

### Restitution 1. Discussing Restitution in 2018.

On 2 September 2018, I attended a service at the Grootse Kerk in the heart of Cape Town. This is the Dutch Reformed Church where Verwoerd, Vorster and countless apartheid Cabinet Ministers attended Sunday services. It fills me with foreboding to enter this heavy and austere building standing next to the former Slave Lodge. The service was billed as "Restitution: Creating a Shared Future". Deon Snyman, a former DRC dominee, is the inspiration behind the Restitution Foundation and the Conference that preceded this Sunday service.

The Grootse Kerk now has a genuinely progressive dominee, Riaan de Villiers. His sermon did not disappoint. In his address from the pulpit, he read from a sermon delivered by Canon James Calata in 1960 – the time of Sharpeville. Calata was also Secretary-General of the ANC. The significance of quoting from this sermon in this church gains extraordinary impact when you read on.

My reason to be present was because of what followed: a dialogue between Wilhelm Verwoerd, grandson of apartheid architect HF Verwoerd and Lukhanyo Calata, great grandson of Canon James Calata and son of Fort Calata, who was killed by the Security Police on 27 June 1987 with three of his comrades. They are known today as the Cradock four, after the town where they lived in the segregated Black township Lingelihle.

Both Calata and Verwoerd earlier this year published their very personal stories.

*My father died for this* is the title of Lukhanyo and his wife Abigail Calata's book. It tells an extraordinary story. Those who killed Calata and his comrades have never come forward despite the window the Truth and Reconciliation Commission afforded perpetrators at the time. Everyone I know should read this book.

*Bloedbande – 'n donker tuiskoms* is the title of Wilhelm Verwoerd's book. An English edition will appear shortly.

Wilhelm Verwoerd explained why people like him must take restitution so seriously. "I realized I could not hide from or face myself until I accepted that I am the grandson of HF Verwoerd. Wilhelm used Ronald Harrison's painting *The Black Christ* (with the face of Albert Luthuli) and the Roman Saracen with his lance pressed into the ribs of the crucified man (With the face of HF Verwoerd) to explain his sense of moral and spiritual culpability. His



engagement with his own family is ongoing. Not least they explain that grandpa Verwoerd was, after all, a martyr to his people.

Lukhanyo cannot rest until someone is charged for the murder of his father. He expands on his mother's pain: My sister was born two weeks after my father was murdered. My mother's fingers were swollen and she asked Fort, her husband to wear the wedding ring until the birth of their daughter. When Fort's body was returned his finger and the ring, cut off. That was 33 years ago. - He surmises that the wrath of the SB was incurred because, from 1985 Fort and the others drove the government institutions out of Lingelihle. Their local Advice Office had liberated the area and they ran the local affairs.

Both Lukhanyo and Wilhelm agreed on key matters. Firstly, charity was the enemy of restitution, something most white South Africans have little grasp of. Secondly, what apartheid did and caused required acknowledgement by white people, whoever they are. Most white people now say 'it wasn't me', intended to shift the blame to someone else. This reaction fails to recognise the material privilege and educational advantage they enjoy to this day. (Besides charity, philanthropy has to be put in the spotlight)

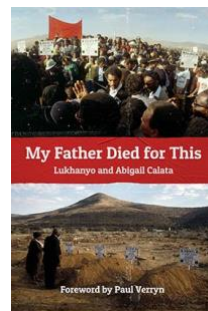
Ultimately, beyond changes in attitudes, restitution depended on substantive action. Lukhanyo made the point that change cannot be the elevation of those previously oppressed only but it required a substantive act of giving away by those who still lived with privilege and power. He asked, 'What is the white community bringing to the table?'. He identified ongoing greed and acquisition as the real enemy. He did not exempt the new Black

elite. Change is likely to be 'messy' he said, but it has to be effected.

The Groote Kerk service was the culmination of several days of talks that started with a key-note address by Chief Justice Mogoeng-Mogoeng. The upshot was a list of tasks which include establishing a National Restitution Fund, a Restitution Register, a Restitution Audit that considered how assets were acquired in the past, the development of a New Economic Consensus and much more, to be made public shortly.

Below is a YouTube link to the conversation between Wilhelm Verwoerd and Lukhanyo Calata: <https://www.youtube.com/watch?v=Os6akFx5R4>

I will post the decisions of the 2018 Restitution Conference on my website once published. I will also post the link to the opening address by the Chief Justice.



#### **My Father Died for This | Biography** [Lukhanyo Calata](#)

Journalist Lukhanyo Calata discovers the life of the father he never knew: Fort Calata, one of the 'Cradock Four' who were murdered by agents of the apartheid state in 1985. A poignant and inspiring journey into the history of a remarkable family that traces the ANC's struggle beginning with treason trialist and Secretary-General Canon James Calata.



#### **Bloedbande | Current Affairs & Issues** [Wilhelm Verwoerd](#)

After years of facilitating reconciliation in Ireland, Wilhelm Verwoerd wants to make peace with his own family – especially in dealing with the legacy of

his grandfather, HF Verwoerd. In his search for understanding, he discovers old diaries belonging to his grandmother, Betsie Verwoerd, and talks with friends and colleagues who suffered under apartheid, and with his mother on her experiences of the family. An intimate, candid look at what it means to live with integrity in South Africa.

It is twenty years since the TRC – there is so much that was not done. Here is a reminder of that which may not be forgotten. It demands all our attention. Please read >>

## **Restitution 2. Germany still does not say ‘sorry’ to the Nama and Herero people of Namibia.**

Deutsche Welle (translated) said, ‘Genocide of the Herero and Nama: Still no closure on German Colonial History’. In September 2018, one-hundred and ten years after the 1904-1908 war, Germany returned more human remains, taken to German Universities as cargo, to engage in discredited experiments and theories intended to prove the superiority of some races above others. The women of the killed fighters were made to scrape, with glass shards, the skin and flesh off the bones of their fallen men, before soldiers packed them into boxes for dispatch. Horrifying photos show the depth of this inhumanity.

Nineteen skulls were now repatriated but many more remain. Their origins from different parts of German colonies make it difficult today to discern which country should have which skulls returned. German Bishop, Petra Bosse-Huber, at a church ceremony in Berlin acknowledged that this should have been done decades ago. She did not explain why it was not done before. She asked for ‘deepest forgiveness’ and pointed to the skulls as a ‘j’accuse’ against those who inherit the guilt. Her Namibian counter-part Bishop Ernst //Gamxamûb demanded ‘restorative justice for the barbarian actions’.

<https://www.dailymaverick.co.za/article/2018-09-05-justice-delayed-the-trc-recommendations-20-years-later/#.W5DYUcDqWjo.email>

The service, conducted in German, English, Nama and OvaHerero was meant to contribute to reconciliation but once again there was no formal German apology.

Once more I am reminded and deeply conscious how my family in that war, had one foot in the persecuted community and the other in the oppressor’s community. Through Zara Schmelen, my great, great, great grandmother, my ancestry links me to the !Aman people. Their heroic guerilla leader was Chief Cornelius Fredericks who died a prisoner on Shark Island in 1907. His head was severed and sent to Germany. From the other side of the family come members of the occupation force, Schutztruppler, seeking adventure in Africa and after the war settled in Namibia. And there are those in the family who vacillated in the ‘middle’. Like my great grandfather, Franz-Heinrich Kleinschmidt junior, was pleased to be offered mining concessions by Colonial Administrator, Dr. Göring, father of the infamous Hermann Göring. Ultimately great grandfather in his post as mission trader, was ignored, probably because he was too ‘other’. His ‘race-impurity’ was looked down upon. And Ludwig Kleinschmidt, brother to Franz-Heinrich, acted as translator for Göring’s

successor, Theodor Leutwein. Ludwig's signature appears as a witness, in the land appropriations Germany engaged in with Herero, Damara and Nama Chiefs.

The internet links below provides further access to the current debate. The first is a link to a German source and includes a video interview with Christian Kopp, head of the civil society organization Berlin Post-Colonial. Cautiously he raises a complication why negotiations between Namibia and Germany are deficient: the talks, he says. Kopp argues that the talks should include a third party, the survivors

of the Nama and Herero victims. Their exclusion points to a possibly fraught settlement in which the Namibian Government will accept additional and extra-ordinary 'development aid' for all of Namibia in return for which Namibians will forfeit the apology the survivors seek. The concern is very real. Nama and Herero are small minorities in Namibia and are often overlooked by the majority Ovambo government who were not affected in the way the Nama and Herero were. A deal excluding the descendants of the victims will suit the German authorities who see in this a get-out-of-jail-free card.

Deutsche Welle: [Gedenkgottesdienst mit anschließendem Übergabeakt samt vorhergehendem Vigil Abend](#)

The Conversation: [Namibian genocide-victims' remains are home | Germany still has work to do](#)

Daily Maverick: [https://www.dailymaverick.co.za/article/2018-08-29-germany-to-return-human-remains-from-namibian-genocide/?utm\\_medium=email&utm\\_campaign=First Thing Wednesday 29 August 2018 SARS 54&utm\\_content=First Thing Wednesday 29 August 2018 SARS 54+CID\\_6a90f4e0dab65386882211210a3c1e4e&utm\\_source=TouchBasePro&utm\\_term=Germany to hand over genocide remains to Namibia](https://www.dailymaverick.co.za/article/2018-08-29-germany-to-return-human-remains-from-namibian-genocide/?utm_medium=email&utm_campaign=First Thing Wednesday 29 August 2018 SARS 54&utm_content=First Thing Wednesday 29 August 2018 SARS 54+CID_6a90f4e0dab65386882211210a3c1e4e&utm_source=TouchBasePro&utm_term=Germany to hand over genocide remains to Namibia)

### Restitution 3.



Recently the family of Ahmed Timol brought charges against a policeman implicated in the death of Ahmed. The Timol initiative now acts for others who have no closure for the loss of relatives by the apartheid police and army The Timol initiative posted below article.

#### Reconciliation is impossible without redress

31 August 2018 - 07:02 By Nico Gous.

South Africa needs something new to unite it because reconciliation has lost its traction.

"Why has it [reconciliation] lost all traction? Because it wasn't completely and properly entangled with the issue of redress,

which ultimately speaks to the issue of justice."

That is what academic Christi van der Westhuizen said on Thursday during a panel discussion at the book launch of "Whiteness,

Afrikaans and Afrikaners: Addressing Post-Apartheid Legacies, Privileges and Burdens", at the Nelson Mandela Foundation in Johannesburg.

"From the start, it always should have been hand in hand with redress, because reconciliation is absolutely impossible without redress.

I'm talking about socio-economic justice."

The Mapungubwe Institute for Strategic Reflection (Mistra) decided to publish the book after a roundtable discussion at Constitution Hill

in 2015. It includes inputs from former South African president Kgalema Motlanthe, AfriForum deputy chief

executive Ernst Roets,  
businessman Bobby Godsell and politician Mathews Phosa.  
Journalist Mathatha Tsedu believes we need justice before we can have reconciliation. He added that the Truth and Reconciliation Commission (TRC) distracted the new South Africa from serving justice. "Justice denied will stay on the table all the time."  
Tsedu compared it to the Nuremberg trials after the second World War, where justice was sought for Jews killed by the Nazis. "Even when those [trials] ended, institutions were created... going around the world looking for every SS (Schutzstaffel) soldier they could find and bring [them] .... to [face] justice for the victims of Auschwitz."

A posting on 5 September 2018 by the Timol initiative reads:

It is the 55th Anniversary of Looksmart who was the 1st detainee to have died in police detention.



<https://www.sahistory.org.za/people/looksmart-khulile-ngudle>

#### **Restitution 4. Land.**

Land restitution. When those who have title to urban and rural land or other material resources are asked to cede something, anything, you see the resistance and the power of the old elite. The debate on land expropriation without compensation has unleashed an avalanche of opposition. And they have a trump card: If you take anything we and all those like us will trip-up the whole economy – no more investments and thus no growth, which spells economic trouble. The message is clear: If you keep talking about material restitution the South African economy is doomed! The debate takes us further to the brink than anything before, including the CODESA negotiations. The moneyed local elite and the international elite who might invest in our economy have come out into the open to whip all who believe restitution must be attended to, if we are to go forward. Their power and their threat are real.

The other culprit who has brought us to this point, is the ANC itself. They have had the constitutional means to expropriate land for the past twenty years but failed to do anything significant or meaningful. Administrative bungling, lack of capacity and corruption are the villains. The ANC Government simply failed to act despite its ever-strident rhetoric.

A basic clarification: The EFF wants to nationalise land and let the state rent it out; the ANC will maintain private ownership, also after land has been expropriated without compensation. Neither have said who the beneficiaries might be. This will muddy the waters further. Who shall get the land is as thorny an issue as who should cede land.

To get better informed on the topic I urge you to read or listen to the pieces below.

1. BBC World Service - The Real Story, Who Should Own South African ...  
<https://www.bbc.co.uk/programmes/w3cswkdl>
2. Marianne Merten is a seasoned commentator on South African matters:  
<https://www.dailymaverick.co.za/article/2018-07-12-bantustan-boundaries-alive-and-well-in-modern-south-africa/>
3. Aninka Claasen is one of those best equipped to speak on the subject. A must read.  
<http://www.mistra.org.za/Library/ConferencePaper/Pages/Dr-Aninka-Claassens-Working-Paper-on-Mining-Magnates-and-Traditional-Leaders.aspx>
4. Reclaiming the land narrative  
<http://subscriptions.touchbasepro.com/t/d-l-bhkujtk-wyddjihul-jr/>
5. David Masondo  
<https://www.news24.com/Columnists/GuestColumn/a-case-for-uncompensated-land-expropriation-lessons-from-history-20180831>

## **Restitution 5. Masiphumelele**

I have previously described my involvement in the racially defined suburb in my neighbourhood, known as Masiphumelele. In South African parlance, this suburb is referred to as a township. This is coded language by which one is immediately to understand that this is an area for poor and Black people. Besides being defined as 'Black' it's also treated as second class by our City Council, which I remind you, is run by the opposition Democratic Alliance.

Roads and fences define Masi's perimeters and confine its people. Apartheid disallowed Black urbanisation and at one time the entire Cape was an exclusion Zone for Black Africans. Current and rapid urbanisation now should not come as a surprise in. As a result, Masi is one area that is now over-populated by people in search of work and the pickings around

Masi are comparatively good. Despite this there is vast unemployment. Essential urban services such as water, electricity and sanitation are either woefully inadequate or have broken down. I recently observed how corrugated iron shacks are now three storeys high.

Misguided NGOs and Churches believe they help by providing countless forms of Band-Aid to help people better survive in this environment. But there is no escaping, this is a racially defined apartheid hang-over at the heart of which lies access to urban land. It is a travesty that nothing has changed for these people in twenty-four years.

Masi has a population of roughly 40,000 people confined to about two square kilometres of space. Thousands live, for months on end, surrounded by stagnant and E. coli infested water.

Their confinement is ruthlessly enforced by City law enforcement agencies. The City has land, adjacent and in the surroundings, but white folk and obdurate elected Councillors oppose any expansion. We, the whites in this valley, also number around 40,000. We live on forty square kilometres or more. To add, apartheid also persists for those apartheid called 'Coloured'. They live in yet another racial ghetto, called Ocean View. They are the people forcibly evicted from places like Simon's Town fifty years ago.

The political cabal in charge in our valley enjoy the support of the majority white population. There is no will and no plan to untangle the past.

Recently, elected community leader of Masiphumelele, Mr Tshepo Moletsane, was recently threatened with eviction from the City of Cape Town Sub-Council meeting held in Fish Hoek. He wanted to know why his written questions had not been replied to. He asked what had happened to the Settlement Agreement between him, the Mayor, the South African Human Rights Commission and the Public Protector. Why, he asked, had Erf 5131.3 not been acted upon as was promised? Why had deadlines passed without explanation? Why were people still living between the canals? Their plight remained urgent as many shacks stand on stilts with stagnant water and raw sewage surrounding them. A cholera outbreak is waiting to happen. An unfriendly altercation ensued in which Moletsane was threatened with

eviction from the Sub-Council meeting. "My questions remain unanswered," said Moletsane.

Moletsane said he had now approached the Office of the Public Protector (OPP) to intervene to hold the city to its undertakings using the PP's powers in terms of section 182(1)(c) of the Constitution. Alternatively, she should cancel the agreement and take remedial action to correct the chronic maladministration in Masi by invoking powers the Constitution of our land has vested her office with.

"It is imperative that the city come up with a constitutionally compliant solution to the manifest problems in Masi that are the subject matter of the complaints Masi made to the Human Rights Commission and the OPP. The plan is an essential first step in the process which by now ought to have been unfolding, but is not, solely due to the recalcitrant and dilatory approach of the city," said Adv. Paul Hoffman, who has stood up for Masi in the past.

Earlier in the Sub-Council meeting, when the promised plan was not on the agenda and the Chairperson did not even refer to it, two activists for Masi, Rose Milbank and Horst Kleinschmidt, stood up in the gallery, silently holding A4 size posters asking the question: "Where is the Masi plan?". Without answering, the chairperson ruled that this was a demonstration and asked law enforcement officers to evict them. Kleinschmidt said afterwards "the Public Protector should urgently enforce the deal she brokered between the parties or she should cancel it due

to the non-performance by the City". By stealth the City wants to rid our valley of poor people. As aspirant Mayor Madikizela told me: "This is prime land. We can get top prices from the developers and with that money we can build poor people homes elsewhere, on the fringes of the city." A socially integrated City with a plan to undo the apartheid spatial planning is not Democratic Alliance policy – or so it would seem. It is doubtful that the

current ANC would handle this situation any better. A modern and kinder city would recognise that restitutive justice is needed to overcome the apartheid past.

We did not succeed at the recent Sub-Council, but eventually, I have not the slightest doubt, we will find the way to justice for all.

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