

Restorative Justice Post -Conflict

- Some sources
- Nancy Erbe, “Appraising the Surge in Legal Scholarship Regarding Restorative Justice and Lenses to the South” Berkeley Electronic Press, 2005, at:
<http://law.bepress.com/expresso/eps/560>
- Vivienne O’Connor, “Model Codes for post-conflict Criminal Justice: Overview” 11th UN Conference on Crime Prevention and Criminal Justice Bangkok April 2005 at:
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- Naomi Roht-Arriaza, “Reparations Decisions and Dilemmas”, *Hastings International and Comparative Law Review*, 157, 2004, pp. 157-219.
- Mark Plunkett, “Reestablishing Law and Order in Peace Maintenance”, *Global Governance*, 4, 1, 1998, pp. 61-79.

Restorative Justice Post -Conflict

- Post-conflict restoration: the received agenda
 - Bricks and mortar first
 - Societal rehabilitation second
 - This relegation due to:
 - Trust deficits
 - compartmentalisation

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- As well, unsettled local security conditions including:
 - Tradeable violence
 - Non-functioning schools, markets, public institutions
 - Social upheaval including refugee return (both internal and cross-border)

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- To get established, restorative justice practices post-conflict require workable local frameworks
- An understood nomenclature or charter
- Credible state authority not hostage to any particular faction
- Policing and arms surrender

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- Restorative justice vital to peace process because it:
 - Places the focus on human not just territorial or state security
 - Restorative justice values of engagement, inclusion, amends, offender responsibility, and holistic reintegration are needed to underpin a durable peace settlement

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- Restorative justice offers a valuable middle ground between total amnesties and selective retribution
- Offers scope for both distinctive local adaptations (Timor Leste) while gaining international support and scope for international acceptance post-conflict
- Scope for mixing and matching over compensation and restitution

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- Big barriers include:
- Scourge of impunity – will supposed “reconciliation” offer if not a green then certainly an orange light for impunity by another name?
- Demands for punishment (“we cannot forgive what cannot be punished”)
- Hijacking of traditional authority systems by conflict inflamed rent-seeking (Solomon Islands)

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- As well: lack of adequate international guides regarding 'best practice'.
- Costs of not acting increasingly apparent
 - In relation to the potency of long-harboured but unresolved demands for restitution following egregious rights violations of the past
 - Achieving the Millennium Development goals