agenda for the next phase to accelerate the progress on the achievement of the United Nations (UN) Sustainable Development Goals (SDGs), focusing on advancing economic equality and ending poverty by 2030.

## Objectives

The objective of the Summit was to review progress on economic equality, factors behind identified challenges and emerge with a proposed civil society plan of action around adjusted pathways for the achievement of an equal economy in all municipalities, aligned with the Social Justice M-Plan key objectives and the SDGs.

Other objectives included:

Presenting the preliminary findings of the Poverty and Inequality Mapping Pilot at Swartland and lessons learned on social impact conscious policy and legislation design and explore the possibility of proposing a Social Justice Impact Assessment Framework to prevent the adoption of policies that exacerbate poverty and inequality.

Assessing the nature of economic inequality in South Africa and deepen our understanding of the underlying causal and influencing factors, including the impact of Covid-19 regulatory impact and current equality advancement laws and policies on the goal of building a socially just and sustainable economy.

Reflecting on the economic equality provisions of the National Development Plan (NDP) in considering whether the NDP remains attuned to the national economic reality in light of the Fourth Industrial Revolution (4IR), the aftermath of the Covid-19 pandemic and growing unemployment and food security and the adequacy of a social security policy with a focus on the Distress Grant and prospects for a Basic Income Grant (BIG).

Reflecting on progress made on the implementation of the Social Justice Declaration and agreeing on a more fleshed out Social Justice M-Plan as a social compact with clear processes, outputs, outcomes and responsibilities and a monitoring and accountability framework, linked to South Africa's commitments to economic equality aspects of the UN SDGs.

## Welcoming remarks

***Professor Thuli Madonsela***, Law Trust Chair in Social Justice at Stellenbosch University, M-Plan Convener and host of the Summit and Conference

"Our current president, Cyril Ramaphosa, whose election was hailed as the onset of a new dawn, fondly refers to his periodic meetings with the nation as family meetings, but does everyone feel like a member of the family? Well, in a sense we are supposed to be a family constituted under the Constitution of the Republic of South Africa of 1996.

"What kind of family would we be and what place is economic equality supposed to play in our family relations? According to the preamble to our globally acclaimed constitution, we are supposed to be a family that is progressively renewing its relationships to heal the divisions of the past and become a society that is founded on three pillars: democratic values, social justice, and fundamental human rights.

"These pillars should inform our family as we transform to become a more democratic society, a more equal society and a society where everyone's human rights are affirmed and where there is equal enjoyment of all human rights and freedoms, as required by social justice.

"I hope you agree with me that these are the pillars of our family that should inform all our decisions, policies, laws and our everyday justice actions. All of these should be achieved through the three pillars. You must also agree with me that in a family that is based on democratic values, social justice and

fundamental human rights, everyone counts, regardless of who they are, what they look like and what they have or do not have.”

**Judge Edwin Cameron**, Stellenbosch University Chancellor

“The recently failed insurrection in July [2021], threatened to undermine all that we have worked so hard to achieve in our country. Because it sought to wreck not just the institutions of governance, not just the implements of economic progress, but also our faith in our country itself.

“The violence and the looting that destroyed the businesses and the livelihoods of hardworking people, where mob justice briefly prevailed, threatened our legal system and the rule of law and the poorest and most resource-deprived and desperate of people suffered the worst.

“The people of South Africa eventually rose up. They said no, not in my name. You will not take my community. You will not take my country. We are still suffering an assault from those same forces that instigated the insurrection, who are seeking to undermine truth in our public discourse, who are seeking to promote persons who conspicuously lack truthfulness and integrity.

“We as a country said no. Our people came to clean the streets, to rebuild their homes, to protect the nodes of commerce and to continue to rebuild instead of destroying.

“That insurrection says something that ties in with what Professor Thuli has just said in her opening. It disclosed how delicate our democracy is, how much urgency we have to bring into creating the justice and the fairness and the economic equity that gives everyone a stake.

“But it also disclosed a harder lesson, the critical importance of building a capable state. The criminal insurrection that beset our beautiful country brought this brutal truth home to us. Without a capable state, we can neither remedy inequality nor provide the elements of basic security to our people.”

### **Keynote speech**

**Professor Lorenzo Fioramanti**, Italian member of the Chamber of Deputies, former Italian minister of education, university and research and University of Pretoria professor of political economy

“I think we are at a turning point in our civilisation and we have to ask ourselves whether the kind of economic system that we have created at least over the past 150 years globally is really delivering on its promise.

“When we look at the rise of inequalities, not only inequalities in terms of income, but also inequalities in terms of treatment, that has to do with the gender gap, for instance, it has to do with racial differences, inequalities within countries, not just inequalities across countries, which is what we were more accustomed to, but now the most significant inequalities are within countries. I think the whole world has become a bit more like South Africa, with poverty next to affluence and extreme differences.

“When we look at the climate impact, the environmental impact of our economic system, of our system of industrial production, I think this is generating a number of other injustices that also have an impact on our social dimensions that threaten our survival on this planet. I think the list could go on.

“There is plenty of evidence that the economic system that we are living in is producing more bad outcomes than positive outcomes.”

### **Keynote plenary: A new socio-economic pathway for South Africa and the continent**

***Dr Nthabiseng Moleko***, *Development economist, Commissioner at the Centre for Gender Equality (CGE) and faculty member at Stellenbosch University Business School*

“Much of our economic structure is hinged on the generation of export earnings, even for our balance of payments and our revenue. Companies invest and we are told about attracting investment. What is the investment doing? To extract and to export and our government regulatory framework attracts investment, confining it to mere exploration, extraction and exporting.

“This model has to be changed where stewardship of our value add, our minerals, require that we have processing as a mandatory requirement.

“There is no reason for Africa to continue being the home of 465 million people in poverty. There is no reason, as the UNCTAD least developed countries 2020 report shows, that the majority of the 70% of least developed economies are here in Africa.

“It is our economic models and we need to not only do differently but teach differently, train the next generation of economists, policymakers and legislators from the very institutions that we are in, differently.

“We are rich. Africa is rich. South Africa is wealthy. The models we have imprinted on extracting industries that do not enhance productive capabilities make us poor. We will not see socially just outcomes. We therefore must alter and implement alternative economic models, teach these economic models and thereafter monitor alternative inclusive growth indices and holding our leaders accountable.

“This requires we put our new wine into new wineskins, implement new ideas and implement innovation. Alternatives are not revolutionary. Alternatives need to become the norm, the standard until we see change our people must be afforded.”

***Professor Bonang Mohale***, *Chancellor of the University of the Free State and professor of Practice in the Johannesburg Business School College of Business and Economics, and Chairman of the Bidvest Group Limited*

“How do we begin to replace, as we think about social justice, the more than 354 lives that had been lost? The 150 000 jobs that we have put at risk over and above the million jobs that we lost. As we think of the 564 days of national lockdown. The 5 000 informal traders that we decimated. The 148 schools that were vandalised or had their equipment stolen, while one school in KwaZulu-Natal was burned within the very first hour of this rampant looting.

“The 40 000 businesses that were affected. The 200 shopping centres that were looted and damaged. You and I know that 90% of the tenants in any mall are small and medium enterprises. The 3 000 stores that were looted. The 300 banks and post office outlets that were vandalised. The 1 400 ATMs that were damaged, and the R120 million consequently stolen. The 161 liquor outlets, and incidentally not a single Exclusive Books was burned or destroyed or looted. The 11 warehouses. The eight factories.”

He conceded that while the trigger may have been internal cleavages in the governing party, what made the wanton destruction was deep seated anger over inequality and poverty as well as unmet promises of the Constitution. He further observed that the two weeks in July further evidenced a hollowed-out state struggling with competence in matters such as effective policing. He detailed the multiple billion Rand cost of the destruction and drew the link with social justice.

### **How have France, Sweden, the Netherlands and Rwanda leveraged the SDGs as a catalyst for advancing social justice, economic parity and peace, with a focus on SDGs 1 and 10**

Our sister country Rwanda showed us their way of working to end extreme poverty. They anticipate their goal will be met in 2024.

***Dr Usta Kayitesi**, Chief Executive Officer: Rwanda Governance Board:*

“In line with goal one of ending poverty in its forms, Rwanda reduced extreme poverty from 40% in 2001 to 16% in 2017, and the goal is to eradicate extreme poverty by 2024, as per the national strategy for transformation’s social transformation pillar. To achieve this, Rwanda has put in place robust social protection programmes that have significantly contributed to the current strides that Rwanda is making in eradicating poverty.”

### **An international look at how African funding is set aside**

France has set aside billions of euros for the upliftment projects in Africa

***Aurélien Lechevallier**, French Ambassador:*

“In 2024, €4.4 billion were dedicated to African projects, advancing health, education and research, vocational training, agriculture, energy access, SME development, energy transition or biodiversity protection. Thanks to the involvement of African stakeholders, be it NGOs, companies or governments, cooperation will continue in the future to advance the 2030 Agenda and the 17 SDGs.”

### **Call for the global community to join forces**

***Mr Håkan Juholt**, Swedish Ambassador:*

“To tackle inequality and climate change, we need to join forces in the global community: policymakers, scholars, politicians, business. We are in this together, sharing ideas and expertise.”

### **The Netherlands has suffered on all fronts due to COVID-19**

***Mr Han Peters**, The Netherlands Ambassador:*

“We are seeing a rise in unemployment and poverty, inequalities in health and socio-economic status, political impacts, for example, on privacy and civil rights, efforts on the educational outcomes due to the

long closure of schools and universities, and psychological impacts. COVID has been a shock and it's only through working together that we will be able to overcome that shock."

### **Concluding remarks to morning plenary session**

*Professor Nicola Smit, Stellenbosch University, Dean of the Faculty of Law*

"In times of great needs, such as the Covid-19 pandemic. Many new social protection measures were indeed introduced, also in South Africa. But we have to acknowledge that they are limited in scope and nature, and we should not forget that around 4 billion people worldwide are still without any social protection, no safety net."

The pandemic has severely affected the informal economy, which is, of course, where approximately 60% of people worldwide work, and where the vast majority of those that we would term the working poor are employed. "As far as SDG 10 is concerned, the pandemic has worsened by far existing inequalities within and among countries and territories, and it is estimated that the progress of the poorest countries and territories will be delayed by at least 10 years. When we speak of economic equality and inclusion, I think what we should at least be able to agree upon is that the elimination of arbitrary decision making, whether it is in the workplace, in policy making or in the administration of benefits, and insisting that decisions be based on relevant criteria, that will improve the quality of decision making.

### **Social justice champion**

Dr Imtiaz Sooliman was elected the 2021 social justice champion. He gave up his career as a medical doctor to pursue the field of humanitarian aid, which for him transcends the boundaries of race, of religion, of culture, of class and geography. In 1992, he founded the Gift of the Givers Foundation and has since then delivered aid to more than 22 countries.

*Dr Imtiaz Sooliman, Founder of the Gift of the Givers Foundation:*

"Our teams do not have a problem going from one crisis to another. They do it with a smile, with compassion and just to see somebody else benefit. But also, in addition to that, besides my teams and our families, I would like to thank South Africans. We are only doing what we are doing and manage to do what we do because of your generous support.

"Even in such difficult times, you make money available, you make your energy available, you make your means available, you pray for us, you support us. You are encouraged by teams on the road. You stop them on the road, you stop them at the shopping malls, you greet them, you encourage them, you give them good words. All that encouragement is really something that our teams recognise and appreciate."

### **Plenary discussion: The role of the law and policy design in advancing social justice, economic equality and peace**

*Professor Thuli Madonsela:*



“The Social Justice M-Plan is a way where we come together and it has four key result areas. One is social justice resonant policies and laws. It is about empowering policy - and lawmakers to leverage data analytics to catalyse social justice and SDG-responsive law and policy reform. Two, social accountability and social cohesion. It is about really fostering social cohesion, peace and a common understanding of democracy and human rights. The third one is resource mobilisation, which is mobilising societal resources and strengthening democracy. The fourth dimension is to help them to use disaggregated data to know where people are situated, and to meet them where they are. That is what we are doing in Swartland.”

**Kate Robertson**, *Co-founder of One Young World and Member of the Council of Social Justice Champions:*

“It is interesting when you look at it from a global perspective, taking all countries into account, because the words social justice, we have to understand, are easily embraced all over the world, especially by young people, because they have absolutely universal appeal. They’re the sort of words that it’s really hard for someone to say, I don’t want social justice, I don’t like it, it’s not a good idea. It has this universal appeal and it’s very interesting, looking with your South Africa lens, to look at some of these other countries and to see things that you would actually genuinely recognise.”

“When there should be a nexus between, and Prof Madonsela mentioned this very briefly, when there should be a nexus between business interests and the interests of the state, and the interests of the state in democracies are the interests of the people, just exactly that, the interests of the people, where that nexus arises, the issue becomes the transparency with which business and the state work together. Prof Madonsela knows more about this than most people in the world, but it is true all over the world.”

## **Parallel sessions**

There were nine thematic areas where robust discussions were held, and bold action plans were developed. The sessions focused on Land reform, property rights, and the distribution of assets, business ownership, financial inclusion, wealth and income distribution, social security and the BIG, agriculture and food security, education and digital inclusion, social justice resonant economic theories including indices for measuring economic growth, emerging tools for social impact conscious economic planning.

## **Boschendal Declaration and Resolution on Mainstreaming Social Justice in Economic Policy Design and Law Reform (in part)**

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

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

**We hereby resolve to:**

**Recommit ourselves** to the Social Justice M-Plan and to scale and fast-track its key result areas

***Social Justice-resonant policies and law:*** Empower policy- and law-makers to leverage data analytics to catalyse social justice and SDG responsive law and policy reform.

***Social accountability and social cohesion:*** Foster social accountability and social cohesion through legal, human rights and democracy awareness and empowerment initiatives.

***Resource Mobilisation:*** Mobilise societal, corporate and international support and resources towards accelerated reduction of poverty and inequality by 2030.

***Strengthened Democracy:*** Encourage ethical and democracy attuned leadership among all and contribute to building a strong capable state) and the Programme of Action adopted at this summit.

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

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

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

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

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

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

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

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

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