

ROTARY DISTRICT 5440 NEWSLETTER FOR SUSTAINABLE PEACEBUILDING
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RESTORATIVE JUSTICE, RESTORATIVE PRINCIPLES

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Fort Collins Rotary Club

John Chandler: Volunteer with the Fort Collins Restorative Justice Program

In these newsletters of the Rotary District Peacebuilders, we want to invite readers for contributions and ideas, suggestions and possibilities for our efforts to educate others by promoting the foundational skills for promoting sustainable peace and civility, i.e., nonviolent conflict resolution, improved communication and cooperation, successful negotiation and mediation. We also want to encourage the critical and creative thinking that can help communities move through obstacles and difficulties among people in more sustainable ways, i.e., with the interconnected health of their people, their economies and their environments. In this issue we focus on the ideas and skills that can help us better deal with conflict with restorative principles. Visit our blog and comment if you wish: www.rotarypeacebuilder.com

A PRACTITIONER'S EXPERIENCE WITH RESTORATIVE JUSTICE IN FORT COLLINS

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NOTE: John Chandler will speak to our Sustainable Peacebuilding Fellowship on Wed. March 3 from 1:30-2:30. All are invited. Share this newsletter with a friend or colleague.
<https://us02web.zoom.us/j/494943309?pwd=SmtTUDYzTlZrcVBhb1VLRmdvbVh6dz09>

Restorative justice is a process that provides an alternative to the criminal justice system and recognizes that harm has been caused to multiple members of the community. Those harmed can include the victim, the community at large and the offender. A primary philosophy of restorative justice is that harm that has been caused can be repaired. So, rather than punish the offender by incarceration, fines or other punitive means, the objective is to devise a plan whereby the offender can “right the wrong” and learn lessons along the way.

The intention is to return conditions as close as possible to what they were before an incident, that is, to work toward the best possible outcome. In the city of Fort Collins, this diversion from the criminal justice system is offered in select cases through the District Attorney's Office. Three restorative justice programs are managed by the Mediation and Restorative Justice Services Office. They are all based on a restorative justice conferencing program.

The Restorative Justice Conferencing Program (RJCP) provides a voluntary opportunity for young people (age 10-22) who have committed eligible offenses to deal with their charge in a way that is meaningful to themselves and the community. In RJCP, the victim's perspective and needs are central to the process. Victims have a choice in their level of participation. RJ conferences are organized and run by staff and trained volunteers and follow a well-defined protocol.
(<https://www.fcgov.com/restorativejustice/rjcp>)

In addition to the offender and victim in an RJ circle, there is typically a facilitator, co-facilitator, law enforcement representative, peer representative, community representative and the parents/guardians of the offender. Prior to an RJ circle, the facilitator will hold a pre-conferencing

meeting with offenders, to prepare them for the larger meeting. Volunteers in the conference pays particular attention to their roles, the conferencing process and the intended outcome.

Volunteers work hard to remain objective, observant, non-judgmental and patient during all phases of the process. I have been volunteering with the RJ program for four years and, as do others, find that I am always evaluating and improving my skills. One way I have been able to improve is through a practice that is relatively new to me, T'ai Chi.

I started my training in T'ai Chi a year and a half ago. The beginning steps have involved learning basic postures, movements, philosophy and principles that apply to all aspects of the practice. I have been learning how to control not only my physical movements, but also my mental focus and calmness. Developing this awareness is a gradual process and requires instruction, practice and time. This increased focus and broader awareness has been helpful in my participation in RJ circles in all the roles that I have been asked to perform. And, these practices are becoming an essential part of my daily life.

THE LEGAL AND ETHICAL ISSUES IN RESTORATIVE JUSTICE

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He is an avid bicyclist, swimmer, and hiker.*

Shouldn't Restorative Justice be a redundancy rather than an oxymoron under many state justice systems? Why doesn't justice include restoring the person convicted of a crime to society as a responsible and contributing member? Based upon the proportion of prisoners at the state and the federal level, 90% of justice is determined at the state level, at the district attorney level. Fifty systems of justice and whether restorative justice is implemented in a meaningful manner depends on the 50 different state governments and financing. One measure of whether justice includes restoration is recidivism.

Recidivism measures the ability of an inmate to transition from prison to everyday life. If recidivism is too high then any prison sentence becomes a life sentence; in such systems of 'justice', prison becomes an environment where inmates learn to become criminals or are left with little opportunity to succeed after prison --- criminal activity becomes a matter of survival.

In Colorado there is an organization--Colorado Criminal Justice Reform Coalition. In Colorado, suffering under tight budget constraints and funding competition from K-12, health and human services, and transportation needs, we have privatized prisons, limited education and workforce training for inmates, and relied on private non-profits that may or may not exist in local communities to help transition from prison to everyday life.

Whether someone enters Colorado prison depends upon the awesome power of the District Attorney – Colorado has 22 District Attorneys, elected every 4 years. Their discretion to prosecute, plea bargain, or take other action is immense and should be without bias, but with compassion and help to create safer communities now and in the future.

Do we have justice in Colorado or a prison system that helps to perpetuate itself?

BURUNDI'S USE OF RESTORATIVE JUSTICE AS A TRADITIONAL AND COMMUNITY-BASED METHOD OF JUSTICE

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Borrowed from traditional indigenous practices, restorative justice provides a viable and often better result than what the criminal or retributive justice systems can claim. However, it does require new learning in order for conflicts to be transformed and relationships healed. For example, youthful offenders can have their first arrest record cleared if they (1) acknowledge their offense, (2) ask for forgiveness, and (3) fulfill a range of possibilities for community service.

In Fort Collins, Colorado, the success rates for using restorative principles are far superior to the results from the traditional court system. In a chapter for a forthcoming book--*Conflict, Learning and Sustainable Peacebuilding: Case Studies*--I connect restorative principles to the greater study of peacebuilding. I offer international case studies and I identify the various components that have their roots in education and psychology.



In Burundi, I taught a week long class on restorative justice to law students at the University of Ngozi. As is common in colonized nations, first the Germans and then the Belgians had imposed their system of retributive judicial education on this poor nation in East Africa.

Using traditional community-based principles to address, resolve and heal conflicts that arise. In this case, a friend took his money and left the area. Very angry at first, he allowed another friend to mediate when the thief returned and the three of them developed a plan for the thief to pay back the funds. They are now good friends again. This plan worked brilliantly, all without lawyers, judges, police, jail and fines.

INTERNATIONAL USE OF RESTORATIVE JUSTICE

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Isaiah 2:4 The LORD will mediate between nations and will settle international disputes. They will hammer their swords into plowshares and their spears into pruning hooks. Nation will no longer fight against nation, nor train for war anymore. (New International Version, Bible)

“Restorative Justice” is a term frequently associated with many issues such as crime, education, medical practice, physical abuse, and elder treatment, but it is most often used when there is a clearly defined offender and victim. However, there are also opportunities to apply many of its principles in the conflict relationships between nations.

In situations involving nations it is often difficult to clearly identify offender and victim, indeed most nations are reluctant to even admit culpability in a national conflict. For this reason, the United Nations was founded in June 1945 after World War II. The Charter of the United Nations specifically states it was formed:

- 1) *To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and*
- 2) *To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and*
- 3) *To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and*
- 4) *To promote social progress and better standards of life in larger freedom*

To ensure future disagreements would not result in war, Article 33 of the UN Charter states:

- 1) *The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by **negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.***
- 2) *The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.*

Thus, the United Nations organization is anxious to encourage diplomacy and mediation between contesting parties. Mediation is defined by the United States Institute of Peace (USIP) as “a mode of negotiation in which a mutually acceptable third party helps the parties to a conflict find a solution that they cannot find themselves.”¹ The UN has published a booklet titled *Guidance for Effective Mediation* (2012) that provides ground rules and suggestions for effective mediation.²

Past examples of international mediation/restorative principles include The Tashkent Agreement (1965) that ended the Indo-Pakistan War, the Algiers Accord (1979) that ended the US-Iran hostage situation, the Acata de Brasilia (1998) treaty that resolved a border dispute between Peru

¹ <https://www.usip.org/issue-areas/mediation-negotiation-dialogue>

² <https://peacemaker.un.org/guidance-effective-mediation>

and Ecuador,³ and the mediations that led to the end of the Nigerian Civil War (1967-1970). Possible future mediations could include solutions to the United States – China Trade War. In 2018, the World Trade Organization Director General offered to mediate between the two nations.

RESTORATIVE PRINCIPLES IN NATURE

Restorative principles in nature and humans with a focus on sustainability Is nature “just,” or is it just nature?

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Nature changes. Nature is not static. Nature has restored itself sustainably with outcomes that can be barely distinguishable or complex depending on the perturbations and timeframes. Coniferous trees use sap to restore, or reconcile, small damages from animals, weather or people. The tree survives for a time, but not forever.

Trees and all living nature have a natural variability of living. Major damages from intense fires, lack of ecological insect control, or overuse by humans with the axe and saw will remove individual trees. However, nature replaces dead trees and lost animal homes with other plants and animals in ecological succession processes at community levels. New plants and animals might be the same as those lost in the short-term, or the newcomers might be quite different and unwanted invaders.

At the farthest extremes of nature’s dynamics are tectonic plate movements and shifting of continents, tilting the earth and repositioning the poles, catastrophic volcanic eruptions or asteroid strikes, and global climate changes that have caused extinctions. Humans know about these major changes only from studying or visiting dinosaurs in museums, since they have not experienced the changes in their lifetimes.

The planet restores and reconciles itself with new life forms. Can that be called “justice?” Is there environmental justice at all or is nature merely randomly adapting to new conditions using selective advantages to sustain itself? Humans could not reconcile and mitigate the major environmental changes affecting earth and its inhabitants.

Minor environmental problems can be restored and mitigated by humans. Humans can use trees and wildlife wisely, prevent water and air pollution, protect soils, reduce waste, and conserve energy. Can humans reconcile and restore justice with other humans?

Humans think; therefore, they can restore and assert sustainable justice with other humans

Humans think and plan, so most logically they should be able to reconcile differences and restore justice with each other in civil ways. Unfortunately, persons are in conflict because of personal beliefs, societal differences and norms, economic status, lack of appropriate skills and technologies, political influences, and unequal relationships with physical and biological resources

³ The Acata de Brazilia international treaty ended a border dispute that had led to wars in 1858, 1941, 1981, and 1995 between Peru and Ecuador. The treaty was witnessed by Argentina, Brazil, Chile and the United States.

and processes. Inequality leads to uncertainty, derision, envy, greed, casting blame, victimization, and many other coping and defense mechanisms that prevent humans from effectively reconciling with each other.

Words and a sequence of behaviors used to work effectively with others include awareness, interest, listening, understanding, considering, empathy, evaluating, trying, and including. Once humans include others, they will have more opportunity to learn and to act in civil ways. Social justice programs seek to transform perpetrators and victims into problem solvers.

When victims and perpetrators work together as teams, and not subjects of society, they learn more about the reasons for conflict and are more likely to seek meaningful solutions. When persons experience nature, they are more inclined to learn, when they learn, they are more inclined to love, when they love, they are more inclined to protect. Humans should behave that way with other humans!

PRIORITIES OF THE ROTARY FOUNDATION

See the RI website: <https://my.rotary.org/en/learning-reference/about-rotary/our-priorities>. If you would like to respond to one of the pieces in this newsletter, check out our blog www.rotarypeacebuilder.com and join the conversation! If you would like to contribute to a future newsletter, visit www.rotarypeacebuilder.com/submit/. You can find some of our past issues at the Rotary District 5440 website: <https://www.rotary5440.org/sitepage/peace-building-newsletters>. Future issues may explore the following: APRIL— Cross Cultural Perspectives of Healing (TCM Dayna Larson); MAY-- Hate, Violence, Reconciliation and Healing (Mumme); If you have ideas for future topics, please send them to any of our writers.