

**Making Peace and
Decisions in the
Salmon Fishery**

Module 4:

**Applying Participant Driven
Collaboration to Fisheries Issues in
Community Peacemaking Circles**

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OVERVIEW

WHAT IS A PEACEMAKING CIRCLE?

Peacemaking circles reflect and apply in a different context principles and practices of collaborative approaches. Some features of these circles date back to a time in all cultures when everyone in the community was important, when survival depended upon resolving differences in ways that reinforced relationships and strengthened connections to the larger community. Indigenous approaches to conflict in many jurisdictions contributed to the early development of peacemaking circles. Peacemaking circles like all PDC processes draw heavily on contemporary concepts of dialogue and consensus building. Peace making circles by melding the best of ancient and contemporary concepts aspire to approach conflict in ways that achieve the same outcomes as the ancient sacred space of circles; respect for every voice, improved relationships and stronger connections to the larger community.

PEACE MAKING CIRCLES AND FISHERY CONFLICTS\ CRIMES

Community Justice Processes like peacemaking circles based on PDC principles and practices have evolved in many jurisdictions to successfully handle a wide range of issues. Through the work of enforcement officials like Jim Michie, British Columbia has been a pioneering leader for many years in using these processes successfully in fisheries offences. Thanks to this pioneering work we have much to learn from and the capacity to build on many successes in several BC communities.

Peacemaking circles, unlike courts, focus on much more than the violation or the immediate conflict. They engage all affected interests in seeking consensus-based solutions to redress the immediate issue and the underlying causes of conflict or crime. These processes can turn a crime or conflict into an opportunity to generate the trust, understanding, respect and recognition of shared interests needed to build and maintain collaborative approaches to the complex challenges in achieving a sustainable fishery.

Let's explore this claim by looking at how a community justice process such as a peacemaking circles apply to conflicts and crimes in fishery matters

First Nation/Angler dispute leads to charges

Elmer and John, two local anglers sitting in a restaurant after a day of salmon fishing overheard at the next table a conversation between two young First Nation men, Peter and Gary, from the local First Nation community.

Peter say angrily ... those sporties are like dogs with a bone after early timed Chinook, when that is the backbone of the food fishery for a lot of our communities. DFO keeps shutting us down for any openings, or when they allow them, it is only for a few hours. Enough is enough; we need to stand up for our rights...its all crazy.

Gary agrees ... you're right its crazy. DFO says it is working to a 50% reduction, but last year it was only 39%. So why aren't they playing catch up ball this year and managing for a 61% reduction? That never happens. And why are we the ones left carrying the bag and all the burden of making sure the stocks don't all die off? Just last week your grandmother Molly came into the band office. She wanted a Chinook and I had to tell her that because of the low status of the stocks, the tribal authority had decided to stop fishing. I felt like a bloody hypocrite in talking to Molly, as I knew that there were sporties fishing as I was saying she couldn't have any fish for her freezer.

Peter says ...yeah and just this morning I saw a guy fishing ...and it seemed to me he was taking more than one.

When Peter and Gary get up to leave, Peter sees Elmer and John and recognizes Elmer as the guy he had seen on the river that day with his wife packing off more than one salmon. He turns to Elmer, and says:

Hey you're that guy I saw out on the river with a rod. You better get your ass out of here or there could be trouble, big time.

Elmer is ready to fight, but John pulls him back into the chair and tries to cool him down.

John says....Something's got to change. We can blow up at each other but it won't solve anything. What it is going to take to live together on this river? ...That's my question, and how do we get started in better way. What can we get DFO to do?

Elmer responds still mad ... 'you know damn well no one cares what DFO says ...do you think those commercial guys honestly count their fish, or that the First Nations really stop their own people from fishing? Its all a crock and no one, even DFO, do what they say ...it's a farce everyone just takes what they can get away with...

The next week two charges are laid.

1. Peter, the grandson of Molly, is charged with illegal fishing when he was found in his boat with 2 chinook and without First Nation authorization.
2. Elmer is charged with assaulting Dick, a Fisheries Officer, and another angler named Marvin. Marvin is a volunteer helping ensure the recreational fishery is carried out in accord with the principles established by the local Sport Fishing Advisory Committee. The FO was investigating information that Elmer would not stop fishing when asked to do so by Marvin who knew Elmer had already taken one more than the limit. Elmer had harvested a chinook that morning and was out fishing again in the afternoon when approached by Dick and Marvin.

Marvin is frustrated about the impact the incident is going to have on the reputation of the recreational angling community and local businesses, and knows that charges like this in the past have never gone anywhere. He feels there has to be another way and that unless we solve the problem directly with First

Nations communities, fights are going to continue. He'd heard about a different way, and he calls the lawyer and the local C&P Office to see if they could try something different.

What Marvin hears back is: *It's in the hands of the court now, there's nothing we can do about it.*

Marvin isn't satisfied with this response so he takes it up even higher. What follows is the meeting you are writing the briefing for.

What recommendations do you make and why?

What outcomes can we predict from the Court? Will any of the court outcomes redress the underlying problems?

CHANGES – From Courts to Community

	COURT	COMMUNITY
PEOPLE	Experts Non-residents	People involved Local residents
PROCESS	Adversarial State vs. Officer	Consensus Community vs. Problem
ISSUES	Laws broken	Relationship broken
FOCUS	Guilt	Identify victim/offender/community needs
TOOLS	Punishment	Healing/support
PROCEDURE	Fixed rules	Flexible
RESULTS	Winners / losers	Maximizes interest

THE INHERENT FLEXIBILITY OF PDC

Each building in your community looks different, operates differently and is built for a different specific purpose. All buildings if built respecting the same fundamental building principles will be strong, durable and safe.

Each Participant Driven Collaborative Process looks different, operates differently and is designed for a different specific purpose. Every one of the PDC processes will be effective, durable and create a safe place for very difficult exchanges if designed and operated on the fundamental principles of PDC.

In designing a peacemaking circle for these two cases bear in mind that peacemaking circles are principally a specific adaptation of Participant Driven Collaboration.

What is the same in PDC used for managing complex decisions and PDC used for handling complex offences? Both share the following;

1. Based on the Fundamental Guiding Principles of PDC
2. Involve the same Four stages [both are not single events but a process]
3. Both processes encourage value based interaction among participants
4. Direct participation by all affected parties
5. Create safe place for difficult exchanges
6. Focus on underlying causes of problems
7. Search for innovative consensus based outcomes
8. Target the creation of sustainable outcomes and relationships
9. Focus on practical solutions dependent upon participant resources and commitments

WHAT IS DIFFERENT? Not much. Flexibility and self design, two fundamental guiding principles of PDC, are particularly important in adapting PDC to create peacemaking circles for handling offences. Walking through the stages of a Peacemaking Circle for the charges against Elmer and Peter will illustrate the differences.

For the purposes of these cases assume there is a community restorative justice group. This group could be

1. A local community justice committee based in either a First Nation or local town that deals with a wide variety of justice cases,
2. Special fisheries justice committee composed of peacemakers and other local people interested in enhancing local relationships and decision making related to the fishery, or
3. The initiative of a peacemaker to bring together only for this case all people affected by the offence to conduct a peacemaking circle

THE WORKING PARTS OF A PEACEMAKING CIRCLE

Many of these working parts are the same or very similar to PDC. The use of a talking piece, the circle guidelines, the role of keepers and the use of ceremonies have been used in collaboration processes but are fundamental to peacemaking circles.

Working Parts of Circle Processes

INNER FRAME	<ul style="list-style-type: none"> • Personal Values • Guiding Principles • Balance • Conflict as Opportunity
OUTER FRAME	<ul style="list-style-type: none"> • Talking piece • Circle Guidelines • Keepers • Ceremonies • Consensus
PROCESS	<p>Four stages:</p> <ul style="list-style-type: none"> • Suitability • Preparation • Circle Gathering • Follow-up

WHO ARE KEEPERS?

In peacemaking circles a facilitator is called a keeper who should be trained as a peacemaker. Keepers are involved as both a participant and facilitator. The community based nature of these processes looks to keepers whose knowledge about the issues, people involved and the community is regarded as an important asset. Circles deal with the challenge of bias and neutrality in a different way. Peacemaking circles accept no one in a community can be neutral and that every one has a bias. The most destructive aspect of bias arises from believing anyone is bias free. Circles do not ask keepers to be keep a clinical distance or separation from issues or people but rather to help create and maintain a safe place for equal participation by all and for each to be treated fairly and with respect. A Keeper’s knowledge of the issues and parties provide the information needed to handle the difficult exchanges they know will happen and to move the parties and community to a better place. A keeper’s knowledge about the

individuals and issues helps keepers know who should attend and how to promote a genuine experience for everyone of fairness, safety and equal participation. Many features of the PDC circle process meet the challenges facing a keeper in addressing any potential to be perceived as biased or lack neutrality.

These features include:

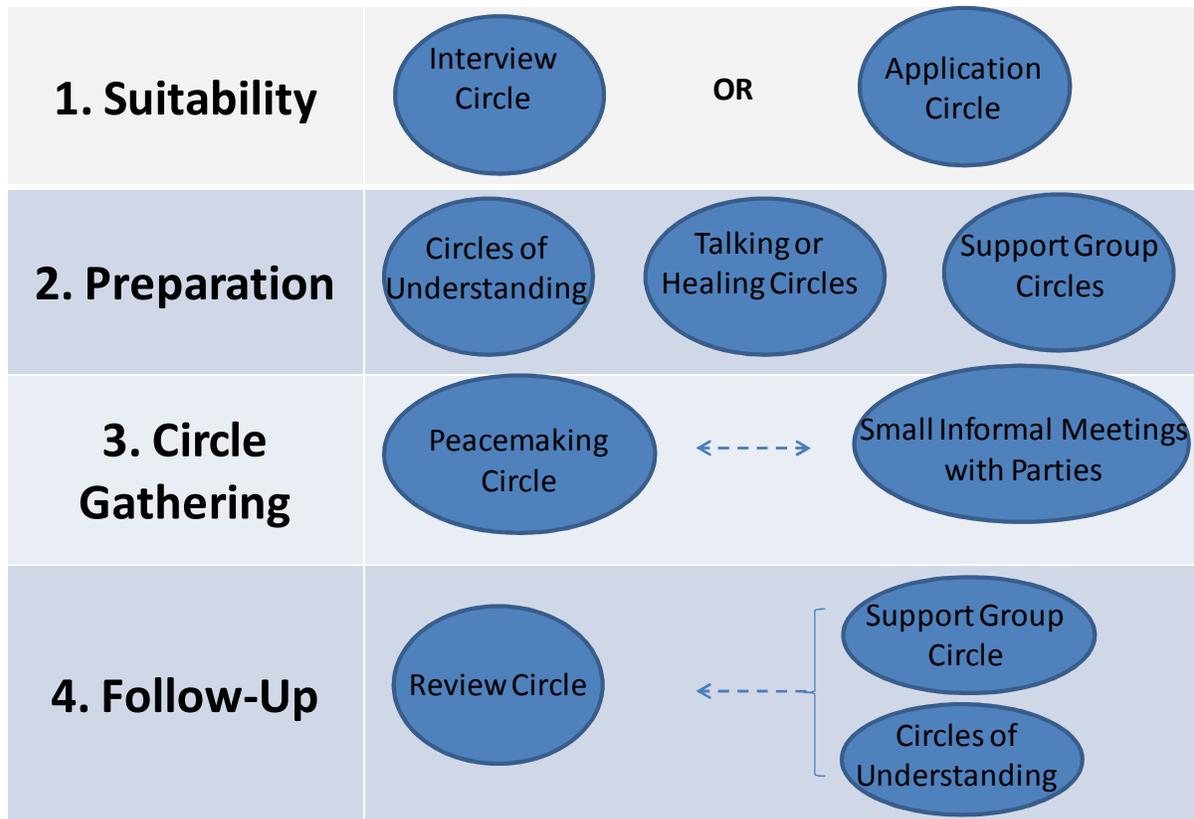
1. Reliance on 2 trained keepers
2. Use of talking piece to generate equal opportunities to participate
3. Participant shared responsibility for the process
4. Participant created guidelines
5. Voluntary nature of process
6. Outcomes based on consensus

QUESTIONS

1. **What are the advantages and disadvantages of relying on a keeper \ facilitator who knows the issues and people involved and who has a connection to one of the affected groups involved? Think about issues in your home, work place or community?**

Circle Process – Built on Dialogue in Circles

The use of circles is important in all phases of Circle processes



STAGE ONE: SUITABILITY

Is either of these offences suitable for a peacemaking circle? Key matters to consider:

1. Is the accused willing to participate? A peacemaker meets with the accused to
 - a. Ensure the accused makes an informed choice about whether to proceed to court or turn to a peacemaking circle process. Most accused have no information or significant misinformation about what is entailed in a circle process. Once fully aware the common outcome is to ask for a circle and plea guilty to the offence. A guilty plea often occurs only after the accused fully appreciates how a circle functions and what the possible outcomes can be.

Do you think a guilty plea is a necessary step in a circle process for offences?

- b. Develop a support group to assist and support his involvement in the circle and especially to help the accused prepare for the circle.

Who are likely members of each offender’s support group in these cases?

2. Is the victim willing to participate? A peacemaker meets with the victim to
 - a. As with the offender to ensure the victim understands how the circle process works. It is not necessary but preferred to have the victim participate. It is always important regardless of whether the victim participates that the victim is supported and his needs addressed
 - b. Develop means to keep victim informed of the progress in the circle process [often once a victim recognizes the accused has accepted full responsibility and is seeking an effective means of being accountable, a victim is often more inclined to participate directly or through others.] *a difference ...one key party [the victim] need not directly participate.*

Who are the victims in these cases?

3. Are the police willing to participate? A peacemaker meets with the police\prosecutor to
 - a. Ensure they are informed of the circle process. In most places by now the police and prosecutors as well as Judges are very supportive of Community Justice responses. Yet despite the overwhelming successes of community justice processes compared with the persistence failure of formal justice responses some justice officials because they are either unaware of, or have heard bad stories about community justice are skeptical of diverting any cases or at least serious cases out of the formal system.

In some cases the peacemaking circles is inappropriate, thus why the first stage addresses suitability.
 - b. Develop a means for keeping them informed or to support their participation. As in all PDC processes participation can take many forms, and does not require any participant to give up their power, only park it to explore an alternative approach. Since the circle is based on voluntary participation and outcomes founded on consensus, involvement is not about giving up control, but about acquiring better information to make informed choices and about building better relationships to explore new ways to serve collective and individual best interests.

Can and should a circle deal with either of these even if the justice system refuses to divert responsibility to a local circle process?

Is a Peacemaking Circle Suitable for either of these Cases?

A peacemaker or the local community Justice Committee must decide after speaking with the parties. Note as in the first stages of constructing a PDC process for complex management decisions, a peace making circle may require more than one exchange with key parties. In places where PDC has no history, the start-ups take more work. Experience with flawed processes seems to hold participants in place

despite their knowledge of its failings. Change always takes more energy especially when imagining anything different is difficult and seems impossible to achieve.

As with most PDC processes when the parties tackle the initial challenge of talking about how they will talk together, the answer about suitability moves from maybe towards yes in the minds of most participants. Thus in the suitability phase the peacemakers begin to work with the parties individually to identify what each participant believes will make the process safe and effective. Gradually this work with each participant produces shared participant guidelines. In using any PDC process the process of creating these guidelines and the guidelines as agreed are instrumental in generating a shared desire to engage in a PDC process.

PARTICIPANT GUIDELINES

Placing responsibilities upon participants to build guidelines to follow in creating a safe place for a difficult conversation begins exchanges among the parties on something more likely to produce agreement and creates a better foundation to initiate building relationships than immediately dealing with the primary issues. Most primary issues have a proven track record of triggering intense emotions and rendering relationships worse.

A difference. ...Unlike other PDC processes, a circle comes with five fundamental guidelines. These guidelines incorporate several of the fundamental PDC guiding principles but are framed in ways that especially serve the peacemaking circle process. Other guidelines are necessary from participants. The 5 essential circle guidelines are best introduced and used in private exchanges with each participant during the suitability process.

CIRCLE GUIDELINES

1. **LISTEN WITH RESPECT** The preparation circles are especially important in building capacity to listen without judgment
2. **TALK WITH RESPECT.** Difficult things and hard emotions permeate fisheries conflicts. All of these conflicts have a larger history that can easily compound any conflict. They need to come out. To remove underlying causes of conflict, digging deeper into causes will result in things getting worse before they can get better. This circle guideline asks participants to share difficult emotions in the most respectful manner they can. Talking with respect calls upon each speaker to speak without dominating the space by appreciating the ability of others to hear and remember, and by leaving time for others to speak. The talking piece comes round again creating an opportunity to respond.
3. **RESPECT TALKING PIECE** A talking piece creates space for every voice to be heard fully and with respect. Further it enables all to take equal responsibility for the circle. There are many different talking pieces and many different ways to use it. Keeping the talking piece travelling around in the same direction with each person able to pass or speak is the most important way to use a talking piece. .
4. **STAY IN CIRCLE** the Circle invites difficult emotions to be shared. Difficult emotions can generate a desire to leave. One must commit to stay until the agreed time to finish.' Unloading bombs and

leaving can be very destructive. Participants are asked to stay in circle to allow the circle to work through the emotional bombs that explode. Breaks are better responses than leaving before the circle is finished

5. **WHAT COMES OUT IN CIRCLE STAYS IN CIRCLE ...** The circle is a place of personal story telling. Personal stories fill the circle. Sharing stories is not only an important building material for better relationships but equally crucial for finding innovative solutions to difficult conflicts. Personal stories are confidential not outcomes. Further the stories can be shared if the teller agrees. The practice of circles demonstrates a high level of respect given by participants to confidentiality when requested to do so.

QUESTIONS

1. **What would make one of these offences unsuitable for a circle and why? Identify 3 factors that might render one of these cases unsuitable for a circle.**
2. **What could be done to change any factor you identify that renders a circle unsuitable for one of these cases?**
3. **What other guidelines do you think are necessary for these cases?**
4. **Do you think there are sufficient common personal values about how to personally act in conflict situations to evolve an agreed set of guiding principles for participants?**

STAGE 2: PREPARATION

Nothing is more important to outcomes than preparation. Most conflicts have a long history and connect to matters that appear unrelated to the immediate issues. Creating the capacity to engage the full potential of any PDC process and particularly for circles that involve very personal matters calls for taking time to

1. Ensure all parties are prepared to participate.
2. Engage PDC principles to design a process they own and that maximizes the potential for them to work together to find a mutually acceptable outcome.
3. Create a safe place to move from the readiness to argue to a willingness and capacity to engage in dialogue.
4. Build in from the outset, accountability to the process, to others in the process and to outcomes
5. Begin to build a set of participant guidelines for the process
6. Identify all issues affecting the conflict
7. Identify key people directly affected and those needed to develop sustainable outcomes

8. Other events or processes that might happen and undermine or conflict with the work of the peacemaking circle.

How to prepare ...the peacemakers serving, as circle keepers are essential to effective preparation. The best keepers do most of their work outside the circle to create conditions for the parties to do most of the work inside the circle. Two keepers sharing responsibility are much better than one for many reasons not the least being the ability to provide appropriate attention to prepare each party to be fully aware of their best interests and show up ready to start in a good way.

During the preparation the keepers

1. May hold separate preparation support circles for each party
2. Keep each party informed of developments
3. Identify and seek out participation by key people
4. Identify and make available relevant information and resources
5. Address the inevitable rumors, misinformation and challenges confronting the process
6. Seek out and develop awareness of pending challenges and prospects for building better relationships and agreements
7. Assist parties in clarifying what outcomes will serve their best interests
8. Begin to evolve any shared objectives among the parties
9. Improving each party's ability to communicating interests in a good way to others.

In many cases the exchanges between keepers who have participated in preparation circles with different parties will identify the tough questions that need to be addressed in the full circle.

QUESTIONS

1. **What are 4 important matters that must be addressed in preparing each of these cases for a circle?**
2. **Who are key people to participate in each case?**
3. **What shared objectives other than a consensus over the sentence could be achieved in each of these cases?**

STAGE 3: GATHERING FULL CIRCLES

The keepers will know from their preparation work with the parties when a full circle is needed .As in all PDC processes the more participants share the work in running the process the greater the sense of shared ownership in the success of the process, and the deeper the commitment to finding consensus

agreements. In peacemaking circles there are many ways for participants to share responsibility for the process and for running circle gatherings. Before a circle gathering keepers seek out participants to

1. Help select and prepare the space for the circle [refreshments, ensure space is private, quiet and neutral]
2. Show up as a support person for a key participant offender or victim
3. Welcome participants when they arrive
4. Participate in any one of the 5 parts of a circle opening
5. Collect relevant information for the circle

STEPS IN A CIRCLE

These steps while taken differently [use of talking piece], follow the same path as steps in many PDC process in travelling towards an agreement. The following steps are common to most circles;

Step One Warm Up

No less than warming up for any sport or major event, warming up for a circle can make a huge difference in how participation takes place. Warm ups can include

- a. Centering oneself to act in accord with personal values
- b. Clarifying best interests
- c. Reviewing and gathering information to be fully informed
- d. Sharing a meal or refreshments with other participants before the circle

For any event or meeting calling upon you to actively participate, how do you warm up or prepare?

Step Two Opening of Circle

The opening sets the tone and purpose of a circle. This step is as important as any other. How you start instrumentally influences how you will travel and finish. The opening usually includes the following

- Welcome participants to circle
- Opening ceremony
- Introduction round and check in
- Confirmation of participant guidelines
- Update and community news
- Summary of primary matters to address in this circle

Why are the ways any process but especially A PDC process like a circle begins very important? What would be important to do in the opening stage of either of these cases?

Step Three Identifying interests

an take several rounds to allow participants to express their concerns, feelings, interests, and thoughts about outcomes, and shared objectives. The more time invested in preparation, the faster and clearer underlying interests emerge in the circle.

What are the best interests of the parties individually and collectively in these cases?

Step Four Exploring options

Participants explore options that meet shared objectives. Preparation goes a long way to introducing options in circle that pursue shared objectives and to providing information that addresses the practical challenges in realizing proposed options.

What are possible shared objectives in these cases and what possible options might be considered to realize these objectives?

Step Five Building consensus keepers keep rolling draft of points of agreement as participants clarify what is and is not agreed.

Step Six Closing ceremony

- Summary of progress and of any agreements reached
- Identify and clarify next steps
- Check out round
- Closing ceremony...*[Opening and Closing Ceremonies are more than just ice breakers. Ceremonies are an important part of Circles These ceremonies can be very simply and spiritual rather than religious. A ceremony marks the opening and closing of the special space of circle. Ceremonies are designed by keepers to respect all participants and to fit the particular group. Some are simple, some elaborate. Inspirational readings, deep breathing, music, body movement, and silence are some of many ways to develop a ceremony to open or close a circle. In some communities the same ceremonies are used all the time. It is a common practice for any one to step back a few feet from the circle if a ceremony includes a matter that is not within their beliefs [a smudge or prayer for example] keepers will note that when uncomfortable to participate that 'participants can take the time to privately do what they need to prepare to enter or leave a circle and that not participating with others is neither disrespectful to others or to the circle'.*

Within the circle, participants are asked to be more mindful of the core values that define the best in them and to act according to those values. For most people that require dropping masks, official roles, and protections – it feels vulnerable. It

becomes safe to do so because everyone else in the circle is making the same commitment. Because that level of safety is not present in most processes, it is important to clearly define when that safe space begins and when it ends.

The opening ceremony helps participants to relax, to release anxieties not related to the circle, to focus on their inner state, to be mindful of interconnectedness and to open to positive possibilities. Closing ceremonies honor the courage and care contributed in the circle and the work in seeking a consensus.

What are suitable closing and opening ceremonies in these cases? And how might you introduce these ceremonies to the parties?

The work during Preparation Circles is instrumental to the success at this stage when all participants are together for the first time.

It is common and often a good practice to hold two full circles before finalizing an agreement or determining a consensus is not possible.

QUESTIONWHY WOULD HOLDING A SECOND FULL CIRCLE BE A GOOD IDEA IF AN AGREEMENT IS REACHED IN THE FIRST CIRCLE OR IF AN AGREEMENT SEEMS IMPOSSIBLE IN THE FIRST CIRCLE?

It often helps to adjourn a circle to enable a party to carry out a proposed action .In building a consensus; actions can speak more convincingly to produce a consensus than talk. Implementing parts of what has been agreed enable participants to prove their commitments and relate to the circle not a promise to act but how they have walked their promises

Peacemaking circles commonly generate consensus outcomes very different from what anyone expected. These ‘very different solutions’ usually involve dramatic changes in perspective; changes that stem from deep listening and from speaking from the heart. It can take time for the head to catch up to the heart, time to adjust to new perspectives, to outcomes not anticipated. Holding another circle before agreements are reached or finalized can provide the time to test the foundations of new perspectives. Adjournments also enable participant’s time to absorb all the matters shared in a circle and consider what if anything has shifted in their perspective of people, about the issues and about what is the best outcome to meet their interests.

IMPORTANCE OF FLEXIBILITY IN CIRCLE FOCUS AND PARTICIPANTS– Peacemaking circles much like any PDC process explore solutions that will apply not just to the immediate case but also throughout the larger community. For example in Elmer’s assault and Peter’s illegal fishing it would be common in both cases if the circle in seeking ways to prevent the underlying causes of these crimes led to a discussion of how better information about stocks, how better enforcement, and of course how greater credibility in counting fish across sectors can be achieved .In a spousal assault case, the circle discussion drew in many members of the community in examining why so much domestic violence occurred in the community and into assessing what the community could do to change the attitudes and practices

contributing to domestic violence. These expanded searches for solutions raise new issues and affect new parties. Parties relevant to consider new options are usually excluded from a court process. The broad reach of PDC results in issues, directions for solutions, and parties constantly changing. The circle process affords enormous scope for adapting the process to fit the particular circumstances and changing directions in each case. As the circle process digs deeper into underlying causes of conflict, the innate flexibility of a circle process enables new issues to be addressed and all new interests to be included.

STAGE 4 IMPLEMENTATION\FOLLOW UP

Circles used in this stage are not just an opportunity for accountability but as well for celebrating individual and group accomplishments. As important as any other stage, the final stage tests the practicality of the agreement and the commitments of the parties to each other and to the spirit of their agreement.

Participants retain a greater stake in making an agreement work when they have genuinely participated in building the agreement and continue to participate in transforming the letter and spirit of the agreement into life. Shared ownership fosters shared accountability not just to the agreement but also to all other participants.

Primary Features of successful implementation of Peacemaking Circle agreements are the same as any in PDC process.

1. **CLARITY OF OUTCOME** – keepers reduce agreements to simple clear accessible language and ensure all parts of the agreement are included and reviewed in the circle. Before being signed parties must be given an opportunity to go over the agreement with their principals and supporters.
2. **ALL ISSUES ADDRESSED** – Keepers must ensure the agreement answers all issues raised. If not then keepers either ensure the parties are satisfied that best efforts have been made or that the parties have agreed to park unresolved matters for now and if required with an understanding they will be addressed later in a way agreed by all parties.
3. **REALISTIC AND ACHIEVEABLE** - The objectives of agreements are best served if
 - Timing and nature of Commitments are realistic
 - Necessary resources and supports for carrying out commitments are available
 - Consequences are fair and clear for failing to meet commitments
4. **REVIEWS** – Reaching an agreement is an important but by no means the last step nor the critical measure of success in any process. Success is measured by what is done to retain involvement of key parties, supervise agreement commitments, move past unexpected barriers and refine the agreement to adjust to changes. As agreements move into the real world reviews are essential to fine tune agreements to adjust to new conditions. It is particularly important to enrich the agreement by constantly looking for ways to enhance the interests of all parties. Fine-tuning is a

crucial element in sustaining both new relationships and outcomes. Fine tuning [and at times substantial re configuring] enables a circle consensus to survive the unexpected and some times expected challenges all agreements inevitably encounter in the real world.

5. **SAFETY NETS** - Providing for preventive and immediate recourse either back to the peacemaking circle or to readily available informal conflict resolution process prevents minor glitches from undermining the promise and potential of progress made in carrying out the agreement.
6. **COMMUNITY AWARENESS** – The overall process and outcome must be communicated throughout the affected community to generate public support for the process and outcome.
7. **CELEBRATIONS** – All PDC processes need to take time to mark success with different forms of celebrations. Doing so marks out what can be accomplished through collaboration and reaffirms to participants and others the importance of collaboration.

QUESTIONS

Assume in each case the peacemaking circle reached a consensus outcome;

1. **What could be done to ensure an outcome in either of these cases is implemented successfully?**
2. **What safety nets are best suited for either of these cases?**

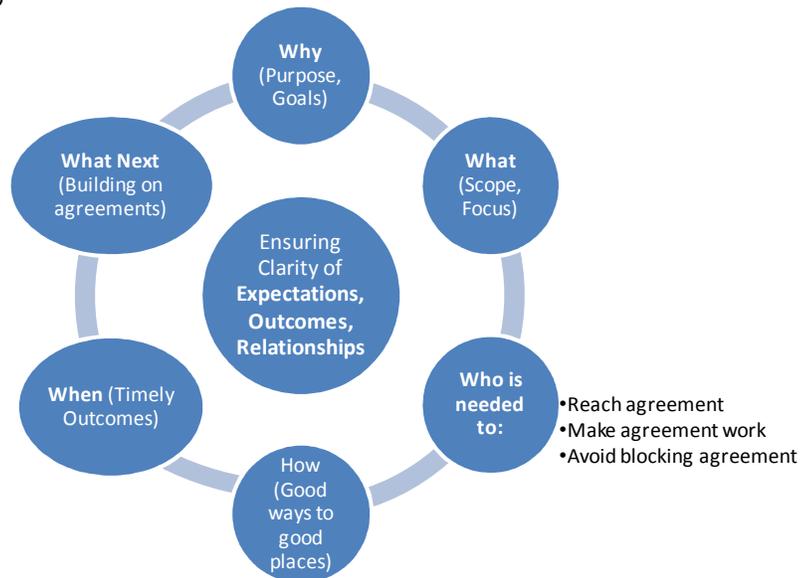
Decisions made by Courts are rarely fully understood or widely endorsed. They primarily depend upon the threat of or use of state sanctions to be enforced. Outcomes in circles depend principally upon the new relationships, new levels of understanding and trust that call on all participants to be accountable by doing their part to implement the agreement.

The most important outcome of a circle is more circles. In many cases, there is neither a clear beginning nor end to a circle process. The crime or specific conflict that began the circle process may soon be revealed in the circle as merely a salient event in an ongoing complex web of interactions shaped by a history of festering unresolved conflicts, and a caldron of stressing personal and community issues. The end of a circle is not a sentence or agreement. Circles demonstrate the power of active listening, of speaking from the heart, of acting on values, and of dialogue. Circles introduce all participants to a means of and the importance of creating a safe place for difficult conversations; conversations that are essential for individual and community well being. How participants carry their experiences in circles into their homes, workplace and community is the most important outcome of circles.

Note: Throughout the Peacemaking Circle process as in all PDC the power of key questions underlies the capacity to retain dialogues and ensure clarity at all stages.

The Six “W” Questions that Keep the Flow From:

- Clearly understood interests....to
- Clear expectations...to
- Clear outcomes.



“W” Questions Asked

- At every phase
- About dynamics at table and external to table

Important Contributions a PDC Process handling fishery based offenses and conflicts can make to the overall fishery

These processes can:

1. Both trained peacemakers and peacemaking circles can provide an internal means of resolving conflict among the parties in a local fishery collaborative decision making process, [experience with collaborative processes reveals that internal conflicts within collaborative processes are inevitable and a common cause of breakdowns in collaborative management processes. An internal, credible and timely means of addressing conflicts among partners in collaborative processes is essential.
2. Community based Peacemaking processes promote public awareness, understanding and acceptance of laws designed to protect and access fishery resources,
3. Identify and address the underlying causes of fishery based conflicts and offences.
4. Significantly reduce fishery crimes [especially recidivism]

5. Build partnerships between communities and enforcement officials
6. Prevent conflicts from becoming crimes through timely interventions and dispositions
7. Enhance options for dealing with offences
8. Fit process to the fuss and fit the outcome to community, victims and offender needs
9. Offer meaningful participation to all affected interests in shaping outcomes
10. Provide opportunities for offenders to regain self respect by being directly accountable to the immediate community affected by a crime
11. Reduce enforcement, prosecution and adjudication costs [government savings should be passed to local fishery collaborative practices, or to habitat protection initiatives.]
12. Improve Cultural awareness and sensitivity to local circumstances among First Nation, RCMP, DFO officers and participants in all sectors
13. Generate the mutual understanding, trust, and respect needed to reduce the perceived risks people and agencies anticipate in initiating and making partnerships work.

*'Hard to think of partnering with people my group thinks of as deeply opposed to us
...and if I do so others in my group see me as a traitor'*

What other contributions can peacemakers make to achieving partnerships in a local fishery and specifically to the management and decision making structures whether collaborative or not?

CONCLUDING NOTES

The outcomes circles produce derive primarily not from removing or ignoring differences, but from generating understanding and respect for differences; not from settling conflicts but from engaging the conflict as an opportunity to probe emotionally charged feelings and have the difficult conversations essential to redress causes of chronic conflict.

If this work fails to produce an agreement it can lay the foundation for building relationships that make it possible for those involved to eventually find ways to prevent and resolve destructive aspects of their conflicts. Our experience suggests this is often the most important outcome of circles; building relationships and the mutual understandings for participants to find their own way to live with their differences. Thereby, many circles and PDC processes are a success if participants have an opportunity to share personal stories, to base their interactions on shared values, learn to deeply listen, speak from the heart, and respectfully engage others.

Thus in all PDC processes involving on going relationships the most important outcome is not what consensus agreements may be reached, but rather what new understandings, new respect and new

relationships are formed. Have participants continued to act on the values and use the communication skills demonstrated in a PDC process? Have they continued to use circles or a self-designed PDC process to build relationships and deal with differences in their personal lives and in their various communities? The value of any process lies in whether the process contributed to changes in the behavior of participants within the affected relationships or community, [family, social, work and political].

For example, regular talking circles for men whose lives were principally defined by crime and substance abuse started by an offender on his own initiative marked a more important outcome of his circle than his sentence. A woman from the community who participated in a support group for a parent in a child protection circle became actively involved as a volunteer in several community health projects. Before the circle she had never been involved in any community activities.

In places where circles have become integrated into all aspects of a community's decision making processes there are widespread changes on the culture and energy of that community. Finally the most important outcome of a circle is more circles. For instance in the case of the assault between students, that circle spawned other circles to bring together people who could work with the families of the victim and offender and another circle to deal with racial issues.

DEALING WITH SYSTEMIC ISSUES One of the greatest challenges facing any process is making the connection between the focus of the process and numerous related matters that directly or indirectly affect the specific outcome. Just as the focus on individual offender responsibility carries the risk of ignoring social responsibility for conditions that may contribute to crime, so does an exclusive focus on a fishery issue ignore the larger societal actions affecting the sustainability of fish or of the effectiveness of any outcome advancing the interests of the fishery. PDC processes more readily expose the importance of these larger connections and are adaptable to encompass these matters.

QUESTIONS

- 1. In these cases what are the larger matters beyond the traditional reach of the Court that will significantly influence any outcome focused on the crime?**
- 2. What if anything could the peacemaking circle do about these larger connections/factors?**