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1918 · 2018

*saam vorentoe
masiye phambili
forward together*

YOUTH LEADERSHIP FOR SOCIAL JUSTICE AND PEACE



Presented by Prof Thuli N. Madonsela

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Shared Humanity Class Session 5

19/08/2021

A GLOBALLY CELEBRATED CONSTITUTION

- *When asked if she would recommend the US Constitution for Egypt's constitutional reform in the aftermath of the Arab Spring, Justice Ruth Bader Ginsburg, famously known as RGB, said no, she would rather recommend the South African Constitution*

Social justice refers to the equal enjoyment of all rights and freedoms by all reflected in just, equitable and fair distribution of all opportunities, resources, benefits, privileges and burdens in a society, group and between societies.

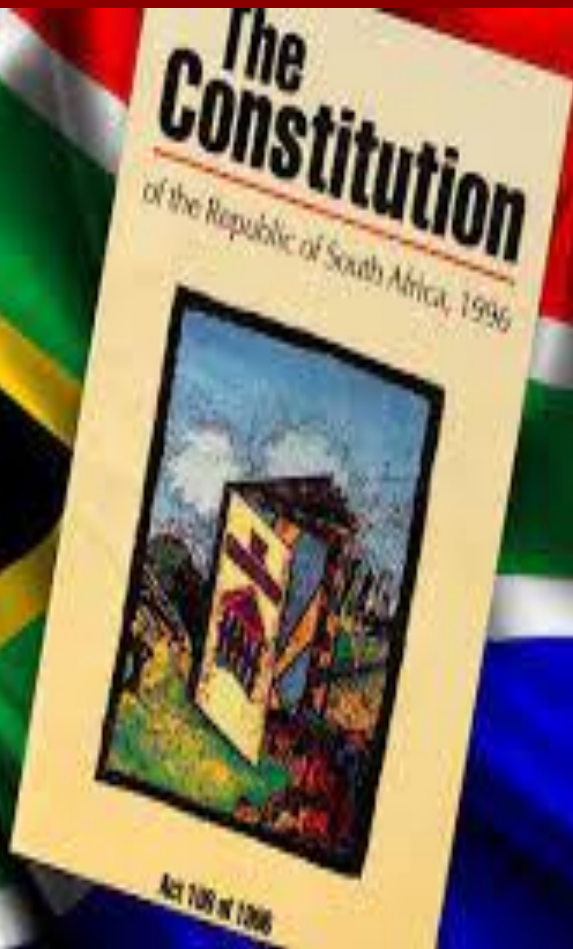
No group should find it easier or more onerous to exist in a social just society

A portrait of Justice Ruth Bader Ginsburg, an older woman with short grey hair, wearing glasses, green earrings, and a black robe with a white lace collar. She is looking directly at the camera with a serious expression.

Not fully noted, is the social justice injunction in the Constitution:
Preamble read with sections 9, 7(2), 1, 39 and 237

Social Justice is about fairness to all (John Rawls *A Theory of Justice* (1971))

A TRANSFORMATIVE BLUE PRINT WITH A CLEAR VISION OF SOCIETY



In the death the penalty abolishing case, *S v Makwanjane*, Mahomed J reminded that unlike most constitutions, our Constitution does not affirm the status quo but provides a blueprint for transforming the society inherited from past injustices to an egalitarian one. This view of the Constitution is affirmed by Moseneke J in *Minister of Finance v Van Heerden* and by Madlanga, J, Froneman J and Cameron J in the land rights case *Daniels v Scribante*, among others.

In part, the preamble says:

and we the people of South Africa recognize the injustices of our past...believe that southern 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

The Constitution further defines:

Citizen entitlements: Bill of Rights (Note 25, s27, 28 equality duty in 9(2) and 7(2)

The structure of the state ensuring polycentric power sharing and accountability

The Character of the State (s 96, 136, 195 and 237)



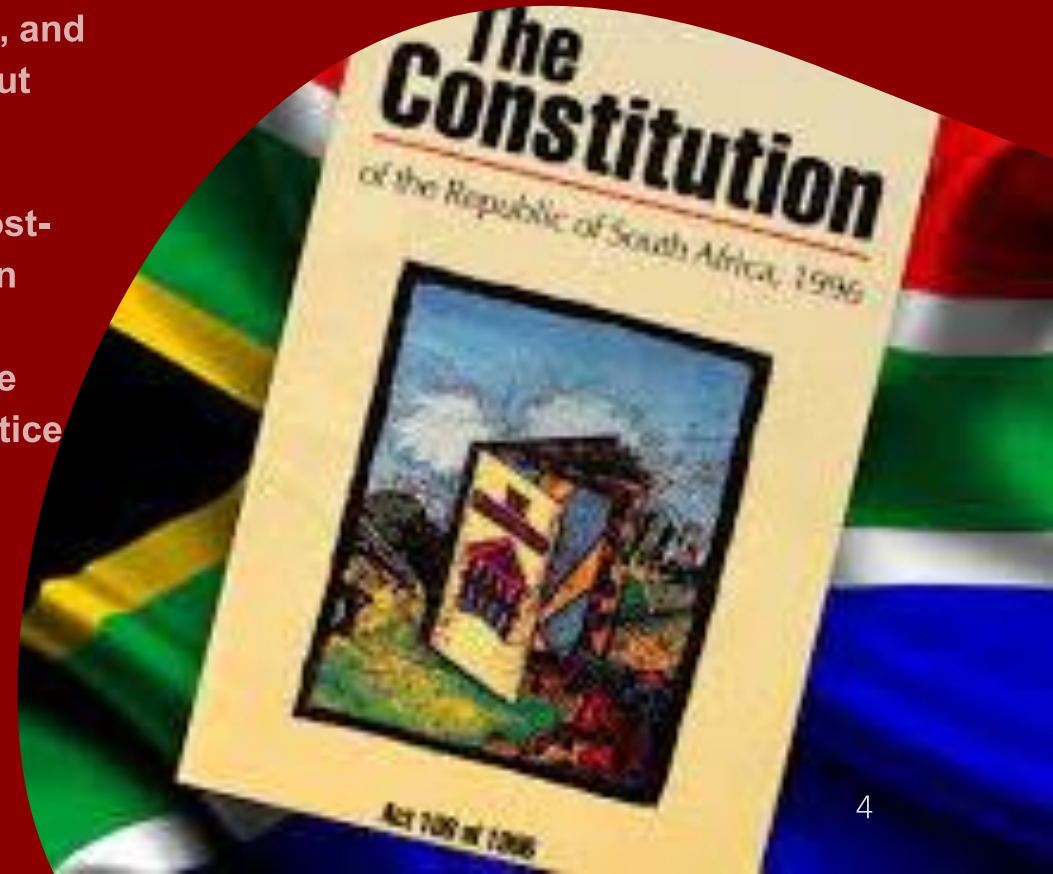
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A TRANSFORMATIVE BLUEPRINT WITH A CLEAR VISION OF SOCIETY

- In *S v Makwanyane*, Madala J, eloquently clarifies the link between social justice, the African value of Ubuntu and the transformative ethos of the Constitution when he says:
 - “The Constitution in its post-amble declares:
 - “... there is a need for understanding but not vengeance, and for reparation but not for retaliation, a need for ubuntu but not victimisation.”
 - The concept “ubuntu” appears for the first time in the post-amble, but it is a concept that permeates the Constitution generally and more particularly Chapter Three which embodies the entrenched fundamental human rights. The concept carries in it the ideas of humaneness, social justice and fairness”
 - (Para 237 - This is in reference to the Interim Constitution)



A TRANSFORMATIVE BLUEPRINT WITH A CLEAR VISION OF SOCIETY

In *Minister of Finance and Other v Van Heerden* ((6) SA 121 (CC), Moseneke DCJ stated:

“Of course, democratic values and fundamental human rights espoused by our Constitution are foundational. But just as crucial is the commitment to strive for a society based on social justice. In this way, our Constitution heralds not only equal protection of the law and non-discrimination but also the start of a credible and abiding process of reparation for past exclusion, dispossession, and indignity within the discipline of our constitutional framework (para 25)”

“Equality before the law protection in section 9(1) and measures to promote equality in section 9(2) are both necessary and mutually reinforcing (Para 31)

“Absent positive commitment progressively to eradicate socially constructed barriers to equality and to root out systemic or institutionalized underprivilege, the Constitutional promise of equality before the law and its equal protection benefit must, in the context of our country, ring hollow”.

This perspective on equality and related social justice was resonant with the reasoning of Ngcobo J in *Bato Star Fishing (PTY) v The Minister of Environmental Affairs and Tourism and Others* 2004 (7) BCLR 687, where he stated:

“In this fundamental way, our Constitution differs from other constitutions which assume that all are equal and in so doing simply entrench existing inequalities. Our Constitution recognises that decades of systematic racial discrimination entrenched by the apartheid legal order cannot be eliminated without positive action being taken to achieve that result. We are required to do more than that. The effects of discrimination may continue indefinitely unless there is a commitment to end it.” (Para 37)

WHO MOVED OUR CHEESE

18/03/2021
**Who
Moved
My
Cheese**

- State Capture
- 4 IR
- Riots / Fallist Activities
- Youth Unemployment at over 70%
- Poverty at 55.5 %, 64.2% and above 70% before Covid-19
- Hope disrupted - Disruption of patronage pathways to wealth in an economy skewed in favour of beneficiaries of apartheid and patriarchal dispossession (Monopoly Game Example)
- Political entrepreneurship (My June Note to a friend)

WHY SHOULD YOUNG PEOPLE CARE?



June Note to a Friend

Justice is the glue that holds the fabric of society together and social justice is the most pressing form of justice in plural societies (Adam Smith, Fernando Reimers and Keith Errol Benson)

Leaving no one behind is also an economic investment (See Social Justice and Economy in Parsons Ed)

Prof Thuli Madonsela

WHAT CAN YOUNG PEOPLE DO?

Social Justice M-Plan

1. Social Justice Conscious Policies and Laws

Social Justice impact conscious and systems thinking driven policy and legislation design through leveraging disaggregated data to predict likely impact

2. Social Accountability and Social Cohesion

Cultivating active citizenship for social accountability and social cohesion

3. Resource Mobilization

Integrated civil society investment in levelling opportunities in education and supporting self empowerment in disadvantaged communities

4 Attuned Leadership and Capable State

Encourage Leadership among all and contribute to a capable state

EPIC Leadership anchored in self awareness, Ubuntu, Skills and Knowledge, including new philosophical theories for pressing challenges and peaceful coexistence

FIVE STRATEGIC IMPACT AREAS TO MOVE NEEDLE IN AND THROUGH EDUCATION

1

Agree on
legacy and
need for
reset and
stop
denialism

2

Connect
lights and
reach all
municipal
wards

3

Level the 4 IR
Playing Field

4

Transform
Culture/Attit
udes

5

Align policy
and
legislation
design



A GLIMMER OF HOPE

Reset Opportunity

Failure can be a great teacher and cultivator of wisdom. The challenge of justice between groups is a 21st century reality and so is the need for context aligned and agile education. What is heartening is that wise leaders are awakening to these realities



A GLIMMER OF HOPE

190821

Reset Opportunity

Human rights experts call for international action on social justice

World Day of Social Justice – Monday 20 February 2017
GENEVA (17 February 2017) – *Two United Nations human rights experts* are calling on governments around the world to honour World Day of Social Justice on 20 February by taking action now for a fairer society. They say ensuring human dignity for everyone needs appropriate social justice policies to be implemented not only domestically but also internationally. Their joint statement is as follows:*

“All UN members have in effect committed themselves to advancing peace and human dignity, as set out in the UN Charter and its preamble. This commitment needs action now for a better, fairer future with greater social justice. This would ensure that States honour their pledge to establish conditions under which justice and respect can be maintained, and social progress and better standards of living promoted. (UNOHRC)

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GRATITUDE

- *Thank you*
- *Dankie*
- *E Nkosi*

