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# TOWARD A REPARATIVE APPROACH

REFLECTIONS FOR MUNICIPAL REPARATIONS EFFORTS IN THE UNITED STATES



CRAFTING  
DEMOCRATIC  
FUTURES



Justice  
Truth  
Dignity





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Reparations Efforts in the  
United States



**CRAFTING  
DEMOCRATIC  
FUTURES**

**ICTJ**

Justice  
Truth  
Dignity



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The Center for Social Solutions at the University of Michigan, with funding from the Mellon foundation from 2021-2025, launched the Crafting Democratic Futures (CDF) project to produce suggestions for research-informed, community-led local reparations solutions. The Lead Principal Investigator, Dr. Earl Lewis, assembled a national network spanning across the Central North region of the country, across the Midwest, and down the Eastern seaboard. Specifically, CDF included partners from Carnegie Mellon, Emory, and Rutgers (Newark) universities; Concordia (Moorhead, MN), Connecticut, Spelman, Wesleyan (Macon, GA), and Wofford (Spartanburg, SC) colleges; Pittsburgh's public media flagship, WQED [Multimedia]; and the University of Michigan campuses. Presented here are various reports and reflections produced by CDF partners.

<https://www.fulcrum.org/democraticfutures>



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## ABOUT THE AUTHORS

This publication is a collaboration and represents the contributions, findings, research, and observations collected by the coauthors over years of work being directly involved in and supporting research-informed, community-led reparations efforts in the United States and abroad. We hope that this report is helpful for frontline reparations advocates in the United States and provides them with useful and meaningful insights to advance efforts toward repair.

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ICTJ works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit [www.ictj.org](http://www.ictj.org).

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The Center for Social Solutions at the University of Michigan promotes academic research and social policy that serves the common good in four program areas:

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<sup>1</sup> As of September 2025, Virginie is the Senior Director of State and Local Initiatives at Liberation Ventures; [www.liberationventures.org](http://www.liberationventures.org)

Diversity and Democracy; Slavery and Its Aftermath; Water, Equity and Security; and The Future of Work. The Center aims to cultivate collaboration, leadership, and scholarship in order to create a more equitable and inclusive world. By applying rigorous scholarship to the real world, we offer tangible solutions to real problems, promote public good, and strengthen our global community.

## Introduction

Reparations are a right under international law and part of a long-standing global demand. Reparations programs have been implemented in numerous countries including Germany, Chile, Morocco, Colombia, and Canada.<sup>1</sup> In the United States, there have been reparations initiatives implemented for past injustices,<sup>2</sup> but more needs to be done to repair the enduring consequences of unaddressed violations, including the legacy of enslavement, such as Jim Crow and mass incarceration, and abuses against Native Americans. While calls for reparations for slavery date as far back as the 1700s,<sup>3</sup> more recently, there is growing momentum around reparations in the United States. New initiatives for reparations are actively being pursued at the federal, state, and local levels to address the different scales of human rights violations that have taken place throughout the country.<sup>4</sup>

The Commission to Study and Develop Reparation Proposals for African Americans Act, known as H.R.40,<sup>5</sup> galvanized a national call for reparations and is a crucial component of the movement for reparations at the federal level. At the state level, California, Illinois, and New York have begun efforts to explore reparations for the legacy of enslavement in their states. In California, the Task Force to Study and Develop Reparation Proposals for African Americans (hereinafter referred to as the California State Task Force) set an important precedent for detailing how states can begin to reckon with legacies of slavery and enduring structural racism.<sup>6,7</sup>

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1 For more information see [www.ictj.org/reparations](http://www.ictj.org/reparations)

2 See, for example, H.R.442 – 100th Congress (1987–1988): Civil Liberties Act of 1987. August 10, 1988. <https://www.congress.gov/bill/100th-congress/house-bill/442>

3 See for example, The Royall House and Slave Quarters, “Belina Sutton and her Petitions,” [royallhouse.org/slavery/belinda-sutton-and-her-petitions/](http://royallhouse.org/slavery/belinda-sutton-and-her-petitions/)

4 California Task Force to Study and Develop Reparation Proposals for African Americans, “Executive Summary” in *Final Report* (2023), 2.

5 H.R.40 – 118th Congress (2023–2024): Commission to Study and Develop Reparation Proposals for African Americans Act, H.R.40, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/house-bill/40>

6 See California Task Force to Study and Develop Reparation Proposals for African Americans, *Final Report* (2023).

7 With submission of the California State Task Force’s final report in June 2023, the work enters a new phase by transforming the 115 recommendations into approved reparative legislation. Supporters must navigate an increasingly antagonistic political climate and are taking a long-term approach, noting it may take a decade or more to pass the legislation. See, Lindsey Holden, “Reparations Advocates Play the Long Game,” *Politico*, August 22, 2024, <https://www.politico.com/newsletters/california-playbook-pm/2024/08/22/reparations-bills-00175960>; Alexander Nieves and Christopher Cadelago “Dream of Reparations Hits Political Reality in California,” *Politico*, June 6, 2023, <https://www.politico.com/news/2023/06/06/reparations-push-stalls-california-00100331>; Lindsey Holden, “California Reparations Plow Through Hostility,” *Politico*, March, 26, 2025 <https://www.politico.com/newsletters/california-playbook-pm/2025/03/26/reparations-homebuying-00252538>

Amid these new efforts, reparations advocates and those tasked to develop recommendations for municipal reparations are facing similar challenges and are asking similar questions. This report seeks to provide accessible guidance and insights from reparations efforts across the United States and abroad to unpack and address these common questions.<sup>8</sup>

This report is written for frontline advocates and community leaders pushing for reparations at the municipal level and is organized around key moments, major themes, and emerging issues for which advocates in the United States have requested support. The first section covers the approach to research and analysis in the United States to make reparations recommendations by taking a deeper look at the *harm assessment and impact analysis*. The report then moves into the political and legislative process of reparations by examining *political pathways to forming a reparations body* (section 2) and *setting up the reparations body* (section 3). The report ends with guidance for the first few months after a reparations body<sup>9</sup> is formed with sections on *launching the reparations body* (section 4) and *engaging the community, public, and media* (section 5). Finally, this report takes a reflective step back to consider what it means for *reimagining the approach* (section 6) to reparations in the United States.

Each section is meant to stand alone to enable the reader to jump between sections and prioritize information based on their current context. Every context is different, and the findings and analysis presented in this report are not intended to be interpreted as modeling the “right” way. Instead, this report is intended to contribute to and complement the rich and innovative discussion, resource development,<sup>10</sup> and ongoing work already taking place around the United States on reparations.<sup>11</sup>

## Methodology, Scope, and Definitions

The analysis in this report is drawn from research, direct experience leading and supporting municipal reparations efforts, interviews, and ongoing discussions with reparations advocates. We analyzed a cross section of cases from different parts of the United States to extract useful guidance for any emerging reparations efforts in the country. The case studies highlighted are based on desk research and interviews with community members, government actors, and civil society leaders who have been directly involved in steering these efforts. Drafts of this report were shared with community activists to ensure it reflects their views and provides helpful insights. We chose to focus on municipal reparations efforts, not because that is the only or most important path toward repair, but because our analysis reveals it is the avenue with the most recent developments and opportunity in the current political climate. The municipal initiatives highlighted in this report seek to address the legacy of enslavement and subsequent discrimination against the Black community in the United States, but the lessons are applicable for any community in the United States, including Native Americans, whose rights have been violated and who seek reparation.

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8 Given the complexity of the process, this report will not focus on the technical body that will implement and distribute reparations; that is for another report.

9 This includes commissions, committees, councils, and task forces which have different powers and structures within local governments. Since these vary across the country, advocates should carefully assess which powers and structures are most advantageous in their context.

10 See First Repair and OSIRIS, “Legislative Toolkit for Local Reparations,” First Repair, [https://firstrepair.org/wp-content/uploads/2024/06/Legislative\\_Toolkit\\_-\\_6.15.2024.pdf](https://firstrepair.org/wp-content/uploads/2024/06/Legislative_Toolkit_-_6.15.2024.pdf); M4BL, “Reparations Now Toolkit,” African American Redress Network, <https://redressnetwork.org/wp-content/uploads/2021/02/reparations-now-toolkit-compressed.pdf>; First Repair, “Making Reparations: A Toolkit,” <https://drive.google.com/file/d/1dUB1BiJyupVHooR4AV2DnzV5TAcRDUYo/view>; Liberation Ventures and First Repair, “Resource Guide: State and Local Reparations,” First Repair, [https://docs.google.com/document/d/1Y2lStNVDgFBd80MI ZzR1oAJbTNk2ch3562\\_XaUONmp4/edit?tab=t.o](https://docs.google.com/document/d/1Y2lStNVDgFBd80MI ZzR1oAJbTNk2ch3562_XaUONmp4/edit?tab=t.o)

11 For more information see [firstrepair.org](https://firstrepair.org); <https://ncobraphl.org/about-ncobra/>; and [reparationscomm.org](https://reparationscomm.org)

Seeking repair for centuries of harm is a complex and long-term process with each step and stage being an opportunity to be reparatory. Given the layers of policies and practices that embed structural racism into the fabric of institutions and society in the United States, it will take multiple complementary efforts to redress the violations and consequences of slavery and racial injustice. It is therefore important to define reparations as more than cash payments or other one-time actions. In the United States, reparations advocates<sup>12</sup> have built on the definition of reparations highlighted by the United Nations, which states that full reparations should include:

- *Restitution*: restoration of liberty, enjoyment of human rights, restoration of employment and return of property.
- *Compensation*: for economically assessable damage.
- *Rehabilitation*: including medical and psychological care as well as legal and social services.
- *Satisfaction*: including measures aimed at the cessation of continuing violations and a public apology.
- *Guarantees of non-repetition* and prevention of future violations.<sup>13</sup>

While this report highlights initiatives where the term “reparations” is used explicitly to define the work, it is important to acknowledge that terms like “restorative justice,” “redress,” and “reconciliation” are used to describe similar initiatives in the United States. This is particularly relevant in the South where the legacy of the Civil War still influences perspectives on race and repair. In these contexts, the use of the term reparations may restrict opportunities to advance justice initiatives, leading some advocates to avoid using the term. However, others believe strongly that to make a case for government action based on their legal obligation to provide reparation, it is important to explicitly use the term reparations.<sup>14</sup> In either case, the reflections and findings in this report are intended to be applicable to the full scope of reparative efforts being undertaken across the United States.

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12 See for example, M4BL, “Defining Reparations” <https://m4bl.org/wp-content/uploads/2020/11/defining-reparations.pdf>; National African American Reparations Commission, “Reparations Plan,” <https://reparationscomm.org/reparations-plan/>; National Coalition of Blacks for Reparations in America, Philadelphia, “What Are Reparations?” <https://ncobrapi.org/why-reparations/what-are-reparations/>

13 UN General Assembly, “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,” A/ RES/60/147, December 16, 2005.

14 See for example, the campaign launched by the New Jersey Institute for Social Justice at <https://njisj.org/saytheword/>



## Harm Assessment and Impact Analysis

Across the United States, municipal reparations bodies have often begun their work by undertaking a harm assessment and impact analysis. Through gathering and interpreting documentation and evidence, the assessment and analysis identifies the rights violations and injustices, the role of the municipal government in committing those violations, and the legacy and impact of the injustices on the individuals, families, their descendants, and the harmed community. This assessment and analysis has been conducted by members of the harmed community including community leaders, local historians, and civil society. It has also been conducted by government entities and universities in consultation with members of the harmed community. The information that comes out of the assessment and analysis has helped local reparations efforts identify appropriate and comprehensive recommendations for reparations.<sup>1</sup> Typically, the assessment and analysis is guided by the following questions:

- What violations and harm(s) need to be addressed?
- What is the enduring impact of those violations/harms?
- How do we define responsibility?
- What is the clearly defined line of culpability?
- What evidence supports this position?

Embedded in the harm assessment and impact analysis is an inherent truth-telling objective, similar to a truth commission, a transitional justice approach that has been adopted across the globe.<sup>2</sup> The exercise of truth-seeking and truth-telling taken on by truth commissions not only establishes a record of violations but can also expose root causes of the violence and identify ongoing and present day impacts of the initial violation. In this way, a truth-seeking and truth-telling approach has the potential to grapple with the political, social, cultural, and economic complexities and enduring consequences of human rights violations with more flexibility and

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<sup>1</sup> See Linda Mann, "Advancing Local Transitional Justice Initiatives: A University Partnership Alongside Descendent Communities." *The International Journal of Transitional Justice* 18, no. 1 (2024): 128.

<sup>2</sup> Truth commissions are nonjudicial bodies that establish a common record about past human rights violations, and identify root causes and factors that gave rise to the violations and consequences of past human rights violations. Truth commissions can draw their findings from a broad range of sources. Their recommendations aim to offer redress to victims and contribute to social and political change to prevent violations from happening again. For more information visit <https://www.ictj.org/truth-and-memory> or see Eduardo González and Howard Varney, eds., *Truth Seeking: Elements of Creating an Effective Truth Commission*. (Brasilia: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Center for Transitional Justice) 2013, 9–12, <https://www.ictj.org/sites/default/files/ICTJ-Book-Truth-Seeking-2013-English.pdf>

nuance than a fact-finding commission or judicial case typically allows.<sup>3</sup> Making experiences about past abuses and their impacts visible can help initiate a process of acknowledgment and redress by preventing denial of past abuses and promoting broader public understanding of why repair is necessary. When truth-seeking efforts are designed intentionally and carefully to create space where people can have their experiences affirmed and heard by a broader public it has the potential to contribute to a sense of repair.<sup>4</sup> Truth commissions, especially their public hearings, may therefore provide inspiration for reparations efforts in the United States on ways to both gather necessary information and create a process that is reparative and contributes to awareness raising.

## What Data Are Used?

A common question about conducting the harm assessment and impact analysis is what materials should be drawn upon. Archival research, looking at public records of government committee meetings, policies, laws, and their implementation can produce key data on the ways in which governments intentionally discriminated as well as committed and enabled racist, unjust practices and violations of rights. This can also be bolstered by existing relevant studies by government agencies, working groups, or academics that expose disparities or assess local government programs and responses.<sup>5</sup>

However, research based solely on the official record is insufficient given that information about historical violations and abuses is often purposefully hidden and the voices of harmed communities are usually excluded or altered in the official record.<sup>6</sup> It is therefore crucial that research based on government records is complemented by input from the harmed community to ensure a full picture of past violations and their enduring consequences is captured.

Oral histories, artifacts, and community documentation constitute an important source of information to substantiate the ways in which discriminatory practices and rights violations were experienced and how they impacted communities. This information is often protected in dedicated community spaces such as religious institutions, historical societies, and genealogical organizations.<sup>7</sup> In Evanston, Illinois, the minutes from official city council meetings proved to be consequential for establishing culpability that the city had knowingly and with intent discriminated against the Black community and further continued to support similar policies. However, oral histories and artifacts collected by the community over decades were crucial to establish a more complete record and narrative of harm and challenge dominant narratives.<sup>8</sup>

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3 Unlike a truth commission, a fact-finding commission typically investigates ongoing or recent allegations of human rights violations and while they can recommend steps that could offer redress to victims, their primary objective is to investigate and establish facts. Judicial cases often can only focus on one incident and have a high threshold for admissible evidence, making them a much narrower option for establishing the facts when it comes to massive human rights violations.

4 For further discussion see Virginie Ladisch and Anna Myriam Roccatello, "The Color of Justice: Transitional Justice and the Legacy of Slavery and Racism in the United States," ICTJ, 2021; ICTJ and International Arbitration Group-Racial Justice Initiatives, "Truth, Reconciliation, and Redress for Racial Injustices in the United States: Insights from Experiences of Commissioners Around the World," ICTJ, 2022.

5 In addition to its own work, the African Heritage Reparations Assembly in Amherst, Massachusetts, drew on a 2021 report by the Community Safety Working Group on local policing and public safety. See African Heritage Reparation Assembly, "Final Report" (2023), <https://www.amherstma.gov/DocumentCenter/View/68980/AHRA-FINAL-REPORT>

6 See Linda Mann, "Advancing Local Transitional Justice Initiatives: A University Partnership Alongside Descendant Communities." *The International Journal of Transitional Justice* 18, no. 1 (2024): 128.

7 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

8 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024; see also Morris (Dino) Robinson, Jr. and Jenny Thomas, "Evanston Policies and Practices Directly Affecting the African American Community," City of Evanston, <https://www.cityofevanston.org/home/showpublisheddocument/67191/637715545144570000>; First Repair and OSIRIS "Legislative Toolkit for Local Reparations," First Repair, 16, [https://firstrepair.org/wp-content/uploads/2024/06/Legislative\\_Toolkit\\_-\\_6.15.2024.pdf](https://firstrepair.org/wp-content/uploads/2024/06/Legislative_Toolkit_-_6.15.2024.pdf)

## What Harms Are Addressed?

Given the centuries of harm and multi-layered impact of human rights violations, identifying every instance of violation will take an incredible amount of time and resources. Reparations bodies in the United States and transitional justice efforts globally are often not afforded the resources necessary to record and address every human rights abuse. Assuming it can, risks raising expectations about the scale of reparations possible. It is therefore important to identify, with the harmed community, which harms to focus on and prioritize. Factors that may influence prioritization might include severity of the violation, urgent need, or available evidence and data.

While prioritizing certain harms over others may feel restricting, it is important to remember that it is not uncommon for reparations policies and programs to expand over time or for there to be a series of reparative programs over years and even decades:

- In Chile, reparations initially were only provided in cases of disappeared detainees, political executions, and torture leading to death during the dictatorship of Augusto Pinochet. This was the result of the narrow focus of the National Truth and Reconciliation Commission (1990–1991). In 2003, investigations and testimony collected by the National Commission on Political Imprisonment and Torture expanded reparations to survivors of detention and torture under the dictatorship.<sup>9</sup>
- In Virginia, a compensatory reparations policy was implemented in 2005 to make amends for closing schools rather than integrating them following the decision of *Brown v. Board of Education*. Over the course of a decade, this led to the erection of a public memorial, state-wide curriculum changes, and the preservation of a historic segregated Black school.<sup>10</sup>
- In Evanston, the Restorative Housing Program was developed in response to recommendations from the Equity and Empowerment Commission on housing assistance and economic development in 2019 and approved for implementation in 2021.<sup>11</sup> In 2023, the possible use of Restorative Housing Program grants was revised to include a direct cash option, in addition to mortgage assistance, house renovations, or down payment assistance.<sup>12</sup> Evanston continues to add to its reparations programs by developing more initiatives on housing, economic development, education, and entrepreneurship.<sup>13</sup>

As these examples demonstrate, securing reparations is a process and a long-term commitment. For the sustainability of the movement, it is important to view reparations as an iterative process. If the scope of a reparations body or program needs to be narrowed due to limited resources in terms of political support, time, financial, and human capacity, this should not restrict the possibility of reparations in the future to address other harms.

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<sup>9</sup> Ruben Carranza, “The Series of Reparations Programs in Chile,” ICTJ, 2009, <https://static.pmg.org.za/docs/110331ictj.pdf>

<sup>10</sup> Ken Woodley, *The Road to Healing: A Civil Rights Reparations Story in Prince Edward County, Virginia* (University of Georgia Press: NewSouth Books, 2019).

<sup>11</sup> Kimberly Richardson, “Memorandum: Adoption of Resolution 37-R-27, Authorizing the Implementation of the Evanston Local Reparations Restorative Housing Program and Program Budget,” City of Evanston, March 22, 2021; Res 126-R-19 of Evanston City Council Establishing a City of Evanston Funding Source Devoted to Local Reparations, November 14, 2019.

<sup>12</sup> Adrienne Broaddus, “Evanston City Council Votes in Favor of Expanding its Reparations Program to Repair Housing Discrimination,” CNN, March 28, 2023, [www.cnn.com/2023/03/27/us/evanston-illinois-reparations-housing-discrimination-expand/index.html](http://www.cnn.com/2023/03/27/us/evanston-illinois-reparations-housing-discrimination-expand/index.html)

<sup>13</sup> First Repair and OSIRIS, “Legislative Toolkit for Local Reparations,” First Repair (2024), 14.

## Who Conducts the Harm Assessment and Impact Analysis and When?

There are different ways to conduct the assessment and analysis depending on available time, resources, and political will. Members of the harmed community and civil society may undertake this research before an official reparations body is established. This is the case in New Jersey, where, in response to stalled legislation at the state level, the New Jersey Institute for Social Justice established the civil society-led New Jersey Reparations Council to conduct and collect research and analysis to inform recommendations.<sup>14</sup> If legislation is passed at the state level to establish a reparations task force, that task force will be able to draw on the work of the civil society effort, thus allowing them to move more quickly to recommendations and implementation. In certain global contexts, this strategy proved effective; for instance, in Guatemala and Colombia, where civil society-led truth-seeking efforts established a strong foundation for subsequent government sponsored truth commissions and reparations programs.<sup>15</sup>

The assessment and analysis may also begin with a government initiative. In Washtenaw County, Michigan, data collected during the county's COVID-19 response in summer 2020 revealed that Ypsilanti, a historically Black community, was a hot zone of COVID-19 infection, severe illness, and death, despite residents reporting the highest rates of compliance with local health orders. An assessment looked into the secondary impacts of COVID-19 in the areas of employment, economic, and housing security, and revealed stark disparities between Black and white residents.<sup>16</sup> The data prompted the creation of an exploratory committee on reparations in the county's Racial Equity Office to advise on how to address the root causes of these disparities to protect impacted communities ahead of the next health crisis or other emergency. The exploratory committee eventually became the permanent Advisory Council on Reparations that will develop recommendations for reparations for Black county residents.<sup>17</sup>

The assessment and analysis can also be conducted by a reparations body or coordinated between government and community entities to lay the foundation for reparations recommendations and programs. In Evanston, town halls held by the Equity and Empowerment Commission in 2019 helped identify housing as a priority for reparations<sup>18</sup> while a community-led report commissioned by the Reparations Subcommittee provided evidence of “instances where the City of Evanston might have facilitated, participated in, or stood neutral in the wake of segregative and discriminatory practices in all aspects of engagement with the Evanston Black community.”<sup>19</sup> The California State Task Force leveraged their resources to write a report that analyzed the harm of slavery and its lingering impact in the United States more generally and then homed in on how those harms and impacts were experienced in California.<sup>20</sup> The Detroit Reparations Task Force identified areas of harm from their enabling legislation to articulate a scope for research for the assessment and analysis. Working closely with the

14 For more information see [www.njreparationscouncil.org](http://www.njreparationscouncil.org)

15 See, for example, REMHI, “Informe del Proyecto Interdiocesano de Recuperación de la Memoria Histórica Guatemala: Nunca Más,” Oficina de Derechos Humanos del Arzobispado de Guatemala, <https://www.odhag.org.gt/publicaciones/remhi-guatemala-nunca-mas/>; Ruta Pacífica de las Mujeres, “Publicaciones Comisión,” <https://rutapacifico.org.co/comision-de-la-verdad-y-memoria/>

16 Patrick Meehan et al., “COVID-19’s impact on Ypsilanti’s residents of color,” University of Michigan School of Social Work: Center for Equitable Family and Community Well-Being (2020), <https://backend.production.deepblue-documents.lib.umich.edu/server/api/core/bitstreams/046b95ce-0995-4dfb-8ea7-d92648ae3105/content>

17 Alize Asberry Payne in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 9, 2024. For more information see Washtenaw County Board of Commissioners, “Advisory Council on Reparations,” Washtenaw County Michigan, <https://www.washtenaw.org/4391/Advisory-Council-on-Reparations>

18 Evanston City Council, “City Council Regular Meeting,” September 9 2019, 23–38 <https://www.cityofevanston.org/home/showpublisheddocument/50443/637036427314570000>

19 Ethan Ravi, “Perspectives on Reparations: A ‘Giant’ in his field,” *The Evanstonian*, May 21, 2024 [www.evanstonian.net/reparations/2024/05/21/a-giant-in-his-field/](http://www.evanstonian.net/reparations/2024/05/21/a-giant-in-his-field/); Morris (Dino) Robinson, Jr. and Jenny Thomas, “Evanston Policies and Practices Directly Affecting the African American Community” November 2021, 3.

20 See California Task Force to Study and Develop Reparation Proposals for African Americans, *Final Report* (2023).

University of Michigan, they developed an approach to leverage the University's capacity and relevant resources and expertise to compile and interpret existing data in official records.<sup>21</sup> To complement research from the official record, the Task Force partnered with AARN to capture information from Black residents about their lived experiences and to hold community town halls.<sup>22</sup>

## Is a Harm Assessment and Impact Analysis Necessary?

The enduring legacy of slavery and structural discrimination is known and documented in the United States. Some advocates therefore feel frustrated that they need to conduct a harm assessment and impact analysis to justify and legitimize reparations. Reparations for human rights violations are a right that does not need justification. However, globally, it is common for reparations programs to be based on an assessment of harms and violations, not to justify their need, but rather to help articulate types of repair and feasible policy recommendations that can address those harms and their enduring legacies. In the case of municipal reparations in the United States, the harm assessment and impact analysis similarly provide the opportunity to recommend types of redress to respond to the harms experienced locally.

## Safeguarding Reparations Recommendations

A well-documented harm assessment and impact analysis can help insulate ensuing reparations programs from legal challenges and other forms of resistance. In the United States, a primary threat to reparations programs are constitutional challenges alleging the programs violate the Equal Protection Clause of the Fourteenth Amendment.

One tactic that has been used to try to garner political buy-in is to frame the harms and impact in an international human rights framework<sup>23</sup> and socioeconomic measurements like the United Nations Sustainable Development Goals and the World Health Organization Social Determinants of Health. This aims to help policymakers see reparations as an economic, public health, and policy issue and understand reparation as a legal obligation of the state. The California State Task Force specifically chose to anchor their work and recommendations in international human rights law to make it more difficult for politicians to dismiss.<sup>24</sup>

One strategy that can help protect against a constitutional challenge is to narrow the scope of the assessment and analysis to specific harms experienced by a group within a specific time period. Local reparations programs are well suited to this strategy, as it is likely more feasible to collect targeted data to corroborate experiences of harm and gross violations of rights tied to specific recommendations for remedies. Reparations paid to Japanese American victims of internment during World War II demonstrate that it is possible to provide reparations to

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21 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

22 See Jessica Avila, Jiner Fan, Aliya-Begum Jessa, and Caroline Zhang, "Addressing Racial Inequalities in America: A United Nations Sustainable Development Goals Audit of US Black Communities, Detroit, Michigan," African American Redress Network, 2024, <https://redressnetwork.org/wp-content/uploads/2024/10/Detroit-Final-report-2024.pdf>

23 UN General Assembly, "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," A/ RES/60/147, December 16, 2005.

24 Lisa Holder, panelist, "Media Briefing," New Jersey Reparations Narrative Symposium, February 28, 2024, Newark, New Jersey (organized by Liberation Ventures, New Jersey Institute for Social Justice, and the International Center for Transitional Justice); see also California Task Force to Study and Develop Reparation Proposals for African Americans, "Executive Summary," in *Final Report* (2023), 4.

25 Ruben Carranza, ICTJ, correspondence with the authors, September 14, 2023.

one group of people based on the specific violations they suffered.<sup>25</sup> In the case of Evanston, building on a community-led harm report, another study analyzing the impact of violations within a specific time period and locale, drew a line from harm to contemporary impacts to policymaking to help develop a “more robust argument against any legal challenges” to the city’s Restorative Housing Program.<sup>26</sup> More recently, a constitutional challenge to the Restorative Housing Program was filed by a conservative non-profit group in May 2024; the way it is resolved will provide crucial insights for other reparations efforts.

Another strategy that has been used is to frame the harm and remedy around economic impact to prevent reparations from being seen as discriminatory. Given the breadth and systemic nature of racist and discriminatory policies in the United States, reparations programs addressing the wealth gap or other economic disparities linked to the legacy of human rights violations may create a broader category of eligible recipients including several groups.<sup>27</sup> In Providence, Rhode Island, the Municipal Reparations Commission defined reparation as “closing the racial wealth and equity gap between Providence residents and neighborhoods” and its 11-point Municipal Reparations Investment Plan recommends policies and programs to respond to harms identified in the city’s preceding truth and reconciliation phases. The initiative defined four eligibility groups encompassing “Indigenous people, African heritage people, qualified census tracts and neighborhoods, and residents facing poverty.”<sup>28</sup> While some advocates are opposed to this approach, solidarity between different groups seeking reparations could be one way to strengthen the overall movement.

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26 Linda Mann, “Advancing Local Transitional Justice Initiatives: A University Partnership Alongside Descendent Communities.” *The International Journal of Transitional Justice* 18, no 1 (2024): 119. See the report at African American Redress Network, “Segregation in Evanston: An Impact Study” (2021), <https://redressnetwork.org/wp-content/uploads/2022/02/Evanston-Impact-Study.pdf>

27 Ruben Carranza, ICTJ, correspondence with the authors, September 14, 2023.

28 Providence Municipal Reparations Commission, “Report of the Providence Municipal Reparations Commission” (2022), 9, 11–14, [https://www.providenceri.gov/wp-content/uploads/2022/08/ReparationsRecommendationsReport\\_FINAL.pdf](https://www.providenceri.gov/wp-content/uploads/2022/08/ReparationsRecommendationsReport_FINAL.pdf)

## Political Pathways to Forming a Reparations Body

This section describes and reflects on three avenues to establish reparations bodies. However, given the diversity of local politics in the United States, the legislative pathways presented here are not the only possible options for advancing reparations work.<sup>1</sup> It is important to examine existing policies and local government offices to determine the viability of these approaches or identify alternatives.

### City Council or County Commission Resolution

A resolution at the city council or county commission level has been a frequently used pathway in the United States to advance reparations work. This process was used in Evanston to pass multiple resolutions that led to allocating funding for reparations, establishing the Reparations Committee, and creating the Restorative Housing Program.<sup>2</sup> In Washtenaw County, the Racial Equity Office first brought together sector experts to form an exploratory committee on reparations to advise the Office on possible areas of impact in the county with a reparative lens. Two years later, in 2023, the Racial Equity Office drafted a resolution to establish the Advisory Council on Reparations under the control of the Board of Commissioners to stabilize, institutionalize, expand, and make more visible the work of the exploratory committee.<sup>3</sup>

This pathway requires an ally in the government who can advance the resolution for a vote. Challenges in identifying this ally may be a barrier at first, but if passed, the initiative can benefit from the credibility and authority of the elected body as well as clear political support. However, this pathway is particularly vulnerable to political pressure. Elected officials may try to amend the legislation to fit their priorities or exercise political control and influence over the

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<sup>1</sup> For further discussion see Civil Rights and Restorative Justice Project, “Redressing Historical Racial Injustices: A Toolkit for Policymakers and Advocates,” Northeastern University School of Law (2023), <https://crrj.org/redressing-historical-racial-injustices-a-toolkit-for-policymakers-and-advocates/>

<sup>2</sup> Res. 126-R-19 of Evanston City Council Establishing the City of Evanston Funding Source Devoted to Local Reparations, November 14, 2019; Ordinance 102-O-20 Amending Portions of the City Code Codifying the Reparations Committee, November 9, 2020; Res 37-R-21 of Evanston City Council Authorizing the Local Reparations Restorative Housing Program, March 22, 2021.

<sup>3</sup> Alize Asberry Payne in discussion with Virginia Ladisch and Emma Merritt-Cuneo, April 9, 2024; see the resolution, Res. 23-017 of Washtenaw County Board of Commissioners, A Resolution Establishing a Washtenaw County Advisory Council on Reparations for the Purpose of Studying and Developing Reparation Proposals for Black Washtenaw County Residents, January 18, 2023, <https://content.civicplus.com/api/assets/e682efe4-gcdc-4390-gdfc-b61ba6b76d71>

reparations body once it is established. An unfavorable administration change may also present a significant threat to reparations bodies established this way depending on the level of powers given to elected executives and city council.

## Mayoral Executive Order

The sustainability and authority of an executive order is largely dependent on the level of mayoral control and authority. While there is a risk that a change in administration may result in a complete dismantling of a reparations body, when the political will is in place, an executive order provides an opportunity to move quickly and outside the legislative calendar. Efforts in Chicago show how a change in mayoral administration and use of mayoral executive order can reinvigorate the push for reparations that had stalled under a previous mayoral administration.<sup>4</sup> Reparations bodies established via mayoral order may also benefit from a more direct line of communication to request clarity on or seek an amendment to their legislation. These tasks may be more difficult in other pathways due to the number of political actors involved and restrictions of the legislative calendar. For example, the St. Louis Reparations Commission submitted a letter in November 2023 to the Mayor requesting an extension to hear more testimonies which was ultimately approved a few months later in mid-January 2024.<sup>5</sup>

## Ballot Initiative

A ballot initiative demonstrates public support, making it more difficult for elected officials to circumvent if approved. However, it is generally the most complex in scope and timeline due to requirements to get an initiative on a public ballot. There is also the risk that if the initiative is voted down by the public, politicians have a rationale to not advance related reparations policies through other pathways. Given its visibility, a ballot initiative thrusts the work of the reparations body into public view and scrutiny from the start. In Detroit, community initiatives and petitions led the city council to put the formation of a reparations committee to address historical discrimination against the Black community on the November 2021 ballot. The initiative was approved with 80% of the vote and in April 2023, the Task Force held its first meeting.<sup>6</sup> Speaking in favor of the ballot initiative, Detroit's city council referenced that it helped avoid duplication of community- and city-led efforts<sup>7</sup> and that clear voter support can aid the implementation of the Task Force's future recommendations for repair.<sup>8</sup>

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4 See Heather Cherone, "Long Stalled Push for Reparations in Chicago Moving Forward, Johnson Says," WTTW, April 23, 2025, <https://news.wttw.com/2025/04/23/slow-moving-push-reparations-chicago-moving-forward-johnson-says> and Heather Cherone, "Push for Reparations in Chicago gets New Life as Johnson Earmarks \$500K for New Panel," WTTW, November 9, 2023, <https://news.wttw.com/2023/11/09/push-reparations-chicago-gets-new-life-johnson-earmarks-500k-new-panel>

5 City of St. Louis, Missouri. "Reparations Commission Meeting Recording," YouTube. January 10, 2024, 9:23–19:27, <https://www.youtube.com/watch?v=gcrR2lqh6mM>

6 Briana Rice, "A Debt owed, not a handout: Detroit Reparations Task Force has its first public meeting," Michigan Public, April 14, 2023, <https://www.michiganpublic.org/social-justice/2023-04-14/a-debt-owed-not-a-handout-detroit-reparations-task-force-has-its-first-public-meeting>; Detroit City Council Legislative Policy Division, "Reparations Ballot Initiative," October 1, 2021, <https://detroitmi.gov/sites/detroitmi.localhost/files/2021-10/Reparations%20Ballot%20Initiative.pdf>

7 Dana Afana, "Detroit City Council pushes ahead with Reparations Initiative," Detroit Free Press, June 15, 2021, <https://www.freep.com/story/news/local/michigan/detroit/2021/06/15/city-council-oks-reparations-resolution/7701740002/?gnt-cfr=1&gca-cat=p&gca-uir=false&gca-epti=z114624u116624v114624&gca-ft=233&gca-ds=sophi>

8 City Council of Detroit Resolution to Place Reparations Initiative on the November 2021 Ballot, July 13, 2021, <https://detroitmi.gov/sites/detroitmi.localhost/files/2021-07/DRAFT%20Reso%20Ballot%20Rprtns%20w.cover%2007%20%2012%2021.pdf>

## Navigating Political Pathways

While reparations are a right under international law and a moral imperative, it is an inherently political process. Ultimately, political actors are responsible for approving legislation and allocating the necessary funding. Being aware of their influence and dynamics is important to advancing reparative work. Two elements are key to consider:

- *Timing*: Finding the “right” time to put forward a resolution is more than ensuring alignment with legislative calendars. While this is highly context-specific, an example of this includes considering the electoral calendar. During an election, political actors may limit their public support for policies that could be perceived as more “radical,” like reparations. This may reduce the likelihood of reparative legislation advancing closer to an election period compared to if it is introduced outside an election window.<sup>9</sup>
- *Identifying and cultivating political champions*: Communities that have demonstrated success advancing reparations have not only cultivated external community support but have also built internal institutional and political allies. These allies are willing to be vocal and public while also utilizing quiet and strategic political support when necessary. A government ally who understands political dynamics is critical to helping advocates identify an appropriate timeline, other options within government, and discern the difference between what is a normal speed bump of government bureaucracy versus a roadblock.<sup>10</sup>

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<sup>9</sup> Alize Asberry Payne in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 9, 2024.

<sup>10</sup> Alize Asberry Payne in discussion with Emma Merritt-Cuneo, April 12, 2024.



## Setting up the Reparations Body

Once legislation is in place, the reparations bodies they establish generally replicate a similar structure used for advisory government committees across government departments that usually include a limited time frame, limited budget, and composed of volunteer members. While this approach is common in local government, it is not necessarily suited for the scope and burden of designing reparations. Furthermore, it asks members of the harmed community to craft solutions to problems they were harmed by while simultaneously putting them in a position to relive past traumas and be exposed to ongoing systemic racism and discrimination embedded in government structures and society. This section explores two key areas—membership and resourcing—that provide opportunity to adjust the current ad hoc model in the United States in alignment with the principle of do no harm.

### Membership and Representation

Membership of a reparations body should be thought of carefully. There is no formula to determine the membership composition, but it should be intentional, and each member should have the ability to work together effectively and have the time, understanding, and relevant expertise necessary to listen, research, and analyze reparations demands and propose recommendations.

Reparations bodies have approached membership requirements and profile differently. Some reparations bodies have dedicated seats for individuals with technical expertise in certain sectors. For example, members on reparations bodies in Washtenaw County and San Francisco, while supported by local government offices, are primarily composed of community members with specific sector expertise. Reparations bodies also consider membership in terms of the number of government officials with members of the harmed community and public. For example, reparations bodies in Evanston and High Point, North Carolina include members representing the community and local government. Where a body is composed only of community members, a seat reserved for a government representative or appointed government liaison is important to help navigate government processes.<sup>1</sup> It is also important to ensure access to legal counsel from trusted consultants with experience in reparative work to help membership safeguard the body and future reparations programs in accordance with the local legal landscape.<sup>2</sup> Sector specific expertise alongside knowledge of local government and legal possibilities can be helpful in crafting concrete and implementable recommendations for repair.

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<sup>1</sup> Alize Asberry Payne in discussion with Emma Merritt-Cuneo, April 12, 2024.

<sup>2</sup> Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

Regardless of the type of seat a member holds, a transparent selection process with clear criteria is essential to ensure the body is viewed as legitimate.<sup>3</sup>

Overall, it is imperative that there is representation of the harmed community in the body membership. However, representation from the harmed community becomes complex given that government structures are designed to support power hierarchies which typically shut out harmed communities that reparations seek to benefit.<sup>4</sup> Moreover, the strict Monday–Friday, 9 a.m.–5 p.m. schedule within which government operates, can actually limit participation from members of the harmed community who do not hold a flexible job or who have family care obligations.<sup>5</sup> Additional resources and measures will likely need to be put in place to help the harmed community overcome barriers to meaningful participation as members of the reparations body and as public supporters.

### Resourcing and Backstopping

While the membership composition varies, across the country, members are generally unpaid volunteers. This sets a problematic precedent that lived expertise is provided for free, without consideration for the cost of other personal, professional, or familial obligations. The practice of having unpaid community members advise the government stems from a desire to avoid conflicts of interest and ensure impartiality. In United States local government, it is standard practice for committees of volunteers to examine various community issues. However, in the context of reparations, given the challenge and burden of the mandate, it is not realistic to assign this to volunteers. Rather, the complexity of this issue calls for paid, full-time positions to lead the work. Drawing on international best practice, measures such as clear selection criteria, dedicated full-time staff and members, sufficient and discrete budgets, and operational transparency are approaches that can be used to ensure an independent and effective body.<sup>6</sup> Compensating members for this work in the United States is possible. In Vermont, the legislature established a government funded, semi-autonomous body with paid staff to operationalize a Truth and Reconciliation Commission with a mandate to examine systemic institutional and structural discrimination and to identify action the state can take to repair the damage caused by these harms.<sup>7</sup>

A reparations body should be well-resourced with an adequate budget and administrative staff or backstopping from relevant government agencies to provide the support required to do the work mandated.<sup>8</sup> Without this support or the funds to hire consultants, members of reparations bodies are required to commission, prepare, and organize meeting logistics, outreach and communications, as well as coordinate work planning processes and other elements crucial to conducting an effective process. This is on top of an already huge task of examining generations of harm and impact of human rights violations and making recommendations for repair.

Two efforts held up as strong examples in the United States received significant backstopping from local governments. The San Francisco African American Reparations Advisory received administrative support from the city’s Human Rights Commission<sup>9</sup> while the California State

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3 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

4 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

5 Alize Asberry Payne correspondence with Virginie Ladisch and Emma Merritt-Cuneo, June 28, 2024.

6 See Eduardo González and Howard Varney, eds., *Truth Seeking: Elements of Creating an Effective Truth Commission*. (Brasilia: Amnesty Commission of the Ministry of Justice of Brazil; New York: International Center for Transitional Justice) 2013, 15–19, <https://www.ictj.org/sites/default/files/ICTJ-Book-Truth-Seeking-2013-English.pdf>

7 For more information see <https://vtrc.vermont.gov/>

8 Alize Asberry Payne in discussion with Emma Merritt-Cuneo, April 12, 2024; Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

9 Ordinance No. 259–20 of San Francisco Establishing African American Reparations Advisory Committee, December 8, 2020, Sec. 5.46–4 (d), [sfbos.org/sites/default/files/00259-20.pdf](https://sfbos.org/sites/default/files/00259-20.pdf)

Task Force received administrative, technical, and legal support from the state's Department of Justice.<sup>10</sup> Without backstopping and support, the body may not operate as efficiently as possible, which can have implications for public trust and perception.<sup>11</sup> This in turn can ultimately jeopardize the entire process.

Resourcing should be holistic as the amount of work required often far exceeds the time allocated to the mandate of the reparations body and can expose members to traumatizing situations.<sup>12</sup> Engaging with harms that are felt in the present day or historically by an individual or their family produces emotional and mental stress while the roadblocks, microaggressions, and increased scrutiny that subvert reparative work in the United States replicate and cause new harms.<sup>13</sup> Several leaders involved in this work have reflected on the significant personal toll it takes on them.<sup>14</sup> Ensuring members feel and are actually supported in the process is essential. This may require a series of strategies to account for the multitude of dynamics and workload. Without holistic resourcing, participation in the reparations body can create a burden on the individuals involved. In light of this, a psychosocial approach and the resources to back it up should be integrated throughout the body's work.<sup>15</sup>

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10 California Assembly Bill No. 3121 Task Force to Study and Develop Reparation Proposals for African Americans, September 30, 2020, Art.5(b), [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB3121](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3121)

11 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

12 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

13 Alize Asberry Payne in discussion with Emma Merritt-Cuneo, April 12, 2024.

14 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

15 See Virginie Ladisch and Shayna Lewis, "The Search for People's Well-Being: Mainstreaming a Psychosocial Approach to Transitional Justice," ICTJ, 2024.



## Launching the Reparations Body

Once members are selected to sit on the reparations body and lead its work, their first steps are critical for future success and impact. A designated preparatory phase is essential to laying a strong foundation, enabling members to focus on internal dynamics and agree on how to design and implement the work before being thrust into the public eye. Members should feel empowered to communicate to the public that they are engaging in a preparatory period, what that entails and why, and when to expect an official start for public-facing implementation. Transparency is important for building a credible process and ensuring the public understands the work, but it is also vital to not expose the body to public scrutiny prematurely and before a solid foundation for operations is set. This section focuses on that preparatory phase, diving into key elements such as building working relationships, establishing a common vision, and determining methods of implementation.<sup>1</sup>

### Building Relationships

Investing time early on to build the relational infrastructure<sup>2</sup> for respect and a positive work culture is crucial to facilitate the effective operation and solidarity of the group. This will be essential as the work becomes increasingly complicated, pressure mounts, and opponents to reparative work seek to exploit any tension to delegitimize the process.<sup>3</sup>

A good place to start is by gathering in person so that members can share their personal background and story, what brought them to this work, and how they understand reparations. In Washtenaw County, ICTJ led the first strategic planning retreat for members of the Advisory Council on Reparations that opened space for members to engage in this conversation. Following a discussion exercise with prompting questions about their life experiences and how they understand repair and community, council members expressed they found more commonality than expected given their different backgrounds. Discussing the questions one at a time in small groups and reflecting as a collective group helped members understand and connect with different components of the council's mandate, such as truth-seeking, truth-telling, and building safe spaces where individuals can feel humanized and healed.<sup>4</sup>

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1 Section 1 of this report provides more detail on the mechanics of conducting a harm and impact analysis which for some reparations bodies is a core component of their implementation plan.

2 For more discussion, see Palma Joy Strand, "It's all about Relationships – Civity, Systems, and Philanthropy," Civity, April 23, 2021, <https://www.civity.org/its-all-about-relationships-civity-systems-and-philanthropy/>

3 Discussion between Virginie Ladisch and Emma Merritt-Cuneo, September 1, 2023.

4 Feedback during ICTJ-led retreat with members of the Washtenaw County Advisory Council on Reparations, April 5, 2024.

In addition to good working relationships, establishing shared principles can also reinforce the body's strength and help guide the work and member's expected conduct. Examples of principles can include respect for human rights, equality, transparency, integrity, impartiality, and confidentiality. Agreeing on shared principles and how they are embodied in the work can elaborate a structure to fall back on when challenges, conflict, disagreements, and opposition arise. As an example, the African Heritage Reparations Assembly in Amherst, Massachusetts, adopted meeting guidelines based on respect, learning, and self-awareness. In practice this meant, among other actions, creating space for others, active participation and listening, and using "I" statements.<sup>5</sup>

It may feel like this step of building relationships delays the substantive work and is superfluous but the negative impact of members publicly fighting or opposing collective decisions can be irreversible. When this has occurred internationally, it risks damaging the legitimacy and legacy of reparative work to the point that it can be difficult to regain political momentum and support for reparations.<sup>6</sup> It is therefore beneficial for the long-term success of the work to take the time at the beginning to build a strong foundation.

### Setting Vision and Work Plan

While establishing a vision and work plan may seem like a natural first step, it can be infinitely more challenging to do so without the relational infrastructure in place. Setting and clarifying a vision of the work has become an important step as most mandates for reparations bodies in the United States are vast, requiring analysis of decades (if not centuries) of harm, and can be vague as to how the body is empowered to undertake their work. Given the constrained time frame and limited financial and human resources often available to reparations bodies in the United States, translating these large mandates into manageable work is a significant challenge. Until the financial, time, and human resources allocated to reparations bodies in the United States are better aligned with the scale of what it means to repair generations of harm, members should narrow their mandate and prioritize sectors of harm to make it feasible and communicate the rationale behind those choices to the public.<sup>7</sup> Not aligning the work with what is realistic risks raising public expectations. When the reparations body cannot meet those expectations it can result in loss of trust and legitimacy in the eyes of the public and harmed community despite any good work that has been done.

It is also advisable for members to agree on a common definition of reparations. This exercise is important for internal and external clarity and can help create unity among members.<sup>8</sup> Reparation bodies in the United States most frequently refer to definitions articulated by the United Nations,<sup>9</sup> the National Coalition of Blacks for Reparations in America (N'COBRA),<sup>10</sup> and the National African American Reparations Commission (NAARC)<sup>11</sup> to frame how they understand and approach reparations. Regardless of which definition is used, it is important to

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5 African Heritage Reparation Assembly, "Initial Report," 2021, 7, <https://www.amherstma.gov/DocumentCenter/View/58816/7a-AHRA-Report-with-attachments>

6 For example, see the challenges faced by Kenya's Truth, Justice, and Reconciliation Commission in Christopher Gitari Ndungu "Lessons to be Learned: An Analysis of the Final Report of Kenya's Truth, Justice, and Reconciliation Commission," ICTJ, 2014, 3.

7 See section 1 for more information on prioritizing.

8 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024; discussion between Virginie Ladisch and Emma Merritt-Cuneo, March 19, 2024.

9 UN General Assembly, "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," A/ RES/60/147, December 16, 2005.

10 See the National Coalition of Blacks for Reparations in America, Philadelphia, "What Are Reparations?" <https://ncobraphl.org/why-reparations/what-are-reparations/>

11 See National African American Reparations Commission, "Reparations FAQs," <https://reparationscomm.org/reparations-resources/#reparations-faqs>

break down reparations and its forms because diverse perspectives of what reparation is and is not as well as misunderstanding of members' views on repair can be a source of division. To approach this, members can discuss how reparations can address intersectional harm, the role of symbolic and material reparations, short-term versus long-term reparations, how reparations are distinct from basic social services, and how members feel about their future recommendations being aspirational compared to measuring recommendations to be politically viable in the current context. Findings from public meetings and research done by the reparations body may influence how the body defines reparation to align with the community's view and needs. However, setting a baseline will help bring members on the same page and provide grounding for more consistent responses to public questions.

Understanding the scope of the mandate will also help set the vision for the work ahead. If recommendations are to be submitted to the county government or city mayor, it will be important to know which departments, offices, and programs have jurisdiction to act upon those recommendations and implement them. This information can help focus and direct the work by knowing which harms, and institutions responsible for those harms, are within the scope for the reparations body to analyze and make recommendations to address. Not being clear on what falls within the bodies' mandate also raises the public's expectations unrealistically while lowering the credibility of the body among politicians.<sup>12</sup>

A work plan that articulates the body's vision, scope, and a set of key milestones toward completing the final report and creating recommendations are key to ensure all members are on the same page and that the vision is feasible. In addition to vision, scope, and milestones, this plan will lay out the main activities and phases of operation for the work and may also include a context analysis, the body's structure and powers, budget, and possible risks. In San Francisco, the African American Reparations Advisory Committee dedicated portions of its first meetings to discuss expectations, goals, structure, and process.<sup>13</sup> The Committee's six-month interim report outlined their intended vision and direction of work for the next eighteen months of their mandate.<sup>14</sup>

## Operationalizing Vision and Plan

Reparations bodies in the United States have taken different approaches to operationalizing their vision and work plan. Regardless of the approach, an effort to contribute to repair should be a driving force behind each action and activity the body undertakes. Drawing from global experiences with truth commissions, having an official government sponsored body seriously and sensitively verify facts and consider issues that have been denied or brushed aside can serve as a form of acknowledgment, a crucial element of repair. Likely due to pressures of time, resources, and window of opportunity, there is sometimes a rush to focus on establishing recommendations at the expense of making the process to get to the recommendations reparative itself. Once recommendations are submitted, most reparations bodies' mandates end, leaving implementation of recommendations up to political will. Unfortunately, implementation is not guaranteed, making it important to try to provide a sense of repair while the body is active. Most often this can occur through public meetings and community engagement.<sup>15</sup>

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<sup>12</sup> Feedback during ICTJ-led retreat with members of the Washtenaw County Advisory Council on Reparations, April 5, 2024.

<sup>13</sup> San Francisco African American Reparations Advisory Committee, "Draft Meeting Transcript," San Francisco Human Rights Commission, June 1, 2021; San Francisco African American Reparations Advisory Committee, "Draft Meeting Transcript," San Francisco Human Rights Commission, July 12, 2021.

<sup>14</sup> San Francisco African American Reparations Advisory Committee, "December 2021 Report: Efforts to Support the Preparation of a San Francisco Reparations Plan," San Francisco Human Rights Commission (2021).

<sup>15</sup> Discussion between Virginie Ladisch and Emma Merritt-Cuneo, March 19, 2024.

An example of intentionally structuring activities to provide a sense of repair are the seventeen community listening sessions held by the California State Task Force across the state. The sessions were held in locations meaningful and accessible to the community and opened with prayer, song, spoken word, poetry, visual art, meditation, or music.<sup>16</sup> Reflecting on the listening sessions, Dr. Jovan Scott Lewis, one of the task force members, noted: “What [Reparations] must do is bring about this sense of recognition... One of the things that the [Task Force] has accomplished so far over the past year is to bring about a sense of recognition for the Black American community in California and the country overall.”<sup>17</sup>

Subcommittees, organized around a specific focus area or theme, are a common way reparations bodies have structured their work to go deeper into a specific type of harm and its impact and manage specific objectives of the body’s work. The African American Reparations Advisory Committee in San Francisco organized its fifteen members into four subcommittees: economic empowerment, education, health, and policy. During the first six months of their mandate, the subcommittees defined their goals, objectives, and research priorities to drive the work forward. Each subcommittee prepared and managed their own outreach and research to develop recommendations which were compiled in a final report with overarching recommendations and subcommittee-specific recommendations.<sup>18</sup>

Given the huge undertaking and limited resources reparations bodies are generally equipped with, outside support is often sought and needed. It is common practice in the United States and globally to partner with local groups to facilitate participation of the harmed community as this can help build trust, access, and legitimacy in the process. For example, the California State Task Force partnered with the University of California, Los Angeles who worked with a Black-owned consulting firm and seven local community organizations to help plan and facilitate listening sessions across the state.<sup>19</sup> In addition to partnering with grassroots organizations, larger institutions, such as universities, have been a common feature of outside partnerships in reparations work in the United States. However, universities as an institution are frequently complicit in, if not perpetrators of, past harms and the power dynamics of a partnership on reparations work needs to be approached delicately. There are university centers and professors who have been able to be creative within the rigid university system and do this work in a reparative way.<sup>20</sup> One example is a collaboration between Columbia University and Howard University called AARN, in which they intentionally worked to deconstruct inherent hierarchies and rigid structures of typical research methods by embedding flexibility, equality, cultural humility, and democratized decision-making and funding. Their approach to supporting reparative work in the United States also aimed to acknowledge and engage in harmed communities’ self-determination. Working in this way helped develop meaningful spaces to work alongside community-driven reparations projects.<sup>21</sup> Another example is in Detroit where several schools and centers at the University of Michigan provided the Detroit Reparations Task Force

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16 California Task Force to Study and Develop Reparation Proposals for African Americans, “Chapter 32”, in *Final Report* (2023), 876–879.

17 Antonio Ray Harvey, “Statewide ‘Listening Sessions’ Allow Reparations Task Force to hear Black Californians Stories,” *The Observer*, September 13, 2022, <https://sacobserver.com/2022/09/statewide-listening-sessions-allow-reparations-task-force-to-hear-black-californians-stories/>

18 San Francisco African American Reparations Advisory Committee, “San Francisco Reparations Plan 2023,” San Francisco Human Rights Commission (2023), 8, 54; San Francisco African American Reparations Advisory Committee, “December 2021 Report: Efforts to Support the Preparation of a San Francisco Reparations Plan,” San Francisco Human Rights Commission (2021), 11.

19 California Task Force to Study and Develop Reparation Proposals for African Americans, “Chapter 32”, in *Final Report* (2023), 876–878.

20 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

21 See Linda Mann, “Advancing Local Transitional Justice Initiatives: A University Partnership Alongside Descendent Communities.” *The International Journal of Transitional Justice* 18, no. 1 (2024), 109–115.

22 See the report “Harms Report for the Detroit Reparations Task Force” at <https://lsa.umich.edu/social-solutions/history-and-slavery/craftingdemocraticfutures/detroit-reparations-task-force-harms-report.html>

support in compiling and analyzing existing data in the census and public records to make the information more digestible and accessible for explaining the harms that discriminatory policies have had on Black Detroiters.<sup>22</sup> Over several months, the University entities and the Task Force established a process of working together that included spaces for co-creation in which the Task Force could provide feedback to direct the University's research. This kept the Task Force in a leadership position and in control of how the harmed community was engaged. For this process to be meaningful and reparative, research often needs to be thought of differently than typical academic research. It is therefore crucial for the faculty and university staff to listen to the members of the reparations body and follow their lead on what is needed to align university structures and avoid bias.<sup>23</sup>

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<sup>23</sup> Jessica Cruz and Sydney Tunstall in discussion with Virginia Ladisch and Emma Merritt-Cuneo, April 23, 2024.



## Engaging the Community, Public, and Media

As a tool of public policy, reparations bodies need to consciously think about how to engage the public. This section provides observations and lessons on engaging and communicating with critical stakeholders. Communication can be thought of as a mutually reinforcing process between public stakeholders and the reparations body that goes beyond simple information sharing to create two-way communication through dialogues, consultations, and participatory events.<sup>1</sup> Intentional engagement with each set of actors includes establishing accessible channels and platforms for providing updates and avenues to provide feedback in a way that can help shape the process and its outcomes as well as garner support.<sup>2</sup>

### Harmed Community and Public Engagement

Voices of the harmed community must be at the forefront of reparations work. To do that, reparations bodies require a clear public engagement strategy that ensures the harmed community knows how they can engage (e.g., public testimony, written submissions).<sup>3</sup> It should also provide guidance to structure their comments (e.g., topics, type of information being sought and for what purpose). Without a clear structure, public comments can be disjointed and possibly disruptive.<sup>4</sup>

Participants in listening sessions for the California State Task Force were given questions to guide their interventions around types of harms and discrimination and their priorities and recommendations for reparations. The Task Force also used the listening sessions to educate the community about its work,<sup>5</sup> which can help facilitate informed engagement and expectations going forward. Lack of clarity and transparency around how the Boston Task Force on Reparations envisioned engaging the community exposed the Task Force to criticism and left

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1 See Clara Ramirez-Barat, “Making an Impact,” ICTJ, 2011.

2 For more analysis on factors influencing public support of reparations, see: Kamri Hudgins et al., “Crafting Democratic Futures: Understanding Political Conditions and Racialized Attitudes Toward Black Reparations,” *The Russell Sage Foundation Journal of the Social Sciences* 10, no. 3 (2024), 49–67.

3 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024.

4 Discussion between Virginie Ladisch and Emma Merritt-Cuneo, September 1, 2023.

5 California Task Force to Study and Develop Reparation Proposals for African Americans, “Chapter 14”, in *Final Report* (2023), 878.

community members who were integral to getting the ordinance passed that established the Task Force feeling shut out.<sup>6</sup>

The extent of harms experienced in the United States can manifest in hesitancy among impacted communities to engage in a reparations body established by the government.<sup>7</sup> It is therefore important to ensure trust-building is at the center of any community engagement initiative.

## Media Engagement

The work done early on to build relationships and establish a common vision and work plan will help members of the body to speak in a collective voice. Competing answers to the media about the body's vision and work from different members can cause confusion and open the body up to criticism. Media engagement should therefore be considered as early as possible though not necessarily done as early as possible. An internal media strategy and designated spokesperson can help streamline and create a consistent cadence of communication. This will go far in providing a transparent process, establishing and maintaining trust, and setting clear expectations about deliverables and timeline. Moreover, this enables the body to control its own narrative.

Sensationalism in media reporting in the United States over what reparations will cost or pay out to an individual has led to limited nuance about what reparations are and could be. In San Francisco, the African American Reparations Advisory Committee's recommendation for cash payments to eligible persons dominated news headlines despite it being one of over one hundred diverse recommendations spanning economic opportunity, education, culture, health, and housing to build a more equitable and inclusive city. Reducing reparations to only financial compensation is one major roadblock to reparations efforts identified by the Reparations Narrative Lab at Liberation Ventures. Other roadblocks seen in the media include attempts to divide the movement by elements of identity; diminishing the feasibility by stating it is too complex or impossible to repair all the harm; and discrediting the necessity of reparations by claiming "anyone can make it if they work hard enough" and "the country has made progress addressing racism and inequality."<sup>8</sup> Developing a media strategy and messaging within the reparations body are important not only to be prepared to respond to these common attempts to derail reparations but also to educate the media about reparations, manage the information shared out from the body, and hold the media accountable for what they report. Together, this will help ensure the whole story of reparations reaches the municipality.<sup>9</sup>

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6 Aziza Robinson-Goodnight in discussion with Sydney Tunstall, September 28, 2023.

7 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

8 For further discussion and information on narrative strategies see The Reparations Narrative Lab, "Narrative House," <https://www.reparationsnarrativelab.org/narrativehouse>

9 Jessica Cruz and Sydney Tunstall in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 23, 2024; Discussion between Virginie Ladisch and Emma Merritt-Cuneo, September 1, 2023 and March 19, 2024.

## Reimagining the Approach

In a desire to keep the positive momentum for reparations going, there can be a tendency to move quickly and replicate an approach from one municipality to another. However, this can be at the expense of identifying which elements are working well or assessing if existing government structures in a system of ongoing injustice actually provide the agility to respond and holistically repair historical violations and their contemporary harms.<sup>1</sup> This section takes a step back to reflect on the current efforts in the United States and lessons from abroad with an eye toward increasing the reparative impact of these initiatives and toward the long-term sustainability of reparative work in the United States.

One way to increase the impact of the current ad hoc model of reparations bodies in the United States is to imagine measures that could support transforming their recommendations into legislation. This could mean adjusting bodies' terms to not sunset immediately after submitting their final report and recommendations to the municipal government. By adding time to the mandate, members of a reparations body can help policymakers and the public understand their recommendations and, ideally, advise on their adoption as new legislation and how to utilize their findings to integrate a reparative lens to current legislation and government programs. Another way could be to adopt global practices from transitional justice work where it is not uncommon for the establishing legislation of a truth commission or reparations process to give a timeline for the government to respond after receiving a final report and recommendations. If this is not clear in the establishing legislation, reparations bodies in the United States should name responsible parties for implementing their recommendations and articulate a recommended time frame and prioritization for implementation.<sup>2</sup> Both elements provide civil society with a basis to hold the government accountable for implementation and to advocate for change.<sup>3</sup>

Repairing generations of injustice and dismantling systems that enabled historical violations and continue to perpetuate harm will take multiple initiatives and a long-term commitment. The models available in the current government approach to repair may not be ideally suited

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1 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024; discussion between Virginie Ladisch and Emma Merritt-Cuneo, March 19, 2024.

2 See section 1 for more information about prioritization.

3 In The Gambia the decree establishing the truth commission outlined that within six months of receiving the final report and recommendations, the government would issue a proposed plan for implementation. Six months after the final report, the government responded identifying which recommendations it accepted to implement. It was not until one year later that an implementation plan was issued. See Truth, Reconciliation, and Reparations Commission Act, 2017, Part VI, Art 30 (3), <https://static1.squarespace.com/static/5a7c2ca18a02c7a46149331c/t/5a8451b4e4966bfad91329e9/1518621128178/truth%2C+reconciliation+and+reparations+commission+act%2C+2017.pdf>

as they consider reparations as a one-time discrete policy issue to be addressed by a short-term ad hoc body. These bodies generally work in isolation when a meaningful government commitment to undo structures of harm embedded in the social, economic, and political fabric of the United States requires institutionalizing a reparative lens across government sectors.<sup>4</sup> Imagining a structure at the municipal level that gives permanence to reparative policymaking, be it through a perpetual body, reparations office or ombudsperson, provides time and space for reparations to adapt to new needs and beneficiaries.<sup>5</sup> This also provides an infrastructure that could inform policy, government programs, and public engagement to take a reparative lens. Moreover, institutionalizing the work avoids a single point of failure and causes more noise when politicians try to derail or shut down the effort.<sup>6</sup>

When we look at reparations globally, the United States is an outlier in the level of burden placed on members of the harmed community, rather than the government, to implement a successful process. With the responsibility to act and fulfill their legal obligation to provide repair, governments should take a long-term approach to repair, backed by funding and resources, to provide space for co-creation of reparative initiatives with the harmed community and to add a reparative lens to policymaking and government programs. This offers a structure where the harmed community is empowered to lead, supervise, and give input but where the onus of undoing structures of injustice is not on the harmed community.<sup>7</sup> With this in mind, reimagining the approach to reparations in the United States requires bold and inventive rethinking and context-specific models that do not perpetuate the harm they seek to address and that unlock spaces in government for creative and transformative reparative initiatives.

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4 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024; discussion between Virginie Ladisch and Emma Merritt-Cuneo, March 19, 2024.

5 In the United States so far, reparations bodies have been largely ad hoc. The Reparations Committee in Evanston and the Advisory Council on Reparations in Washtenaw County are examples of bodies with permanence in local governments.

6 Alize Asberry Payne in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 9, 2024.

7 Linda Mann in discussion with Virginie Ladisch and Emma Merritt-Cuneo, April 11, 2024.

## Conclusion

In the last few years, the movement for reparations in the United States has witnessed a significant number of innovations and progress at the municipal level that have demonstrated to the nation that reparations are possible. The cross-municipality collaboration and lesson-sharing in the United States around reparations is rich, active, and innovative. Building on that spirit, this report intends to complement that discussion, encouraging continued exchanges across contexts, and reflections from domestic and international reparations efforts to offer insight and inspiration to assist reparations advocates. Political allies, resourcing the reparations body, and intentionally and strategically preparing the body's work, alongside awareness of local context can help uncover new pathways for co-creation for reparations and unlock creative spaces in government to engage in transformative reparative policymaking and hold government accountable to its legal obligation to provide reparations without doing additional harm.

Reparations is a long-term and complex socio-political process and should be thought of beyond one-time actions to redress harms. Reparations are about collectively acknowledging and addressing violations that have occurred and preventing future harm from happening.

For long-term sustainability and impact, the reparative process must be given the time and resources to adapt to new issues and promote a reparative lens to policymaking and government work across sectors. Reimagining the current approach requires us to reflect on what it means not only to seek reparations as a result but also to employ a reparative lens in every stage of the work within a system of ongoing structural racism and discrimination. Collectively we can push existing systems and structures further to create an approach that is reparative both in process and in outcome.

