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THE WIND OF CHANGE

Comparative lessons for restorative justice in South Africa and the United Kingdom

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Book Abstract

The death of Nelson Mandela in December 2013 closed an active year for restorative justice. His life was a symbol of restoration and promise and continues to stir interest and discussion in the search for an alternative to incarceration and towards peaceful conflict resolution.

This boo looks at restorative justice in context of two countries, the United Kingdom and South Africa, as they independently try to navigate between past, present and future justice systems. There is reference to the cultural, political and socio-economic landscapes of each nation. Our understanding of justice is symbolic of these landscapes and a mapping exercise is undertaken, with a discussion of enablers and barriers for the restorative justice movement internationally.

The book also discusses the ownership of restorative justice and the role of non-governmental bodies such as Khulisa. A key to the restorative justice process is a balance of stakeholder involvement between state and community enterprise. It is important to examine and highlight the importance of these bodies in the continuing and increased commentary on the restorative justice process. Subsequently, this book offers a timely and much needed discussion regarding our careful future steps in the shadow of legendary voices.

Acknowledgements

I was fortunate to write this book in the good company of my research assistant Grace Loseby. She is an exceptional and hard working young researcher with amazing potentials to become a leading scholar in the restorative justice and criminal justice field. I thank her for her help. Many thanks also to my good friend and colleague Simon Fulford. His professionalism and diligence inspire me and I feel priviledged to be working with him.

I am also grateful to those who spent their time sharing their views and ideas especially George Lai Thom, LesleyAnn Van Selm, Martin Wright, Lisa Rowles. Special thanks go to Khulisa UK which funded this project as well as the Restorative Justice for All institute which allowed its publication.

I have expressed my concerns and hopes for the restorative justice movement openly and honestly. I hope that this book adds to the debate. It is important that restorativists learn how to reconcile and respect each others' views, Plurality is a strength and a more colourful and diverse dialogue within the restorative justice movement can only enhance it.

Professor Dr. Theo Gavrielides

Author

February 2014.

Foreword: Simon Fulford, Chief Executive of Khulisa UK

Social development has entered a phase where global needs are just as important as local solutions. The phrase, "Think global, act local" is as true now as "Think local, act global." We truly are all connected.

The Emergence of the Asian Tigers and BRIC countries shows that the dominant view of the 'developed north' and 'poor south' fails to acknowledge the constructive potential of a reverse model. We believe that Khulisa brings new dynamism to north-south relations with a unique model of social solutions. Programmes tested in extremely fragile, challenging and under-resourced communities in South Africa have provided innovative and effective solutions to addressing crime and violence here in the UK. Skill and expertise that has been nurtured in Bolton, Newham or Portsmouth has similarly enhanced community programmes in Soweto, Durban and Cape Town.

Having initially focused our UK work on combating violence and offender rehabilitation, we are keen to now draw on the rich heritage of community-led Restorative Justice held by Khulisa in South Africa. restorative justice is already one of the key underlying principles of our behaviour-change programmes and fits closely with our heartfelt belief in social, not just criminal, justice.

As we investigate how best to lend our knowledge and expertise to the development of Restorative Justice in the UK, we commissioned RJ4All to carry out an analysis and assessment of the growth in restorative justice policy and practice in each country. This paper compliments the forums, seminars and knowledge-exchange initiatives we have already carried out between England and South Africa over the last several years.

We are grateful for the depth and breadth of the analysis undertaken by RJ4All and the recommendations they put forward. It is our hope that we can implement much of what they suggest through open and sincere collaborations with a multitude of partners,

funders and commissioners already active in their communities. We would like to come bearing gifts and not with a hand looking to take.

I am taken to reflect on Nelson Mandela's release from prison in 1990. It is seen as the most pivotal moment in the struggle to end Apartheid, and as President de Klerk later reflected, "I realised that after the announcements...South Africa would be changed for ever." An economy on the verge of collapse, a society on the brink of civil war, and with many predicting an even bloodier chapter to follow, its destiny was changed forever.

Is the UK justice system poised on the cusp of such a moment itself? While our prisons are not crumbling, our offenders abused and our management rife with corruption, it is a system under considerable stress where "staying the course" seems less and less realistic. The status quo is not sustainable while many would argue that most of the proposed solutions are unworkable. If nothing changes, will we simply end up with more victims: the offenders themselves whose lives are not rehabilitated and the individuals, communities, families and businesses blighted by their crimes.

We would like to contribute to the conversations where new paradigms for justice in the UK are being explored. We would like to look not at how we can tweak and amend the current structures in place, but a vision of what it really looks like when it's fixed. Together we could map our way to the future we want.

When Mandela walked out of prison in 1990, neither he, the ANC, nor the Apartheid regime itself knew exactly how to get to freedom, but a vision of what this looked like and a commitment to peaceful transition ensured they found a way.

Can we create a "Mandela Moment" for justice in the UK today? Is restorative justice part of the solution?

We answer "YES" to both.

Simon Fulford
Chief Executive, Khulisa UK
January, 2014

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