

Exploring Links between Reparations and Development: A Comparative Case Study in Peru

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ABSTRACT

Links between reparations and development have theoretically been explored in current literature, however claims have hardly been assessed empirically. This paper provides such assessment through a comparative case study in three departments of Peru from 2007 to 2014. Subject of investigation is the national reparations programme, the *Programa Integral de Reparaciones (PIR)*. It is hypothesised that this programme helped improve social integration, reduce poverty and improve higher educational and health outcomes. While strongly tentative, results suggest that reparations programmes may be linked to improvements in living standards.

Keywords

Transitional Justice, Human Development, Reparations, Peru, Comparative Case Study

INTRODUCTION

The academic literature on transitional justice (TJ) features significant gaps in the analysis of the impact of TJ on the surrounding environment in which mechanisms are implemented. One such gap, only beginning to be filled, is the impact of TJ on development (Duthie and de Greiff, 2009). Some work, both policy-oriented and academic, has already been dedicated to outlining relationships between TJ and development (Duthie and de Greiff, 2009; Alexander, 2003). However, most of this literature remains highly theoretical. On this background, this thesis sets out to provide an empirical assessment of what effect transitional justice may have on development, aiming to qualify claims made in previous literature. Assessment will be limited to analysis of reparations, which broadly refers to “all those measures that may be employed to redress the various types of harms that victims may have suffered as a consequence of certain crimes” (de Greiff, 2006).

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TERMINOLOGY

Development will be understood here as human development. The objective is to ensure economic growth is translated into an “enabling environment for people to enjoy long, healthy and creative lives” (United Nations Development Programme, 1990, p. 9). This is concretised as the reduction of poverty through the expansion of options for people to improve their standard of living.

Reparations is here restricted to material types of reparation, being restitution, compensation and rehabilitation. Restitution refers to measures which are aimed to “restore the victim to the original situation” before the harm was inflicted (United Nations *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, 2006, para. 18). Compensation can be provided in order to redress “any economically assessable damage” in response to physical or mental harm, lost opportunities in education, material damages and loss of earnings (ibid, para. 20). Rehabilitation includes measures of long-term social, medical and psychological care (ibid., para 21).

LITERATURE REVIEW

The ideal of reparations has been argued to be *restitution in integrum*, i.e. full restitution (to be distinguished from the measure of restitution) (de Greiff, 2006, p. 455). Rubio-Marín and Pablo de Greiff give three sub-aims of reparations, being restoring the *status quo ante*, giving recognition of victims and creating opportunities for recovery (Rubio-Marín and de Greiff, 2005). In these terms, reparations may be described as backward-looking. However, reparations may also be described as forward-looking. This is evident where de Greiff argues reparations have two other aims: the creation or strengthening of civic trust, and the stimulation of social solidarity towards the construction of a new “social contract” (de Greiff, 2006). Wendy Lambourne in addition puts forward that if reparations take socio-economic injustices from past violent conflict into account, addressing these may initiate the amelioration of current socio-economic conditions (Lambourne, 2014). Lauren Balasco too recognises that reparations may form “potential avenues to address socio-economic structural injustices that have affected and continue to affect victim-survivors” (Balasco, 2016, p. 1). She emphasises reparations may help address concerns which may obstruct victims from exercising their agency, such as destruction of

resources, societal tensions, trauma or economic deprivations.

Reparations of different types have been argued to lead to different development outcomes. Restitution, firstly, is argued to respond to needs and promote the recognition of individuals, which may result in an “improved quality of life” (de Greiff, 2006, p. 469). Compensation, secondly, could form an “economic boost,” also help satisfy basic needs, and promote equal treatment (Alexander, 2003; de Greiff, 2006; Roht-Arriaza and Orlovsky, 2009). Rehabilitation, thirdly, could ensure access to basic services of (mental) health and thus aid recovery and enable victims to re-engage with economic activity (de Greiff, 2006; Sarkin, 2014).

In sum, the literature suggests that reparations are capable of effectuating structural changes in society by 1) creating conditions which may facilitate development, at a structural level, and by 2) empowering victims. As argued by Roht-Arriaza and Orlovsky, reparations may lead to “the re-emergence of victims and survivors as actors with the initiative, motivation, and belief in the future that drive sustainable economic activity” (Roht-Arriaza and Orlovsky, 2009, p. 173). However, issues surrounding the implementation of reparations programmes may limit any positive effects or even be counterproductive (Gray, 2009-2010). Examples of such implementation and execution issues are views of “quantifying harms” to “buy silence” (Sarkin, 2014, p. 549), line-drawing problems (who qualifies as a victim?) and flawed execution, which may distance the victim population from the state.

HYPOTHESES

This paper sets forward two mechanisms through which reparations may impact development. First, reparations may empower victims by 1) heightening trust in state institutions, by 2) making society more inclusive and by 3) decreasing social inequalities (the empowerment mechanism). Reparations thus may stimulate social integration and increase victim’s agency to make claims.

- Hypothesis 1: The implementation of a reparations programme will empower victims and increase social integration.

Second, reparations form a response to socio-economic needs and thus increase the social security of victims (the social security mechanism). Reparations may enable victims to ameliorate living standards and increase capabilities, through facilitating economic integration and economic activity.

- Hypothesis 2: The implementation of a reparations programme constituted of individually distributed restitution measures will further economic integration and decrease poverty of victims.

- Hypothesis 3: The implementation of a reparations programme constituting of compensation measures will further the economic integration and reduce poverty of victims.

METHODOLOGY

Research Design

The relationships between reparations and development will be explored through a comparative case study of three regions (departments, or *departamentos*) in the setting of Peru from 2007 through 2014. The comparison between departments is considered to contribute to an understanding how reparations affects development across various contexts. Keeping comparisons within one country setting enables to hold constant factors such as a (mostly) shared conflict history and rates of economic growth during and after the conflict.

Choice of Setting and Case Selection

Peru experienced civil war between 1980 and 2000, leading to nearly 70,000 fatalities and a decade of authoritarian rule (Final Report CVR, 2003). Peru was chosen as the setting for this research firstly due to relatively high economic growth rates and a political climate favourable to transitional justice initiatives in the years after the civil war, which facilitated a large scope of implementation. Secondly, as a number of years have passed since the (planned) completion of the reparations programme, this allows for observation of (preliminary) effects of the programme on development.

Three departments are chosen for analysis: Apurímac, Junín and Madre de Dios. Apurímac and Junín were identified by the Peruvian truth commission (*Comisión de la Verdad y Reconciliación*, CVR) as two of the six departments that were most affected by conflict, as indicated by the number of victims, and were thus prioritised for implementation of the PIR (Final Report CVR, 2003). The number of victims in absolute terms is almost equal in both departments, and is considered a proxy for similar conflict intensity. Using the same indicators, Madre de Dios was hardly affected by the conflict and thus no reparations featured in the department. It thus constitutes the control case. Furthermore, the three departments display similar development levels at the start of the period studied (2007), assessed through indicators of 1) unmet basic needs, 2) infant mortality, 3) illiteracy rates and 4) GINI coefficient (inequality measure) (*Instituto Nacional de Estadística e Informática* (INEI)). It is further assumed that these three departments have equal share in any national economic development.

This design features two important caveats. Foremost, no data is available on the welfare of

those individuals qualified as victims, moreover the number of victims in Apurímac and Junín is estimated to comprise respectively 3.4 and 1.0 percent of the population. This may introduce strong problems of aggregation, and makes it impossible to test for impact on victim's livelihoods. Analysis on departmental level is then necessitated, yet introduces problems related to the expectation that "the economic impact of the implementation of these measures is either too small or too difficult to measure," (de Greiff, 2009, p. 39) implying risks of measurement bias on the departmental level. Analysis on the departmental level however remains the most viable strategy, also due to the expectation that the PIR may have a broader reach than only the target population (victims), such as through community projects.

CASE INTRODUCTION

Following inquiries by the CVR, a reparations programme (the PIR) was established in 2005 and specified to contain seven programmes. Of these, this paper will assess the collective reparations programme (*Programa de Reparación Colectiva*, PRC), economic reparations (*Programa de Reparación Económica*, PRE) and education (*Programa de Reparaciones en Educación*, PRED). Implementation of the PRC commenced in 2007 with high rates of implementation up to 2011. In this period, over 489 collective reparations projects were implemented in Apurímac and 235 in Junín (Correa, 2013). The other programmes were dependent on the completion of the registry of victims (*Registro Único de Víctimas*, RUV), which was open to the end of 2011. The PRE thus started operating in 2012. At the end of 2014, 3537 beneficiaries had received over 15.7 million soles in Apurímac, and 4667 beneficiaries had received over 23.5 million soles total in Junín. The PRED had barely been implemented by 2014.

Besides these quantitative records, the CMAN does not record any qualitative assessments of implementation of the PIR. This makes it impossible to track how implemented programmes of the PIR have affected the quality of life for recipients. However, a survey research by the ICTJ and APRODEH concludes that participants were mostly positive on the impact on community development and economic activity, (ICTJ and APRODEH, 2011) however this study includes only study of the PRC.

RESULTS

Measurement

Social integration will be measured through assessments of social conflict in Peru. Social conflict is considered a proxy for social integration, given that conflicts are typified as "social" only if resulting from persistent inequalities, exclusion and

social fragmentation (*Defensoría del Pueblo*, 2012). Development is divided into dimensions of: poverty, education and health. Poverty is measured through assessment of unmet basic needs (NBI), which is a measure aggregating scores of wellbeing relevant to local settings, and the proportion of the population living under nationally established poverty lines. Education is measured through literacy rates. Health is measured through infant mortality.

Findings

In terms of social integration (Hypothesis 1), this paper found that social conflict strongly increased in the period studied in Apurímac and Junín, respectively overall 500 and 300 percent, yet remained low and constant in Madre de Dios. Social conflict in Junín also peaked in 2009, yet halved in the years following. This could suggest that social integration decreased in Apurímac, yet may have improved in Junín after 2009, but is overall worse than compared to Madre de Dios.

In terms of development outcomes (Hypotheses 2 and 3), Apurímac and Junín both display stronger reductions in both poverty indicators compared to Madre de Dios and national levels. Especially Apurímac displays greater contrast to national changes in poverty rates (percentage people living under poverty line) than Junín. Similar findings hold for education: illiteracy rates fall more strongly in Apurímac and Junín than in Madre de Dios. School attendance too decreases in Madre de Dios and increase in Apurímac and Junín. On the dimension of health however, results are more mixed. Apurímac observes a small reduction while Junín displays barely any overall change between 2007 and 2014, yet here Madre de Dios displays the strongest reduction in infant mortality rates.

Discussion

Mixed evidence is found to support Hypothesis 1 (the empowerment mechanism). Social integration may have improved in Junín, however this was not the case in Apurímac. Moreover, both departments experience higher rates of social conflict than Madre de Dios. Yet, these patterns of social conflict could also be attributed to discrepancies between strong economic growth and perceptions that quality of life has not improved as strongly (ibid). The rise of social conflict may thus also be explained to a strengthening of the position of people to make claims, which could point towards a positive impact of reparations on aspects of social integration. This explanation is further supported through findings that a "culture of dialogue" has become more prevalent in the settlement of conflicts (ibid). However, no conclusive evidence is found to support this explanation. Low internal validity further makes these findings tentative.

With regards to the social security mechanism, some evidence was found to support Hypothesis 2 and 3, as Junín and Apurímac display the relatively

strongest reduction in poverty rates. Results for health and education dimensions are more mixed, where some evidence is found for education. However, the scarce availability of qualitative assessment of the impact of the PIR on the quality of life of recipients limits the abilities of this thesis to draw clear links. It is possible to draw only on the study of the ICTJ in this regard, which could provide some further support for hypotheses 2 and 3. Moreover, due to limited data it is impossible to discern effects of the PIR from other factors which could have affected development outcomes in the departments, such as decentralised institutions, (macro)economic development and state-sponsored social programmes.

CONCLUSION

This paper found some evidence to support claims from the literature that reparations have a positive impact on development. This may especially be the case for poverty outcomes, yet results are mixed for social integration and education. Analysis highlighted that departments where the PIR was implemented had considerably more reduction in poverty levels than compared departments where it was not implemented, or when compared to national rates. However, findings stay strongly tentative, due to non-existence of data on the welfare of the victim population, low external validity due to case study design and high specificity to Peruvian society, and questions of measurement bias. The research thus invites more study to empirically assess the effect of reparations programmes on development outcomes. The usefulness of such studies would especially be enhanced through qualitative field studies, allowing for exact measurement of impact on victims' welfare.

ROLE OF STUDENT

Ingeborg de Koningh was an undergraduate student working under supervision of Dr. Ingrid Samset when this research was performed. Topic was decided upon through collaboration between supervisor and student. Research design, literature review, analysis and writing were done by student.

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