

KEYNOTE PLENARY

Social Justice, Food Security, and Peace: How Useful is the Law

Professor Thuli Madonsela¹

The paper and presentation will examine food security and its interplay with human rights law, environmental justice and peace through a social justice lens. This will include a brief introduction into key challenges regarding peace, the environment and sustainable development, and the interplay between these and equitable enjoyment of the right to food as a social justice matter; contrasting this reality with the promise entailed in international human rights law and other global guardrails regarding the universal right to food; factoring in a number of acclaimed domestic constitutions, such as South Africa's that commit to both the right to food and social justice and raising questions regarding explanations for the gap and opportunities for transcending it, taking into account the impending SDG deadline and booster initiatives such as the G20 agenda and the Pact of the Future. The methodology will be entirely based on doctrinal research, largely leveraging research observations of the Law Faculty Trust Chair in Social Justice at Stellenbosch University in the last 7 years.

Keywords: law, environmental justice, food security, international law, human rights: peace, social justice

Brazil's Intersectional Approach to Food Justice and Climate Resilience

Murilo Vieira Komniski²

Brazil exemplifies the complex interplay of social justice, food security, and climate action. Domestically, policies like the *National Food and Nutrition Security Law* (2006) and Belo Horizonte's food-as-a-right programmes reduced infant mortality by 90% (1993–2006), lifting Brazil off the UN Hunger Map by 2014. However, institutional dismantling (e.g., abolishing the National Council for Food Security (CONSEA) in 2019) and austerity measures reversed this progress, resulting in food insecurity surging from 7.8% (2013) to 30.7% (2022), disproportionately affecting Black, Indigenous, and rural communities. The reinstatements of CONSEA and the *Brazil Without Hunger Plan* have reduced severe food insecurity by 24.4 million in 2023, though structural racism and regional inequalities persist.

Globally, Brazil champions solidarity-driven frameworks. As G20 president (2024), it launched the *Global Alliance Against Hunger and Poverty* to redirect financial resources toward SDGs, critiquing global military spending (\$2.4 trillion) while advancing South-South cooperation via agroecology knowledge-sharing.

Regionally, it leverages the Amazon Cooperation Treaty Organization to promote climate-resilient food systems, countering deforestation-driven agriculture.

Critical challenges remain, including:

- **Climate-food nexus:** Droughts disrupt agriculture while 61 million face water insecurity, projected to rise to 74 million by 2035.
- **Economic volatility:** Food inflation (37.5% in 2019–2022) strained low-income households, especially in the Northeast.
- **Governance fragility:** Policy continuity remains vulnerable to political shifts.

Brazil's experience underscores four imperatives:

1. **Inclusive governance** (e.g., CONSEA's civil society participation).
2. **Targeted equity measures** addressing gender, race, and geography.

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² Diplomat, Professor and Researcher. Observations are personal and do not imply official positions.

3. **Climate-adaptive investments** (e.g., R\$71.6 billion for family farm agroecology in 2023).
 4. **Global resource redistribution** via alliances like the G20.
- Food sovereignty and climate justice require embedding social justice – dismantling structural inequities through solidarity at local and international levels.

Keywords: food sovereignty, CONSEA, agroecology, G20, climate resilience

PLENARY I: HUNGER, POVERTY, ECONOMY AND SOCIAL JUSTICE: ANALYSING SYSTEMIC INEQUALITIES IN FOOD ACCESS

Socially Unjust World for Children With Learning Disabilities or Learners With Special Needs

Judge Thando Mankge³

This paper aims to spark critical dialogue and calls for an inclusive approach that seeks to pay intentional reverence to the rights of children with learning disabilities (“CWLD”) or learners with special needs within the South African education system. The paper also seeks to demonstrate that the current matric qualification (National Senior Certificate), which is the standard set to measure basic qualification in South Africa, indirectly excludes CWLDs from economic opportunities and threatens their constitutional right to adequate food and inherent dignity in their adulthood. The paper demonstrates that this is also a major driver for child crime.

The International Covenant on Economic, Social and Cultural Rights 1976, section 27(1) of the Constitution of the Republic of South Africa, 1996, (which guarantees everyone the right to access to sufficient food and water) serves as the framework of this paper.

Moreover, the South African open labour market (enthused by the education system) is still using the National Senior Certificate as a foundational phase achievement. The paper therefore demonstrates that CWLDs and neurodiverse children are unable to achieve this standard, resulting in them ultimately experiencing food scarcity in their adulthood.

The writer, having worked in South African courts of law for more than 22 years, has interacted with both child and young adult offenders, and it is this interaction that inspired this paper.

After the introduction of the Child Justice Act 75 of 2008, offenders without a Grade 12 qualification were arrested and brought to courts in numbers. This prompted an inquiry into the root cause of their criminal behaviours and how they perceive their failure to attain Grade 12 qualifications as influencing their decision-making in committing crimes.

The inquiry adopted a social constructionism approach, guiding the writer to listen and attempt to understand each participant’s perceived realities on their reasons for committing a crime. The participants were able to narrate their stories, and they attributed their criminal behaviours to their inability to achieve a matric qualification. The paper shows that the typical response from the participants established that they find themselves struggling for food and resorting to crime to provide for themselves and their families.

Statistics from the Department of Basic Education reveal that about 40% of learners who enrol in Grade 1 do not progress to Grade 12. The paper appeals for the tracing of this group of individuals, so that they may be supported in accessing economic opportunities and alleviating poverty caused by the system. This will achieve a fair balance and ensure the fair distribution of resources and opportunities within society.

Keywords: children with learning disabilities, human rights, Grade 12 qualification, food scarcity, inclusive education, social injustice

³ Justice of the Mpumalanga High Court.

Innovative Social Protection Interventions Used by the Government of Zambia to Promote Food Justice Among the Poor but Viable Older People and Persons With Disabilities in Rural Zambia During the 2023/2024 National Drought Crisis

Isaac Kabelenga⁴

Zambia, like many other countries in Southern Africa, experienced the worst drought during the 2023/2024 farming season. This resulted in food crises, food poverty, hunger, and malnutrition, among other effects. Among the worst-affected people were older persons and persons with disabilities in rural Zambia. However, in scientific knowledge, little is known about the social protection interventions that the Government of Zambia innovated to promote food justice among the poor but viable older persons and persons with disabilities in rural Zambia. This paper addresses three key questions: (1) What emergency social protection interventions did the Government of Zambia innovate to promote food justice among the poor but viable older people and persons with disabilities in rural Zambia during the 2023/2024 national drought crisis? (2) Which policy, legal, and administrative frameworks guide the promotion of food justice among the poor but viable older persons and persons with disabilities? (3) How did the innovations promote food justice among the poor but viable older people and persons with disabilities? To address the research questions raised by this study, a desk review and primary qualitative data collection from key stakeholders were undertaken.

Keywords: drought crisis, food poverty, hunger, poor but viable older persons and persons with disabilities, innovative social protection, food justice, rural Zambia

International Human Rights and Domestic Legal Frameworks Regulating the Right to Food and Adequate Nutrition

Kelly-Anne Cleophas

“Hunger is not an issue of charity. It is an issue of justice.”¹ The right to food is the foundation upon which all human development is based, and without which no other right can be enjoyed. This paper explores how the right to food has been interpreted within international human rights law and, in particular, how states, like South Africa, have fulfilled their obligations (or not). The paper draws directly on the work of the Committee on Economic, Social, and Cultural Rights. Within the African human rights context, the paper examines the African Commission on Human and Peoples’ Rights, which has suggested that, although the right to food does not expressly appear in the African Charter on Human and Peoples’ Rights, it is implicit because it is inextricably linked to human dignity.

What becomes clear during this exploration is an echoing of the sentiments of the United Nations that “[f]ood insecurity and malnutrition are not randomized conditions, but rather are the results of social and economic systemic inequalities from local to global levels.”² In South Africa, systemic inequality has a significant impact on who has access to enough nutritious food and how well social services like grants can help those in need. Although social safety nets, particularly the Social Relief of Distress grant, were created to help those who faced hunger, they frequently fall short of reaching the most vulnerable or offer Jacques Diou, Director-General of the United Nations’ Food and Agriculture Organization from

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January 1994 to 31 December 2011⁵ insufficient assistance due to enduring structural problems like poverty, unemployment, geographic adversity, and rising food prices.

As a result, there is a pattern where food insecurity and malnutrition follow the lines of social inequality rather than occurring at random. The unequal distribution or inaccessibility of social aid exacerbates these disparities. Recent court cases demonstrate how South Africa's grant administration practices might exclude qualified applicants by creating administrative obstacles. As a result, there is a pattern where food insecurity and malnutrition follow the lines of social inequality rather than occurring at random.

The discriminatory distribution or inaccessibility of social assistance directly compounds these inequities. A recent court case painfully demonstrates that South Africa's grant administration can exclude eligible individuals due to bureaucratic hurdles or gaps in outreach, reinforcing hunger among the country's poorest and most vulnerable. Only when social assistance actively bridges these gaps and addresses systemic disadvantage—rather than sustaining it via inadequacy or inaccessibility—is it truly just.

Hunger, Poverty, and the Law: Reimagining India's Right to Food Through the Lens of Social Justice and Economic Equality

V Ravindran

With its diverse population, India is one of the fastest-growing economies in the world. It has made significant efforts in ensuring economic and social development for all. Yet the persistence of hunger and malnutrition presents a sobering paradox in the country. According to the Global Hunger Index 2024, India ranks 105th out of 127 countries, with a score of 27.3, categorised as a "serious level of hunger." Various indicators like 13.7% of the undernourished population, 35.5% of the children under five having stunted growth, and 18.7% are wasted, which is the highest rate across the globe, reflect the seriousness of this issue. Additionally, over 195 people are undernourished, and 57% of women and 67% of children are anaemic.

This research paper argues that food insecurity in India cannot be understood solely through an economic lens but must be recognised as a cause of deeper legal, institutional, and social exclusions. It critically evaluates the National Food Security Act, 2013, the public distribution system, and the newly introduced One Nation One Ration and other related schemes, analysing their performance in upholding the constitutional guarantee of the Right to Food under article 21 of the Constitution of India. While these legal frameworks establish the rights of individuals, their implementation is frequently undermined by systemic inefficiencies, decentralised corruption, and inadequate grievance redressal mechanisms.

Further, this paper examines the jurisprudential evolution of the Right to Food, particularly in light of the Supreme Court of India's intervention in *PUCL v Union of India*, 2001. It is very evident from the data available on hunger and poverty in India that the apex court's welfare-oriented approach, though very progressive in intent, has fallen short in addressing access to food due to structural barriers in the country. Marginalised communities like Dalits, Tribes, Women, and Informal Workers face many issues like digital exclusion due to Aadhaar-linked rationing, non-justiciability of nutrition rights, and weak accountability structures, which hinder Access to Justice.

The paper calls for a rights-based framework that places legal accountability, social equity, and distributive justice at the centre of food security governance. By reimagining hunger as a form of structural injustice rather than mere economic deprivation, this study seeks to further the constitutional values of equality, dignity, and social justice in India's ongoing struggle against poverty and hunger.

⁵ UN Food Systems Coordination Hub "Key Inputs from Summit Workstreams" (undated) *UN Foodsystems Hub* <<https://www.unfoodsystemshub.org/fs-summit-legacy/food-systems-summit-compendium/chapter-2-levers-of-change/equity-in-food-systems/en>> (accessed 12-10-2025).

Keywords: hunger, food security, right to food, structural injustice, social equity

Ensuring Food Security Through Fair Markets: An Analysis of Competition Law and the Right to Food in South Africa

Dr Precious Nonhlanhla Ndlovu⁶

South African competition law, as outlined in the Competition Act 89 of 1998, aims to promote economic efficiency, consumer welfare, and address anti-competitive activities that affect the domestic economy. In promoting free and fair markets, the Act also emphasises equity goals such as employment, socio-economic welfare, participation of small and medium enterprises (SMEs), and the inclusion of historically disadvantaged persons (HDPs) in the economy. As with all law, the Act must align with the Constitution of the Republic of South Africa, 1996, and South Africa's international obligations, and, where relevant, to ensure the realisation of fundamental rights like the right to food, which is linked to other rights such as dignity, life, health, water, education, work, and social security. These fundamental rights are applicable when evaluating anti-competitive practices by private entities, such as firms, because the Bill of Rights also applies horizontally.

In 2021, the Constitutional Court ruled that consumers' socio-economic rights can be impacted by anti-competitive practices, as prohibited by the Competition Act. This is because the entire food supply chain is subject to competition restraints, from production to consumption. Therefore, the competition authorities, namely, the Competition Commission, Competition Tribunal, and Competition Appeal Court, have a constitutional obligation to apply the Act's enforcement and remedial framework to address anti-competitive practices in the food supply chain, in ways that improve food security and related human rights.

Consequently, the Competition Commission, as the principal investigator, has identified aspects of the food supply chain as one of its priority areas of enforcement.

This paper makes four main recommendations, which centre around this prioritisation. First, the Commission must employ its newly introduced remedial powers under market inquiries to craft remedies that directly improve food security when investigating food supply chain markets. Second, the competition authorities must prioritise food security when applying equity objectives in the evaluation of mergers and anti-competitive practices by dominant firms, to support SMEs and HDPs in the food supply chain. Third, the granting of exemptions under the Act must also promote innovation and investment in agriculture through incentives for research and development, as this can contribute to improved food production and distribution. Finally, targeted collaboration between the Commission and sector regulators involved in the food supply chain.

Food Security Begins with Legal Security: Informal Workers and the Architecture of Inclusion

Pamela Baloyi⁷

In a world marked by economic turbulence, political unrest, and deepening inequality, the struggle for food security cannot be separated from the struggle for social justice. The story of Mohamed Bouazizi, the Tunisian street vendor whose self-immolation sparked the Arab Spring, reveals a powerful truth: hunger is not only a condition of poverty, but of exclusion.

Around the globe, millions of street vendors disproportionately women, migrants, are systemically denied legal recognition, secure trading spaces, and economic rights. They occupy the frontlines of food access and play a distinctive and indispensable role in ensuring

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affordable, culturally appropriate, and proximate food for urban and peri-urban populations. Yet, despite their centrality to local food systems, they are routinely excluded from legal protection, denied trading rights, and displaced from public spaces through punitive bylaws and spatial planning regimes.

This paper argues that advancing food security requires reimagining it as not only a question of production and distribution, but also one of legal and institutional inclusion. Informal traders are not merely economic actors but vital agents of food justice whose ability to operate safely and sustainably determines whether millions can access nutritious food daily. The paper draws on comparative insights from the Global South, including *Makwicana v eThekweni Municipality*, to show how legal exclusion undermines constitutional values of dignity, equality, and livelihood security.

To address these systemic barriers, the paper proposes targeted reforms such as, but not limited to, municipal bylaws that recognise trading as a legitimate livelihood and prohibit arbitrary confiscations; inclusive spatial planning that allocates secure, serviced, and accessible trading sites within urban design; simplified licensing and registration systems that promote compliance without erecting barriers to entry; and proportionate hygiene and safety standards co-designed with traders to protect public health while sustaining livelihoods.

By embedding these reforms within rights-based frameworks, municipalities can transform informal trading from a site of conflict into a cornerstone of resilient, equitable, and community-rooted food systems. Recognising informal traders as partners in achieving food security is not only a matter of policy efficiency, but also an imperative of social justice and constitutional transformation.

PLENARY II: WAR, VIOLENCE (INCLUDING GENDER-BASED VIOLENCE (GBV) AND VIOLENCE AGAINST CHILDREN) AND ACCESS TO FOOD.

The Beijing Declaration and Platform for Action's Continuing Guidance Regarding Food Security for the Protection of Girls Before, During, and After Armed Conflict

Dr Jan Marie Fritz⁸

The Beijing Declaration and Platform for Action was adopted by 189 governments in 1995. The document has been called “the world’s most comprehensive, visionary plan ever created to achieve the equal rights of ALL women and girls,” and it is now 30 years since it was put in place. The Declaration contains 36 basic points, and the Platform for Action focuses on 12 critical areas of concern. Food security is mentioned 28 times in the document. After discussing the current situation of children in armed conflict, the advice on food security is critically analysed. The final section of the paper discusses the ongoing guidance provided by the Beijing Declaration and Platform for Action, as well as potential additions.

Starvation as a Weapon: International Law, Humanitarian Norms, and the Right to Food in Conflict Zones

Prof Tameshnie Deane⁹

In protracted armed conflicts, hunger is increasingly weaponised against civilians, particularly women and children, transforming food deprivation into a deliberate tactic of war.

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This paper argues that while international legal frameworks, such as the Geneva Conventions and the Rome Statute, recognise starvation as a war crime, they remain insufficient in addressing the systemic violence inherent in the weaponisation of hunger.

By critically examining the Geneva Conventions, the Rome Statute, and the African Charter on Human and Peoples' Rights, the paper advocates for a multi-layered legal approach to the right to food, extending beyond criminal prosecution to encompass reparations, structural injunctions, and community-based resilience initiatives. Drawing on African jurisprudence, it highlights landmark decisions by the African Court on Human and Peoples' Rights and South Africa's Constitutional Court, which affirm the right to food as central to human dignity and equality.

Using qualitative case studies from Yemen, South Sudan, and Gaza, the paper demonstrates how starvation operates not merely as a by-product of conflict but as a targeted instrument of violence. It critiques the limitations of retributive justice and proposes a framework for accountability that integrates legal enforcement with humanitarian interventions. Further, the study interrogates the gendered dimensions of starvation tactics by combining gender-sensitive legal analysis with insights from humanitarian policy. It underscores the need for gender-responsive programming and community-led efforts to restore dignity and agency to those most affected.

By framing starvation as both a legal violation and a social justice crisis, the paper charts actionable pathways toward achieving Sustainable Development Goal (SDG) 2 (Zero Hunger) and SDG 16 (Peace, Justice, and Strong Institutions). Ultimately, it calls for the full integration of the right to food into conflict prevention and post-conflict recovery processes.

Keywords: weaponised starvation, international humanitarian law, right to food, armed conflicts, gender-sensitive humanitarian aid, food insecurity in conflict zones

Echoes of War, Pangs of Hunger: The Russo-Ukrainian War on the Right of Access to Sufficient Food in South Africa

Mr L Magau & Dr TM Sikhitha

This paper examines the effect of the Russo-Ukrainian war, beginning in February 2022, on South Africa's right of access to sufficient food, highlighting vulnerabilities in the country's food security. It analyses how disruptions to global supplies of key imports, especially wheat and sunflower oil, essential for staples like bread, have caused prices to rise by over 35% between 2022 and 2024. Given South Africa's reliance on imports for about 30% of its food, including approximately 34% of wheat from Russia and Ukraine combined and 4% of sunflower oil from Ukraine, the paper explores how increased transportation costs and inflation exacerbate food insecurity. This study assesses how existing legal and policy frameworks, shaped by liberal market principles, have unintentionally hindered local food production and left the country vulnerable to international supply shocks. Using a doctrinal methodology, the paper evaluates the "reasonableness" of government measures as required by section 27(2) of the Constitution of the Republic of South Africa, 1996, which obliges the state to take reasonable steps to realise the right to food. Finally, it proposes legal and policy reforms aimed at promoting food self-sufficiency to better protect this right during global conflicts such as the Russo-Ukrainian war.

Keywords: war, right of access to sufficient food

Financial Prejudice Faced by Complainants Seeking Protection Orders in Domestic Violence Disputes

Dieketseng Damane,¹⁰ Kim Lamont-Mbawuli¹¹ & Katlego Booyesen¹²

While South Africa's Domestic Violence Act 116 of 1998 (DVA) provides a vital legal mechanism for survivors of domestic violence through the issuance of protection orders, the process of seeking such relief often results in unintended economic consequences for complainants. Despite its protective aims, the DVA does not guarantee mandatory financial support for survivors, offering only discretionary maintenance orders under section 7(2)(c), which are inconsistently applied. As a result, survivors – particularly women in low-income households and rural areas – are often left economically vulnerable after engaging the justice system.

Empirical evidence supports this systemic failure. A 2020 report by the Heinrich Böll Foundation revealed that survivors frequently suffer economic retaliation, including eviction from shared residences, withdrawal of financial support, and coercive pressure to abandon protection orders in exchange for material security. These findings are echoed in the South African Law Reform Commission's Discussion Paper 100, which highlights persistent structural barriers to justice, including limited access to legal aid, lack of emergency housing, and poor interdepartmental coordination.

This reality stands in tension with the Constitution of the Republic of South Africa, 1996, particularly section 9 (equality), section 10 (human dignity), section 12(1)(c) (freedom from private violence), and sections 26 and 27, which guarantee the rights to adequate housing and social security. It also undermines South Africa's obligations under international law, including Convention on the Elimination of All Forms of Discrimination Against Women General Recommendation 19, which recognises economic abuse as a form of gender-based violence (GBV), and the United Nations Sustainable Development Goals (SDGs), notably SDG 1 (No Poverty), SDG 5 (Gender Equality), and SDG 16 (Peace, Justice, and Strong Institutions). GBV often leads directly to food insecurity as survivors lose access to income, housing, and control over household resources. In contexts where women rely financially on their abusers, leaving an abusive relationship can result in immediate deprivation of basic needs, particularly for those with dependents. This intersection of GBV and food insecurity is especially prevalent in female-headed households, which are statistically more vulnerable to poverty and hunger.

This abstract provides that the legal framework inadequately protects complainants from material insecurity and inadvertently deters survivors from pursuing justice. Ultimately, this paper contends that recognising and remedying economic vulnerability is essential to fulfilling South Africa's constitutional and international commitments, and to ensuring the law serves as a true instrument of protection rather than a trigger for further harm.

The Role of Corporate Philanthropy in enhancing the African Union Peace Fund

Abstract: The African Union Peace Fund in advancing food security for children in armed conflict: the case of Goma in the Democratic Republic of Congo

Sandile Tshabalala¹³

This study explores the role of corporate philanthropy in enhancing the operational capacity of the African Union Peace Fund. It aims to accelerate the Fund's efforts towards food security interventions as a means to safeguard the rights of children against armed conflict

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in Africa. To achieve this objective, the study focuses on corporate philanthropy as an alternative resource mobilisation route for the African Union Peace Fund, particularly in relation to child protection and access to food, nutrition, and psychosocial support. The presence of the M23 rebels in Goma, the Democratic Republic of Congo (DRC), has displaced many children, disrupted social stability, and increased vulnerability to disease, homelessness, and lack of access to social services, education, healthcare, and sanitation. As a result, children accommodated in humanitarian camps are at high risk of malnutrition due to limited access to food security and nutritious meals.

In Karisimbi, many children under the age of five suffer from severe acute malnutrition, while pregnant or breastfeeding women are also at risk. Armed conflict reduces the availability of health and nutrition services, as evident in Goma, primarily affecting children and thus infringing on their inherent human dignity. Drawing from qualitative methods using semi-structured interviews and thematic analysis, the study specifically examines the following objectives: investigating how the African Union Peace Fund can develop strategic partnerships with the private sector and high-net-worth individuals.

This study is significant in its focus on food security and nutrition in humanitarian camps, an area of study often overlooked, particularly regarding how children die of malnutrition due to their inability to access food. The African Union Peace Fund can prioritise its interventions, with support from corporate philanthropy in Africa, to eliminate the deaths of children in armed conflict from acute malnutrition, lack of diet diversification, and chronic undernutrition. The study aims to contribute to understanding how partnerships and tax incentives can strengthen child protection initiatives in armed conflict communities by establishing secure safe corridors for food security supply and aid delivery, ensuring timeliness to protect the best interests of the child in Goma, DRC.

Keywords: food security, nutrition, corporate philanthropy, African Union Peace Fund, children's rights

Examining the Impact of Gender-Based Violence on Rural Women's Access to Food in South Africa

Zitha Thabiso¹⁴

South Africa continues to record high levels of gender-based violence (GBV), with rural areas and townships carrying a disproportionate burden due to entrenched poverty, patriarchal norms, and systemic inequality. This paper explores the intersection of GBV and women's economic disempowerment within local food systems, demonstrating how violence undermines the realisation of constitutionally protected rights to equality, dignity, and access to sufficient food. South Africa's obligations under the African Charter on Human and Peoples' Rights, the Southern African Development Community Protocol on Gender and Development, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) establish a clear legal imperative to address GBV as both a human rights violation and a structural barrier to food security. Using a qualitative approach, this study draws on existing literature to understand the lived experiences of women affected by both food insecurity and GBV, with case material from different provinces.

Findings suggest the multiple ways in which women's access to land, agricultural production, and sustainable incomes is cut by violence in the household, the community, and institutional settings. research suggests that many women are compelled into precarious survival strategies, including exploitative labour arrangements and transactional relationships, to provide food for their families. These practices not only perpetuate cycles of poverty and dependency but also erode women's agency and ability to participate in local economies on equitable terms.

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The paper situates these findings within South Africa's broader social justice mandate, which calls for transformation, equity, and inclusion in addressing historical and structural disadvantage. It contends that food security cannot be meaningfully advanced without tackling the everyday and structural violence that impedes women's autonomy and economic participation.

In response, the paper proposes a range of legal and policy reforms: the enforcement of constitutional rights through stronger accountability mechanisms; the expansion of protective legislation that explicitly links GBV prevention with economic and food security measures; the prioritisation of women's access to land through land reform and redistribution initiatives; and the development of community-driven support structures that integrate social protection, counselling, and livelihood programmes.

Notably, the paper argues that this is also an opportunity for traditional leaders and local government to intervene, by using their authority to protect women, facilitate equitable land access, and support community-driven initiatives that link safety with food security. Subsequently, by linking GBV, food insecurity, and constitutional rights within a justice-oriented framework, this study contributes to debates on how South Africa can move beyond rhetorical commitments to substantive equality and transformation. It concludes that reducing GBV and securing women's economic justice must be treated as central components of achieving national food security, rather than as parallel or secondary policy concerns.

Keywords: gender-based violence, food insecurity, women's economic disempowerment, rural areas, inequality

PLENARY III: CLIMATE JUSTICE AND EQUITABLE, SUSTAINABLE FOOD SYSTEMS

From Precipice to Policy Reform: Rethinking Malawi's Approach to Climate Justice

Dan Kuwali

Malawi's economic policy framework is constrained by entrenched structural and institutional weaknesses that undermine the realisation of constitutionally guaranteed socio-economic rights. The existing fiscal and sectoral policies prioritise macroeconomic stability and elite interests, often at the expense of inclusive growth, environmental sustainability, and human security. Despite constitutional mandates for health, environmental protection, and development, Malawi's economic governance has failed to systematically integrate climate resilience, food security, and equitable resource distribution into its core policy objectives. Climate change, which exacerbates poverty, food insecurity, and forced displacement, remains insufficiently addressed within key policy sectors, including agriculture, energy, and land use. The country's reliance on rain-fed subsistence agriculture and extractive industries leaves both rural and urban populations acutely vulnerable to climate-induced shocks. Policy incoherence, especially in agriculture, mining, and infrastructure development, further erodes pathways to sustainable development, intergenerational equity, and human security. The paper highlights that Malawi has not fully leveraged emerging climate finance mechanisms such as carbon credits, which offer both environmental and economic benefits.

Properly regulated carbon credit schemes – particularly those linked to afforestation, conservation agriculture, and clean energy transitions – can serve as critical tools for climate mitigation and revenue generation. However, the current regulatory vacuum, lack of technical capacity, and limited institutional coordination risk turning carbon markets into vehicles for elite capture rather than inclusive development. The failure to embed carbon market policy within a constitutional framework of transparency, equity, and public participation reflects broader governance challenges. This paper interrogates the constitutionality and efficacy of Malawi's economic policy frameworks in mitigating climate change and safeguarding human security, including food security.

Using doctrinal and analytical methods, it assesses the alignment of current policies with constitutional provisions such as section 7 (people-centred governance), section 8 (inclusive policymaking), and section 13(n) (balanced economic development and environmental stewardship). The paper concludes that climate-responsive, participatory, and rights-based economic governance – including a constitutional approach to carbon credit policy – is essential to fulfilling Malawi’s development and climate justice obligations.

Keywords: carbon credits, climate change, human security, food security, constitutional governance, economic justice, climate finance, public participation, policy reform

Reimagining Private Law as a Tool for Food Security and Climate Justice: Aligning South African Legal Frameworks with the UN SDGs

Mlondolozzi Mvikweni¹⁵

This study reimagines South African private law as a transformative tool for advancing food security and climate justice, aligning domestic legal frameworks with the United Nations Sustainable Development Goals (SDGs). It critically examines private law doctrines, including contractual clauses, tort liability, and fiduciary duties, and how they can either facilitate or obstruct socio-environmental justice. The analysis explicitly situates private law reforms within South Africa’s broader social justice mandate, emphasising constitutional rights such as the right to food, equality, and human dignity, underpinned by principles of equity, transformation, and inclusion.

Using doctrinal and critical legal methodologies, the study interrogates the capacity of private law to address vulnerability and enhance resilience in food systems amid climate change. It foregrounds the role of private law in mitigating environmental harm, ensuring fair and inclusive contractual relations, and imposing fiduciary responsibilities on powerful actors affecting food security and environmental sustainability.

The anticipated findings demonstrate that private law can catalyse meaningful progress on climate justice and food security if reformed to integrate constitutional values and international commitments, recognising property rights as socio-economic entitlements bound by justice and inclusion. This interdisciplinary approach broadens the discourse beyond conventional public law, positioning private law as a critical vehicle for implementing justice-oriented policy and legal reforms to improve food access and environmental stewardship.

Keywords: private law; food security; climate justice; social justice; sustainable development goals

Gender Deconstruction and Empowered Communities: Advancing Climate-Resilient Food Systems for Justice and Sustainability

Adv. Chris Chinyati

In many African contexts, climate change and gender inequality function as compounding threat multipliers within already inequitable food systems. This paper critically examines the intersection of gender, climate change, and food governance, advocating for a paradigm shift towards inclusive and climate-resilient food systems shaped by empowered communities. Women and girls bear a disproportionate burden of environmental shocks due to entrenched structural inequalities in access to information, decision-making power, and economic resources. The aftermath of climate-related disasters frequently exacerbates cycles of poverty, exclusion, and food insecurity among marginalised populations.

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Methodologically, this study employs normative legal analysis, comparative African policy review, and community-level practices – including women-led seed banks, informal markets, and cooperatives – to illustrate how gender-responsive governance frameworks can enhance resilience.

Anchored in the social justice mandate of the International Social Justice Commission, the analysis is situated within constitutional guarantees of the right to food, equality, and dignity, applying social justice principles of equity, transformation, and inclusion. Furthermore, it examines states' obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the Maputo Protocol, and Sustainable Development Goal 5, demonstrating how these frameworks obligate governments to eradicate discrimination and secure women's rights to food, land, and sustainable development.

The paper proposes a tripartite policy framework that (i) strengthens citizen participation and civil society voices in food governance; (ii) promotes agro-biodiversity and local food systems; and (iii) supports informal markets as critical anchors for community resilience. By linking grassroots practices with legal and policy frameworks, the study demonstrates that dismantling gendered power structures is essential not only for equity but also for sustainable and actionable responses to climate change and food insecurity, offering concrete pathways for policy and practice.

Green Transitions, Unequal Burdens: Customary land rights and Tenure Insecurity in South Africa's Energy Transition

Nkopane Thandolwethu¹⁶

The global push to combat climate change is centred on transitioning from fossil fuels to renewable energy. Meeting net-zero targets by 2050 will require a sixfold increase in the supply of critical minerals, framed as an opportunity for industrial growth, job creation, and economic expansion. In South Africa, exploration budgets have increased, particularly for transition metals such as copper, nickel, and lithium, which raises the potential for intensified mining activities. However, South Africa's mining history is marred by dispossession and the impoverishment of rural communities.

While several policies have been adopted to facilitate the energy transition, there is limited engagement on how this transition will affect tenure security, particularly for customary communities whose land rights are considered informal, frequently unrecorded, and vulnerable to encroachment. Tenure security provides individuals and communities with legal protection against arbitrary evictions and land dispossession. Secure tenure also enhances investment in land, enhancing food productivity and investments.

Its inclusion in Sustainable Development Goal 1, as an enabler for poverty reduction, situates a secure tenure as a *sine qua non* for economic development, equality, and poverty reduction. The African Union also requires states involved in large-scale land-based investment to respect and protect customary land rights. Nonetheless, South Africa's legal framework does not adequately safeguard customary land rights. The persistent disregard for the provisions of the Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA) in mining projects, especially the failure to secure free, prior, and informed consent, is likely to be exacerbated under the current trajectory, deepening tenure insecurity.

This paper critically analyses South Africa's energy transition framework, arguing that without a distributive justice, it risks reproducing colonial patterns and relegating rural areas to sacrifice zones. This reflects the logic of "green extractivism," where the framing of the transition as a climate solution obscures its socio-environmental costs. Through a review of legal instruments such as the Expropriation Act 13 of 2024 and the amended Mineral Resources Development Act 28 of 2002 (MRDA), the paper demonstrates how current laws

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consolidate power among elites while marginalising rural communities and threatening their constitutional right to a secure tenure.

Keywords: green extractivism, customary law, tenure security, energy transition, critical minerals

Advancing Food Justice and Climate Resilience: The Role and Impact of the UN Special Procedure Mechanisms

Pacharo Kayira¹⁷

The pursuit of equality, solidarity, and sustainable development requires systemic legislative and policy reforms, supported by robust, efficient, and effective human rights mechanisms to advocate, monitor, and set standards for global measures.

The Special Procedures (SPs) are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system is an integral element of the United Nations human rights machinery and covers all human rights.¹⁸

SPs such as Special Rapporteurs on the Right to Food, on Human Rights and the Environment, on Climate Change, and on Extreme Poverty, along with the Working Group on Business and Human Rights, have highlighted food sustainability, environmental degradation, climate change effects, and the social justice and human rights aspects of food sustainability. This has been achieved within the Human Rights Council framework by shaping global standards on these matters, with a reinforced focus on achieving the 2030 Agenda, including Sustainable Development Goals 2, 13, and 16.

This paper presents case-based illustrations of how the SPs have influenced state practice,¹⁹ domestic,²⁰ and regional litigation²¹ in deploying national food strategies, recognition of clean, healthy and sustainable environment as a human right.²² Further, I examine how international and regional instruments have applied the emerging standards not only regarding SDGs, but also due to the influence of the SPs.

The Energy Transition in South Africa: Regulatory Evolution, Procurement Pathways, and the Rule of Law in a Just Energy Transition

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¹⁸ See Office of the High Commissioner for Human Rights “Special Procedures of the Human Rights Council” (undated) OHCHR <<https://www.ohchr.org/en/special-procedures-human-rights-council/special-procedures-human-rights-council>> (accessed 12-10-2025).

¹⁹ Such as adoption of constitutional or statutory provisions and policies to respect, protect, and fulfil the right to food

²⁰ The landmark decisions by domestic courts in South Africa and Kenya advancing the right to a healthy environment, *African Climate Alliance v Minister of Mineral Resources and Energy* (56907/2021) [2024] ZAGPPHC 1271 (4 December 2024) and *Metal Refinery (EPZ) Ltd v Owino Uhuru Residents* [2024] KESC 75 (KLR) (6 December 2024) (Judgment), respectively.

²¹ Such as the decision on state obligations on effects of climate change by the European Court on Human Rights in *Verein Klimaseniorinnen Schweiz and others v Switzerland* 53600/20. Judgment 9.4.2024 [GC], as well as a pending petition for an advisory opinion to the African Court on Human and Peoples filed by a coalition of non-governmental organizations (NGOs), headed by the Pan African Lawyers Union (PALU), and in collaboration with the African Climate Platform, Resilient, Natural Justice, and Environmental Lawyer Collective for Africa.

²² The adoption of a resolution by the HRC: The human right to a clean, healthy and sustainable environment: resolution / adopted by the Human Rights Council on 8 October 2021 UN Doc A/HRC/RES/48/13.

Dr Kim Lamont-Mbawuli,²³ Dieketseng Damane²⁴ & Rumbidzai Kamurai²⁵

In a world where access to energy intersects with socio-economic rights, environmental justice, and industrial policy, how do we reconcile rapid decarbonisation with a legally sound, inclusive, and equitable transition? South Africa's energy transition, which includes a diversified energy mix of renewables, low-carbon emitting alternatives, and residual fossil fuels, presents a significant opportunity to restructure the power sector. However, this transition must involve more than just shifting the energy mix; it must meaningfully address historical inequalities, energy poverty, and food insecurity, thereby advancing substantive social justice.

As South Africa confronts an unprecedented energy crisis amidst global climate imperatives, its pivot to renewable energy reveals a complex web of legal, regulatory, and institutional challenges. At the heart of this inquiry lies the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP), an internationally lauded model for attracting private investment into renewable energy. Despite its successes, the REIPPPP faces mounting obstacles, including transmission infrastructure bottlenecks, delays in project rollouts, and concerns over transparency, scalability, and inclusive development. While the recent amendments to Schedule 2 of the Electricity Regulation Act 4 of 2006 (ERA) removed licensing thresholds for embedded generation, marking a significant regulatory milestone, questions persist about whether this liberalisation adequately ensures access, affordability, and fairness across diverse socio-economic groups.

Beyond regulatory reform, the energy transition must be grounded in constitutional values, notably dignity, equality, and access to socio-economic rights under sections 26 and 27 of the Constitution of the Republic of South Africa, 1996. Food insecurity is directly exacerbated by energy deprivation and poverty in a manner that reveals a cyclical relationship between economic exclusion and gendered harm. This is evidenced by the fact that in rural and peri-urban areas, where informal energy usage remains prevalent, the lack of equitable energy infrastructure development risks perpetuating spatial and economic marginalisation.

This paper critically examines the constitutional implications of municipal procurement autonomy in light of embedded generation reforms and the liberalisation objectives of the Electricity Regulation Amendment Bill. It considers whether the existing legal and institutional frameworks are adequate to support a just and equitable electricity market, consistent with the constitutional principles of equality, administrative justice, and cooperative governance. It argues that without the integration of food and energy justice into the legal framework, the transition risks entrenching socio-economic disparities under the guise of environmental reform. A truly transformative energy law must prioritise redistribution, universal access, and participatory governance to fulfil the Constitution's mandate of substantive equality and social justice.

PLENARY IV: FOOD SOVEREIGNTY AND THE LAND-FOOD-AND-ECONOMY-NEXUS

Food Sovereignty and the Link Between Land, Food, and the Economy: The Case of Côte D'Ivoire

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Although Côte d'Ivoire is a recognised agricultural powerhouse, it faces a paradox: it remains dependent on imports to feed its population. This imbalance stems from the priority given to cash crops (cocoa, rubber, oil palm) at the expense of food crops. Land issues, access to land, growing food dependency, and low local processing capacity limit the country's food sovereignty. A strategic reorientation is necessary to ensure the sustainable, inclusive, and resilient autonomy of its food system.

Structural food dependency is measured by imports of more than 1.5 million tons of rice, fish, milk, wheat, and oils, representing more than US\$3.33 billion. Côte d'Ivoire imports 60% of its food needs, even though the country has 80% of arable land that has not been exploited for decades, leading to the decline of certain local food crops and the devaluation of local knowledge. There is low economic value placed on food production, with little financial support for smallholder farming (less than 5% of the national budget), poorly structured food value chains, and low local processing. Food production is seen as subsistence farming rather than a driver of growth. Food sovereignty requires subsidies for food inputs and financing for local production, the creation of a national fund for food sovereignty, and the integration of food sovereignty into economic and trade policies. Food sovereignty is a strategic pillar for Côte d'Ivoire's resilience and economic independence. It requires equitable land policies, strong support for food agriculture, and structural transformation of food systems. It is time to make land and food the drivers of a sovereign national economy.

From Margins to Agency: Co-constructing Food Systems Through Land, Economy, Livelihoods and Community Voice.

Oyamangaye Soga, Bongani Gocina, Amy de Raedt, Pushetji Leshilo & Dr Bruce Damons

This paper explores the co-construction of a sustainable South African food systems framework through a participatory action learning and action research (PALAR) methodology, foregrounding the lived experiences of historically marginalised communities. Anchored in Ericksen's food systems framework, Ellen, Harris, and Parks' articulation of Indigenous Knowledge Systems, and Food Regime Theory, the study critically interrogates the intersections of land, food, livelihoods, and economy. South Africa's legacies of dispossession and structural inequality continue to shape contemporary food systems, restricting access to adequate nutrition for over 16 million people, while climate shocks and globalised food regimes further undermine local economies.

Methodologically, the paper positions PALAR not only as a participatory tool but as an analytical framework that enables reflexive cycles of inquiry and action across multistakeholder platforms. This approach illuminates the socio-political, ecological, and economic drivers that constrain food accessibility and sovereignty, while foregrounding community voice as a site of epistemic justice. Emerging findings demonstrate that transdisciplinary and co-produced food governance rooted in contextual realities and inclusive knowledge systems has the potential to strengthen resilience and equity. Indigenous food practices and cultural knowledge, frequently marginalised in policy discourse, are shown to be central to advancing sustainable livelihoods and ecological balance.

The paper argues that achieving food sovereignty demands more than remedial interventions. It requires structural transformation that redistributes land, resources, and decision-making power. Embedding local knowledge into food system design, supporting ecological farming practices, and democratising governance processes are proposed as pathways toward decolonised and socially just food futures. In doing so, the study contributes to methodological and theoretical debates on participatory, context-responsive approaches to food system transformation.

Food Sovereignty and Social Justice: Reimagining Law for Transformative Food Systems in South Africa and Beyond

William Manga Mokofe²⁷ & Evance Kalula²⁸

Food sovereignty has emerged as a critical paradigm for confronting the structural injustices that perpetuate hunger, dispossession, and inequality across the Global South and North. In South Africa, the struggle for food sovereignty is deeply intertwined with constitutional rights to dignity, equality, and access to food, as well as broader imperatives of social and economic transformation. Despite progressive policy frameworks such as the National Policy on Food and Nutrition Security and the Comprehensive Rural Development Programme, systemic exclusion persists. Historical land dispossession continues to intersect with contemporary forces of market liberalisation and crop commodification, undermining smallholder livelihoods and weakening community resilience. Landmark Constitutional Court decisions, including *Grootboom* and *Mazibuko*, illustrate the limits of socio-economic rights litigation when deeper structural barriers remain intact.

Through a comparative lens, the paper engages with Kenya's constitutional right to food, India's National Food Security Act, Malawi's Farm Input Subsidy Programme, and the European Union's Common Agricultural Policy. These examples reveal both the potential and shortcomings of current legal frameworks, particularly in how subsidies, tenure systems, and water rights often entrench corporate concentration and marginalisation. Situating this analysis within international and regional instruments such as the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, and the UN Declaration on the Rights of Peasants, the paper underscores the urgency of embedding food sovereignty into binding commitments.

The central argument is that genuine food justice requires more than piecemeal reforms: it demands a transformative reimagining of law as an initiative-taking tool for equity, inclusion, sustainability, and participatory democracy. By positioning food as a fundamental entitlement rather than a market commodity, legal systems can reconcile the physical and economic dimensions of access with broader commitments to redress and transformation. In doing so, the paper advances the social justice mandate of the conference, highlighting how food sovereignty offers a pathway for constitutional rights, social justice principles, and international commitments to converge in shaping inclusive, justice-oriented legal and policy reforms.

Ultimately, the paper calls for a transformative approach to law, one that repositions food as a fundamental entitlement rather than a market commodity. Such an approach must reconcile the physical and economic dimensions of access with broader commitments to redress and inclusion. By foregrounding food sovereignty within the social justice mandate of the conference, the paper contributes to the urgent task of building inclusive, justice-oriented legal and policy frameworks that reflect the lived realities of marginalised communities.

Keywords: food sovereignty; social justice; constitutional rights; transformative law; participatory democracy.

PLENARY V: LAND RIGHTS, AGRICULTURE AND ACCESS TO ADEQUATE FOOD AND NUTRITION

The Potential Impact of the New Expropriation Act on Food Security: Is There Cause for Concern?

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Prof. ZT Boggenpoel

The potential impact of the new Expropriation Act on food security: Is there cause for concern? In line with the aims and objectives of this conference, this paper investigates the potential implications of the new Expropriation Act 13 of 2024 on food security. More specifically, the paper assesses whether the current provisions of the Act that allow for expropriation at nil compensation impact productive land, which could potentially affect food security.²⁹ The enquiry focuses on the following question: Is there cause for concern that the provisions of the Act will impact food security? The underlying assumption of the paper is that the instances of nil compensation are limited, and the provisions of the Expropriation Act, as they stand, do not per se envisage the expropriation of commercial or productive land. Nonetheless, expropriating productive commercial farms in favour of beneficiaries who lack the means to ensure continued production could have potentially severe consequences for food security.² The lack of capital, investment, and access to adequate support for small and rural landholders could also lead to agricultural production dropping significantly. These factors emphasise the importance of ensuring suitable criteria for identifying appropriate land for expropriation, as it has far-reaching implications not only for the current landowner and the recipient but also for the (food) systems currently in place. The importance of post-settlement support in expropriations cannot be overemphasised to ensure that the fear of compromised food security does not take place. We need to ensure that resilience is strengthened in the expropriation process so that beneficiaries of land reform are empowered to ensure the efficient and effective operation of the enterprise post-settlement. It will be determined whether the proposed Act advances or inhibits this endeavour.

The Role of Customary Tenure Insecurity in Undermining the Right to Food: A Case Study of Zimbabwe and Tanzania

Tatenda P Mushaikwa³⁰

Dispossession of land disrupts access to seed systems, grazing areas, and livestock, which are crucial for food production and livelihood in rural communities. This paper examines how state-sanctioned displacements rooted in insecure customary and indigenous land tenure systems amount to violations of the right to food and other fundamental human rights in Zimbabwe and Tanzania. Such evictions undermine human dignity, equality, adequate housing, and cultural rights, reinforcing social injustice.

In both countries, communal or village land is vested in the State or the President. This legal framework often prioritises government-endorsed investment or conservation initiatives over the subsistence needs of local communities. The framework is inherently exclusionary, preserves elitism in land use, and undermines social justice principles such as inclusion and structural transformation. Using a qualitative desktop methodology, the study analyses two cases: the proposed relocation of Zimbabwe's Chilonga community to make way for a lucerne grass project, and the violent displacement of Tanzania's Maasai people for wildlife conservation. These cases reveal structural weaknesses in the legal recognition and protection of customary tenure, exposing communities to forced displacements and violations of the right to food.

Drawing from statutory instruments, court records, media reports, academic literature, and legal framework, the paper uses content analysis to demonstrate how insecure tenure

²⁹ MA Mambolo & MP Sebola "Land expropriation model in South Africa: A consequent impact on food security" (2021) 12 *The Business and Management Review* 132–136; KS Tembe & MA Mubecua "The expropriation of agricultural land: Understanding its effects on food security and economic growth in South Africa" (2024) 12 *African Journal of Development Studies*. E du Plessis *Compensation for Expropriation Under the Constitution* LLD dissertation, Stellenbosch University (2009).

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can systematically undermine the right to food. The paper concludes with a call to reposition the right to food as central to land governance frameworks. It argues for a food rights-based approach as a guiding principle for tenure security and social justice.

Reforming animal welfare legislation and enforcement to protect farm animals, humans, and the environment

Magnus Killander

This paper examines the efficacy of South Africa's Animals Protection Act 71 of 1962 (APA) in regulating the animal-industrial complex, with a specific focus on factory farming, and questions whether new legislation is necessary to address the prevalent animal abuse within this sector. Despite growing scientific understanding of animal sentience and the Constitutional Court's recognition of animals' intrinsic value, South African law and regulation have lagged, with the APA being over half a century old and lacking supporting regulations.

Intensive factory farming, while providing cheap food, leads to short, brutish lives for animals. It contributes to the spread of zoonotic diseases like avian and swine flu and has a considerable environmental impact, particularly through methane emissions from cattle. The paper details the historical and philosophical approaches to animal welfare, noting the limited concern in international law. While South African National Standards and industry guidelines exist for certain farm animals, their voluntary nature and often vague provisions undermine their effectiveness.

Ultimately, the paper argues for a revision of the APA and the adoption of concrete regulations and enforcement mechanisms to improve animal welfare. It acknowledges the challenge of balancing animal welfare with socio-economic rights in an unequal country like South Africa. However, it suggests that improving animal welfare, even with slightly higher prices, is a more sustainable path than current practices or reducing meat consumption through additional taxation. This reform is critical not only for animal well-being but also for human health and environmental sustainability, aligning with the "One Health" approach that recognises the interdependence of human, animal, and ecosystem health. The proposed reforms would contribute to more sustainable agricultural practices, addressing critical issues of food insecurity and environmental impact within the broader conference theme.