

Restorative Justice': - The Middle East
By: Zoughbi Zoughbi

One might ask what "Justice" means. Definitely it is not what I learned in my early childhood- Just Us? Justice is for all! It is an inclusive word not an exclusive terminology.

Gandhi once said, "Injustice anywhere is injustice everywhere". Indeed we are on the same planet struggling together for a better world where justice is the backbone of the 'New World Order'. We are one group regardless to our nationality, sex, race, color, or religion, united in our hopes and expectations for living in just communities.

Here we are considered with Restorative Justice as an alternative to Retributive Justice or \and Criminal Justice and so on.....

The Chilean poet Pablo Neruda from his collection: "Demasiados Nombres" (Too Many Names) puts it like this,

"They speak to me of Venezuelas, of Chiles and of Paraguays. I have no idea what they are saying. I know only the skin of the Earth, and I know it is without a name."

Indeed, we are living in the same global village, we should rejoice together, and work together to alleviate the suffering of the World.

Allow me to share with you a debriefing about our situation in Palestine and mention some important facts, figures and sets of laws we have been living under as a way to introduce the topic of community justice.

Palestine is in a transitional period moving from an unstable situation under Israeli occupation to a quasi settlement. We are moving from the mentality of revolution to a mentality of a political State. In building, we are facing all the challenges, difficulties and hopefully conquering the obstacles in the road of liberation, self-determination, Justice and reconciliation.

For us, the peace process that we signed in 1993 was a quantum leap in route to peace between Israelis and Palestinians. But, this quantum leap has not resulted in a qualitative leap towards Justice and Peace through reconciliation. Yes, we are hoping that the "dialogue of arms" will be replaced once and for all by "arms of dialogue", putting an end to the suffering of all people.

Unfortunately, wishful thinking is different than reality! Reality is telling us something else... Martin Luther King once asked, "Where are we heading from here, community building or chaos?" It is the most valid and appropriate question for us in our journey of Transformation!

On the Palestinian level, we are working towards community building. Peace is our hope and strategy! Peace with Justice is the only key for settling the Middle East conflict. Pope Paul VI once said, "If you want PEACE work for JUSTICE"!

We are exposed to frequent incursions, to ghettoizations, to targeted killings and other forms of human rights violations. The Apartheid Wall is the epitome of our tragedy.

The economic situation continues to deteriorate as the per capita GNI in Israel is \$16,750 compared with Palestine of \$1,350 (World Bank, 2003) . With the continued confiscation of the land (almost 60% of the West Bank), Israel remains building more settlements and erecting more bypass roads. They have

even appropriated the water rights of the Palestinians, where 84% of the water of the occupied territories is channeled to Israel and to the Israeli settlements.

Up until early eighties, East Jerusalem held a population of mostly Arabs. Since then Israel has carried out unilateral acts annexing a great amount of surrounding land where non-Arabs lived into Jerusalem. A city that should be free to all is being constantly changed to favor one religious and ethnic group.

Amidst this chaotic atmosphere, we try to build our democratic State based on law and Justice. We try to create laws, protecting and reasserting the human rights that have been violated by the Israeli occupation! Such laws, used to dispossess and disenfranchise Palestinians could be summarized in the following four sets.

Ottoman laws of the year 1860.

Emergency British Regulation laws of 1945.

Jordanian and Egyptian laws that were used between (1948-1967).

At least 2,500 military Israel orders and laws that deal with our daily life. For Example, the latest law is the Nationality Law of June 2003 which deprives any fiancée from Israel who is married to a Palestinian from the territories to get the Israeli citizenship.

As a result of the above-mentioned reality, which is only a taste of our real situation, coupled with the demoralization that is happening in our society and the patron-client Relationship as a result of long Israeli Occupation, we have inherited a devastated infrastructure on all levels: education, health, governmental and social services, communication, and transportation. What shall we do, since we are not able to address issues of Justice on the high political level and thus we are not able to influence the course of life as a result of the imbalance of power in the Middle East and on the world level? A group of young people decided to light a humble candle rather than curse the darkness! Yes we have taken a proactive step by creating the Wi'am Center "The Palestinian conflict Resolution Center" as a community place.

We are concerned with meeting the needs of our people. Needless to say, by addressing such needs we are walking in the road of 'Community Justice'. It is also a bitter fact and is worth mentioning that addressing issues of community justice on the grassroots level without addressing issues of justice on the high political level might be considered as a lost labor.

The proactive approach has challenged us to deal with issues of community justice on the grassroots level where we deal with it from a relative point view. That is why we are interested in Conflict Resolution- a vehicle to strengthen the notion of community justice. Our approach has been one that enables us to share ourselves, our minds, our hearts and our resources with the people. " We have become like the sponge to absorb the anger and frustration of the people who come to talk to us, air it out over a cup of coffee"!

In our humble center where we have a staff of 6 and more than a hundred volunteers, we use Sulha, the Arab traditional way of conflict resolution to foster issues of justice in our daily practice. For us, Sulha (Reconciliation) is the presence of justice, not only a form of conflict resolution. When we are adhering to the traditional ways of conflict resolution, we are also open to other experiences in the world to enrich our pursuit of justice.

We believe in synergy through creativity and innovation. It is an affirmation to the rich heritage that we have in our culture, coupled with openness for new ways, new techniques, and approaches from the four corners of the world that help to sustain and preserve the human dignity and the rights of people without infringing on others' rights.

Sulha is an Arab traditional way of solving conflict to reach reconciliation. It could be summarized in the following points:

When we talk about justice we are interested in redressing the injustices and correcting the wrongs rather than avenging them or taking revenge. This notion of relative justice is the approach to help in the social transformation and strengthening the fiber of the Palestinian people through pluralism.

Indeed justice is a 3-fold word:

Justice for all . It is inclusively based on a 'Win-Win' equation and not 'Zero-Sum' equation. This is why we are active in mediation and not in arbitration, where the result might a 'zero-sum' instead of a 'win-win' game . It is worth mentioning that if we could not tackle any problem through mediation we will refer it to Arbitration.

Reparation or compensation is a way to baptize the resolution to be everlasting. This should be accompanied with a change in behavior and stopping the dehumanization process against each other. Quality of relationship is the important investment that we are looking for in settling conflicts. Therefore Sulha is not one event but it is a process that might take days, months, or even years.

In Sulha, we tackle each dispute case by case. Every problem is unique, deserves to be studied, data collected and analyzed. Lawyers- sociologists- psychologists-political leaders- religious leaders- and social workers are consulted.

In the end, the nature of the problem, determines the co-operation and consultation with other people from different fields. That is our holistic approach. Otherwise we are addressing the surface and only dealing with the symptoms and not tackling it fundamentally. Since 1995 we have been able to address thousand of cases with an 83% success rate.

In Sulha, we are always on call; we work according to people's time and schedule. We work for the community, to the people and from the people. We don't only walk with them the extra mile but the tenth extra mile whenever is needed! As you know, we are from a community-based society; the family is a viable socio-economic unit. That means Shame and Guilt play a major rule in relation ship. It is a paradox: it might deter or stifle. Nevertheless, we are a culture of face. Therefore, Sulha is a technique and art that bases its shuttle peace work on saving the face, and collective responsibility.

In Sulha, we warn people from displaced revenge. If we are not able to address the conflict and create a healthy relationship and quality of such relationship, we will be caught in the cycle of violence and always find innocent victims to project our anger and frustration on. Justice and healing are main guarantors of breaking the cycles of violence. As an example, the Palestinians are the displaced revenge of the Jews as a result of the Holocaust and other suffering. I hope we will not project our anger on each other or on other weak nations or groups. That is why we need to break the cycle of violence through justice. Otherwise revenge is the name of the game. The Balkan area is the worst example of not settling historic conflict.

In Sulha we recruit volunteers through solving their conflict. After a successful resolution, people volunteer to be members of the office, and thus through their experiences we enrich our skills and techniques. We have two kinds of training, experimental training and theoretical. One is through workshops inside Palestine and the other is through opportunities inside and outside the homeland.

In Sulha, through collective responsibility, we try to help people to shift from blame, victim-hood, and guilt to a position of responsibility since we are a community-based society. Collective responsibility is a constructive approach to create a healthier atmosphere, where collective guilt is a destructive element. We try and destroy this notion of collective guilt and nourish the notion of collective responsibility in its

place. Yes we are our brothers' and sisters' keepers.

Sulha, as a customary law is binding in the court system. The agreements are considered equal to the court decisions and are also binding and legal. Anyone who violates the obligations of the customary law will be socially boycotted and isolated from the community and will be expected to pay a penalty in regulation with the spirit of the agreement.

In Sulha, shuttle diplomacy is the backbone skill. It is needed until you reach an agreement and settlement. Drinking coffee is the crowning of the ceremony where both parties will drink together, shake hands after bridging the relationship. The bridge is created by human resources that carry material resources as a sign of compensation and reparation for the damage they have done. We indeed measure our time by coffee cups. The more cups we drink the more conflict we solve!
Why not join us for a cup of Arabic coffee?