

Research Brief

A Complementary Relationship: Reparations and Development

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Naomi Roht-Arriaza and Katharine Orlovsky

Research Project**Transitional Justice and Development**

This project examines the relationship between transitional justice and development, two fields that, academically and in practice, have proceeded largely isolated from one another. The project identifies and analyzes specific synergies between justice and development, and articulates how the two types of initiatives ought to be designed and implemented in order to reinforce the shared goals of citizenship, social integration, governance, and peacebuilding. The project is managed by Roger Duthie, Research Associate in the Research Unit at the ICTJ.

Reparations and development are generally conceptualized and approached independently, but for survivors and victims the demand for both often arises simultaneously. In practice, reparations and development are linked in specific ways. This paper analyzes these links in the context of the period following an armed conflict or a political transition. It begins with various approaches to development and reparations, and examines how they may be linked by the goal of social integration. It looks at the relationship between reparations programs and the state, focusing on state capacity as both a precondition for and possible by-product of the delivery of reparations. The paper contrasts collective reparations and individual reparations, and looks at how reparations are delivered and where they are targeted. Finally, it discusses reparations and the international development community.

Approaches to Development and Reparations

Development, broadly conceived, is the process by which a society increases the general and individual prosperity and welfare of its citizens, building the infrastructure and institutions necessary to ensure its members the most fulfilling life possible, or at least a minimum level of income or livelihood for a life with dignity. The classical approach to development, which ultimately focuses on macroeconomic measures of economic growth, misses the full impact of reparations programs, and may detect no concrete macroeconomic link given the limited scale of funding of such programs. It is under a capabilities-centered, bottom-up approach to development that the strongest links can be made to transitional justice generally, and to reparations programs in particular.

Newer approaches to development stress the importance of locally driven development, education, the development of human capital, on-the-job training, and innovation to create new niche markets that allow even small, capital-poor, and resource-poor countries to prosper. These newer approaches to development are in many ways parallel to newer perspectives on reparations as part of conflict transformation, human security, and human rights.

Transitional justice practitioners who focus on giving affected peoples a voice in decision-making have similar concerns to those taking newer approaches to development. A principal point of convergence is the concern with process: *how* programs and projects are carried out is as important as *what* is done.

The Role of Social Integration

For both development and reparations programming, the issue of social exclusion is central. The degree to which large populations are socially excluded can determine in part the level of development in a country. Because people evaluate how trustworthy or likely to succeed others may be in an economic endeavor based in part on the identity characteristics of the individual, marginalized groups tend to stay marginalized and unable to break out of poverty. Reparations programs present an opportunity to establish trust, specifically by creating a consciousness of survivors as rights-holders. What distinguishes reparations from assistance is the moral and political content of the former, positing that survivors and survivor communities are *entitled* to reparations *because* their rights have been violated. Thus, reparations can serve as a jumping-off point for efforts at social integration that are key to development.

Reparations, Development, and the State

Development efforts affect reparations outcomes. The more development focuses on strengthening the services that will most likely be used by reparations beneficiaries, the more effective the reparations program or project is likely to be. This is in part because postconflict and post-dictatorship states are generally weak or have state institutions and functions that have been skewed towards internal security and the benefit of those in power, to the exclusion of the majority. A development focus on service delivery to the poor, or on the anti-corruption efforts needed to make sure those services actually arrive, can have important positive repercussions on the eventual delivery of reparations, and will expand the range of benefits that reparations programs could provide.

Conversely, individual and collective reparation efforts may have spillover effects on aspects of development. These include linkages to issues such as civil registry and titling, potential strengthening of the state's ability to be an effective service provider, and the ability of civil society and business groups to interface with the state in a "normal" fashion. Interactions with the state around reparations, if positive, can increase awareness of the population as rights-bearing citizens, which can spill over into a demand for access to justice and for effective (and transparent) government.

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Individual and Collective Reparations

Understanding the strengths and limitations of individual and collective reparations is necessary if practitioners are to combine them in a culturally appropriate and creative manner. Individual and collective reparations may serve different purposes. Individual reparations serve as recognition of specific harm to an individual, and of an individual's worth as a rights-bearing citizen. Such recognition, which is integral to (re)gaining civic trust, may not be otherwise satisfied. Collective reparations may serve other, albeit overlapping, functions: to respond to collective harms and harms to social cohesion (especially in places with a strong sense of collective identity), to reestablish social solidarity, and to maximize the effectiveness of existing resources.

The relative advantages and limitations of each approach changes depending on the particular local context. The issue is not to privilege either type of reparations, since both can have negative as well as positive effects: individual reparations, especially one-time cash disbursements, may negatively affect community and family solidarity. Collective reparations may be confused with political largesse and may be used to substitute for services that governments should provide anyway as development providers. Only by looking at concrete examples of reparations programs can practitioners understand the tradeoffs involved.

Delivery Systems and Destinations of Reparations

A well-designed reparations program can help rebalance local power. Most obviously, it can put much-needed resources into the hands of the worst off, which in turn may underscore and make public the state's evaluation of who was wronged. But even services such as schools, roads, or health centers, which benefit everyone living in the area, may help rebalance power in favor of victims.

Delivery systems for reparations programs include both in-kind and monetary reparations. Monetary reparations can be delivered in a variety of ways, including lump-sum payments, bond issuance, and pensions. Trust funds may be created for the benefit of victims and survivors. The success of various types of delivery system for reparations may depend on such factors as the cultural attitude towards money or the lost goods, and social structures of gender, class, urbanizations, age, education, and access to capital. Designing a reparations program must take careful account of these delivery systems and destinations, as well as specific local factors.

Reparations and the International Development Community

To serve their symbolic function, reparations should come primarily from perpetrators and states, but donors can play an important role. They can provide the funding and

About the Authors

Naomi Roht-Arriaza is professor of law at the University of California, Hastings College of Law in San Francisco. She teaches international human rights law, development law, and torts. Roht-Arriaza is the author of *The Pinochet Effect: Transitional Justice in the Age of Human Rights*, and coeditor of *Transitional Justice in the Twenty-First Century: Beyond Truth vs. Justice*.

Katharine Orlovsky is a legal officer for the Women's Initiatives for Gender Justice, an international human rights organization advocating for gender inclusive justice and working toward an effective and independent International Criminal Court.

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technical assistance that may influence which postconflict initiatives are implemented, and how they are implemented. Donors may make reparations programs more difficult by focusing on structural adjustment, or may free up resources for such programs. The international development community should be aware of the choices that exist for reparations in the context of their development efforts, and make those choices wisely.

The most important contribution that international development actors could make to creating viable reparations programs would be to build consideration of reparations into the initial discussions of government budgets for the immediate post-conflict years. To the degree that development actors play a role in the peace accords and initial government plans, they should ensure that reparations are at least a viable possibility.

Conclusion

Reparations programs can help to create sustainable, culturally relevant change while addressing both root causes and survivors' immediate needs. They can play an important role in changing citizens' relationship to the state, strengthening civic trust, and creating minimum conditions for victims to contribute to building a new society. Care should be taken to ensure that reparations programs *complement* development efforts rather than *duplicate* them. The interaction between reparations and development will depend in part on the concepts and intent behind the programs. A complementary relationship is most likely when both types of programs emphasize social integration, respond intelligently to the realities and limitations of the state, and develop a growing body of knowledge regarding effective delivery mechanisms, appropriate targeting, and a healthy role for donors. It should be guided by victims and survivors, with an emphasis on rebuilding communities.

Reparations cannot, and should not, replace long-term development strategies. But they can be designed to be the initial "victim-friendly" face of the state, creating habits of trust and rights-possession among their target population that will set the stage for a more positive long-term interaction between the state and a sizeable group of its citizens.

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