

REPORT OF THE 2019 HSRC PUBLIC DIALOGUE ON RESTITUTION

“Restitution: A Complex Hope for a Shared Future” 17 July 2019

The Restitution Foundation and partner organisations met at the HSRC on 17 July 2019 to hold a public dialogue about restitution and a shared future in South Africa.

RESTITUTION PARTNERS

The organisations that were present at the public dialogue comprised the following: Khulumani Support Group, PLAAS (UWC), Stellenbosch University, the Warehouse Trust, The Castle of Good Hope, the Institute for the Healing of Memories, the Institute for Justice and Reconciliation, the Dutch Reformed Church, The Castle of Good Hope, and the Restitution Foundation.

ATTENDANCE

A total number of 33 people attended the dialogue, with 19 signing the attendance register on 17 July 2019.

SYNOPSIS OF THE DAY

The main topic of the day was restitution and how South Africa can go about achieving this and thus a shared future for all its citizens. Part of the discussion included what restitution is and what it is not as well as the difference between forgiveness and restitution. Also discussed on the day were actions and principles of restitution. Participants also agreed on the fact that the aim of restitution is to repair the past and create a shared future, by making right what has been done wrong.

ATTACHMENTS

Attached to this report are:

1. The programme for the day.
2. Invitations sent to members of the public.
3. The Draft Charter of restitution.

Sharlene Swartz
July 2019



RESTITUTION “CHARTER”

A Complex Hope for A Shared Future

Colloquium with Restitution Partners

HSRC Offices, Cape Town

17 July 2019

PROGRAMME

- 09:45 Registration
- 10:00 Opening & Welcome
Prof Sharlene Swartz: Executive Director: Education and Skills Development, Human Sciences Research Council; Chairperson: Restitution Foundation
- 10:15 The Game of Monopoly as Tool to Communicate the Message of Restitution
Marlyn Faure: Board Member; Restitution Foundation
- 10:45 Finalisation of Document
Prof Swartz
- 12:30 Lunch
- 13:15 Building a Restitution Movement
Zinzi Mgolodela & Deon Snyman, Restitution Foundation
- Launch of Restitution Document
 - Consolidation of Restitution Partnerships
 - Expanding Partnership
 - Accountability for Change
- 14:45 Wrap-up and Closure
- 15:00 Closure: Litany of Restitution
Zinzi Mgolodela





Dear Demaine

RESTITUTION CHARTER: A COMPLEX HOPE FOR A SHARED FUTURE

I hope you are well.

Late last year, the Restitution Foundation and its partners (HSRC, PLAAS – UWC, the Castle of Good Hope, the Khulumani Support Group, the Warehouse Trust, the Dutch Reformed Church (Groote Kerk), the Institute for the Healing of Memories, the Institute for Justice and Reconciliation and the District 6 Museum) held the 2nd Restitution Conference under the theme “Restitution: Creating a Shared Future” from the 31st of August – the 2nd of September in Cape Town.

The conference was opened by the Chief Justice and closed at the Groote Kerk with a conversation between Lukhanyo Calata and Wilhelm Verwoerd.

On the 2nd day of the Conference representatives from each partner organisation met at the Castle of Good Hope where we developed a restitution charter known as *A Complex Hope for a Shared Future* (**c.f. attachment**) which was introduced during the last day of the conference.

After his opening address, the Chief Justice was briefed on the planned development of the document and indicated that he would be willing to receive the final document at Constitutional Hill at an appropriate time.

The purpose of this letter is to invite you to a colloquium to finalise the document.

Date: Wednesday 17 July 2019

Time: 10:00 – 15:00

Venue: HSRC Board Room (116-118 Buitengracht St, Cape Town). There will be video link ups from the HSRC Offices in Pretoria and Durban.

We sincerely hope you will be able to attend this important event.

Kind regards

PROF SHARLENE SWARTZ

Executive Director: Education and Skills Development
Human Sciences Research Council
Chairperson
Restitution Foundation



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 discomfoting, 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.



A COMPLEX HOPE FOR A SHARED FUTURE

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

First Draft 15 September 2018; Second Draft 15 July 2019; Final Draft 17 July 2019

The Freedom Charter of 1955 envisioned a South Africa that would deliver:

- (1) a government based on peoples' participation;
- (2) the promotion of equal human rights for everyone in the country including their equality before the law;
- (3) a commitment to everyone being able to share in the country's wealth;
- (4) a sharing of the land by all the people involved in working it;
- (5) a commitment to providing access to learning for everyone and to promoting respect for the culture of all peoples;
- (6) access to opportunities to work, to housing and to the safety and security of all people; and
- (7) the achievement of peaceful co-existence and friendship.

As South Africans, the Truth and Reconciliation Commission (TRC) of 1996-2003 made an attempt to enable all South Africans to face the horrors of our past and to hear some of the stories of the human rights violations that took place during apartheid towards ensuring that they should never be repeated. The TRC offered amnesty to those who came forward to make a full disclosure of their wrongdoing, in return for offering redress, reparations and restitution to victims and survivors of these violations. **The proposed programme of redress never happened** because of the limitations of the TRC to reach an inclusive list of victims of the identified violations and because of political views that expressed concerns that the country could not afford a substantive programme of reparations. The TRC proposal on a wealth tax was amongst the most contentious issue due to fear of the alienation of white capital if such a proposal were accepted.

As South Africa commemorates 25 years of democracy, we remember the Preamble to our Constitution which calls on us to **"recognise the injustices of our past; to honour those who suffered for justice and freedom and to respect all who have worked to build and develop our country"**, believing that South Africa belongs to all who live in it.

As participants in the Second Conference on Restitution, we acknowledge that we have fallen far short of these ideals on which we set our sights as we began the journey of building an inclusive, non-racial and non-sexist society in which our focus would be on **"healing the divisions of the past; fostering an open society in which government is based on the will of the people; improving the quality of life of all citizens and freeing the potential of each person as we together strive to build a united and democratic South Africa."**

These goals remain our highest priorities as we come together in **a growing movement of active and principled restitution**. We know that there is no other route to achieving a shared future in which

we value each other as members of one family. We therefore commit to practices of relationship building, characterised by principles of justice, fairness, love, hope, compassion and generosity. We recognise that these are the necessary features of the hard, messy, and sacrificial work of restitution. We hereby commit to **an apartheid-reversing lifestyle**. We acknowledge that every person living in South Africa has a role to play. We are declaring that we live with the complex hope of the power of restitution to build the society of our dreams. We acknowledge that the achievement of the dream requires a plan. This will inevitably be a complex plan. So where do we begin? We could begin conversations that put together the content of an agenda for restitution. The following are suggestions that arose at the Second Restitution Conference held in Cape Town in September 2018.

THE PRINCIPLES OF RESTITUTION

1. **Understanding we are on a journey to a shared future:** The journey essentially involves undertaking actions that seek to repair the past towards creating a shared future in which divisions and inequities constructed by our past, are finally put aside.
2. **Accepting that our actions must be forward-looking:** We seek to engage in acts of restitution, not merely as a form of acknowledgement of our and our ancestor's complicity in the abuses of the past but also as an investment in building the capacities of future generations to recover from their losses and to be able to begin to actively participate as partners in building a sustainable future for all who live in our country. Restitution in this understanding is an act of giving back so that we can find each other on the journey to a better shared future. Restitution is not punishment for actions over which those of us who benefited from the exploitative practices of apartheid had limited power to intervene. However, we recognise the power of using the outputs of the benefits we received across the generations to begin to balance the scales between those who remain economically excluded and those who have been able to find ways of advancing in the present.
3. **Understanding the call to restitution as a call to action.** We have come to understand the power of the Call to Restitution as an invitation to a journey of making the path by walking it together with an attitude of openness to the shared learning that would then become available to all *pilgrims on this important journey*. We appreciate that in the process we will find ourselves undergoing transformation as we shape the contours of transformation across all our communities.
4. **Appreciating that restitution is a call to stand for justice:** In this conceptualisation of justice, we acknowledge that justice demands that no-one should continue to benefit from, or to suffer from, the injustices of the past.
5. **Recognising that practices of restitution require education:** We envisage Education for Restitution as facilitating safe spaces in which all of us can participate in *letting down our guards* as we become aware of the humanity residing in every person and we become open to listening and learning from the experiences of every person with whom we interact. The learning from each other would emerge as we open ourselves to the risks of truth-telling and as we become familiar with the impacts on peoples' lives of all that they have lost. Such *listening for learning* demands of us the building of our individual awareness of the power imbalances that affect relationships at every level of our society.

6. **Becoming open to unlearning:** We realise that there has been little advance across our country in advancing restitution and reconciliation because we have withdrawn into our own small spheres of connection which serve as *unchallenging echo chambers that reinforce the unconscious attitudes* that underlie and inform our tangible behaviours. We realise that the richest resources available to us for building authentic relationships will regard us as we find ways to become conscious of the need for us all to unlearn behaviours and attitudes that are destructive and dehumanising.
7. **Welcoming the demands placed on all of us towards making restitution real in our country.** As the focus on Restitution acquires traction and momentum, as we are seeing in the demands for land justice and for reparations for apartheid gross human rights violations, we acknowledge that people will need support as they find themselves faced with demands for Restitution. We acknowledge the need also to facilitate the assertion of the rights of those who have carried the sacrifices of the past, to make their own demands for Restitution in all its different manifestations, whether economic, material, racial, cultural, social or political. In particular, we note the extent of gender discrimination and abuse that women suffer in our country that is acknowledged as the world capital of gender-based violence.
8. **Identifying the entanglement of our different histories:** As we begin to explore how our individual life journeys connect with those of others in our country, we find ways of honouring the connections between us and building on them through participating in spaces in which our remembering becomes shared.
9. **Learning the power of accepting personal responsibility and expressing remorse for the ways in which each of us has been (often unconsciously) complicit in contributing to the harms suffered in our country:** The Journey of Restitution begins with the acceptance by each of us of our personal responsibility for contributing to the divisions and conflicts of the past. This acceptance becomes the first step in a process of offering a genuine and meaningful apology that is characterised by an expression of sincere remorse. Real recourse becomes possible when the remorse is offered without any justification or explanation. Such remorse becomes the turning point in the creation of possibilities for genuine collaboration in addressing the wrongs of the past in ways that unlock possibilities for all parties to join their efforts in making means for experiences of recourse.
10. **Planning together symbolic and material actions that would represent the building of the path to a different future:** Sincere apologies represent the starting point for both symbolic and material actions that allow for the unfolding of transformative experiences for all involved. Transformative experiences are experiences that are characterised by the humanizing and equalizing of our relationships. Such relationships embody deep listening and lead to compassionate, reciprocal and sacrificial actions that inform social change in as the Movement for Restitution unfolds. Actions for Restitution will need to be made visible in every level and sector of society including at the level of institutions and agencies. The change will need to be reflected in peoples' mind-sets, in institutional practices and in national policies.
11. **Transforming hardened attitudes** to achieve awareness of our country's history and its damaging past: A deep appreciation of the damage caused by apartheid and its post-apartheid continuities,

will result in a change in: We need a mind-sets that will open the way for real social change. This change will be evident in the development of an acceptance of our shared responsibility for what we have produced in our country and an awareness that only by opening ourselves to integrity, vulnerability and love for each other will we heal ourselves, each other and our country. (“we’re in this together”).

12. **Accepting the relational requirements of restitution:** Restitution involves human interaction and relationship. It is based on working towards enabling relationships of greater equity and equality through restoring the dignity of not only those with material needs, but also those with emotional and spiritual needs who have been shielded from understanding the impacts of poverty on the majority of those with whom they share the country. This requires the development of human understanding of how poverty has affected the agency of those who can barely survive so that the construction of real pathways out of poverty become possible.
13. **Putting the role of forgiveness in relationship-building in its appropriate perspective:** This requires opening space for understanding forgiveness as one possible output of the journey of restitution. Forgiveness in the context of extreme inequality cannot be the starting point for engaging in journeys of Restitution.
14. **Finding ways to inform the practices of the law and the judicial system with the Principles of Restitution:** The judicial system in its present practice, entirely fails the tests of Restitution, being limited to only formal judgments that provide little human redress for the crimes suffered by victims. Redress initiatives could well be enriched by the practices of traditional law that focus primarily on restoring relationships, as opposed to the judicial system that focuses on the punishment of offenders. Respect for the rule of law at both national and international levels, is essential in that the law provides the boundaries for acceptable behaviours that contribute to community peace and security. However, Restitution provides for a different quality of outcomes that both restores dignity to survivors and sanctions the behaviour of offenders while also developing a programme of concrete actions that provide redress for the victims of these offences that were perpetrated.
15. **Recognising that restitution is a value-based process:** Restitution as a practice provides for the enhancement of the values of inclusion, of acceptance of difference, of both giving and accepting, of understanding actions that would promote the common good, of conduct that respects and promoted the sense of a shared humanity that in turn offers everyone possibilities for their contributions to achieving a state and practice of Restitution in the country.
16. **Recognising the need for time-bound, specific material plans to do restitution:** While the participants in the Second Restitution Conference accepted the long-term commitments involved in the achievement of Restitution, they also identified that Restitution would not be a natural development without the development and adoption of specific plans for Restitution. The development of these collaboratively-developed plans requires patience and the setting of clear goals set, that can be measured and communicated towards supporting the Movement for Restitution.

17. **Sharing the advances in restitution through effective communication:** 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.
18. **Being open to potential pain and messiness on the journey:** The injustices of the past were horrific and brutal beyond many peoples’ comprehension. Restitution requires a willingness to become aware of the historic brutality that was exacted against fellow human-beings and that continues to be repeated in the present because we remain trapped in repeating what we became accustomed to in the past. The journey of transformation can be discomforting, messy and time-consuming. The work of Doing Restitution is crucial in building a future for our next generations. In this sense, Restitution must embrace an ecological justice perspective, given the truth of the evidence of the disasters caused by climate change in our sub-region of the continent.

ACTIONS THAT HAVE THE POTENTIAL OF CONTRIBUTING TO RESTITUTION

1. **Restitution can be enhanced through actions that allow for the clarification of a national set of values** that build possibilities for the achievement of equality and equity.
2. **Restitution needs to be underpinned by the development and adoption of a new economic consensus** that promotes a democratic state in which the social and economic needs of all the country’s people are provided for in partnership with the efforts of the people themselves. Some aspects of a Campaign for a New Economic Consensus would include campaigns for salary caps on highly paid public servants and corporate executives; for living wages starting with the adoption of the minimum wage across every sector; for taxation regimes that are pro-poor; for fair inheritance laws; for price controls of essential commodities such a fuel and electricity; and for the payment of unpaid benefits to thousands of ex-workers; amongst others. The New Economic Consensus would have to take cognisance of the impact of technological advances on development so that growing numbers of *“those most left out”* do not swell the ranks of those who have sometimes been called *“surplus people”* because of their lack of skills and education. It would also need to include the building of agendas for Climate Justice that wrecks its worst impacts on those most vulnerable as a result of past injustices.
3. **Action for restitution needs an accompanying process of auditing all policy reform for its potential to advance restitution in the country.** Policy reform processes need to be open to participation and consultative to ensure the proposed policy truly provides for redress and restitution that is informed by organised affected communities.
4. **Critical awareness-raising on restitution needs to provide for the facilitation of race dialogues given that untransformed racist attitudes and behaviours remain one of the country’s biggest challenges:** The programmes that facilitate ‘white work’ and ‘black work’ – to deal with guilt, shame and resistance to transformation and also help people to demand restitution, to understand and confront loss and to work together across the continuing divides are critical to the achievement of the goal of meaningful and transformative Restitution.
5. **The development of a toolkit to provide restitution audits:** This would need to be a service that could be made available to both individuals and institutions. Amongst its focuses would be the

provision of a means to record the extent of assets acquired through transgenerational family wealth accumulation along with a means of reviewing how this wealth might best contribute to serving the Restitution Agenda.

6. **The development of a process to provide for the planning by groups of connected individuals for the undertaking of a restitution accountability journey:** The facilitated service would be made available to businesses and other institutions such as communities, churches and individuals, to facilitate the development of a plan to support public accountability of both public and private sector groups.
7. **The setting up of a restitution fund:** This would involve a Fund with highly respected Trustees which would advocate for investments into programmes designed to provide restitution for damaged communities. It would be open to contributions from anyone with a special focus on South Africans who have achieved mega-wealth. It should also engage The President's Fund, the national fund for reparations for victims and survivors of apartheid gross human rights violations. It could invite all public servants to commit a percentage of their monthly income into the fund following the model of the Rwandan Dignity Fund. It would provide concrete proposals and reports on the impact of the application of these funds for restitution in South Africa.
8. **The formalisation of the reconciliation bond,** developed by Professor Danny Bradlow, Professor of International Development Finance to provide access to capital and to business advice for developmental activities being taken forward by survivors and their descendants of apartheid gross human rights violations. This would reach those excluded from access to capital due to their inherited lack of access to collateral to take forward their development plans.
9. **The annual publication of a public barometer on restitution progress:** This would provide for the conduct of a regular survey of economic indicators of human well-being advances and of progress in decreasing income and asset inequality coupled with an assessment of changes in social attitudes towards restitution in the country.
10. **The development of a resource of intentional strategies for integration through spatial planning:** The proposals could inform the education of young people involved in urban planning for enhanced community integration such as planning for the rerouting of train lines and highways; the building of bridges to physically link separated communities; and the development of safe recreational spaces towards the building of place-making practices in poor communities.
11. **The organising of a review of persons who remain incarcerated for apartheid-related crimes** to inform advocacy actions for the release of *freedom fighters* and the Development of Processes to Support Advocacy for Ongoing Truth-Discovery and Prosecution of Persons involved in committing egregious crimes for which they have never been held accountable.
12. **The organising of a process to take forward the unfinished tasks of the TRC, following the programme presented at the Second Human Rights Festival held at Constitution Hill from 22 – 24 March 2019.** These would be community-led processes to provide for the formal recording of the narratives of all those who were arbitrarily left out of the TRC through administrative flaws in the TRC itself. These community-based processes would serve to update the historical record and

provide for the generation of knowledge regarding peoples' as yet undocumented experiences of land dispossession, and of inequality and the discrimination that led to the perpetration of gross violations of human rights towards providing for proper recognition on an equal basis for all victims and survivors of the atrocities and crimes of the past. Mandela Day could be used to draw attention to progress in redressing this history.

13. **The use of the public broadcaster to offer access to opportunities to learn local language and sponsored language courses to bridge the communication divides that continue in the country.** This could be based on the experiences of Intensive French Language Immersion that is offered to people who move to Montreal in Canada.
14. **The augmentation of the school curriculum with exposure to direct learning from survivors:** This would build learner knowledge of liberation history and struggles to overcome the continuing intergenerational silence that is associated with the pain experienced by *freedom fighters* who remain excluded from mainstream society. The focus could include unpacking what leads to human rights violations and how they could be redressed in a social justice framework.
15. **Government funding support for programmes of community-based psychosocial healing and rehabilitation to address continuing trauma associated with past violence and abuse.** These services need to be offered within traumatised communities with the building of local capacities to support actions for healing, mental health and economic development.
16. **Programmes to introduce local residents to the meaning of *new street names* and their significance** so that our histories become more intertwined and so that dialogue is promoted on these forms of material changes.
17. **Campaigns to draw attention to and return wealth and artefacts** that have been removed from our country during the period of colonial dispossession.
18. **Educational initiatives that draw attention to the historical causes of contemporary social problems** (such as gang violence, alcohol foetal syndrome, violence, genocide, xenophobia, environmental degradation).
19. **The use of national heritage sites** to promote reflection on the past and on restitution in different spheres e.g. The Castel of Good Hope, the Slave Church, Robben Island, the Voortrekker Monument, Rhodes Memorial, Gallows, the Church of the Vow, the Taal Monument, Mandela House etc.
20. **The promotion of the adoption of symbolic acts** in the mode of the #FutureFridays student-led advocacy for actions to limit climate change and of the #TotalShutDown movement to end Gender-Based Violence in South Africa. One suggestion was for Actions for Restitution to be made tangible and visible on the first Friday of each month for the coming 10 years and to include reflections on public and personal attitudes towards restitution and our performance on an inequality-equality scale.

21. **The building of a mass movement for restitution through mass mobilization:** This is envisaged as an annual day of reflection on the Restitution Journey in participating communities to identify ongoing inequality and evidence of inadequate restitution and redistribution. The focus could change each year following a preceding period of three months of educational activism.
22. **The building of a cohort of media advocates to keep restitution on the national agenda** through continuous writing and public speaking on the issues in support of the dissemination of the values of Restitution to shape our move into the future.
23. **The establishment of a restitution register** as a modality for the recording of contributions to restitution by ordinary people across the country through narratives and pictures. This would provide a repository of restitution stories for individuals and institutions that could serve to inspire future organic expressions of restitution that could inspire further actions and activities.

THE NEXT STEPS

In order to ensure awareness of these principles and actions, the Second Restitution Conference recommended the following mobilisation strategy:

1. Discussion of the principles and actions detailed in this document with all our constituencies.
2. Consideration of the need for separate specific Charters for Restitution for youth, business, workers, places of worship, political actors and communities.
3. Organising of public meetings to raise public awareness and to garner support for the movement.
4. Planning at the level of individual organisations and institution towards championing specific aspects of the 'Charter'.
5. Efforts to develop realistic plans that focus on certain components of the Charter towards ensuring measurable progress in respect of restitution advances in the country.
6. The scheduling of an annual collective action in support of Restitution.
7. The formal handing over of the Charter to Archbishop Emeritus Desmond Tutu and to the Chief Justice as guardians of Restitution efforts in South Africa.

*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.*



RESTITUTION CHARTER: A COMPLEX HOPE

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