

AN INTEGRATED UNIT OF STUDY

**TIME, CONTINUITY, CHANGE  
PEACE AND RECONCILIATION**

Archbishop Desmond Tutu

By

Curriculum, Instruction and Assessment Team

Seattle Public Schools

## THEMATIC STRAND

### Time, Continuity, and Change.

Human beings seek to understand their historical roots and to locate themselves in time. Knowing how to read and reconstruct the past allows one to develop a historical perspective and to answer questions such as: Who am I? What happened in the past? How am I connected to the past? How has the world changed and how might it change in the future? Why does our personal sense of relatedness to the past change?

- Peace and Reconciliation  
Archbishop Desmond Tutu

FOCUS QUESTION: Does what happened in the past affect human rights today?

### GUIDING QUESTIONS

1. During the 20<sup>th</sup> century, southern Africa was a major setting for the struggle for human rights. In what country did this take place?
2. Who were the principal leaders for the struggle?
3. What were the events, issues, and laws that were at the heart of the conflict?
4. What organization was established to encourage healing and reconciliation among the peoples of South Africa?
  - Why was the South African Truth and Reconciliation Commission formed?
  - Would a Truth and Reconciliation Commission be useful in the United States? If so, what would be its focus? How would it be structured?
  - What is the relationship between peace and justice? Can societies achieve both? If so, how?
  - What are the components of societal healing? What does a society need to heal itself, and how can the international community help with the healing process?

For additional questions regarding the Truth and Reconciliation Commission, refer to page 7 in the Archbishop Desmond Tutu Study Guide.

5. As an outcome of the monumental crisis, what changes resulted in the laws and constitution of South Africa?
6. What underlying and enduring principles and values shaped and illuminated peace and reconciliation?
7. What are issues of human rights within our community or nation? Can the principles and values of the Truth and Reconciliation Commission inspire peace and healing within our community or nation?

## ESSENTIAL ACADEMIC LEARNING REQUIREMENTS:

<u>Social Studies</u>		<u>Language Arts</u>	<u>Arts</u>
History		Reading	1.1
	1.1		1.2
	1.2		1.3
	2.1		1.4
Geography			1.5
	1.1		2.2
	2.1		3.1
	2.2		4.1
	3.3		4.4
Civics		Writing	
	1.1		1.1
	1.2		1.2
	2.2		1.3
	4.3		2.2
Economics			2.3
	3.1		3.1-3.5
		Communication	
			1.1
			1.2
			1.3
			2.1-2.5
			3.1-3.3

## PROFESSIONAL PRACTICE STANDARDS

### Teaching and Learning

- 1.1
- 1.2
- 1.3
- 1.4
- 1.5
- 2.6

## ASSESSMENT

- Performance-based
  - Portfolios
  - Presentations
  - Performances

# **ARCHBISHOP DESMOND TUTU**



**VISIT TO THE SEATTLE PUBLIC SCHOOLS**

**May 6, 2002**

**Study Resource Guide**

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**Dear Colleagues,**

**The Office of the Superintendent, with the help of the Desmond Tutu Peace Foundation, has assembled this resource guide to assist you in preparing your students for the visit of Archbishop Desmond Mpilo Tutu to the Seattle Public School system on May 7. This guide complements the lesson guide prepared by the Curriculum, Instruction, and Assessment Team. (For copies of that guide, contact Renko Dempster at 252-0183.)**

**We have included in this resource guide background information to educate you about the Archbishop, the South African Truth and Reconciliation Commission (which the Archbishop chaired), the Desmond Tutu Peace Centre and Foundation, and a brief guide to additional resources (books, videos, and websites) that will assist in placing the Archbishop's life in context.**

**We hope you find this resource guide useful. If you have any questions about the resource guide or questions about the visit of the Archbishop, please contact Susan Byers at 252-0199.**

## **BIOGRAPHY OF ARCHBISHOP DESMOND M. TUTU**

Desmond Tutu was born in Klerksdorp, South Africa, in 1931, son of a schoolteacher and a domestic worker. At the age of 12 he first met and was later greatly influenced by Father Trevor Huddleston, an Anglican cleric in the Johannesburg township of Sophiatown and outspoken early critic of apartheid.

After graduating from Johannesburg Bantu High School, he chose to follow his father's career. He took a teacher's diploma at the Pretoria Bantu Normal College and studied for his Bachelor of Arts degree at the University of South Africa. He was a teacher at the Johannesburg Bantu High School for a year and then moved to Munsieville High School, Krugersdorp for three years. It was here that he married his wife, Leah. They have three daughters, a son and several grandchildren.

In 1958, following the introduction of Bantu education, the Archbishop decided to enter the ministry in the Church of the Province of Southern Africa and become an ordinand at St Peter's Theological College, Rosettenville. He received his Licentiate in Theology in 1960 and was ordained to the priesthood in Johannesburg in 1961. Shortly afterwards he went to study in London, where he obtained the Bachelor of Divinity Honours and Master of Theology degrees while acting as a part-time curate. In 1967 he returned to South Africa and joined the staff of the Federal Theological Seminary in Alice and became chaplain at the University of Fort Hare. He moved to the University of Botswana, Lesotho and Swaziland in 1970 where he held the post of lecturer in the Department of Theology. This step was followed by a further spell in England as Associate Director of the Theological Education Fund of the World Council of Churches, based in Kent, UK.

Tutu became Dean of St Mary's Cathedral, Johannesburg, in 1975, but shortly thereafter was elected Bishop of Lesotho. By this time South Africa was in turmoil, in the wake of the Soweto uprising of 1976, and Bishop Tutu was persuaded to leave the Diocese of Lesotho to take up the post of General Secretary of the South African Council of Churches (SACC). It was in this position, a post he held from 1978-1985, that Bishop Tutu became a national and international figure.

Inevitably Bishop Tutu became heavily embroiled in controversy as he spoke out against the injustice of the apartheid system. For several years he was denied a passport to travel abroad, but in 1982 the South African government withdrew this restriction in the face of national and international concern. The name of Bishop Tutu became synonymous with that of the SACC as he became the leader of the crusade for justice and racial conciliation in South Africa. In 1984, his contribution to the cause of racial justice in South Africa was recognized when he received the highest award the world can offer - the Nobel Peace Prize.

In 1995 President Nelson Mandela appointed Archbishop Tutu to chair South Africa's Truth and Reconciliation Commission, the body set up to probe gross human rights violations between 1960 and the President's inauguration in 1994. Archbishop Tutu and his fellow Commissioners presented the Commission's Report in October 1998.

He retired from office as Archbishop of Cape Town in June 1996, but was named Archbishop Emeritus as from July 1996. He is currently Robert W. Woodruff Professor of Theology at the Candler School of Theology of Emory University, Atlanta, Georgia, U.S.A.

Before 1990, Archbishop Tutu's vigorous advocacy of social justice made him a figure of controversy. Today he is seen more as an elder statesman with a major role to play in reconciliation, and as a leading moral voice.

Archbishop Tutu is the author of five collections of sermons and writings:

Crying in the Wilderness	(1982)
Hope and Suffering: Sermons and Speeches	(1983)
The Words of Desmond Tutu	(1989)
The Rainbow People of God	(1994)
The Essential Desmond Tutu	(1997)
No Future without Forgiveness	(1999)

## **ARCHBISHOP DESMOND TUTU ON UBUNTU**

Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, Yu, u nobuntu ; Hey, so-and-so has ubuntu. Then you are generous, you are hospitable, you are friendly and caring and compassionate. You share what you have. It is to say, My humanity is caught up, is inextricably bound up, in yours. We belong in a bundle of life. We say, A person is a person through other persons. It is not, I think therefore I am. It says rather: I am human because I belong. I participate, I share. A person with ubuntu is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are.

Desmond Tutu, **No Future without Forgiveness**, page 31.

**THE DESMOND TUTU**  
**P E A C E C E N T R E**  
**CAPE TOWN, SOUTH AFRICA**

. . . I have given my name to an institution that will foster vision, understanding, and the building of bridges . . .  
~Desmond M. Tutu

### Origins of the Centre

After Archbishop Desmond Tutu retired as head of the Anglican Communion in 1996, it was decided that a long cherished ideal be established - a Peace Centre that would honor the quality of the contribution and leadership the Archbishop and others had made to peaceful change in South Africa. In October 1998 Archbishop Desmond Tutu and Mrs. Leah Tutu co-founded The Desmond Tutu Peace Trust, which acts as the legal vehicle through which The Desmond Tutu Peace Centre could be formally researched and established.

### Vision of the Centre

The Desmond Tutu Peace Centre will be a vibrant and stimulating venue. It will not be a memorial, but rather a multi-disciplinary, interactive, academic and high impact visitor experience. Located in Cape Town, South Africa, and born out of the Southern African experience, the Centre will be a place where visitors and scholars encounter a vision of hope for Africa, and are empowered to participate in the creation of that vision. The Centre will be centered in Africa, yet global in reach; it will draw upon the historical struggle for peace, justice, and reconciliation, while focusing on sustaining and increasing those gains for the future; and it will draw upon the ideals that guide Archbishop Tutu's life to provide an experience that is visionary, inspiring and hopeful.

The Centre will consist of the following:

- ◇ The Desmond Tutu Leadership Academy - a place of study, research, debate, programs in future studies, leadership and human development
- ◇ The Museum of Peace -- a unique, world-class, African, interactive visitor experience that looks at the past, present, and future.
- ◇ The Desmond Tutu Library - for the archives and memorabilia of Desmond Tutu

### Programs at the Centre

THE LEADERSHIP ACADEMY:

- ◇ Houses the Desmond Tutu Chair of Leadership and Future Studies in collaboration with the universities of the Western Cape and Pretoria in South Africa and the University of Dares-Salaam in Tanzania;
- ◇ Develops curricula and accredited courses on leadership, future studies and scenario planning for scholars, researchers and public, corporate, and civil society institutions;
- ◇ Provides internship and mentoring programs for young people;
- ◇ Hosts conferences and commissions and publishes research projects on leadership in collaboration with global academic institutions and partner organizations;

- ◇ Develops and hosts programs for identifying emerging leadership among women, youth, community groups and educators, as well as supporting leadership across societies

#### THE MUSEUM OF PEACE:

- ◇ Will be an educational, experiential exploratorium in which visitors and scholars can discover how people and nations are able to move from painful pasts to a future built on the ideals of peace;
- ◇ Will seek to understand and promote the spirit and qualities of leaders in peacemaking through narrative exhibitions and interactive displays;
- ◇ Will provide an opportunity for visitors and scholars to locate and record personal life stories and experiences within contemporary historical moments and understand the power of ordinary actions to influence extraordinary events

#### THE TUTU LIBRARY AND ARCHIVES:

The Leadership Academy and Museum of Peace will have access to documentary, audio, and visual resources, including Archbishop Tutu's library and memorabilia.

#### Contact Information

The Desmond Tutu Peace Foundation  
Rev. Robert Taylor, President  
Constance W. Rice, Executive Director  
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Seattle, WA 98102  
206.323.7566  
[info@tutufoundation-usa.org](mailto:info@tutufoundation-usa.org)

Please visit the Desmond Tutu Peace Centre website at: [www.tutu.org](http://www.tutu.org). For information about the Desmond Tutu Peace Centre and Foundation contact: [info@tutufoundation-usa.org](mailto:info@tutufoundation-usa.org).

## A BRIEF HISTORY OF SOUTH AFRICA

In the 17<sup>th</sup> century, South Africa was colonized by the English and Dutch. The European colonizers systematically exploited the indigenous South Africans, and imported slaves from, among other places, Malaysia and India. Though slavery was formally abolished in 1834, formal discrimination against the slaves and their descendants continued into the late twentieth century.

Among the Europeans, in the 19<sup>th</sup> and early 20<sup>th</sup> century, the English dominated the descendants of the original Dutch colonizers. Both the British and Afrikaners (Dutch descendants who are also referred to as Boers) defeated numerous African tribes around South Africa and repossessed their land. Then, in 1899 the English and Boers went to war. The Boer war lasted from 1899 to 1902. The period after the Boer War saw an increase in the legislation designed to limit the development of the African and Asian inhabitants. The Land Act of 1913, for example, restricted the non-European population to seven percent of the total landmass of the country, and began the process of forced removals and relocations that culminated in the racist system of apartheid.

In 1948, the National Party, an Afrikaans-based party intent on controlling the economic and social system, instituted the formal system of racial classification and control known as apartheid. Under apartheid, the minority white population of South Africa controlled the entire country and non-whites (which was most South Africans) were excluded from participating in government. The purpose of apartheid was white domination and separation of the races in South Africa. So, under apartheid, blacks and minorities lost many basic human rights. Race laws touched every aspect of life. Non-compliance with the race laws was dealt with harshly.

### Some examples of the laws under apartheid include:

- **Prohibition of Marriages Act (1949):** prohibition of marriage between non-whites and whites, and the sanctioning of white-only jobs.
- **Population Registration Act (1950):** required that all South Africans be racially classified into one of three categories: white, black (African) or colored (mixed decent — this included people of Indian and Asian decent). Classification into these categories was based on appearance, social acceptance and descent. For example, a white person was defined as in appearance obviously a white person or generally accepted as a white person. A person could not be considered white if one of his or her parents were non-white. The determination that a person was obviously white would take into account his habits, education and speech and deportment and demeanor. The government bureau (Department of Home Affairs), which was responsible for classification, had much discretion in implementing these laws. All blacks were required to carry pass books containing fingerprints, photo and information on access to non-black designated areas.
- **Group Areas Act of (1950)** (along with subsequent amendments) divided urban areas into sections restricted for one racial group. Forced removal of Black

people from their homes in newly declared Whites Only areas resulted in relocation to vast, overcrowded communities called townships or homelands where the white government permitted little economic activity.

- **The Bantu Education Act (1953):** created separate and unequal education systems for people of different racial groups. While public education for whites was free, blacks had to pay to attend decrepit schools with over-crowded classrooms.

In 1953, the Public Safety Act and the Criminal Law Amendment Act were passed, which empowered the government to declare stringent states of emergency and increased penalties for protesting against or support the repeal of an apartheid law. The penalties included fines, imprisonment and whippings.

Apartheid required all non-whites to carry passes that classified each individual racially. The pass system allowed the government to restrict the movements of black South Africans. In 1960, a large group of blacks in a town called Sharpville refused to carry their passes. In response, the government declared a state of emergency, which lasted for 156 days and left 69 people dead and 187 people wounded. Then, in 1964, the Bantu Laws Amendment Act gave the government complete authority to banish blacks from any urban area and from white farming areas.

### **Opposition to apartheid:**

Many political organizations, representing the majority of South Africans, opposed the implementation of apartheid and demanded equal political rights. Some of these groups include the African National Congress (ANC), Pan-African Congress (PAC), and Inkatha Freedom Party (IFP). Eventually, however, the organizations were banned and leaders and members were persecuted and imprisoned.

Until 1989, states of emergency continued intermittently. During this time, the penalties imposed on political protest, even non-violent protest, were severe. Anyone could be detained without a hearing for up to six months. Thousands of individuals died in police custody, frequently after being tortured. Those who were tried were sentenced to death, banished or imprisoned like anti-apartheid leader, Nelson Mandela of the ANC.

Over many years, the struggle against apartheid intensified. Then, in 1975, the white government decreed that all academic school subjects must be taught in Afrikaans, a language which most blacks did not speak (practical and technical classes would still be taught in English). This new policy guaranteed that black students would not succeed in school because their regular classes would be taught in a language, which they had never learned.

On June 6, 1976 in a township called Soweto, over 10,000 schoolchildren peacefully walked through the streets of their impoverished township protesting the inferiority of black schools in South Africa and the new education policy. Without warning, a white policeman threw a tear-gas canister and then the other riot police fired their automatic weapons on the children who were marching and singing. The police killed at least four

students including a 13 year old. This sparked off the Soweto Uprising; by the end of 1977, the violence had claimed more than 1000 lives.

The Soweto uprising and many other uprisings in black and colored townships helped convince some National Party leaders that it was time for change. Secret discussions between Nelson Mandela (from prison) and the National Party government began in 1986. **During this time, Archbishop Desmond Tutu rallied support from the west by calling for a boycott of South Africa, primarily through economic sanctions.**

### **The end of apartheid:**

In 1990, as a result of these efforts, National Party leader FW De Klerk announced the un-banning of apartheid opposition groups and the release of Mandela, after 27 years, from prison. In 1991, the Group Areas Act and the Population Registration Act, laws which were the pillars of apartheid were abolished. The stage was set for further negotiations.

In the 1994 elections, non-white South Africans, previously excluded from voting, were allowed to vote for the first time. Thus, a chapter in South African history began. Importantly, South Africa became a Constitutional democracy, which means that the Constitution became the highest law of the land. A Constitution contains the most important rules of a political system. It protects the rights of people inside the country and it explains their obligation as citizens. It also defines what kind of power the government has and how the government may use its powers.

## South Africa s New Democratic Constitution

The new South African Constitution names the values, which must guide South Africa and its people. These values, designed to protect individual and group rights in South Africa, are common to many democracies all over the world. The founding provisions cover the basic values of the Constitution and include:

- Human dignity, the achievement of equality and the promotion of human rights and freedoms
- Non-racialism and non-sexism — this means that there may be no discrimination on the grounds of race or sex
- The rule of law and the Constitution as the supreme law — this means everything must be done according to the law, and the Constitution is the highest law
- A vote for every adult citizen, on national voters roll for all citizens, regular elections and a multi party system of democratic government.

Chapter 2 of the Constitution is the Bill of Rights. The Bill of Rights protects the rights of all people in South Africa, not only those individuals who are citizens. The state must respect, promote and fulfill the rights in the Bill. These rights can be limited in certain circumstances. For example, freedom is a right but the state may send people to prison if they have been convicted of a crime by a court. The Bill of Rights says many things including:

- Everyone is equal before the law and has the right to equal protection of the law
- Affirmative action measures may be taken to achieve greater equality in society
- No unfair discrimination is allowed against anyone for reasons which include race, sex, language, ethnic or social origin, religion, sexual orientation or pregnancy
- Everyone has the right to freedom of movement and may not be deprived of it unless there is a good reason
- Everyone has the right to freedom of religion, belief, opinion and expression
- Every adult citizen has the right to form a political party and to participate in its activities and to vote in regular elections
- Everyone has the right of access to information and to administrative action that is just
- Everyone has the right to an environment that is not harmful to their health or well-being

The Bill of Rights also guarantees socio-economic rights, which include the right to housing, health care, food, water, social security and education. This is a special

category of rights because not everybody will be able to enjoy them immediately. Instead, the state has a responsibility to secure these rights for people within what it can afford over a period of time.

Other important aspects of the South African Constitution include:

- Co-operative government: There are three spheres of government — local, provincial and national — and they must cooperate with each other. Each sphere has the right to make certain laws and each also has certain responsibilities.
- Parliament: consists of the National Assembly and the National Council of Provinces. It makes laws for the country and monitors government.
- The President and the National Executive rule the country.
- There are nine Provinces. Each one has a provincial legislature and a provincial executive.
- Local government: municipalities must provide services at the local level.
- Courts and the administration of justice: The courts are independent and subject only to the Constitution and the law. They must apply the law impartially (without bias). The Constitutional Court decides on all Constitutional matters. Prosecutions are brought to court by the relevant public prosecution authority.
- There are six independent state institutions supporting Constitutional democracy.
- The public administration must be accountable and professional.
- The security services — the national defense force, the intelligence services and the police — must protect the citizens.
- The role of traditional leaders and customary law is recognized subject to the Constitution.
- The rules for government finance are in the Constitution.
- The Constitution includes general provisions as well.

# **SOUTH AFRICAN CONSTITUTION: SELECTED PROVISIONS**

## **Preamble:**

We, the people of South Africa,  
Recognise the injustices of our past;  
Honour those who suffered for justice and freedom in our land;  
Respect those who have worked to build and develop our country; and  
Believe that South Africa belongs to all who live in it, united in our diversity.  
We therefore, through our freely elected representatives, adopt this Constitution  
as the supreme law of the Republic so as to

Heal the divisions of the past and establish a society based on democratic  
values, social justice and fundamental human rights;  
Lay the foundations for a democratic and open society in which  
government is based on the will of the people and every citizen is equally  
protected by law;  
Improve the quality of life of all citizens and free the potential of each  
person; and  
Build a united and democratic South Africa able to take its rightful place  
as a sovereign state in the family of nations.

May God protect our people.

Nkosi Sikelel' iAfrika. Morena boloka setjhabasa heso.

God se n Suid-Afrika. God bless South Africa.

Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.

## **Chapter 2 — Selected Articles of the Bill of Rights**

### **Section 7 Rights**

- (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- (2) The state must respect, protect, promote and fulfill the rights in the Bill of Rights.
- (3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

### **Section 9 Equality**

- (1) Everyone is equal before the law and has the right to equal protection and benefit of

the law.

(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

### **Section 10 Human dignity**

Everyone has inherent dignity and the right to have their dignity respected and protected.

### **Section 11 Life**

Everyone has the right to life.

### **Section 12 Freedom and security of the person**

(1) Everyone has the right to freedom and security of the person, which includes the right

-

(a) not to be deprived of freedom arbitrarily or without just cause;

(b) not to be detained without trial;

(c) to be free from all forms of violence from either public or private sources;

(d) not to be tortured in any way; and

(e) not to be treated or punished in a cruel, inhuman or degrading way.

(2) Everyone has the right to bodily and psychological integrity, which includes the right

-

(a) to make decisions concerning reproduction;

(b) to security in and control over their body; and

(c) not to be subjected to medical or scientific experiments without their informed consent.

### **Section 13 Slavery, servitude and forced labour**

No one may be subjected to slavery, servitude or forced labour.

### **Section 14 Privacy**

Everyone has the right to privacy, which includes the right not to have -

(a) their person or home searched;

(b) their property searched;

(c) their possessions seized; or

(d) the privacy of their communications infringed.

### **Section 15 Freedom of religion, belief and opinion**

- (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- (2) Religious observances may be conducted at state or state-aided institutions, provided that -
  - (a) those observances follow rules made by the appropriate public authorities;
  - (b) they are conducted on an equitable basis; and
  - (c) attendance at them is free and voluntary.
- (3) (a) This section does not prevent legislation recognizing -
  - (i) marriages concluded under any tradition, or a system of religious, personal or family law; or
  - (ii) systems of personal and family law under any tradition, or adhered to by persons professing a particular religion.
- (b) Recognition in terms of paragraph (a) must be consistent with this section and the other provisions of the Constitution.

### **Section 26 Housing**

- (1) Everyone has the right to have access to adequate housing.
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
- (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

### **Section 28 Children**

- (1) Every child has the right -
  - (a) to a name and a nationality from birth;
  - (b) to family care or parental care, or to appropriate alternative care when removed from the family environment;
  - (c) to basic nutrition, shelter, basic health care services and social services;
  - (d) to be protected from maltreatment, neglect, abuse or degradation;
  - (e) to be protected from exploitative labour practices;
  - (f) not to be required or permitted to perform work or provide services that -
    - (i) are inappropriate for a person of that child's age; or
    - (ii) place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
  - (g) not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35, the child may be detained only for the shortest appropriate period of time, and has the right to be -
    - (i) kept separately from detained persons over the age of 18 years; and
    - (ii) treated in a manner, and kept in conditions, that take account of the child's age;
  - (h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; and
  - (i) not to be used directly in armed conflict, and to be protected in times of armed conflict.
- (2) A child's best interests are of paramount importance in every matter concerning the

child.

(3) In this section "child" means a person under the age of 18 years.

### **Section 29 Education**

(1) Everyone has the right -

(a) to a basic education, including adult basic education; and

(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.

(2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account -

(a) equity;

(b) practicability; and

(c) the need to redress the results of past racially discriminatory laws and practices.

(3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that -

(a) do not discriminate on the basis of race;

(b) are registered with the state; and

(c) maintain standards that are not inferior to standards at comparable public educational institutions.

(4) Subsection (3) does not preclude state subsidies for independent educational institutions.

## **SOUTH AFRICA S TRUTH AND RECONCILIATION COMMISSION: A SUMMARY**

As part of the negotiated settlement between the apartheid Government of South Africa and the opposition anti-apartheid parties, a Truth and Reconciliation Commission was created to address violations of human rights that had occurred during a 34-year period of South African history.

The compromise that led to the creation of the TRC was an agreement between the government and the major opposition parties in 1993 to provide amnesty to individuals responsible for politically motivated human rights violations. That compromise was enshrined in the South African constitution, which provided that the first democratically elected Parliament in South African history would pass legislation to provide for the amnesty.

In 1995, after extensive public hearings and comments, the South African Parliament passed an act creating a Truth and Reconciliation Commission. While it provided a mechanism for providing amnesty to individuals who accepted responsibility for certain human rights violations, it also provided a mechanism for victims to come forward and tell their stories, and to in some cases confront and question individuals who had violated their rights. The Commission was empowered to examine all violations of human rights that occurred between March 1, 1960 (the time of the Sharpeville Massacre) to May 10, 1994 (the date Nelson Mandela became President). It also examined violations by the State security forces as well as the liberation movements, including the armed wing of the African National Congress, the Pan African Congress, and the Inkatha Freedom Party.

While the TRC drew upon similar Commissions created in other countries undergoing similar transitions — most notably Argentina and Chile — the South African Commission was by far the most ambitious and far-reaching such Commission ever attempted.

It was the first such Commission that had the power to grant or deny amnesty to individuals.

It was the first such Commission with extensive powers to compel individuals to testify, and to seize relevant documents.

It was the first Commission to hold hearings throughout a country; the first Commission to hold hearings on a wide range of societal actors, from the medical to business to legal professions; and the first Commission to cover such a long period of a country s history.

It was the first Commission to create a witness protection program to encourage individuals to come forward and testify against their torturers.

The South African TRC consists of seventeen Commissioners representing all of the major political, racial, and ethnic groups in South Africa. The Commission is chaired by Archbishop Desmond Tutu, and consists of three committees.

Human Rights Violations Committee. This committee conducted three types of hearings during its more than two year lifespan.

1. Victim-oriented hearings where victims came to tell their stories. Many of these were held throughout South Africa. In many cases these hearings provided the first forum before which individual victims were able to tell their stories and have their experience acknowledged.
2. Event hearings. These were hearings that focused on a particular event — a massacre, or a demonstration, or some other civil action that resulted in violent action by the state or liberation movements.
3. Institutional and special hearings. These were hearings that focused on a particular sector of society, and its role during the apartheid years. Hearings were held on business and labor, the faith community, the legal community, the health sector, the media, and prisons. Special hearings were held on military conscription, children and youth, and women.

In addition to holding hearings, the Human Rights Violations Committee took over 20,000 written statements from individual victims throughout the country.

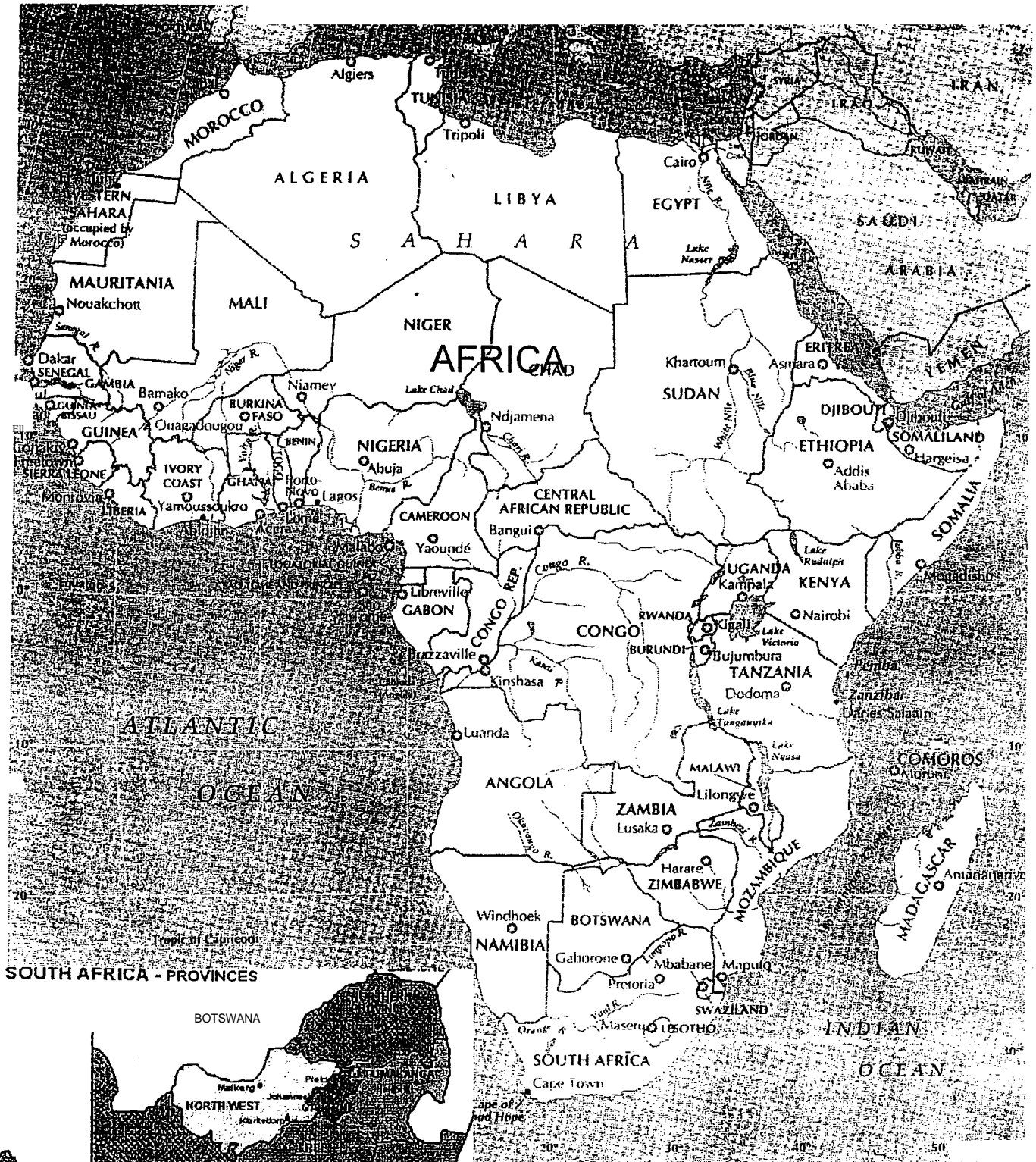
Reparation and Rehabilitation Committee. This committee provided direct support and relief to individual victims through the granting of urgent interim reparation payments and providing non-monetary support to individuals and communities involved in the TRC process. Neither the Reparation and Rehabilitation Committee, nor the Truth and Reconciliation Commission itself, was given the power to grant general reparations. Instead, the Commission was empowered to make a recommendation to Parliament concerning the appropriate amount and form reparation should take. As of the end of 1999 Parliament had yet to finalize any reparation program.

Amnesty Committee. This committee has the power to grant or deny amnesty to individuals. Over 7,000 applications for amnesty were received by the Amnesty Committee. To qualify for amnesty, an individual must satisfy two major requirements: (1) make full disclosure of all relevant facts concerning the acts for which amnesty is being sought; and (2) satisfy the committee that the acts for which amnesty is sought were committed with a political objective, and were not mere ordinary criminal acts.

The most serious violations for which amnesty may be sought — killings, torture, abductions, and severe ill treatment — require a public hearing during which victims and their representatives may cross-examine an amnesty applicant and support or oppose his or her application.

As of November 15, 1999, 568 amnesties have been granted out of 6037 total applications that have been heard. As of November 15, 1999, 815 applications are still to be heard. It is anticipated that the amnesty committee will be conclude its decision-making process in June 2000.

In October 1998, the Truth and Reconciliation published its five-volume Final Report. Since the Report was published before the end of the amnesty process, it may be supplemented in light of new information revealed by amnesty hearings held after October 1998.



## Africa and South African Provinces

INDIAN OCEAN

## South African Anthem

### GOD BLESS AFRICA

*Original Lovedale English Translation*

Lord, bless Africa;  
May her horn rise high up;  
Hear Thou our prayers And bless us.

#### **Chorus**

Descend, O Spirit,  
Descend, O Holy Spirit.

Bless our chiefs  
May they remember their Creator.  
Fear Him and revere Him,  
That He may bless them.

Bless the public men,  
Bless also the youth  
That they may carry the land with patience  
and that Thou mayst bless them.

Bless the wives  
And also all young women;  
Lift up all the young girls  
And bless them.

Bless the ministers  
of all the churches of this land;  
Endue them with Thy Spirit  
And bless them.

Bless agriculture and stock raising  
Banish all famine and diseases;  
Fill the land with good health  
And bless it.

Bless our efforts  
of union and self-uplift,  
Of education and mutual understanding  
And bless them.

Lord, bless Africa  
Blot out all its wickedness  
And its transgressions and sins,  
And bless it.

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