



A COMPLEX HOPE FOR A SHARED FUTURE

A draft statement from the Second Restitution Conference, Castle of Good Hope, Cape Town, South Africa

1 September 2018

The Freedom Charter of 1956 offered a vision of South Africa focused on (1) equal rights for all; (2) a commitment to learning and culture; (3) work and security for everyone; (4) a commitment to everyone sharing in the country's wealth; (5) sharing land; and (6) always aiming at peace and friendship. During the Truth and Reconciliation Commission (TRC) of 1998-2001 we made an attempt, as a country to face the horrors of our past, and to hear some stories of human rights violations under Apartheid to ensure that it is never repeated. While also offering amnesty to those who made a full disclosure of wrongdoing, it envisaged a large programme of redress, reparations and restitution. Such a large programme never happened. Amongst the reasons offered for this include arguments about dependency, an unwillingness to alienate some (e.g. white capital), as well as an absence of political will (under both Presidents Mbeki and Zuma) for varying reasons such as self-enrichment and greed as we are now coming to see through the hearings on state capture. Now in 2018, as we commemorate nearly 25 years of democracy we are reminded of the preamble to our constitution which asks us to "recognise the injustices of our past; honour those who suffered for justice and freedom and who have worked to build and develop our country; and believe that South Africa belongs to all who live in it".

As the delegates to the second conference on restitution we acknowledge that we have failed to meet these ideals. We therefore commit ourselves to, as our constitution demands of us, heal the divisions of the past; to foster an open society in which government is based on the will of the people; to improve the quality of life of all citizens and free the potential of each person; and to build a united and democratic South Africa. Through a process of active and principled restitution, we are committed to a shared future as members of the same family. We want our relationships in this country to be characterised by justice, fairness, love, hope and generosity, but we do not want these positive emotions to give anyone reason for disengaging in the hard, messy, and sacrificial work of restitution. Ultimately, we are committed to an apartheid-reversing lifestyle with something for everyone to do in achieving this. We have a complex hope and an equally complex plan.

PRINCIPLES OF RESTITUTION

1. **Shared future:** The aim of restitution is to repair the past and create a shared future.
2. **Forward-looking:** Acts of restitution must be seen as an investment in future generations rather than as only small and individual acts of redress, and definitely not as punishment.
3. **Active vision:** Restitution aims at offering a new vision for the future, including an active demand for action.
4. **Justice:** Restitution is based on justice and acknowledges that no-one should continue to benefit, or to suffer, from the injustices of the past.
5. **Education:** Restitution needs to be undergirded by education that focuses on the need for truth telling, understanding loss, and how power and control gets in the way of restitution.
6. **Unlearning:** Restitution needs to shine attention on the need to unlearn destructive and dehumanising behaviours and attitudes.
7. **Demand:** Restitution needs to be both offered and demanded, and people need to be helped to do both, and on multiple levels (e.g. material, racial, gender).
8. **Connected histories:** Connect the past with the present; shared remembering.
9. **Remorse:** Restitution begins with acts of genuine apology and remorse without justification.
10. **Symbolic and material action:** Apology for the past must be accompanied by action – both symbolic and practical (including financial). Must be aimed at humanizing, equalizing, normalizing our relationships; actions must be compassionate, reciprocal and sacrificial and characterized by deep listening.
11. **Multi-level:** It must happen at individual, institutional and legal levels aiming to influence and change mind-sets, institutional practices and national policies.
12. **Attitudes:** We need a mind-set change; an honest, humble, historical awareness leading to an acceptance of shared responsibility; based on integrity, vulnerability and love for each other and our country (“we’re in this together”).
13. **Relational:** Restitution is relational so that the needs of those towards whom restitution is being made is always heard and placed at the centre.
14. **Forgiveness:** The asking and granting of forgiveness is important but is the end of the process of restitution not the beginning.
15. **Legal:** Respect for the rule of law and legality is important as well as a commitment to South Africa’s obligations to international law; new layer of injustice shouldn’t be created through it.
16. **Values:** A place for everyone in our country; about giving and accepting; sacrifice; conducted in a peaceful way that respects our shared humanity; accompanied by individual and national commitment.
17. **Time:** While restitution is a long-term process not an event, that requires patience, there needs to be clear goals set, measured and communicated.
18. **Measured and communicated:** We need to measure our progress –in social attitudes and in material change. We are committed to telling stories of restitution and sharing the gains.
19. **Pain and messiness:** The injustice of the past happened brutally and horrifically over many years; restitution may need to be discomforting, messy and time consuming.

SOME OF THESE ACTIONS

1. **A national set of values** that have at their heart a commitment to restitution and equality.
2. **A new economic consensus** about what it means to be a social democratic state and to be committed to an equal society in which capital is not unduly accumulated by some to the detriment of others, and where individuals, communities and the state share the surplus. This would include educational efforts and campaigns for salary caps, living wages, improved pro-poor taxation regimes and fair inheritance laws. It would also include a focus on technological innovations and environmental change to ensure that those affected by past injustice are not once more affected by these global shifts.
3. **An audit of policy reform needed** to support such an economic consensus. Such a reformed policy process would need to be open, consultative and restitutive in nature. It would also need to include buy in from politicians and communities.
4. **A process that builds capacity to accelerate restitution:** Here we have in mind educational/facilitation programmes for ‘white work’ and ‘black work’ – to deal with guilt, shame and resistance, and also to help people demand restitution, understand loss, and work together across past divides to achieve the aims of restitution black and white.
5. **A restitution audit:** A service available to individuals and institutions, with a view to helping them make a full disclosure of assets and how they got it - with a commitment to a pathway of restitution.
6. **A restitution accountability journey:** A process for businesses (and other institutions such as communities, churches and individuals) that helps them develop a publicly accountable plan.
7. **A restitution fund:** Held in trust by respected individuals (for example Thuli Madonsela, Frank Chikane, Desmond Tutu) and open to contributions from all including South Africa’s mega rich. This fund should engage The President’s fund. It could for example be modelled on the Rwandan dignity fund. It should be accompanied by a public log for restitution needs.
8. **A reconciliation bond:** Investment in a home loan by privileged individuals, for those who cannot access financing.
9. **A public barometer:** Regular surveys of how we are doing on our Gini Coefficient of income and asset inequality, the Human Development Index as well as social attitudes towards restitution.
10. **Intentional strategies for integration through spatial planning:** Rerouting train lines and highways; building physical bridges to link communities; and developing recreational spaces where there are none or few.
11. **A judicial review** to free freedom fighters and prosecute those for Apartheid crimes who have not applied for or received amnesty.
12. **A second TRC:** A community-led process to develop knowledge regarding land dispossession, experiences of inequality and to further hold perpetrators of atrocities accountable. This could be tied into Mandela day each year.
13. **A language learning channel on the** public broadcast networks.
14. **A school history and life orientation overhaul with a** focus on restitution and a shared future including the history of inequality, and that also deals with sexism and racism.
15. **Dealing with trauma from the past** through multiple modalities including small groups and free professional services.

16. **A focus on street names (and other symbols)** – what they mean and why they should change or have been changed.
17. **A symbolic act:** Here we envisage a design process for school learners who will be challenged to come up with the symbolic act (such as taking the knee, wearing a ribbon or armband). Such an act could take place every first Friday of the month for the coming 10 years and be tied into a reflection on attitudes towards restitution and our performance on an inequality-equality scale.
18. **A mass restitution mobilisation:** An annual day in which communities are called on to mobilize in order to draw attention to ongoing inequality and insufficient restitution/redistribution. It could focus on different aspects of our journey each year and be preceded by 3 months of educational activism (as described above).
19. **A national responsive forum:** A group of people who are constantly writing or speaking in the public arena to counteract inequality and injustice, and who propagate the commitment and values of this charter.
20. **A restitution register:** A mechanism to capture and communicate restitution stories for individuals and institutions. This could also serve to encourage organic expressions of restitution that could inspire other actions and activities.

THE NEXT STEPS

In order to ensure awareness of these principles and actions we recommend the following mobilisation strategy:

- These principles and actions should be discussed with constituencies.
- We may need separate youth, business, workers, political and community charters for restitution.
- A number of public meetings should be held in order to obtain wider support.
- Planning should be done to implement these actions by individual organisations/institution. Partners are encouraged to choose aspects of the plan to champion.
- Plans should be short, medium and long term in nature. They should focus on some aspect of the charter rather than on all elements to ensure successful implementation.
- Some collective action should be planned.
- This document should be presented to the Archbishop emeritus Desmond Tutu and the Chief Justice.

*There is something for everyone to do, in many cases there is too much to do.
Despite the enormous task, we are committed to these principles, actions and next steps in
complex hope.*

