



**Boschendal Resolution on Mainstreaming Social Justice in Economic Policy  
Design and Law Reform**

**Adopted on 11 October 2021 at Boschendal Conference Centre, South Africa,  
at the Second International Social Justice Conference titled ‘Taking Economic  
Equality Seriously’**

**Hosted by the Law Trust Chair in Social Justice at Stellenbosch University and  
the Council of Social Justice Champions**

We, the participants at the Second International Social Justice Conference, gathered at Boschendal Conference and drawn from diverse disciplinary backgrounds from all South African provinces, various parts of the African continent and beyond:

**Note with deep concern** that the COVID-19 pandemic, which has cost millions of lives, particularly those of the poorest in the world, has exposed the scale of social and economic imbalances and left certain groups of societies severely exposed to heightened social and economic hardships, including food security disruptions,

**Believe** the freedom to thrive socially and economically, in equality with others, is the birth right of every man, woman or person on the continent and in the broader world, yet many remain bound in chains of poverty, inequality, hunger and various forms of social exclusion, including education and digital exclusion,

**Are convinced** that deepening poverty, hunger and inequality pose a threat to social cohesion, peace, stability and the rule of law, while undermining sustainable development and resilient

economic growth, and that there is an urgent need to make meaningful progress in addressing these disparities in line with the global Sustainable Development Goals (SDGs),

**Reaffirm our commitment** to the Resolution of the Inaugural International Social Justice Conference, which took place at Hazendal Wine Estate in 2019, among them the endorsement of the Musa Plan for Social Justice (Social Justice M-Plan), a Marshall Plan-like initiative dedicated to advancing social justice in South Africa; the acknowledgement of the threat that social injustice poses to sustainable development, social cohesion, peace and stability; and the seizing of the catalytic opportunity presented by the 2030 Agenda for Sustainable Development and the opportunities available for multidisciplinary academic research to catalyse progress towards breaking the back of structural inequality and ending poverty,

**Further reaffirm** the link between social justice and human rights and, specifically, the grounding of social justice in international and regional human rights treaties such as the Charter of the United Nations (UN Charter) Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Rights of the Child (CRC), the African Charter on Human and Peoples' Rights, the Maputo Protocol, and subsidiary human rights and social change instruments,

**Encouraged and inspired** by the concrete social justice commitments and program of action in the Copenhagen Declaration and Programme of Action of 1995, the SDGs adopted by the United Nations (UN) in 2015 as a universal call to end poverty, advance equality, foster resilient communities, protect the planet and ensure that all people enjoy peace and prosperity by 2030, the African Union's Agenda 2063: The Africa We Want, which is a shared vision and strategic framework for achieving a peaceful Africa that works for all,

**Acknowledge** the duty of African governments and the collective responsibility of all sections of society to advance social justice, particularly regarding social and economic parity, while being mindful of the interconnectedness and indivisibility of human rights and freedoms,

**Note** progress made since the Inaugural International Social Justice Conference, particularly regarding research and exploring good practice in the use of prospective social impact tools that leverage systems and design thinking, using disaggregated data to predict the social justice impact of planned laws and policies focusing on economic equality and other sub-issues,

**Note** that the regulatory responses to COVID-19, although well intended, had a disparate impact on the poor and other vulnerable groups,

**Note** that not enough attention has been paid to the relationship between economic policy design and social well-being, including human development, environmental justice and mental health,

**Note further** that many of the COVID-19 fiscal relief packages were insufficiently designed to meet the differentiated needs of diverse affected groups in society while, in parts of the continent, arbitrary and unduly excessive measures were employed in the enforcement of laws and other measures aimed at containing the COVID-19 pandemic, with poor and other disadvantaged groups bearing the brunt of such executive exercise, and

**Are encouraged** by progress made since the Inaugural International Social Justice Conference, including experimental research and development work aimed at designing prospective social impact assessment, which includes the Social Justice Impact Assessment Matrix(SIAM) that is being piloted at Swartland Municipality in South Africa with a view to assisting governments, businesses and courts, to mainstream social justice impact considerations at the design stage to ensure planned legislation, policies and programmes are attuned to diversity and do not have a disparate impact on disadvantaged groups and make informed policy choices that eschew any unintended impacts that exacerbate poverty and inequality.

**We thereby resolve to:**

1. **Recommit ourselves** to seize the opportunity created by COVID-19 rebuilding endeavours, including those presented by the African Continental Free Trade Area (AFCFTA) agreement, to deepen social justice research, innovation and teaching, strengthen collaboration across disciplines and sectors between academic institutions,

broader civil society, business and government, as well as across the continent, including combining law-making with design thinking, engineering and data science;

2. **Commit ourselves** to increase efforts aimed at advancing social justice through impact foresight anchored in systems thinking, design thinking to aligning policy design reform with social justice obligations focusing on poverty and inequality collaboratively with other stakeholders, together with educating civil society on social justice as well as engaging businesses and government to attune their policies;
3. **Promote greater accountability** for socio-economic inclusion and participatory democracy as well as social accountability through actions that include fostering 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;
4. **Collaborate on a Model Law on Equality Duty** initiative 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 advancing gender mainstreaming and children's rights, while remaining mindful of all intersectional inequalities;
5. **Collaborate to support a COVID-19 rebuilding** better together agenda on 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;
6. **Collaborate in fostering a climate of friendship** and a culture of shared humanity through embracing social justice, respect for human dignity, embracing diversity and fostering social cohesion and peace on the continent;

7. **Collaborate towards assisting African governments to invest in people**, particularly young people, and improve their position in the Human Development Index (HDI) so as to foster an ecosystem that is conducive to peace and stability for all, and an effective implementation of the AFCFTA agreement;
8. **Reinforce the role courts serve in supporting democracy** through purposive and contextual interpretation of the Constitution in a manner that is anchored in a commitment to the realisation of social justice, combating corruption, and fostering good governance, accountability and the rule of law in a manner that fundamentally transforms economic relations for marginalised groups, in line with the African Charter and international human rights treaties;
9. **Engage in interdisciplinary research collaboration** to design and implement research and capacity-building programs aimed at reinforcing state capacity for ethical leadership, good governance, anti-corruption in order to improve responsiveness, accountability and broader checks and balances; and
10. **Promote the prioritisation of the realisation of social justice** through economic redistribution and economic parity, ensuring active public participation in budgetary processes to achieve human rights resonant budgets that are informed by mainstreaming gender and intersectionality considerations such as gender-based violence (GBV), child abuse and child marriage/adoption to remove social barriers to women and young peoples' economic participation.

To give effect to the above commitments, we **adopt the following programme of action, based on the outcomes of the parallel sessions:**

### **Theme I: Land reform, property rights, and the distribution of assets**

- In pursuit of Sustainable Development Goals 1; 5; 8, 15 and 16
- Property rights are not natural rights but rather politically determined rights. Action will be taken to promote an understanding of property rights, particularly land that is anchored in shared humanity and distributive justice, restitution and economic parity
- Actions to be taken:

### **Civil society**

- Engage in ongoing efforts towards inclusive law reform and redistributive policy which has the land at its core and hold government accountable in the effective implementation thereof.
- Develop policy / actions towards well thought out social housing on vacant public land and hold government to the implementation thereof.
- Work towards revising and restructuring the spatial planning programs introduced during Apartheid.
- Pursue the implementation of a system of subsidy for public transport by government.
- Ensure that government focus on the development of goal-driven sustainable legislation.
- Implore government to develop security of tenure aimed towards people living in informal settlements.

### **Theme 2: Business ownership**

- In pursuit of Sustainable Development Goals 4; 5; 8; 9; 11; 12 and 13.
- In a world of increasing socio-economic disparities; environmental stresses; and governance travesties in both the public and private spheres, the case for more focus on accelerating the achievement of the SDGs through closer multi stakeholder collaboration is clear, particularly as Business is a more immediate presence for most people than the State.
- Actions to be taken:

#### **Business**

- Encourage business owners to remain cognisant of the benefits business incentives bear in the commercial environment.
- Commit to specific Sustainable Development Goals which can be tested against Key Performance Indicators.
- Challenge business leaders to believe in and commit to the achievement of social justice and economic parity through improved socially responsible business practices and a focus on impact investment.

- Collaborate on financial education: Financial services and consumer focussed companies must reconsider the complexity of the language they use with customers to ensure proper understanding:
- Encourage gender equality: pay parity; conditions of work; fair hiring practices; Board and executive gender parity.
- Encourage decent work and economic growth: fair pay practices; lending and insurance practices which are pro poor; early invoice settlement for SMME.
- Climate Action: responsible climate focussed lending practices; just climate transition policies and financing

### **Civil society**

- Introduce relevant and well formulated training for governance structures such as trustees to enable them to perform their duties with competency and integrity for the benefit of all stakeholders as well as the public.

## **Theme 3: Financial inclusion**

- In pursuit of Sustainable Development Goals 1; 3; 4; 8; 11; 12 and 17.
- Financial inclusion provides marginalised groups with access to affordable and sustainable financial products. There is a link between economic exclusion and financial inclusion, and the consequence of this link is a denial of access to financial products and services.
- Actions to be taken:

### **Civil society**

- Challenge government to design financial education responses that are fit for advancing economic parity.
- Encourage government to introduce financial education that is human centred while addressing consumerism behaviour when it relates to wealth as well as investments.
- Encourage financial institutions to leverage alternative savings practices such as stokvels.

### **Government**

- Partner with the private sector to increase awareness and accessibility to funding initiatives such as the Solidarity Fund.

### **Business**

- Expand and coordinate across the banking sector, making synergistic efforts to assist customers with finance restructuring.
- Support Civil Society based Social Accountability, Cohesion and Inclusion initiatives aimed at combating corruption and inclusivity of all through research, advocacy, monitoring and resource mobilization to complement the Solidarity Fund and keep South Africa on track regarding ending poverty and inequality in terms of Constitutional and Sustainable Development Goal commitments.

### **Academic institutions, government and insurance stakeholders**

- Academic institutions, government and insurance stakeholders to dedicate research and development that is focused on challenging the status quo of funeral insurance policy.

## **Theme 4: Wealth and income distribution**

- In pursuit of Sustainable Development Goals 1; 4; 8; 9; 10.
- The COVID-19 pandemic has in many ways deepened the already prevalent economic inequalities, with corruption perpetuating the wealth gap, thereby contributing to the elusiveness of socio-economic justice.
- Actions to be taken:

### **Civil society**

- Review government's current economic policy, focusing on understanding and incorporating all elements of the 7R Theory of Wealth Creation; Rates, Remuneration, Royalties, Rights, Rent, Returns and Replication
- Explore ways to utilise the Disaster Management Act to assist South Africans beyond the COVID-19 pandemic.
- Analyse the economies of communities who have managed to thrive and remain sustainable, despite poverty and inequality and to develop policy reflective of that analyses.
- Shift thinking away from economic policy that is geared towards "bucket-holders" and move towards policy aimed at development of the "pipelines" as this is where real wealth is generated.



- Highlight resource distribution deficits and mobilize resources for underserved communities and socially impacted areas such as education and access to digital platforms by disadvantaged groups and communities.

**Stakeholders (Financial institutions, Financial ministry, government)**

- Participate in the economy through meaningful engagement.

**Government**

- Utilise fiscal and monetary policy instruments to relieve market pressure and boost aggregate demand. This can be achieved through zero-rating o South African Reserve Bank interest and implementation of capital controls to retain domestic capital.
- Restructure and reprioritise the state budget, with efforts to raise alternative sources of finance domestically, utilizing capital markets, institutional investors and pension funds for meeting the finance gap without taking away resources from equality advancing measures.

**Theme 5: Social security and the Basic Income Grant**

- In pursuit of Sustainable Development Goals 1; 2; 3; 10 and 17.
- The Constitution of the Republic of South Africa and the Universal Declaration of Human Rights provide for the right to access to social security. The right to access to social security has however been largely politized resulting in the failure to provide adequate social security to marginalised groups.
- Actions to be taken:

**Civil society**

- Commit government to cultivate conducive environments for the promotion and growth of Small, Medium and Micro-Enterprises (SMMEs) and advance access to credit facilities to diverse entrepreneurs and innovators.
- Implore government to expand the South African Reserve Bank mandate.
- Make use of tools such as the Poverty Stoplight indicators in order to measure the wellbeing of families and communities.
- Assist government to recognise that the Basic Income Grant plays a significant role in economic development and equality, however, long-term solutions and adoption of a zero tolerance to corruption mandate must be pursued.

## **Government**

- Expand financial support directed at economic security and participation as well as ensure that systems are put in place to support the timeous disbursement of relevant Social Relief and Economic Support Package (SRESP) funds.

## **Theme 6: Agriculture and Food Security**

- In pursuit of Sustainable Development Goals 1; 2; 3 and 10.
- The Constitution of the Republic of South Africa guarantees the right to access to nutritious food and the State has an obligation to progressively realise this right.
- Actions to be taken:

### **Civil society**

- Assist and encourage government to develop, introduce and enforce designed legislation to address the progressive realisation of the right to access to food, while advancing the SDG goals as well as achieving an inclusive, diverse and fair food system.
- Hold government accountable to protect this constitutional right and further develop a food and nutrition security strategy.
- Encourage government, in partnership with the private sector, to implement a support system for both smallholder and commercial farmers; subsequently, encourage urban agriculture as another solution to achieving food security and poverty.
- Foster a culture of food gardening, particularly in vulnerable communities and encourage each other on food wastage.
- Support community-based food security measures such as urban gardening.

## **Theme 7: Education and Digital Inclusion**

- In pursuit of Sustainable Development Goals 1; 4; 8 and 10.
- The proliferation of technology, information and innovation present great opportunities to the education system. However, these complex digital times expose the social justice realities in our societies; accordingly, stakeholders must collaborate to develop solutions that are inclusive.
- Actions to be taken:

### **Civil society**

- Ensure that African governments and the private sector invest in the development of digital infrastructure that will fast-track development and access.
- Encourage government to consult, incentivise *and/or* partner with young Africans to find African solutions to African problems seizing the opportunities that the African Continental Free Trade Area (AfCFTA) agreement presents to scholarship and research through design thinking.

### **Government**

- Extend assistance and adequate resources to foster equal access to education, early childhood development, gender-based violence, mental health, e-learning, e-governance and e-commerce.

### **Education fraternity stakeholders (Educators, Basic and Higher education ministry, civil society, businesses and students)**

- Review and restructure the curriculum.
- Employ a holistic approach to restructure the education curriculum to be inclusive of all diverse students.

## **Theme 8: Social justice resonant economic theories including indices for measuring economic growth**

- In pursuit of Sustainable Development Goals 1; 4; 8; 9 and 10.
- The importance of measuring economic growth cannot be overstated. It ensures accountability for planned outcomes. The degree to which government, academic institutions and civil society work with indices for measuring economic growth that could be utilised at national, provincial, and municipal levels is the degree to which we achieve outcomes that are agreed upon.
- Actions to be taken:

### **Stakeholders (Social justice practitioners and activists, civil society, businesses, government and the judiciary)**

- Reach consensus and maintain consistency regarding the precise definitions of social justice and surrounding concepts.

- Academic institutions, governments, and civil society to actively reduce silos within themselves to ensure a coming together for the facilitation of processes of economic growth and economic equality ensuring outcomes that people want.

#### **Civil society**

- Ensure that government utilises effective leadership to bring a multi-disciplinary approach to dealing with social justice outcomes in a context where poverty and inequality is high.
- Monitor the extent to which corruption and faulty governance inhibits the facilitation of proceeds of economic growth towards reducing inequality and poverty and hold government accountable.

#### **Business**

- Support poverty mapping and civil society initiatives towards gathering disaggregated, current and accurate data on poverty and inequality to support government policy planning.

#### **Social justice practitioners and activists**

- Through piloting of the Social Justice Impact Assessment Matrix (SIAM) and other relevant assessment instruments, involving leveraging data analytics to catalyse the advancement of equality and broader social justice in line with SDGs 10 and SDG 16 on advancing equality and responsive law and policy reform, recommend specific policy changes.
- Establish a consolidated COVID-19 Responses Index covering:
  - (i) COVID-19 Policy directives from WHO (ii) National Policies and Statements (iii) Relief Action by Government and Civil Society, indicating relevant stakeholders, resources involved, target group and municipal wards that have received assistance among the 4392 Municipal Wards (iv) Designated Groups impacted such as Children; Older Persons; Unemployed; Self-employed; Students; Immigrants and the Informal sector/gig economy.

### **Theme 9: Emerging tools for social impact conscious economic planning**

- In pursuit of Sustainable Development Goals 4; 8; 9; 10; 11 and 16.

- The COVID-19 pandemic has disrupted the majority of the traditional business operational model, further exposing the high levels of inequality and poverty.
- Actions to be taken:

#### **Stakeholders (Businesses and government)**

- Engage in the collection and collation of data and statistics through community engagement to better understand the relationship between the current economic legislations and the socio-economic realities of communities.

#### **Civil society**

- Acknowledge that there is inadequate access to the internet and technological devices and hold government accountable.

#### **International Community**

- Provide research assistance to civil society.
- Continue to help foster global and related relief.

#### **Government**

- Re-invest in the growth, skills development and operation of productivity-enhancing sectors such as healthcare, mining, agriculture, sport, fashion and others while restructuring the economy to create vibrant and resilient local economies in all municipal districts fostering enterprising communities, young people and women.
- Maintain support for the social justice M-Plan which is aimed at advancing equality and ending poverty by 2030 in line with the National Development Plan (NDP), AGENDA 2063 and SDGs thus fortifying constitutional democracy and peace and encourage synergy with COVID-19 solidarity initiatives.

#### **Social Justice practitioners and activists**

- Through piloting of the Social Justice Impact Assessment Matrix (SIAM) and other relevant assessment instruments, that involve leveraging data analytics to catalyse the advancement of equality and broader social justice in line with SDGs 10 and SDG 16 on advancing equality and responsive law and policy reform, recommend specific policy changes.

## **Theme 10: The role of law reform and judicial activism in advancing economic parity and SDG goals**

- In pursuit of Sustainable Development Goals 8; 10; 16 and 17.
- Although the South African Constitution makes no provision for the right to development, the Court have innovatively *referred* to the African Charter on Human and People's Rights and other international instruments in order to *give effect to this right in the South African legal system*.
- Actions to be taken:

### **Judiciary**

- Take economic issues as matters of public interest under the constitutional framework in order to promote accountability, transparency and equality on the part of the judiciary itself, government, businesses and civil society.
- *Maintain* judicial independence in adjudication, while having regard to socio-economic realities as well as the socio-political context.

### **Judiciary, Civil society and Businesses**

- Actively participate in judicial activism within the confines of the law, with the aim to develop the law to align with its constitutional aspirations.

### **Government**

- Engage in local level consultation; policy design models should incorporate disaggregated data-based planning and consultation with community forums.
- Conduct urgent poverty mapping to foster demand-driven as opposed to supply-driven service delivery and general democratic governance.
- Ensure transparency on policy design process: Procurement; entitlements and municipal ward-based service delivery index updated on a weekly basis to improve social accountability, public trust, the rule of law and policy legitimacy.
- *Ensure* SANDF and police are all effectively trained in appropriate crisis response mechanisms, consistent with peace keeping, with clear guidelines and standards for the protection of civilians and where there are breaches swift action should be taken and justice should be seen to be done.

### **Civil society**

- Implore government to implement and evaluate the current laws and policies as well as the applicable international instruments such as the SDGs.
- Uphold social accountability, including educating the public about rights and privileges in time of the pandemic, combat corruption and undue deviations from democratic governance and assist those struggling to access to SRESP benefits they are entitled too.
- Uphold the principles of solidarity as enshrined in our constitution and spirit of Ubuntu through initiatives under the Social Justice M-Plan and others, that are aimed at ensuring inclusivity for all, through research, advocacy, monitoring and resource and mobilization to complement the Solidarity Fund and keep South Africa on track regarding ending poverty and inequality in terms of Constitutional and Sustainable Development Goal commitments.

#### **International Community**

- Provide funding to the Government and NGOs for policy and relief implementation and monitoring compliance and combat corruption while preserving the rule of law and a fair level of democratic governance.

#### **Social Justice practitioners and activists**

- Continue tracking COVID-19 policy responses and their impact having reconstituted ourselves as Social Justice and COVID-19 Policy and Relief Monitoring Alliance (SCOPRA), also monitoring ongoing unintended consequences of both policies and conduct of state functionaries and others across all Working Group domains.
- Help government consolidate COVID-19 legislation for public consumption per geographical domain, with purposes explained and provided for each regulatory change and provide a Digital Portal as a resource where all the consolidated policies can be accessed by all.
- Through piloting of the Social Justice Impact Assessment Matrix (SIAM) and other relevant assessment instruments that involve leveraging data analytics to catalyse the advancement of equality and broader social justice in line with SDGs 10 and SDG 16 on advancing equality and responsive law and policy reform, recommend specific policy changes.

**Issued by the Law Trust Chair in Social Justice at Stellenbosch University in  
December 2021**