



# **Social Justice, Economic Equality and Peace**

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

Report of the 3<sup>rd</sup> Social Justice Summit Hosted by the Law Trust Chair in Social Justice  
- Stellenbosch University and the Council of Social Justice Champions

11 October 2021 at the Boschendal Conference Centre, South Africa

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## TABLE OF CONTENTS

<b>FOREWORD</b> .....	<b>1</b>
<b>INTRODUCTION</b> .....	<b>4</b>
Objectives .....	6
Acknowledgements.....	7
<b>1 INTRODUCTION</b> .....	<b>10</b>
<b>2 SUMMARY OF OUTCOMES</b> .....	<b>12</b>
<b>3 SOCIAL JUSTICE MUSA PLAN VIDEO</b> .....	<b>18</b>
<b>4 ADVANCING SOCIAL JUSTICE – BUILDING A JUST ECONOMY WHERE EVERYBODY COUNTS</b> .....	<b>19</b>
Welcoming by Professor Thuli Madonsela, Law trust Chair in Social Justice at Stellenbosch University and Former Public Protector of South Africa .....	19
<b>5 CIVIL SOCIETY CAN TAKE THE LEAD ON SOCIAL JUSTICE</b> .....	<b>26</b>
Justice Edwin Cameron, Academic, jurist, author, recently retired Constitutional Court judge and Chancellor of Stellenbosch University .....	26
<b>6 TOWARDS A WELLBEING ECONOMY BEYOND A MONOPOLY GAME PARADIGM KEYNOTE ADDRESS: PROFESSOR LORENZO FIORAMONTI...</b>	<b>31</b>
<b>7 KEYNOTE PLENARY: A NEW SOCIO-ECONOMIC PATHWAY FOR SOUTH AFRICA AND THE CONTINENT</b> .....	
<b>8 HOW HAS FRANCE LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10</b> .....	<b>47</b>
French Ambassador to South Africa, Aurélien Lechevallier .....	47
<b>9 HOW HAS SWEDEN LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10</b> .....	<b>51</b>

	Swedish Ambassador to South Africa, HE Mr Håkan Juholt.....	51
<b>10</b>	<b>HOW HAS THE NETHERLANDS LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10 .....</b>	<b>55</b>
	The Netherlands Ambassador to South Africa, HE Han Peters.....	55
<b>11</b>	<b>HOW HAS RWANDA LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10 .....</b>	<b>59</b>
	Chief Executive Officer: Rwanda Governance Board Dr Usta Kayitesi .....	59
<b>12</b>	<b>TIME TO LEVERAGE THE COVID-19 MISFORTUNE TO DO BETTER ON EQUALITY .....</b>	<b>63</b>
	Concluding remarks by Professor Nicola Smit .....	63
<b>13</b>	<b>SOCIAL JUSTICE CHAMPION OF THE YEAR .....</b>	<b>67</b>
<b>14</b>	<b>PLENARY II: THE ROLE OF THE LAW AND POLICY DESIGN IN ADVANCING SOCIAL JUSTICE, ECONOMIC EQUALITY AND PEACE .....</b>	<b>69</b>
	Tailoring Law, policies and programmes to advance social justice .....	69
	The Role of business in advancing economic equality.....	77
<b>15</b>	<b>PARALLEL SESSIONS .....</b>	<b>83</b>
	Land reform, property rights and the distribution of assets .....	83
	Business ownership.....	84
	Financial inclusion.....	87
	Wealth and income distribution .....	90
	Social security and the BIG .....	92
	Agriculture and food security .....	94
	Education and digital inclusion .....	96

Social justice resonant economic theories including indices for measuring economic growth.....	97
Emerging tools for social impact conscious economic planning .....	100
The role of Parliament in advancing economic parity and SDG goals.....	102
<b>16 LET US STAND UP TO MAKE A REAL LASTING DIFFERENCE ON SOCIAL AND ECONOMIC JUSTICE: CLOSING REMARKS .....</b>	<b>106</b>
<b>BOSCHENDAL DECLARATION ON MAINSTREAMING SOCIAL JUSTICE IN ECONOMIC POLICY DESIGN AND LAW REFORM.....</b>	<b>109</b>

## FOREWORD

When Palesa Musa, a former child detainee who had been imprisoned at the age of 12 during the 1976 June 16 student uprising, joined our social justice event in 2017, it marked the beginning of a reckoning that many people's reality falls far short of the constitutional commitment on social justice. Our globally celebrated Constitution presents itself as laying the foundation for healing the divisions of the past and establishing a new society that is based on democratic values, social justice and fundamental human rights and freedoms where every citizen's life is improved and every person's potential is freed. To the majority, this remains a dream deferred.

A child activist, Musa was part of the push that became the final wave towards achieving political freedom, yet not much had changed for her in democratic South Africa. In her own words, Musa fought for freedom but despite self-reliance endeavours and hard work, the socio-economic advancement she and others had dreamt of continued to elude her. Poverty, she argued, was now achieving the same racialized exclusion from economic and social opportunities of life that was previously engineered and propped by unjust laws.

Realising that "as long as there is injustice somewhere, there cannot be sustainable peace anywhere" and that sustainable development would elude South Africa if it continued to leave most of its people behind, we decided to mobilise a civil society driven integrated plan to catalyse progress toward ending poverty and breaking the back of structural inequality. This integrated plan on advancing social justice was inspired by the post-World War II Europe Recovery Plan that was designed on realization that it would be impossible for Europe to recover from the devastation of war without a clear plan and resource assistance. The Musa Plan received resounding support from all leaders who attended the inaugural Social Justice Summit and International Conference in 2019, among them then Minister of Planning, Jackson Mthembu, Liberation Struggle Veteran Ben Turok and FW De Klerk, apartheid South Africa's last president who released democratic South Africa's first democratic president, Nelson Mandela, from his 27 years of incarceration for his part in the struggle against racialised oppression and dispossession.

Palesa Musa's deferred realisation of economic and social freedoms best captured the human face of the socio-economic reality of many, hence the name Musa Plan for Social Justice.

The 3<sup>rd</sup> Social Justice Summit and 2<sup>nd</sup> International Conference under the theme ***Social Justice, Economic Equality and Peace: A new socio-economic pathway for South Africa and the continent***, followed an intense period of social justice research and public mobilisation to foster support for the Musa Plan. That support has been growing in leaps and bounds, with the support of a Council of Social Justice Champions established to drive the implementation of the Musa Plan. Co-headed by ardent social justice advocate, Stellenbosch University Vice Chancellor Prof Wim de Villiers and leading businesswoman, Basetsane Kumalo, the Council comprises a diverse cohort of leaders from various walks of life. These include globally renowned actor John Kani, One Young World Founder Kate Robertson, Vice Chancellors of participating universities, corporate South Africa leaders such as BLSA CEO Busisiwe Mavuso and former JSE CEO Nicky Newton-King and civil society leaders such as Felicia Mabuza Suttle, Lindiwe Mazibuko and Ashraf Garda.

While noting progress made, we realise that, as Nelson Mandela once wisely observed, every summit opens vistas of many more mountains to be climbed and peaks to be summited. The summit and all activities under the Musa Plan are informed by an understanding that we have a duty to improve the quality of life of all citizens and free the potential of every person to build a resilient society and united nation where all thrive. The summit took place during one of the greatest challenges of our time, the COVID-19 black swan that left unprecedented economic and social devastation, particularly among the socio-economically marginalized. This paradoxically reinforced the wisdom of leaving no one behind, which underpins the Musa Plan, the global Sustainable Development Goals (SDGs) and our country's National Development Plan. The COVID-19 pandemic and other economic and social turbulences that have since followed, including economically devastating riots in July 2021, have eroded any doubt regarding the need for accelerated progress on shared prosperity as an investment in sustainable resilience and peace. It is time to repair, restore, redress and reconcile our nation.

*Professor Thuli (Thulisile) Madonsela*

Law Trust Chair in Social Justice, Law Faculty Stellenbosch University and Musa Plan  
Convenor

## INTRODUCTION

The report captures the proceedings of the Third Annual Social Justice Summit (The Summit) themed *Social Justice, economic equality and peace – a new socio-economic pathway for South Africa and the continent* that was hosted by the Law Trust Chair at Stellenbosch University (CSJ), in partnership with the Council of Social Justice Champions and Universities that are part of the Musa Plan for Social Justice (Musa Plan) on 11-12 October 2021. Organised as a hybrid, in person and online even, the summit took place at the Boschendal Conference Centre near Stellenbosch, while other participants joined online in the country and beyond.

The CSJ is a social justice hub that promotes social justice scholarship, consciousness, public policy design skills, collaboration around social justice issues and community access to social justice resources, to accelerate social justice reform in academia and society.

The Summit, which was preceded by the International Social Justice Conference, sought to reaffirm stakeholder commitments made by the government, business, civil society and academia to join hands in implementing the Musa Plan for Social Justice (Musa Plan), at the Inaugural Social Justice Summit and International Conference, held in August 2019.

At the Inaugural Summit, delegates approved a Social Justice Declaration adopting the Social Justice M-Plan and committing to join hands to accelerate progress on poverty and inequality. The Inaugural Social Justice Summit and International Conference that followed, further adopted a resolution that committed the academic community, civil society and business community to join hands with the government to drive the eradication of poverty and inequality in pursuit of social justice.

The second Annual Social Justice Summit (2020) called for all hands-on deck to leave no one behind in the post-COVID-19 recovery agenda. This drew attention to social justice issues and inequalities in all sectors of the national recovery strategy.

The Summit furthered national and international collaboration, under the Social Justice M-Plan, established a Council of Social Justice Champions and succeeded in emerging

with a decade-long plan of action, aligned with the Social Justice M-Plan key objectives and the SDGs, focused on leveraging data analytics for social justice impact sensitive policy design and review, for addressing those policies that are indifferent to the differences in our society.

To ensure the realisation of these goals, the Summit sought to deepen the appreciation of social justice imperatives and challenges South Africa faces while identifying, discussing and engaging on viable socio-economic theories that prioritise social justice; and inclusive economic sustainability as a prerequisite for the achievement of peace and reduce poverty and inequality in and between all South African municipalities and wards. The Summit further sought to evaluate the country's response to the COVID-19 pandemic and its impact on poverty and inequality plus food security and income security.

The backdrop of the conference was an appreciation of the fact that there is no gainsaying the fact that, in the absence of meaningful progress on the social justice dimensions of economic equality and poverty, sustainable peace remains a pipedream in the country. This is evident in the growth of extremism through the mining, by demagogues, of poverty, inequality and related grievances of communities and groups that feel left behind regarding economic equality.

Delegates noted further evidence that the COVID-19 pandemic and 4IR disruptions worsened poverty and inequality, particularly economic inequality, and food security. It reflected on and supported a Basic Income Grant (BIG) as part of a wholesale reimagination and restructuring of economic policies with a view to fostering shared prosperity. Dominant thought further supported a shift towards a wellbeing economy that is more concerned about the Gini coefficient beyond Gross Domestic Product (GDP).

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

## Objectives

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

Other objectives included:

- Presenting the preliminary findings of the Poverty and Inequality Mapping Pilot at Swartland and lessons learnt on social impact conscious policy and legislation designed and explored the possibility of proposing a Social Justice Impact Assessment Framework to prevent the adoption of policies that exacerbate poverty and inequality.
- Assessing the nature of economic inequality in South Africa and deepened our understanding of the underlying causal and influencing factors, including the impact of COVID-19 regulatory impact and current equality advancement laws and policies with the goal of building a socially just and sustainable economy.
- Reflecting on the economic equality provisions of the National Development Plan (NDP) in considering whether the NDP remains attuned to the national economic reality in light of the Fourth Industrial Revolution (4IR), the aftermath of the COVID-19 pandemic and growing unemployment and food security and the adequacy of a social security policy with a focus on the Distress Grant and prospects for a Basic Income Grant (BIG).
- Reflecting on progress made on the implementation of the Social Justice Declaration and agreeing on a more fleshed out Social Justice M-Plan as a social compact with clear processes, outputs, outcomes and responsibilities and a monitoring and accountability framework, linked to South Africa's commitments to economic equality aspects of the UN SDGs.
- Deepening multi-stakeholder partnerships in the great reset by strengthening recovery and resilience through economic equality.

## Acknowledgements

The Law Trust Chair in Social Justice (CSJ) is grateful to Ryland Fischer for compiling the report. We are also grateful to the Boschendal Conference Centre for the venue and hospitality and all who participated in and made the summit and conference a success.

The Participants included:

Professor Lorenzo Fioramonti (Italy), who delivered the Keynote address. Professor Thuli Madonsela who occupies the Law Trust Chair in Social Justice at Stellenbosch University (SU) hosted the Conference with the support of the Dean of Law, Professor Nicola Smit. Justice Edwin Cameron, Chancellor of Stellenbosch University, who, together with Professor Thuli Madonsela, provided the opening remarks to the conference.

Accomplished TV personality Cathy Mohlahlana exceptionally directed the 2-day proceedings, at which the Social Justice Champion of the Year was also announced and the winner, Dr Imtiaz Sooliman, Founder of Gift of the Givers, attended online. Ambassadors that supported the event included French Ambassador, HE Aurélien Lechevallier, Swedish Ambassador, HE Mr Håkan Juholt, The Netherlands Ambassador, HE Han Peters, Rwanda Governance Board CEO, Dr Usta Kayitesi, Chief Executive Officer of the Rwanda Governance Board. Government was represented by Deputy Minister in the Presidency for Planning, Monitoring and Evaluation, Thembi Siweya. The leadership of corporate South Africa, Professor Bonang Mohale and the former JSE CEO, Dr Nicky Newton King. IFP Leader Velenkosini Fiki Hlabisa, also participated. Overseas participants included One Young World Co-Founder, Kate Robertson.

Other participants included leading voices on democracy and economic inclusion such as Deputy Chairperson of the Commission on Gender Equality, Dr Nthabiseng Moleko, Member of the National Planning Commission, Professor Mark Swilling, former Minister in the Mandela Administration, Jay Naidoo, Save Our Democracy Leader and Kathrada Foundation CEO, Neesham Balton, and former parliamentarian, Lindiwe Mazibuko and South African Local Government CEO (SALGA), Mr Xolile George.

Leading academics on various economic and social justice dimensions also participated, among them Professor Evance Kalula, Professor Michael Sachs, Dr Pali Lehohla,

Professor Mcebisi Ndletyana, Phelisa Nkomo, Neil Coleman, Khaya Sithole, Liepollo Pheko Lebohang, Dr Neva Seidman-Makgetla and Toby Shapsak. Leading academics on land justice and other economic and social inclusion matters included Advocate Thembeke Ngcukaitobi, Wandile Sihlobo, Professor Juanita Pienaar, Professor Danie Brand, Professor Scott Drimie, Professor Tshepo Madlingozi, Professor Sandra Liebenberg, Seehaam Samaai, Professor Jonathan Klaaren, Professor Justine Burns, Professor Dieter von Fintel and Professor Khumbulani Mpofu.

Other participants from business and civil society included Bulelwa Mabasa, Anthea-Lee September-Van Huffel, Bridgitte Backman, Neil Crafford-Lazarus, Solly Moeng, Mbusowabantu Madonsela, Tshilidzi Rambuwani, Panashe Gabrielle Maningi, Preeshan Govender, Dan Kriek, Mmeli Sotshononda, Themba Nofemele, Andre Shearer, Tanya Calitz, Nolwandle Made and Fanelesibonge Ndebele.

## **Social Justice Summit**

***Social Justice, economic equality and peace – a new socio-economic pathway for South Africa and the continent***

## 1 INTRODUCTION

The 3<sup>rd</sup> Annual Social Justice Summit and International Conference on Social Justice took place on 11 and 12 October 2022 under the theme *Social Justice, economic equality and peace – a new socio-economic pathway for South Africa and the continent*. The Summit and International Conference were hosted by the Law Trust Chair in Social Justice at the Law Faculty, Stellenbosch University and the Council of Social Justice Champions.

The summit opened with the singing of the South African National Anthem *Nkosi Sikelel' iAfrika* and the African Union Anthem. This was followed by the reading of the preamble of the Constitution by three young children, Abenathi Ntshotsho, Daniella Takis and Christopher Coetzee-Mbete, in Xhosa, English and Afrikaans, respectively. The reading of the preamble is part of the CSJ's #EveryDayJustice initiative, which seeks to foster constitutional and legal literacy, starting with the constitutional vision as expressed in the preamble to the Constitution.

Delegates from around the world gathered to review progress achieved in the implementation of the Musa Plan for Social Justice (Musa Plan) broadly, while focussing on fostering economic parity. The Musa Plan was adopted by a multi-stakeholder summit in 2019 as a Marshall Plan like initiative aimed at mobilising social capital in civil society to catalyse progress on social justice by leveraging the global Sustainable Development Goals (SDGs) agenda and the National Development Plan of South Africa (NDP). The Summit focussed on the economic inclusion and parity dimension of social justice in line with SDGs 10 and 1.

A key focus of the summit was an examination how far South Africa had come in improving social justice. Scrutiny focussed on large-scale economic inequality along the contours of past unjust laws, policies and programmes. The summit noted that South Africa has, according to the World Bank and other equity monitors, become the most unequal country in the world, with a Gini coefficient that is close to 0.7.

Of immediate concern was the impact COVID-19 had on social justice. Key questions were:

- How has COVID-19 impacted economic inequality?
- How has policy been implemented?
- To what extent has that made the situation better or even worse?

The events were exceptionally facilitated by political journalist, Cathy Mohlahlana, while participants represented a diversity of the foremost thought leaders on matters such as economic planning, sustainable development, land justice, environmental justice, gender justice, constitutional governance, human rights and fostering a well being economy.

## **2 SUMMARY OF OUTCOMES**

“We ignore systemic and chronic inequality and poverty at our peril”. This observation emerged loud and clear from a gathering of academics, lawmakers, judges, public servants, civil society activists and diplomats from all South Africa, other African countries and four other continents, who recommitted themselves to scale up efforts aimed at advancing equality and ending poverty as an investment in social cohesion and peace. Participants committed themselves to introduce legislation and other measures to ensure greater accountability for advancing equality and ending poverty through purposive reconciliation of the relationship between economic policies and equality imperatives.

This commitment was part of resolutions and a declaration adopted at the 2<sup>nd</sup> International Social Justice Conference and 3<sup>rd</sup> Annual Social Justice Summit, convened on 11 and 12 October 2021 at the Boschendal Conference Centre near Stellenbosch.

“The events gave us an important opportunity to take stock of the progress we have made since the inaugural Conference and Summit in 2019 where we unanimously adopted a declaration that commits us to implement a Marshall Plan-styled Social Justice M-Plan,” says Madonsela.

The summit on day two, reflected on progress achieved since the adoption of the Social Justice Declaration at the inaugural summit regarding the advancement of equality and the elimination of poverty through leveraging the global Sustainable Development Goals (SDGS), in 2019.

I am overjoyed at the number and innovativeness of the practical ideas that were generated on how to accelerate progress on economic parity, particularly on issues such as financial inclusion, economic modelling, transformative constitutionalism and citizen empowerment,” said Madonsela.

“One of the key outcomes I am excited about is an agreement to advocate for a law or clause in existing legislation that makes it mandatory for government to certify that a law

of policy it intends to pass will advance equality and diminish poverty and not exacerbate the situation on these two social justice imperatives. We further agreed to design and promote a model law as well as collaborate to design tools for predictive impact assessment of laws and policies.”

Having rooted social justice in international treaties such as the Treaty of Versailles, the United Nations Charter, Universal Declaration on Human Rights and the African Charter on Human and People’s Rights, Madonsela pointed delegates to the preamble of the South African Constitution which outlines the three pillars on which the South African society is to be built, namely democratic values, social justice, and fundamental human rights. She said this lays the foundation for a social democracy.

“This means that every policy and every law should give meaning to these three pillars and be validated based on the extent of their alignment with them. If we agreed that establishing a society based on these three pillars entails establishing a society of equals, then we should ask ourselves – what does a South Africa look like in which everyone is equal, and one in which everyone counts,” she asked.

This theme repeated itself in several discussions and plenaries over the two days, especially as it related to the COVID-19 pandemic and regulatory measures and the design and implantation of financial and social relief packages to mitigate the economic and social disruptions caused by the regulations.

The Conference and Summit had several keynote speakers representing stakeholder communities being the academic community, the judiciary, business and civil society. The local government organization, SALGA [South African Local Government Association], which is partnering with Prof Madonsela’s team to experiment with impact conscious policy design to optimise constitutional fidelity regarding the duty to advance equality, also attended. The Inkatha Freedom Party (IFP) was the only invited political party that sent a delegate.

Stellenbosch Chancellor and member of the Council of Social Justice Champions, retired former Constitutional Judge Edwin Cameron, pleaded for urgent action to make progress on equality and poverty and pointed out to two weeks of chaos in July 2021 as an example of the perilous near future should people not see visible progress.

“The events risked undermining everything we have achieved and the progress and faith in our nation. It is the legal system along with the poorest of the poor that suffered,” was the view shared by Justice Cameron. He further mentioned that the emerging economic justice push reminded him of the role of civil society led by the Treatment Action Campaign (TAC) in pushing for the delivery of HIV antiviral therapies despite government’s resistance at the time. He reminded participants that without such antivirals, which he could afford because of his economic class privileges, he would have died two decades ago.

We are at a pivotal moment in our democracy. We need to fight now, with concrete deliverables. The key is the rule of law – we MUST hold on to it, and we will not succeed without it,” he appealed.

Speakers bemoaned the devastating impact of what was referred to as “Two Weeks in July” had on South Africa’s economy while also reflecting on the factors that led to the events.

One of those was recently elected President of Business Unity South Africa and Chancellor of Free State University, Professor Bonang Mohale. He conceded that while the trigger may have been internal cleavages in the governing party, what made the wanton destruction was deep seated anger over inequality and poverty as well as unmet promises of the Constitution. He further observed that the two weeks in July further evidenced a hollowed-out state struggling with competence in matters such as effective policing. He detailed the multiple billion Rand cost of the destruction and drew the link with social justice.

The main summit keynote address was presented by Italian Member of Parliament and former Minister, Professor Lorenzo Fioramonti, who is also a Political Economy professor at the University of Pretoria and author.

Fioramonti argued for revisiting economic theories of change and pathways with a view to choosing pathways that place value to society ahead of making money. He further emphasised the need to move from theory to practice. He also pleaded for eschewing austerity theories, which he attributed to libertarian economic paradigms.

He also highlighted the need for urgent action, warning that time was running out on the pressing global challenges of climate and economic justice. “We are talking about change, but we must also talk about the practical ways of making it happen. Has the world’s economic system over the past 100 years really delivered benefits for all the world’s people? Why is inequality still prevalent across countries? Change is within reach,” he said.

The noted urgency characterised both the conference and summit with voices that echoed Fioramonti, including local academic luminaries such as Advocate Tembeka Ngcukaitobi, Professor Tshepo Madlingozi, Dr Nthabiseng Moleko and activists such as Mark Heywood, Neil Coleman and Phelisa Nkomo.

A balanced view from business was that of Kate Robertson, Founder of One Young World, fondly referred to as the young people’s WEF. She advised treading with caution in assessing government and business performance but was very clear that transformation to advance social justice was not only non-negotiable but also an imperative for businesses and countries serious about excellent and sustainable performance. She gave Singapore as an example of inclusion and excellence.

Discussion themes over the two days included the role of Parliament in advancing economic parity and SDG goals; social security and the Basic Income Grant; wealth and

income distribution; financial inclusion; agriculture and food security; land redistribution; and business ownership among others.

Despite caution from a few, such as leading economist, Professor Haroon Borat, the Basic Income Grant received support. The caveat was the need for a phased approach and combining it with sustainable economic empowerment that fosters self-reliance, economic parity and resilience. This transformative economic inclusion dimension incorporated robust views on rethinking financial inclusion to meet people where they are, a matter former JSE CEO and Social Justice Council Member Nicky Newton King passionately argued for.

A highlight of the Summit was the announcement of the 2021 Social Justice Champion of the Year, which went to globally renowned philanthropist, Dr Imtiaz Sooliman, founder of the Gift of the Givers Foundation. The organisers also announced an intention to add a “Bridge Builder Award”, in honour of die-hard social justice champion, Dr Beatrice Wiid, who recently died at the age of 91. She was also a member of the Council of Social Justice Champions.

Madonsela says the two days proved yet again that it was only with the support and collaboration of government, civil society, big business, academia, and every ordinary South African and global citizen, that we will be able to make the ideal of social justice a lived reality for everyone in South Africa.

Deliberations yielded concrete measures adopted as conference resolutions and a Summit declaration and Programme of Action. The actions going forward will focus on collaboration in research, innovation, teaching and capacity building particularly in areas such as constitutional literacy, legal literacy, economic literacy, financial literacy and democracy leadership development.

The events, which were exceptionally facilitated by political journalist, Cathy Mohlahlana, were also addressed by the Ambassadors of France, The Netherlands and Sweden and the CEO of the Rwanda Governance Board.

Stellenbosch University leaders such as Chancellor Edwin Cameron and Law Faculty Dean Prof Nicola Smit said the University was providing this platform that unites global social justice scholars and activists and decision-makers in government, business, the judiciary, diplomacy and broader society, an expression of the University's commitment to serve as a force for good.

### **3 SOCIAL JUSTICE MUSA PLAN VIDEO**

Since South Africa was declared a democratic state 27 years ago, systemic and structural economic disparities in health, education, housing, land and social life continue to pervade our society.

Our constitution promises to lay a foundation to heal the divisions of the past and establish a society based on the three pillars , which are democratic values, social justice and fundamental human rights and freedoms. Yet more than half of the people in South Africa live in extreme poverty.

When people are hungry, they end up being angry. This has resulted in the deterioration of social cohesion, environmental sustainability and equal living standards among people in our society.

In the absence of meaningful progress, the Social Justice M-Plan was created with the aim of ending poverty and breaking the back of inequality. Now, more than ever, our country needs social justice champions who will engage on concrete recommendations for action. We are launching the M-Plan, which was named in honour of Palesa Musa. Palesa Musa was a student activist arrested on June 16, 1976. Despite her courage, she is still poor today. The Social Justice M-Plan aims to advance equality and poverty eradication

COVID has reinforced all the things that are wrong in certain areas of our national life.

We have a duty to improve the quality of life of all citizens and free the potential of every person to build a united nation with a resilient society where all thrive.

It is time to repair, restore, redress and reconcile our nation. The M-Plan is not just about addressing the past, it is also about creating a society of equals now and into the future.

We need practical plans to forward social justice in our country and on our continent.

## **4 ADVANCING SOCIAL JUSTICE – BUILDING A JUST ECONOMY WHERE EVERYBODY COUNTS**

**WELCOMING BY PROFESSOR THULI MADONSELA, LAW TRUST CHAIR IN SOCIAL JUSTICE AT STELLENBOSCH UNIVERSITY AND FORMER PUBLIC PROTECTOR OF SOUTH AFRICA**

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

Social justice and economic equality are the basis for a country that works.

One of my recent book finds is a book by Bob Chapman titled *Everybody Matters*.

In the book, Chapman refers to an epiphany he had when attending a wedding during which it dawned on him that every human person is someone’s son, daughter or loved one.

To those that are not lawyers, please note that by adding human, I did that deliberately because, in law companies, organisations and even governments are persons.

I must confess, I’m not entirely comfortable with this common law heritage, as it equates the life of a human being with the personhood of companies. I sometimes ask myself, what does attributing personhood to corporations, including big ones, mean for ubuntu, given that since *S v Makwanyane*, our Constitutional Court said one of our constitutional foundational values is ubuntu.

Based on the wording and other epiphanies, Bob Chapman decided to use the philosophy that everyone counts as a foundation for running his company, Barry-Wehmiller. It has meant running the company as a family.

Part of the belief system that goes with this is that during tough times, a family pulls together, makes sacrifices together, and endures short-term pain together. If a parent loses a job, a family does not lay off one of their children.

This understanding informed Chapman and his management's response to the Great Recession that shook the whole world and left the company without any sources of revenue.

In such times, companies are allowed to offload whoever they see as non-essential or as a non-essential employee.

Some of the companies are also allowed, like here in this country, to offload anyone, even if you do not have a cash flow challenge. What you are required to do is to ensure that you adhere to last-in-first-out principles. This often means mass layoffs. Incidentally, you may also retrench, even if you just choose to automate. Not necessarily for financial dire straits, but just because you want to replace people with machines.

Chapman and his team of leaders did not do so. Their view, as indicated earlier, was that in a family you do not offload people when you are in trouble, you pull together. They instead used innovative work practices to cold shoulder the pain. This included a rotational system where people would take up to a month-long unpaid leave. They had innovative ideas that were sourced from every employee, and these were applied on the basis of merit and not on the basis of the status of the source of the ideas.

The company transformed its business ethic from one that viewed people as functions, to a company where not only did everyone count, but everyone was also counted on to co-create a shared future. The result was a feeling of belonging, a feeling of counting and being cared for. The outcome was increased productivity and the company revenue rebounded and exceeded the pre-crisis situation. What was the magic? The magic was trust, emotional safety, social safety and the unleashing of the potential of everyone.

What does this mean for our conversation today on Social Justice and the Economy: New Pathways for Economy in our Country? Our current president, Cyril Ramaphosa, whose election was hailed as the onset of a new dawn, fondly refers to his periodic meetings

with the nation as family meetings, but does everyone feel like a member of the family? Well, in a sense we are supposed to be a family constituted under the Constitution of the Republic of South Africa of 1996.

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

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

I hope you agree with me that these are the pillars of our family that should inform all our decisions, policies, laws and our everyday justice actions. All of these should be achieved through the three pillars. You must also agree with me that in a family that is based on democratic values, social justice and fundamental human rights, everyone counts, regardless of who they are, what they look like and what they have or do not have.

As a further consequence, we must agree that in a family where everyone counts, everyone is recognised as they are, not as they should be. Everyone gets represented in decision making that impacts them and their future. In addition, everyone should expect restitution or justice for any harm or undue loss suffered at the hands of the family. I must indicate that these three R's have been borrowed from feminists such as Nancy Fraser and other contemporary theorists such as Judge Dennis Davis.

Having agreed on these principles of family where everyone counts and that our constitution sees itself as laying the foundation for becoming such a family, the question is, are we becoming a family or a society where everyone counts? You may have your own views, but mine are that many social justice scholars believe that today is better than yesterday, but our performance on social justice is underwhelming.

Let us look at the COVID-19 situation. As per observations of the Social Justice and COVID-19 Policy and Relief Monitoring Alliance, SCOPRA, we have noted a patchwork of performance. There was an admirably agile response to protecting life, but a tardy response to protecting livelihoods for many, where the regulatory impact tended to favour mostly big business that is anchored in the digital age. The responses were even less agile in designing and even more clumsy in executing compensation strategies for those thrown off the economic grid by the regulatory impact. This was particularly the case when it comes to rural economies and township economies.

The social impact was not even considered at the integrated strategic response, which reduced this complex challenge to the binary paradigm of saving lives and saving livelihoods. As a result, responses to the regulatory impact on education only came after the damage was done. Also, we are still waiting for responses to gender-based violence in the family which has increased during COVID-19, including child abuse. Moreover, we are still waiting for responses to mental health challenges that have ballooned during the lockdown regulations.

When we started this journey a few years ago, we realised that bar corruption, fraud, incompetence and indifference, the bulk of service and transformative constitutionalism, failures in government are not due to lack of political will, but rather due to the paucity of statecraft that is required to craft and execute the transformative constitutionalism that is required to transform the state and societal relations, to build that society that is founded on democratic values, social justice and fundamental human rights.

We further realised that this could not only happen within the government but had to happen in the whole of society. We further realised that government could not drive or even fund the change alone, hence the adoption of the Inaugural Declaration on Social Justice, which includes embracing a quadri-pronged Social Justice M-Plan, with the full name Musa Plan for Social Justice, named after Palesa Musa.

The four key result areas of the M-Plan seek to accelerate progress on ending poverty and advancing equality. We are encouraged by the visible progress we and other

stakeholders have achieved since the inaugural summit in 2019. Some of the examples of progress are the following.

Under key result area one, social justice attuned policy design and law reform, we designed a social justice assessment matrix, SIAM, which has nine dimensions, under which a set of questions prompt a policy or lawmaker to ask before implementing a policy, law, programme or service to ensure that the impact will be to advance equality and reduce poverty and not to exacerbate existing social injustice.

We are currently collaborating with SALGA and the Swartland municipality as a proof-of-concept exercise. The pilot we are doing at Swartland includes the collection of disaggregated, real-time data to be used to pilot the social justice impact assessment matrix on COVID-19 regulatory impact and to test the efficiency and effectiveness of the fiscal and social support packages that have sought to contain the damage.

We are currently collaborating with other institutions through a multidisciplinary team that brings together lawyers, statisticians, engineers, data scientists and others to convert the social justice impact assessment matrix into a technological instrument, as well as to leverage serious gaming technologies to acquaint policymakers and lawmakers with the social impact-conscious decision-making principles. We also want to acquaint them with design thinking and systems thinking.

This part of our work was inspired by a climate sustainability game that is called Plan A, which was designed by German engineers, and we became involved with this tool through Tshwane University of Technology (TUT) counterparts, and we are already in talks with the Plan A designers to collaborate in designing a social justice impact-conscious game for policymakers to be used as an education and learning tool.

Under key result area two, leadership at all levels, we have established a Council of Social Justice Champions, and this was done during the Second Social Justice Summit. They have contributed immensely to the efforts aimed at giving life to the Social Justice M-Plan. Sadly, one of the councillors, Dr Beatrice Wiid, passed on at the age of 91. One of her last wishes was to see the M-Plan becoming a platform for changing lives and building

bridges across communities. For that, we propose the addition of a Beatrice Wiid Bridge Builder Award as part of our social justice champion award system.

The Social Justice Champion of the Year Award is one of the leadership initiatives under the Social Justice M-Plan. The 2020 joint winners were two ambassadors, one a democracy ambassador and another a social justice ambassador, Kabelo Mahlobogwane and Eon Hendricks. Kabelo founded The Marking App for teachers and Eon founded the Cultivation of Leadership Among Youth Foundation, the CLAY Foundation that teaches young people leadership, self-reliance and resilience skills.

Another social justice ambassador attached to the Chair, Thembaletu Seyisi, recently won the Rector's Award for Excellent Social Impact, and published a book with the bulk of the proceeds dedicated to #Action4Inclusion, which is a project of the Chair, promoting debt eradication for students at tertiary education.

Under key result area number three, social cohesion, we have an Everyday Justice, legal and constitutional literacy program that is meant to popularise the preamble and teach rights and constitutionalism. Since our second summit, we had two eight-year-olds read the preamble, while this year we have had the Ndlovo Choir, which is among other initiatives that have spanned the country, as well as three young people reading the preamble in the three key languages in the Western Cape.

Under key result area four, which is crowdfunding, we are steadily making progress in mobilising civil society funds toward social justice. Boschendal Venue, together with the hospitality have been given to us free of charge. In addition to that, the Bertha Foundation, which owns the Boschendal Retreat, has also given us more than R220 000 towards the M-Plan for Social Justice and SCOPRA activities.

We also had the honour of a rose named the Thuli rose, where some of the proceeds are donated to #Action4Inclusion. Many retail outlets are willing to work with us, but they are waiting for this Third Social Justice Summit to come up with a plan that has concrete deliverables that can be funded.

Ethiopians say, “Little by little an egg will walk”. Little by little, we are making progress together and the COVID-19 inflection point offers an additional opportunity for rebuilding better together. In that situation, the Social Justice M-Plan offers an integrated framework for connecting and scaling our activities.

I do hope that when we meet next year for the fourth summit, and if we conduct a survey among South Africans, like workers at Chapman’s company, if asked, do you feel as if South Africa is your family and do you feel as if you count, that everyone will say they count, regardless of which ward we find them in.

Thank you to all of you. We declare this conference open.

## **5 CIVIL SOCIETY CAN TAKE THE LEAD ON SOCIAL JUSTICE**

**Justice Edwin Cameron, Academic, jurist, author, recently retired Constitutional Court judge and Chancellor of Stellenbosch University**

*“[T]his morning at the summit we are at a pivotal moment in our democracy. Now is the time to fight with practical, hard-headed means for social justice. As Prof Thuli said, concrete deliverables. The key to this is hanging onto the rule of law. The rule of law is the foundation for a well-functioning democracy.” – Stellenbosch University Chancellor, Justice Edwin Cameron.*

Good morning, everyone. What a joy to be with you here. What a joy to hear Abenathi and the two other youngsters speaking to us, putting us on the right road and inspiring us. What a joy to see you, Cathy Mohlahlana, hosting the event today, as you do, with such skill and proficiency.

I am very happy to be saying just a few words of welcome, as Professor Thuli asked me to do. As Chancellor of the university, I get to do all the nice and easy things. I say words of welcome, I attend events, I preside at graduations, and I do not have to do the hard work that Thuli and her team at the Stellenbosch Faculty of Law have done.

I do want to thank Professor Madonsela, while pausing for a moment to link what is happening today with the reason why Professor Madonsela chose to come to Stellenbosch at the end of her non-renewable seven-year term in office as South Africa’s first female public protector, to reflect on her history, the astonishing courage, the extraordinary integrity, the simple clarity and commitment to the rule of law that she brought to fulfilling her tasks as public protector.

That report of Professor Madonsela, the Nkandla report, came before us in the Constitutional Court and led to one of the court’s most important judgments, the judgment of 31 March 2016 in which Chief Justice Mogoeng explained to Parliament, and more importantly, explained to a seeming renegade and impious President Zuma what the duties of a constitutional state, constitutional democracy and leadership of integrity were.

Without Professor Madonsela at that pivotal time in the trajectory of the disgrace that was Nkandla, we might not be where we are now.

Friends, participants and speakers, I do not say that with any sense of complacency or smugness.

We are in a perilous moment in our national life. That is why critically reflecting on the state of social justice in South Africa with, as Thuli has just said, a plan and what she called concrete deliverables, that is why it is so important.

I honour you, the speakers, the policymakers, the stakeholders, the legislators, the academics, the researchers, including the Chair of Human Rights at Stellenbosch, Professor Sandra Liebenberg, one of the major conceptualists and practical thinkers in this area, and I honour you for your participation today.

Intersecting your themes, there are three umbrella issues that emerge.

Economic equality, which Professor Thuli has rightly emphasised in her allusion to the family. How can you be unjust within a family? Even a toddler has a sense of fundamental fairness within the family boundary, and so much more within our family as a country and a nation. Secondly, peace and stability. And thirdly, most fundamentally, the rule of law.

These are necessary conditions for a flourishing and robust democracy.

To return to President Zuma, the recently failed insurrection in July, just three months ago, threatened to undermine all that we have worked so hard to achieve in our country. Because it sought to wreck not just the institutions of governance, not just the implements of economic progress, but also our faith in our country itself.

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

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

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

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

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

As Prof Thuli has also said, the COVID-19 pandemic served to expose the fundamental fault lines in our society. It underscored existing inequalities, incapacities and inadequacies that cripple our democracy and the functioning of our government. To embrace social justice in the sense in which Prof Thuli indicated when she spoke just a moment ago, we must elect truthful and incorruptible and capable leaders who are capable also, does anyone think I am referring to our president, capable also of taking decisive action. As a chancellor, you are allowed to be provocative.

We must strive to root out corruption, ensure competent and proper appointments in government, demand institutional reform, mandate accountability plus responsiveness from public officials and insist, most important of all, that our leadership build a capable state. Years and years and billions lost in the wasted years of corruption and state capture under President Ramaphosa's predecessor, President Zuma, all of these have hollowed out not only our state institutions but our very trust in government and our own leaders.

This means that this morning at the summit we are at a pivotal moment in our democracy. Now is the time to fight with practical, hard-headed means for social justice. As Prof Thuli said, concrete deliverables. The key to this is hanging onto the rule of law. The rule of law is the foundation for a well-functioning democracy.

In a recent opinion piece, Prof Madonsela said this is the fundamental element, the rule of law.

If we do not adhere to the rule of law, ensure access to justice, we will not be successful in creating a society in which all of us can flourish.

I wholeheartedly echo this. May this event today critically and constructively reflect on practical steps we can take to build a capable state, protect the rule of law and live in our wonderfully diverse democracy.

As I end, Prof Thuli, beloved participants, friends, programme director, Cathy Mohlahlana, I want to make a personal reflection and it is about the AIDS crisis of 20 years ago, which is still an AIDS crisis. Seven million of us, like me, are living with HIV. The personal reflection is that 24 years ago next month, in three weeks' time, I started on antiretrovirals. I was desperately sick from AIDS. I faced a certainty of death within 30 to 36 months at the age of 44. Twenty-four years later, I feel the joy on a beautiful spring morning in Johannesburg of joining you.

But I want to make a very important point. There is nothing that we cannot do. Twenty years ago, we faced a President who refused to accept the virology, the medical science of AIDS. He refused to accept that there was even the certainty of a virus.

He refused to make the drugs that had saved my life, that I knew had given me a new lease on life, available to everyone in the country, particularly the most resource-poor who were being affected in their hundreds of thousands, deaths every day.

When you went to the Avalon Cemetery in Soweto there were queues every Saturday morning.

What happened? Zackie Achmat and the Treatment Action Campaign took the campaign to the streets. They faced down the drug companies. They took the campaign to the suburbs and the cities and the Union buildings and the pharma company's headquarters in Midrand. Then they went to the courts. They used the rule of law. They used every right in the Bill of Rights.

Today, and here is my point, we have the world's largest publicly provided antiretroviral treatment programme. Almost six million people like me this morning can say I took my daily dose and that is why I am alive. An important point is that it is a public-private partnership. You mentioned the Ndlovu Choir, beautiful. The Ndlovu Trust is one of the partners, together with Wits partners for health and other semi-private institutions that are making sure that antiretrovirals (ARVs) are provided.

We have the national vision, the values and the aspirations in our Bill of Rights. We have capable people, you will hear them all day today, capable thinkers and capable doers. On the panel with me is Prof Bonang Mohale, my colleague as chancellor at the University of the Free State (UFS). What a doer. You are going to be fired up when he speaks. No expectations Bonang, I am just telling them all that you are going to fire them up. He always does. He is a wonderful speaker, but also a wonderful doer.

Let me thank you for this opportunity. With hope, commitment, vision and practical plans and furious, intense, passionate commitment, we can do everything that this summit sets out to achieve. Thank you so much.

## **6 TOWARDS A WELLBEING ECONOMY BEYOND A MONOPOLY GAME PARADIGM KEYNOTE ADDRESS: PROFESSOR LORENZO FIORAMONTI**

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

*“All companies nowadays should become benefit corporations that shouldn’t be taxed or considered or assessed only in terms of how much money they make, but in terms of how much value they create. – Professor Lorenzo Fioramonti, University of Pretoria professor of political economy. My keynote will be dedicated to the issue at hand, which is taking economic justice seriously and the whole issue of social justice from an economic perspective.*

Everything that has been said so far is extremely significant. Significant for South Africa, but also significant for the whole world.

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

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

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

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

This is something that we have to start acting on, not just reflecting upon, but acting on. What is wrong with the economic system in which we are? Why are we celebrating something that gives us so many bad consequences? Again, and I would like to emphasise this, that puts our civilization on a path, potentially, towards self-destruction. It is not a minor negative outcome; it is an existential one.

The problem here is our concept of economic growth. Our model of economic growth is outdated, it is off balance, and it risks derailing all the positive energy that is still available in South Africa and throughout the world.

What Prof Madonsela was saying earlier in the introductory remarks was extremely important. She was talking about a company that has decided to change the way in which it operates, treating the workforce as family members, understanding that they either all succeed together, or they all fail together. Well, what is happening nowadays is that the rules of the economic game in our countries do not incentivise this sort of behaviour.

The rules of the game, and it is also interesting that Prof Madonsela spoke about the M-Plan and the game and understanding gaming as a way of explaining how society works and how society can change. The economy is a game. We are in a society and the society in which we're all operating needs some rules, and the economy gives us the rules, who gets what, who does what, who earns more tokens, who earns less tokens, how do you exchange tokens.

It is like in a Monopoly game. The problem is that this Monopoly game is incentivising competition at the expense of coordination and collaboration. It is incentivising enrichment, personal enrichment at the expense of many other more socially minded behaviours, and this, in the end is undermining the wellbeing of everyone, the rich and the poor. This is its major flaw.

Why do I say that? You need to consider that nowadays a company that decides to be more socially minded, a company that decides to be more environmentally minded has

no incentives whatsoever. At times it has to compete twice as hard with those that decide not to do so. As beautiful as it may be that some enlightened and extremely responsible managers and leaders and CEOs are trying to change, but certainly, they are swimming upstream. The rules of the game do not allow for that.

This has to do with our model of growth. Our model of economic growth does not recognise the creation of any other value than monetary value. If I have a much more satisfied workforce, if I produce products that are not harmful to the environment or to the people, I see no net benefit in doing so. It does not reflect in our national GDP. As a matter of fact, the opposite does. When I produce something that creates harm, the GDP dial ticks towards growth, it grows, because that harm will have to be addressed.

Take the July insurrection, destroying shopping centres, as terrible as it may be for any decent human being to look at, it is actually a good thing for GDP and growth because you have to rebuild those structures. Insurances will pay out, will cover the costs and that will count towards growth. The rebuilding will count towards growth. All the actions that will be needed, will count towards growth. The same does for a car accident, a traffic jam. Pollution counts towards growth because the more we pollute, the more we have to clean up. And so, money moves.

Paradoxically, our model of growth, and we are seeing it also with COVID-19, all the efforts that are going into simply fixing what the virus has broken are now pumping economic growth. We think that this is a sign of progress, but actually this is a sign of regress, of going back because we are simply trying to get where we were before COVID-19 hit.

What we need is a different type of economic system and it is within reach. I am not proposing to change capitalism, I am not proposing a grand theory of a post-capitalism new order. I am simply saying, we have all the scientific knowledge, as in the fight against climate change and HIV.

This system has to understand that in an economy you can generate value at many different levels. You can generate value, which is monetised, you can generate value,

which is not monetised, which has to do with social satisfaction, with environmental sustainability, with reducing harm. When I prevent people from getting sick, I am generating value. I am saving society money and that should be recognised.

If I produce something which is healthy, if I produce healthy food, I should get an incentive to do so. It should not just come out of my own volition, out of my own will. It should not just be an act of leadership, often against all odds, but it needs to be something that society and the state and the rules of the economic game are incentivising.

When I produce wellbeing, to use a word that I am very fond of, wellbeing rather than growth, then we build a different economy. We incentivise the creation and the spread of those industries that are more aligned with the principles of social justice that we have seen listed earlier, at the start of this conference. This should not be the exceptions to the rules, but this should be the rule.

All companies nowadays should become benefit corporations that should not be taxed or considered or assessed only in terms of how much money they make, but in terms of how much value they create. Some of that value is reflected in profit, some of that value is reflected in other dimensions, and the other dimension should count, I dare say, even more than the profit itself because it is profit for society.

Again, whether you are producing food, whether you are producing energy, every time you do so at a general cost to society which is less than what is done conventionally, you are generating value. Every time you avoid pollution, you are generating value. That means that we move from a concept of growth as simply increasing profits, which is what it is, even if those profits are damaging.

I would like to remind everyone that most of our profits nowadays are damaging because if they are not harming people, they are harming the environment, so they are taking away value from us.

We need an economy that takes that as a negative and considers the generation of value only of positives, whether it is again through profit or whether it is through other forms of value generation. This would be tremendously transformative for South Africa.

South Africa does not get out of its social justice conundrum because no matter how many times we have activists, public protectors, social campaigns and so on and so forth that try to change the status quo, that try to change the symptoms of the disease, we have not tackled the root causes yet. Our South African economy is still designed to generate the kind of growth that I have been criticising so far.

We cheer every time a new shopping mall is generated, and we do not consider that every time we build a shopping mall, as beautiful as they may be, we are taking away space from small production, from small and micro enterprises, from the bakeries, from the butcheries, from the carpenters that we do need in order to tackle the unemployment challenge.

Shopping malls will never ever resolve the unemployment crisis that South Africa is facing. Rather than hundreds of shopping malls, we need millions of micro shops. But if we do not create the conditions for those shops to emerge, for the social and the physical infrastructure to allow those activities to emerge we are simply going to see the triumph of the big at the expense of the small.

For as long as we do not understand that investing in public education is not an expense, it is not spending, it is investing, so that our public schools are, from a well-being perspective, the main generators of value in an economy. They produce the creativity, the human capital, the innovation that is indispensable, to then create the companies and the jobs that we do need to find employment for millions and millions of South Africans. If we do not have that intelligence, if we do not have that creativity, we are never going to be able to be a successful society.

Where is that innovation and creativity generated? In schools. But how many people have ever spoken about schools as a productive industry? Often, we look at schools as institutions that have to be supported, but as institutions that cost society rather than institutions that generate economic value. The opposite should be seen.

The same applies to our energy system. We still have, paradoxically in South Africa, an energy system that is rewarding big, that is rewarding energy that is produced by a few

institutions, a few industries, and everyone else is a consumer when we have all the natural conditions to be able to produce energy through rooftop panels, wind turbines, micro-wind and sun and so forth at the local level. We should have communities producing energy. We should have neighbourhoods producing energy. We should have estates producing energy. We should have all this diffusion and distribution of energy production that our country can afford.

We are not living in Siberia, we are living in South Africa, and we have so many energy sources given for free to us by mother nature, but we are not doing that. We are simply rewarding the big industries, those that according to the growth discourse, are adding value to our economy but, in fact, are not, they are taking value away. We could all contribute to that, even if we are self-consuming, consuming our own energy. Of course, we are not creating a transaction, we are not exchanging money, but we are generating value, we are creating a much more sustainable and empowering economy.

This is the critical question. For as long as we do not understand that our growth model is broken, that we need a better growth model, that our growth should happen when we increase wellbeing, not just when we increase profits at the expense of society and the environment. Every cent that we make must be money that has also generated a positive social and environmental outcome. Every cent that is made by creating a social and environmental problem should be seen as a negative, as a robbery, as taking away value from society.

Every entrepreneur, every young student that goes to business school should be taught that the future of business will be to create holistic value, not to create only monetary value. Because if monetary value is not measured correctly, but in terms of the old parameters of growth, it will in most cases be a loss for society, for everyone. If we keep on accumulating losses, we are going to get poorer and poorer altogether.

My message to you is, focus on the root causes, not only on the symptoms, and do whatever you can to make sure that South Africa understands this important lesson, that change is within reach. We have all the technological and scientific knowledge. Everything I have told you is not taken out of a hat. It is taken out of academic papers and

books, for more than 20 years, that are clearly indicating this in a way which is not debatable.

Yet, what we are missing is this shift from the academic and theoretical level to policy level. We need to make politicians understand this. As a former member of government, I can tell you, it is really hard to do so unless you are supported by strong action by society at large.

This cannot be a fight and a cause only fought by a niche, small group of intellectuals. It needs to become a social popular movement and a subject of conversation at national level. Which is really easy to understand and yet it is not enough discussed within the media. I think when that happens, it is going to become natural, to be transformative and change society.

## **7 KEYNOTE PLENARY: A NEW SOCIO-ECONOMIC PATHWAY FOR SOUTH AFRICA AND THE CONTINENT**

**Dr Nthabiseng Moleko**

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

*“The model used for mining and extracting wealth has not resulted in socially just outcomes. We do not process, we do not concern ourselves with processing, nor do we concern ourselves with the very people who extract those minerals. We call them labourers; we pay them a minimum wage.” – Dr Nthabiseng Moleko, faculty member at Stellenbosch University Business School*

Good day to the Social Justice Chair, Prof Madonsela, to the Vice-Rector, Prof Wim de Villiers, to the Chancellor, Justice Cameron, and to the social justice family that has joined us today, policymakers, legislators, academics, business, civil society and faith-based organisations, also our international stakeholders. Very importantly, students, and to my fellow panellists, a very good day to you all.

Imagine this. Imagine you have been given the diamonds, the gold, the nickel and uranium. Imagine a world where you even have pozzolan. I do not even know what that is, but it is a material that you can make use of in construction and producing of cement. Timber, fish and tobacco.

Imagine it does not end there, that titanium, graphite, tobacco, iron ore and phosphates are yours. So too is aluminium, gas, copper and oil. How much of these are yours? Enough to ensure that you ensure socially just outcomes are a reality.

Enough that you can make products and ensure policies and programmes that advance your own Human Development Index in all nations on this continent, including South Africa.

My view is that imagination is not a small thing. We have these minerals. 89% of world production of gold resides on this continent. 56% of that is historically here in South Africa, followed by Ghana, which is now exceeding us in terms of production of gold. Tanzania, Mali is at 13%, 10% and 8% respectively.

Since 2019, Ghana has produced more than 42 tonnes. At some point, South Africa in one year produced 1 000 tonnes of gold. Combined with Ghana, we produce more than 260 tonnes per annum and at an approximate \$1 400 per ounce. Who is to say we are not wealthy?

Timber, wood, using timber, timber-related products and industries are economic enablers. Value addition lies in the processing of some of these goods. Gabon exports more than \$500 million worth of timber to Europe. The DRC, Congo and Cameroon have licensed the way they deal with timber. More than 60% are exported to log companies.

This economic model is something that was discussed by our keynote speaker, and it goes to the core problem and the root problem of both the South African economic structure, but also the economic model that we have imported and not reformed going forward.

South Africa is one of the largest producers of mined titanium. This is known as rutile and ilmenite. However, it is clear that we do not compete in the titanium metal value chain and the country's involved in only four of the value chain stages on a commercial level.

China, Russia, the US, of course, and even Kazakhstan are some of the countries and, in fact, the only four countries that are involved in all eight stages of titanium metal value chain development. Japan and the UK import our titanium, our mineral reserves to process production, yet they do not extract this very highly prized mineral of mined titanium.

The model used for mining and extracting wealth has not resulted in socially just outcomes. We do not process, we do not concern ourselves with processing, nor do we concern ourselves with the very people who extract those minerals. We call them labourers; we pay them a minimum wage.

What is happening on the continent and even in South Africa, more titanium has even been found in Xolobeni, but the model that the state and big business is using across the continent has led to disastrous results from Xolobeni to the Niger Delta. In the Niger Delta, more than 50 million people reside in the region, yet squatters and slums are common. Yet we know that the private sector is among the richest and in the top 1% of the wealthy globally.

Oil that Africa produces is approximately 125 billion barrels per day, and this is approximately 7.9 million barrels, which is 9.6% of our world output.

Nigeria, Angola, Algeria, Libya and Egypt are amongst the top five contenders in the world's top producing countries, and they are located here.

But who owns these productions and operations? Namely, multinationals owned by Chevron, Exxon Mobil, Shell, BP, Total, NE. The model is the issue.

The refined liquid fuels, whether it is gas, oil or kerosene, we import the demand for our oil. We consume more than 470 000 barrels here in South Africa of petrol, diesel and liquefied petroleum, gas and kerosene, but we import more than half of this demand. This is the very problem, we do not produce, nor do we process and refine the necessary liquid fuels that are required for the growing economy of Africa, which is the fastest-growing economy globally.

I teach perspectives on African frontiers to MBAs and postgraduates at the business school, teaching them to see a new way of doing business on the continent that does not create only revenue generation, profit maximisation and mineral exportation models based solely on our past and colonial economies. Our models and our economies are built on and have not moved away from most of the structural framework of exporting, zero processing and using locals as cheap labour.

Our economies are dependent on mineral exports for revenue generation. Our governments and fiscal revenue are accounted for largely by a few commodity exports.

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

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

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

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

Stellenbosch should be the leader in this regard, that we are in fact rich, that we need alternative economic models and how do we then use the wealth to inform agreements, to inform economic models, to inform negotiations and negotiated settlements that lead to socially just outcomes?

If we remain as we are, we will not change the outcomes. Universities must teach alternatives. For that, we need to change the existing pedagogical frameworks of teaching and learning, content creation and economic disciplines, and legal disciplines of what is just in order for us to destroy the mineral and energy complex of exporting our wealth for a fickle dime. That only secures us everlasting poverty and inequality.

The second point I want to raise today, is that we have to use the appropriate monitoring frameworks. Are we using the appropriate tools? As a commissioner at the Commission for Gender Equality (CGE), one of our responsibilities is to monitor the state, private sector, civil society, and universities in their attainment of gender equality. As an institution, are we geared appropriately for looking at the right interventions, instead of getting tired of getting things right?

I believe that as a society we cannot get tired. Institutions have to get it right until we monitor the appropriate and the correct issues.

Our institutions may make mistakes, but until we have good governance as a recurring norm, we have to redo what is not right until it becomes right and the norm, impose those necessary principles, to hold those in power responsible for decisions taken. Tired we may be but giving up is not an option.

At CGE we oversee the state's effectiveness on implementation of its own strategies and plans. Some of the areas where we have not done sufficiently are the girl child, women and children, victims of rape and the scourge of GBV that has frighteningly unleashed itself upon our population. We have to continue to monitor and hold to account those agencies and institutions.

In the same vein, economic agencies and institutions for too long have focused on frameworks and indices that do not lead to socially just outcomes. Are we monitoring the appropriate indices, taking it back to economics? Despite the growth that are monitored regularly on a quarterly basis, we have not seen the type of growth in per capita GDP that we need.

Ethiopia is a case in point, South Africa as well, even Ghana. These countries have had significant growth rates, over 6% over the last three years, but they do not necessarily relate to redistribution and improvement in the spread of wealth to the people. We have to see improved GDP per capita and reduce the level of inequality which is a common theme in our economies. We have to look at a growth that deals decisively with the lived experience of the people in that population.

I want to put it to the meeting today that we have to measure inclusivity, we must have indices that measure inclusive growth and the degree of inclusivity, responding to labour absorption and reducing income inequality. We have to allocate weight to employment generation, as much as we look at growth. What share of our labour market is employed in manufacturing? What weighting is allocated to economic infrastructure and access to

that economic infrastructure? We have to measure growth and its impact and ability to reduce extreme poverty and inequality.

Weight to developing human capabilities, social protection, healthcare, education, water and sanitation. This weight actually exists. The index is called the McKinley Inclusive Growth Index, which attributes only 25% to the real rate of GDP growth, and the rest is weighted to the indices that I just mentioned.

We have to measure and monitor the right thing. When we start looking at quarterly economic growth, we also have to look at what has happened to employment absorption, to social protection, and to extreme poverty and inequality with the same level of emphasis.

Innovation. No one puts new wine into old wineskins, or else the new wine bursts the wineskins, the wine is spilt, and the wines are ruined. New wine must be put into new wineskins. Last year's published *New Wine into New Wine* report formed the economic interventions for the M-Plan. Together with the Law Trust Chair, we launched the seven strategic interventions on doing what we have never done to get what we have never been able to achieve. We believe that these strategic interventions must be non-negotiables if we want to see socially just economic redress in this nation and on the continent.

Under the theme for today, we recommend one of the key areas is the issue of creating an infrastructure asset class. Private sector participation requires that we see this as an economic reality. Financial inclusion of women in rural areas and townships, which means having financial products that enable access, redistribution and trade, without excessive user costs needs to be seen as a norm.

Industrial development requires micro and small businesses to be considered as important as oligopolies and monopolies and multinationals, instead of glossing them over in our planning and projected implementation programmes. These should be non-negotiables if we are to see a continent and a country that actually changes the growth path that we have.

Pension funds, as a last case in point, must be used in a coordinated fashion to achieve and advance what we call structural transformation. Structural transformation means that we must double our manufacturing value, where we begin to produce as African nations. Even as South Africa we are de-industrialising.

A strategic intent requires that the financing agenda transform our wealth instruments and to initiate the use of blended finance instruments, to advance our own socially just goals that we want to see. The state, private capital and monetary authorities must have conditions that advance industrial policy that use financing for development, using infrastructure asset class and these type of models and legitimate tools as an enabler in financing development. We have to reduce dependence on foreign investment while developing local and domestic bond markets as a legitimate option. The fundamentals are in place.

In closing, one of the last things that I want to mention is that we have to use financial markets to ensure national development priorities are not negated. This only happens in Africa and even in South Africa, where we put short-term interests at the expense of long-term national goals, which yield to untransformed national economic models, and untransformed national economic domestic and financial systems. We have to reimagine financial systems that are for us.

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

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

## **Professor Bonang Mohale**

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

*“This mayhem when these looters, these arsonists went in to steal the fridges, spilt the blood on the floor, knowing fully well that as they leave, they personally might need the blood O type after being hit by a rubber bullet.” – Professor Bonang Mohale, Chancellor of the University of the Free State*

Thank you so much for this opportunity to also add my five cents worth. To save time, let me just conclude with the three things out of the five that are our own goals, self-inflicted harm, where we cut our own nose to spite our own face.

I will not even talk about the nine wasted years of state capture or about the recession we just came out of, or even about Moody’s downgrade. Not even the pandemic, because I am sure my colleagues will touch on that.

Just to end on the two weeks in July where we went on rampant looting, taking the economy of this country back 20 years. Where even the new Minister of Finance, Enoch Godongwana, says we might only recover from this in 2023, and even then, we would have wiped off an entire percentage point from our GDP.

When a politician says it, like your own construction contractor, you normally double the time given. Some of those we might not even be able to replace.

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

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

The economic impact in Durban alone was R1.5 billion worth of stock that was lost. Massmart released their results three weeks ago. One store says they have lost R1.3 billion worth of stock.

The GDP impact on KwaZulu-Natal is R20 billion, nationally R50 billion. I am not even talking about the 1.5 million ammunition that was stolen from a container at a Prospecton depot in Durban. Nor the Clicks United Pharmaceutical Distributor centre that has been looted. Nor the Cipla pharmaceutical company's factory in Durban that was burned down.

I am not even talking about the 90 000 pharmacies that were destroyed, the 43 000 Pfizer vaccines that were stolen that need to be kept at a temperature of -70°C. Not even the blood bank was spared. The mayhem when these looters, these arsonists, went in to steal the fridges, spilt the blood on the floor, knowing fully well that as they leave, they personally might need the blood O type after being hit by a rubber bullet.

Sasria is the only insurance in the world that covers government-owned social insurrection, now has to pay out R30 billion. Last week it was bailed out by National Treasury at R3.9 billion.

## **8 HOW HAS FRANCE LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10**

### **French Ambassador to South Africa, Aurélien Lechevallier**

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

It is an honour to participate in this Third Annual Social Justice Summit and to share with you France’s commitment to advancing the Sustainable Development Goals.

I would first like to thank the Social Justice Chair for inviting me. The summit is key to fostering social justice in South Africa and creating awareness and consciousness.

As a globally respected social justice research and training hub, the SJC is a crucial player in the fight against inequalities and helps to design innovative public policy tools to achieve an equal economy. The pandemic and the unrest of last July have highlighted the urgent need for advancing social justice in South Africa, a country where income inequalities are among the highest in the world.

In France, too, the pandemic has reshuffled the cards and put social justice at the centre of our public debates. COVID-19 has exposed our reliance on blue-collar workers that previously were often looked down on. It has also shed light on pre-existent inequalities or social fragilities. Against this background, it is even more important to deepen our understanding of economic inequalities and the underlying factors, so we are better equipped to tackle them.

From the very beginning, France was a strong supporter of the 2030 Agenda for Sustainable Development which sets, as you know, 17 Sustainable Development Goals for the world, from eradicating poverty to protecting the planet or reducing inequalities. It

was even more natural for France to support the 2030 Agenda, as we have a long tradition of advancing social justice, both domestically through well-established social institutions, and globally, thanks to our development assistance programmes.

France was involved in the negotiations for the adoption of the 2030 Agenda and it was one of the first 22 countries to present its report on the implementation of the SDGs during the high-level political forum in 2016. At national level, France has also set up, across departments, delegates for sustainable development that is responsible for the implementation of the 17 SDGs and that coordinates a network of civil servants advocating for sustainable development.

When it comes to eradicating poverty, France has a substantial track record that proves its commitment. In the last 70 years, France has developed a strong social safety net that protects its people from social risks, such as illness, accidents or family welfare, and pays a pension in retirement. Any person residing in France is also entitled to claim a minimum income and essential services such as education, housing and power supply. Those services take the form of welfare, supplementary benefits and free public services.

Last but not least, France is also encouraging access to culture and national heritage for all population groups, in particular with programmes for young people from disadvantaged areas. As a result, poverty has been kept under control, with 13.3% of the population at risk of poverty compared to 17% in the whole European Union. Nevertheless, work remains to be done as the Sustainable Development Goal 1's ultimate goal is to achieve no poverty at all.

Moreover, France, as other developed countries, is experiencing new forms of social exclusion, such as the working poor, for which innovative public policy solutions still need to be found. Tackling economic inequalities require integrated and long-term policies. Despite new challenges caused by the fourth industrial revolution (4IR), globalisation and free trade, France has been able to maintain low levels of economic inequalities thanks to an economic policy combining free markets and social policies.

On the one hand, France has been able to lower its unemployment rate due to the reforms passed during the last decade that have enabled more flexibility in the labour market and lowered payroll taxes. On the other hand, France has been able to build a progressive taxation system, especially when it comes to income taxes.

Income taxes redistribute wealth and finance the generous welfare state. Let me give you an example. After taxes and redistribution, the standard of living of the poorest 20% of the population has increased by 71%, while the standard of living of the richest 20% of the population is decreased by 20%.

While France has been successful in keeping economic inequalities low, much work remains to be done to achieve real equal opportunities as France's minorities still face discrimination, especially in the workplace. Moreover, at the global level, inequality among countries remains high due to unequal terms of trade. Against this background, international cooperation is key, and France needs to continue its commitment to fairer and more regulated globalisation.

France is also committed to advancing social justice and reducing inequalities globally. France renewed its pledge to scale up its official development assistance programmes. In 2020, our development assistance reached €12.8 billion. Following our president's new pledge, it will reach 0.55% of GDP in 2022 compared with 0.37% in 2017. The overall 0.7% objective is now reachable and will be attained in 2025.

Our development assistance policy has also been redefined. It now clearly focuses on crucial priorities: the fight against poverty, health, climate action, education and gender equality. We now target 19 countries, mainly in Sub-Saharan Africa and Haiti, in order to concentrate financial assistance on the countries that need it the most.

Last but not least, we now favour donations over loans in order to avoid putting developing countries at financial risk. This will enable us to deepen our cooperation in our links with our African partners. Cooperation is already strong, thanks to the numerous projects financed by the French Development Agency.

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

Fulfilling the SDGs will take time. However, as we strive to recover from the pandemic and its devastating consequences, we must bear in mind that sustainable development is the only way forward, and France will keep strengthening its commitment to advancing the Sustainable Development Goals.

## **9 HOW HAS SWEDEN LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10**

### **Swedish Ambassador to South Africa, HE Mr Håkan Juholt**

*“To tackle inequality and climate change, we need to join forces in the global community: policymakers, scholars, politicians, business. We are in this together, sharing ideas and expertise.” – Swedish Ambassador, HE Mr Håkan Juholt*

It is an honour and a pleasure to be a part of the Third Annual Social Justice Summit on social justice, economic equality and peace, which aims to charter a new socio-economic pathway for South Africa and the continent.

I have been asked to speak to you on a theme which is both important to Sweden and close to my heart, how Sweden has leveraged the SDGs as a catalyst for advancing social justice, equality and peace.

Just two years ago we had not yet heard of COVID-19 and today the world looks very different. Globally, the health crisis evolved into an economic and social crisis. It has had a devastating impact on the global labour market.

Millions of people have lost their jobs and the economic crisis have caused suffering all over the world. But we must at the same time remember that even before COVID-19, the world was marked by growing inequality. More than half a million people died from violence every year, half of the world's children and at least a third of women were victims of violence, and more than 5 billion people lacked access to justice.

The pandemic has accelerated these trends. Let me state this very clearly, growing inequality is undermining democracy and is a serious threat to our common future. Inequalities have not only worsened with regard to material wellbeing and services. Laws, norms and barriers continue to exclude women and marginalised groups from participation and demanding respect for fundamental rights.

We see shrinking democratic and civic space in many parts of the world. According to the 2021 World Press Freedom Index released earlier this year, journalism is completely restricted in 73 nations and constrained in 59 others. Those 132 countries represent just over 73% of the 180 nations in the study.

The Swedish initiative called Drive for Democracy was launched in 2019 and responds directly to our topic of today. It focused on strengthening civil society, human rights, the rule of law, free and independent media, democratic processes, as well as women's and young people's democratic engagement. It is a fact that social justice, equality and peace are challenged also in countries that are described and looked upon as democracies but realising that those values can never ever exist without democracy.

Democracy is not just a word, not just the equal right to vote in free elections. Democracy is a way of living, built upon trust, and respect for each other, built upon the understanding of the fundamental wisdom that I lose my freedom if you lose yours. Democracy is the glue that brings us together instead of falling apart as humans, as a society, as a country.

I remember one day when the former prime minister of Sweden, Mr Olaf Palme, visited my hometown. The year was 1985, I was just 23 years old at that time, just a few months before he was assassinated. It was a lunch meeting during a hectic election campaign. I had taken a seat at the front row. He looked very tired walking on stage, but full of energy during his speech.

He told us that democracy starts at the day-care centre in our smallest village and continues to global action for all humans. He talked about democracy at workplaces, in our hometowns, and the need to defeat the system of apartheid in South Africa. He convinced me and us that the idea of democracy cannot be stopped by any borders or by any power. And when you have accepted the idea of democracy, that idea can and must be implemented in all fields of society.

Around the world, authoritarian leaders are gaining ground, democratic principles are under threat, elected leaders are weakening their societies because of corruption, placing their own personal interests first instead of the people that have elected them.

It is today clearer than ever why we must make peace, justice and inclusion, democracy the foundation for the reset and recovery. If we are to build back better, we need to make recovery green and just.

The strength of the 2030 Agenda and its 17 goals and 169 targets lies in the way that they clearly show how different areas of development influence and interact with each other. To tackle inequality and climate change, we need to join forces in the global community: policymakers, scholars, politicians, business. We are in this together, sharing ideas and expertise.

It must be stated that we cannot afford poverty and unemployment. The costs for everyone are too high. Businesses need customers and well-educated and skilled employees. Inequality is a pathway to poverty. A just and fair society is all about investing in each other throughout the whole of life.

A man with a very well-paid job gains nothing from the fact that his neighbour is unemployed. A well-educated woman is not gaining anything if her neighbour has lack of training and skills. The truth is it is the opposite. Everyone is better off with equality. That insight must be universal and a strategy for every responsible government.

The same goes with climate change. We share the planet, the responsibility and the future. We will win or lose the future together. The Swedish action plan involves everyone: the business sector, trade unions, civil society, researchers, politicians, civil servants at all levels. No one can run or hide away. The work is not done by someone else somewhere else. It must be done by all of us together.

There are two reasons for this. Firstly, it is morally right. We have a responsibility towards each other and not just ourselves here and now. We have responsibilities towards people all over the world, but also towards, of course, future generations. I will become a grandfather for the first time next week. I am so excited. I think I am giving this speech just to encourage my grandson to do better when it comes to sustainable societies. We will welcome him to a sustainable society because we must do that together. There is no alternative.

Secondly, it is also economically smart. We can already see countless of Swedish companies developing the new technology and solutions that the world is crying out for to reduce carbon emissions. Countries that are determined to be at the forefront of climate ambitions will benefit.

We have been able to translate our policy, the Swedish policy on sustainable development, social justice and equality into political decisions. We have set clear targets; we have made nationally binding decisions and we have redirected resources to strengthen a truly sustainable society.

I am proud to say that South Africa and Sweden share a strong commitment to multilateral action in addressing global challenges and responding to the demands of our citizens for a greater ambition to build a more just, equitable, peaceful and sustainable future. We need each other in this. Together we are pushing to support and advance multilateralism in service of all countries, and we need to prioritise the building of a resilient and equitable health system for all.

Sweden stands ready to act with our partners for people, planet and prosperity. I am convinced that if we all addressed the SDGs by working together and integrating them into our recovery, we will build stronger, fair, peaceful and resilient societies that will stand ready beyond 2030. That is my promise to my grandchild that I am expecting next week. Thank you.

## **10 HOW HAS THE NETHERLANDS LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10**

### **The Netherlands Ambassador to South Africa, HE Han Peters**

*“We are seeing a rise in unemployment and poverty, inequalities in health and socio-economic status, political impacts, for example, on privacy and civil rights, efforts on the educational outcomes due to the long closure of schools and universities, and psychological impacts. COVID has been a shock and it’s only through working together that we will be able to overcome that shock.” – Netherlands Ambassador, Mr Han Peters*

I do very much value the work that has been done by Prof Madonsela and her staff on the topic of social justice. Today I will share a perspective from the Netherlands.

I strongly believe that we can learn from each other and maybe South Africa can learn from the quite often pragmatic approach the Netherlands has been taking on social issues. But we certainly can also learn from South Africa, especially from your concept of ubuntu, the belief in the universal bond of sharing that connects all humanity.

I will focus on three aspects. One, on inequality, two, on wellbeing, and three, on the impact of COVID-19. Inequality is an issue that has become more and more of a challenge for all of us. To try to make it easier to come to grips with this fairly broad concept, we in the Netherlands look at it from four perspectives.

You have as an individual, your economic capital, your income, wealth, education and profession. You have your personal capital, your physical and mental health, your self-confidence. You have your social capital and your social network. Can the ones that are in your social network help you in advancing in life? Fourth, you have your cultural capital. Are you aware of the unwritten social rules of society and are you able and willing to behave according to those rules?

If you look at those four aspects, we see that currently about 9% of the Dutch population has a deficit in all these aspects, and that is where the major challenge lies. Over the past year, this percentage has dropped a bit, but I am afraid that COVID-19 will make it grow again.

Differences between people, of course, can make life more interesting. It would be boring if all of us were the same. But inequality in itself is bad for society as a whole. It undermines social cohesion, and we make insufficient use of the talents and qualities of those that are facing obstacles in their personal development.

Let me say a few words about well-being. In May 2016, the Dutch cabinet presented its approach to implementing the Sustainable Development Goals and all of the tools that have been developed as a special monitor of wellbeing. Well-being encompasses, of course, much more than just the economy and income. It also concerns health, education, people's feelings of safety, as well as matters such as cohesiveness of society, the accessibility of facilities, the quality of the natural living environment, and many other factors.

Compared to most other countries, the Netherlands has a healthy capacity to allow individuals to pursue a self-determined course of life and also to participate in society. We do fairly well in the field of poverty prevention, and also in social cohesion, non-discrimination, health and inclusion, the Netherlands is doing well. However, we also have challenges.

We rank currently below the EU average for intergenerational justice, meaning that there is an imbalance of allocation of participation opportunities between the old and the young. Inclusion of migrants is another challenge. Low-skilled people and people with a non-Western background have a lower level of well-being, while highly educated people and people without a migration background have a higher level of well-being. That is something we need to fix.

In our analysis, we also include indicators with respect to wellbeing outside of the Netherlands. How do the Dutch collectively place a burden on the well-being of people in

other nations? The well-being elsewhere concept describes the way in which the Netherlands generates its well-being here and now, and the effects of that on the rest of the world. The well-being report contends that well-being in the world can only be maintained sustainably if there is a more even distribution of wealth between the north and the south.

This theme is also, of course, a fundamental aspect of the SDG agenda. The agenda also centres on the way in which the poorest countries could reach a higher level of well-being in 2030 and what Western countries can do to support this process of increasing well-being.

Let me now turn to my last topic, the effect of COVID-19. The coronavirus pandemic has led to society increasingly being viewed from a well-being perspective. After all, what is more important, the economy and employment or public health? The COVID-19 pandemic has proven to be a shock to the system.

We are seeing a rise in unemployment and poverty, inequalities in health and socio-economic status, political impacts, for example, on privacy and civil rights, efforts on the educational outcomes due to the long closure of schools and universities, and psychological impacts.

COVID-19 has been a shock and it is only through working together that we will be able to overcome that shock.

What is currently on people's minds in the Netherlands? The majority is less pessimistic than a year ago. There is a little bit more optimism about the economy. However, we are seeing that the trust in politicians has declined and although people are less concerned about the coronavirus threat as such, they are worried about new variants.

COVID-19 has shown us how interconnected the world has become. No country is able to shield itself from the main challenges, such as pandemics and climate change. We need to enter into partnerships. We can and we must learn from each other.

As I said in the beginning, the concept of ubuntu, of togetherness, is something we can learn from South Africa, and the Netherlands has lessons and experiences that may also be relevant to South Africa. It is only through dialogue and partnerships that we will be able to build a better world for everyone. Let us start today. Thank you.

## **11 HOW HAS RWANDA LEVERAGED THE SDGS AS A CATALYST FOR ADVANCING SOCIAL JUSTICE, ECONOMIC PARITY AND PEACE, WITH A FOCUS ON SDG 1 AND 10**

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

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

Thank you very much for giving me the opportunity to participate. My name is Usta Kayitesi and I am the CEO of the Rwanda Governance Board, an institution that is in charge of governance, service delivery and homegrown solutions. It is an opportunity again to participate in this summit under the theme Social Justice, Economic Equality and Peace: A New Socio-economic Pathway for South Africa and the Continent.

I salute the initiative of the organisers for choosing this theme involving social justice. Social justice entails equity in distributing wealth and opportunities within a society by ensuring that every member of the society deserves equal rights to economic, political and social opportunities.

I have been requested to focus on Rwanda’s perspective in fostering social justice under the framework of SDGs, in particular Goal 1 and 10. The SDG’s Goal 1 and 10 provide for ending poverty in all its forms and reducing inequalities within and between countries respectively.

The SDGs have been integrated into the national development agenda and domesticated international regulatory and planning frameworks.

In Rwanda, the Sustainable Development Goals served as a basis for setting national priorities and indicators for long-term plans, like the national strategy for transformation, the sector strategic plans, as well as the district development strategies in particular.

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

Some of these programmes include the Vision 2020 Umurenge Programme (VUP), which has three main components. We have the public works where poor citizens within a working force capacity are given jobs in different projects of public interest and paid for the work done therein.

Financial services and other micro-projects of citizens are supported by this particular programme, as well as direct support that is given to the most vulnerable members of society who do not have the capacity to work, such as the elderly and people with severe levels of disability.

Other programmes include Girinka, one cow per family, Ubudehe, which is community mutual support, as well as community-based health insurance that ensures the health of the population despite their poverty levels. These social protection programmes are key in fostering socio-economic inclusion and development of all citizens and help to consistently track how citizens are graduating from different levels of poverty.

As a matter of fact, the 2019 Rwanda voluntary review report on SDGs acknowledged the fact that Rwanda's social protection programmes contributed to poverty eradication. For example, significant poverty reduction was realised in households benefiting from the VUP programmes mentioned. Between 2014 and 2017 poverty fell from 48.8% to 38.8% in the direct support households, while extreme poverty was reduced from 24.1% to 17.4% in the same category of households.

These programmes also help the country to keep updated data of the socio-economic conditions of its citizens which is key in helping the country to cut out fact-based interventions geared to poverty eradication and supporting the vulnerable in different areas of life, such as health, settlement, education and the general wellbeing of citizens.

The established social protection programmes have also been key during the COVID-19 pandemic, as they have helped the government to easily intervene, based on the existing data of people in need of support from government and its stakeholders.

With regard to SDG goal 10 concerned with reducing inequalities, Rwanda has opted for inclusive governance that leaves no one behind and provides special treatment to the most vulnerable. Inequality, as measured by the Gini coefficient, declined significantly over time, from 0.522 in 2005 to 0.429 by 2016.

The Constitution of the Republic of Rwanda has provisions related to the inclusion of all its citizens and prohibits any form of inequality as per goal 10. Article 15 and 16 of the Constitution of the Republic guarantees equality for all citizens and prohibits discrimination of any kind in Rwanda.

In addition to the above provisions of the Constitution, Rwanda's governance and regulatory frameworks, both at the central and local government level, provide special slots for different categories of the population. This includes a mandatory 30% of women decision makers, representation of the youth, and people with disabilities, both in parliament and local government structures.

Overall, the current socio-economic transformation that has taken place in Rwanda has been as a result of concerted efforts of all Rwandans and their partners to ensure that there is no one left behind.

Other initiatives that Rwanda has taken beyond its borders include its membership in different development arenas.

As I conclude, I want to remind us that the impact of COVID-19, on social justice, economic equality and poverty, is an area that we need to consider. As we emerge from

the pandemic, it is going to be central to remember the opportunity of inclusiveness, and both pro-poor programmes and economic recovery models.

I once again want to thank the organisers of the conference and summit for giving me the opportunity to share Rwanda's progress and approach with regard to the SDG's Goal 1 and 10. Thank you for giving us the opportunity to be part of this interesting forum.

## 12 TIME TO LEVERAGE THE COVID-19 MISFORTUNE TO DO BETTER ON EQUALITY

### Concluding remarks by Professor Nicola Smit

**Stellenbosch University, Dean of the Faculty of Law**

*“In times of great needs, such as the pandemic. Many new social protection measures were indeed introduced, also in South Africa. But we have to acknowledge that they are limited in scope and nature, and we should not forget that around 4 billion people worldwide are still without any social protection, no safety net.” Professor Nicola Smit, Dean of the Faculty of Law, Stellenbosch University*

I wish to start off by thanking our two keynote speakers, as well as the other speakers who presented their views representing other countries and other universities.

This stimulating session dealt with social justice, economic equality and peace, and of course a new socio-economic pathway for South Africa and the continent, with a particular focus on SDGs 1 and 10. SDG 1 concerns ending poverty in all its forms everywhere and SDG 10 deals with reducing inequality within and among countries or nations.

Last mentioned received, of course, new attention in the public discourse due to the unequal availability and administration of vaccines against the terrible effects of COVID-19 in the last year or so and, therefore, it is very timely for us to discuss this matter.

It may serve as well to again take note of the report of the United Nations’ Economic and Social Council from its 2021 session that was held in July this year. The report provides a global overview of the current situation of SDGs based on the latest available data on indicators in the global indicator framework. Inputs from more than 50 international and regional organisations were used.

A snapshot of the findings of this very timely report, can assist us in our discussions today. The report rightly starts off by stating that the year 2020 was an extraordinary time in recent human history, with the pandemic having cost over three million lives, it devastated

the global economy, and it upended all spheres of human lives. All of us were affected by this pandemic. Against this backdrop, the report was prepared to provide an overview of our progress towards the achievement of the Sustainable Development Goals (SDGs).

As indicated by our speakers, pre-pandemic progress was being made, albeit perhaps too slowly, on implementing the goals in areas such as reducing poverty, improving maternal and child health, increasing access to electricity, advancing gender equality, and many other of the goals. But the report acknowledges that in truly transformative areas, which include reducing inequality, lowering carbon emissions, and tackling hunger, progress had unfortunately either stalled or it has been reversed. All of this, of course, implies only one thing, and that is by last year, and still also this year, the world and indeed South Africa and our continent are not on track to meet the SDGs and targets by 2030.

The pandemic's impact is particularly evident in relation to goal 1, with the global economic slump that pushed between 119 and 124 million more people into extreme poverty by last year. Moreover, in 2020, the equivalent of 255 million full-time jobs was lost and an additional 101 million children and young people fell below the minimum reading proficiency level, wiping out the education gains achieved over the previous two decades.

The report also estimates that up to 10 million additional girls will be at risk of child marriage in the next decade.

The triple threat of COVID-19, conflict and climate change also means that unfortunately, the economic slowdown had few benefits. For example, preliminary data show that atmospheric concentrations of greenhouse gases increased, while the global average temperature was very close to the 1.5°C limit that was agreed upon in the Paris Agreement.

Of course, there is not only doom and gloom. We have seen how communities have rallied together to support the most vulnerable and marginalised in our society. We have seen sharing of data, and collaboration to finalise and make available vaccines. Some of us have written about the importance of social protection systems in general, but in

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

Yesterday we talked about jobs, employment, work and the relevance or the desirability of distinctions between these categories. What we do know is that the share of workers in extreme poverty is less than those without work.

Therefore, the SDG and International Labour Organisation (ILO) drive for more decent work opportunities is particularly important. In fact, the share of workers around the world living in extreme poverty fell from 14% in 2010 to 7.8% in 2015 and 6.6% in 2019. That was progress.

However, the pandemic has severely affected the informal economy, which is, of course, where approximately 60% of people worldwide work, and where the vast majority of those that we would term the working poor are employed.

So, as far as SDG 10 is concerned, the pandemic has worsened by far existing inequalities within and among countries and territories, and it is estimated that the progress of the poorest countries and territories will be delayed by at least ten years.

I find it very sad, and I am sure that you would agree with me that the UN report of July 2021 indicates that globally the number of refugees reached its highest level on record in 2020 and that even with the strict COVID-19-related restrictions on mobility around the world, thousands of migrants again died on their migratory journeys to a better place, to a better future.

To conclude, when we speak of equality, we know that not every instance of different treatment is morally or legally wrong. The courts have distinguished between acts that they have termed mere differentiation, of course, that means different treatment that is legitimate and that is permissible, and unfair discrimination.

In other words, a different treatment that is not legitimate and which is prohibited. Our courts have provided rich and vast jurisprudence on drawing this distinction, but it is not an easy distinction to make.

When we speak of economic equality and inclusion, I think what we should at least be able to agree upon is that the elimination of arbitrary decision making, whether it is in the workplace, in policymaking or in the administration of benefits, and insisting that decisions be based on relevant criteria, will improve the quality of decision making.

The promotion of rational decision-making processes should result in sound economic choices which is inclusive and to the benefit of all.

How will we get back on track to realising the SDGs? The UN Economic and Social Council advocate that “to get back on track with the goals, governments, cities, business and industries must take advantage of the recovery to adopt low-carbon, resilient and inclusive development pathways that will reduce carbon emissions, that will conserve natural resources, create better jobs, advance gender equality and tackle growing inequalities.”

Is it possible that good can come from this historic misfortune that we faced? We have an opportunity this afternoon to consider it in more detail and to consider practical ways of how to go about to get this right. Thank you.

### **13 SOCIAL JUSTICE CHAMPION OF THE YEAR**

A highlight of the Summit, was the naming the 2021 Social Justice Champion of the Year. The award went to globally renowned philanthropist, Dr Imtiaz Sooliman, founder of the Gift of the Givers Foundation.

The organisers also announced an intention to add a “Bridge Builder Award”, in honour of die-hard social justice champion, Dr Beatrice Wiid, who recently died at the age of 91. She was a member of the Council of Social Justice Champions and had dedicated her life to advancing social justice.

Nicky Newton-King announced the social justice champion for 2021.

#### **Nicky Newton-King**

What an enormous privilege. As a member of the Social Justice Council of Champions, it is one of our annual delights to be able to announce this. Our 2021 social justice champion is, I think, among the most well-known of all South Africans. I think we would all recognise that on any occasion of social or environmental stress, we expect to see our champion there, him and his team and his vehicles and his other forms of assistance. We know that if we see him there, all will be good.

Dr Imtiaz Sooliman was born in Potchefstroom. He qualified as a medical doctor at the then University of Natal Medical School in 1984. He gave up his career as a medical doctor to pursue the field of humanitarian aid, which for him transcends the boundaries of race, religion, culture, class and geography. In 1992, he founded the Gift of the Givers Foundation and has since then delivered aid to more than 22 countries, including, for instance, a well-equipped field hospital during the Bosnian War.

In 2003, his organisation became the very first organisation in South African history to receive grants from the South African government for humanitarian aid in KwaZulu Natal and the Eastern Cape. And we know that in the recent Natal riots, as well as in the water

shortages and the like, Dr Sooliman's intervention was absolutely critical in restoring some form of dignity and compassion to those that were in crisis.

Dr Sooliman, it is an absolute privilege on behalf of the Council of Champions and Prof Madonsela, to congratulate you on this award.

### **Dr Imtiaz Sooliman Social Justice Champion of the Year 2021**

Yes, we do a lot of things, we receive a lot of awards, we get a lot of recognition, but these last two years, all credit goes to my team. They work Monday to Sunday, 365 days of the year. They have not taken breaks, they have not taken Christmas, they have not taken long weekends. They work after hours.

They are driven by one need only or one process, to help the country. People are in dire straits. People who dream are now people who have become people in need of assistance. Those who gave charity are now dependent on charity. The job losses, the lockdown, the unemployment, the water situation, the KZN civil unrest, the massive loss of economy – 50 billion, 40 000 businesses affected, with 150 000 jobs on the line in that process alone.

Our team said, look, we need to do this. Thank you to those teams and their families and our families who have made a real impact in trying to serve people. Even in the last 48 hours in Graaff-Reinet, they have been working throughout the night, during the weekend. Because of loadshedding there is no water in the town, and we are using generators on our boreholes. We have put in 12 boreholes in the area, and we are responding with those to provide water.

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

Even in such difficult times, you make money available, you make your energy available, you make your means available, you pray for us, you support us. You are encouraged by

teams on the road. You stop them on the road, you stop them at the shopping malls, you greet them, you encourage them, you give them good words. All that encouragement is really something that our teams recognise and appreciate.

## **14 PLENARY II: THE ROLE OF THE LAW AND POLICY DESIGN IN ADVANCING SOCIAL JUSTICE, ECONOMIC EQUALITY AND PEACE**

Facilitator:

News Anchor Cathy Mohlahlana

Moderator:

Stellenbosch University Faculty of Law, Project Manager: Law Trust Chair in Social Justice, LLD candidate Marna Lourens

Panellists:

Prof Thuli Madonsela, Law Trust Chair in Social Justice, Faculty of Law, Stellenbosch University and M-Plan Convener

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

### **Tailoring Law, policies and programmes to advance social justice**

**Professor Thuli Madonsela, Law Trust Chair in Social Justice at Stellenbosch University**

*“The Musa Plan for Social Justice is a way where we come together to combine our social capital to accelerate progress on poverty and inequality. It has four Key Result Areas (KRAs), where we plan to make a difference in catalysing progress on social justice). The*

*first KRA is social justice resonant policies and laws. It is about empowering policy - and lawmakers to leverage data analytics to catalyse social justice and SDG-responsive law and policy reform. This includes helping policy and law makers to use disaggregated data to know where people are situated, and to meet them where they are. That is what we are doing in Swartland The second KRA is social accountability and social cohesion. It is about fostering social cohesion, peace and a common understanding of democracy and human rights while igniting civic activism to hold government and other power holders impacting social justice, accountable. The third KRA is resource mobilisation, which is about mobilising societal resources and strengthening democracy. The fourth dimension is about cultivating ethical and constitutionally resonant leadership throughout while helping to build a capable state.” – Professor Thuli Madonsela*

Thank you, Cathy, and good afternoon colleagues in the room and in the virtual room. This morning we heard about the Musa Plan for Social Justice (Musa Plan), which is a civil society plan and specifically an initiative initiated by academics to catalyse progress in advancing equality and ending poverty by 2030, in line with the global Sustainable Development Goals.

What we probably did not highlight is the fact that the Musa plan is undergirded by the belief that the preamble of the Constitution of South Africa communicates a clear commitment to advance social justice and imposes a specific duty to advance equality and prevent or avoid unfair discrimination. According to the Constitutional Court, a proper reading of the preamble and the Bill of Rights inevitably leads to a conclusion that the Constitution imposes a duty to advance social justice, which is the same as advancing substantive equality.

You find this in cases such as *Minister of Finance v Van Heerden*, where Justice Moseneke upheld a decision by government to increase the amount government pays for pensions of MPs that were not MPs before 1994, to bridge the gap between them and those who governed during apartheid. We also get a glimpse of this social justice as being about substantive equality in *S v Makwanyane*. An additional opinion in *Makwanyane*

from Justice Madala, points out that social justice is a dimension of the African value of ubuntu.

How can the law be used to advance social justice? You will agree with me that the law can be a powerful instrument for social change, though social change is not always good. People always say I am a change agent but change agent does not always make a good change agent.

In some countries law has been used to control women's bodies, what they can wear, their rights to drive cars, or to appear in public by themselves. In many countries, the laws were made to control where people with disabilities could go to school and what people with disabilities could do with their lives, including whether they could live alone or be married, especially when the disability concerned mental health.

This country is an example of where the law was used to shape society and social relations, firstly during colonialism, then under apartheid for unjust outcomes. In that shaping of society, it is not just black people that were excluded from owning land, property, businesses or also occupying positions in management and professional occupations. Women were also excluded from some of these, regardless of their colour.

The architects of our democracy thought the law is like any other instrument, which like a sword can be used for defence or for attack. A pen can be used for writing, but some kids have gone to jail for stabbing somebody with a pen. Accordingly, what matters is in whose hands the law is. It was then decided that in South Africa, we were going to use the law as an instrument for good social change, anchored in the social justice vision that influenced the Catholic community in the 19th century to coin the concept.

Our keynote speaker this morning, Professor Lorenzo, is from Italy, as is the person who coined the concept of social justice around 1843, Luigi Taparelli, an Italian Catholic Jesuit priest. The concept was used by the Catholic community to advance social justice and I do recall, for example, that the first trade union that I worked for received funding from the Catholic Bishops' Conference because they understood the importance of social

justice. John Rawls picked up the concept in 1971 and since then, there has been a growing understanding of the concept of social justice.

People say there is confusion about the meaning of social justice. However, I do not understand what the confusion is about. The Catholics always said it was about fairness to all. John Rawls said it is fairness to all regarding the distribution of social goods in and between societies. It boils down to two things: social benefits and social burdens. When they talk about social goods, they do not mean goods as in things. They just mean what is good for society, that these should be evenly spread among social groups or classes.

Accordingly, law can be an instrument of social change and that is what the architects of our Constitution believed. However, you need statecraft to achieve it, and some of the tools for using the law for social change in a context such as South Africa have not yet been created because everyone tends to go to Oxford and Harvard for answers. The truth is none of those people that are being asked to assist South Africa to redesign society have ever dealt with a unique society such as South Africa.

I see South Africa as a society that can be compared to having had a blue team and a pink team on a Monopoly game. At first, both teams start playing and then after a while the referee tells the pink team to exit and asks the blue team to take the property of that pink team. The game goes on while the pink team has been frozen outside the game and the blue team is given additional privileges such as interest free loans. After a while, without resetting the game, the pink team is allowed to rejoin the game and play. Can there ever be equality between the two teams?

A friend I met at Harvard with my colleague Futhi Mtoba who is here, had a similar scenario, from which I borrowed this Monopoly game idea. Hers was about a scenario where an eight-year-old who asked, why is the government discriminating against my father? My father says the government has set aside contracts groups such as women, black people, Hispanic people and people with disabilities. This is unfair. The teacher said to the eight-year-olds they had to wear pink tops and blue tops the following day. The following day, the teacher allowed the blues to run at the first whistle and stop at the second whistle, but the pinks were only allowed to run at the third whistle. When the

second whistle blew, it was for the blues to stop, but stop wherever they were, not return to the starting line, then saying to the pinks they could then start from the starting line. The pinks cried and the teacher would not budge. Then they ran.

Of course, me and you know that among the pinks, if you have a Caster Semenya, she will catch up with the slowest of the blues, not with the fastest. Wayde van Niekerk will also catch up with the slowest of the blues. However, the pattern will always be such that the blues are at the front and the pinks are at the back. The same applies with the Monopoly game.

The question the teacher then asked the little ones was, how would you make the situation just? I never got to know the answer, but this is a question I ask all groups when I talk where women, black people and others have been left behind and literally stopped by law from doing certain things. For example, in South Africa, women were not allowed to practice law until 1923. Blacks too were not allowed to engage in some economic activities. Today this is reflected in systemic patterns of inequality along the contours of the past laws that dispossessed or excluded these groups.

The Musa Plan for Social Justice is inspired by an attempt to help government to bridge this gap. When apartheid and other unjust laws were scrapped, there was no reset. Subsequent laws that have been passed tend to operate on a one-size-fits-all basis, thus exacerbating historical advantages and disadvantages and related inequalities. On the side, additional laws have been passed to advance the historically disadvantaged groups. This includes the Black Economic Empowerment Act, the Employment Equity Act, the Preferential Procurement Policy Framework, and Chapter 5 of the Equality Act which was never implemented. These measures are inadequate to offset the inequality exacerbating impact of the social context blind laws and policies.

In focussing on law reform, this morning, I mentioned an instrument we are designing at the Chair, in conjunction with Prof Mpofo from the Technical University of Tshwane (TUT), and Prof Kanshu, from the School for Data Science and Computational Thinking at Stellenbosch University. Instead of blaming policymakers for using laws that are mostly one-size-fits-all and therefore advancing inequality unintentionally, we are currently

assisting them to create laws that are congruent with constitutional objectives, laws that have clarity on who is the targeted beneficiary. These are laws that differentiate fairly when it is about recognising difference and redressing imbalances.

The instrument called, the Social Justice Impact Assessment Matrix (SIAM) prospectively assesses the impact of planned laws, policies and programmes to predict the impact on equality and poverty. The work includes the use disaggregated data to know where people are situated, and to meet them where they are. That is what we are doing in Swartland where we are gathering sufficiently disaggregated data to assess the poverty and inequality impact of COVID-19 regulations and socio-economic assistance packages to offset negative regulatory impacts. One dimension requires an understanding of advantage and disadvantage, privileges and burdens that laws and policies may impose to ensure that the policies, such as some of the COVID-19 rules, do not advantage those who are already advantage while exacerbating disadvantage for others. The idea is to ensure that government services are tailored for all by meeting everyone where they are.

For example, the design of education policies would not have sent students away to study at home and much later, when students said we do not have computers, data, or connectivity, such as at the Sol Plaatje University, then direct them to return. The theory of change is that the impact computations should be made in the virtual space without involving real people and that only when assessments are found to be reasonably fair to all, may laws, policies and programmes be implemented.

Another dimension of SIAM is restitution. In terms of section 9(2) and section 7(2) of the South African Constitution, policymakers have a duty to advance equality, protect human rights and ensure equal enjoyment of those rights, which means that restitutive action must be taken where necessary. However, when legislators have to pass these policies that disadvantage certain groups, they have to firstly, under section 36 of the Constitution, choose less harmful alternatives if they cannot have a compensation strategy. In other words, should courses of action that do not exacerbate inequality and poverty be unavailable or realistic, then a policy that will exacerbate social injustice, must be implemented concurrently with a compensation strategy. Lastly, meaningful engagement

is essential, to engage all groups. This is important, as yesterday, at the international conference, one of the speakers mentioned that everyone knows what is good for them. The very fact that people cannot speak English and cannot use big words does not mean they do not know what works.

For example, the Emanzimelene Community in KZN is currently being assisted by the Thuma Foundation under its Siyazakhela Ententerprising Communities initiative, to design a sustainable development future for itself. In the process, which is supported by the CSJ, the local Inkosi, who is an educated visionary with a university degree, has been taking the lead. He, together with his council, had decided where they wanted to take his community. They met as a community and decided that they wanted a community hall and food gardens, starting with a community garden where they were going to teach each other. They also needed a community centre as space where the young people could come together for activities such as arts and crafts, drama and workshops where they could learn skills and trade at the same place. Instead of being given what they asked for, the community got a stadium and additional pit latrines.

It does not mean there was no funding. Because of a one-size-fits-all approach, they were given a stadium, which is falling apart, and they were given toilets. The one family that I visited, already had two of their own toilets and the government gave them a third toilet. However, the one thing that they needed from government was approximately R10 000.

Meaningful engagement would make sure that you pitch the service where the people are. Yesterday, I mentioned how business studies the market first and uses design thinking to meet people where they are. What we are doing here with law reform is suggesting that government needs to do the same thing.

Prof Mpofo has been involved with serious gaming, arguing that it is not enough to design SIAM and ask these questions. Serious gaming engages people at various levels and makes it easier for them to move from policymaking that is familiar, easing them into this design thinking, impact-conscious and systems thinking.

The game is sustainability consciousness praxis tool called Plan A. It is about climate change and was designed by German engineers for business people. It is a joyful way to learn how to engage in impact-conscious decision making. We have since played it here in Stellenbosch with an interdisciplinary team of lawyers, engineers, data scientists, Prof Kanshu, the African Institute for Mathematical Sciences (AIMS). We are creating our own game called the Social Justice Explorer. Thank you.

## **The Role of business in advancing economic equality**

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

*I think, looking from outside, there is a lot to be said for what is right. God knows, you are a country that has Prof Madonsela, so let us be glad of many of these things in South Africa. But there are a couple of things which remain at issue. It is interesting, I think, and listening to the discussion, that often social justice, and we hear this all over the world, we were with the professor when we were in Colombia and this is a word that comes up the minute you say social justice, you get restitution. – Kate Robertson*

Thank you as always to Prof Madonsela. It is an overwhelming honour to be part of the Council of Social Justice Champions.

Social justice is a big enough topic, particularly in the South African context. However, social justice, when considered from a global standpoint, as One Young World might have to, is almost an impossible endeavour.

One of the reasons that we see less action toward more social justice globally, is the same as everywhere and potentially the same in South Africa, except maybe in South Africa, with professor Madonsela's help together with the Council for Social Justice Champions, things have the potential to improve. However, social justice in its true application would be incredibly broad and all-embracing.

When you look at it from a global perspective, the words 'social justice' has universal appeal, easily embraced all over the world, especially amongst young people. They are the sort of words that is really hard for someone to say, I do not want social justice, I do not like it, it is not a good idea. Looking with your South African lens, it is therefore interesting to look at some of these other countries, to see things that you would actually genuinely recognise.

Let us consider white privilege. In the professor's example, blue or pink privilege, that in Singapore, was applied to the Chinese. Chinese Mandarin-speaking people in Singapore

were told that they had the equivalent of white privilege, namely Chinese privilege, something which they firstly had not heard of, could not grasp at all, not understanding why this was being laid at their door.

What is interesting in this example is that because the issue of language was being applied, with the people who were of Chinese origin being able to work in and speak in Mandarin themselves, it was considered that they had that automatic privilege. There were so many things that were analogous there that it actually is quite a shock when you look at an entity as economically successful as Singapore.

At One Young World, we have a very brilliant One Young World ambassador who is the deputy state president for the state of Sao Paulo in Brazil, a young woman called Tabata Amaral. She raised the point that social justice in Brazil, where there is also significant racial discrimination, the concepts of social justice and equality are seen by their president, Bolsonaro, as efforts to import racial tension. This is the other extreme of our current discussions on social justice, as social justice here is seen by the dominant monopolist as a problem, as introducing racial tension. Does it? Does it not? But this is again a different lens.

One Young World itself is currently very engaged with the country of Japan. It is very interesting to see that the concept of social justice is enshrined in many aspects of life in Japan, including in their laws. Japanese academia understands social justice as part of group awareness as a concept, as a broad thing, but not linked to global ethics, and interestingly enough, there does not appear to be a real policy goal. This is similar to many of the things that we have discussed here today.

Section 72, section 92, and section 36 of the South African Constitution, which is a young constitution, reflect how very well it was drafted by those constitutionalists and legal people who were involved in the process. In enshrining social justice in the Constitution, much has been achieved in terms of the intent to protect the people.

When you look at the new constitutions that emerged across the Middle East in the wake of the 2011 Arab Spring, there were new constitutions all over the place, but social justice

was quite wilfully ignored. Of course, you have to look at the resultant application of such a constitution. Let us face it, in many of those countries, there is no social justice, with no mechanisms to enforce compliance. It was just literally ignored, and all of those structures were left highly centralised.

Looking from the outside, there is a lot to be said for what is right in South Africa. God knows, you are a country that has Professor Madonsela.

However, there are a couple of things which remain at issue. Often social justice, and we hear this all over the world, for example in Colombia, the minute you say social justice, you get restitution. In Colombia, considering everything that Juan Manuel Santos, former president of Colombia, put into place in order to reach their peace agreement, which was signed in 2016, restitution has not been seen by the people of Colombia, as the people who have been making the money, continue to do so. Here we are talking about the cocaine trade, which today still comprises over 60% of their economy, remaining Colombia's largest export.

The people of Colombia ask, where is restitution? The bosses have all the money, which is an issue that is often not brought to the table in academia.

As one of your earlier speakers were saying, the distrust and even the discontent from the populace. Well, this is always there, where the people look and say, I do not care, I wanted to be paid, I wanted money in my pocket. This is often, when you consider everything, what you get to, rands and cents. It is true in every single country in the world.

There is so much inequality in the lived experience, not the law, but in lived experience all over the world. As Professor Madonsela pointed out with regards to how it feels, it feels bad when you are poor, and you do not have the money. This is not a situation unique to South Africa. This is certainly the case in many countries of the world. Young people across the Arab world, Saudi, the UAE and Qatar, young people getting educations that cannot get a job, therefore do not have any money, where is the social justice in that? Do they feel things are fair? No, not at all.

In order to deliver social justice, who has their hands on the cash? Who monopolises the cash? We find at One Young World, in many instances across the world with young people, there is a lack of understanding of the sources of state funding.

In certain instances, you have parts of the Chinese models, the old communist model where, for example, mineral rights would be owned by the state - nationalisation. But there is a lack of understanding of state funding. In our democracies all over the world, state funding comes from business taxes and people's taxes.

There should be a nexus between business interests and the interests of the state, and the interests of the state in democracies are the interests of the people, and where that nexus arises, the issue becomes the transparency with which business and the state work together

Transparency between business and government is required. Where are the taxes? We know there is a problem all over the world with big tech and tax, with offshore tax. There cannot be social justice without us facing up to these issues. There is no justice in tech with \$137 billion of profits over five years sitting offshore. Where are the taxes for the demos? They are not there. That money was not taxed.

The global system in that regard fails us, creating the need to work with business, where funding sources are concerned.

In the United Kingdom (UK), there has always been, in my lifetime, a binary of you are either pro labour and a trade unionist or you are the government. You never have a situation where the trade unionists are actually working with government. In Germany you do. The trade unions sit on the board of the companies of Germany and there is a sense of national progress and that everybody is invested in the same thing.

That whole trade union-government thing that gets adversarial does not help anybody. That is yet another example where these forces are required to work together, otherwise you cannot deliver social justice.

We launched the One Young World Academy last year, with which we will be trying to provide free access, in some instances, to education.

Going back to Professor Madonsela's launch of the Council for Social Justice Champions where we discussed the fact that quite often people and even activists do not know what the law says, for example, not knowing the content of sections 72, 92, or 36 of the Constitution of South Africa, enshrining certain fundamental human rights.

We have an example of that in the UK at the moment with misogyny, where there is a group of people who would like to have misogyny declared a hate crime. The government has made the point that women are protected in the law, that there is a problem with the application and the enforcement of the law. I tend here to side with government. I think they are absolutely correct. We cannot have policemen going around arresting and murdering women.

With regards to the teaching of constitutional or basic human rights, and what the law says, Professor Madonsela pointed out, the mechanisms for enforcement are often so difficult. Thuli makes the point that it is not a good idea to expect that all of this end up in the courts, because thinking about it as a global issue, it can simply never be achieved.

In a South African context, Mahadi Buthelezi emphasised the need to be taught awareness of rights in one's own language, acknowledging the privilege of being taught only in English. We believe at One Young World that this is a universal requirement, that we raise a global generation of brilliant youngsters, as you are doing at Stellenbosch, who have an awareness of rights in their language. But what about enforcement?

Thuli makes such a good point. It is not simply knowing better, it is also thinking and feeling better. However, that cannot happen if we do not focus attention on education and in societies globally, on empathy.

If we are not teaching people, how do you think the other person feels, how do you think what you just said about their colour or their looks or their financial situation, how do you think they feel, then there is nothing to be said. If there is to be a Grundnorm of social justice, then the notion of empathy has to be brought into play.

Several things here are actionable. At One Young world, we would be trying to provide global access to some of these discussions. As we have just done, with the Academy, and we made this globally available, we could only sign up 3 000 people to attend free of charge, but we made pandemic preparedness studies available to them with the communications director of the World Health Organisation, also one of the designers of AstraZeneca jab, also with Pfizer. We made sure that these teachings could be made available globally.

In conclusion, as we said in the inaugural Council of Social Justice Champions meeting, there is a case worldwide for education systems to teach rights. These are your rights. These are the mechanisms for enforcement; and also, to always be raising this question of whether we are really making space to teach empathy? I know we were taught empathy when I was at school. However, were we being taught empathy as applied to the black people we knew? No, we were not, and that sustained that terrible system.

## 15 PARALLEL SESSIONS

### Themes:

#### Land reform, property rights and the distribution of assets

Introduction by the facilitator

**Professor Juanita Pienaar**, Vice Dean: Research and Internationalisation, Faculty of Law, Stellenbosch University

Resource persons:

**Professor Danie Brand**, Director: Free State Centre for Human Rights, University of the Free State

**Advocate Thembeke Ngcukaitobi**, Duma Nokwe Group, Fountain Chambers

Respondent:

**Bulelwa Mabasa**, Director and Head of the Land Reform Restitution & Tenure Practice, Werkmans Attorney

Rapporteur:

**Anthea-Lee September-Van Huffel**, Lecturer, Private Law, University of the Free State

**Professor Juanita Pienaar**

Essentially, the issue is the prevailing inequality and poverty within the land and property context, despite the fact that we have a Bill of Rights and a property clause. Then, of course, there is the complexity of all these rights and interests on the one hand and the disconnect with the constitutional values of dignity and equality.

With regard to the Sustainable Development Goals, even though many would impact on land and property, we highlighted three: poverty alleviation, reduced inequalities and sustainable cities and communities. With regard to Agenda 2063, the African dimension,

we also highlighted aspiration number one, namely a prosperous Africa based on inclusive growth and sustainable development.

Our plan of action includes much that can be done immediately:

1. Abandon the willing-buyer-willing-seller approach as a type of policy.
2. Employ expropriation as a suitable mechanism to promote land reform.
3. Develop mechanisms to enable everyone in South Africa to have secure tenure with dignity, including exploring forms of tenure that are currently not encapsulated in our deeds and registry system.
4. Focus on the interpretation and the application of the concept property, the construct of property. Re-interpret that. In addition, move away from the control dimension.
5. At this point in time, we can immediately repurpose underutilised state-owned buildings, specifically in urban contexts, so that we can utilise them for housing and accommodation purposes.

## **Business ownership**

Introduction by the facilitator

**Professor Evance Kalula**, Emeritus Professor of Law, University of Cape Town, Fellow at Stellenbosch Institute for Advanced Studies, Honorary professor, University of Rwanda

Resource person:

**Bridgitte Backman**, PepsiCo Vice-President

Respondent:

**Neil Crafford-Lazarus**, Sephaku Holdings Ltd CEO and Finance Director

Rapporteur

**Solly Moeng**, Africa Brand Summit Founder and Convenor

## **Solly Moeng**

We had some interesting discussions between Bridgitte Backman, Neil Crafford-Lazarus and Prof Evance Kalula.

Ms Backman suggested that there is a need to create some kind of SDG framework that could be aligned to business sectors, different businesses or to government programmes so that whatever gets done can reference SDGs that are relevant to different sectors. In this way, it becomes part of the way business is done and the way government programmes are implemented instead of it becoming an additional source of pain.

There was also consensus in the session that there are so many forms to complete, if for example we think of just BBEE compliance. The question therefore arose, we have SDGs, we have BBEE compliance, we have Agenda 2063, how do businesses juggle all of that? Is there some way to align all these so that you can make it easier for businesses to do business? Because if the businesses cannot perform, if they cannot deliver on the core business, they are not going to be able to have the resources to implement these requirements.

The need for agreement on the SDG framework was emphasised. The need, not to make decisions for people, but to make decisions with people, meaning all the stakeholders that are relevant. Government, private sector, labour and communities that have to be part of these decisions have to be part of the journey so that people do not feel that these requirements are being imposed on them from above.

Furthermore, there is a need for us, for South Africa to think of restarting. What areas in South Africa need a restart, rather than a pause? So much has happened that is wrong in South Africa. The country is in pain from so many angles. It is almost like a bucket with holes in all angles.

In order to integrate properly the SDGs and human rights or fundamental human rights, we need to consider that we have been doing certain things over and over again in the same way, while not achieving the kind of changes that we need for our people.

Responding to what we thought business should be doing in order to be better corporate citizens, in terms of the implementation of the SDGs and social justice, Mr Neil Lazarus emphasised, apart from the frustration of business with the myriad of forms that have to be completed, too much emphasis gets placed on ownership of businesses, and here he distinguished between ownership by business and ownership in business.

He spoke about the need to focus more on the money that businesses spend, implementing business, in other words, conducting business, on the operational side, submitting that was where there were opportunities for social justice, for the different SDGs to be integrated and implemented, rather than focussing on ownership. More money is spent on the operational side of business than on the profit that gets distributed to shareholders.

However, government also had a role to play. We all agreed that we cannot leave government alone. In a country where we continue to pay taxes, the big business continues to pay a lot of money in taxes to the government, what happens to that money?

Government also has to create policy, a policy framework that allows or creates an environment for business to be able to thrive. When businesses do not thrive because of whatever policy or political issues, it makes it harder for them to have the kind of money they need to make the real difference on the ground through their programmes.

Business must be very strong, must be prepared to get its hands dirty. It must not just rely on creating fancy programmes all over the place and putting them in their PR and marketing messaging to say we have done this. There is so much need for developmental work to be done on the ground, especially given the history of a country like South Africa. Businesses must not just create programmes and boast about them. They must be prepared to be active participants in the actual development of those programmes and making them happen.

One last point, which was mentioned, was the need also for small businesses to stop relying on government alone. If that one government tender disappears or it comes to an end, then the whole thing collapses. The same happens with companies such as the one that he works for.

He mentioned, about 95% of service providers relied only on his business to provide them with sources of revenue, which, of course, we know is quite risky if you run a business. So, they have been very much involved in creating skills, in developing skills for people, especially for those people who are part of their value chain, to give them skills, financial skills, business management skills to get them to understand the need to diversify their sources of income.

All of this speak to creating small business, alleviating poverty, the use of water and creating opportunities for young people, especially young women and the youth, to integrate the business to be self-reliant, to have sources of income. Because we know how far it goes when you create opportunities, especially for young women and for women in general, to earn an income.

There is a lot that can still be done, but everybody agreed that we have to work together. Stakeholders must all be integrated into this journey at the right level. We must stop making things for people, we must make things with people.

## **Financial inclusion**

Introduction by the facilitator:

**Nicky Newton-King**, Former CEO of Johannesburg Stock Exchange (JSE)

Resource persons:

**Liepollo Pheko Lebohang**, Senior Research Fellow and Political Economist at Trade Collective

**Wantu Madonsela**, Thuma Foundation, Managing Trustee

Respondent:

**Phelisa Nkomo**, Development Economist, Department of Economic Development

Rapporteur:

**Tshilidzi Rambuwani**, PDIP Intellectual Property Law, Stellenbosch University

### **Nicky Newton-King**

The starting point of this conversation is that we thought we have to rethink what we mean by financial inclusion. That it is not about forcing people who are in a parallel economy into the formal economy, but how we support them better in that parallel economy. We have to be very careful about designing new mechanisms when perhaps that is actually not the required medicine.

If it is about support, how important is financial education? A number of panels seem to have grappled with this question. We concluded that financial education is absolutely critical. Our best advice is to start early. Start when children are very young. Start pre-prep. Build that into the curriculum, the LO curriculum, for instance, at junior school and senior school so that those conversations build confidence in the youngsters about money, about the value of saving, about interest and the like, they take that home, it builds a knowledge base.

We agreed that there is a responsibility to put it into the curriculum. That there is a responsibility on financial education also in relation to, for instance, stokvels and other financial service product providers. Where you provide a product, you should in fact be spending a lot of time and energy helping your client base understand what the consequences of that product are.

We then looked at anyone else providing financial products, at the design of those products. We have talked a number of times today about designing not for, but with people. And actually, looking at how those products are designed from, for instance, an incentive perspective. Or are you eventually actually selling a product that results in your clients being over-insured and the consequences of that. Or potentially looking at the value that clients actually have with you and rethinking about whether or not you can use

that value to allow them to access other products which allow them to climb up the financial ladder.

In that regard, for instance, relooking at collateral. Typically, lawyers will look at property assets as collateral. But stokvels do not, they talk about social capital. How can we learn from things that people are very comfortable with and actually recalibrate perhaps the way we do business ordinarily? There was a strong call on traditional financial services providers to perhaps take a reality check and reset.

Fourthly, there is clearly a role for the regulatory regime to protect clients, the most vulnerable clients. Not only to protect, but also to enable. For instance, why couldn't the regulatory regime start to say, shouldn't the most vulnerable be able to access their funeral policies in order to provide security for future loans? Concerns around data trafficking, consumer protection, over-insuring, there is a space for financial services regulators to think a little bit more about the most vulnerable. Of course, South African society is very cash based and we had a big conversation about why that is so and would it in fact help financial inclusion if we moved away from cash towards something a bit more deliberately electronically financial? However, there was a strong discussion around lack of trust in traditional financial services environments, concern about people being overcharged, and so forth, leading to the conclusion that financial services entities would need to address these concerns to build that trust.

There was also a strong feeling that there is a natural affinity, certainly amongst the older population, towards cash, handing out notes for birthdays, for christenings, weddings and the like, and the communal feeling that people come together to exchange cash.

Of course, you can create alternatives to that. But the sense of panellists was that it would be quite difficult to get to a world where we eliminate cash and actually, that from where you spend your policy effort, that was not the right place to be spending the policy effort.

In conclusion, the recommendations were that the policy weight should go to:

Firstly, financial education at the youngest level, all the way to senior levels. Putting emphasis on financial education requirements from financial services providers and not

just individuals. That if you have the privilege of providing a product, you have a responsibility to provide the financial education that goes with it.

To look very carefully at new business practices, both those that enable new ways of borrowing money so that you can climb up a financial ladder, but also concerns about practices that might be very detrimental to clients.

Ultimately a recognition that proper financial inclusion is a good, but we must reframe what or how we think about that.

### **Wealth and income distribution**

Introduction by the facilitator:

**Roelf Meyer**, South African politician and businessman

Resource person:

**Prof Mcebisi Ndletyana**, Dept Politics and International Relations, University of Johannesburg

Respondent:

**Khaya Sithole**, Chartered Accountant and Commentator

Rapporteur

**Panashe Gabrielle Maningi**, University of Witwatersrand Masters of Economic Science

### **Panashe Gabrielle Maningi**

We discussed and agreed on the following:

The importance of creating employment opportunities by means of giving businesses incentives.

Special economic zones and how it can eliminate or reduce unemployment, especially in areas that have very high unemployment rates. The argument was also that this is a widespread problem in South Africa. So, instead of just focusing it in certain areas, we

recommend expanding it and removing some of these rules that have stood in the way of reducing the unemployment rate.

Policy certainty, the importance of that political stability, because it plays a huge role in the investment that comes into South Africa.

The importance of building our industrial base, manufacturing. Sasol has a whole lot of products, but some of them are exported in raw sense and if we were to invest into more stages in South Africa, we would be able to absorb the excess labour that we have, beneficiation of minerals as such.

The role that municipalities play in attracting this investment by means of ensuring that there is an efficient transport system, water, electricity, and just moving away from survivalist activities and actually engaging in productive activities in the economy.

The need to discourage government monopolies. There was a big debate on whether we should privatise SOEs. The issue was that we have a high unemployment rate, which means there are a lot of people who actually do not have access to income. Instead of privatising at the risk of services then becoming very costly, why do we not look at investing in more institutions so that we can avoid monopolies?

Extending the productive class. Strengthening instruments to hold governments accountable. Because a lot of people think that is their democratic right and when they vote, but it is very important that when the government then promises, we hold them to account.

To close, something very beautiful that Khaya Sithole said: The pursuit of social justice is this generation's mission. Are we doing enough? That is a question that I would like to leave with participants.

## **Social security and the BIG**

Introduction by the facilitator:

**Dr Pali Lehohla**, Oxford, Member of the Steering Committee of the Multidimensional Poverty Peer Network (MPPN), Former Statistician-General, STATSSA, Consultant to (OPHI) Oxford Poverty and Human Development Initiative, Project Consultant, Social Justice Policy and Relief Monitoring Alliance (SCOPRA), Law Trust Chair in Social Justice

Resource person:

**Neil Coleman**, Institute for Economic Justice Co-Founder and Senior Policy Specialist

Respondents:

**Professor Sandra Liebenberg**, Oppenheimer Chair in Human Rights Law and Distinguished Professor in the Faculty of Law, University of Stellenbosch and Extraordinary Professor at the University of the Free State, Centre for Human Rights

**Seehaam Samaai**, Director, Women's Legal Centre (WLC)

Rapporteur

**Preeshan Govender**, LLM Candidate and Student Researcher: Law Trust Chair in Social Justice, Law Faculty, Stellenbosch University

### **Preeshan Govender**

The key question that was raised by the presenter, was with so many people in distress, how does South Africa survive? Are we saying they must go and die and not provide them some guarantee that they will live one more day and then we can build and see how we manage to get out of the crisis?

The debate seemed to be quite polarised around this issue. Others were saying no, we cannot afford this. The question is, who do we choose to send to the wall to die?

We are sitting with a humanitarian crisis, which is longstanding, and amongst the debates that have ensued, were that this creates dependency and I think we have to disabuse ourselves about that. There is evidence all the time that cash transfers actually are life enhancing. In fact, the BIG stimulus brought into the economy.

The issue was that the counter arguments to BIG have not been documented. It is actually conjecture and anecdote, whereas the arguments for BIG are well-documented and these have shown that over a period of time they are not harmful, but that they can enhance society to get out of the problems that they are in.

In fact, it is not only that. These policies are anchored in the Constitution and are there both at the national and at the global level. So, why are we looking at them so glibly? They have been tested in law, in jurisprudence, also in the Constitutional. The question then is, why are we not moving? In fact, given COVID-19, how, in the next six months does this COVID TERS of R350 not only get extended, but enlarged to accord with food poverty, or rather the upper food poverty boundary?

The options for implementation have also been explored. Some of them are about targeting, but it is clear that targeting is discriminatory. Because as you target, you miss several people. So, the knit picking around these issues is policy degenerative in terms of implementation. Perhaps a universal grant extracted out of the tax base, through tax for those who do not need it might be the best way to go.

Comprehensive social security is obviously key towards achieving all SDGs. The question is, what are the state's obligations? In terms of test cases concerning the state's obligation principles, there must be those that relieve pain immediately. You cannot ignore not relieving pain immediately. In addition, there are international obligations.

The question that we ended up in our discussion was, why is there no action? Why is Parliament applauding when there is a removal of real benefits to society that are suffering? Why is there retrogression that is applauded in Parliament? Where is constitution making and where is constitutional implementation? Why is there a contradiction in the same house where the laws are made, and the laws are broken? Why

is there this austerity, which means taking 10% of the value of grants, which is against the spirit of the Constitution?

Where is the public? Where is public action to contest these issues in particular in the face of the empty VBS and, of course, in the context of COVID-19? We concluded that there is actually need for action and boots in the street to ensure that consultation on meta policy is an existential matter. It has to be taken up and it cannot be done in the noisy corridors of Parliament, but rather in the real streets, which is where Parliament counts.

### **Agriculture and food security**

Introduction by the facilitator:

**Jay Naidoo**, Former Minister for the Reconstruction and Development Programme, current Director in Naledi Trust, Mo Ibrahim Foundation

Resource person:

**Professor Scott Drimie**, Southern African Food Lab Director

Respondents:

**Dan Kriek**, Former President of AgriSA, Director on the board of the agribusiness VKB and council member of the University of the Free State

**Wandile Sihlobo**, Agricultural Business Chamber (Agbiz) Chief Economist

Rapporteur

**Mmeli Sotshononda**, Informality Concepts Lead Consultant

### **Mmeli Sotshononda**

Our session looked at a subtle approach in terms of dealing with food, agriculture and food securities.

We agreed on a joint venture approach or joint venture approaches, rather, as we need to move beyond the diagnosis to finding solutions. This implies being present in the situation and listening.

There is a strong need to rise above limitations and acknowledging that there is a crisis, and that this crisis is telling us that there is something wrong with the way we are living.

We are faced with the impact of COVID-19 regulations and its impact on the informal sector or economy, also within the small-scale growers as well as the existing farmers.

Social instability was another concern, so that research and understanding where informal traders receive and purchase their products in order to understand it is quite key in finding and developing these solutions.

What other provisions do we have in place when such an event as COVID-19 occurs in the future, also considering what small-scale growers and existing farmers are faced with currently?

It was agreed that at the centre of it all, and within the cycle, is nutrition.

How do we deal with this on a household level? We need movement thinking. We need to acknowledge the old ways of building and collaborating and putting people first, ensuring that they become the ambassadors of change.

We seek to improve the living standards of our people. Having private civil society working in isolation on small projects (some really interesting social innovations in livelihoods, about creating a better life), is problematic.

We need to take stock of these and allow them to connect in ways that is creating something different. That the old way of thinking through movement building without it becoming a threat to government and private sector, but rather a way of creating a fabric or mosaic is indeed something we need to be considering. That with technology today, surely, we should have a way to do this.

As we ask what our dreams are of the future, we recommend that building assets that entails people, land and infrastructure as well as resources, can move us forward. And that we need to calm down, relax, observe and move at a pace that will not leave anybody behind.

Migration remains a huge problem. How do we ensure that there are some economic activities taking place in the rural areas as investments seem to be scarce? We need to invest and look at skills or skills and collaboration, addressing incentives to ensure people remain in rural areas; and that government needs to release portions of agricultural land, while ensuring thorough monitoring and evaluation.

In conclusion, these factors emerge as we look at the limitations and availability of nutritious meals within families and in relation to food securities. So are improving the living standards of our people through economic inclusion. Inclusive innovation is key, acknowledging that food nutrition remain at the centre. Thank you.

## **Education and digital inclusion**

Introduction by the facilitator:

**Themba Nofemele**, South African actor and presenter

Resource person:

**Toby Shapsak**, South African journalist, editor and publisher of the South African edition of Stuff magazine, Media Development and Diversity Agency

Respondent

**Andre Shearer**, Chairman and Co-founder: Indaba Foundation

Rapporteur

**Tanya Calitz**, Bowmans – Sandton Associate

**Themba Nofemele**

All agreed that education is a basic right to every human. We need to digitalise education, technology and information, so that people have access to education.

Our kids should be able to read from an early age. A good example was the children reading the Preamble during the opening ceremony, illustrating the importance of accessing information via digital inclusion.

Moreover, digital inclusion and internet access as a human right are aligned with the SDGs.

What impediments can one have in this digital economy? The biggest frustration is probably the expense. Not everybody in South Africa has money to buy their gadgets and internet data. We therefore need to engage with government. People are still struggling, especially in rural areas, which makes it a necessity to enable access to education, as well as easily accessible digital inclusion.

Technology can be pioneering. As a country, we need to sit down with government, have this dialogue, engaging with them around the importance of this issue. Also at universities, if you do not have access to the internet, or lose your connection, you cannot do what needs to be done in terms of your homework, or research. Even in business, people are struggling.

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

Introduction by the facilitator

**Professor Justine Burns**, Head of Department: School of Economics, University of Cape Town

Resource person:

**Professor Mark Swilling**, Co-Director of the Centre for Sustainability Transitions, and Distinguished Professor of Sustainable Development

Respondent:

**Professor Dieter von Fintel**, Associate Professor in Economics, Stellenbosch University, Research on Socio-economic Policy (ReSEP) and the Laboratory for the Economics of Africa's Past (LEAP)

Rapporteur

**Professor Michael Sachs**, Southern Centre for Inequality Studies, Wits; former Budget Office National Treasury

**Professor Justine Burns**

Much like everybody else, we had wonderful conversation. We started off talking about social justice and economic growth. The way we landed in terms of how we think about defining the problem, is that up until now there has been a lot of discussion on inclusive growth, really a focus on growth that is inclusive, but what we need is inclusion that is compatible with growth and capital accumulation. We need to flip those two words around in terms of where we put our focus.

In terms of the relevant SDGs and Agenda 2063, this fits squarely with goal 1 and goal 4 of Agenda 2063, a high standard of living, quality of life and wellbeing for all citizens and a transformed economy. In terms of the SDGs, goals 1, 3, 8 and 10, because it really does span all those areas.

Key takeaways were the following:

Firstly, the need to build a South African macro-economic theory. There was a real recognition that there is a poverty of theory and our frameworks for thinking about policy are not fundamentally built on theories that speak to our context, where markets are characterised by disequilibrium, unequal access and mass unemployment.

What we need, is a theoretical framework that takes those characteristics as the starting assumption, rather than full employment and equilibrium, and then develop our models from there. That is really a role for academia and education, and we have seen some

encouraging shifts in terms of curriculum change that is happening at universities across the country.

Secondly, as part of that, we need to be far more serious about measuring the distributional impacts of macro policy and measuring those impacts along multiple dimensions. Really, an intentional focus on distributional outcomes against which we assess policy success and hold ourselves accountable to our commitment to justice.

We need to avoid reducing development or progress in terms of pursuing a developmental agenda to fiscal spending. It is about much more than that. In particular, we need to focus more attention on our ability or our success in building capabilities, capabilities of the state, of institutions and of citizens, both individually and collectively.

We agreed that we need to measure and track progress, both in terms of growth using standard indicators like GDP per capita, but we also need to be more serious about tracking progress in terms of social justice. We could use indices like the Human Development Index, but our preference was for indices more like the Multiple Development Poverty Index that focus or sheds light on distributional issues.

We could be more ambitious and think of something such as the Gross National Happiness Index that is used in Bhutan. That tracks psychological wellbeing, resilience, governance, cultural diversity, ecological diversity and living standards.

However, we recognised that while you would not use a happiness index to set interest rates or necessarily set particular aspects of macro policy, what that sort of index would help us do is assess the consequences of macro policy. If we saw GDP per capita was rising, but gross national happiness was falling, that would at least allow us to have a conversation about making different policy choices, which at the moment we are not doing.

Lastly, we need to pay far more attention to institutions and in particular the opportunities or possibilities of creatively reimagining development partnerships. There is a need for mission-oriented governance and delivery through partnership with a focus on productive value rather than extracted value. That also requires a focus on governance,

accountability, and leadership, but really a very strong call from us for far more creativity and innovation in reimagining service delivery, participation and financing.

### **Emerging tools for social impact conscious economic planning**

Introduction by the facilitator

**Professor Kanshu Rajaratnam**, Director: School for Data Science and Computational Thinking, Stellenbosch University

Resource persons

**Professor Thuli Madonsela**, Stellenbosch University Law Trust Chair in Social Justice

**Professor Khumbulani Mpofu**, Tswane University of Technology DSI – NRF SARChI Chair in Future Transport Manufacturing Technologies

Respondents

**Dr Neva Makgetla**, Trade and Industrial Policy Strategies (TIPS) Senior Economist

**Professor Jonathan Klaaren**, University of the Witwatersrand Law School, Wits Institute for Social and Economic Research (WiSER)

**Mr Xolile George**, South African Local Government Association (SALGA) CEO

Rapporteur

**Nolwandle Made**, Stellenbosch University Law Trust Chair in Social Justice, Project Officer SCOPRA

### **Professor Kanshu Rajaratnam**

In our session, we had quite a diversity of people in background which created good discussion around tools. Going in, I had a preconceived notion of what a tool might look like, but coming out, the different ideas of tools were quite different.

Our two resource people were Professor Thuli Madonsela, the Law Trust Chair in Social Justice, Law Faculty at Stellenbosch University, and Prof Khumbulani Mpofo, the DSI-NRF SARCHI Chair in Future Transport Manufacturing Technologies at Tshwane University of Technology.

We had two respondents, Professor Jonathan Klaaren from the Law School at Wits University, Wits Institute for Social and Economic Research, and Mr Xolile George from the South African Local Government Association. As a group, we had an engineer, a former public prosecutor, a representative from the South African Local Government Association and a law professor.

Unfortunately, our rapporteur, Ms Nolwandle Made could not make it for this session, she had to catch a flight. She was also in the session and contributed at such. We also had Mr Emile Engelbrecht, a data science student from Stellenbosch University. So, it was quite a diverse set of people and, therefore, I think the kind of questions that were asked was quite diverse, stimulating the thought process that happened.

Prof Thuli Madonsela spoke about impact-conscious policies and does tools such as SEIAS or socio-economic impact assessment system really reduce inequality? Because currently it is the system that government is using, and it does not seem to be doing that. Professor Mpofo talked about Plan A, which is a game that helps you make decisions in a fun setting. But even though it is a game, it is the conversations during that game that matters, and the conversation that can then inform decisions and actions post the game.

Prof Klaaren from Wits University talked about the history of impact assessment tools, which really came out of apartheid. The RIA tool came out of apartheid. It has since been updated as the SEIAS tool, which needs to be updated further as well.

Mr Xolile George from the South African Local Government Association saw tools in quite a different way. He spoke about how infrastructure and its development can be used as a tool to reduce inequality, such as bring about gender parity. For example, if you did development around water issues, that would reduce the impact on females, for example. He also mentioned that we need to include all forms of societies so this can be achieved

through collaboration with experts as advisory in the process to help making these decisions.

I would be remiss if I did not speak about Ms Made's and Mr Engelbrecht's contribution. Ms Made mentioned SIAM, which is being built as a decision-making tool, to help implement laws policies and programmes in the virtual realm and predict the likely impact on equality and poverty before unleashing them on real people. This seeks to augment the Social and Economic Impact Assessment Systems (SEIAS) that is currently being used by local government and explore how can these two be used together to advance social justice?

Mr Engelbrecht asked a very difficult but pertinent question on how tools can be used to help make decisions that have short-term impacts? Because when we talk about tools, we seem to be thinking about the long-haul decisions. The problem that needs to be solved now are the short-term, impactful issues, particularly for youths who are not reaping the benefits of the economy and society. Accordingly, while the discussion was largely on the long-term issues, once he posed the short-term question, it really made us think about what we need to do now.

Our conversation finished around how we could use tools to make these decisions and how they could have impact in the short term. For example, if you want to have a short-term impact, one way you could do it in a data science tool is to weight, for example, poor people higher than the rich. Therefore, the decisions that come out of the data science tool should impact poor people, with more immediate impact than longer-term impact.

While we did not talk about the SDGs, it was quite apparent that these tools can be used to make decisions that will impact any of these SDGs. Because these are tools that enable social justice in a wide range of areas.

### **The role of Parliament in advancing economic parity and SDG goals**

Introduction by the facilitator:

**Lindiwe Mazibuko**, Apolitical Academy Southern Africa and Apolitical Academy Global  
Co-founder and CEO

Resource persons:

**Mr Kabelo Mahlobogwane**, Educator, THUMA Foundation Chief Ambassador, Educators' Union of SA founding National Spokesperson, Co-Founder and Managing Director of The Marking App, Youth Leadership Council Member of the Democracy and Culture Foundation

**Neeshan Balton**, Ahmed Kathrada Foundation Executive Director

**Velenkosini Fiki Hlabisa**, IFP Leader

Rapporteur:

**Fanelesibonge Ndebele**, Stellenbosch University Project coordinator: Shared Humanity, Centre for Student Leadership, Experiential Education and Citizenship

**Lindiwe Mazibuko**

I want to open by restating Dr Lehohla's comments that laws are made, and laws are broken in the same house. That was essentially the outcome of our discussions about Parliament.

It was very much around questioning the lack of intention or the lack of commitment to using parliamentary instruments in the way that they were designed. Our secondary discussion was both about policy and political systems. What is it about our political system that is dysfunctional, that has resulted in political failure and what can we do to change that?

We had some great interventions from our panellists, including the importance of youth participation in Parliament, a conversation about whether young people should wait for those spaces to be opened up for them or not. We also had a substantive discussion about, as I said earlier, parliamentary instruments. From the budget office, which empowers parliament to amend budgets presented by National Treasury, and has done since 2013, but has never been used, to the fact that Parliament has the power of subpoena.

Things like the commission of inquiry into state capture, the commission of inquiry into whether the IEC should postpone the election dates, these are all inquiries that could have been held in Parliament. Experts, witnesses and others could have been summoned using the power of the institution, both to summon people to testify and to enjoin them to tell the truth. But those instruments are not used enough, both to seek information in order to draft legislation, but also in order to exercise accountability.

Lastly, we had a very in-depth conversation about the influence of parties on the parliamentary system. One of the quotes I am hanging onto for my next column is that we do not have a parliament of the people, we have a parliament of the parties. Parliament is a place where parties have sway, where parties make decisions about who the representatives of the people will be, and where parties have the power to withdraw that patronage at any time for the smallest of infractions, without any due reference to the law or the Constitution.

As a result, people who go into parliament as revolutionaries will often come out having been tamed, not only by the party bosses, but also by the financial shackles of a parliamentary salary, of private school fees and of German luxury cars. We therefore had a very substantive conversation about how we make Parliament more robust, how do we populate it with people who are up to the job, the twin role of legislating and oversight, but also the role of managing budgets.

One of the most important discussions was that there is a perception in South Africa that budgets are run by the executive. Budgets are not run by the executive; they are the purview of Parliament. Parliament holds the purse strings in South Africa and Parliament votes money to the executive. Having voted that money to the executive, it has a duty of oversight and care.

However, we have a parliamentary institution at the moment which is heavily driven by the executive, and we have a situation in which the executive and the legislature have been fused because all of our cabinet ministers are also MPs. So, they cannot be enjoined to perform their jobs effectively because they can fire the very person who appointed them through the parliamentary system. On top of that, they do not necessarily represent the

best and the brightest in our society, and they have more fealty in their duties to the party than to the people.

One of the solutions we discussed to the political failure in our system that is most evidenced in Parliament, is the possibility of separating the powers, the branches of government more effectively. There are dual systems in which the legislature is headed up by a prime minister who is simultaneously a leader of government business. That is the leader of the biggest party, the majority party. Their job is budgets, oversight and legislation.

Then the executive branch is headed up by a directly elected president with a cabinet that is made up of specialists, of experts, of people who have worked in the field, none of whom have to be members of parliament and all of whom serve at the pleasure of the president and are held accountable for their delivery in the executive. Until we can fully separate these two institutions, Parliament will not be anything but an extension of the executive and an extension of political parties.

Lastly, we had a conversation about what electoral reform might bring. There was an important conversation about the importance of local democracy. Local government, local democracy. One of the things that electoral reform that brings direct elections could do, is strengthen the accountability mandate, bring members of Parliament closer to the constituencies they serve, even as some MPs will still be elected from the list system.

We identified a whole raft of challenges to the institution, especially with respect to achieving economic parity and achieving the transformational and sustainability aims of the SDGs. Many of them are hamstrung both by politics, political systems, party systems, and an overall lack of faith in the ability of Parliament to exercise its mandate effectively.

## **16 LET US STAND UP TO MAKE A REAL LASTING DIFFERENCE ON SOCIAL AND ECONOMIC JUSTICE: CLOSING REMARKS**

**Nicky Newton-King**

**Representative of the Council of Social Justice Champions Governance Committee and Former CEO of the Johannesburg Stock Exchange (JSE)**

It has been two days of the most remarkable, honest, open, frank conversations. Professor Madonsela, to you and your team, kudos for collecting such a diverse range of skills and views and to have enabled that type of conversation, which really is quite unprecedented.

But also, so important because of our consensus that we meet at a time when our performance on social and economic justice is just simply underwhelming, and that our values of ubuntu require us, in fact, as individuals, but as a nation to stand up and start to make a difference, a real and lasting difference.

What struck me in these last couple of days have been the realisation that we need to create a sense of urgency, true urgency, that this can no longer be about discussions and chatting with people who are likeminded, but an urgency that inclines to a bias of action.

I was struck by Judge Cameron's very personal reflections about how the deliberate action taken by the Treatment Action Campaign changed the face of antiretroviral rollout in this country and the lives of millions of South Africans. That happens not because people waited for government, but because they did things despite government. I think that is a salutary reminder for us that in the space of social justice we need to be acting and owning that agency ourselves.

I think that the recognition from so many speakers about the fact that there is space, in fact, in law to start to entrench different ways, more socially just ways of acting is something that the lawyers in the room are going to take to heart. Because I think rather

than just saying, well, there is nothing we can do, this is soft and fuzzy, in fact, the law can do quite a lot in this space.

The call to relook at the calibration of our economic model was very strong throughout these panels. That is something that I hope will result in more academic work, so that the policymakers feel stronger about the opportunities to make a difference there.

There were lots of calls about the need to collaborate, to crowd in different views, to meet stakeholders where they are and not where you think they should be. That is a very good reminder to all of us, particularly though in business, as we design products, as we think about our client base, to rethink about what is a fair way to share the upside of what we do.

I was very struck by the professor who mentioned the need to start to teach not only rights that people have, but an empathetic way of thinking about exercising those rights so that when we go back and we think about it is mine, think about how you actually do what you do. The need for a more empathetic type of businessperson, more empathetic type of South African, actually, came through very strongly.

Finally, in relation to my reflections again, this bias towards action, this time for us to have reflected has been incredibly special, but what we should be taking out from this, is our need to act.

On that note, I want to thank everyone who made today possible. For those of you who are online, I do not think you understand how sophisticated the technology is. We have a bank of AV people here hiding behind their screens and telling us where to look and they have been doing a massive job in making sure that the hybrid space works. I really want to thank that team.

To all of you online and to the panellists, you have been engaging robustly in every single one of the panels and the content has been only as good as you have brought to the table, so thank you very, very much for that. And Cathy, thank you very much for herding us all so gently.

To Prof Thuli, your team has been amazing. They have been building content, herding us, making sure that we are contributing as we should be contributing, changing panellists where necessary. It is not an insignificant thing, running a conference of this nature, and your team has been magnificent, so well done on that.

Finally, Prof Thuli, I really want to thank you for your fearless leadership in this space. We are incredibly blessed as a country to have you. You are a national asset. Thank you very much for sharing your time with us. With that, I declare the conference closed.

## **BOSCHENDAL DECLARATION ON MAINSTREAMING SOCIAL JUSTICE IN ECONOMIC POLICY DESIGN AND LAW REFORM**

**Adopted on 12 October 2021 at the Boschendal Conference Centre, South Africa, at the 3<sup>rd</sup> Annual Social Justice Summit titled *Social Justice, Economic Equality and Peace – A new socio-economic pathway for South Africa and the Continent***

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

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

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

***Believe that*** South Africa belongs to all its people and that the country has enough room and resources for all to rise to the level of great potential of all persons and improved quality of life in a society based on human dignity, the achievement of equality and expanded frontiers of freedom for all without discrimination on any of the grounds in the Constitution, the African Charter on Human and People's Rights and the Universal Declaration on Human Rights, among others.

***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 unconscionable scale of

social and economic disparities and left certain groups in 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 in the continent and the broader world, yet many remain bound in chains of poverty, inequality, hunger, unemployment 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 (SDG's),

**Reaffirm** our commitment to the resolutions of the Inaugural International Social Justice Conference which took place at the Hazendal Conference Centre 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; acknowledgement of the threat that social injustice poses to sustainable development, social cohesion, peace and stability; and seizing the catalytic opportunity presented by the Sustainable Development Goals(SDG) Agenda for Change and the opportunities available for multidisciplinary academic research to catalyse progress towards breaking the back of structural inequality and end poverty by 2030,

**Further reaffirm** the link between social justice, human rights and peace 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, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Rights

of the Child(CRC), African Charter for Human Rights, Maputo Protocol and subsidiary human rights and social change instruments,

**Encouraged and Inspired** by the concrete social justice commitments and Programme of Action in the Copenhagen Declaration and Programme of Action of 1995, the SDGs adopted by the 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 Continent's Agenda 2063 and the progress the country has made on the social justice imperatives that emerge from these and the Constitution,

**Affirm that the Constitution imposes** a duty on the Government to advance equality with a focus on equal enjoyment of all rights and freedoms including the right to equality in all aspects of the economy, 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,

**Are encouraged by progress** made since the Inaugural International Social Justice Conference, including experimental research and development work aimed at ensuring equality conscious law reform and policy design, 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.

**But note** that insufficient progress has not been made with regard to mainstreaming poverty impact considerations in the design of policies, a reality that has been exposed very clearly by the regulatory responses to COVID-19, which although well intended, had a disparate impact on the poor and other disadvantaged groups and communities, including women, young people, small business and township and village socio-economic systems,

**Note** that not enough attention has been paid to the relationship between economic policy design and wellbeing, 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 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,

**Encouraged** by the ubuntu shown by ordinary people, organisations such as the Solidarity Fund, Gift of the Givers, the corporate sector and government agencies in responding to many of the humanitarian needs arising from either COVID-19 or the regulatory impact thereof,

**Encouraged** by government's willingness to collaborate in piloting social justice impact foresight research that seeks to assist governments, businesses and courts to leverage sufficiently disaggregated data to predict the likely impact of planned legislation, policies and programmes on diverse groups in society and make informed policy choices that eschew any unintended impacts that exacerbate poverty and inequality.

**We thereby resolve to:** *Recommit ourselves* to the Social Justice M-Plan and to scale and fast-track its key result areas (1. *Social Justice-resonant policies and law*: Empower policy- and law-makers to leverage data analytics to catalyse social justice and SDG responsive law and policy reform; 2. *Social accountability and social cohesion*: Foster social accountability and social cohesion through legal, human rights and democracy awareness and empowerment initiatives; 3. *Resource Mobilization*: Mobilise societal, corporate and international support and resources towards accelerated reduction of poverty and inequality by 2030; and 4. *Strengthened Democracy*: Encourage ethical and democracy attuned leadership among all and contribute to building a strong capable state) and the Programme Of Action adopted at this summit,

1. ***Collaborate in conducting research*** that helps government, businesses and societal institutions as well as communities to seize the opportunity created by COVID-19 rebuilding endeavours, to deepen social justice research, innovation and teaching, strengthen collaboration across disciplines and sectors between academic institutions, broader civil society, business and government, including combining law making with design thinking, engineering and data science,
2. ***Scale efforts aimed at advancing social justice*** through incorporating design thinking and systems thinking in law reform, policy design as well as the design of services and products in a manner that meets all groups and communities where they are while consciously advancing economic and other forms of equality and working towards ending poverty by 2030 and assisting government, business and courts to mainstream social justice through impact foresight tools such as the SIAM,
3. ***Promote greater constitutional accountability*** for socio-economic inclusion and participatory democracy as well as social accountability through actions that include conducting constitutional literacy, legal literacy and economic literacy, while promoting greater transparency in government economic policy design processes and enhanced access to justice through courts and other forums,
4. ***Collaborate on a Model Equality Duty Law*** to assisting governments to adopt a law or integrate in existing law, a requirement for the certification of compliance with the social justice or equality duty, before any law, policy or programme is passed and assist with a model law to facilitate this process taking into account the lessons from and continued responsibility to advance gender mainstreaming and children's rights, while mindful of all intersectional inequalities,
5. ***Collaborate to support a COVID-19 rebuilding better*** together agenda in the continent that transcends the binary focus on health and the economy and includes social wellbeing imperatives such as education, mental health, food security,

climate change and digital inclusion while fostering a deliberate implementation of the SDGs and Agenda 2063, with all hands-on-deck in fostering resilient communities, shared prosperity and peace in the constituent countries and the continent,

6. ***Collaborate in fostering a climate of friendship*** and culture of shared humanity through embracing social justice, respect for human dignity, embracing diversity and fostering social cohesion and peace in the continent,
7. ***Collaborate to assist the government to place investment in people*** and value to society at the centre of all investment policies and endeavours and constantly monitor the country's Gini-co-efficient and the impact of all policies on South Africa's position on the Human Development Index and periodic progress on Agenda 2063 targets and the SDGs,
8. ***Engage in interdisciplinary 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,
9. ***Promote the prioritisation of the realisation of social justice*** through economic redistribution and economic parity, ensuring active public participation in budgetary processes to achieve a constitutionally resonant budget that is informed by mainstreaming gender and intersectionality considerations, such as GBV, child abuse and child marriage / adoption, to remove social barriers to women and young people's economic participation.