

Opening address
Inaugural Restitution Conference, Castle of Good Hope
9 November 2016
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Introduction

Good evening ladies and gentleman, Your Grace the Most Rev Dr Thabo Makgoba, Imam Omar Rashied, Councillor Theresa Uys on behalf of the Mayor of Cape Town, Chiefs and leaders of the Khoisan peoples, invited guests - Adv Thuli and Ms Wenzile Madonsela, Mr Leon and Ms Erika Wessels, Mrs Nomonde and Mr Lukhanyo Calata, members of their family, international visitors, colleagues, friends, fellow South Africans.

We are 520 people from 46 organisations, civil society groups and universities gathered here tonight. We are black and white, rich and poor, young and old! Business is here but is not well represented. This time we have not invited the politicians and policymakers. We will do so in the future.

Welcome to this inaugural conference on restitution in this very symbolic and historical place – the Castle of Good Hope.

It is South Africa's oldest national monument that speaks to our history of dispossession, colonisation, enslavement, and oppression. Tonight and tomorrow we remake its history as the place where we apply our minds and our hearts to addressing our past, without fear or paralysis but with resolve and hope.

We acknowledge that we are not the country that we were 23 years ago.

No, now we are a democracy, a young, vibrant and noisy one at that. Our constitution and our courts are strong, and exist to benefit us all not just few.

Our county has limitless potential, beauty and wealth. Our people are committed and passionate.

But we are not yet the country we want to be.
A country where race no longer dominates;

where there is equal access to opportunities;
where we know people who are different to us and have them as neighbours;
a country in which poverty and inequality are a dim memory of the past.

So why a conference on restitution, and why now?

It is this poverty and these stark inequalities, still experienced along racial lines, that compels us to take restitution seriously.

Here are just a few facts:

1. South Africa is the most unequal society in the world (Gini Coefficient of 0.65)
2. Black South Africans have, on average, a household income 6 x smaller than that of White South Africans (R36k v. R6k a month)
3. Black South Africans are 4 x more likely to be unemployed than White South Africans (34% v. 8%, expanded definition)
4. 60% of Black South Africans live on less than many of us spend on a cellphone contract a month (60% live on under R670 a month, 2011 prices, v. 4% Whites)
5. White South Africans own half the private land in South Africa
6. South Africa is 116th on the Human Development Index (a measure of life expectancy, income and education) out of 200 or so countries; White South Africa is 15th - same as the UK and Sweden and, better than France and Belgium
7. 18-24 year old White South Africans are 7 x more likely to be enrolled at university than Black youth of the same age
8. Yet despite these inequalities, two thirds of ALL South Africans want to forget the past and move on!

This last statistic is a strange one - it is precisely because of our past that we are where we are. To address the past it must be remembered.

We too easily forget our history of systematic dispossession: We say "we have worked for what we have" instead of remembering Bantu education, job reservation and the multiple ways in which land was taken from some and given to others. Our current inequalities did not

suddenly arrive, they have been hundreds of years in the making. While we have made some inroads into dismantling them, so much still remains to be done.

There is some hope in the statistics:

1. Twice as many Black South Africans are optimistic about the future compared to White South Africans.
2. Twice as many White South Africans are in favour of redistribution of wealth compared to Black South Africans – which is also interesting because it speaks to Black South Africans not wanting redistribution of wealth but opportunities to create their own.

The existence of these inequalities alongside the hope we nurture are good reasons why we must talk about restitution – in a focussed and passionate way. Far more than we have done in the past. And why we must continue the conversation – alongside a myriad new plans for restitution action – far beyond tomorrow evening.

As Vladimir Lenin said “We must have hearts on fire and brains on ice”. Unwavering passion to address these inequalities, but cool heads and clear minds to develop rigorous and workable plans.

So what is restitution?

Restitution, as understood in law, is based on liability for an injustice that can be proved in court. It attempts to restore something to its original condition before an injury or injustice occurred. Because this is often impossible, the law of restitution offers compensation or reparations to satisfy the injured party. The law seeks to strip the perpetrator of unjust benefit, and to return civil, political and property rights. Restitution law also makes allowance for programmes that rehabilitate offenders rather than only incarcerating them.

More recent approaches to restitution, focusses on the idea of moral responsibility for injustice not only legal liability. This vision of restitution I have called social restitution, and describe it in the book we launched earlier today *Another Country: Everyday social restitution*.

I define social restitution simply as the acts and attitudes towards making good what our past history of injustice has damaged. It is forward-looking restitution, for individuals and communities to pursue in dialogue with those injured as a moral responsibility rather than as a legal liability. It invites all parties to acknowledge the past, and to work together to repair it through symbolic and material actions. Social restitution is not a punishment, it is the voluntary moral response from people directly and indirectly involved in injustice, alongside those who have been hurt and deprived by injustice, across generations, towards a better, fairer life for all. The aim is for all of us to become human again.

What obstacles might we have to overcome when it comes to restitution?

I'll mention a few:

1. The first is that we have to get rid of our chronic case of 'moving-on-it-is'. It does not serve a project of restitution. Forgetting will not magically give us the kind of country we want. We have to face the past, consider its effects in the present, and work to destroy its legacy. Intentionally. We cannot walk around wearing blindfolds.
2. We need to stop believing that the TRC was enough; or that it is the role of government, through programmes and policies to address inequality. It is not theirs alone.
3. We need to take uncouple charity from restitution. Restitution is a duty, an obligation. It is an acknowledgment of benefit. We need to be willing to sacrifice our lifestyles in pursuing restitution.
4. We need to stop using our country's problems with corruption as an excuse for doing nothing. Corruption needs to be addressed – many are doing so. But a constant focus on corruption takes our eyes off bigger issues of inequality and redress. It also reinforces our poor memory about Apartheid as a completely corrupt system; or makes us forget that we are least corrupt when compared to our BRICS counterparts; or 74 positions above our

biggest African economic competitor; or equal to some European countries.

Talk of corruption too frequently ends up with many (especially White South Africans) saying – “until the corruption ends I’m not going to do anything about restitution”. We cannot have that. So at least for this conference, let’s take a break from talk about corruption. And lets talk about some big ideas to shape our future.

What big ideas might we discuss at this conference?

Certainly we will see that we have different ideas about restitution. Across generations, between institutions, as individuals, NGOs, and local and faith communities.

But we will also find that there is something for everyone to do, to be, to have, when it comes to restitution.

Some of us will need to think very hard about the inheritances we receive from our parents, or those we pass on to our children. We need to consider how they were obtained, and what should now be done with them.

A few will be thinking through the mechanics of a Restitution Fund. Who do we trust to run it? How will it be accessed, distributed?

Others will be applying their minds to new models for land reform. Some will be thinking about the word ‘genocide’ possibly.

Some will be embarking on personal and painful journeys of how the past remains present.

Many will be having difficult conversations about race and privilege – and thinking about how these can be replicated in our divided communities and busy institutions.

A group will be thinking about what constitutes “enough” when it comes to corporate salaries, and minimum and living wages.

Conclusion

In our deliberations we will all need attitudes of patience, grace, humility and partnership. We are after all the ones who have made the effort to be here. Let us direct our defensiveness, exhaustion, anger and shame into programmes of action for real change.

We will need hearts on fire, and brains on ice. But above all we will need strong arms. There is much to be done – something for everyone – in this work of restitution.

So on behalf of the Restitution Foundation, the Human Sciences Research Council, and all our conference partners, thank you for being here at this Castle - tonight truly a symbol – of Good Hope.