

Research Brief

Establishing Links between DDR and Reparations

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The general aim of this paper is to construct an argument about the advisability of drawing links between disarmament, demobilization, and reintegration (DDR) and reparations programs, but not just because this is better from the standpoint of justice. The argument is that this may help DDR programs as well.

From the standpoint of justice, the strong support in circles where DDR is discussed for the idea that each and every ex-combatant should be a beneficiary of a DDR program jars with the absence of a similar commitment in either the national or international sphere to the idea that each and every victim of conflict should be made a beneficiary of a reparations program. In fact, the international community provides much more support for peace and security issues than for justice issues. As disturbing as this might be, ultimately this chapter explores the possibility of deploying justice considerations not primarily in the interest of justice, but in the interest of peace. It can be argued that the security-related aims of DDR are facilitated by establishing links between these programs and justice measures.

The argument capitalizes on and reinforces the trust-inducing potential of both DDR and transitional justice measures. A successful linkage of these measures will strengthen both DDR and transitional justice programs. One of the main advantages this linkage offers is that it would help mitigate one of the fundamental criticisms of DDR programs—namely, that they reward bad behavior. By showing a potential synergy between a peace and security measure on the one hand and a justice measure on the other, this paper will contribute to a more sophisticated understanding of the complex relationship between peace and justice.

Challenges Faced by Reparations Programs

How to Define Victims and Beneficiaries

The ideal behind a reparations program is to ensure that every victim is a beneficiary. The real challenge comes in determining how to select the rights whose violation will trigger access to benefits. Most programs have provided reparations for a rather limited

Research Project

Transitional Justice and DDR

This project examines the relationship between disarmament, demobilization, and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at ICTJ.

and traditional list of rights violations, concentrating heavily on the more fundamental civil and political rights. No program to date has worried about articulating the principles behind why it chooses to provide benefits for the violations of some rights and not others. This means violations that affect marginalized groups rarely lead to reparations benefits.

How to Define the Benefits to Be Distributed by the Program

The measures undertaken by reparations programs can be organized around two fundamental distinctions, one between material and symbolic reparations, and the other between individual and collective distribution. Material reparations can take different forms, including payments either in cash or negotiable instruments, or service packages. Symbolic reparations may include official apologies, renaming public spaces, and days of commemoration. A reparations program is “complex” if it distributes benefits of more distinct types and in more distinct ways. There are two fundamental reasons for crafting complex reparations programs: first, the maximization of resources to cover a larger portion of the universe of victims; and second, to allow for a better response to the fact that a particular violation can generate harms of different types. All other things being equal, complexity is a desirable characteristic in a reparations program.

How to Define the Goals of the Program

In isolated civil cases of reparations before courts, the fundamental aim is to return victims to the situation they were in before their rights were violated. No massive reparations program, however, has even approached the satisfaction of this criterion. This generates at least two challenges: how to manage victims’ expectations that they will receive full compensation for the harms suffered; and how to define the aim(s) of the program in the face of the impossibility of satisfying the criterion of justice around which reparations, in general, has traditionally been conceived. The mediate aims of a reparations program, arguably, are to provide recognition to victims and to foster a minimal sense of civic trust.

Challenges Faced by DDR Programs

How to Define the Beneficiaries

All DDR programs face a challenge in defining beneficiaries in a way that avoids both the exclusions that predictably come about as the result of narrow definitions and procedures, as well as the over-inclusiveness that comes from loose definitions and procedures. Since two vulnerable groups, women and children, stand to lose more than others from mistakes, it is imperative to exercise care in establishing these definitions and the attendant verification procedures.

How to Define a Sensible Packet of Benefits

Each DDR program is a complex set of initiatives, serving its own ends. This explains

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part of the difficulties that characterize the effort to put together a sensible packet of benefits. Since the ends of both reinsertion and reintegration can be conceived differently, this only increases the complications. Ultimately, benefits drawn with the participation of recipients, and on the basis of labor market analyses, increase the likelihood that beneficiaries will not only be recipients but that they will actually benefit from the program.

How to Define the Goals of the Program

All DDR programs face a challenge in defining the goals that can be legitimately pursued through initiatives of this sort. A very narrow understanding of DDR may strengthen the tendency to think about it as an exclusively technical issue to be addressed solely in military- or security-related terms, ignoring thereby the crucially important political dimensions of DDR and weakening the incentive for consultation and participation. On the other hand, extravagant definitions of the goals of DDR can easily generate expectations that are impossible to satisfy, weakening also the sustainability of the programs. Through the definition of the goals of the program, we can begin to answer the fundamental challenge that all DDR programs face—namely, the charge that these programs reward bad behavior.

Conceptualizing DDR and Reparations

Reparations are one element of a holistic conception of transitional justice. When transitional justice measures fail to work in concert, they rarely achieve their full goals. For example, reparations in the absence of truth-telling can be seen by beneficiaries as the attempt, on the part of the state, to buy the silence or acquiescence of victims and their families. But the relation holds in the opposite direction as well: truth-telling in the absence of reparations can be seen by victims as an empty gesture. A holistic conception of transitional justice also acknowledges that each of the measures that forms a part of a comprehensive policy has its own specific goals, but points out that they share two mediate goals: to provide recognition to victims and to foster civic trust.

It is significant that both DDR and transitional justice measures can be seen to be intended to promote trust. Even a narrow understanding of DDR programs attributes to them a confidence-building role. The aim of disarming and demobilizing is to demonstrate and cultivate confidence in the prospects of peace and a minimal sense of trust in one's partners in the process.

How does finding this functional and conceptual overlap between DDR programs and transitional justice measures help, concretely? If the primary goal of DDR programs is to enhance security by preventing the marginalization of potential spoilers of the peace process, then the goal is better achieved by means of processes that contribute to the reintegration of the ex-combatants. The rub is that justice-enhancing measures may facilitate this process. Successful reintegration is not simply a matter of the

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Successful reintegration is not simply a matter of the ex-combatants' disposition but also of the attitudes and reactions of the receiving communities.

ex-combatants' disposition but also of the attitudes and reactions of the receiving communities. DDR programs that are completely devoid of any justice component are less likely to facilitate reintegration.

One of the frequent charges brought against DDR programs is that while these programs distribute benefits to ex-combatants, victims by contrast receive nothing. Providing benefits to ex-combatants without attending to the claims of victims not only leaves victims at a comparative disadvantage but gives rise to new grievances, which may exacerbate their resistance against returning ex-combatants. By contrast, guaranteeing that the claims of victims will be addressed through reparations may diminish such resistance. This is the argument for establishing links between DDR and reparations programs.

Concluding Considerations

Despite the fact that both DDR and reparations programs overlap around the notion of trust, they should not be folded into one. It is still the case that their immediate goals differ. Rather than dissolving reparations programs into DDR programs, this is an argument for coordination between them, for a particularly broad type of external coherence between programs that have heretofore never been thought of in relation to one another. What needs to be coordinated is not so much the programs but the commitments; although time after time victims have shown themselves reasonable enough to understand the importance of security and are willing to countenance the provision of benefits to those who may thwart a peace process, they need reasons to think that this does not amount to surrendering their claims to justice. Were they to be given assurances that this will not happen, these justice-based reasons may facilitate the achievement of security aims.

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