Reconciling Injustices – A Process for Indonesia
Article for *Millennium*
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Two years of peacebuilding efforts in Indonesia have taught me that the people of Indonesia want peace, the kind of peace known to Indonesian Christians as syaloom and Muslims as salam, but that they don't know how to find it. Dozens of organizations devote themselves to inter-religious or inter-ethnic dialog. Dozens of others, including most of the big international relief and development NGOs, are turning their programs toward specific peacebuilding efforts. As the path toward democracy gets rougher and the likelihood of the unitary state surviving seems less certain, the need for peace is obvious. But where do you find it? How do you create it?

Three decades of rule by Soeharto left a legacy of division among the different ethnic and religious groups in Indonesia. It was state policy to set one group against another so that they could not unite against the central government, one of the world's great kleptocracies (Schwartz, 2000). Coming on the heels of centuries of Dutch rule with similar divide and conquer strategies, this history is the single greatest impediment to peace. There is no real history of inter-group cooperation. On the less developed islands, Papua and Kalimantan to name two, inter-group cooperation did not exist before colonial times either. This means that there is no history of cooperation between ethnic groups to recover in many places. We must start from the beginning.

While there is no history of inter-group cooperation, there is a strong history of inter-group injustice. The recent pogroms aimed at ethnic cleansing in Kalimantan, Sulawesi,

Halmahera, Papua, and many other places show just how much bitterness and desire for revenge has built up through the years of repression. It required the monetary crisis of the end of the last millennium to weaken the military to the point where inter-group rivalries and delayed revenge could burst forth without interference. This state of affairs is made worse by a desire by some of the political elite to use chaos as a tool to avoid democratic reform and the destruction of their carefully built system of corruption. The situation is ripe for violence to emerge, flourish, and become chronic.

What do you do to bring peace to a place like Sampit, Kalimantan, where native tribal people rose up against settlers on the island in an orgy of violence including mutilation of bodies and even cannibalism? The settlers fled from the island and the natives refuse to let them return. What kind of country can survive if such things are allowed to happen without any meaningful response? This question also raises another: If we want peace, how do we respond meaningfully to such events? What does a meaningful response look like?

For those who feel a connection to those chased from Kalimantan or other places, a meaningful response means justice for the victims. Those who have committed crimes must be held accountable. Survivors must receive assistance. To those who feel a connection with those doing the chasing, justice means undoing years of oppression, meaningful opportunities to participate in economic life, and security of land rights to support the traditional lifestyle.

For everyone involved, the only response that can work with all these desires is a restorative one. Restorative justice seeks to reconcile the injustices felt by those affected, and to build a new base for cooperation that rebuilds trust. Let us see what a reconciling injustices process for Indonesia might look like.

Modern criminal justice ideas seem to suggest that only measured doses of pain (usually incarceration or monetary fines) effectively hold an offender accountable. In other words, unless the government captures, convicts and punishes a person guilty of crime, justice has not been done. Europeans and Americans bought into this idea and exported it through their empires and webs of commercial connection until most societies use some form of this retributive justice system. This system offers procedural justice. If you commit a crime and the police follow the rules in catching you, the courts follow the rules in convicting and sentencing you, justice has been done. (Zehr, 1990)

People have been aware for a long time that this sort of justice doesn't do much for the victim, or the offender, but the criminal justice system had grown so large and powerful that such reflection was responded to only by trying to make the system more friendly to victims, and by setting up under-funded compensation programs for them. Offenders have steadily lost all vestiges of attempts to rehabilitate. "Lock them up and throw away the key" was the wisdom of most of the 20th century. It was only toward the end of the 1990s that the crushing financial needs of the ravenous system began to cause a search for alternatives.

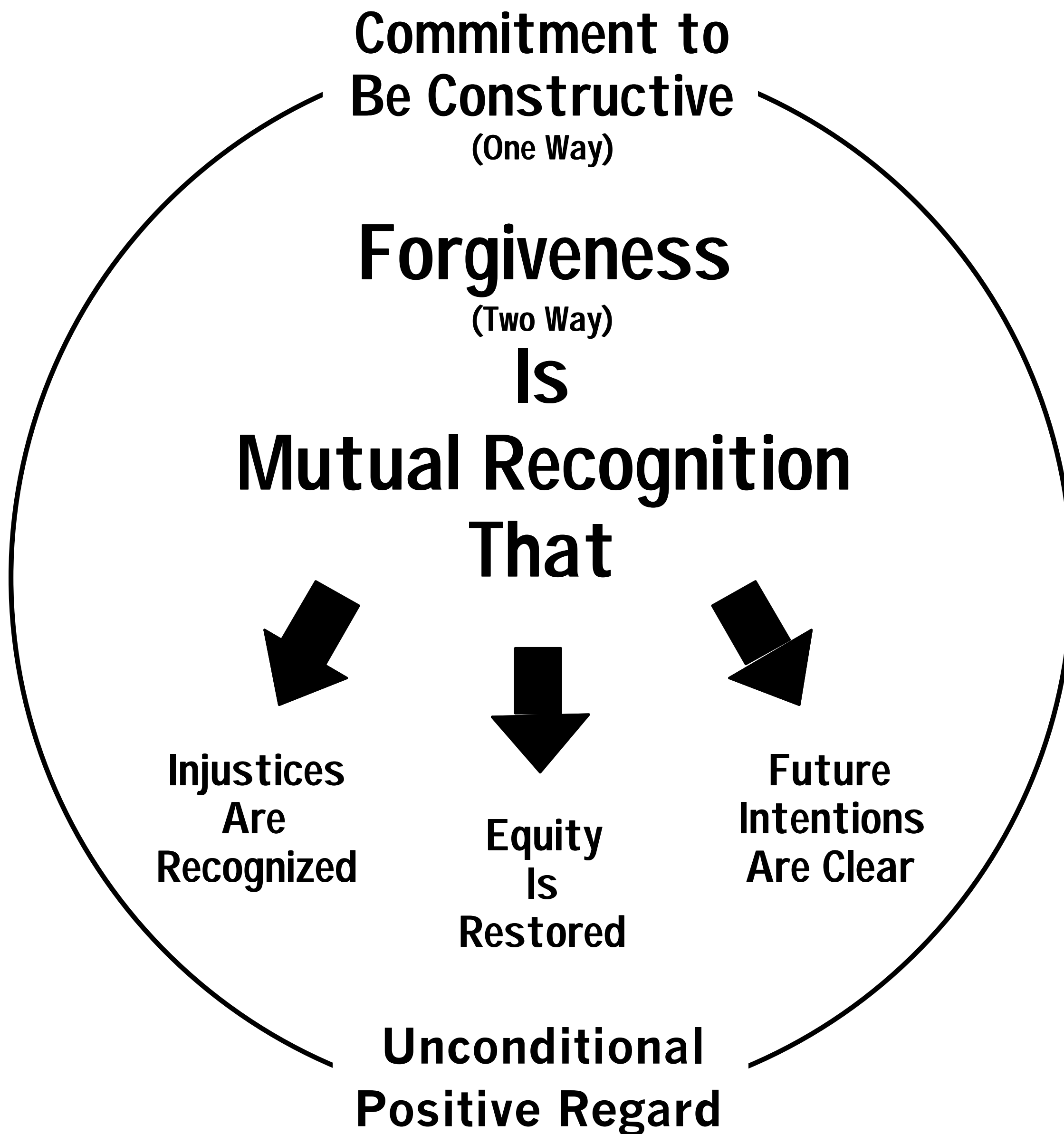
Many alternatives were tried, but the most promising were those that fell under the heading of "restorative justice." The idea emerged among groups of Mennonites in Canada and the United States around the mid 1970s. When a North American parent discovers that their child has stolen something, it is very common for the parent to take the child to the victim to apologize and to decide how to make things right. This is very embarrassing for the child and the parent, but usually has the effect of preserving the relationship and restoring the child's social standing. Would this same process work among strangers? The only way to find out is to try it. After 20 years and thousands of cases we can confidently say: "yes, it does."

From experimental beginnings the idea quickly grew until programs offering to bring victims and offenders together to acknowledge the injustice and decide how to make things right had sprung up all over North America, Europe and beyond. At the same time New Zealand was trying a similar process in child welfare cases. The process is now ubiquitous in New Zealand and Australia as well. For more information on this phenomenon, see the Victim Offender Mediation Association web site http://www.voma.org.

Coming to Indonesia with fifteen years of experience in restorative justice, I was interested in testing how it applied in this new culture. My work with refugees in the U.S. had shown me that the process was adaptable to many cultures, and I had not yet encountered a culture that could not benefit from our experience (Ruth-Heffelbower, 1999). As it turns out, Indonesians are not quick to embrace restorative justice concepts

in individual cases, such as burglary and assault, which are the most common use in other parts of the world. This is partly due to the disarray of the Indonesian criminal justice system. When the desired outcome of a legal case depends primarily on payment to officials, or revenge is quickly exacted by mobs, the idea of being accountable for crime through a process of discussion is strange at best.

As it turns out, the most welcome use of restorative justice concepts in Indonesia is in macro cases of community violence or inter-group disputes. The idea is quite simple, as is shown in the diagram below.



When Agreements Are Made and Kept, Trust Grows

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(Ruth-Heffelbower, 1999).

My colleague Ron Claassen, through his work in the Victim Offender Reconciliation Program in Fresno, California, developed the Peacemaking Model shown here. It describes how reconciliation can happen when relationships are broken by crime or other socially damaging behavior. It works equally well in school discipline settings, and in large group problems such as the aftermath of riots. I use it regularly in divorce mediation and other settings not related to crime.

The circle describes the commitment to be constructive, without which the process does not work. The parties who try to use this process must first commit themselves to being constructive. This means they value their relationship with the other parties, want it to be restored, and will do their part to make the process work (Ruth-Heffelbower, 1999).

In my own experience the hardest part of reconciliation is coming to the agreement to be constructive. Many things can block it. In our Empowering for Reconciliation workshops in Indonesia we stress the importance of people who work to identify and remove these blocks. It is the removal of these blocks that empowers people for reconciliation (Ruth-Heffelbower, 2000b).

Once the parties have a commitment to be constructive the process requires three steps. The first is recognition of injustices. This step usually involves one person telling the other how they experienced the hurtful event, both facts and feelings, with the listener paraphrasing what they hear to demonstrate understanding. This step does not require

agreement, just acknowledgement of the other's experience. After all have shared in this way and everyone feels that his or her experience has been acknowledged, it is time for the second step, restoring the equity.

In my teaching of this second step I usually do a role-play where I borrow something, damage it, then say I am sorry and ask for forgiveness. So far no one has ever thought my apology was sufficient. I have to repair, replace or compensate for the damaged item in order for the equity to be restored. This is even truer in those situations where I am obviously the richer, or more powerful person. It is ridiculous to think that we can harm someone, ask for forgiveness, and have the relationship be restored. We must also do what we can to make things right. This step usually results in one party doing something for the other to restore the balance between them. Where this is done to the parties' mutual satisfaction, we are ready for the third step: clarify future intentions.

My role-play of the damaged item usually has this step take the shape of me promising to be more careful with things I borrow, and the other person saying it might be best if I didn't borrow anything from them for a while, or some variation. As it says on the graphic, when agreements are made and kept, trust grows. The source of trust is the taking of risks with an acceptable outcome. Each time we successfully take a risk with another person, we trust them a bit more. The reconciliation process must give many opportunities for taking small risks to rebuild trust. The process itself allows this by people following their agreements not to interrupt each other and such.

This simple inter-personal process can also be used in large cases involving groups, as I have described in previous papers (Ruth-Heffelbower, 2000a, 2000c). Let me show how it applies to the situation in Kalimantan.

During March 2001 on the Indonesian side of the island of Borneo (Kalimantan), indigenous Dayaks, the name itself a Dutch catchall term for hundreds of tribal groups, began hunting down and killing immigrant Madurese settlers. Heads were chopped from the bodies of their victims and paraded, hearts were cut out and eaten. Enterprising reporters broadcast photos and interviews of the hunters, including photos of piles of heads. Not surprisingly, most Madurese fled to places of theoretical safety. Their empty homes were burned, and horrible stories were told of how those on the run were tricked by various subterfuges into the waiting arms of their hunters. The slaughter was horrible to contemplate. In the end somewhere between 300- 400 people were killed, and the Indonesian navy evacuated the surviving Madurese to the island of Java.

Since that time the Indonesian government has tried to work with the crisis caused by tens of thousands of internally displaced persons. There is no place for these settlers to go on the islands of Madura or Java except to camps dependent on the largesse of the international donor community. How can they return to Kalimantan? Government negotiators have tried to develop a plan for them to return, but the Dayak groups have not agreed. Seeing the settlers as usurpers of their patrimony, the Dayaks are glad to have them gone. The government program of transmigration, which originally took the Madurese to Kalimantan, has folded up in a wave of such violent cleansings. The

methods used to get land for transmigrants have not been forgotten or forgiven. Without reconciliation there can be no return of the transmigrants to Kalimantan with any degree of security. How would the peacemaking model apply to a case such as this?

The first step is the commitment to be constructive. As I said earlier, this is the hard part. The parties have to decide that they want to use a cooperative method of dispute resolution. This requires identifying all the right parties, as well as the right mediator or facilitator, then working with them until they agree to cooperate and are committed to being constructive. For some parties it may be necessary to raise the cost of being uncooperative, or lower the price of being cooperative. This process alone can take a long time. It is different from diplomacy, although the two look somewhat alike. In the case under discussion there might need to be government or NGO incentives and disincentives used to encourage cooperation.

Once the parties, meaning the group representatives, agree that they are committed to being constructive, the process of acknowledging injustices can begin. In a situation involving many parties and numbers of groups, it isn't possible for every individual to meet with every other individual involved. Instead, we use representative groups for inter-group work and homogeneous groups for preparation. Those who were terrorized need to be gathered into groups where they can talk about their experience with those who will represent them in inter-group meetings. These meetings will be long and hard. The people must feel that their representatives have heard and understood both the facts and the feelings coming from the experience. The same must happen on the other side.

Everyone who participated in the events should have an opportunity to say how they were impacted. Everyone who participates needs to share in the commitment to be constructive.

When everyone has been heard, and the representatives are prepared, representatives of the various groups come together in a neutral place with skilled facilitators. The groups could be large, since the listening process described above will need a large number of representatives. In small mixed groups the representatives listen to each other as the experiences of the people they represent are described. Designated listeners from the other groups paraphrase to be sure there is understanding. This process continues through various re-groupings until everyone is satisfied that the injustices their group experienced have been acknowledged.

The representatives then move to the second step, restoring the equity, and through small and larger group work come to a tentative agreement on what it would take to make things right. Everyone then returns home to report on the process and recommend the tentative plan for restoring the equity. The government being one of the parties, this may include various plans for government assistance, which must be processed through government channels. After the representatives are satisfied that their people feel their injustices have been acknowledged and there is general agreement on the process for restoring the equity, the representatives reconvene to make whatever adjustments seem necessary. This back and forth process continues until everyone is satisfied. The

agreements are memorialized and published, being clear about future intentions, and then implemented.

Such a process is arduous, but necessary for reconciliation that is more than a surface show sure to fall apart quickly. The result cannot be predetermined. I have no idea whether such a process would result in the Madurese returning to Kalimantan. A pre-conceived result prevents the process from working. The process would result in all the parties being satisfied, whatever the specifics of the agreed plan. As the agreements are kept, trust grows and real reconciliation can begin to happen.

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