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Case Studies on Transitional Justice and Displacement

Reparations and Displacement in Peru

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Transitional Justice and Displacement Project

From 2010-2012, the International Center for Transitional Justice (ICTJ) and the Brookings-LSE Project on Internal Displacement collaborated on a research project to examine the relationship between transitional justice and displacement. The project examined the capacity of transitional justice measures to respond to the issue of displacement, to engage the justice claims of displaced persons, and to contribute to durable solutions. It also analyzed the links between transitional justice and other policy interventions, including those of humanitarian, development, and peacebuilding actors. Please see: www.ictj.org/our-work/research/transitional-justice-and-displacement and www.brookings.edu/idp.

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Introduction

The reparations policy for victims of Peru's internal armed conflict, which lasted from 1980 to 2000, includes the internally displaced population among its beneficiaries under the Official Register of Victims, a list currently being drawn up by the Reparations Council. During the 1980s, humanitarian assistance was used in an attempt to deal with the impact of the influx of new inhabitants fleeing from violence in Peruvian cities. In the 1990s, the state's policy shifted toward a rights-based approach, but was used to make it appear as though the country had successfully transitioned to peace. As a result, the policy's impact was diminished. In the early 2000s, the publication of the *Final Report of the Truth and Reconciliation Commission* enabled the creation of various institutions designed to achieve justice for the victims of the armed conflict. Among many such institutions were the High Level Multisectoral Commission (*Comisión Multisectorial de alto Nivel*, or CMAN), which was responsible for implementing the national policy on reconciliation, and the Reparations Council (*Consejo de Reparaciones*, CR). Several of these institutions tackled the difficult situation of displaced people.

The current program that centralizes the national policy on reparations takes into account those affected by displacement. However, the problematic issue of displaced persons is given a lower priority than the other categories of victims also included in the program, such as those who were killed or who suffered disappearance, torture, or other types of attacks on the right to physical well-being and life. When these categories are brought together under a single program, some will always appear more pressing than others. In this paper, I analyze the development of this reparations policy in each of its stages: agenda, program, design, management, and evaluation.¹ I describe the development of the policy in relation to the political field, the armed conflict, and the transition process that began with the new millennium.

The Problem of Displacement in Peru²

It is estimated that some 430,000 people were displaced during the 20-year armed conflict in Peru.³ Originating in different areas of the country and with diverse economic backgrounds, each group of displaced people had a unique relationship with society at a national level. They also had different ways of integrating themselves into their new communities or returning to those they had left. They set out from different municipalities—from isolated communities and suburbs as well as some provincial cities—and headed for neighboring communities or larger cities. They generally wanted to find safety, and, to obtain it, some went into hiding while others fought against subversive activity. Some sought temporary asylum in safer areas, while others made plans to settle there permanently. Quite a few used the so-called strategy of *dos pies* (two feet), deciding not to return home but seeking instead to rebuild relationships with their communities of origin in order to re-establish past contacts and recover lost benefits.

Displacement took place in two large waves: first in 1982–1984 and then in 1988–1992. Each wave was distinguished by many particular features. Displacements from 1983 to 1985 originated in the south-central Andes (where the armed conflict began) and were not planned. When conflict spread in 1986–1989 to other parts of the country, some recorded displacements were planned and even preventative. Between 1990 and 1992, most planned displacements were followed by violence as it spread and began to affect indigenous populations at the edges of the jungle.

The success of integration in areas of refuge was determined by the individual characteristics of each family, the circumstances of their displacement, and the strategies they chose. Thus, a family's pre-existing capital in terms of resources and networks (both economic and cultural), the year in which it became displaced, the suddenness of the displacement, cultural differences with the refuge area (dealing with a neighboring community was less traumatic than a community in a large city), and the family's socioeconomic background were factors that largely defined displaced people's experiences, the paths they chose, and their future options for return or permanent insertion. Indeed, displaced people who sought refuge in large cities tended to settle there permanently.⁴ In contrast, those who looked for safety in places that were physically and culturally close to their places of origin returned sooner and in greater numbers. Of spontaneous returnees and those who returned earlier on, 89 percent took refuge in small cities that they had known before their displacement. In all cases (except for the department of Ancash), most returns occurred between 1991 and 1993. Of those who took longer to return and who were farther away from their places of origin, 36 percent were motivated by the "pacification process," while 33.6 percent wanted "to recover property" and 29.3 percent "to work." A crucial factor in the decision to return was the level of adaptation to host cities, which was fairly low among older people and those who were more culturally removed from their new communities.⁵

As in other contexts, displacement was not a homogenous phenomenon. Indeed, given Peru's diversity, it was perhaps more heterogeneous than in most places. The policy on displacement should therefore reflect this heterogeneity.

State Responses and Reparation Policies During and After the Conflict

The Program for the Support of Resettlement

Help for the displaced began to arrive early on (around 1984), primarily from institutions connected to the Catholic Church, humanitarian institutions, and the first organizations created for displaced people. It was aimed, however, at small family groups and was basically humanitarian assistance designed to alleviate the emergency. From 1992, the logic of such support turned toward a more rights-based approach. The activities undertaken during this stage were not just about meeting needs but also about restoring rights. During this time, rights such as legal identity (in light of many displaced persons who lacked identification documents) and legal aid for the wrongly accused were prioritized. This was accomplished thanks to the work of several NGOs, civil organizations, international cooperation agencies, and, most importantly, the National Committee for the Displaced (*Mesa Nacional sobre Desplazamiento y Afectados por Violencia Política*, MENADES). Created in 1993, this umbrella organization played an important role in developing and publicizing proposals to solve the problems associated with displacement, as well as promoting activities aimed at making the state assume its responsibilities. The first state institution designed to deal with these problematic issues was thus created in 1993: the Program for the Support of Resettlement (*Programa de Apoya al Repoblamiento*, PAR).⁶

The government of Alberto Fujimori intended to demonstrate that the problem of violence was resolved and that pacification was achieved as a result of the 1992 capture of Abimael Guzmán, leader of the *Sendero Luminoso* (Shining Path),⁷ which would explain why people wanted to return to their places of origin. From 1994 onward, the PAR thus initiated activities to promote urban development and the process of return.⁸ While NGOs and cooperation agencies opted to support organizations for the displaced and to support actions aimed at restoring rights such as those mentioned above, the government continued to focus on return.

The way the PAR generally carried out its activities has been harshly criticized by Peruvian civil society. According to José Coronel,⁹ the PAR misinterpreted data from its 1994 survey, incorrectly concluding that displaced people living in large cities were mostly willing to return. The survey stated that 37 percent of the displaced would return but not ultimately leave the city (the *dos pies* strategy), and that 18 percent would do so only in certain conditions. Despite this, the aforementioned figures were used to demonstrate a supposedly general desire among the displaced to go back to their places of origin (in direct contradiction to the data). In political terms, lending support to the process of return was more convenient if done from within the big cities, as the media impact was much greater than in smaller cities.¹⁰ Because most returns had already taken place spontaneously and without any official help, a wiser investment of resources would have taken places of residence (of insertion or return) into account. In any case, most of the displaced who participated in the PAR never attempted to return permanently and, in most cases, only intended to re-establish contact with their places of origin—as such links had been weakened during their stay in the large cities. Many returned before long to their cities of refuge. According to the National Coordinator for Human Rights (*Coordinadora Nacional de*

Derechos Humano, CNDDHH),¹¹ the PAR abandoned people it had helped to return, never fulfilling expectations generated by its policy of constructing infrastructure to assist affected villages.

Midway through 1996, the PAR was transferred from the Presidential Ministry to the Ministry for Women and Social Development (*Ministerio de la Mujer y Desarrollo Social*, MIMDES). As a result, the PAR also began to work on lending support to aid programs for the reconstruction of social and productive infrastructure for the returning population.¹² Around 1998, various NGOs involved in displacement issues as well as a number of organizations of displaced persons began to shift their focus away from displacement and toward other types of victims. The PAR added “and Development of Emergency Zones” (*y Desarrollo de Zonas de Emergencia*) to its name. Its agenda began to include measures to rehabilitate local areas for the benefit of people affected by the conflict (not only displaced people), with the prospect of repairing those areas. Thus, programs were implemented to reconstruct democratic institutions; promote human rights and social equality; and provide scholarships, housing, productive projects, and other support for families in emergency zones.¹³

Previously a Decentralized Public Office, PAR was converted in 2003 by MIMDES into a trustee body, and as a result its budget and capacity to take action were reduced. In 2004, as part of the law concerning internal displacement, the National Register for Displaced Persons (*Sistema de Registro y Acreditación de Desplazados Internos*, RADI) was created under the jurisdiction of MIMDES. In that same year, MIMDES also created the General Directorate for the Displaced and a Culture of Peace¹⁴ and tasked it with promoting, coordinating, directing, supervising, and evaluating the rules and actions concerning the treatment, protection, and reparation of those who had been displaced within the country. It was this directorate that took up the job of developing both the Census for Peace and RADI, which are discussed below.

There were other problems identified in the work done by the PAR. First, in Ayacucho, it created tensions between communities that benefited from its support and those that did not, and families headed by women did not receive any aid.¹⁵ This practice illustrates the way in which interventions were prioritized; if they had been guided by justice criteria, supporting the most vulnerable families—such as those headed by women who had lost their husbands—would have been a priority.¹⁶ Second, within the Asháninka population, the so-called Asháninka Emergency Commission had to formally request the PAR to concentrate on providing support to returnees instead of focusing on organizing additional returns. It also had to explicitly ask that the Asháninka’s cultural particularities be taken into account.¹⁷ Furthermore, in cases where families had been displaced within the Asháninka community, the PAR organized community returns without taking into consideration the people who had occupied Asháninka lands after their departures (mostly coca growers from the Andes). Third, in March 2001, the “Declaration of Húanuco” was signed during a forum organized by MENADES and the National Coordinator For Displaced Persons and Communities for the Reconstruction of Peru (*Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú*), proposing that the PAR, along with other existing programs around the country, cease to exist as an aid body and join forces with other government programs to widen its scope and thus reach those areas most affected by conflict. The proposal called for protecting and providing reparations for resettled and returning populations through jobs, support, and strategies for resisting the violence, thus restoring their rights. Clearly, these groups were unsatisfied by the PAR’s work.¹⁸

Another problem involved the methodology used to assess the problem of displacement. The PAR began to develop the so-called Census for Peace in 2001. In its first stage, 1,938 population centers were registered as having been affected by violence, but there were no individual records for each victim. During the second stage of the census, in 2002, 934 population centers were registered, and individual records of victims began to be collected. In the third stage, in 2003, names of victims who had been missed in the first stage were registered. The fourth stage of the census was carried out in 2006, with 2,057 population centers registered. According to civil society organizations, the census was highly flawed, as the information gathered was not reliable. Local authorities were often the only sources of information, and the data were not checked against other sources.¹⁹

Despite these flaws and the fact that by this point there already was a state institution that dealt exclusively with registering all victims of violence (the CR), a fifth and final stage of the Census for Peace was carried out in 2008. The CMAN, in charge of implementing the reparations process (described below), provided MIMDES 1 million soles to do so.²⁰ The goal was to register those communities that had not been accounted for in the previous census stages, in an attempt to correct the earlier stages' shortcomings. This final stage of the census hoped to register 4,200 population centers, as well as farming and native communities,²¹ thus covering all communities affected by the conflict. The mistakes that were made by the Census for Peace, however, also affected the implementation of subsequent reparations efforts. For example, as MIMDES did not hand records or certificates over to the displaced, the CR encountered problems because people thought that the same process was going to take place all over again: they feared re-victimization.²²

The PAR is an example of a policy born under the influence of a political context and shaped by its use in that context. During the shift toward a rights-based perspective, the PAR was presented as part of a state policy on pacification and was thus reduced to a mere indicator of the success of this policy. The PAR adapted to this new perspective on rights and continued to vary the type of activities it planned. Yet, there was criticism regarding problems of implementation and the way in which priorities were assigned, as the PAR gradually went about establishing its presence among the new institutions created during the transition—in a political context that was highly critical of the Fujimori government. Additionally, the PAR can also be understood as an example of a poorly conceived policy or, worse still, as a policy that made important missteps not just in the production of information but also in its interpretation. Such essential flaws affected PAR even beyond the Fujimori regime and continued during the implementation of the Peace Census.

The Truth and Reconciliation Commission

The creation of the Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación*, CVR), during the transitional government of Valentín Paniagua, changed both the policy of reparations and the public's perception of the past violence. Responsible for clarifying events that took place between 1980 and 2000, the commission provided diagnoses and made proposals in order to prevent such violence from returning to the country. Working between 2001 and 2003, the CVR produced a nine-volume report that included the issue of displacement. However, displacement was included only in response to pressure from MENADES and the organizations for the displaced. The CVR did not place as much importance on the issue of displacement as it did on other issues, such as death,

disappearance, and torture. Public interest was thus directed to the traditional concerns of transitional justice that had until then been left somewhat unattended.

Nevertheless, the CVR did help create a better understanding of the phenomenon of displacement in Peru. In part, this was due to the fact that the CVR was a state institution, so its actions were automatically considered part of the state policy to assist victims of violence. In the cities, the displaced were often treated with contempt for having come from areas considered to be full of “terrorists.” By showing various sectors of society that the displaced had left everything behind in order to escape Sendero Luminoso’s violence, the commission helped to destigmatize displaced people. Because the CVR considered forced displacement to be a human rights violation, it made clear that the displaced should be regarded as victims of violence. Furthermore, the CVR shed light on the shortcomings of earlier state policy in assisting the displaced population: it criticized the PAR’s neglect of communities that had been devastated during the conflict as well as the state’s neglect of claims made by organizations for the displaced. It also recommended taking action to generate employment, such as training and community support, in order to overcome poverty. Finally, the CVR provided a reminder that the displaced population is protected under Peruvian and international law.

The CVR report sparked a strong national debate, which unfortunately focused on criticism of the report itself and on defending those accused of human rights violations. At the same time, however, it also led to symbolic actions in general support of victims. Three months after the publication of the CVR report, the president apologized to conflict victims, and MIMDES and the PAR carried out a ceremony honoring those affected by the conflict. One year later, a law on displacement was enacted, and the president gave a speech on the problem.²³ Despite its largely preventative nature, this law provided for the creation of the RADI. By recognizing the specific status of displacement, the creation of this register also constituted a symbolic recognition of the problem of displacement in Peru.²⁴

The CVR provided a diagnosis of the conflict and its consequences, and future measures would be largely determined by the consideration given to those consequences in the commission’s final report. When displaced persons’ associations saw that it was important for the issue of displacement to appear in this report, they pushed for their concerns to be taken into account. The resulting policy on compensation was planned via a program described as “integral,” and was designed and implemented by the Reparations Council and CMAN. The CVR allowed an agenda on reparations to be created, which generally unified the policy on reparations (including those for displacement). This, however, meant that the problem of displacement was considered alongside—and suffered by comparison with—other types of victimization related to crimes against life and personal integrity. The CVR therefore did deal with the problem of displacement, but still subordinated it to some of the other categories of victims.

The Comprehensive Reparations Program

Before the Comprehensive Reparations Program (*Plan Integral de Reparaciones*, PIR) was created, the government policy for dealing with people affected by violence, particularly those who had to abandon their places of origin, lacked coherence and was aimed at different types of specific problems. The PAR had been created; censuses had been carried out; the law on internal displacement and RADI

had been implemented; and different types of assistance for mental health,²⁵ adequate housing,²⁶ development promotion,²⁷ the lack of identification documents,²⁸ and forced disappearances²⁹ had also been provided to the displaced. These diffuse policies and norms were unified in 2005 under the PIR, which also defined specific institutional roles and responsibilities.³⁰ Thus, the CR would be responsible for drawing up an Official Register of Victims (*Registro Unico de Victimas Individuales y Colectivas*, RUV), which was made up of Book 1 for individual beneficiaries and Book 2 for collective beneficiaries. In turn, the CMAN, in charge of supervising government policies and actions concerning peace, collective reparations, and national reconciliation, was tasked with coordinating the PIR's implementation. Despite the creation of the CR, however, unification was only partial; the ombudsman was still responsible for drawing up the register of victims of forced disappearance,³¹ and MIMDES was still in charge of compiling the RADI.

The PIR regards those who suffer forced displacement as conflict victims,³² either on an individual³³ or collective basis.³⁴ Collective beneficiaries of the PIR included peasant communities that suffered forced displacement and organized groups of nonreturning displaced people.³⁵ This ensured that displaced people and their collectives were able to benefit from the different reparation programs.³⁶ The only exclusion was the result of a subsequent interpretation by the CR, which held that peasant and native communities, as well as population centers of returnees, had to have an average of 20 homes or 100 inhabitants, and that there had to be other effects of violence apart from displacement and lack of documentation suffered by the population.³⁷ According to the PIR, then, the harm suffered by the displaced is not comparable to the harm suffered by victims of death, disappearance, torture, or sexual violence.

Although the CR officially began functioning in October 2006, it did not have a technical secretariat until March 2007. One of the CR's tasks was to verify the quality of registers created prior to the RUV and to incorporate them; among these registers were the RADI and the Census for Peace in all its five stages. Starting in 2007, and particularly in 2008, the CR made significant progress in its program design, establishing protocols organizing the use of previous registers and developing indicators for taking displacement into account.

The Protocol for Integrating the Four Stages of the Census for Peace (2007) thus established that this census would be considered a preliminary register of collective beneficiaries. The individualized information provided on the victims served only as a reference, insofar as it was only made up of lists of people that had not undergone any verification process.³⁸ The protocol established the mechanism for validating the first four stages of the Census for Peace. Indeed, the CR had to organize workshops for this census validation with local and community authorities throughout the country, thus confirming earlier criticisms of the methodology used. The census had not used the same registration criteria that the CR was now employing. One of the most serious discrepancies, for example, was the way in which the census had measured the impact of the violence among registered communities and population centers.³⁹ Several other discrepancies in information were found during validation workshops. Even the fifth stage of the census, whose methodology was developed in conjunction with the CR—and for which validation workshops were not necessary—could not be completely incorporated into the RUV because it had included communities that did not meet the minimum requirement in terms of the number of inhabitants or because errors had been made regarding their geographical location.

Thus, of the 2,535 population centers registered in the fifth stage of the census, only 1,576 were entered into Book 2 of the RUV.⁴⁰

Additionally, a Protocol for Registering Communities and Population Centers Not Registered in the Census for Peace was created (2008). This should not necessarily be seen as a criticism of the work done by MIMDES through its Census for Peace, as enrollments remain open even after technical teams from the CR have completed their work. However, while most of the population centers registered in Book 2 of the RUV were obtained from the Census for Peace, many new entries were recorded thanks to this new protocol.

The Protocol for Identification and Individualization of Victims (2008) acknowledged that there might have been displaced persons or other types of victims not included in any legal register.⁴¹ One option initially considered in response to this situation was to use the registry records of the CR to obtain signed sworn statements and then verify this information.⁴² Finally, a Protocol for the Integration of the National Register for Displaced Persons was created to include those registered in the RADI under the RUV. Today the RADI continues to function in parallel to, but in connection with, the CR. While its register is for families, and that of the CR deals with individuals, this discrepancy has not proved to be a serious problem when handing information over to the RUV. Established before the CR, the RADI was intended to draw up a list of displaced people throughout the country. It was not, however, deactivated with the appearance of the CR; in part this was because RADI was aimed not only at reparation but also development. There do not appear to have been problems regarding the quality of the information retrieved, and procedures have been created that allow both institutions to share compiled information.⁴³ However, this has not always been the case. According to the International Displacement Monitoring Centre, until 2008, no internally displaced person had received compensation because neither institution had shared information.⁴⁴ At the time of writing, the CR had managed to register 5,668 collective beneficiaries, 20 groups of displaced persons in their insertion sites, and 120,000 individual beneficiaries. In both cases, the people and communities affected by forced displacement have been taken into account.⁴⁵ As the work of this institution continues, the real number of victims—displaced or otherwise—who suffered the consequences of the conflict between 1980 and 2000 will become clear. According to the CR’s “Report for 2008–2009,” 21 percent of the 30,069 victims (that is, 6,171 victims) directly enrolled in the RUV suffered forced displacement. But CR officials estimate that there will be more than 10,000 people in this category.

Collective reparations have also been brought forward by the CMAN through the registers drawn up by the Census for Peace (an arrangement established early on by the Rules for the PIR).⁴⁶ As a result, the program for collective reparations and the program for reparations in the area of health have been implemented since 2006, with a good number of collective beneficiaries being communities that suffered displacement. Using the Census for Peace to develop the multiyear program for 2005–2006, the CMAN prioritized 562 communities from different regions of the country. Using the same source, it acted in similar fashion the following year and prioritized 440 communities.⁴⁷ The problem is that the CMAN has continued to use the census in order to choose the communities that are to receive reparations, despite the fact that the census information is not very reliable, and that there were also communities that had been already validated and certified in Book 2 of the RUV. According to its website, the CMAN has continued to implement its collective reparations program, and at the time of writing had prioritized 1,807 communities, financing 1,672 projects for 1,649 communities.

In fact, many have criticized the CMAN's work, not just because the comprehensive plan was not fully implemented, but also because it focused on collective rather than individual reparations. Even collective reparations in the PIR are described in terms far broader than investment projects worth 100,000 soles. According to some human rights organizations, the CMAN can actually begin to distribute individual reparations because the Council for Reparations has enough people registered in the RUV's Book 1 of individual victims. The CMAN, however, has announced that the register has to be closed before individual reparations are implemented.⁴⁸ Additionally, the small budget given to both the CR and the CMAN has come under criticism. Due to budget cuts, the CMAN was only able to distribute half of the reparations planned for population centers in 2009. Yet, the most serious criticisms have to do with the way in which reparations have been implemented. Namely, beneficiary communities receive around 100,000 soles, but these funds are allocated without prior consultation with the population about its priorities. Indeed, many are unaware that these reparation projects exist.⁴⁹ Even when there have been participatory processes related to the implementation of the project, some of these have proved to be ineffective. Essentially, public works of infrastructure or production, as well as basic services, are imposed upon communities, without any clarity in how these interventions are prioritized. Furthermore, given that communities have been classified according to the degree to which they were affected by the conflict, and that each one of them has a different number of members, it is difficult to understand why each should receive the same amount of reparation. Finally, reparations are being used as a substitute for the lack of basic services, which raises doubts about whether they actually serve as reparations.⁵⁰

The PIR made it possible to unify government policy and to plan, design, and implement policy through some forms of reparation. It is implementation that has spurred the most criticism, given the delays in the process, fluctuations in the budget, the clear lack of political will to carry out such spending, among other issues. A good plan does not necessarily entail good policy; as always, what matters most is how it is put into practice. The Peruvian case is an interesting example of what can be achieved via a comprehensive plan, but also of the problems that can arise in its implementation. While the specific reparation requirements of displaced people are included in Peru's plan, those needs are made relative to other forms of victimization. In the case of towns that might benefit from collective reparations, it is almost a given that one of the forms of victimization will be displacement. While there are specific criticisms that might be made of the way the issue of displacement was dealt with, these same criticisms could be made of the implementation of all collective reparations in general.

Reparation Needs of People Displaced by the Conflict

Beginning in the 2000s, the situation of the displaced in cities of insertion was improving. Two surveys, by the International Organization for Migration in 1994 and by the PAR in 2001,⁵¹ compared cities of refuge over time (Lima, Huamanga, Huanta, Huancayo, Ica, and Abancay). Their data showed solid improvements in terms of education, housing conditions, and access to services. The situation is less promising in the case of the displaced who have returned to their places of origin. Information to this effect is provided by surveys conducted by the National Institute of Statistics and Information (*Instituto Nacional de Estadística e Informática*, INEI) in 1997 and by the PAR in

2001 for Ayacucho.⁵² There, only 57.6 percent of the population had completed primary education, while levels of education among male heads of households are much lower than among their counterparts in displaced families who have settled in cities of refuge. Such differences are smaller among women, except in terms of higher education; in this regard, the percentage among women who have stayed in cities of refuge is double that of returnee women. With respect to housing, the situation is similar among the so-called inserted population and returnees, while in terms of public services (drinking water and electric power) the inserted population has three times more access than the returnees. Also, an in-depth study of the INEI survey data shows that the situation of displaced returnees with regard to property ownership (for example of land and cattle) is more precarious now than it was at the outset of the conflict. Although there is insufficient information to compare the situation of communities affected by displacement with those that were not affected, the evidence allows us to assert that the displaced had to face special obstacles to exercise their rights.⁵³

According to Alejandro Diez’s study, the types of individual or collective impact on the victims of displacement are as follows:⁵⁴

IMPACTS ON VICTIMS OF DISPLACEMENT		
	LEVEL	IMPACT
	Individual or Family	<ul style="list-style-type: none"> • Psychological trauma • Culture shock • Unstable legal status • Discrimination and abuse • Deprivation • Loss or deterioration of goods and capital
	Collective	<ul style="list-style-type: none"> • Destruction of public infrastructure • Destabilization and disappearance of traditional government structures and leadership • Internal conflicts within townships • Breakdown of relationships and conflict resolution procedures • Loss of trust in relationships • Deterioration of cultural heritage

Such harms merit reparation. Yet, in order to understand how reparations should be made, it is necessary to know what the victims want and what they need. In 2003, the PAR carried out workshops in 14 townships around the country,⁵⁵ attended by a total of 264 people. An attempt was made to include both inserted and returnee displaced persons. What these workshops revealed was that displaced people mostly ask for the same things that any poor person in Peru would ask for.

The most frequent demands were the following four: psychological treatment, economic assistance or help with schooling materials, employment opportunities, and the provision of basic services. While demands made with respect to jobs and to the provision of basic services are not specific to the displaced population, the other two are indeed directly related. Concerning psychological treatment, it was argued in the workshops that the displaced populations had neither adequate health services nor staff with the necessary training to deal with the psychological damage caused by the violence. Workshop participants stated that they were “traumatized,” “felt bad emotionally,” experienced feelings of resentment,

rage, sadness, and lack of motivation, and had family problems. Especially since these were poor people, it is notable that so much importance was placed on an aspect of health that is not normally a priority when resources are scarce. As for educational services, insofar as their children had often not been able to receive a good education (because rural education services are poor, there is no infrastructure, and teachers are not properly trained), participants requested full scholarships or exemption from college and university tuition fees.

Other demands that might be expected from a population affected by violence, notably demands for justice or for material and economic reparations, were not so important to the victims surveyed. However, this speaks not only to the low priority given to such demands, but also to how little the displaced understand their rights to make them.

This important information should be better used in the design of programs providing reparations to displaced populations. While the gathering of such information is an important step, the fact is that the implementation of collective reparations has not properly distinguished between the specific needs of each type of victim. The considerable amount of new information has led to a greater understanding of the phenomenon of displacement.

Conclusions

Reparations policies for displaced people in Peru have been influenced by the political context, the armed conflict's dynamics, and the process of transition. What was first a humanitarian emergency became an issue of recognition of rights. The initial political use of reparations then led to the development of a comprehensive plan. From being exclusively aimed at the problem of displacement, the policy came to be a part of a broader program. Furthermore, this is a policy that was under continuous development at the same time it was being implemented. The PIR has provided the policy with the opportunity to demonstrate its maturity. It was not organized from its inception but was influenced by contextual factors as it began to take shape. Knowledge about displacement was acquired as policies moved forward. Moreover, it was not always used for technical purposes but also for political ones.

The PIR made it possible to unify government policy and to plan, design, and implement it through some forms of reparation. Along the way, institutions such as the PAR were gradually set up until the policy was almost totally centralized. The unification of policy meant that displacement was recognized as a form of victimization. However, as a result, the problem of displacement suffered in comparison with other forms of victimization—ones more clearly linked to the violation of civil rights. In this process of policy integration, all specific policies on compensation for displaced people were removed in favor of a general collective compensation.

A good plan and good design do not necessarily lead to good implementation. As always, what matters the most is the way in which these are put into practice. Good laws and institutions do not necessarily mean good policy. Peru is, however, an interesting example of what can be achieved through a comprehensive plan.

Notes

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- ¹ Eugenio Lahera, *Introducción a las políticas públicas* (Santiago De Chile: Fondo de Cultura Económica, 2002).
- ² In 2003, the Regional Delegation of the International Committee of the Red Cross for Bolivia, Ecuador, and Peru assigned anthropologist Alejandro Diez Hurtado the task of diagnosing the situation of the displaced in Peru. The present article has been helped enormously by the aforementioned study, which compiled and systemized most of the extensive amount of information gathered and studies conducted to this point. Unless explicit mention is made to the contrary, all figures presented have been obtained from this study. Any further interest in analyzing figures, statistics, and positions dealing with the issue of the displaced can be pursued by consulting Alejandro Diez, *Los desplazados en Perú* (Lima: CICR/PAR, 2003).
- ³ Although the figure commonly cited is that of 600,000 displaced, the figure of 430,000 estimated by the National Committee for the Displaced in 1996 is more rigorous, as it distinguishes between displaced people and other types of people affected by the violence.
- ⁴ In a survey made by the Program for the Support of Resettlement of the displaced in Peru who had integrated, 92 percent of displaced people stated they had never intended to return to their areas of origin.
- ⁵ Diez, *Los desplazados en el Perú*.
- ⁶ The PAR was part of the National Institute for Development (*Instituto Nacional de Desarrollo*, INADE), which in turn was administered by the Ministry for the Presidency. INADE was a decentralized entity initially created with the aim of implementing large-scale irrigation.
- ⁷ The Maoist-oriented rebel group that declared war against the Peruvian State in 1980.
- ⁸ National Coordinator for Human Rights, *Informe anual 2001* (Lima: CNDDHH, 2002). These organized returns were also presented as part of a supposed government program to assist human rights. See, for example: Alberto Fujimori, "PAR, Programa de Apoyo al Repoblamiento: Fujimori entrega armas para vivir en paz, no para matar," *Desde Tokyo: Alberto Fujimori Presidente del Perú 1990–2000*, June 5, 2004, <http://albertofujimori.org/index.php?selection=artAll&articleId=1209>.

- ⁹ José Coronel, “Balance del proceso de desplazamiento por violencia política en el Perú, 1980-1997,” in *Perú: el problema agrario en Debate – Sepia VII*, ed. Victor Agreda, Alejandro Diez, and Manuel Glave (Lima: Sepia/Arariwa/Sos Faim/ITDG, 1999), cited in Díez, *Los desplazados en el Perú*.
- ¹⁰ Returns organized by the PAR were carried out with much ceremony and publicity. These were large events accompanied by much commotion and public servants were seen dancing and celebrating with the returnees.
- ¹¹ The CNDDHH manages the main human rights NGOs in Peru.
- ¹² Ministry for Women and Social Development (*Ministerio de la Mujer y el Desarrollo Social, MIMDES*), *Lineamientos para la implementación del sistema de registro y acreditación de desplazados internos (sistema RADI)* (Lima: MIMDES, 2006).
- ¹³ MIMDES, *Lineamientos*.
- ¹⁴ Decreto Supremo N° 011-2004-MIMDES.
- ¹⁵ Ponciano Del Pino, “Evaluación de los procesos de retorno de comunidades desplazadas por la violencia política,” in *Evaluación y monitoreo de los programas sociales del PROMUDEH* (Lima: Ministry for the Promotion of Women and Human Development [*Ministerio de Promoción de la Mujer y del Desarrollo Humano*], 2001). Taken from Díez, *Los desplazados en el Perú*.
- ¹⁶ In Peru, as in other countries, the head of the family tends to be a man, and if he disappears or dies, the family is left in a very vulnerable situation in which women not only have to assume their traditional roles but also those of their spouse.
- ¹⁷ Díez, *Los desplazados en el Perú*.
- ¹⁸ CNDDHH, *Informe anual 2001*.
- ¹⁹ CNDDHH, *Informe anual 2007* (Lima: CNDDHH, 2008).
- ²⁰ At that time, around 350,000 U.S. dollars.
- ²¹ Native communities (*comunidades nativas*) is the Peruvian law category used to name the indigenous communities from the Peruvian jungle.
- ²² CNDDHH, *Informe anual 2008* (Lima: CNDDHH, 2009).
- ²³ CNDDHH, *Balance de las acciones del Estado en la implementación de las recomendaciones del Informe Final de la Comisión de la verdad y la reconciliación, agosto 2003-agosto 2004* (Lima: CNDDHH, 2004).
- ²⁴ CNDDHH, *Informe anual 2004* (Lima: CNDDHH, 2005).
- ²⁵ Resolución Ministerial N° 012-2006-MINSA.
- ²⁶ For example, the “Programa Techo Propio” from the Ministry of Housing. Resolución Ministerial N° 058-2004-VIVIENDA and Decreto Supremo N° 070-2004-PCM.
- ²⁷ Plan de Paz y Desarrollo 1 and 2. Decreto Supremo N°092-2003-PCM I.
- ²⁸ Resolución Jefatural N° 772-2005-JEF/RENIEC.
- ²⁹ Ley N° 28413.
- ³⁰ Ley N° 28592.
- ³¹ This was created to resolve the juridical and patrimonial limbo experienced by many relatives of disappeared persons.
- ³² Artículo 3, Ley PIR.
- ³³ Artículo 6, Ley PIR.
- ³⁴ Artículo 7, Ley PIR.
- ³⁵ Ibid.
- ³⁶ These included the restitution of citizens’ rights (Artículo 14, Reglamento del PIR); the right of return, resettlement, and repopulation (Artículo 27º, Reglamento del PIR); and the program for promoting and providing access to housing (Artículo 33º, Reglamento del PIR)—and, within that program, “development and support to provide accommodation to internally displaced families in settlements chosen in conjunction with local governments, who will be regarded as preferential beneficiaries in the campaign to distribute plots of land” as well as “financial development and support and technical

advice for self-constructed housing for families of the internally displaced who rely on precarious and temporary housing” (Artículo 35º, Reglamento del PIR).

³⁷ Agreement of the Reparations Council N° 31-07-01 of August 19, 2007.

³⁸ In any event, the census helps other efforts to know where to look for individual victims.

³⁹ The CR had to create a protocol that enabled corrections to be made to the previous methodology used in the first four stages of the Census for Peace. The previous methodology only considered two variables to measure impact (death and disappearance) and gave equal weight to each of these variables. The protocol thus states, “the loss of fourteen head of cattle could have the same weight as a similar number of fatalities.” CR, *Protocolo para el Nivel de afectación de comunidades y centros poblados. Beneficiarios colectivos* (Lima: CR, 2007).

⁴⁰ Compare the note published on the CR’s website of April 14, 2009 with that of May 25, 2009. CR, “Registro único de víctimas,” <http://www.registrodevictimas.gob.pe/dcomunicaciones.html/>.

⁴¹ Literally, the protocol states that “displacement due to extreme violence meant that people were a long way from the civil registry offices at their original home address, thus making it more complicated to do the paperwork to obtain identity papers, and this is without considering the worsening poverty in places where the displaced were integrated.” (*A su vez, el desplazamiento por la extrema violencia supuso el alejamiento de las personas de las oficinas de registro civil de su domicilio de origen, haciendo que el trámite para obtener un documento de identidad fuera cada vez más complejo, sin considerar que la situación de pobreza se agudizó en los lugares de inserción de los desplazados.*) Secretaría Técnica del Consejo de Reparaciones, “Protocolo de Identificación y Individualización de Víctimas,” (Registro Único de Víctimas: Víctimas y Beneficiarios Individuales), June 2008, §4.

⁴² This is an exceedingly inclusive mechanism. If, for example, the displacement was itself the result of another result of the violence, it is only necessary to prove this second result. If displacement is the only effect of the violence, then the only requirement is that evidence be issued by a local or communal authority, Peru’s social-development cooperation fund (*Fondo de Cooperación para el Desarrollo Social*), or an association for the displaced, or that there be sworn statements from witnesses that coincide with the account provided by the displaced person. See Acts of the CR, August 11, 2010.

⁴³ See: Acta acuerdos sobre el registro de inscripción de personas desplazadas entre el MIMDES y el CR, April 14, 2010.

⁴⁴ See: International Displacement Monitoring Centre, *Perú: Reparations begin but IDPs excluded*, December 31, 2010, [http://www.internal-displacement.org/8025708Foo4CE9oB/\(httpCountries\)/C142B9FoA8E67E46802570A7004Do575?OpenDocument](http://www.internal-displacement.org/8025708Foo4CE9oB/(httpCountries)/C142B9FoA8E67E46802570A7004Do575?OpenDocument).

⁴⁵ See: CR, *Registro Único de Víctimas*, <http://www.registrodevictimas.gob.pe/>.

⁴⁶ Article 76, Reglamento del PIR.

⁴⁷ CNDDHH, *Informe anual 2006* (Lima: CNDDHH, 2007).

⁴⁸ The National Coordinator for Organizations of Victims of Political Violence in Peru (*Coordinadora Nacional de Organizaciones de Víctimas y Afectados de la Violencia Política del Perú*, CONAVIP), which represents most victims associations in the country, has declared that individual reparations should begin as soon as possible. In reality, the amount of money for these has not yet been decided. In July of 2010, members of CONAVIP marched on the capital city to demand money be allocated. This led the president of the Ministers Council to create a multisectoral technical commission to design the technical and methodological guidelines for the individual reparation program on July 17, 2010 (Decreto Supremo N° 073-2010-PCM). This commission had a period of 180 days to accomplish its mandate, and, without consulting victims, it set the amount for reparations at 10,000 soles. However, this proposal was rejected due to heavy criticism, and has been undone by the new government. Very few victims actually received reparations for that amount, and in general those who did now regard it as an advance.

- ⁴⁹ And according to a study by ICTJ and the Association for Human Rights in Peru (*Asociación Pro Derechos Humanos, APRODEH*), 41.5 percent of residents of communities that have received collective reparations know of the project as a project to repair. See Sonia Paredes, Julie Guillerot, and Cristian Correa, *Escuchando las voces de las comunidades. Un estudio sobre la implementación de las Reparaciones Colectivas en el Perú* (Lima: ICTJ/APRODEH, 2008).
- ⁵⁰ For a more exhaustive analysis of the state of reparations in Peru, see Paredes et al., *Escuchando las voces de las comunidades*.
- ⁵¹ Diez, *Los desplazados en el Perú*.
- ⁵² Ibid.
- ⁵³ See: Internal Displacement Monitoring Centre (IDMC), *Peru: Reparations begin but IPDs excluded: A profile of the internal displacement situation* (Geneva: IDMC, January 8, 2009), [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/188CF9F38631B852C12575380053BoAD/\\$file/Peru+-+January+2009.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/188CF9F38631B852C12575380053BoAD/$file/Peru+-+January+2009.pdf).
- ⁵⁴ Diez, *Los desplazados en Perú*.
- ⁵⁵ Including Ayacucho, Junín, Apurímac, Huánuco, San Martín, and Lima. The workshops were carried out in different environments and took into account the particular conditions among displaced people (those who became “inserted,” those who remained and resisted, and those who were returnees) assuming that rural workshops collected the opinions of those who resisted and who were returnees, and that this had also been done with people who were inserted in urban areas). Furthermore, gender was equitably represented among participants. See: Diez, *Los desplazados en Perú*.