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The Pursuit of Restorative Justice

By Lindsey Ricker

“If you have come to help me, you are wasting your time. But if you have come because your liberation is tied up with mine, then let us work together.” –Lila Watson

¹ Figure **Error! Main Document Only..** Rachel Cohen, Cape Town, 2012.

Lumos Award: Cape Town, South Africa



I was first exposed to the philosophy of restorative justice in my third year of undergraduate studies at Belmont University. I took a sociology class in Charles Bass Correctional Complex—Annex with other Belmont students, community members, and inmates incarcerated in the prison. In the course I learned about a progressive, effective and transformative method to address crime—restorative justice. While the concept is not prevalent in the U.S. correctional system, I discovered that restorative justice and other forms of alternative dispute resolution are popular in several international communities. Specifically, I learned about South Africa’s Truth and Reconciliation Commission (TRC).

For decades, a racist White government ruled South Africa, but by 1994, South Africa transformed into a democratic society with one of the most inclusive bill of rights in the world. However, to make the transition successful, South Africa had to develop a method to address past human rights violations. The TRC allowed former offenders from all political parties to come forward and speak candidly about their crimes to qualify for amnesty. The TRC is quite a radical concept in comparison to the punitive U.S. criminal justice system, therefore, the TRC intrigued me (“Truth and Reconciliation Commission”).

My curiosity about the TRC encouraged me to learn more about the social context that it was founded within. After receiving a Lumos Foundation Travel Award, I moved to Cape Town, South Africa in October 2013, to work for a year at the Tertiary School in Business Administration (TSiBA) and the South African Human Rights Commission (SAHRC or Commission). My work placements in entrepreneurship and human rights were particularly appealing due to the preparation of my degree background, a Bachelor’s in Business Administration with a minor in Interdisciplinary Ethics concentrated in Philosophy.

² Figure **Error! Main Document Only..** Alison Blom, Cape Town, 2013.

Along with my professional development, I experienced significant personal growth while abroad. The aim of this report is explore my professional and personal findings through qualitative observances and my personal experiences.³ To do this, I will discuss the Lumos Foundation and Connect-123, South Africa's historical context, TSiBA, the SAHRC, and my reflections on the entire experience.

The Lumos Foundation and Connect-123



My time in Cape Town would have never been possible without the support of the Lumos Foundation and the assistance of Connect-123.

The Lumos Foundation is a U.S. nonprofit that awards grants for extensive international volunteer work. Applicants can customize their own project to work in almost any region and industry of their choosing. However, the prospective Lumos Travelers must make sure their proposal is compatible with the Lumos Foundation's mission and eligibility requirements (Lumos Foundation).

My original project proposal to the Lumos Foundation consisted of a year long stint in Cape Town, working at three organizations for four months each within three different industries—business consulting, human rights, and sustainable development. I worked at TSiBA for four months, as planned, by when I arrived at the SAHRC, I decided that I did not want to move on to a third placement. The third placement was not formally arranged yet, and I realized that a long-term placement at the SAHRC would be an excellent investment of my time both personally and professionally. I even decided to extend my stay to work for the Commission for an entire year, maximizing the depth and complexity of work I could take on as a legal intern.

³ However, it is important to note that I did not conduct formal research during my time in South Africa. My reflections should be perceived as my individual experience and not categorical facts. In particular, my findings are limited by my length of time in the Republic, my lack of African language proficiency, and my isolated residency in Cape Town alone (rather than other locations in South Africa). Finally, many of my observations are not exclusive to South Africa, and can be similarly experienced in other countries, including the United States.

⁴ Figure **Error! Main Document Only..** Lumos Foundation, belmont.edu/lumos, 2013.



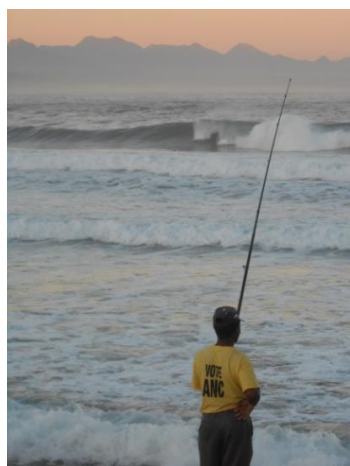
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I learned about TSIBA and the SAHRC through my placement organization, Connect-123. As my community liaison, Connect-123 was able to compare my background and skills with their partnering community organizations. Then, I was able to identify which organizations would be most compatible with my current interests. Connect-123 spoke on my behalf to the organizations to help me obtain an internship at each placement. However, Connect-123 not only acts as a professional liaison, but it also offers support in relation to housing, transport, and health and safety. Furthermore, it provides a community for international interns to experience South Africa together (Connect-123).

South Africa's Historical Context



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In wake of Nelson Mandela's recent passing, South Africa's history is much more publicized and hopefully better understood. Democracy for South Africa finally came to fruition after decades of racial oppression and violence called Apartheid. Through European colonization in South Africa, foreign settlers created generations of separation and domination of races. Even decades after slavery, the tyrannical National Party governed South Africa in the interested of White South Africans alone (who made up less than 10% of the country's population). The interests and rights of Black, Colored, Indian, and other racial groups were not only neglected, but intentionally violated. Non-White races were forcibly removed from their homes so White citizens could

⁵ Figure **Error! Main Document Only..** Connect-123, Connect-123.com, 2014.

⁶ Figure **Error! Main Document Only..** Lindsey Ricker, Cape Town, 2013

⁷ Figure **Error! Main Document Only..** Lindsey Ricker, Plettenberg Bay, 2013.

⁸ Figure **Error! Main Document Only..** Lindsey Ricker, Paarl, 2013.

have the best land in the country. The National Party actively sought to dehumanize the majority of the Nation's peoples through violence, propaganda, humiliation, and apathy (Biko 2-4).

In many ways, Apartheid was similar to the United States' history of slavery and racial discrimination, however. Both countries still struggle to provide quality service delivery, accessibility, and equality within education, housing, land, environment, health, water, sanitation and social security. However, due to the inverse ratio of races (in South Africa the White minority oppressing the Black majority) and the shorter amount of time that has passed since apartheid, South Africa remains as one of the top countries in the world with the highest disparities between the wealthy and the poor (Biko 2-4). South Africa is a wealthy nation, full of resources and a fusion of international cultures; yet informal settlements house thousands of South African citizens.

TSiBA



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As an institution of higher learning, TSiBA attempts to address South Africa's social and economic disparities through providing a Bachelor of Business Administration degree in Entrepreneurship and Leadership. The school offers the degree at a need based rate, allowing most of the students to come on a full scholarship. This also allows for a greater diversity of students within the school's population (TSiBA).

TSiBA focuses on an experiential learning curriculum with an emphasis on mentorship. Theories of business modeling are explored through the book *Business Model Generation* by Alex Osterwalder and Yves Pigneur (also utilized in the entrepreneurship program at Belmont). Theories are then applied through the TSiBA Ignition Centre, which is the epicenter of entrepreneurial activity at the school. The school supports the education of student run businesses, community entrepreneurs, and the social entrepreneurial group Students In Free Enterprise (SIFE) (TSiBA).

⁹ Figure 8. Lindsey Ricker, Cape Town, 2012.

¹⁰ Figure 9. Lindsey Ricker, Cape Town, 2012.

My entrepreneurial consulting placement at TSiBA was one of the best places to start my work in Cape Town. Now I can see how important it was for me to work in different fields and organizations. The placement was highly compatible with my degree in entrepreneurship, but my interests are diverse and I knew I would also want exposure in human rights.

SAHRC

Even though the South Africa's Constitution was established in 1996, many South African residents are still struggling to have their rights actualized. In response, several South African institutions adopt the idea of progressive realization of socioeconomic rights. This concept recognizes that the majority of South Africans citizens were oppressed for decades; therefore socioeconomic reconciliation will take quite some time. The SAHRC aims to help each South African resident experience a full realization of rights.

The SAHRC, a Chapter 9 Institution, is a nongovernment entity that receives its powers directly from the South African Constitution. The Constitution and Human Rights Commission Act No. 54 of 1994 mandate that the Commission promote, protect, and monitor human rights within the Republic of South Africa. Therefore, the mandate defines and limits which matters the SAHRC can address. Human right issues are not exclusively addressed by the SAHRC. For instance, labor matters are often within the mandate of the Commission for Conciliation, Mediation, and Arbitration or the Department of Labor. Additionally, the Office of the Public Protector is a regulatory body for government, mandated to address corruption, maladministration, and poor service delivery among other matters (SAHRC).



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The Constitution is the supreme law in the Republic of South Africa, and the Bill of Rights, found in Chapter Two, defines what rights are guaranteed in South Africa. The Bill of Rights seeks to protect the socioeconomic rights of all persons within the Republic of South Africa. Therefore, the types of complaints the SAHRC can assist with include, but are not limited to, water and sanitation, disability, children, and equality violations of the South African Bill of Rights (SAHRC).

¹¹ Figure 10. Lindsey Ricker, Cape Town, 2013.

¹² Figure 11. Lindsey Ricker, Cape Town, 2013.

The SAHRC has many program activities, but my work is primarily with in the Legal Services division. My work mainly consists of consulting human rights enquirers and assisting Legal Officers with case management. I have participated with legal interventions, stakeholder meetings, site inspections, and case investigations. However, I spend much of my time working with files by writing letters to Complainants, Respondents, and government departments, and documenting my work on the file.



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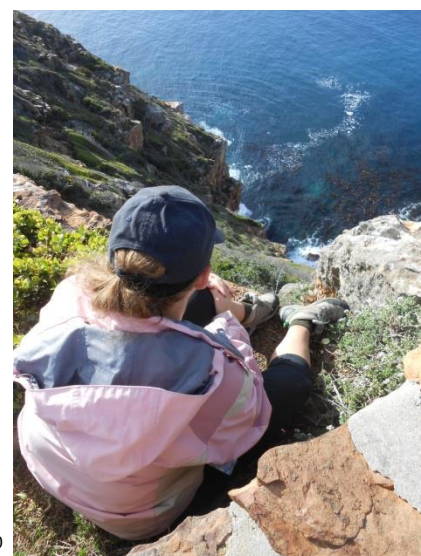
Reflections

After living in South Africa for over 16 months, I have realized that to understand a community, one must stay for a significant amount of time and intentionally engage with community members. Through this process, I have noted a few observations about South Africa and myself:

- Supplementary reading greatly enhances a trip through increased knowledge of the society.
- Languages have the capacity to unify community members and estrange communities from one another.
- For many benefits and positive experiences, there are often costs or sacrifices.
- I have a greater understanding of my identity, and interests in international human rights issues.
- Exposure to the beauty in South Africa has deepened my appreciation for nature.
- I have developed great admiration for the South African Constitution.
- While controversial and with its flaws, I am still a strong proponent for the TRC.

Finally, anything that I have accomplished of any worth can be contributed to those who have helped me. Thank you Lumos Foundation, Connect-123, TSiBA, SAHRC, Belmont faculty, my family, my Cape Town community, and dear friends from home. The support, friendship, kindness, forgiveness, and generosity show to me will never be forgotten.

¹³ Figure 12. Rachel Cohen, Cape Town, 2012.



¹⁴ Figure 13. Lindsey Ricker, Bulungula, 2013.

¹⁵ Figure 14. Teresa Kendel, Cape Town, 2013.

¹⁶ Figure 15. Face Adrenaline, Natures Valley, 2013.

¹⁷ Figure 16. Lindsey Ricker, Tsitsikamma National Park, 2013.

¹⁸ Figure 17. Patricia Ricker, Hoedspruit, 2013.

¹⁹ Figure 18. Royal Livingstone Hotel, Livingstone, 2013.

²⁰ Figure 19. Lindsey Ricker, Cape Town, 2012.

²¹ Figure 20. Cathy Arendse, Cape Town, 2013.



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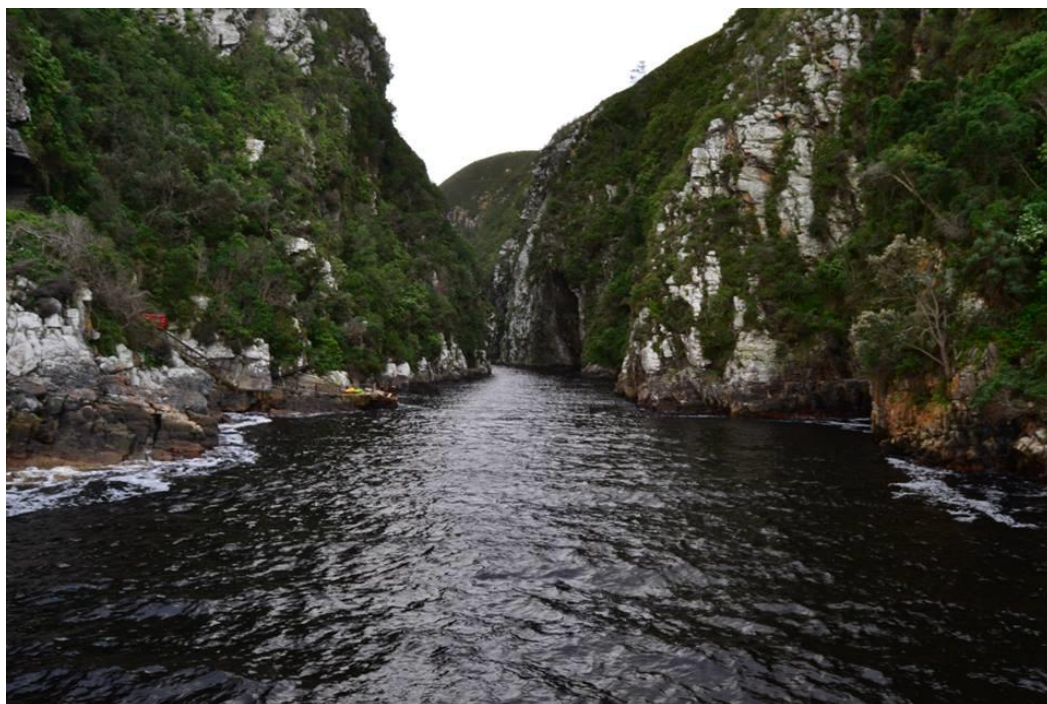
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²² Figure 21. Lindsey Ricker, Zanzibar, 2014.

²³ Figure 22. Rachel Cohen, Cape Town, 2012.

²⁴ Figure 23. Lindsey Ricker, Cape Town, 2013.

²⁵ Figure 24. David Jeffery, Cape Town, 2013.

²⁶ Figure 25. Mmamohau Tswaedi, Bulungula, 2013.

²⁷ Figure 26. Mmamohau Tswaedi, Tsitsikamma National Park, 2013.

Works Cited

- Biko, Hlumelo. *The Great African Society*. Cape Town: Jonathan Ball Publishers, 2013. Print.
- Connect-123. *Internship, Volunteer, and Study Abroad in Cape Town, South Africa*. Connect-123, 2014. Web. 9 February 2014. <<http://www.connect-123.com/destinations/cape-town-south-africa/>>.
- Lumos Foundation. *Lumos Award*. Belmont University, 2014. Web. 3 February 2014. <<http://www.belmont.edu/lumos/>>.
- South African Human Rights Commission (SAHRC). *About the SAHRC*. SAHRC. Web. 3 February 2014. <<http://www.sahrc.org.za/home/index.php?ipkContentID=1>>.
- Tertiary School in Business Administration (TSiBA). *About TSiBA*. TSiBA. Web. 3 February 2014. <<http://www.tsiba.org.za/index.php/new-template/who-we-are/about-tsiba>>.
- "Truth and Reconciliation Commission." World Book Advanced. World Book, 2014. Web. 9 Feb. 2014.