

# **Pricing Suffering: Compensation for Human Rights Violations in Colombia and Peru**

Catalina Vallejo Pedraza  
Charlottesville, Virginia

M.A. Sociology, University of Virginia, 2014  
M.A. Cultural Studies, Universidad de los Andes, 2011  
B.A. Sociology, Universidad Nacional de Colombia, 2009

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## ABSTRACT

Reparations have become a standard feature of transitional justice programs. Existing research focuses on the symbolic value of reparations to promote the desired outcomes of reconciliation and political stability in post-conflict societies. My research instead explores *how* reparations programs are implemented. Specifically, I study how the states of Colombia and Peru develop and institute these reparation regimes, and the ways in which this process is influenced by the political context, victim characteristics, the nature of the conflict, and perceptions of the war. The central questions are: How do states carry out reparations? What does compensation money mean for states and victims? What types of victim-state relationships develop with economic reparations in transitional contexts? To investigate cash payments to victims of armed conflict, I conducted 20 months of research, including archival analysis, interviews, and ethnographic observations, in Colombia and Peru between 2016 and 2018.

This study makes three contributions. First, I explain how and why the implementation and outcomes of reparations in practice departs from the expectations of the transitional justice model. Specifically, my comparison of Colombia and Peru shows how the interaction between international mandates and local contexts gave birth to unique reparations plans in each country. The timing of the conflict, the local political context, and different legal definitions of victimhood influence institutional practices and monetary valuations, resulting in divergent compensatory paths. Colombia tried to use reparations as an opportunity for institutional expansion, connecting the state with its citizen-victims through the compensation program, and promoting the idea that a conflict-free society was on the horizon. In Peru, post-conflict state building focused on creating a new narrative of the political community, silencing the role of the state in massive human rights

violations and highlighting the state's triumph over the guerrillas of Sendero Luminoso (Shining Path) and the MRTA (Túpac Amaru Revolutionary Movement).

Second, I provide new insights regarding the social and cultural dimensions compensation for victims in Colombia and Peru. Analyses show how reparation plans, along with truth commissions and court procedures, processes through which victims address the effects of past widespread violence. I critique one of the premises of transitional justice, which is the claim that reparations advance societies beyond conflict by, by acknowledging the suffering of victims, and instead argue that economic reparations generate conflicting interpretations about what money means and what payments for suffering do for victims. By interrogating the meanings money carries when used to compensate victims of civil conflict, this research shows that there is a surplus of meaning that cannot be contained in the expectations of transitional justice law and policy.

Third, this study contributes to sociological literature on development by examining the implementation of reparation policies that aim to foster economic development in post-conflict contexts. The case of Colombia illustrates what happens when states decide to adopt reparation policies that intend not only to restore the rights of those directly affected by civil war but also to economically transform their lives. In so doing, this research highlight how the use of reparations as development shifts the focus from acknowledging past-wrongdoings to an emphasis on a prosperous post-conflict economic future.

Ultimately, this analysis clarifies how societies attempt to come to terms with the effects of civil conflict using the transitional justice repertoire. I argue that the implementation of economic reparations is highly influenced by the local setting. The timing of the conflict, the political context as well as local cultural understandings of money and suffering play a key role in how reparation policies develop.

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## KEY TERMS

### *Colombia*

|                       |   |
|-----------------------|---|
| AUC                   | Autodefensas Unidas de Colombia, the United Self-Defense Forces of Colombia   |
| CNRR                  | Comisión Nacional de Reparación y Reconciliación, National Reparation and Reconciliation Commission, institution in charge of the reparations from 2008 to 2010 |
| ELN                   | Ejército de Liberación Nacional, National Liberation Army   |
| FARC                  | Fuerzas Armadas Revolucionarias de Colombia, Revolutionary Armed Forces of Colombia   |
| ICTJ                  | International Center for Transitional Justice   |
| PAIR                  | Programa de acompañamiento para lograr una inversión adecuada de los recursos, Program for the Adequate Investment of the Resources (PAIR)                      |
| Peace and Justice Law | Ley de Justicia y Paz, 2005 transitional justice law established for paramilitaries   |
| Victims' Law          | Ley de Víctimas, 2011 transitional justice law established to provide different forms of redress to victims of the armed conflict                               |
| Victims' Unit         | Institution in charge of the reparation plan  |

### *Peru*

|                        |   |
|------------------------|---|
| CMAN                   | Comisión Multisectorial de Alto Nivel, High Level Multisectorial Commission, institution in charge of the reparations |
| Comites de autodefensa | Also known as ronderos, self-defense committees   |
| CVR                    | Comisión de la Verdad y la Reconciliación, Truth and Reconciliation Commission  |
| ICTJ                   | International Center for Transitional Justice   |
| Law 28592              | Ley que crea el Plan Integral de Reparaciones, Law that created the Integrated Reparations Plan                       |



|      |   |
|------|---|
| MRTA | Movimiento Revolucionario Túpac Amaru, Tupac Amaru Revolutionary Movement |
| SL   | Sendero Luminoso, Shining Path  |

## RECENT PRESIDENTS

### *Colombia*

|                             |  |
|-----------------------------|--|
| Andrés Pastrana Arango      | 1998-2002  |
| Álvaro Uribe Vélez          | 2002-2010  |
| Juan Manuel Santos Calderón | 2010-2018  |
| Iván Duque Márquez          | Sworn in as the country's 60th president<br>August 7th, 2018 |

### *Peru*

|                                 |  |
|---------------------------------|--|
| Alan García Pérez               | 1985-1990  |
| Alberto Fujimori Fujimori       | 1990-2000  |
| Valentín Paniagua Corazao       | 2000-2001  |
| Alejandro Toledo Manrique       | 2001-2006  |
| Alan García Pérez (Second term) | 2006-2011  |
| Ollanta Humala Tasso            | 2011-2016  |
| Pedro Pablo Kuczynski Godard    | 2016-2018  |
| Martín Alberto Vizcarra Cornejo | Sworn in as the country's 61th president<br>March 23th, 2018 |

## **DEDICATION**

*A mis padres Lucho y Cile por enseñarme que la guerra nace de la desigualdad*

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## INTRODUCTION

As a set of legal and non-legal measures designed to respond to periods of political change, transitional justice has been implemented in multiple countries to confront human rights violations after civil conflict (Sikkink 2011, Reiter et.al 2012). One form of transitional justice used to redress victims' physical, material, and moral losses is economic reparations (Teitel 2000; UN 2005). Although transitional justice has been used to mobilize substantial financial resources with the aim of compensating victims of civil conflict, little is known about how countries develop and implement reparation policies. Across countries, economic reparations may involve different monetary values, justifications, and institutional practices (Hayner 2001), leaving many open questions regarding how states appraise suffering and enact compensation plans in an effort to foster reconciliation. I focus on two contemporary examples of compensation plans created to redress suffering related to human rights violations: Colombia's reparations program for victims of its ongoing conflict (1965-present) and the reparations awarded in Peru after the end of civil conflict in 2000.

This study answers three questions related to the formulation and implementation of economic reparations in societies transitioning from civil conflict to peace:

1. How do states carry out reparations?
  - a. What factors affect both the processes and policies they develop, and how these are implemented?
  - b. How do state institutions, experts and victims' advocates go about arriving at monetary valuations of suffering?
2. What does compensation money mean for states and victims?
3. What types of victim-state relationships develop with economic reparations in transitional contexts?

The economic reparation of victims is important to understand how societies come to terms with the effects of civil conflict for three reasons. First, payments function as markers acknowledging the suffering of victims as well as the state's commitment to support their recovery (Minow 1998, De Greiff 2006, Torpey 2006). Second, states need sufficient fiscal and institutional capacity to carry out systematic compensation plans (Dixon 2016, Hayner 2001). Third, the compensation of human rights violations elicits moral debates (Moon 2012, Slyomovics 2011a), raising questions like how can governments place a monetary value on sexual violence perpetrated during wartime, or the physical and emotional trauma born of conflict? I argue that compensation schemas are instances in which societies articulate the effects of past violence. The mobilization and distribution of monetary resources requires ongoing work to define victimhood, who is responsible for suffering, and what role money plays as compensation. Hence, economic reparations are a valuable space to understand how societies deal with disruption, (re)build state-society relationships, and engage in post-conflict institution building.

In the context of Latin America, economic reparations have played a key role in the transition from civil conflict to peace (Sikkink et.al 2015). This project focuses on Colombia and Peru, as two places in the region where transitional justice mechanisms have been adopted as a response to civil conflict. Colombia and Peru have both experienced intra-state conflict involving guerrilla warfare and high levels of violence against civilians, and both states have similar state capacity (Cardenas 2009, Acemoglu et.al 2015). However, as state actors they have created different systems of reparation. In Colombia, the budget for compensation is \$2.8 billion and the reparations program was implemented *during* conflict, while Peru adopted compensation *after* conflict and allocated only \$37.4 million. Moreover, in Colombia compensation depends on the type of violation the victim suffered with payments ranging from around \$4,000 to \$8,000 (Portilla

and Correa 2015). In contrast, in Peru victims were awarded a one-time payment of \$3,000 (Correa 2013). In this study, I explain the circumstances in which each compensatory scheme took place and the rationale of the reparation processes in each country.

## **Literature Review**

This dissertation draws on social studies of transitional justice, the sociology of suffering, and cultural-economic sociology for its conceptual framework. I argue that to comprehend the way societies respond to civil conflict and the different forms that reparations can take, we need to pay attention to four processes: the social construction of responsibility; the engineering of reparation programs; the elaboration of the category of victim; and how suffering is made commensurable with money. The following literature review is organized around these four topics.

### *Responsibility*

The process of assigning responsibility can be described as operating at the collective and individual level. On the one hand, we have the collective allocation of blame and how societies frame the problem of guilt (Douglas 1992). On the other hand, we have individuals who in the context of large-scale violence have suffered a loss and assign blame among different parties (Tilly 2008). However, in both the collective and the individual, the allocation of responsibility is a contested process that depends on negotiation and not on discovering an ultimate truth. Hence, collectivities and direct victims can disagree on whom they blame for suffering (Barbot and Dodier 2014).

Even when death and loss are part of social life, people often think of them as things that should not happen because we tend to operate under the best-case scenario (Cerulo 2006). Yet the lack of acknowledgement of tragedies in day-to-day life does not mean that societies do not have the capacity to explain them. In fact, one way in which people explain collective suffering is by assigning blame and establishing what is an acceptable response. As Douglas (1992) argues, in modern societies there is a blaming system that treats “every death as chargeable to someone’s account [...] whose fault? Is the first question. Then what action? Which means, what damages? What compensation?” (15). Thus, even when collectivities feel overwhelmed and surprised by violence, they call for the adjudication of responsibility. Blame does not have to fall on one single faction but can rather be distributed across different groups. In the context of transitional justice, societies have used truth commissions to build a narrative in which they identify the groups and historical processes responsible for systematic human rights violations (Naumberg 2015). For instance, after civil conflict, responsibility can be distributed among state forces, guerrilla groups or paramilitary factions (Reitet et.al 2012). This is key to understanding that violence elicits a need to identify the responsible parties at the collective level.

If we examine the problem of responsibility at the individual level, the question becomes: How do people who have suffered a loss assign responsibility? Tilly (2008) has shown how blaming is a process that depends on fine calculations of contributions to a negative outcome. Thus, victims of 9/11 saw Al Qaeda as directly responsible for their suffering, but they also identified the American Government as sharing responsibility for ignoring risk alerts (150). In the context of large-scale violence, victims not only point to “events” as responsible, but they also aim to identify the specific actors responsible for their individual experiences of suffering. Thus, we cannot expect that all people involved in a compensation scheme would agree with the dominant

narratives of responsibility. Victims of violence undergo a process of assigning responsibility among different parties and asking for symbolic and material responses from them (Douglas 1992).

Therefore, not only do modern societies and victims demand the identity of those directly liable for human rights violations, but they also distribute responsibility among different parties (Celermajer 2009). This is key to understanding compensation because it sheds light on why states assume the responsibility for economic reparation of victims when they were not the only perpetrator. For example, the literature on transitional justice has shown how states assume the financial burden of reparation for different reasons (Magarrell 2007). In some cases states have used reparation as a way to acknowledge state terrorism, as in Argentina (Guembe 2006), but in others, reparations signal state failure to protect victims from human rights violations carried out, at least in part, by non-state actors, as was the case in Peru and Colombia.

### *Reparations*

Research on reparations and transitional justice is an interdisciplinary field influenced by specific historical events: The Holocaust, WWII, democratization in the Southern Cone and Europe, Apartheid in South Africa, and civil conflict in Africa and Latin America (Teitel 2003, Torpey 2006, Kalmanovitz 2015). War, colonialism and dictatorships create different social problems, but the underlying assumption is that payments are a way to promote forgiveness and integrate victims into the national political community (Teitel 2000, De Greiff 2006). A second commonality between these cases (war, colonialism and dictatorship) is that the perpetrator is a state that needs to make amends for past wrongdoings in order to legitimize itself in the present and accomplish specific political goals going forward (Celermajer 2009). Thus, work on

reparations sees compensation as a way to acknowledged suffering, promote reconciliation, and foster future political projects.

Transitional justice is grounded in restorative justice (Teitel 2003). Different from retributive justice, restorative does not focus on punishment but on “healing and reconciliation for offenders, victims, and the communities in which they are embedded” (Menkel-Meadow 2007: 161). Thus, the literature on reparations has focused on the relationship between suffering and money, highlighting that reparations are about making up for unjust events and not about returning victims to their status quo ante (Teitel 2000, De Greiff 2006). Compensation can come from judicial decisions in international or national courts or be established through legislation to respond to global categories of victimhood (Margarell 2007), but whatever the means, in very few cases do payments fully restitute victims. For instance, Barkan (2000) describes reparation as a way to amend the past because it offers an opportunity to turn traumatic experiences into a constructive narrative of identity. In these cases, money has a symbolic value (Minow 1998), with payments serving to acknowledging the suffering of victims (De Greiff 2006).

The development and proliferation of reparations is related to the work of specific institutions like the United Nations, The International Center for Transitional Justice (ITCJ), and national and international courts. Institutions “provide formal and informal guidelines [...] that suggest some courses of action and elide others” (Quinn 2011: 744). These institutions are the result of specific historical developments related to the expansion of the state (Dauber 2013) and world society (Meyer et.al 1997, 2008) that positioned them as the ones in charge of responding to human and material losses after civil conflict. Thus, intergovernmental organizations, tort law, and international law have a history mobilizing monetary resources to address the losses caused by civil conflict. For instance, as Nauenberg (2015) stresses, the ITCJ was founded in 2001 to

disseminate lessons from the post-apartheid experience. The ITCJ is today one of the most important transnational actors having a direct influence on the spread of truth commissions (Sikkink 2011). Similarly, in the case of Congo, the International Criminal Court (ICC) is the jurisdiction that rules when and with how much money the suffering of victims should be compensated.

However, reparation programs require not only that states adopt international law, but also that they build a plan that is congruent with their state capacity (De Greiff 2006). This is particularly important for civil conflicts because they cause widespread violence, increasing the number of victims and making compensation plans more expensive (Reiter et.al 2012). When countries adopt the frame of transitional justice they are bound to repair victims, but the outcomes of these plans vary by context according to the fiscal and institutional resources of each state (Teitel 2003, Dixon 2016, De Greiff 2006, Menkel-Meadow 2007). International justice has clear guidelines about how to respond to human rights violations in moments of political flux, but in practice what we see is an interaction of transitional justice measures with the particularities of local settings (Reiter et.al 2012, Dixon 2015a). For, instance in Chile victims were awarded a one-time global payment for their suffering (Hayner 2001), while in Congo reparations resemble more the logic of a social assistance program (Dixon 2016).

The literature on reparations is useful to analyze the political significance of forging a symbolic relationship between suffering and money, but it is of limited use in explaining how suffering is translated into concrete dollar amounts. By focusing on the role of compensation in promoting reconciliation and fostering political projects (Minow 1998), research misses the processes through which different societies make suffering commensurable with money. Consequently, too little is known about how states go about implementing reparations when

transitional justice measures interact with local settings to produce specific institutional practices.<sup>1</sup> We need to ask: Why does compensation look so different in countries adopting transitional justice to address similar civil conflicts?

### *Victimhood and Suffering*

Suffering as a collective experience can either be perceived as a positive experience that builds character (Amato 1994, Illouz 2003, Das 1997) or something that is disruptive and challenges our understandings of what is just (Auyero and Swistun 2009, Wilkinson 2005, Simko 2015). I focus on this second type, where suffering is unsettling and appears to be outside our cultural interpretations of normality (Frank 2001, Wilkinson 2005). Even when we can explain what occurred, this type of suffering disrupts normal life because it is out of the day-to-day experience of individuals. Thus, unsettling suffering is the result of unusual events like civil war, natural disasters, or technological accidents (Das 1997). These events are motivated by social conditions, but they represent remarkable instances of suffering that are perceived as being outside the regular moral universe of societies. Consequently, studies of suffering are helpful in addressing the crisis that follows events like civil conflict and how societies respond by attempting to build a new normal.

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<sup>1</sup> The adoption of human rights treaties and transitional justice measures has become markers of modernity for countries experiencing civil conflict. From a world polity perspective (Meyer et. al 1997) both Colombia and Peru exemplified a world model in which mechanisms of post-conflict response are spread around the world in different countries. Dixon (2016) and Naunberg (2015) have shown how TJ and truth commissions have been adopted in varied contexts including Colombia as part of world polity model. My focus in this project is not on how reparations have spread around the world, but on how once countries adopt the language of transitional justice local conditions influence the compensation of suffering. I develop this argument and theoretical discussion in depth in Chapter 1.



Sociologists have studied how societies attempt to relieve suffering. Two dimensions of this process are important: 1) the meaning making process of suffering at the discursive level, and 2) the mobilization of material resources to respond to suffering. Research has focused on how we go from meaningless suffering to explainable suffering. Building on Weber's concept of theodicy as a way to conceal the mismatch between reality and expectations, Simko (2012) and Das (1997) have shown how states engage in making meaning from suffering. In particular, Simko (2012) has addressed how commemorative practices are one of the spaces in which states offer consolation after terrorism. Das (1997) shows how the Indian state promoted secular theodicies after the Bhopal disaster to explain suffering as the cost of economic development. Thus, societies and states mobilize old and new discursive structures to give meaning to unsettling suffering.

Societies mobilize not only narratives but also material resources to respond to suffering. The compensation of victims for misfortunes is not new; what is novel is the institutionalization of these practices in state and non-governmental organizations that aim to repair suffering (Boltanski 1993). Anthropologists have researched traditional forms of compensation like blood money in which payments follow the logic of retaliatory *lex talionis*, an eye for an eye (Slyomovics 2011b). Modern states have institutions like the legal system, social services and risk prevention with a history of relieving suffering with material resources (Bourdieu 1999). Also as Boltanski (1993) and Adams (2013) have shown, there are non-state organizations working under the frame of humanitarianism in charge of collecting money and voluntary labor to ameliorate suffering. Thus, I argue that compensatory practices are another instance in which societies articulate the effects of suffering.

The mobilization of material resources to respond to suffering depends on a relatively stable definition of who is the victim in need. We can offer money to victims even when legal

responsibility has not been granted to perpetrators (Das 2000), but we cannot repair monetarily without a typology of victims. The social construction of victimhood is the result of the work of different carrier groups like victim's organizations, politicians, and lawyers (Alexander 2004, Muro 2015). A victim is not only somebody who suffers, but somebody whose suffering has been legitimized by different expert knowledge and institutions (Das 2000). For instance, the category of the "victim of human rights violations" not only homogenizes different experiences of suffering, but also argues that they are not "a victim of poverty, disease or the unequal distribution of power but a victim of 'crimes of international concern'" (Dixon 2015b: 69). States define certain events and not others as human rights violations, and declare those negatively affected by them as victims in need of monetary aid (Hayner 2001).

Among victims there is a further distinction between some individuals who have suffered and are considered as deserving compensation, and those who cannot identify as such (Gilbert and Ponder 2013). Thus, the category of the deserving victim is restricted to persons with certain characteristics (Flesher and Barberet 2011, Fassin and Rechtman 2009). This distinction is rooted in specific definitions of suffering. For example, after 9/11, Kenneth Feinberg (Special Master of the Compensation Fund) decided that psychological trauma did not qualify people as victims to be covered by the 9/11 compensation fund (Feinberg 2012). In contrast, the Inter-American Court of Human Rights aims to compensate victims for their material losses as well as for psychological damages (De Greiff 2006). Victims are classified into taxonomies of worth, and compensation schemes respond to each loss with different monetary values (Flesher and Barberet 2011). My study builds on this research and shows how the category of victim is dependent on how past violence is defined.

## *Commensuration and Valuation*

As outlined above, one of the limitations of scholarly work on reparations is that it does not focus on the process by which suffering is valued and the institutions and experts that participate in that process. Cultural-economic sociology is helpful to address some of the gaps in the reparations literature since it has paid attention to the valuation of non-traditional commodities. This type of research does not focus on the commensuration of suffering with money but offers key tools to explain how states compensate victims after civil conflict. Specifically, work on commensuration (Espeland and Mitchell 1998, Zelizer 2010) and the role of experts and institutions on pricing (Ragin 1996, Fourcade 2011a, Healy 2006, Velthuis 2005, Mears 2011) are helpful for constructing theories that address the creation of reparations programs.

Cultural-economic sociologists have highlighted how commensuration is a social process based on comparing two different entities and expressing a relationship between them in a standardized form (Espeland 1998). Commensuration is not just a technical procedure but also a social process in which collectivities make sense of the world through establishing what they value and how they treat what they value (Espeland and Mitchell 1998). Clearly, not all groups value things in a similar way, so commensuration requires a way to negotiate differing interpretations of value. It is through commensuration that societies create identities (Espeland 1998). This is key for understanding the compensation of suffering because if commensuration is a way for societies to create categories, we need to research what social identities and statuses are being created when only certain victims are compensated after civil conflict.

Sociological research on the commensuration of non-traditional commodities—like nature (Fourcade 2011a, Espeland 1998), emotional work (Hochschild 2003, Parnas 2001), life (Zelizer 1979, Chan 2012, Quinn 2011), and blood, organs and reproductive cells (Healey 2006, Radin

1996, Almeling 2007)—highlights how the valuation process depends on the cultural construction of the objects to be commensurated as worthy. For example, Fourcade (2011a) has shown how compensation for oil spills in the U.S and France depends on the cultural production of nature as a valuable social asset. But in some cases incommensuration prevails over attempts to commensurate. Espeland (1998) explains how in Arizona, Yavapai communities blocked the construction of a dam because for them, contrary to bureaucrats, land was incommensurable with money. So both commensuration and incommensuration are social processes by which societies establish value for certain things. As Boltanski and Thevenot (2006) argue, the definition of worth is constantly revisited. There are different logics of worth; money is only one metric. Incommensuration is important for understanding compensation because we can expect that for certain groups, harms caused by civil conflict are not commensurable with money. Monetary valuation can be perceived as immoral and trigger conflict among groups for whom suffering is worth justice, memory, or even more suffering (Dromi 2013). If the valuation of objects depends on cultural work that defines them as worthy, then what kind of meaning work is done to commensurate suffering with monetary payments from the state?

The role of experts and institutions in monetary valuation is key to researching the way different societies respond to suffering and the different forms that compensation for human rights violations can take. Expert knowledge tends to be institutionalized in organizations (Fourcade 2011b) that have a history of responding to the loss of life and suffering through the mobilization of material resources (Zelizer 1979, Dromi 2016). When societies monetarily value non-traditional commodities (e.g. suffering) two processes run parallel: the process of arriving at a monetary value and the moral elaboration of the fairness of the compensation. Experts and institutions engage actively in both processes.

Much work in cultural-economic sociology has inquired into the relationship between prices and goods. Prices are the result of the cultural work of experts who develop agreements, metrics, and techniques to express the social value of things (Velthuis 2005, Fourcade 2011a, Mears 2011). Economists, mental health officials, state officers, and victims' advocates use their expert knowledge to justify why it is fair to compensate collective suffering, how much money is adequate, and who deserves it. In the same way that societies have developed medical knowledge that advocates for organ transplants to end physical suffering (Scheper-Hughes 2003), there is an expert knowledge in society that advocates that victims of certain forms of violence deserve money. Hence, the work of cultural-economic sociology on expert knowledge and valuation is helpful for understanding why compensation under transitional justice varies across specific cases. In other words, institutions and experts decide what suffering is compensable. The case of insurance as the institution that addresses the loss of life has been researched broadly in cultural-economic sociology (Quinn 2008, Zelizer 1979, Chan 2012). Zelizer's seminal work (1979) on the history of the life insurance industry shows how in the 19th century the monetary evaluation of death carried by insurance companies ritualized death in a new way. Nonetheless, one of the limitations of this work on insurance is that it focuses on the loss of life but does not address other dimensions of suffering.

In documenting different types of compensation across two cases of civil conflict, this project illuminates how suffering is made commensurable with money and the different forms that compensation for suffering takes.

## **Research Design**

This dissertation combines archival research, interviews and participant observations to develop a comparative analysis of compensation schemes in Colombia and Peru. Data collection and fieldwork began in October 2016, and concluded in June 2018. I rely on four original data sources: newspapers, official documents, in-depth interviews with key stakeholders, and observations of state interventions with victims. These four complementary sources allow me to reconstruct the history of the two compensation schemes and establish a matrix of similarities and differences across cases. I follow Steinmetz's (2004) method of comparative analysis with a small N, which argues that only after writing individual explanatory histories can we move to the comparison.

### *Textual Analysis*

I use newspapers and official documents to examine how the compensation plans were framed as a necessary response to victims' suffering, how experts and institutions defined which losses related to widespread violence were worthy of economic compensation and how reparations should be delivered. Newspapers are regular publications that gather information about events in a systematic way and offer a narrative about social reality (Clemens and Hughes 2002). I use newspaper records specifically to identify the immediate history of the compensation projects. I survey two national daily newspapers in each country: El Tiempo and El Espectador in Colombia, and El Comercio and La Republica in Peru. These media outlets have selection and description bias, El Espectador and La Republica are left-of-center newspapers and El Tiempo and El Comercio are conservative, but by including different sources I am offering a more complex view of the narratives surrounding the valuation of compensation and its implementation.

I also analyze official documents that directly address the valuation of suffering for each reparation plan and the creation of the institutions that implemented the compensation. These include laws and decrees, official records, institutional documentation, expert reports, and claimant testimonies. In Colombia I survey the archives of the Victims' Unit while in Peru I focus on the archives of the Comisión Multisectorial de Alto Nivel (CMAN), the institutions in charge of the compensation in each country. In Colombia I could not access the archives from the institution preceding the Victims' Unit, the CNRR (National Commission for Reconciliation and Reparation).<sup>2</sup> However, a former member of its executive board allowed me access to her private archive. Similarly, in Peru I complement the limited information provided by the CMAN with the archives from the Instituto de Defensa Legal (IDL) and APRODEH (Asociación Pro Derechos Humanos). These two human rights organizations house many records from the CMAN and from the reparation process in general. In addition to these national archives, the International Center for Transitional Justice (ICTJ), an international non-profit organization, has been integral to the process in both cases. Thus, I survey the reports that the ICTJ has produced about reparations, as well as its institutional archives located at Duke University.

### *Interviews*

I also use interviews to reconstruct the history of each compensation plan from the standpoint of those directly involved in creating it and those affected by it. These interviews complement other sources and assist in understanding how compensation was used to respond to

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<sup>2</sup> I submitted 6 separate official requests over a period of 18 months to have access to the CNRR archive. Every time I was explained that it was not clear where this archive was housed and who could ultimately allow me access. I wanted to survey this archive because the CNRR was the institution implementing the first round of state reparations in Colombia (2008-2010), and it was the CNRR who set the scale of payments used today.

the effects of civil conflict. Unlike official documentation that focuses on compensation after its approval, through interviews I get a better grasp of the debates that led to the adoption of economic reparations. During interviews I asked about the rationale behind the use of money to assist suffering, the level of trust and willingness to cooperate between state officials and victims, as well as the particular role of transitional justice on the creation of post-conflict state policy. I recruited respondents across three different categories: experts, government officials, and compensated victims (Table 1).

**Table 1. Total Interviews**

| <b>Source</b>              | <b>Colombia</b> | <b>Peru</b> |
|----------------------------|-----------------|-------------|
| <i>State Officials</i>     | 18              | 11          |
| <i>Experts</i>             | 11              | 19          |
| <i>Compensated Victims</i> | 25              | 15          |
| <i>Total</i>               | 54              | 45          |
| <b>Total N=99</b>          |                 |             |

I contrast the narratives of government officials and experts to those put forth by compensated victims to get a deeper understanding of how the state and victims build new relationships after reparations, and what differences may exist between Colombia and Peru. These interviews provide fine-grained data on the expectations that civilians formed about the behavior of Victims' Unit and the CMAN officials (for example, empathy, efficiency, and commitment to assist victims), and the state in general (their level of trust, perception of the state's responsibility for the armed conflict, and perception of its power to control territory).



## *Observations*

Since one of my interests is to analyze the implementation of compensation in Colombia and Peru, I use observational data from interventions designed by the two states to carry out the reparation of victims in different areas. Observational methods help illuminate what reparations mean to (1) those providing compensations in the name of the state and (2) those receiving the compensation as victims. On the state side I focus on the methodologies used by government officials to carry out the intervention, how they explain armed conflict and the role of economic reparations, how they apologize in the name of the state, and how they interact with victims during these events. On the victims' side, I pay particular attention to the type of communication they develop with government officials, their responses to the words and actions of state officials during the interventions, and their explanations of the role that compensation has in their lives.

In Colombia, I observed 17 interventions, including the delivery of checks, public apologies, investment fairs, financial education workshops, and reparations workshops that target female victims of sexual violence. Ethnographic work took place in the capital city of Bogotá and six regions of Colombia that have been historic epicenters of the armed conflict.<sup>3</sup> In Peru, I observed the offices of the CMAN in Lima and Ayacucho, and three different protests against the government demanding more attention to the victims of armed conflict (Table 2).<sup>4</sup> This data is

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<sup>3</sup> Tumaco (Nariño); Apartado, Medellín, Bello and Rionegro (Antioquia); Montería and San Antero (Córdoba); Vigía del Fuerte (Choco); Popayán (Cauca); and Cartagena (Bolívar).

<sup>4</sup> Plans for data collection changed in Peru given the amnesty granted to former dictatorship Alberto Fujimori on December 24, 2017. I had gone to Peru for nine weeks in the spring of 2017 and developed strong contacts with those working in the government on reparations in the CMAN. They had accepted my request to observe the workshops they were carrying out to inform people about the reparation plan, offer public apologies to communities victimized during the conflict, and offer symbolic reparations. This was a much smaller-scale process than that in Colombia but I hoped to have similar sources of data to be able to develop a comparison of the two countries. The pardon of Fujimori caused a chain of resignations at all managerial levels the first week of January when I arrived to Lima in the CMAN,

particularly useful to identify what type of relationships between victims and the Colombian and Peruvian state result from the implementation of compensation plans.

**Table 2. Observations**

| <b>Country</b>  | <b>Type of Observation</b>   | <b>Location</b>   |
|-----------------|--|---|
| <i>Colombia</i> | Delivery of checks<br>Public apologies,<br>Investment fairs<br>Financial education workshops<br>Reparation workshops that target female victims of sexual violence | Bogota; Tumaco (Nariño); Apartado, Medellín, Bello and Rionegro (Antioquia); Montería and San Antero (Córdoba); Vigía del Fuerte (Choco); Popayán (Cauca); and Cartagena (Bolívar). |
| <i>Peru</i>     | CMAN offices<br>Protests against the government demanding more attention to the victims of war   | Lima; Humanga (Ayacucho)  |

### **The Dissertation Road Map**

The central research questions guiding this study are: How do states carry out reparations? What does compensation money mean for states and victims? What types of victim-state relationships develop with economic reparations in transitional contexts? The three papers that constitute this dissertation tackle the central research questions from distinct perspectives.

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the Reparations Council (institution in charge of the registry of victims) and the Ministry of Justice and Human Rights. These positions were filled only at the beginning of May when I had planned to leave Peru.

The first paper is a comparative piece explaining why the Colombian and Peruvian state followed different trajectories in the implementation of transitional justice and the outcomes of each path. Within each case, I analyze how the interaction between international mandates and the local political context gave birth to unique reparations plans, paying particular attention to the timing of the conflict, the local political context, and official definitions of victimhood. Across both cases, I contend that the goals of transitional justice and human rights were made subordinate to the state's competing goals—institutional state expansion (in the case of Colombia) and silencing a shameful past (in the case of Peru).

The second paper, contributes to cultural-economic sociology by interrogating the meanings money carries when used to compensate victims of human rights violations. I analyze how victims apply different and at times contradictory moral frames to justify the use of money to repair suffering and loss, leading to distinct understandings of what money means in this context and what it does. Victims in Colombia and Peru do not feel repaired by compensation money but demand the payments as a way to keep the state accountable to its promise of a better future for those who experienced atrocity. By interrogating the meanings money carries when used to compensate victims of civil conflict, this research shows that there is a surplus of meaning that cannot be contained in transitional justice law and policy.

The third paper, explains how economic reparations in Colombia became a development project that followed the logic of micro-finance interventions. I reveal the dynamics of how states use reparations as an anti-poverty policy. I argue that the Colombian government treats reparations as seed money that, if properly tended, will grow into a reconstructed life for the victim. Additionally, I detail the complicated relationships that reparations schemes generate in post-conflict societies among beneficiaries and the state. I highlight how reparations in Colombia not

only created an entrepreneurial citizenry; it also incentivized beneficiaries to ask for equity and social rights.

Taken together, these three papers contribute to sociological understanding of how societies respond to civil conflict and try to come to terms with its effects using the transitional justice framework. While some studies focus on the spread of transitional justice as a global practice (Sikkink 2011, Greenstein 2018, Skaar et.al 2016, Collins 2006), there is little research about the role of states in implementing transitional justice mechanisms (for recent exceptions, see Dixon 2016, Nauenberg 2018). This dissertation reveals that the role of the state in the implementation of transitional justice reparations is indeed much more complex and impactful than has previously been assumed. The timing of the conflict, the political context as well as local cultural understandings of money and suffering play a key role in how reparation policies develop. Differences between Colombia and Peru in their economic reparation programs are related precisely with the interaction of these local factors with global transitional justice discourses. The relationship between victims and compensation money is highly determined by the state's view of reparations. The goals states set for reparations are key because ultimately recipients evaluate the money they get based on how their expectations from the state were met or not. Collectively, these papers provide not only a more nuanced understanding of the implementation of transitional justice in situ, but also offers policy-facing insights regarding how states might craft reparation programs that are more attentive to victims' lived experience and needs.

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## CHAPTER 1

### TRANSITIONAL JUSTICE AND POST-CONFLICT STATE BUILDING: A COMPARATIVE ANALYSIS OF REPARATIONS IN COLOMBIA AND PERU

**Abstract:** Countries use judicial and non-judicial transitional justice measures to signal and respond to a shift from conflict to peace. But transitional justice practices are not monolithic. This article examines how states go about the process of carrying out transitional justice. What factors shape the processes and policies states develop, and how are these implemented? I examine variation in transitional justice policies in post-conflict states, focusing on the case of economic reparations in Colombia and Peru. Although both states adopted economic reparations to address the effects of human rights violations during internal armed conflict, the design and execution of these policies differ. Within each case, I analyze how the interaction between international mandates and local contexts gave birth to unique reparations plans, paying particular attention to the timing of the conflict, the local political context, and official definitions of victimhood. I show how in both countries, the goals of transitional justice and global human rights were made subordinate to the state's competing goals: state expansion in the case of Colombia, and silencing a shameful past in the case of Peru. This paper argues that while reparations are an increasingly common element of the post-conflict transitional justice template, the state plays a critical role in shaping how and with what consequences reparations are carried out.

*Keywords:* transitional justice, reparations, armed conflict, state, Colombia, Peru

#### **Introduction**

In the last 25 years, transitional justice measures have been adopted around the world to address the devastating effects of mass violence after armed conflict (Teitel 2003). Economic reparations have become a standard feature of transitional justice programs (UN 2005). As states move from war to peace, they are expected to provide victims with cash payments to redress their material and personal losses. Research has revealed that compensation plans differ at the national level (De Greiff 2006, Menkel-Meadow 2007, Laplante 2015). Depending on the country, compensation for human rights violations involves different monetary values, justifications, and

institutional practices (Hayner 2001). However, we know relatively little about *how* states go about developing these regimes. This topic is important because, unlike other transitional justice mechanisms such as truth commissions or human rights trials, economic reparations are characterized by high costs and a large number of direct beneficiaries (Reiter et.al 2012), and they require a strong institutional apparatus to manage the payments (Dixon 2016). In other words, economic reparation regimes require a higher degree of institutional and fiscal state capacity.

This article examines variation in transitional justice reparations across two post-conflict contexts: Colombia and Peru. I ask how states go about the process of carrying out transitional justice reparations. Previous work has examined the spread of transitional justice mechanisms around the world as a “norms cascade” (Sikkink 2011, Nauenberg 2015) and analyzed reparations as a global practice (Ratner et.al 2014, Greenstein 2018). This literature, which has focused on *why* reparations are adopted in different countries, assumes that victims will inevitably benefit from the spread and endorsement by states of rights-based policies (Minow 1998, Barkan 2000, Zehr 2003). I expand this research here by focusing on the actual mechanisms by which states carry out policies of compensation and the ways in which this process is influenced by local context. Colombia and Peru constitute an ideal comparison because these countries experienced armed conflicts involving guerrilla warfare and comparable human rights violations (Sikkink et.al 2015), and they have similar levels of state capacity<sup>5</sup> (Cardenas 2009, Acemoglu et.al 2015). In the early 2000’s both states adopted a policy of economic reparations, whereby they committed to

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<sup>5</sup> According to the Transformation Index by BTI Colombia and Peru share similar state capacity. BTI measurement comprehends: Political Transformation (Stateness, Political Participation, Rule of Law, Stability of Democratic Institutions, Political and Social Integration) Economic Transformation (Level of Socioeconomic Development, Organization of the Market and Competition, Currency and Price Stability, Private Property, Welfare Regime, Economic Performance, Sustainability) and Governance Performance (Steering Capability, Resource Efficiency, Consensus Building, Internal Cooperation ([BTI Project 2018](#)). More information in Appendix 1.

identifying victims and delivering sums of money to them. Despite these similarities, Colombia and Peru have developed strikingly different systems of reparations, including distinct regimes of valuation to determine the amount of payments victims receive.

Colombia's reparations policy was initiated while internal armed conflict was still ongoing. In this context, reparations were used to strengthen state institutions and build new relationships between the state and the victims (Vallejo 2019). To some degree, Colombia used transitional justice, and more specifically, the reparations plan as a way to govern an ongoing conflict rather than as a path out of violence (Buchely 2015, Laplante and Theidon 2007b). In contrast, the Peruvian state promised reparations to victims following the conclusion of armed conflict. Here, the adoption of the reparations plans turned into the implementation of an empty promise. The Peruvian state avoided paying the reparations for many years and when it finally did, the granted monetary values were significantly lower than the ones initially promised. The delayed transfers of the payments and the modest amounts delivered aggravated the beneficiaries who saw the reparations as an offense. Instead of a measure of redress, the economic reparations became part of the Peruvian's state overall approach to post-conflict transition, which downplayed the violence (Waardt 2016). I contend that these differences in outcomes between Colombia and Peru illustrate how the goals of transitional justice and human rights were made subordinate to the state's competing logics—expanding the bureaucratic reach of the state in the case of Colombia, and silencing a shameful past in the case of Peru.

In this article, I argue that such differences in how countries go about implementing economic reparations need to be incorporated into our study of transitional justice, and I propose three variables that explain how the local context shapes state reparations for victims of armed

conflict.<sup>6</sup> The first variable I consider is the *timing of the conflict*. I pay attention to the timing of the reparations program via-a-vis the status of the conflict (ended or ongoing), and how this shapes the state's investment in reparation programs. Second, I propose that to understand the implementation of reparations we have to trace changes in the *local political context*, as elected politicians are the ones deciding on relevant legislation, including funding, for these programs. Finally, I discuss how the development of economic reparations depends on *official definitions of victimhood*. States engage in the construction of the legal category of victim to justify who is and who is not included in an economic reparation plan. My goal is not to provide a single theory of reparations; rather, this article seeks to show that these three context-related variables influence economic reparations by giving rise to different forms of policy.

I proceed as follows: In the first section, I begin with a theoretical overview of transitional justice as a global practice (Sikkink 2011). I highlight that the adoption of transitional justice mechanisms and their actual implementation are different processes (Nauenberg 2015, Rowen 2017, Fletcher et.al 2009, Meyer et.al 1997). I then connect this research with literature on post-conflict state building to stress how, in periods of transition, countries engage in institutional expansion (Campbell and Peterson 2013, Lake 2018) and global and local post-war identity building (Rivera 2008, Fadlalla 2019, Zurcher et.al 2013, Moon 2008). In the second section, I layout my methodological approach, providing a historical background of armed conflict in each country and presenting the three methodologies employed: archival research, interviews, and participant observations. In the third section, I present the bulk of my analysis. I start by situating Colombia and Peru in the context of global transitional justice. I then explain the different

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<sup>6</sup> I focus on the state because large-scale compensation plans (also called administrative reparations) are often carried out by state institutions as a way to signal commitment to redressing wartime victims (Torpey 2006, UN 2005).

outcomes of economic reparations in each country by describing how they were influenced by the *timing of the conflict, the local political context, and official definitions of victimhood*. I conclude by emphasizing that the adoption of transitional justice policies does not guarantee that states will prioritize reconciliation and recognition as goals of reparations. By analyzing the role of the state in armed conflict recovery, this article contributes to sociological knowledge on post-conflict institution building and state-society relationships.

## **Theoretical Perspectives**

### *The Uneven Spread of the Transitional Justice Repertoire*

Transitional justice, as the set of judicial and non-judicial measures designed to redress legacies of human rights violations (Kaminski et.al 2006), has gained popularity around the world over the past quarter century (Teitel 2014, Lu 2017). These measures are part of the institutional landscape available to countries to signal that they are transitioning to peace and democracy (De Greiff 2006, Torpey 2006). Similar to other global human rights instruments like treaties, transitional justice mechanisms have been adopted in very different contexts under the assumption that their ratification will translate into state practices (Hayner 2001, Greenstein 2018). While advocates of transitional justice typically present it as a coherent set of multiple reinforcing practices, including criminal prosecutions, truth commissions, and reparations programs, countries often do not adopt the full repertoire (Laplante and Theidon 2007a, Nauenberg 2018). Thus, and despite how widely these measures have been implemented, they face one important limitation: states endorsement of the idea of transitional justice does not translate into specific policies (Clark 2010, Hafner and Tsutsui 2005, Nobles 2010). This is in part because there are specific practices that go under the umbrella of transitional justice—so states can mix and match—and partly

because states may not have the resources to implement them in a meaningful way (Meyer et.al 1997, Clark 2010, Bromley and Powell 2012).

Of course, there are successful examples of transitional justice mechanisms, such as prosecutions and trials for violations of human rights, which achieve a critical mass in specific places and then diffuse across states (Swiss 2009, Halliday and Osinsky 2006). Sikkink (2011) has proposed the concept of a “justice cascade” to describe a widespread shift whereby government officials went from being immune to being subject to prosecution for human rights violations in countries with vastly different local conditions (5). However, the adoption of the same transitional justice measures do not necessarily secure the same outcomes (Skaar et.al 2015, Collins 2006), as the case of truth commissions exemplifies. Nauenberg (2015) explains this split between the stated goals and the actual impacts of truth commissions as a reflection of the fact that the truth commission model is about the diffusion of a template for truth telling propagated by powerful international actors that does not necessarily respond to the needs of a specific society trying to recover from the ravages of conflict. This explanation of general model over specific needs is useful for understanding the diffusion of transitional justice as a multifaceted process (Rowen 2017), but it tells us little about the local conditions that influence the transitional justice repertoire once this model is in place (Fletcher et.al 2009). I examine how local factors like the timing of the conflict, the local political context, and official definitions of victimhood influence this disconnect.

This decoupling between the blueprint of transitional justice and the actual practices that are described as transitional justice, makes it hard to study its implementation. One way that researchers and practitioners have attempted to make sense of transitional justice outcomes has been to disaggregate the phenomenon into its different practices (criminal prosecutions, truth commissions, and reparations programs). Economic reparations are particularly interesting, as



their implementation demands significant fiscal and institutional resources (Reiter et.al 2012, Weber 2017). The minimum requirements for compensation include the legal construction of the category of victim (Dixon 2016, Waardt 2016), building a registry of beneficiaries (Rivas 2016, Mora 2016), crafting legislation and mobilizing funds to support a reparations plan (Greenstein 2018), and creating institutions to process cash payments (De Greiff 2006, Hayner 2001). Countries respond to these challenges in different ways. For example, Argentina decided to compensate victims of dictatorship with a one-time global payment, while Chile developed a pension system. This comparison illustrates that reparations are a global model for transitional justice practice, but policy and execution specifics depend on the state.

To better understand why the implementation of reparation programs depends on state intervention –or on an institution that fills the role of the state –we need to know what reparations promise. Economic reparations are very attractive to states, victims, and human rights advocates, because the underlying assumption is that payments are a way to recognize the victims and promote reconciliation (Teitel 2000, Torpey 2006, Barkan 2000). Ideally, economic reparations can be useful to turn traumatic experiences into a constructive narrative of the “resilient victim” and to foster social justice. But while we have a good understanding of the potential of reparations, we know less about the conditions that allow for reparations to work as intended – or not. One way to understand how states carry out reparations and the factors that affect both the processes and policies they develop, is to pay attention to research on post-conflict state building.

### *(Re)Building the State After War*

The literature on post-conflict state building offers a window onto how, in times of transition from conflict to peace, governments continue to advance what we might consider

traditional state projects, like institutional expansion (Campbell and Peterson 2013, Lake 2018, Weintraub 2014) and reputation management (Rivera 2008, Fadlalla 2019, Zurcher et.al 2013, Moon 2008). The literature on post-conflict state building is useful to analyze compensations in Colombia and Peru, as it shows that reparations are only one dimension of states' work in the peace-building arena. Institutional strengthening is important for international organizations and donor governments because internal conflict is often explained as the result of 'weak' or 'failed' states (Campbell and Peterson 2013). The general assumption here is that to achieve peace, countries need to "ensure that the government is representative of the population, can deliver services to the population, and is responsive to the needs and demands of its citizens" (336). It is expected, then, that countries, IGOS (International organizations), and INGOS (International non-governmental organizations) will try to develop mechanisms to physically build new institutions, strengthen the rule of law, and promote a market economy (Campbell 2018). In the specific case of reparations, post-conflict states are expected to create institutions and a bureaucracy capable of attending to victims' needs.

In the last two decades, Africa and Latin America have been two of the main regions of focus of the literature on armed conflict and peace building. Their respective analyses tell us different things about the role of the state during war and during post-conflict institutional building. In Africa, where governments can be described as having lower state capacity after long periods of internal violence, many of the functions of the state have been carried out pre- and post-conflict by IGOS and strong INGOS and NGOS (non-governmental organizations) (Lake 2018). For example, in Congo, reparations were not carried out by the state; instead, the International Criminal Court (ICC) was the entity in charge of administering compensations, and reparations were funded with money from different countries (Dixon 2015).

Post-conflict state building and transitional justice in Latin America has followed a different path. In Latin America, states that have experience governing during ongoing conflict and war tend to implement and preside over post-conflict policies (Rodriguez-Franco 2016, Mauceri 1995). Even when states can be characterized as ‘weak’ in Latin America, they have not been at immediate risk of collapse as in Africa (DPI 2017)<sup>7</sup>. As state actors, Colombia and Peru had decades-long violent disputes with illegal armed groups, yet state (Buchely 2015, Kline 2001, Acemoglu et.al 2016) and institution building (Arjona 2014) happened despite internal wars being waged. As Rodriguez-Franco (2016) has detailed for the case of Colombia, during civil conflict elites responded to the risks of war by contributing taxes and ultimately strengthening the state and aiding its territorial expansion (192). This historical trajectory helps us understand why in Colombia and Peru, unlike in various African contexts the state had the institutional and fiscal capacity to assume the task of administering reparations.

In addition to expanding the reach of their institutions, post-conflict states also engage in managing the memory of war through global and local reputation management. They want to leave behind a reputation of instability and conflict, and present themselves as politically stable and worthy of economic investment (Campbell and Peterson 2013). This process can follow different paths. In some countries, like South Africa, the state engaged in a public mea culpa that included investing in memorials, publicly identifying victims, and establishing a truth commission (Moon 2008). An alternative path is described by Rivera (2008) in Croatia, where the state actively engaged in silencing the years of war because that experience represented a ‘shameful past.’ Through cover up of the past and cultural reframing, Croatia became an attractive tourist destination. These negotiations of the past have profound consequences for victims, potentially

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<sup>7</sup> <https://publications.iadb.org/en/database-political-institutions-2017-dpi2017>

effacing their experiences. For example, in the case of Guatemala, politically and economically powerful groups have emphasized the need to focus on present problems like economic growth, putting in place a policy of silence with respect to violations of human rights committed during the years of civil conflict (Burt et.al 2018).

Considering the different trajectories that post-conflict state building projects can take, it is helpful to understand how the local political context influenced the implementation of transitional justice reparations in Colombia and Peru. I argue that the human rights goals of reconciliation and victims' recognition motivated the adoption of compensation policies in both places, but in their respective implementations, reparations became different modes of state building. Using comparative analysis, I explore the factors behind Colombia and Peru's differing outcomes and how different state logics shape such varying outcomes. Colombia tried to use reparations as an opportunity for institutional expansion, connecting the state with its citizens-victims through the compensations program and promoting the idea that a conflict free society was on the horizon. In Peru, post-conflict state building focused on creating a new narrative of the political community, silencing the role of the state in massive human rights violations and highlighting the state's triumph over the guerrillas of Sendero Luminoso (Shining Path) and the MRTA (Túpac Amaru Revolutionary Movement).

## **Methods**

### *Introducing the Cases*

Colombia's internal armed conflict is one of the longest ongoing civil conflicts in the world involving state security forces, leftist guerrillas (primarily the Revolutionary Armed Forces of

Colombia–People’s Army, FARC-EP and the National Liberation Army, ELN) and paramilitary groups (Arjona 2009, Ronderos 2014, Centro de Memoria Historica 2017).<sup>8</sup> The conflict started in the 1960s, right after a previous 10-year bloody war between the Conservative Party and the Liberal Party had ended. Several leftist and Marxist guerrilla groups emerged with the self-declared purpose of bringing social justice and socialism, and fighting an exclusionary political system.<sup>9</sup> The confrontations were concentrated in specific areas of the country and had a low intensity for many years, but in the 1970s the guerrillas started to spread to richer areas to increase their funding via taxation, kidnapping, extortion, and drug trafficking (Vélez 1999). This expansion directly affected local elites in different areas of Colombia who responded by forming paramilitary groups. In many areas of the country, paramilitary groups had the support of state forces (García-Peña 2005) and funded themselves via voluntary and forced regular tax payments by locals, as well as by drug trafficking (Arjona 2014). In the 1980s, these organizations went from disconnected paramilitary squads to an integrated unit under the umbrella of the United Self-Defense Forces of Colombia (AUC) (Gutiérrez 2008). Due to the expansion of the guerrillas and the paramilitaries, the Colombian armed conflict reached its peak in the late 1990s before starting to decline in the mid-2000s (Centro Nacional de Memoria Historica 2013).

Over the course of this struggle for power, the state, the guerrillas and the paramilitaries have committed serious human rights violations against civilians. Because of the armed conflict, 218,094 people have been killed (1958-2012) (Centro de Memoria Historica 2018) and 7.3 million people have been forcibly displaced, mostly to urban areas inside Colombia (NRC 2018). Forced

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<sup>8</sup> These two are the largest and most powerful groups.

<sup>9</sup> Along the FARC-EP and the ELN there were the People’s Revolutionary Army (ERP), People’s Liberation Army (EPL), the April 19 Movement (M-19), and the Quintin Lame. The last three collectively demobilized in the late 1980’s and early 1990’s and were given amnesty (Arjona 2009).

displacement not only created a humanitarian crisis as families were expelled without economic resources or the skills to survive in cities, but it also generated a “‘counter-agrarian reform,’ as paramilitaries were called upon to sweep through desirable lands and forcibly displace hundreds of thousands of peasants” (Theidon 2007: 70). Furthermore, thousands more have been disappeared, raped, tortured, kidnapped, and forcibly recruited by the guerrilla and the paramilitary. Although the government of Juan Manuel Santos signed peace accords with the FARC in 2016, the ELN remains active at the time of writing. Colombia is a particularly interesting case for analysis, as violence has been sustained and concentrated in particular regions, but at the same time, the government has engaged in peace processes, amnesties, memory work, and reparations. All of these characteristics make Colombia an excellent case for studying the implementation of transitional justice, as transitional justice plans usually follow the end of civil war (Sanchez et.al 2016).

Peru endured an internal armed conflict from 1980 to the mid-1990’s involving the Maoist guerrilla group Sendero Luminoso, the armed peasant patrols, and the Peruvian armed forces.<sup>10</sup> Conflict started in the southern Andes highlands at a time when Peru was transitioning from 12 years of military rule to democracy. In 1980, Sendero Luminoso declared a war against the Peruvian state, and the government responded by granting political–military powers to the armed forces and opening the door for massive attacks on the peasant communities who were suspected of supporting the guerrillas. The Sendero Luminoso leadership was comprised of university-educated provincial elites, but the lower ranks were filled by peasants. As Theidon (2006) stresses

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<sup>10</sup> In 1984, a second guerrilla group, the Tupac Amaru Revolutionary Movement (MRTA), emerged with a more traditional urban revolutionary strategy. However, their impact was significantly smaller than that of Sendero Luminoso and they were crushed in 1997 when they occupied and held hostage the Japanese Embassy in Lima, leading President Alberto Fujimori to respond with a military action that killed all members of the MRTA.

“the fratricidal nature of Peru’s internal armed conflict means that in any given community, ex- Senderistas, current sympathizers, widows, orphans, and veterans live side by side” (436). Additionally, the peasant origin of Sendero Luminoso’s membership contributed to the government’s view that rural communities needed military intervention to be controlled. Amid attacks from Sendero Luminoso and a violent governmental military presence, civilian peasant populations organized in countersubversive groups commonly known as *ronderos* to secure survival and community governance (Fumerton 2002, Degregori 1996).

The conflict took an important turn in 1990 with the election of Alberto Fujimori who strengthened the counter-insurgency strategy of the Peruvian government (Burt 2018). This included securing the support of local peasant populations, revamping the self-defense committees to new areas of the country and providing them with official recognition. In fact, “Legislative Decree 741 acknowledged the existence and role of the organized peasantry in anti-guerrilla activity” (Garcia-Godos 2010: 70). This new strategy brought quick results, such as the capture of Sendero Luminoso’s leader Abimael Guzman in September 1992, which significantly decreased the group’s military power and pushed fighters to isolated areas of the jungle. In this sense, Peru is a case of a successful state conflict against the guerrillas, unlike Colombia, where many guerrillas were demobilized via peace agreements and amnesties, but others remain active today (Theidon 2006).

Alberto Fujimori was soon credited with “pacifying” the country via draconian measures and a self-coup that allowed him to close Congress and dismantle political parties. Despite the significant reduction of violence, Peru did not officially transition to peace and democracy until 2000 when Fujimori left office in the midst of scandals for corruption, anti-democratic practices, and systematic violations of human rights (Correa 2013). Valentín Paniagua succeeded Fujimori

as Interim President and created the truth commission by executive decree in 2001. Because of the conflict in Peru, 70,000 people were murdered or disappeared, and 600,000 more were displaced (Garcia-Godos 2010, Garcia-Godos and Reategui 2016).<sup>11</sup> The conflict affected those already at economic and social disadvantages, since 75% of the victims spoke Quechua (an indigenous language), and 68% had an educational level below middle school or were illiterate (CVR 2016).

Colombia and Peru both experienced internal civil conflicts with disturbing levels of human rights violations against noncombatants and high rates of internally displaced populations. In the 2000s, both adopted the language of transitional justice to respond to the demands of victims' and embarked on the implementation of economic reparations. Though Colombia and Peru are broadly similar in terms of state capacity<sup>12</sup> (Cardenas 2009, Acemoglu et.al 2015), they designed different regimes to compensate victims of armed conflict and decided on different monetary values for the reparations. In Colombia, where compensation began during the ongoing conflict, reparation payments are determined by the type of violation the victim suffered and can range from around \$4,000<sup>13</sup> to \$8,000<sup>14</sup> (Portilla and Correa 2015). In contrast, Peru is a more standard case of transitional justice, as reparations were adopted after the official end of armed conflict and beneficiaries are awarded a one-time payment of \$3,000 per victimizing act (Correa 2013, Waardt 2016)<sup>15</sup>. These disparate responses to similar policy issues in similar contexts present

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<sup>11</sup> Sendero Luminoso was accountable for 54% of the disappeared and murder victims (CVR 2016).

<sup>12</sup> Please refer to footnote 1 and Appendix 1 for more information on Colombia and Peru's state capacity.

<sup>13</sup> All values are in USD.

<sup>14</sup> The violations included under the reparation plan are homicide, forced disappearance, disability, kidnap, child recruitment, torture, forced displacement, and sexual crimes including childbirth resulting from rape (Portilla and Correa 2015).

<sup>15</sup> The Peruvian economic reparation plan offers victims and their relatives a one-time payment to cover homicide, forced disappearance, disability, torture, and sexual violence (CMAN 2017). This means that, for example in cases of homicide, the victim's wife received half of the payment, with the remaining amount split among his children.



a curious puzzle. Colombia's compensation policy is the most expensive and ambitious plan implemented under the rubric of transitional justice in the world, with 14% of the country's population registered as victims (Sikkink et.al 2015, Dixon 2016). On the other hand, in Peru—where reparations were implemented after the conflict—the government engaged in a much more “modest” plan. Colombia and Peru present different answers to the question “how do states go about the process of carrying out transitional justice reparations?”

### *Data Collection*

To explore how Colombia and Peru have implemented and managed economic reparation plans for victims of armed conflict, I adopted a multimethod approach, combining archival analysis with interviews and ethnographic data. Fieldwork took place in Peru (7 months), Colombia (11 months), New York City (1 month) and Durham, NC (2 months) between 2016 and 2018.

I collected documents that directly address the mobilization of monetary resources to compensate those impacted by civil war (Table 1). The adoption and implementation of compensation plans are temporally distinct processes, with implementation often lagging far behind the inception and initiation of a plan. For this reason, I focused on documents and articles ranging from before the adoption of reparatory policies in each country (2001 in Peru and 2005 in Colombia) through June 2018, when fieldwork ended. I used official documents, sources from the International Center for Transitional Justice (ICTJ), and newspaper articles to identify the immediate history of the compensation plans and offer a systematic description of how victims' suffering was framed as a set of experiences that call for reparations. Official documents include laws and decrees, state records, experts' reports, and claimant applications. In Peru, I focused on the archives of the High Level Multisectorial Commission (Comisión Multisectorial de Alto Nivel,

or CMAN), while in Colombia I surveyed the archives of the Victims' Unit.<sup>16</sup> I also paid attention to processes occurring in the global sphere that influenced the adoption of transitional justice mechanisms. The ICTJ, an international non-profit organization, was integral to the process in both cases (Nauenberg 2015) offering advice to government institutions and victims' organizations. I reviewed the reports that the ICTJ produced on reparations, as well as its institutional archives.<sup>17</sup>

**Table 1. Archival Sources**

| <b>Source</b>             | <b>Colombia</b> | <b>Peru</b> |
|---------------------------|-----------------|-------------|
| <i>Newspapers</i>         | 290             | 367         |
| <i>Official Documents</i> | 73              | 156         |
| <i>ICTJ</i>               | 12              | 14          |
| <i>Total</i>              | 375             | 527         |
| <b>Total N=902</b>        |                 |             |

In this case, newspapers were useful for reconstructing the history of state institutions, especially considering that official documentation often omits the reasons for creating specific institutions (Clemens and Hughes 2002). I surveyed two national daily newspapers in each country: *El Tiempo* and *El Espectador* in Colombia and *El Comercio* and *La Republica* in Peru.<sup>18</sup> I selected specific articles using Factiva<sup>19</sup> and the newspapers' online databases. I searched for

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<sup>16</sup> The CMAN (Comisión Multisectorial de Alto Nivel, or CMAN) and the Victims' Unit are the two institutions in charge of reparations in Peru and Colombia.

<sup>17</sup> The ICTJ archives are hosted by Duke University in Durham, NC.

<sup>18</sup> These media outlets have the largest circulation in each country and are well-respected sources of economic and political information. But by including different sources I am offering the reader a more complex view of the narratives surrounding the compensation (Clemens 2002). The adoption and implementation of compensation plans are temporally distinct processes, with implementation often lagging far behind the inception and initiation of a plan.

<sup>19</sup> Factiva is database that stores full-text articles from international newspapers from the 1980's to the present. The four newspapers I have picked are included in the Factiva database.

articles that included key words relating to each compensation scheme.<sup>20</sup> From the results generated, I selected articles that focused on the compensation of victims of armed conflict. I disregarded pieces that included the keyword but did not address economic reparations paid by the state in sufficient depth. In sum, the original sample was drawn from Factiva and the four newspaper database results and then culled based on my own systematic analysis with the help of two research assistants with extensive knowledge of local history in each country.

I carried out a total of 59 interviews to get a better grasp of the debates that led to the adoption of economic reparation policies and to understand how they changed over time. I recruited respondents across two different categories: transitional justice experts and government officials. After the first five interviews in each place, I realized that the distinction between state officials and experts was hard to draw, as many of my respondents held both identities and some of them could also be categorized as human rights activists (Table 2). Since belonging to one category or another was more a matter of timing, I differentiated these respondents according to how they described themselves to me at the moment of the interview. I paired each respondent with an acronym followed by a number, PESO1 (Peruvian State Official 1), COLEX2 (Colombian Expert 2), and so on, with the exception of public political figures. Initially, I created the list of potential informants from the authors of reports and from the protagonists these reports mentioned. Following each interview I asked the respondents for contact information of people with whom they thought I should speak, given the topics we had discussed. I carried out recorded interviews

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<sup>20</sup> Keywords used for each country were: (armed conflict, violence, terrorism, civil conflict, internal war) and (compensation, claim, assistance, aid, reparation, payment) and (injury, harm, loss, sick, suffer, forced disappearance) and (victim, survivor, family, relative).

in Spanish, (with the exception of one),<sup>21</sup> ; interviews were then transcribed and coded using the qualitative analysis software Dedoose.

**Table 2. Interviews**

| <b>Source</b>          | <b>Colombia</b> | <b>Peru</b> |
|------------------------|-----------------|-------------|
| <i>State Officials</i> | 18              | 11          |
| <i>Experts</i>         | 11              | 19          |
| <i>Total</i>           | 29              | 30          |
| <b>Total N=59</b>      |                 |             |

I conducted observations of state practices in Colombia and Peru with a focus on how government officials interacted with victims and how they explained the purpose of reparations. I kept a journal of field notes and used this data to supplement official documents and interviews with first-hand observations of how reparations are delivered and how institutions manage and oversee this work. In Colombia, ethnographic work took place in the capital city of Bogotá and six regions of Colombia that have been historic epicenters of the armed conflict.<sup>22</sup> I observed interventions designed by the Colombian state to carry out the reparation of victims including the delivery of checks, public apologies, investment fairs, and financial education workshops. My observational data from Peru is significantly smaller; this is in part because the state did not establish a large-scale program similar to the Colombian scheme, but also because of political events that took place during my fieldwork. I was scheduled to observe the workshops the CMAN was carrying out to explain the different elements of the reparation plan, offer public apologies, and provide symbolic reparations to victims. However, the pardon of Alberto Fujimori (December

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<sup>21</sup> Interview with American transitional justice expert in Latin America and Africa conducted in New York City.

<sup>22</sup> Tumaco (Nariño); Apartado, Medellín, Bello and Rionegro (Antioquia); Montería and San Antero (Córdoba); Vigía del Fuerte (Choco); Popayán (Cauca); and Cartagena (Bolívar).

24, 2017) by president Pedro Pablo Kuczynski caused massive resignations within the state bureaucracy and led to the cancelation of these workshops for the first five months of 2018.<sup>23</sup> Despite this setback, I was able to observe the offices of the CMAN in Lima and Ayacucho and observe three different protests by victims and human rights organizations against the government, demanding more attention be paid to the victims of armed conflict.

### **Transitional Justice Politics in Latin America**

In South America, transitional justice measures have played a key role in the shift from dictatorship to democracy (particularly in Argentina, Chile and Uruguay) and from civil conflict to peace (Collins et.al 2016).<sup>24</sup> Along with Guatemala, Colombia and Peru are among the countries in Latin America that have committed to providing economic reparations for victims of armed conflict. During the 1990s, limited state-sponsored compensation was made to victims of human rights abuses in Colombia<sup>25</sup> and Peru<sup>26</sup>; however, it was not until the early 2000s that these payments started to be referred to as economic reparations and described using the language of transitional justice. During this period, human rights advocates, victims' organizations, and governments started to discuss and negotiate the possibility of having large-scale reparation

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<sup>23</sup> The pardon caused a chain of resignations at all managerial levels in the CMAN, the Reparations Council (the institution in charge of the registry of victims) and the Ministry of Justice and Human Rights. These positions were filled only at the end of May, as I was preparing to depart Peru.

<sup>24</sup> Transitional justice, and more specifically reparations, started in Latin America in Argentina, Chile, and Uruguay for victims of human rights violations by the dictatorship. The Argentinean model in particular greatly influenced the adoption of transitional justice mechanisms in Peru.

<sup>25</sup> In Colombia, the state had paid relatives of people murdered by the confrontation between the army and the M-19 in 1985 during the siege of the Palace of Justice.

<sup>26</sup> The only compensation schema available in Peru before the Truth Commission was directed to members of the peasant patrols (self-defense communities) and to members of the state forces and bureaucracy.

programs funded by the state. In Colombia, the first director of the Transitional Justice Unit of the Minister of Justice (2005) stressed how transitional justice mechanisms started to be adopted in an improvised way and because of developments in the global dialogue around reparations.

The Peace and Justice Law<sup>27</sup> [2005] does not say “transitional justice” anywhere. However, the topic of transitional justice emerged in the debates that preceded the approval of this Law [2003-2005]. Many civil society organizations, international organizations, as well as the Office of the High Commissioner for Peace, started lobbying in Congress to make sure that the Peace and Justice Law was held to international standards. This is also a moment in which international principles about how to assist victims and offer reparations to victims or societies leaving conflict behind emerged. The first references to these principles came out in 2005. (Expert COL 6)

In Peru, one of my interviewees explained how prior to 2003, reparations were thought of in terms of justice – as in the regular justice system – and not as transitional justice:

Between 1994 and 2000, when we were advocating for those unjustly incarcerated but also for the victims of forced disappearance, we were talking about justice, it was justice, just justice. There was not such a thing as transitional justice. I started to hear about it [transitional justice] in 2002, 2003 because by 2001 they had brought some Argentinians, like Elizabeth Jelin, who had worked on it in their country [...] At that time, we were more on the side of transparent justice, a justice like that, independent justice without political interference. The topic of transitional justice comes from a different place like the ICTJ [The International Center for Transitional Justice]. (PE Expert 6)<sup>28</sup>

In squarely locating reparations within a transitional justice framework, policymakers added Peru and Colombia to the list of countries committed to the defense of human rights. This endorsement of transitional justice appeased some of the critiques and pressures from the international community concerning the role of the state as a perpetrator of human rights violations. This is an interesting development in both places because the transitional justice paradigm promotes a restorative view of justice (Teitel 2003) that emphasizes “healing and reconciliation for offenders, victims, and the communities in which they are embedded” (Menkel-

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<sup>27</sup> Legal framework created by the government of Alvaro Uribe Velez to support the demobilization of different paramilitary groups.

<sup>28</sup> All translations are mine unless otherwise indicated.

Meadow 2007: 161). Thus, the adoption of transitional justice meant that the victims of armed conflict and their assistants became part of the debate about how to overcome the effects of prolonged violence. The legitimization of the transitional justice discourse also gave local and international human rights groups a space to influence state policy in both Colombia and Peru. These organizations used the transitional justice framework to ask for recognition for victims and request aid for them in the form of justice, truth telling, and economic reparations.

The International Center for Transitional Justice (ICTJ) had an important role in making the topic of economic reparations part of the political agenda and spreading the idea that transitional justice represented the best path to leave violence behind in Colombia and Peru (Nauenberg 2015). The ICTJ was founded in 2001 as a non-profit organization that offers advice to states and victims' organizations concerning accountability through transitional justice mechanisms for human rights violations committed under repression or conflict (ICTJ 2018). In meetings with policy makers, human rights organizations, and at public events, the ICTJ campaigned in Peru and Colombia for a similar model of reparations that emphasized a) recognition for the victims, and b) the need for the state to assume financial responsibility for reparation payments.

Reparations are for them [victims], the most tangible manifestations of the efforts of the state to remedy the harms they have suffered [...] In the human rights field, every quantifiable harm should be compensated, be it economic, mental or moral injury, whether consequence of a violation of international human rights or international humanitarian law. (ICTJ Duke, Box 92)

The ICTJ also alerted stakeholders to the risks of carrying out economic reparations the wrong way. Today this cautionary list seems more like a story of a foretold tragedy, as all of the 'mistakes' that the ICTJ warned against were committed in at least one, sometimes both, of the two countries I studied.

If they are perceived solely as a way of quantifying harm, they will always be viewed as unsatisfactory and inadequate.

If the payments fall below a certain level [of money], they will not significantly affect the quality of life of victims.

This method of distributing benefits presupposes a certain institutional structure. (The payments can satisfy needs only if institutions exist to ‘sell’ the services that citizens wish to purchase).

If they are not made within a comprehensive framework of reparations, these measures may be viewed as a way to buy the silence and acquiescence of the victims.

[These will be] politically difficult to bring about, as the payments would compete with other urgently needed programs, may be costly and may be controversial as they would probably include combatants from both sides as beneficiaries. (ICTJ Duke, Box 92)

This list also indicates how the hopes for reparations were extremely optimistic and promoted a very ambitious vision of what compensation could do for post-conflict societies—heal trauma, satisfy victims’ needs for recognition, and help beneficiaries change their economic conditions. Understanding the recent international discourse surrounding transitional justice, and specifically the role of transnational actors like the ICTJ, helps explain *why* reparations spread to Peru and Colombia. Considering the promises made by such organizations, it is clear why actors with different, potentially conflicting, interests like elected politicians, victims or activists endorsed reparations as a mechanism for healing.

Yet a local focus is necessary to understand *how* this project of reparations unfolded over the years in situ. This article questions the extent to which civil conflict reparations can be only understood as part of an international ‘norm cascade,’ with international organizations like the ICTJ driving the agenda regardless of the domestic context. I argue that local differences explain variation in the adoption of economic reparations in Colombia and Peru. The differences between cases can be analyzed along three variables. First the *timing of the conflict*, meaning has the armed conflict ended or still ongoing. Second, *the local political context* variable contemplates how elected politicians influence the adoption and implementation of reparations, since elected



politicians are the ones deciding on legislation and funding for these programs. Third, the *official definitions of victimhood* variable captures how the construction of the legal category of ‘victim’ by the state influences the size of reparation programs. In the next section, I unpack Table 3 through a detailed analysis of the history of reparations in Colombia and Peru along these three variables.

**Table 3. Context-related Variables**

| <b>Variable</b>                           | <b>Description</b>  | <b>Colombia</b>   | <b>Peru</b>                               |
|---|---|---|---|
| <i>Timing of the conflict</i>             | End or continuation of armed conflict   | Ongoing conflict  | Conflict is over                          |
| <i>Local political context</i>            | Influence of elected politicians in the adoption and implementation of reparations. Elected politicians are the ones deciding on legislation and funding for these programs | Victims and the conflict are a key topic during elections and while in office | Focus on victims during electoral periods |
| <i>Official definitions of victimhood</i> | Construction of the legal category of ‘victim’ by the state   | Inclusive   | Limited                                   |

### **Colombia: Transitional Justice Without Transition**

#### *Timing of the Conflict*

In Colombia, economic reparations have been carried out in the midst of conflict. Reparations started in 2008 during the presidency of Alvaro Uribe Velez (2002-2010), in the framework of the 2005 Justice and Peace Law that was created to facilitate the demobilization of various paramilitary groups.<sup>29</sup> Initially the idea was that victims were going to be compensated via judicial reparations, with money confiscated from the paramilitary groups who have systematically

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<sup>29</sup> The Peace and Justice Law ruled that victims could access economic reparations access to reparation through the judicial system, either through criminal proceedings filed against the perpetrators, or by suing the State.

stolen land from peasants and controlled part of the narcotics market (García-Peña 2005). Delays in the judicial processes, as well as pressure from the international community and human rights organizations, pushed the government to assume the costs of reparations and to develop a model that did not depend on an already saturated legal system by creating a new bureaucracy outside of the judiciary (Políticas y Estrategias 2015). The plan started under the auspices of the National Reparation and Reconciliation Commission (Comisión Nacional de Reparación y Reconciliación, or CNRR), which created a scale of payments for those who had suffered human rights violations by illegal armed actors. Reparations were expected to “solve practical and emotional problems of the victims, but also to be, eventually, a link or bridge towards the reconciliation of communities divided by war” (Rettberg 2008: 21), even when the guerrillas of the FARC and the ELN continued to be active. The CNRR established ten offices throughout Colombia to carry out the reparations, embedding this dimension of transitional justice within the Colombian state.

With the election of Juan Manuel Santos as president (2010-2018), the Victims’ Law was approved (2011) and the CNRR was absorbed by the Victims’ Unit, a new institution charged with providing reparations to victims. The approval of the Victims’ Law was a key inflection point for the reparations process, as it marked a moment of significant institutional and budgetary expansion. The Santos administration made the resolution of the armed conflict a priority and promoted the creation of offices in charge of human rights, post-conflict and victims in every government institution and ministry. The Victims’ Unit opened in 2012 with 32 offices spread all over the country (VU 2016).<sup>30</sup> One of the stated goals of the Santos’ administration was to bring the central state to the ‘people.’ This translated into the creation of what has been called a

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<sup>30</sup> These numbers, however, do not include the many contractors employed by the Unit and its many temporary offices in different regions of the country.

‘humanitarian bureaucracy’ (Vera 2017), dedicated to serving the victims of the armed conflict and providing them with different social services (housing, health, education and emergency aid) and reparations. There were antecedents of these bureaucracies in the Colombian state, but it was under Santos’ government that this policy was scaled up to massive proportions.<sup>31</sup> Bureaucrats were sent to traditionally isolated and conflicted areas of the country to register victims, inform them about their right to reparations, and deliver the compensation checks.

I was able to observe part of this process of bringing post-conflict reparations from the urban center to the rural periphery still in conflict. In 2017, I went to Tumaco to observe a state reparation program for women victims of sexual violence run by the Victims’ Unit and funded by IOM (International Organization for Migration). Though I knew how dangerous Tumaco was (it has long been a strategic point for moving coca, the raw material for cocaine), I expected to be in a newly pacified territory. This was the promise of the peace accords with the FARC in 2016. However, the Victims’ Unit and IOM officials remained on edge, having seen ELN graffiti on their way from Pasto (Nariño) to Tumaco. Officials forbade everyone in the party from leaving the hotel, night or day, even in groups. Some of the victims were coming from regions where threats and violence persisted, and they were distressed by the ELN graffiti and rumors that Tumaco was surrounded by FARC units that decided not to demobilize in 2016. For three days, I participated in various state-sponsored workshops where victims of the armed conflict were invited

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<sup>31</sup> For example law Ley 387 (1997), created the National Plan for Assistance to the Displaced Population ([https://reliefweb.int/sites/reliefweb.int/files/resources/9CD623A8D65125B385256B1E006A2341-govtcol\\_01jul.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/9CD623A8D65125B385256B1E006A2341-govtcol_01jul.pdf)).

to identify as survivors and Colombia was described as a post-conflict society, all behind the gates of our hotel in a fully militarized town.<sup>32</sup>

These are the paradoxes of Colombia. Instead of marking the end of war, transitional justice has articulated the coexistence of violence with new state projects including the reparation of victims. It is worth highlighting that 2012 marks not only the creation of the Victims' Unit, but also the year that the Santos government started negotiations with the FARC. Thus, reparations in Colombia have developed in tandem with an evolution in the trajectory of internal armed conflict. As one expert in Colombia and Peru put it during an interview, “reparations had turned almost into a counter-insurgency policy that wanted to win the hearts and minds of the populations affected by war” (PEEX 19). By 2018, in some isolated areas of Colombia such as Vigia del Fuerte (Antioquia), a town located in one of the poorest areas of the country and only reachable via the Atrato River, state presence was restricted to the military and a state official from the Victims' Unit. In Colombia, reparations ended up connecting the central state with a population of 6.5 million people, many of whom live in territory where the state is still disputing the monopoly of violence with illegal armed groups.<sup>33</sup>

### *Local Political Context*

In Colombia, the armed conflict has been a key topic in public life for decades. Since the 1960s, every president who has been elected has proposed a particular plan to demobilize the

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<sup>32</sup> Crane and Vallejo. 2018. <https://researchmatters.ssrc.org/remaking-subjects-in-the-aftermath-of-war-capitalism-personhood-and-colombias-postconflict/>

<sup>33</sup> This is the number of people officially registered as victim and entitled to economic reparation. By the end of 2018, the Colombian government had paid nearly one million victims out of 6.5 million (UV 2018).

illegal armed groups. The last four presidential elections were distinctive, however, in that the two winning candidates<sup>34</sup> used the language of transitional justice to describe their plans to end the violence. They also proposed that victims of the violence were entitled to state aid in the form of economic reparations.

In 2007 when President Uribe's Peace and Justice Law was shown to be insufficient to provide victims with reparations because legal cases were taking too long, those in charge of designing the state-sponsored reparation plan started looking for models around the world. They convinced Uribe that the Argentinean model was the best one as it "offered the same amount of money to all victims, was fiscally responsible, fast, respectful to the victims, and assured that the money would go straight to the victims and not to lawyers" (COLEX 5). Uribe hesitated to endorse the reparation plan due to its high cost, but he was pressured by the international community and human rights organizations who were accusing him of favoring the perpetrators over the needs of the victims. In 2008, Uribe officially launched the reparation plan in a public ceremony. However, it is worth noting that the reparation plan almost didn't go forward because Uribe wanted to ensure that victims of state military forces were not covered by reparations. He also sought to secure some kind of guarantee that if a victim received reparations, s/he would be ineligible to ask for any other compensation from the state.

Uribe's endorsement of a reparations plan for victims of the FARC, ELN and the paramilitary did not stop criticism from human rights organizations like Fundación Social about his favoritism towards the paramilitary. Fundación Social's leadership, in partnership with Senator Juan Fernando Cristo from the Liberal party, started to lobby Congress to approve a law that

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<sup>34</sup> Alvaro Uribe Velez and Juan Manuel Santos were both reelected after serving one term.

focused on all victims and their needs. Economic reparations were framed in this proposal as an opportunity to reconcile Colombian society, as they included a group formerly excluded from compensation: victims of state terrorism. At the end of Uribe's second term such a law was discussed in Congress and ultimately rejected. Although the potential cost of such a plan was the ostensible reason for rejecting it, fiscal constraints were largely a pretext. Uribe's administration had described the civil conflict as terrorism perpetrated by paramilitaries and guerrillas, so he objected to a law that acknowledged that the state had also created victims who deserved to be repaired. The rationale followed by Uribe and his party's representatives in Congress was that it would be demotivating for the army and the police to be publicly identified as responsible for human rights violations in the context of an ongoing conflict. As one of the lobbyists explained:

The Government [Uribe's administration] considered that to recognize the victims of state agents without a judicial sentence was to place the military in the same status as the guerrillas [...] So to compensate a victim of state terrorism was to assume that indeed the state was responsible. And if it had not been proven, we were presuming that the military were perpetrators by definition; that will demoralize the troops and we will lose the fight against terrorism. (COLSO 5)

When he succeeded Uribe, one of Juan Manuel Santos's first acts as President was to pass the formerly rejected Victims' Law and to launch peace conversations with the FARC. The institutional expansion described above developed vis-a-vis the work of officials from Bogota who traveled all over Colombia to educate other bureaucrats about the need for recognizing victims and the importance of the peace agreements with the FARC. Massive events were organized everywhere across the country, during which compensation checks were delivered in collective ceremonies by national and regional authorities, who were invited to participate in the name of reconciliation and to provide official support to the peace negotiations. In 2018, during a public

event intended to recognize victims of sexual violence, former Victims' Unit Director Yolanda Pinto, a victim herself,<sup>35</sup> addressed the audience with the following words:

“These women, these heroines have made me strengthen my conviction that the best thing we are doing in Colombia right now is to finish the conflict. Juan Manuel Santos was not wrong when he decided to end the conflict. We have saved the lives of 300 Colombians this year with the end of the conflict” (Fieldnotes COL Dic, 2017)

In his 2015 annual address, the President explicitly explained how providing victims with reparations directly contributes to the end of armed conflict in Colombia. In doing so, reparations are framed as a peace-building strategy central to the state's political project of ending conflict.

In the current circumstances, where the country is decisively committed to the dialogue for the termination of the conflict, the recognition of the victims and the state's responsibilities with them is very important. These responsibilities include: victims' access to truth, justice, reparation, and guarantees of non-repetition. They all are the foundations for the construction of a stable and lasting peace. (Victims' Law Annual report of the President of the Republic)<sup>36</sup>

For the last five decades, the suffering of victims associated with armed conflict has been part of Colombia's political discourse. At different moments, the state had to create policies and institutions to respond to the needs generated by war. Though reparations started with the right-conservative government of Uribe, it was with Santos that they become a central part of the state's priorities. The Santos government was less invested than Uribe in the interpretation of the conflict as one perpetrated by a particular group. This change in administration made possible the creation of a large state program tasked with the provision of state aid to those who suffered gross human rights violations in the context of the armed conflict.

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<sup>35</sup> Yolanda Pinto's husband Guillermo Gaviria Correa was kidnapped in 2002 by the FARC while he was the Governor of Antioquia and murdered by the FARC in 2003 during a failed military intervention intended to rescue him.

<sup>36</sup> Annual report of the President of the Republic on the progress in the execution and compliance of Law 1448 (2015).

### *Official Definitions of victimhood*

The concept of victim in the context of Colombia cannot be extricated from the complicated political discussions over why and how the state should pay reparations for human rights violations. Colombia has been in conflict for more than sixty years, creating generations of victims, while the construction of the legal category of victim in Colombia encompasses very different experiences and groups of people. As such, the parameters for what types of abuses entitle a person to claim legal victimhood and receive economic reparations has expanded over the years. The pursuit of transitional justice by the Uribe and Santos administrations, coupled with the expanding definition of victimhood, created conditions where the construction of “deserving” and “undeserving” victims emerged.

In 2006 during Uribe’s government, the CNRR defined the parameters for victim as those impacted between 1964 and 2005 by homicide; forced disappearance and kidnapping; personal and psychological injuries that produced partial or permanent disability; torture; crimes against freedom and sexual integrity; illegal recruitment of minors; and forced displacement (CNRR 2006). As long as the person was not a victim of state terrorism, they could have access to a reparation that ranged between \$7,000 and \$10,000. The CNRR justified the exclusion of victims of state violence on the grounds that every act by the guerrilla or the paramilitary organizations was illegal, but violations by the army or the police needed to be proven. As the former CNRR’s director explained:

“You cannot automatically declare a person a victim of the state. Because if you declare that person a victim that means that it was an illegal act and the colonel who commanded that operation was going to sue me as the person in charge of the CNRR because I said that his operation was illegal. He is going to ask me to prove to him in court that indeed it was illegal.” (COLEX 5)

This limited definition was notable not only because it excluded a significant number of victims, like victims of state terrorism, but also because it denied the existence of civil conflict and



emphasized that Colombia was a case of terrorism and not political violence (Gaviria and Gil 2010). Those who proposed the Victims' Law in 2010 and 2011 did it with the intention of expanding Uribe's definition to include those victimized by state forces. The approval of the Victims' Law marked the beginning of what has been called the "era of the victims," characterized by the use of the unifying category of "victim" in public political discourse (Krystalli 2018). Accordingly, those formerly referred to as "casualties of the war," "displaced by the violence" or "victims of the illegal armed groups" started to be addressed under the classification of "victims"—a status that guaranteed access to state services and citizenship rights (Vallejo 2019).

However, absent from the Victims' Law were reparations for those forcibly displaced. Supporters of the law argued that the omission was not problematic as the displaced were entitled to other forms of state assistance. Nevertheless, this omission represented a large number of potential beneficiaries if we consider that official data recognizes 5 million people as victims of internal displacement. A 2013 Constitutional Court decision ruled the exclusion of victims of forced displacement unconstitutional. The ruling increased the pool of beneficiaries from nearly 2 million to 6.5 million people, making the compensation of victims a financially infeasible set of obligations. The court's argument was that since the Victims' Law defined a victim as "any person who has suffered grave violations of human rights or international laws as a result of the conflict since 1985" (Summers 2012: 227), it was unconstitutional to differentiate among victims in this way.

The Santos government and the Victims' Unit dealt with the inclusion of victims of displacement by creating a plan to accelerate the payments. In 2017 and 2018 the Victims' Unit strategically focused their payments on victims of displacement because those checks were easier and cheaper to pay; displacement grants victims \$4,000 that has to be divided among all the

members of the family.<sup>37</sup> To execute these payments, the Victims' Unit hired a large number of contractors that were sent to different areas of Colombia for four months. Ultimately, this intervention had two goals: to distribute as many checks as possible and to teach people how to spend this money in self-generating projects like a butchery, beauty salon, or chicken coops.

Thus, in Colombia the recognition of victims by the state and the legal system has been a contentious process, involving controversial questions about the war and the role of the state in the armed conflict. Over the years, there has been an expansion of the legal category of victim as more people can define themselves as such, and consequently, have access to transitional justice mechanisms like reparations. Because the process today depends on self-identification and not in providing legal proof of victimhood, I define Colombia as having an inclusive system of reparations. This is different from Peru where, as I explain in the next section, the legal category of victimhood is highly restricted to those who have official documents to support their status and where a victim is one who can claim complete innocence, thus reinforcing the social divisions that led to armed conflict in the first place.

## **Peru: The Institutionalization of an Empty Promise**

### *Timing of the Conflict*

Peru is a more typical case of transitional justice in the sense that reparations followed the implementation of a government-sponsored Truth and Reconciliation Commission (Comisión de

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<sup>37</sup> Displacement payments are worth less money compared with homicides, forced disappearing and kidnapping, which grant victims \$8000.

la Verdad y la Reconciliación, or CVR). One of the recommendations of the CVR was to implement a reparations plan. This proposal came from the work of a specialized team inside the CVR that spent two years researching other models of reparations around the world. The team used as its main point of reference the compensations paid by subsequent governments to victims of the dictatorships in Argentina and Chile (PEEX 2). They also ran focus groups in different rural communities, where participants were asked what they expected from the government and what their major economic losses had been during the war. Victims' organizations from different parts of the country also sent letters to the CVR highlighting their need for economic reparations. A final source of data to establish the reparations plan was the protocol used to collect the testimonies for the CVR, which included the question: besides money, what would you demand from the Peruvian state as reparation for all the harms you have suffered? The final report of the CVR included a detailed proposal for the compensation of victims, suggesting a payment of \$10,000 per individual and the creation of an agency in charge of the registration of victims and the administration of the funds.

The reparations plan suggested by the CVR was not mandatory, so its implementation depended on the will of subsequent governments. President Alejandro Toledo (2001-2006) decided to support the CVR's recommendations, and in 2004 created the High Level Multisectoral Commission (Comisión Multisectorial de Alto Nivel, or CMAN) as the institution in charge of the reparations. In 2005, Congress passed Law 28592, which stipulated the creation of the Comprehensive Reparations Plan. While these measures represented major steps towards the payment of compensation to victims, the CMAN and Law 28592 were created without funding. Without a dedicated source of funding, the CMAN had to constantly contend with staff at the Ministry of Finances and Economy (Ministerio de Economía y Finanzas, or MEF), who saw

reparations as an unnecessary expenditure. This dispute between those in charge of human rights and victims' affairs, and those in control of the state budget, has characterized the implementation of economic reparations in Peru. As the first director of CMAN explained in an interview, "MEF officers tried to make traditional state duties, like building schools, appear as economic reparations." (PEEX 9)

Alan Garcia (2006-2011) was elected to succeed Toledo as president. During his term, Garcia's administration focused on the creation of the Registry of Victims.<sup>38</sup> Yet it was not until the last month of his presidency that Garcia decided to start making the actual payments of the individual reparations. Instead of the \$10,000 suggested by the CVR and agreed upon in myriad meetings with victims and human rights advocates, his government decided to pay beneficiaries \$3,000 per victimizing act.<sup>39</sup> While the rationale for this figure is unclear, interviewees agreed that the MEF advocated for this amount, having decided that \$3,000 was the right number, given budgetary constraints. This was a key moment for the history of reparations in Peru for two reasons. First, it marked the first time that the government disbursed checks to beneficiaries. Second, the president presiding over this decision himself played a central role in the history of Peru's conflict. Garcia had previously served as president between 1985-1990, a period

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<sup>38</sup> Reparations in Peru included individual compensations which are the reparations described in this paper and collective reparations. This second group were "directed at assisting families, peasant communities, indigenous communities, settlements, and other communal organizations affected by the conflict, as well as at displaced families from conflict-affected communities that have resettled elsewhere, these measures—aimed at strengthening the community—include assistance for regularizing community property; human rights and conflict resolution training for communities and their leadership; communal participatory diagnosis for conflict prevention, peace education and promotion of a culture of peace; building of economic, productive, and commercial infrastructure; training to improve the capacity of community members to access economic opportunities; support for the return and resettlement of people displaced due to the conflict; rebuilding and improvement of the infrastructure of basic services, communal properties, and others to be identified by the communities." (Correa 2013: 7).

<sup>39</sup> Under this new scenario half of the money goes to the widow or parents in case the disappeared or murdered person was single. The other half is divided among the children of the deceased or siblings if the person was single. Victims of sexual violence and permanent disability will get the whole amount of \$10,000.

characterized by the brutality of Sendero Luminoso, but also for the disproportionate and untargeted response of the state forces under Garcia's direction. The CVR concluded that while Sendero Luminoso was responsible for 46% of the total deaths and disappearances that occurred during those years, 30% were caused by state forces<sup>40</sup> (CVR 203, Anexo 2). Thus, Garcia came to office actively avoiding a serious discussion of what happened during the war. For instance, he shut down a project to create a museum of the armed conflict even though the funds were to be provided by the European Union.

Ollanta Humala (2011-2016) came into office having committed to renegotiate the value of the reparations determined by the Garcia government. However, after agreeing to increase the amount to \$10,000, Humala decided to keep the amount at the \$3,000 approved by the MEF, having been persuaded by the fiscal constraint argument. Furthermore, he closed the registry to new enrollments of victims. Humala was followed by Pedro Pablo Kuczynski (2016-2018) who came into office with a human rights agenda; he reopened the registry and finished the delivery of checks to registered victims. By 2018, the CMAN had finished making the reparation payments with a total of 89,624 compensation checks disbursed since 2011 (CMAN 2018).

In Peru it took 17 years for economic reparations to be paid to victims. During these years the memory of the war was actively silenced by the different administrations, and with it the 2001 transitional justice agenda of recognition for the victims and reconciliation. As one expert explained to me in 2018, "here the topic of reparations is [treated as] something that is part of the past, that needs to be closed and to be left behind" (PEEX 18). The Peruvian state endorsed a

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<sup>40</sup> The remaining 24% were attributed to the MRTA, the self-defense committees, and other paramilitary actors. These numbers were highly disputed by the military and the political right, which took issue with the claim that state actors had systematically violated human rights.

policy of paying reparations, but delayed implementation and assigned arbitrary and low values to the compensations. Instead of an act of recognition that brought the victim closer to the state, reparations became a contentious issue that took years to materialize via the actual delivery of checks.

### *Local Political Context*

The systematic failure to adequately resource the Peruvian reparations regime is connected to changes in the post-conflict and post-dictatorship political context. Officially, Peru's transition started in 2000, with the end of the armed conflict and the self-imposed exile of the authoritarian president Fujimori in Japan. This was also a moment of political opportunity for civil society in Peru (Maca 2015). Traditional political parties had been weakened by Fujimori's dictatorship, and a variety of social movements, including the human rights movement and victim's groups collectives started to have more power to influence policy (Huber and Del Pino 2015). To a certain extent the implementation of the CVR was only possible because the transitional government of Paniagua was open to the input of organizations like APRODEH (Association for Human Rights) and the CNDDHH (National Coordinator of Human Rights), which had spent years denouncing the systematic violation of human rights by Sendero Luminoso and the state. This marked a turning point in the political context that allowed the CVR to be established and to initiate its work. The commission comprised of representatives from different political backgrounds, including the Catholic Church and the military, but the staff had strong connections with the human rights world. Many of them would continue careers that oscillated between working for the government in the implementation of reparations and advocating for the enforcement of this policy from the Ombudsman's Office (Defensoria del Pueblo), and human rights NGOs, including the ICTJ.

Therefore, the endorsement of reparations by the Peruvian state was facilitated by the political opportunity opened by the governmental transition. When Toledo received the final report of the CVR in 2003, he issued a public apology and promoted the creation of the CMAN. The problem was that this phase of implementation was met by opposition from multiple sectors. These included the economists regulating public spending at the MEF, as well as parties on the right in the Congress, who agreed to pass the law supporting the Comprehensive Reparation Plan on the condition that it not include explicit mention of economic reparations. It was only one year later in a modification of the law that economic compensations were included as part of reparations. Human rights activists and their allies in Congress agreed on this early version of the law despite the omission of economic reparations, because for them it was more important to secure its declaration than to have the specifics of the law reflect each of their demands. In other words, their priority at the time was to have the law approved even if it did not include all the elements they wanted to see.

During his political campaign, Alan Garcia (2006) endorsed a human rights agenda, initiating a pattern of behavior among presidential candidates, who tended to endorse reparations during election time and withdraw their promises once in office. As mentioned before, Garcia avoided the payment of individual reparations until the last month of his presidency in 2011 (Correa 2013). Yet his administration had to pay reparations to a specific and small group of victims in 2007 following a ruling by the Interamerican Court of Human Rights (ICHR) that established compensation amounts of around \$100,000. The ICHR is an autonomous judicial institution that constitutes the human rights protection system of the Organization of American States (OAS), to which Peru and Colombia belong. The ICHR rules on whether a State has violated an individual's human rights and needs to pay monetary compensation as a form of redress. For

example, in 2007 the ICHR ordered payments of \$100,000 per each one of the ten La Cantuna University students who were abducted and later murdered by Peruvian state forces (IACHR 2015).

ICHR payments encouraged other victim's organizations, especially from rural communities, to keep pressuring the government by organizing marches from their communities to Lima. These organizations argued that the ICHR payments implied that the suffering of some victims was worth more than that of others and were therefore unjust. The García government responded by agreeing to hear proposals from the civil society and hiring a consulting firm to study the question of an ideal amount to pay. The answer from both discussions was \$10,000. But the MEF also hired a consulting team that visited impoverished campesino communities in the Andes and asked the residents what amount would be sufficient for them to live. They used this information to argue against the \$10,000 suggested by the first study, using the victims' responses to bolster their calls for a lower payment. It is unclear how the final reparations amount of \$3,000 per victimizing act ultimately determined, but when it was announced it infuriated victims and their political allies, who came mostly from the left and the human rights world.<sup>41</sup> Many victims, especially the ones who were the most politically organized, decided not to cash their checks, and kept pushing for an increase in the value of the payment.

Once again when Ollanta Humala was running for the presidency in 2011, the demands of the campaign season brought the issue of reparations into the public discussion, but Humala's

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<sup>41</sup> In different interviews, I was explained how the \$3000 is an arbitrary value established by people in the MEF bureaucracy. Some even suggested that the MEF fixed a total budget for reparations and divided that total amount among the number of victims officially registered and came with \$3000 as the adequate value. Regardless if this is true or not what is interesting here is the fact that after multiple cycles of consultation with the victims the Peruvian Government decided to ignore those agreements and imposed a low and arbitrary value for reparations.



commitments during the campaign did not result in modifications to the policy or the \$3,000 payment per victimizing act. To understand why Humala endorsed a victims' agenda in electoral times, it is important to note that he ran for office against Keiko Fujimori, Alberto Fujimori's daughter. Fujimorismo is still a powerful political force; even though Alberto Fujimori is in jail for committing gross human rights violations, he still enjoys wide support among Peruvian society (Maca 2015). In Peru, citizens are still divided around the issue of who were the perpetrators and who were the innocent victims of armed conflict. There is not a unified and settled memory of the years of war, and victims are still described in many conservative circles of Peruvian society as allies of the terrorists—that is, of Sendero Luminoso and the MRTA. As one human rights expert explained during an interview.

“Keiko Fujimori has had a significant role on the whole issue of impunity, the cover-up of what happened during the war, and the abuse that has been committed against the dignity of the victims [when accused of terrorists]. She also has promoted a view that negates the crimes that were committed, anyway ... So on the one hand we have the armed forces that won this conflict, and who we as society very much appreciate because Sendero Luminoso and the MRTA lost the conflict [...] then there is a memory of this state savor, right? That is built mostly on the military and their actions”. (PEEX 19)

In the 2016 elections Pedro Pablo Kuczynski had the support of the left and the human rights movement, who decided to support his candidacy to offset Keiko Fujimori (running for office one more time). They also supported Kuczynski under the explicit agreement that he would appoint Congresswoman Marisol Pérez Tello, who had advocated on behalf of the victims in Congress, as Minister of Justice and Human Rights (Ministerio de Justicia y Derechos Humanos, or MJDH). Once appointed following Kuczynski's election, Pérez Tello brought into the MJDH and the CMAN staff activists who had been working on the issue of reparations and who saw them as a moral obligation of the state to the victims. During her one-year term, Pérez Tello reopened the registry and allowed for victims to receive more than one payment if they suffered more than one

loss. This meant that, for example, if a family had lost more than one son, they were entitled to two payments of \$3,000. These triumphs were possible through a key political insight: The head of the MEF advised Pérez Tello to request funding in November, at the end of the fiscal year, when the MEF had to spend all its resources (PESO 7). When asked how she secured the budget for reparations when past administrations had failed, she explained that the way to secure fiscal resources was to have the political support of the head of the MEF, since convincing its technocrats was more difficult.

I had a lot of support from the Minister of Economy, who in fact, was very sensitive to these issues [victims and human rights] and to be honest I never had a problem with him. The complicated ones were the technocrats.

Me: why?

Why? Because they are annoying, they don't understand, because they see the issue only as a technical topic and the money I was requesting was not included in the POI [MEF's Budgetary Plan]. So, the Minister came and said to me: 'don't you worry, you just get ready to spend it all in November'. Because in November not everybody will have executed their budget and they are going to be desperate to spend that money. In that moment you come in and say: 'I can spend that money in two weeks!'. And that's what we did and they gave us 13 million for the Minister of Justice and Human Rights, and Daniel [CMAN's Director at the time] spent 6 million in the reparation program. (PESO 7)

However, this attention to victims' needs came to a halt when Kuczynski, under pressure in the midst of a corruption scandal, granted a pardon to Alberto Fujimori on Christmas Day of 2017 in a bid to secure the support of Fujimori's supporters in Congress and thereby stay in office. One week after the pardon, under pressure from the left, human rights activists, and the media, the MEF provided the CMAN with the necessary funds to finish paying out the reparations.

This last turning point shows how the implementation of economic reparations in Peru was contingent upon shifts in the configuration of political forces and the will of politicians, who during campaigns tended to endorse victims' rights, but once in office typically retreated to a more conservative position. In this environment, the conflict was de-emphasized and framed as part of

the past, as something that needed to be forgotten. This silencing of the years of war was also connected with the (mis)recognition of the role of the Peruvian state and the military in the armed conflict.

### *Official Definitions of Victimhood*

In Peru, the conflict affected those already economically and socially disadvantaged.<sup>42</sup> This explains why victims have been systematically ignored by the central state and their status constantly challenged by economically and politically dominant sectors. While there was a facet of the conflict that took place in Lima (the capital), most of the violence was located in the poorest areas of the Andes, regions that were traditionally disconnected from the capital city and abandoned by the state<sup>43</sup> (Koc-Menard 2011). Given that victims were coming from traditionally marginalized communities, the CVR proposed that economic reparations could be a path to foster reconciliation and fight socioeconomic inequality (Garcia-Godos and Reategui 2016). It advised that payments should go to a) the relatives of the victims of death and disappearance; b) those physically and mentally handicapped whose disability was the result of rape, torture, or other injuries occurred during armed conflict; c) people who suffered false convictions; d) victims of rape; and, e) children born as a result of sexual violations.

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<sup>42</sup> As I explained it before in the description of the Peruvian armed conflict 75% of the victims spoke Quechua (an indigenous language) and 68% had an educational level below middle school or were illiterate (CVR 2016).

<sup>43</sup> In both Colombia and Peru violence has been located in rural areas. However, Peru's racial composition is different in that indigenous communities represent around 26% of the national population. These groups were heavily affected by violence as part of their long history of marginalization. Colombia's case differs in that even when indigenous (3%) and African Colombians (11%) were disproportionately affected by the armed conflict the vast majorities of victims come from mestizo peasant communities. Also the massive displacement of people from rural areas to the cities changed the configuration of the conflict bringing not only victims but in some cases like Medellin or Barrancabermeja urban squads of the guerrilla and the paramilitary.

Guerrilla members and their relatives were not considered victims and therefore excluded from the economic reparations, even if they had been tortured or experienced other forms of human rights violations like child recruitment (Correa 2009). This distinction suggests that the victims comprise a category of innocent, poor people who were unfairly attacked by troublemakers (Maca 2015). Any connection, true or false, between the victims and one of the armed groups immediately called their victimhood into question, and put them in the undeserving category of ‘terrorists.’ However, this exclusion of members of the Sendero Luminoso and the MRTA from the category of victim did not stop conservative sectors from questioning the reparations plan and the official definition of victim in Congress. These critics argued that the police and the military should also be eligible for reparations.

Although the police and the military were granted economic reparations from the CMAN, they have been highly critical of the compensation because of lingering resentment that different amounts were paid to other groups of victims. For comparison, members of the self-defense committees got \$10,000 and victims compensated via the IACHR got \$100,000. The compensation plan for the self-defense committees was put in place by Fujimori in the 1990s but very few people was able to cash these checks as they required of multiple legal proofs of victimization. In interviews, I was told that only 14 people received these payments. However, the case of compensations for the self-defense groups as well as the ICHR payments has been used by the victims and the human rights organizations to justify demands for an increase in the reparations payments.

“Well, look, what we expected from the Comprehensive Reparations Plan was a fair compensation [...] The amount of \$3,000 maybe is a lot for some and too little for others. But if they had already paid a higher amount, if they had already paid a different amount to another group of victims [\$10,000 to members of the self-defense committees], we the police and military victimized by the armed groups believe that we have the same right as those people.” (PEEX 3)

With the creation of the CMAN, the Toledo government established the Reparations Council (2006) as the institution in charge of building the registry. Despite budgetary limitations and a lack of political support, the Reparations Council was able to open registration points in 248 locations around the country with the help of local governments and human rights organizations.<sup>44</sup> To be included in the registry, individuals had to prove that they had indeed suffered human rights violations and provide some form of official document supporting their claim. Yet, this effort to register victims in rural communities did not translate into a new relationship between the victims and the central state, as much of the literature on transitional justice might predict (Waardt 2016). To many, the registry represented a promise to the campesino and indigenous victims that they were going to be taken care of by the Peruvian state, but the payments were not made effective until five years later. In some cases, victims had to wait ten years to get their reparation check, only to find out that the payment totaling \$3,000 had to be split: half for the widow and the remaining half among children of the deceased. As the CMAN staff in Ayacucho explained, many victims perceived the reparations as one more offense on the part of the state.<sup>45</sup>

“The process started late after it was loudly demanded by the victims’ organizations [...] In other words, it has been a process that the victims themselves have deemed as an insult, an offense to their dignity and the memory of those who were disappeared and murdered during the violence. They say it is an insult because even when it is true that life is priceless, the way they were compensated was not the right one. The payment does not cover all the struggles, material losses, and all the expenses they had to cover to look for their disappeared relatives”. (PESO 11)

Once approved, the list of beneficiaries was posted in the offices of the Banco de la Nación (state-owned bank). This meant that many individuals never found out that they were eligible for compensation because they lived in rural communities located hours away from one of the bank’s

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<sup>44</sup> The list of people eligible for economic reparations by 2011 was up to 182,350 people (PESO 10).

<sup>45</sup> The state of Ayacucho was the region affected the most by the armed conflict and where most of the victims are located.

branches. For those who made it to the Banco de la Nación, the payments came without an apology or a public acknowledgement that the victim's suffering was unjust.

In Peru, the reparations scheme became part of an effort to silence the past, different from the work done by the Truth and Reconciliation Commission that aimed at publicly recognizing the armed conflict and its victims. The Peruvian government could have used the reparations program to continue this labor and to highlight that the victims were an important part of the state project that had been neglected for years. But the delay in the payments, the refusal to pay the anticipated values for the compensation, and the demand of official documents to prove victimhood show that the Peruvian government had no sense of urgency in redressing the victims and recognizing them as bearers of rights. Peru is a post-conflict society where the fault lines are still there just below the surface and there is not much to be gained by the state allocating resources—political and material—to a community whose victimization was in part related to its marginalization and who remains marginalized.

## **Conclusion**

As reparations programs in Colombia and Peru show, human rights mandates and global transitional justice can catalyze the adoption of victim-oriented programming and open spaces for the state to commit to policies addressing the effects of civil conflict on specific groups. Yet, different local events and characteristics mediate to complicate these processes. The state's ability and commitment to fulfill the expectations of transitional justice frameworks is thus not a uniform process, but one influenced by the timing of the conflict, changes in the local political context, and legal definitions of victimhood. In Colombia, reparations were implemented during active conflict through large-scale interventions that helped the state to institutionally expand via a catalog of

social services including economic reparations. While Peru's conflict officially ended in 2000 and victims were recognized by the Truth and Reconciliation Commission as bearers of rights entitled to reparations, contentious views of victimhood and a fragmented memory of the war have reinforced the social divisions that caused their victimization in the first place. Thus, the role of the local context is so important in how states go about implementing reparations that it can limit the power of the transitional justice repertoire to bring reconciliation and recognition, undermining rather than validating victim's rights.

To be sure, scholars have argued that when countries adopt human rights schemas as a legitimization exercise in the world sphere there is often decoupling between the institutional form and the actual practices involved in implementing them in different countries (Meyer et.al 1997, Clark 2010, Bromley and Powell 2012). Further, some posit that there is selective decoupling to explain why states like Colombia adopt parts of the global transitional justice repertoire, while avoiding other aspects (Nauenberg 2018: iii). By this logic, then, to understand transitional justice we should look toward how global discourses are adopted in the local context. I continue and expand this line of research developing a detailed historical analysis of the implementation of transitional justice reparations remarking how this a process driven by the state and highly influenced by the local political context. Advocates of transitional justice fluent in the discourse of international human rights are only one of the actors involved in the process. Those who make reparations possible (or not) are elected politicians and people in the bureaucracies, and many may have different motivations and objectives beyond the pursuit of truth, justice, non-repetition and repair (the four goals of transitional justice).

The historical analysis I developed in this paper shows how reparations became a new facet of two traditional state projects—institutional expansion in Colombia and silencing a shameful

past in Peru. In both cases, the state made human rights subordinate to its own work. I do not intend to evaluate which case was more successful but to highlight that the goals of the global transitional justice discourse were not met in either place. Today Colombia's transitional justice programming, which includes the reparations but also a Truth Commission, a demobilization program, and a special jurisdiction to trial war crimes, faces political backlash from President Duque's administration as well as severe defunding. The promise of paying 6.5 million victims for their suffering is in imminent risk and even former President Santos has publicly recognized that the plan was too ambitious and created expectations among the victims that will not be fulfilled, given the fiscal capacity of the Colombian state. The Peruvian government's negligence in implementing policies regarding victims associated with its continual disregard of the agreements about reparations payments between the government and the victims has created a climate of distrust. The economic, political and social rights of those directly affected by war and who lived in the poorest areas of the Andes have still not been guaranteed because there is a failure to address the historical marginalization of these communities. In other words, the reasons they were victimized are similar to the reasons their victimization can be ignored.

Variation in how states go about implementing transitional justice reparations to victims of armed conflict is a phenomenon in and of itself that warrants explanation, and is an issue that has profound implications for policy makers and practitioners working in transitional justice. Understanding why reparation programs develop in different ways is an important question, as it relates to victims' needs, and what it can tell us about the efficacy of aid models in helping societies build peace and reconciliation. Even more, the question of how the state engages in armed conflict recovery using the transitional justice framework is essentially a more general question about state institutional building and state-society relationships.



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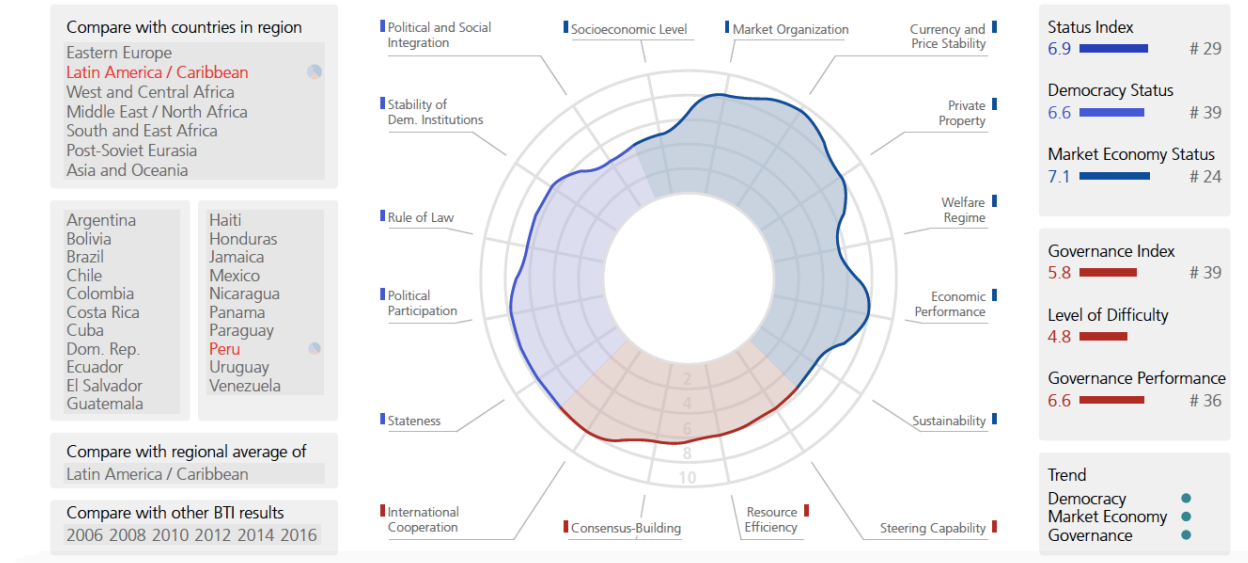
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# Appendix 1. State Capacity Index

## Peru

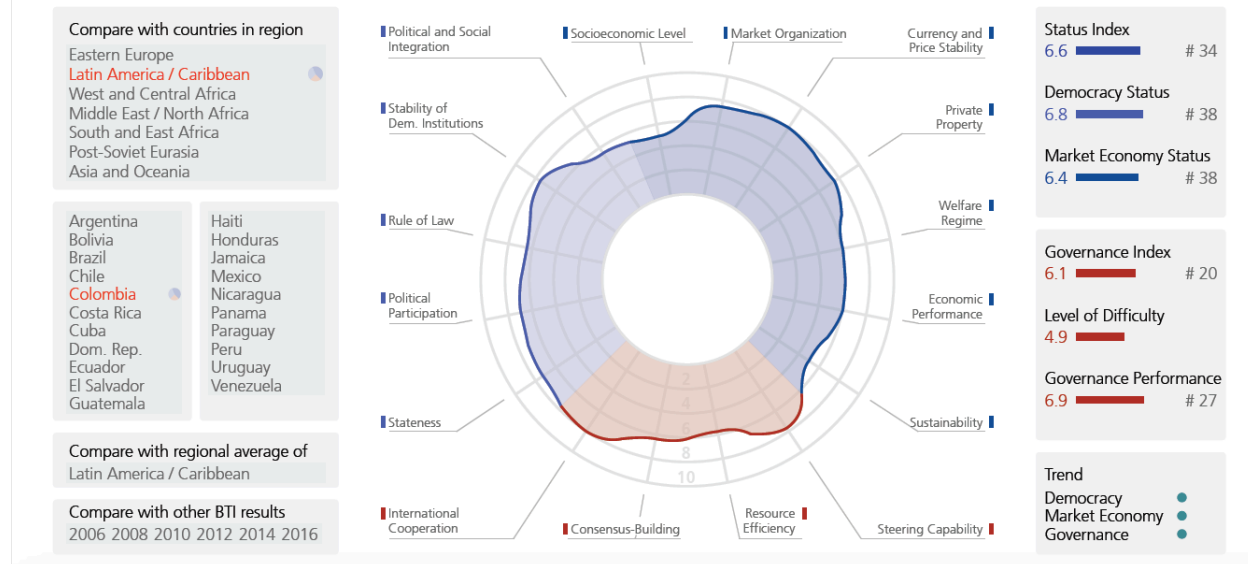
### Peru Overall Results



Source: [https://atlas.bti-project.org/share.php?1\\*2018\\*CV:CTC:SELPER\\*CAT\\*PER\\*REG:TAB](https://atlas.bti-project.org/share.php?1*2018*CV:CTC:SELPER*CAT*PER*REG:TAB)

## Colombia

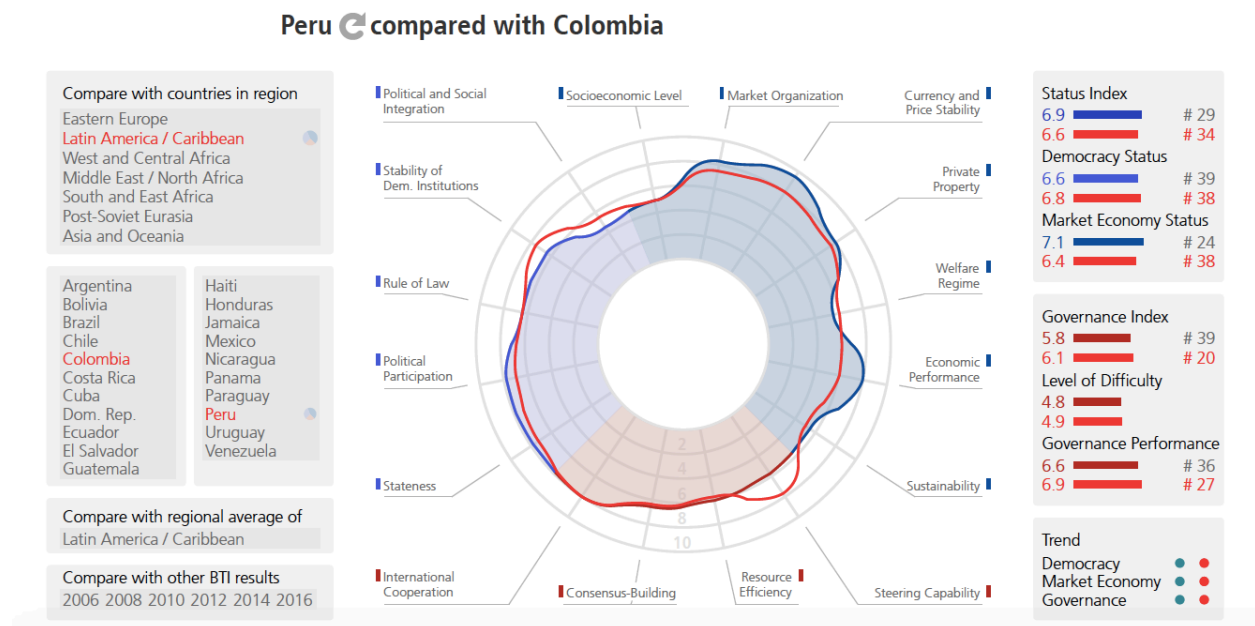
### Colombia Overall Results



Source: [https://atlas.bti-project.org/share.php?1\\*2018\\*CV:CTC:SELPER\\*CAT\\*PER\\*REG:TAB](https://atlas.bti-project.org/share.php?1*2018*CV:CTC:SELPER*CAT*PER*REG:TAB)



## Peru and Colombia Compared



Source: [https://atlas.bti-project.org/share.php?1\\*2018\\*CV:CTC:SELPER\\*CAT\\*PER\\*REG:TAB](https://atlas.bti-project.org/share.php?1*2018*CV:CTC:SELPER*CAT*PER*REG:TAB)

**Peru: blue**

**Colombia: red**

## CHAPTER 2

### YOU CAN'T PRICE MY SUFFERING! THAT'S NOT EVEN ENOUGH MONEY!:

#### VICTIMS' RESPONSES TO STATE ECONOMIC REPARATIONS

**Abstract:** Economic reparations have been recognized as an opportunity to redress victims' losses after war. However, this is a complex process whereby economic values are assigned to a variety of experiences of suffering. Recent theoretical and applied work has coincided in arguing that compensations require recipients to negotiate and determine what can and cannot be commensurate with money. This chapter explores the reparations regime as a contentious process in which victims negotiate different and sometimes contradictory moral frames that operate in tandem to give meaning to the money they receive. Specifically, I investigate victims' responses to the economic reparations program put in place by the Colombian and Peruvian states for those directly affected by armed conflict. Building on interviews with compensated victims, official testimonies, and ethnographic observations, this paper identifies three different moments of meaning making throughout the reparation process. First, victims reject the idea that their suffering can be 'repaired' with monetary compensations. Second, their acceptance of the payments reflects on alternative cultural meanings of money. Third, at the end of the reparation process, victims evaluate compensatory money according to whether their expectations were met or not by the state. This article demonstrates that there is a surplus of meaning around monetary compensation that cannot be contained by the legalistic language of reparations policy.

*Keywords:* reparations, money, suffering, victimhood, Colombia, Peru

*It is the morning of November 23, 2017 in Bello. A group of approximately 120 victims of the Colombian armed conflict slowly fill the auditorium where they have been invited by the Victims' Unit (the government office in charge of the reparations) to receive their compensation money. The event begins when a state official welcomes the victims. She is easily discernable from the other women in the room—her business suit is a sharp contrast from the modest clothing many of the victims' wear. She starts with a sympathetic tone, "we know that accepting this compensation will not take away the pain you have endured [...] the compensation is more the reward for putting together all the documentation required." People in the audience respond, agreeing with her loudly: "Yes, yes, it is!" The official then advises the victims: "Please take care of this money because this is money you got the right way, and because you got it in an honorable way, I am sure it will multiply." She concludes with "I very much hope this money will be the down payment for the house you have always wanted, and I hope you can enjoy it."*

*The ceremony continues with an officer calling each victim by their name to hand them the check. While I observe the delivery from the back of the room, the women sitting next to me with*

her teenage daughter asks me, “what are they giving you money for?” Embarrassed, I explain that I am not a victim. She pauses, and stares at me for a few seconds before she says, “Good, but do you know how much they give you for rape?” I answer that I believe it is around \$7,000. We sit for a few minutes more before her name is called. She heads to the front, collects her check, and returns with a big smile. She holds the check to her heart, looking up to the sky, while saying: “Thank you God! Thank you for helping me!” She leaves the room happy to call her husband and share the good news while her daughter waits in the seat next to me. The young woman turns to me to ask: “Don’t you think that \$7000 is too little?” I freeze for a moment, before replying: “To be honest, I do not know.” I returned the question: “Is it too little?” She answers, outraged: “I do believe it is too little money. She has been waiting since 2014.” In that moment the mom comes back to collect her daughter. She waves goodbye and the pair leave, smiling.

Bello (Colombia)

Four months later on March 6, 2018, while on one of the streets surrounding the city’s main square in Ayacucho, I am chatting with staff from CMAN, the government office in charge of the reparations program in Peru. We are readying for the International Women’s Day March to begin. We are not marching for women in general, but in solidarity with one of the strongest victims’ organizations in the country. Officially, the war in Peru ended in 2000, but women of ANFASEP (National Association of Relatives of the Kidnapped, Detained and Disappeared of Peru) still protest against the state, demanding reparations and information about their disappeared relatives. The staff tell me that the victims regularly visit their office to ask if the reparations amounts have finally been increased by the Peruvian government. They have not given up on the idea that the payments will be greater than the \$3000 that has been established as the official compensation amount. After the march ends, we head to ANFASEP’s offices.

I sit with one of the victims, who I met while marching. I explain that I want to know her opinion about the reparations. We sit in the entrance of the building that not only houses the organization’s offices but also a museum dedicated to the victims of the civil conflict. I turn on my recorder; right away, she starts to speak at a hurried pace. Her face has a look of exasperation. “I am outraged by the reparation we are getting; 10,000 soles [\$3,000] is charity and we are not asking for charity. We want a worthy reparation.” People enter and leave the room as she provides her account. I am concerned that others might overhear, but she does not seem to share this worry. She continues—the frustration clear in her tone. “The past governments have scammed us because they first said 10,000 [soles], but then they paid some of us 5,000 [\$1,500]. In my case, my mother has received 10,000 soles and she gave my sister-in-law five thousand--to the widow, eh, five thousand! My father, my mother, my nephew have received 1,666 each [\$500].<sup>46</sup> What is that

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<sup>46</sup> In Peru the 10,000 soles (\$3000) is split between the relatives of the deceased; if they were married and had a family of their own, the money would be divided between the spouse (50%) and children and parents (50%), or between spouse (50%) and parents and siblings (50%). If unmarried, the money is divided between the parents (50%) and siblings (50%). The respondent’s answer suggests that her mom got 10,000 soles and then distributed the money

*pittance good for, mama? Had my brother lived he would not have given my mom and his family so little [...] The question we need to ask now is, how much money would my brother have given to my mother and our family with his salary, working month by month as a carpenter and a musician?”<sup>47</sup>*

Ayacucho (Peru)

## **Introduction**

What are the meanings of compensation money for victims of armed conflict? In the first vignette drawn from my fieldwork in Colombia, victims celebrate receiving their reparation payments despite concerns that the amount of compensation is not fair. According to the law, these payments are supposed to be a tool to help victims cope with their suffering, reclaim their dignity, and assume full citizenship (Victims’ Law 2011). Yet the state official in charge of delivering and explaining the purpose of the compensation congratulates victims for getting this money in an “honorable way” and invites them to invest it. State officials and victims in Colombia have alternative and competing views of what compensation money is good for. On the other hand, Peruvian victims who receive reparation money openly demand a larger amount that compensates them for the years of salary those forcibly disappeared would have contributed to their families. The purpose of reparations in Peru is to provide victims with a compensation for their harms and to achieve national reconciliation (CVR 2003). However, Peruvian victims perceive reparations to be an affront from the state, rather than a symbol of reconciliation with it. The way the Peruvian government has managed the process of reparations, paying less than what it had initially promised, influences victims’ feelings towards compensation money.

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among the family members. However, the amounts are divided by the Peruvian government previous delivery. In this case the mom will have received only a check for 1666 soles (\$500).

<sup>47</sup> All translations are mine unless otherwise indicated.

These two cases exemplify the complexities surrounding economic reparations in post-war contexts. Colombia and Peru are among the growing number of countries adopting economic reparations to compensate victims of armed conflict. According to the transitional justice framework, state reparations are a way to redress gross human rights violations (Minow 1998, Hayner 2001). They are important for victims because “reparations are the most tangible manifestation of the efforts of the state to remedy the harms they have suffered” (De Greiff 2006). More concretely, key global actors like the United Nations include compensations in *The Basic Principles and Guidelines on the Right to a Remedy and Reparation*, stressing how compensation “should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law” (UN 2005). Following a similar logic, the International Center for Transitional Justice (ICTJ) advocates for reparations as a path to respond to atrocity because reparations are “meant to recognize and address the harms suffered and acknowledge wrongdoing” (ICTJ 2019).

As such, reparations programs are based on the idea that victims will recognize the compensation as a public acknowledgement that what happened to them was unfair (Zehr 2003), and will see the reparation as an opportunity for healing (Moon 2009). Instead, recent theoretical work has suggested that reparations require recipients to negotiate what can and cannot be commensurate with money (Koga 2016, Hang Ng and He 2017, Fourcade 2009, Zelizer 1979)—to the extent that in some cases beneficiaries reject compensation all together (Moon 2012). In my field sites, I find that victims’ acceptance of the reparations does not mean they feel redress, nor do they feel that the money has a palliative effect on their suffering. This article argues that victims

invest compensation money with different and sometimes contradictory meanings that go beyond the healing goal of economic reparation programs as a component of transitional justice.

In sociology, anthropology, and legal studies, there is a growing body of work on the use of money to compensate victims of misfortunes (Li 2015, Fassin and Rechtman 2009, Gilbert and Ponder 2013). There is research on blood-money in which payments follow the logic of retaliatory *lex talionis*, an eye for an eye (Rosaldo 1993, Slyomovics 2011b). Another line of work pays attention to state-sponsored programs ingrained in social services (Bourdieu 1999, Skocpol 1996, Dauber 2012), the legal system (Hang Ng and He 2017, Koga 2016) and disaster response (Petryna 2000, Das 2000, Adams 2013), where there is usually an attempt to relieve citizens' losses with monetary resources. Fewer works focus specifically on what victims do with money granted in the frame of state reparations programs; one example is Dromi's work on Jewish-Israeli settlers and their demand to be compensated for relocation (2013). In this article, I show how economic reparations require victims to come to terms with their experiences with armed conflict through the lens of money. The potential of compensation money to ameliorate past harms is challenged by the victims' understandings of the relationship between money and suffering.

I research two cases of compensation for victims of armed conflict. As the vignettes above exemplified, victims in Colombia and Peru have different ideas about what constitutes suitable compensation for them. Compensated victims proffer moral critiques about the amounts they are granted by the state and the timing of the payments. In both Colombia and Peru, the state paid cash compensations to victims of gross human rights violations as part of a reparations program, but amounts differed substantially, as did the channels in place to deliver the checks to beneficiaries. In Colombia, victims receive an amount between \$4,000 to \$8,000 from a state official in charge of victims' affairs, which is given to them along with an apology letter that aims to reinforce the

symbolic meaning of the money. In contrast, in Peru victims are awarded a \$3,000 check per victimizing act; the check is delivered without an apology in one of the branches of the Banco de la Nacion (National Bank) as an almost routine bank transaction. I use data from two reparations programs to illustrate the different meanings victims derive from reparations and the narratives they construct about the role of compensation in their lives.<sup>48</sup>

My analysis demonstrates that the palliative meaning ascribed to compensation money in reparation programs interacts with deeply rooted and local moral frames (Moon 2012), triggering in victims strategic, and often contradictory, responses to reparations. I propose a reconceptualization of reparations as a process that revolves around three key moments of meaning-making. First, victims distance themselves from the state's argument that compensation money is a way to repair their suffering. Victims in Colombia and Peru are very vocal about why their losses cannot be compensated monetarily. Second, victims construct alternative moral frames that they use to accept the payments. Victims in Colombia explain compensation money as coming directly from God, while recipients in Peru see it as emergency money. In both cases, their acceptance of the compensations entails managing the contradiction between the economic logic behind the payment and the complex ways in which victims evaluate their personal losses and suffering. Third, once the whole reparations process ends, victims evaluate their experience with compensation according to how their expectations were met or not by the state. Recipients in Peru are more dissatisfied than their Colombian counterparts because they feel the state did not fulfill what it promised for reparations.

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<sup>48</sup> To get a better sense of the impact that these payments can have in the lives of victims it is worth remembering that the World Bank data establishes the GDP per capita for Peru in 2017 in \$6,571.9 and \$6,408.9 for Colombia ([World Bank 2019](#)).

## **Assessing the Relationship Between Money and Suffering: a Theoretical Overview**

### *Reparations and Suffering*

From a sociological perspective, suffering is a social phenomenon because it is the result of societal conditions; it is in collective life that people make sense of suffering, and there are institutions in society aimed at healing suffering (Wilkinson 2005, Kleinman et.al 1997, Auyero and Swistun 2009). Das (1997) has highlighted how societies respond to suffering by mobilizing not only narratives but also monetary resources. The compensation of victims for misfortunes is not new; what is novel is the institutionalization of these practices in state organizations that aim to repair suffering (Boltanski 1993, Simmel [1907] 1990). The reparations literature has explored precisely how states mobilize monetary resources to respond to suffering, focusing on reparatory practices within a transitional justice framework. Reparations scholars explain the relationship between suffering and money, highlighting that reparations are about making up for unjust events and not about making victims whole (Teitel 2000, De Greiff 2006). In reparations programs, money represents a way to apologize and to acknowledge past atrocity publicly (Minow 1998).

Hence, reparations signal that investment in global discourses of transitional justice produces something for the victims, even when full restitution is not accomplished (Koga, 2016, De Greiff 2006). For instance, Barkan (2000) describes reparations as a way to amend the past because it offers an opportunity to turn traumatic experiences into a constructive narrative of identity. In her seminal work, Hayner (2001), one of the founders of the International Center for Transitional Justice, highlights the victim-centered character of reparations, as its ultimate goal is to acknowledge that what happened to the victims was unfair. Theidon and Laplante (2007) use the case of Peru to argue that, as a measure of accountability, reparations can be “as important as



criminal trials” in providing for victims “a legitimate form of redress” (258). All these different authors point to what Moon (2012) has called the palliative intention of reparations.

However, we know that compensation looks different from the perspective of the victim. There is a difference between the goals of state institutions and the goals of victims (Moon 2012). This victim-focused research highlights that, for beneficiaries, the commensuration of suffering with money is a contested process (Slyomovics 2011a, Dromi 2013). We can identify three trends regarding victim’s attitudes towards compensation: acceptance, conditional acceptance, and rejection. First, under certain circumstances victims will accept the compensation and offer low resistance to the entity providing the money. They might have economic needs that can be offset by the compensation so they will accept the value without much hesitation (Hadfield 2008). Second, we can have a scenario in which compensation is used to demand further explanations and to re-assign responsibility. As Tilly (2008) and Feinberg (2012) stress, the creation of the 9/11-compensation fund called for further questions about the role of the American government in risk prevention. Third, the creation of a fund to compensate victims does not guarantee that they will accept the reparation. In the context of Morocco and Algeria, Slyomovics (2011a) highlights how victims of human rights violations rejected initial rounds of state compensation for forced disappearance because they did not include collective reparations and a public apology.

Previous research on how victims respond to reparations is useful to understand that beneficiaries are not only passive recipients of compensation. Nonetheless, by focusing on the acceptance or rejection of the payments, prior research presents these possible outcomes as alternatives—they can also coexist. Victims can dispute the overall goal of reparations, but accept the compensation while asking for more money. Dromi’s (2013) work in Israel advances research on victims’ responses to compensation by presenting the different and contradictory cultural

meanings at play in reparation procedures. His work on how settlers in the West Bank and Gaza demanded reparations from the Israeli State, while at the same time rejecting the idea that a price could be attached to their losses, stresses that compensations go beyond the intended goal of redressing past injury.

Moon's (2012) research in Argentina addresses this last point by questioning the assumption that state reparations ameliorate the suffering of victims. Focusing in the case of the reparations granted to Madres de Plaza de Mayo she shows how in certain instances reparations can intensify suffering. Since the goal of their movement was to find their disappeared children alive, accepting the money meant giving up on the idea that their children would ever be found. I expand this line of research by analyzing victims' use of multiple moral frames to explain compensation money and its potential uses. To understand better how people give meaning to money granted for suffering, we need to pay attention to sociological work on the economic valuation of non-traditional commodities.

### *Commensuration and the Meanings of Money*

There is a significant amount of suffering in the world that is not compensated. What makes certain suffering commensurable with money? Cultural-economic sociologists have highlighted how commensuration is a social process based on comparing two different characteristics and expressing a relationship between them in a standardized form (Espeland 1998). In particular, this literature highlights that commensuration is a comparative process that produces distinct identities and meanings (Espeland and Mitchell 1998, Espeland 1998, Nelson 2015) and that commensuration is dependent on the cultural production of objects as valuable social assets (Fourcade 2011, Chan 2012). Hence, commensuration is not just a technical procedure but also a

social process in which collectivities make sense of the world through establishing what individuals value and how they treat what they determine to be valuable (Li 2015, Espeland and Mitchell 1998). This is key for understanding economic reparations because in the process of paying for past losses, societies signal agreement that the suffering of some victims can be represented in monetary value (Radin 1996).

In some cases, incommensuration prevails over attempts to commensurate. Espeland (1998) explains how in Arizona, Yavapai communities blocked the construction of a dam because for them, unlike government bureaucrats, land was incommensurable with money. So both commensuration and incommensuration are social processes by which societies establish value for certain things and set limits with other groups. As Boltanski and Thevenot (2006) argue, the definition of worth is constantly revisited. There are different logics of worth; money is only one metric. Incommensuration is important for understanding compensation because we can expect that for certain groups, harms caused by civil conflict are not commensurable with money. Monetary valuation can be perceived as immoral and trigger conflict among groups for whom suffering is worth justice, memory, or even more suffering (Dromi 2013).

In addition, central to researching the different meanings that compensation money can take for victims of armed conflict is understanding how money is valued. Cultural meanings and moral frames play a key role in this process (Wherry 2016, Rudrappa and Collins 2015). There are different types of money; there is domestic money (Zelizer 1989), money as an economic metric (Carruthers 2010), and political money (Wilks 2018). These differences among different types of money are related with the varied social meanings ascribed to the sources and recipients of money and to the type of relationships money makes possible among them (Zelizer 1994, Carruthers 2010). As Wilks (2018) explains, the different meanings money can take are shaped by beliefs

about morality that simultaneously establish hierarchies among the people using this money. It follows then that we can expect that the meanings attached to the use of money to compensate misfortunes will vary across contexts. For instance, when it comes to compensations, we know that money can be described as tainted or “blood money” if it comes directly from the offenders as a measure of retribution (Rosaldo 1993, Slyomovics 2011b, Baker 2001). But we also know that in places like China, legal compensation has become a popular practice in criminal cases, including those involving murder, “for its certainty and its symbolic value as a token of apology” (Hang Ng and He, 2017: 1104).

From a meaning of money perspective, the value of compensations money relies on its symbolic power and the types of relationships compensation makes possible by establishing and reinforcing different categories of worth. Yet, it is important to consider how the amount granted as reparation can have an effect on how victims relate to this money. In this paper, I explore how the amount granted is part of the meaning-making process surrounding compensation money because it is tied to the varied expectations beneficiaries have vis-a-vis the state as the source of the payments. In this sense, I aim to illuminate the meanings associated with compensation money by paying attention to the moral evaluations of victims in interpreting this money and its uses in the context of reparations.

## **Methodology and Data**

My findings derive from forty in-depth semi-structured interviews with compensated victims, conducted in Colombia and Peru, between July 2017 and May 2018. In addition to the interviews, I employed secondary sources from the Peruvian Truth and Reconciliation

Commission as well as participant observation of the two institutions in charge of delivering the economic reparations—the Victims Unit in Colombia and the CMAN in Peru.

Interviews provided fine-grained data on how victims responded to reparations in post-conflict settings. In Colombia, I interviewed twenty-three women and two men who had received the compensation at different points in the last four years. Many of them were victims of more than one human rights violation, but they were compensated because they have experienced sexual violence, were relatives of people murdered, or had been forcibly displaced. In Peru ten of the victims interviewed were women and five were men. Similar to the victims in Colombia, all but two had cashed the reparations check in the last four years. These two people had avoided getting the reparation because they had pending cases in the judicial system against members of the Peruvian state and did not want to jeopardize their chances of getting larger compensations. Fourteen of them had been granted reparations because one member of their families had been murdered or disappeared and one because he was permanently disabled. A limitation to note here is that while some of the respondents in Colombia are members of victims' organizations, all of my respondents in Peru belonged to human rights organizations advocating on behalf of victims' rights. Organized victims tend to be more contentious about reparations and they are more likely to refuse to cash the checks as a form of protest. Yet, when I asked my respondents if their participation in these organizations had prevented them from ultimately cashing the reparations, they told me that after waiting for a while they decided to collect the money.

Most interviews lasted between one and three hours, and were conducted in a location of the respondent's choosing. All but two were conducted as one-on-one interviews; the remaining two were conducted in a group of two and three people, respectively, at the respondents' request. All interviews were conducted in Spanish. Although most of the respondents in Peru spoke

Quechua, an indigenous language, most spoke Spanish fluently as it is the official language of educational instruction in Peru. All interviews were digitally recorded and transcribed with the respondents' permission. After transcription, I employed both open and focused coding using Dedoose (qualitative software) to identify patterns in interview transcripts. For the targeted coding, I mainly focused on how respondents answered three questions: A) For you personally, have there been or will there be positive effects of the compensation? B) What do you think is the role of compensation in the victims' lives? And C) how do you feel about the compensation today? In this paper, I identified each respondent by an acronym followed by a number: VC1 (Victim Colombia 1), VP2 (Victim Peru 2), and so on.

To complement the 15 interviews I conducted in Peru, I collected official testimonies given by victims to the Truth and Reconciliation Commission in 2001. I chose testimonies from the same region where my respondents came from and from two of the victims' organizations of which they were part. These testimonies were valuable not only because victims shared what happened to them, but also because they explained what they expected in terms of economic reparations from the Peruvian state. I also used public records from the focus groups run by the unit in charge of reparations inside the Truth and Reconciliation Commission, where participants were asked what they expected from the government and what their major economic losses had been during the war (CVR, Defensoria del Pueblo). This type of data was not available in Colombia as the Truth Commission started operations at the end of 2018.

To understand better the dynamics involved in the reparation process, I complemented the interviews with observations. I observed 10 interventions in Colombia carried out by the Victims Unit in different municipalities that included workshops for female victims of sexual violence and collective deliveries of reparations checks. During these events, I paid particular attention to the

type of communication victims developed with government officials, their responses to the methodologies used during the interventions, and their explanations of the role that compensation had in their lives. Unlike in Colombia, in Peru the delivery of checks does not include a ceremony or any symbolic dimension and simulates a routine bank transaction. This makes participant observation more difficult. In Peru, I observed the offices of the CMAN in Lima and Ayacucho, along with three different protests against the Peruvian government, demanding more attention to reparations for victims of war.<sup>49</sup> These observations illustrated how compensation was not only about delivering checks, but also included a symbolic dimension and a particular type of interaction between the state and its citizens.

### **Getting Paid by the State**

In Colombia, the last two administrations have implemented compensation policies under the frame of transitional justice to respond to the ongoing armed conflict (1965-present) between state security forces, guerrillas (primarily the Revolutionary Armed Forces of Colombia–People’s Army, FARC-EP and the National Liberation Army, ELN) and paramilitary groups. The economic reparation plan started in 2005 with the Peace and Justice Law to offer compensation to victims of guerrilla and paramilitary violence. With this initial plan, the government assumed the financial responsibility to compensate those victimized by illegal actors, excluding victims of state violence. In 2011 with the passing of the Victim’s Law, the compensation plan expanded to cover “any

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<sup>49</sup> I planned to observe the workshops the CMAN was carrying out to explain the different components of the reparation plan, offer public apologies, and provide symbolic reparations to victims. Yet, the pardon of Alberto Fujimori (December 24, 2017) by president Pedro Pablo Kuczynski caused massive resignations within the state bureaucracy and led to the cancelation of these workshops for the first five months of 2018.

person who has suffered grave violations of human rights or international law as a result of the conflict since 1985” (Summers 2012: 227), including those victimized by state forces.

As previously mentioned, the payments can range from \$4,000 to \$8,000 USD and are assigned based on the type of abuse the victim suffered. In each case the final value depends on the nature of the crime, its impact on the life of the victim, and a determination of the economic need of the victim at the moment of the compensation. The violations included under the reparation plan are: homicide, forced disappearance, disability, kidnapping, child recruitment, torture, forced displacement, and sexual crimes including childbirth related with rape (Portilla and Correa 2015). For example, if an individual were sexually abused in the context of the armed conflict, she would be compensated with a maximum value of \$6,000 USD and if a victim lost her husband, she could be entitled to up to \$8,000 USD. Colombia also allows for double-victimization, which means that people are entitled to compensation per crime, so the same person can get \$6,000 for sexual violence and an additional \$8,000 for the murder of her husband.

Even though the state is actively awarding reparation payments, the Colombian government has not assumed responsibility for causing victims’ suffering. Reparations represent a public acknowledgement by the state that human rights violations took place during the armed conflict, not an admission of guilt or responsibility (Sánchez et.al 2016). As part of the compensation process victims get an official notification—the Dignifying Letter—which reads: “The state is very sorry that your rights have been violated as a result of the internal armed conflict [...] The state is willing to pay a long-owed debt for a violence that has to end” (Benavides et.al 2015: 56). Thus, neither in the Dignifying Letter nor in the Victim’s Law does the state acknowledge its responsibility for failing to guarantee the rights of victims, or for tolerating or encouraging the formation of paramilitary groups (Correa 2015). The Colombian compensation



plan is the largest program implemented under the frame of transitional justice in the world, having registered nearly 16 percent of Colombia's population as deserving victims (Dixon 2015).

In contrast, Peru's armed conflict started in 1980, when Sendero Luminoso (Shining Path) declared a guerrilla war against the state, and ended in 2000, when the Fujimori regime collapsed. As a result of the conflict, 70,000 people were murdered or disappeared and 600,000 more were displaced (Garcia-Godos and Reategui 2016). The conflict affected those already in economic and social disadvantage, since 75 percent of the victims spoke Quechua and 68 percent had an educational level below middle school or were illiterate (CVR 2016). The transitional government of President Valentin Paniagua began its reparations mandate by establishing the Truth and Reconciliation Commission in 2001 (Comisión de la Verdad y la Reconciliación, or CVR), to offer an account of the armed conflict. One of the suggestions of the CVR was to implement a reparation plan to foster reconciliation and fight socioeconomic inequality (Garcia-Godos 2010). The CVR included a detailed proposal for the compensation of victims that included a payment \$10,000 USD per individual and the creation of an agency in charge of the registration of victims and the administration of the funds. In 2004, the CMAN was created, but it was not until 2011 that the Program for Individual Reparations became operational.

Despite multiple demands from victims' organizations for larger amounts, the compensation was unilaterally set at a mere \$3,000 per victimizing act (Correa 2013). Without a clear explanation of how it reached that value, the government offered victims and their relatives a one-time payment to cover homicide, forced disappearance, disability, torture, and sexual violence (CMAN 2018). This means that, for example in cases of homicide, the victim's wife received half of the payment, with the remaining amount split among his children and parents. In Peru, similar to Colombia, the state assumed the economic burden of the reparation and declared

every person affected by the armed conflict during 1980 and 2000 a victim, excluding guerrilla members. Some members of the state forces were held accountable for multiple crimes; however, many of them fled the country and did not face real legal consequences. Similarly, the role that the Fujimori government played in the systematic violation of human rights is publicly recognized. Yet Fujimori's supporters still have such significant political power that in December of 2017, their representatives in Congress were able to negotiate a pardon for Fujimori, which was later revoked. Hence, reparations in Peru started as an ambitious program that aimed not only to redress the victims, but also to address socioeconomic inequality. However, the legal documentation shows that the final compensation plan was the result of ad hoc decisions and payments ended up being far below the amount hoped for by victims and the Truth and Reconciliation Commission (Correa 2013).

### **The Different Meanings of Compensation Money**

Armed conflict took different forms in Colombia and Peru, affecting civilians and non-civilians in varied ways. However, in both countries, victims receive state economic reparations as a measure of redress. I explain how, in both places, the ways in which victims relate to compensation money are deeply rooted in local moral frames about what money can do for one's losses. Economic reparations trigger in victims strategic vis-à-vis the state and often contradictory responses, to reparations. My goal is not to suggest that victims in Colombia and Peru react in the same way to reparations. Instead, I want to stress how through the use of different local meanings and moral frames, victims in Colombia and Peru question the healing intention of transitional justice reparations while they actively ask for them. I address this contradiction in three steps. First, I show how, for victims in Colombia and Peru, money is not about being "repaired." What

victims really want is for the atrocity never to have happened—to never have been abandoned by or violated by the government. Second, I offer specific examples of the alternative meanings that victims assign to compensation money, in order to make sense of taking money for something that really cannot be commodified or assigned a monetary value. In other words, the victims engage in meaning work that tries to explain away this contradiction. Third, I explain how beneficiaries evaluate economic reparations once the process concludes. I find that beneficiaries make these evaluations based on whether they feel the state fulfills its initial promises and what they feel they can do with the compensation money in terms of securing or advancing their livelihoods.

### *The First Moment*

On a hot afternoon in Tumaco (Colombia), I sit with a young woman to talk about her experience with the economic reparations. We are in a restaurant in the hotel designated by the Victims' Unit to run the three-day reparations workshop for victims of sexual violence. The officers from the Victims' Unit insist that I talk to her, specifically, because they feel that she has been very cooperative during the workshops, which aim to provide victims with economic and symbolic reparations (the public apology from state officials). After she explains to me how she is planning to use the money and how grateful she is for the \$7,000 compensation check, I ask her, what can money do for suffering? To which she replies firmly,

Money cannot do anything for suffering; nothing! Because I want you to imagine that your heart has been shattered and then somebody comes and fills this table with gold. That gold is not going to satisfy you in anyway [...] So, is what the government is giving us helping with our suffering? No, never. It is important for people to know that it will always hurt. You will always remember what happened to you, and the pain will remain even though the compensation came. (VC6)

This woman is emphatic that her suffering cannot be assuaged with money. Although I interviewed this woman at the beginning of my field research, the way she explained the

relationship between compensation money and loss is a narrative I was to hear continuously in my later conversations with compensated victims. For instance, in Peru a victim highlights how what he and his family lost cannot be captured by the amount granted as compensation.

As for the reparations, I have to say it has not been the same for everyone. Some people got 5,000 [\$1,500] soles while others got 10,000 soles [\$3,000]. But what are 5,000 soles good for? If you have five, six, seven brothers, how much is each one of them going to get as reparation? That is the price of... of a father, of a mother? [...] It seems more like a mockery, it's a mockery. (VP5)<sup>50</sup>

What these two quotes exemplify it is not that victims prefer no compensation; rather, they see money as an unsuitable or unequal compensation. By distancing themselves from the idea that this money can represent their suffering, and acknowledging the potential value of money to affect their economic security, victims in Colombia and Peru engage in a purposeful contradiction. They want the compensation, but they refuse to accept that it heals or assuages their suffering. Money is not going to compensate their losses because their suffering is priceless.

The following quote by a respondent in Colombia summarizes quite succinctly how victims question the idea that reparations money is commensurable with their experiences of atrocity: “What I got does not cover the damage of what they did to me. But anyway, well, that’s what the state believes my emotional trauma is worth.” (VC9). When I ask her to elaborate further on why she thinks the Colombian government is paying reparations she answers: “It is as if the government is giving this money away to pay us for what happened. But that is not our price, because we are priceless” (VC9). In this respondent’s mind the use of money to compensate victims for their

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<sup>50</sup> As noted before, in Peru the money is split between the relatives of the deceased; if they were married and had a family of their own, the money would be divided between the spouse (50%) and children and parents (50%), or between spouse (50%) and parents and siblings (50%). If unmarried, the money is divided between the parents (50%) and siblings (50%).

suffering is doomed to fail because the state's interpretation of economic reparations is in conflict with the interpretation victims have of their suffering.

The victims quoted above had already cashed their compensation, and one could argue that the very act of so doing acknowledged the reparative value of these payments. However, the fact that victims cashed the checks does not mean that they accept the notion that reparations have a palliative effect. In fact, victims can actively demand the payments while emphatically rejecting the idea that their losses can be quantifiable in monetary terms. A recipient in Peru, a member of one of the victims' organizations that participated in dialogues with the government to set the ideal value for the reparations, exemplifies this position:

We discussed among ourselves, those directly affected by war, how to quantify, how to value the issue of economic reparations. Because life is priceless, then how much were we going to charge? This was in a meeting among us, those directly affected, we asked ourselves: What are we going to demand from the state for reparations? How much for the lives of our relatives? I mean how much? Because we definitively could not get paid for life, because life is invaluable, so you could not ask for this. And we began to talk and discuss and the proposal that came from these discussions was to demand from the state the amount that they [dead or disappeared relatives] could have earned working if they had not been killed. (VP8)

For this respondent, asking for money for the lives of their relatives is in itself a pointless conversation and one they refuse to engage. By clarifying that economic reparations are not about pricing their suffering, victims are indicating that what happened to them is not translatable to the state's legal language. Their experiences have far exceeded the grasp of global transitional justice discourses and their debates about how atrocity can be redressed. This example illustrates how the goals of reparations programs can be in conflict with the victims' expectations of such payments. Victims reject the notion that money can compensate them for the suffering and instead focus on compensation from lost income that would have been earned by the deceased if s/he had not been killed. Their demands for reparations money come from different moral frameworks of worth as I explain in the next section.

## *Second Moment*

During my time in Colombia, I talked to different officials at the Victims' Unit who were victims themselves. On a cold, rainy afternoon in August 2017, I meet one of them for coffee in downtown Bogota. She enters the building rushing and apologizing for being late. I start the interview asking her when she first heard about the economic reparations. She explains how she found out that she and her family were entitled to an economic reparation while working in the government. After a discussion with her mother, she decided to petition for the compensation because it is money granted by the state.

When I started working with Accion Social [conditional cash transfer program] I found out that we had the legal status of victims and that we were entitled to a monetary compensation. I talked to my mom and informed her about it, but she replied: "no daughter! No my daughter that cannot be done because your brother's life does not ... well, it cannot be valued monetarily." But, yeah, we talked with the rest of the family and we ultimately decided to accept the money. It was clear that the money was not going to bring back my brother, but oh well, it was money coming from the state and we were going to take it [...] It is not very pleasant to accept that money. You receive that money because you tell yourself, if you do not accept it, others will take it. (VC12)

Victims who distance themselves from the idea of reparations as compensation do not necessarily reject the payment altogether. Indeed, rather than being helplessly caught between being redressed or not, I emphasize the extent to which economic reparations are, for victims, a way to come to terms with their losses through the lens of money. Victims construct alternative moral frames that they use to accept the payments and to "resolve" the contradictions they face by being part of the reparations program. First, at the beginning of the process victims are doubtful about accepting the money because they find problematic the idea of using money to compensate their personal losses, but they accept the payment anyway. Second, victims believe that the amount they are getting as compensation is not enough, but they end up cashing their checks even when they do not think that is a fair or appropriate value. People in Colombia and Peru solved these two conundrums by appealing to different narratives and moral frames. My purpose here is not to offer

an exhaustive typology of these frames but to show alternative ways of meaning making at work. The following quotes exemplify alternative moral reasoning and concepts of fairness.

In Colombia religious language was common when victims explain why they cashed the payments. To make their case, they reason that the money comes from God: “In my case the effect that this money had on me was to tell me that God was here and present. He was making sure that they gave me this money so I could make my dreams come true” (VC6). Even when it is clear that the money is coming from the state, victims argue that it was ultimately God who makes the payments possible: “God in his greatness made possible for people to get the money. Now people need to survive with it because the state will not always be giving money away” (VC7). The use of the religious frame makes compensation money worth having and legitimates its acceptance. When asked about the moment she received compensation, one recipient stresses how it is God who is compensating her suffering:

You know in that moment I thought, it is God who helped me because I have endured so many things, this must be like a favor of life [...] I never expected that they would pay me for this. I was asking God for a decent kitchen, a decent bath. Then, the following year they called me [Victims’ Unit]. I did not need a lawyer or anything like that (VC8)

Victims in Peru refuse—sometimes for years—to cash the compensation checks because the amounts granted do not reflect the values promised by the state. They see the reparation as an insult, as one of the victims complained, “what do you do with 10,000 soles? That is not enough for us, not at all. Those 10,000 do not represent the labor of our relatives” (VP3). The leadership inside the victims’ organization share with me how, initially, they appealed to members to refuse the payments because it was a “tiny amount.” But, later they realized that there were people who needed the money, even the small amount, to cover basic economic needs. Eventually, the leadership conceded, deciding to cash their checks and use the money to cover urgent expenses, despite maintaining that the 10,000 soles were an insult. The following quote from an interview

with one of the leaders of a victims' organization illustrates how the acceptance of reparation money is explained by casting the payments as an emergency safety net for economically vulnerable populations.

Those of us who were in leadership positions decided not to cash the money, because 10,000 soles was a tiny amount. But later on we realized that the elderly needed that money. So we had an internal discussion, and there was a lot of controversy around accepting the money or not because some of us felt this was a laughable budget, an offense to the memory of the victims. But at the end what we decided was to let each person decide what to do and many people started to cash the check. I did not collect the check until a year, until a year and a half ago I did not feel like collecting the money.

Me: I understand. But why did you change your mind?

Because I needed money to pay for my masters. So then I thought ok the money is already in the bank, and that cannot be reversed. So I had no choice then to go to the bank and do the paper work. (VP4)

More than an explanation of how people effectively solve the contradictions embedded in the reparation process, the above quotes highlight that this is a process in which different cultural meanings work in tandem. Reparation money can have multiple and contradictory meanings at the same time because it is evaluated from different moral frames of worth simultaneously. The idea that compensation is a form of consolation is rooted in global discourses of transitional justice. But this is a discourse that does not solve context-related questions about what money can do for suffering and what constitutes a fair compensation--questions that victims face when they are part of a reparations program.

### *Third Moment*

There is a third moment of meaning making that takes place at the end of the reparations process. After the victims accept the compensation money, they evaluate the whole process of reparations. Although victims wrestle during the whole procedure with the question of what makes



a reparation satisfactory, this is particularly important when they finally have the money and can use it. This third moment does not imply that people feel redressed. To be sure, in some cases recipients are thankful for the payments. But their gratitude does not come from feeling that their losses are compensated. For victims, satisfaction depends on whether the payments are considered to represent a meaningful recognition on the part of the state that a great and unfair violation occurred. Within reparations programs, money serves as a placeholder for moral responsibility on the part of the state. Consequently, the amount of the payment is connected to this dimension of recognition. Victims evaluate the money they get based on their appraisal of whether the amount granted is enough to enable a meaningful purchase or investment; if not, the compensation is perceived as an affront on the part of the state.

In Colombia, victims tend to feel more satisfied because the government has given them a payment that they were not expecting, and one that is large enough for them to make what they consider a meaningful expenditure. The victims with whom I spoke in Colombia waited a maximum of two years to get the payment, and received amounts between \$7,000 and \$10,000.<sup>51</sup> However, as others have highlighted, many recipients see the economic reparation as a social assistance measure and they see the compensation money as state aid (Dixon 2016, Sikkink et.al 2016). It is money the government is giving to them to improve their living conditions and not to redress them for their experience with atrocity during the armed conflict. As the following quotes show, the language used by victims is of “aid” (*ayuda* in Spanish) and not of compensation.

I am not ungrateful. Yes! The economic reparation is something material, but material things are hard to get nowadays. This *aid* was very helpful to me because I was able to open my own business

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<sup>51</sup> This is not the case anymore as the reparations program is out of money to pay all the victims in an expedited manner and many victims are still waiting for the payments. Also, victims of forced displacement get \$4000, which has to be divided among all the family members. Most likely, their perceptions of reparation money is different than from those who got larger payments.

[...] What I did not like about the economic reparations is that now the state is forgetting us. They think that just because they gave us the compensation now we are doing well. (VC5)

The people who have suffered the most with the armed conflict are those in the countryside. That has always been the case. So if you go and see how a person lives in the countryside, it is not comparable with how they live in the city [...]. In the countryside there is more need so when a campesino gets the *aid*, even if it is economic *aid*, it is really good. The *aid* is a huge help. (VC6)

For these two victims reparations are described as aid, which is the common language used in Colombia to refer to social benefits. They justify the delivery of reparations as a form of aid that suggests how victims are not only victims of violence, but also very poor. This emphasis on reparations as a form of state aid solves the problem of incommensurability because it is no longer compensation.

Hence, for victims the evaluation of the reparations process is connected with their perception of what the government does or does not do for them. Feelings of abandonment generate substantial resentment towards the state. One way to assess the state's performance is by reflecting on what compensation money is good for in the market—meaning what it can purchase. Victims evaluate whether the expenditure is meaningful or not in relation to how their lives can change by using the money. During interviews, I asked informants to recount for me how they had been using their reparations. Most of them were using the money to pay old debts, to improve or secure housing, or to invest in a new business. This is particularly interesting for the case of Colombia, where the state has a program to help recipients channel their economic reparations in productive investments (Vallejo 2019).

My mom has shared with me a little piece of the land she owns and I am building an apartment there. It is not fully finished because you know money is always short, but I did what I wanted. A very nice bathroom and cute kitchen. VC2

As a human being there are things that you do not ask if they are good or bad. The compensations are from any point of view good because they [the state] gave it to you as a gift. One more time, I want to make clear that this does not mean that they are going to heal you with this money. But maybe it can help you to change your life style. What they [Victims' Unit] should do is to educate

people, teach them to do not waist the money so they can try to find a way to improve their living conditions. VC13

In Peru, victims are very dissatisfied with the payments because they do not reflect what the government promised them, thus making the reparations, in the eyes of victims, another evidence of the state's failure. In Colombia, victims feel the state has at least provided some form of aid, and because there were not public discussions with the victims about the appropriate amount of compensation, as there were in Peru, they did not feel betrayed by the amounts of the payments. On the contrary, in Peru victims were invited to present their proposals of what constituted a fair compensation. But after the supposed approval of a value, fixed at around \$10,000 (30,000 soles), the government ignored the agreement and proceeded to pay \$3,000 per victimizing act. The following quote from a victim, exemplifies not only what recipients expected but also the specific calculations followed to arrive at a compensation amount commensurable with income lost because of the violence.

Ok, so our proposal was this: we need to consider 20 years of violence. A person back in that day will have made 600 soles which was the minimum wage, or 500 soles, if I am right. In a year that will be ... five ... 12 ... something around 60,000 soles. [...] Then after many discussions we settled for 120,000 soles. And yes it was a bit high but that was precisely the point, to have a proposal to then negotiate.

Because the report by the Truth and Reconciliation Commission declared that the conflict in Peru lasted 20 years, victims demanded to be paid the salaries their relatives did not earn over that period—essentially, an amount equivalent to twenty years of annual salary that would have been paid to a minimum-wage worker.

In Peru, the meaning of compensation money became bound up with a sense of betrayal, broken promises and disappointed expectations. When asked what could have made the reparations more meaningful, a Peruvian victim responded,

I think they could have been more meaningful in the amount granted but also in terms of the state accepting responsibility for what happened to us. For example, during the government of president Alejandro Toledo, he came to Ayacucho and the media asked him: “Mister president why aren’t you asking for forgiveness in the name of the state.” He simply excused himself and said, “why would I be the one asking for forgiveness? So the state is disengaging from assuming responsibility in the name of the state for all the crimes committed in its name (VP4)

We need to recognize not only the harm coming from losing your husband or your son in the 80s. The state needs to recognized also the many years it did not do anything for the victims. The state only made worse the pain and the drama of the victim’s family (VP6)

In addition, the amounts are so low in Peru that recipients perceive this money as lacking value because they cannot imagine how it could be used to meaningfully improve their lives. In this context, they struggled to explain what such money could be good for:

Well in my case, for example, because of what happened to my dad I am just about to cash the money. And guess how much it is? 1200 (\$400) Twelve hundred! And of course my older brothers do not want to claim the money. Because they say ‘well we are eight kids [mother is dead] that means we are getting nothing’ (VP14)

Because the amounts are so low, many victims end up using the compensation to cover holes in their already strained budgets.

We knew that the elderly were helpless, suffering, and they did not have anybody to at least ask: “hey I need a glass of water, I need someone to help me with food and housing.” So we thought that the economic reparations could at least help the elderly have some food, that at least that will be a consolation. (VP4)

I needed a lot more. So what I did is that I fixed the roof on my house. I bought some tiles and then with what was left I bought some pills I needed. I did not save any part of it [compensation]. (VP13)

Unlike Colombian victims who are able to use the money to change some of their living conditions, victims in Peru used the money to cover urgent but small expenses. When recounting what they did with compensation money, Peruvian victims expressed a tone of sadness and betrayal. When underscoring the limited economic power of the money they received, they constantly referred bring back to the government’s unfulfilled promise to pay \$10,000 as opposed to the \$3,000 they received.

## **Conclusion**

This account of how victims make sense of reparations in Colombia and Peru conceptualizes reparations as a process containing three moments of meaning-making. First, victims reject the idea that their suffering can be repaired with money. The healing and palliative expectation for reparations prevailing in reparation law and transitional justice discourse is not reflected in the experiences of victims. Second, recipients adapt their moral frames and beliefs to explain the money that has been conferred to them by the state as victims of extreme violence. I show how compensation money carries multiple meanings and how for the victims, in contrast to the state, redress is not the dominant meaning compensation money carries. Finally, compensation money is evaluated by the victims as a proxy for state accountability. This explains why some victims feel more satisfied with reparations than others, as feelings of satisfaction are bounded to how their expectations were or were not met by the state.

Victims in Colombia and Peru both expressed the irreparable nature of their losses, repeatedly affirming some variation on the idea that “my suffering is priceless.” Yet even as they insist on an incommensurability between their suffering and money, they use alternative moral frames to justify why they still want the payments. In Colombia, victims talk of reparations as coming from God or as another form of state aid, while in Peru recipients see them as compensation from lost income. At the end of the reparations process, victims in Colombia were more satisfied than their counterparts in Peru with the payments they received. However, this is changing now, as the Colombian government is taking longer than expected to pay the total universe of victims, and it is unclear if the state has the funds to cover the cost. Recall that in Colombia victims are entitled to reparations for each violation or loss they suffered. During interviews, respondents who were expecting a second payment expressed frustration about not knowing when (or if) it is

going to be delivered. As the Peruvian case illustrates, making beneficiaries wait for reparations and failing to follow through on commitments strains instead of repairs the relationship between victims-citizens and the state.

Reparations programs are expensive for the state and costly for victims, as they demand that they engage questions of how these experiences can be made commensurate with or valued in terms of money. The literature on transitional justice argues that reparations have the potential to benefit victims. I argue that to have a positive impact on the lives of victims, reparations require from the state a careful management of expectations. As Moon (2012) and Dromi (2013) have noted, we need to pay more attention to the reception of reparations, as opposed to the intention behind them, to understand the limitations of these programs, and provide empirically based information to improve them.

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## CHAPTER 3

### ECONOMIC REPARATIONS, ENTREPRENEURSHIP, AND POST-CONFLICT

#### DEVELOPMENT: EVIDENCE FROM COLOMBIA

**Abstract:** Discussions about the role of reparations in helping societies recover from civil conflict are divided between those who believe that reparations should focus on rights recognition and those who think reparations have the potential to foster economic development. This debate is particularly salient in Colombia, where the scale and duration of civil conflict resulted in a large number of victims to be repaired. I argue that the Colombian government treats reparations—that is, cash payments to victims of human rights violations—as seed money that, if properly tended, will grow into a reconstructed life for the victim. Using interviews, ethnographic observations and textual data, I argue that: 1) those in charge of implementing the reparation policy followed the script of micro-finance development interventions; 2) this policy aims to create a new post-conflict subjectivity that I name the “responsible victim”; and, 3) beneficiaries perform the “responsible victim” in ambivalent ways, embracing the narrative of self-reliant citizens while also requesting more attention and aid from the state. In so doing, I highlight how the use of *reparations as development* shifts the focus from acknowledging past-wrongdoings to an emphasis on a prosperous post-conflict economic future.

*Keywords:* reparations, development, civil conflict, Colombia.

#### Introduction

Economic reparations are one of the mechanisms contemplated within transitional justice frameworks to help societies recover from civil conflict (UN 2005, Teitel 2000). Academic and political discussions about the role of reparations are divided between those who believe that reparations should focus on rights recognition (De Greiff 2006, Correa and Portilla 2015), and those who think reparations have the potential to foster development opportunities (Uprimny 2017, Miller 2008). In other words, the debate centers on the question of whether reparations are about providing monetary compensation to recognize victims’ suffering, or about transforming their

lives. This question is particularly important for post-conflict states that aspire to endorse human rights agendas and foster post-conflict economic development, but have limited fiscal resources and relatively weak institutions (Dixon 2016, Vasuki 2017, Buchely 2015).

In this article, I examine the implementation of reparation policies that aim to foster economic development in post-conflict contexts. I ask what are the effects of reparations as development in the lives of victims? I use the case of Colombia to illustrate what happens when states decide to adopt reparation policies that intend not only to *restore* the rights of those directly affected by civil war but also to *transform* their lives. In Colombia, the government created a reparation plan that promised cash payments to 14% of its national population as compensation for losses incurred during armed conflict (VU 2018). These resources have been presented to victims as a down payment that they can use to build a prosperous economic future; the architects of the reparation policy created diverse mechanisms to encourage victims to invest the compensation they receive in what government officials consider appropriate and productive ways. The language of economic accountability, micro-finance, and small-business creation permeates the delivery of reparation checks. In this paper, I analyze the model followed by the Colombian state to implement the reparation policy and explore the ideas of victimhood and citizenship that the model of “reparations as development” promotes.

The use of interventions aimed at transforming people into entrepreneurs through micro-finance practices is not novel in Colombia or in the Global South more broadly. Scholars across the social sciences have outlined the long-term effects of these type of interventions (Karim 2011); the financial and social risk they represent for users (Roy 2010, Hsu 2016); and the limits of the empowerment narrative they promulgate (Swidler and Watkins 2009, Cornwall and Brock 2005). Yet less is known about what happens when the discourse and practices of entrepreneurial

development are used to heal the suffering of victims of human rights violations and combat poverty simultaneously. This research contributes to sociological knowledge by addressing how transitional justice measures articulate with anti-poverty initiatives that center on cultivating self-reliant citizens in post-conflict societies. I show that when the logic of development projects is used to implement reparation policies, the burden of post-conflict recovery is placed on the individual. The emphasis of the economic reparations in Colombia is not on the past and the causes of violence, but on legitimizing a future post-conflict society where victim-citizens are economically independent and productive.<sup>52</sup> Those who have been more vulnerable to misfortunes due to conflict-related violence and poverty are expected to overcome both, by making the “right” financial decisions with the resources afforded to them under the post-conflict reparations regime.

I begin with a theoretical overview of research on transitional justice. I focus on debates around the role of reparations as either a rights recognition measure, or a means of fostering economic development (Dixon 2016, De Greiff 2009). I then put this literature into conversation with sociological work on the shortcomings of development projects (Swidler and Watkins 2008, Hsu 2014, Roy 2010) to identify the risks of making victims responsible for their recovery. My empirical analysis relies on interviews, ethnographic observations, and textual analysis. First, I outline how Colombian officials in charge of implementing reparation policies followed the script of development interventions. I then focus on how this policy aspires to create a new post-conflict subjectivity: the “responsible victim”, who is expected to invest (rather than spend) the money she receives. Following Matsuzawa (2016) and Beck (2017b), I conclude by showing that victims are

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<sup>52</sup> In this paper, I focus on individual economic reparations, which is the largest element of the reparations regime implemented by the Colombian government. Nonetheless, there are other programs that focus on symbolic reparations and do not involve cash compensations or any other form of material restitution. Symbolic reparations are officially defined as initiatives oriented towards memory preservation, the public recognition of human rights violations by perpetrators, and public apologies to victims (Victim’s Law 2012).

much more than mere passive recipients of state policy. They are influenced by the state's efforts to cultivate "responsible victims" but they reply to this project of subject formation in ambivalent ways. Beneficiaries embrace the discourses of the economically self-reliant citizen not only to feel empowered, but also to request attention from the state and underscore their need for further assistance. By analyzing what happens when reparations aimed at acknowledging the suffering of victims are also used with the intention of advancing economic development, I examine how new categories of victimhood and citizenship are constructed, and how they sustain a particularly financialized view of post-conflict recovery.

## **Theoretical Perspectives**

### *The Different Purposes of Reparations*

Economic reparations are used within transitional justice frameworks to help societies recover from massive violence (Teitel 2000, Ottendoerfer 2018, UN 2005). As a transitional justice mechanism, reparations promote a restorative view of justice (Teitel 2003). Distinct from retributive justice, restorative justice does not focus on punishment but on "healing and reconciliation for offenders, victims, and the communities in which they are embedded" (Menkel-Meadow 2007: 161). Thus, civil conflict creates different social problems depending on the causes, nature and extent of violence, but the underlying assumption of transitional justice is that reparation payments are a way for states to acknowledge the suffering of victims and integrate them into a post-conflict society (Moffett 2016).

The development of economic reparations is related to the work of specific institutions, from the United Nations and international justice mechanisms (e.g. Interamerican Court of Human

Rights) to national courts and governments (Nauenberg 2015). Thus, from a world polity perspective (Meyer et.al 1997) transitional justice measures have become part of the institutional landscape of post conflict societies. Yet reparation programs not only require that states adopt the language of transitional justice; they also demand significant fiscal and institutional resources to be implemented (De Greiff 2006, Hayner 2000). This is a delicate process because civil conflicts can entail widespread violence, resulting in a large number of victims and making compensation plans very expensive (Reiter et.al 2012). Given the limited state capacity of post-conflict states, an enduring question in the transitional justice literature is what should be the main goal of reparations? Is the purpose of economic reparations to acknowledge the suffering of victims or to help them leave poverty?

Those who advocate for a rights-based approach are concerned about the risks of assigning too many tasks to reparations (De Greiff 2009, Colvin 2008). For these scholars, the main emphasis should be on the political goals of transitional justice (Barkan 2000, Torpey 2006). Compensation money becomes one way to recognize individuals as victims but “primarily, as bearers of rights” (De Greiff 2009: 3). These authors are not denying the intersection between reparations and development as they both share “an essentially utopian vision of the future (one without poverty, without trauma, without state interference or oppression and without inequality)” (Colvin 2008: 416). However, advocates of a rights-based approach want to preserve the integrity of reparations as a mechanism for acknowledging the suffering of victims (Correa and Portilla 2015). They advocate for a clear division of labor. Poverty and victimization should be treated separately in order to highlight that development is about distributive justice (transforming victims’ lives) while reparations are about corrective justice (restoring victims’ rights to a pre-conflict status).



Research that advocates for an intersection between transitional justice and development departs from the notion that legal justice is not possible without economic justice (Miller 2008, Weber 2017). Thus, grounded in the idea that civil war is the result of economic inequalities (Vargas and Restrepo-Jaramillo 2017), and that those who suffered the most are the ones occupying economically disadvantaged positions (Moya and Carter 2018, Buchely 2015), reparations are presented as a way to transform the lives of victims (Uprimny 2017, Williams and Palmer 2016). Under this model, states are not only responsible for failing to guarantee the rights of victims; they must also enact change in the structural conditions that put certain groups at a higher risk of experiencing violence. For instance, Miller advocates for the state to take up economic development, and argues that by leaving “issues of resource distribution or inequality of power or wealth to separate courts [...] transitional justice institutions implicitly tell society that development and conflict may be separated in a fair fashion and that inequality itself is not to be prosecuted” (2008: 268).

### *Micro-finance and Entrepreneurial Development Projects*

The literature on reparations is useful in analyzing the different forms compensation can take, but it is of limited use in explaining the consequences of making reparations a poverty policy. A second literature that is relevant for understanding Colombia’s reparations regime is scholarship on micro-finance. As I will show, the state’s efforts to use reparations to construct responsible victims draws inspiration from micro-finance as an individual-centered development strategy. Microfinance refers to interventions that provide financial services to the poor including savings, credits, and pensions with the expectation that beneficiaries will start income generating businesses (Karim 2011: xiii). Sociological literature on the shortcomings of micro-finance development can

help us understand what happens in places like Colombia, where the state provided reparations as a way to recognize the rights of victims but also as a path to take them out of poverty.<sup>53</sup> In particular, research on microfinance has underscored the short-term (versus long-term) efficacy of these types of interventions (Hsu 2014, Karim 2011) and the limits of the empowerment narrative they perpetuate (Swidler and Watkins 2009, Cornwall and Brock 2005).

Entrepreneurial and micro-finance development projects that provide beneficiaries with small loans aim to alleviate poverty by encouraging small business creation. These programs have been prioritized by international organizations like USAID (United States Agency for International Development) (2014) and the World Bank (Kuehnast 2001) for different places in the Global South, where they are argued to provide sustainable solutions to poverty (Roy 2010). Unlike more traditional welfare policies or even cash-transfers, micro-finance projects do not provide social assistance, but are instead aimed at teaching people “how to fish” so they can create income generating projects and secure a prosperous economic future (Swidler and Watkins 2009). Enthusiasm around micro-finance has decreased in the last decades, as research has pointed to its limited effects on poverty (Roy 2012) and its possible role in reinforcing or exacerbating inequality (Hsu 2014). For example, users of these interventions can accumulate unpayable debts, as a new loan replaces an old one (Karim 2008).

However, the limited effect of microfinance development projects on poverty alleviation does not mean that they do not have effects on the people they serve. One of the main consequences

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<sup>53</sup> In the empirical section I expand on Colombia as a case of state-sponsored reparations guided by the logic of micro-finance development projects. Other cases where reparations have been combined with the development ethos are Peru and Sri Lanka. In Peru, the state made collective reparations a program of economic development (e.g. purchasing a new tractor for the village, or providing a community with chicken coops (Ulfe 2013). In post-conflict Sri Lanka, international financial institutions and development agencies put in place projects to empower women victims of sexual violence by granting them access to credit and titles to property (Vasuki 2017).

of, but also motivations for, these interventions is the creation of new subjectivities around ideas of economic and political empowerment (Sanyal 2009). Development scholars have drawn on Foucault's (1995) definition of governmentality as methods of power used to manage people by inculcating behaviors that make them more easily governed (Mitchell 2014, Appel 2012). This concept is used to show how development interventions promote projects and shape subjectivities that enable utopic visions of the future that do not correspond to present conditions of scarcity and dependency (Kaler and Parkins 2015). This is problematic as discourses of empowerment without concrete paths to social mobility produce what Berlant (2011) has called "cruel optimism," defined as people's attachment to unachievable fantasies of the good life (upward mobility, job security, political and social equality) in liberal-capitalist societies (19).

More specifically, Swidler and Watkins (2009) have shown how in Malawi, even when development projects fail at achieving the goals set by donors, these projects had deep effects in shifting the aspirations of local actors. NGO volunteers adopted modern identities around ideas of rationality and self-development with the hope that one day they will become paid staff, though this rarely happens. In post-conflict Sri Lanka, as Vasuki (2017) has explained, this emphasis on individual empowerment has had profound consequences for beneficiaries of micro-finance programs, as they adopt the language of self-reliance and feel more agentic in a context where material and security constraints are essentially unchanged. Thus, development projects facilitate the emergence of new subjectivities oriented towards the future using buzzwords like empowerment, and practices that inculcate economic austerity and an entrepreneurial mindset even when the ostensible anti-poverty goals are not met (Cornwall and Brock 2005).

### *What Beneficiaries do with Development Projects*

Scholarly work on beneficiaries' responses to development projects (Matsuzawa 2016, Beck 2017ab, Ellison 2018) is key to understanding the ambivalent ways in which victims used reparation policies in Colombia. Literature on the successes and failures of development interventions demonstrates that beneficiaries are not just passive objects of development projects. As Beck (2017b) has shown, the architects of such initiatives may find their intentions frustrated when projects are implemented on the ground and local communities appropriate and transform them to meet their needs (8). As Matsuzawa's work (2016) on China shows, development projects can have unintended consequences, such as the formation of new identities for beneficiaries as agents of development, while failing to alleviate poverty. Thus, people have agency to appropriate development projects in different ways. Beneficiaries perform the intended subjectivities of micro-finance not only to request aid, but also to negotiate the intervention's goals and to pursue unrelated objectives (Olivier de Sardan 2005).

Similarly, literature that explains what happens when development projects fail is useful for understanding how people respond to economic interventions—sometimes in ways that explicitly reject the discourse of self-reliance (Li 2017, Petryna 2002). In the case of micro-finance, there are different reasons why development projects fail, but one of them is that they impose morally charged roles to beneficiaries, burdening them with unreachable goals. Beck (2017a) shows that in post-conflict Guatemala, development projects promoted moralistic views of “the good business woman” that were later rejected by users; “the ideal entrepreneurial woman succeeds even in the face of abusive men because of her willingness to expend significant energy and time in her business” (228). In this case, a micro-finance project puts recipients in the difficult moral bind of accepting a definition of “success” that harms them. The rejection of this

individualistic view of development exemplifies how beneficiaries have the capacity to distance themselves from imposed roles. Acknowledging that people embrace, reject, and manipulate development projects for reasons different from the objectives of policymakers helps us to move away from evaluating interventions as pure successes or failures.

Finally, the case of Colombia is useful to understand what happens when the development discourse of self-reliance interacts with the human rights imperative that victims are primarily bearers of rights. While development discourse centers responsibility and obligations, the later stresses rights and benefits. In the next section, I offer a brief history of the adoption of economic reparations in Colombia since 2005. This summary serves as context for the main concern of this paper: the use by states of reparations as a way to alleviate poverty, following practices and discourses characteristic of micro-finance projects, and the effect of this policy on victims. As I will show, the idea that reparations are the seed to build a prosperous economic future for victims of the Colombian armed conflict is rooted in the legislation that made compensation available in the first place.

### **The Case: Colombia and the Economic Reparation of Victims**

Colombia is a place where economic reparations have been adopted to address the losses of victims of a 60-year-long armed conflict between state security forces, guerrillas, and paramilitary groups. However, and unlike other cases in the world, in Colombia economic compensations have been carried out in the midst of ongoing conflict, creating a scenario that has been described as “transitional justice without transition” (Botero et.al 2006). In November of 2016, the FARC-EP (Revolutionary Armed Forces of Colombia–People’s Army) and the Colombian state signed historic peace accords, yet the ELN (National Liberation Army),

Colombia's second largest guerrilla insurgency, and criminal bands linked to former paramilitary groups, remain active. In this complex context—in which violence and peace-building policies have long coexisted—the Colombian government has officially compensated 800,000 out of a total 6.9 million officially registered victims (VU 2018).

At its inception, economic reparation in Colombia was intended to be funded through land, money, and other assets provided by demobilized paramilitaries under the frame of the Peace and Justice Law (2005). Various delays in these legal cases pushed the government to create an administrative reparation plan in 2008 and, more importantly, to assume its financial cost. This program offered compensation to victims of guerrilla and paramilitary groups, but excluded victims of state violence. It was not until 2011, with the passage of the Victim's Law, and after years of pressure from human rights' organizations (Gaviria and Gil 2010), that the compensation plan was officially expanded to cover “any person who has suffered grave violations of human rights or international laws as a result of the conflict since 1985” (Summers 2012: 227). This specifically included those victimized by state forces.

A recurring theme in the Colombian Congress leading up to the approval of the Victim's Law in 2011 was the worry that people would use the resources provided by the state in an irresponsible way (Cristo 2012). As one of the architects of the policy put it, there was a fear in Congress that people were going to use this money on whores and alcohol (*putas y trago* in Spanish)<sup>54</sup> (personal conversation). The Victim's Law was first discussed in 2010 during the presidency of Álvaro Uribe, who strongly opposed it because of the financial cost that the

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<sup>54</sup> All translations are mine, unless otherwise indicated.

compensation of millions of victims would represent for the state (Cristo 2012). To assuage these concerns, promoters of the law included Section 134, which stipulates that the state must:

“Implement a program to accompany and promote an adequate investment of the resources that victims would get as administrative reparation with the purpose of helping victims to rebuild their *life-plan*,<sup>55</sup> principally oriented towards: 1) technical and professional education for the victims and their children, 2) the creation and strengthening of productive enterprises or productive assets, 3) purchasing new or used housing, and 4) acquisition of rural properties” (Victim’s Law 2011).

The Colombian compensation plan is today the largest program implemented under the framework of transitional justice in the world (Dixon 2015). Economic reparations in Colombia vary depending on the type of violation the victim suffered and can range from around \$4,000 to \$8,000 (Portilla and Correa 2015).<sup>56</sup> The implementation of the Victims’ Law in 2011 required a budget of \$2.8 billion and a major institutional expansion to create the Victims’ Unit (VU), an institution with national and regional branches. At the moment of its creation, the VU had a staff of 1,060 people, but this number does not include the myriad organizations it hires as contractors to deliver diverse services (Vera 2017). The staff is responsible for a varied list of duties, including registering victims, distributing compensation checks, advising victims on how to invest their reparation money, and offering symbolic reparations and psychosocial support to beneficiaries of the policy. For many victims, their engagement with the VU, despite its many services, is primarily motivated by the prospects of getting money (Mora 2016, Jaramillo 2012).

The compensation of suffering in Colombia is a case of large public spending and institutional expansion to cover victims’ perceived needs in a context of substantial inequality and

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<sup>55</sup> The exact translation from Spanish is life project, ‘proyecto de vida’.

<sup>56</sup> The types of human rights violations that merit reparations are: homicides, forced disappearances, kidnapping, injuries causing permanent disability, injuries not causing permanent disability, torture and degradation, crimes against sexual integrity (including pregnancy and childbirth resulting from rape), forced recruitment of children and internal displacement (VU 2015).

limited funds. To navigate these challenges, architects of the reparation policy created the “Program for the Adequate Investment of the Resources” (PAIR) to encourage what they consider the good use of reparation payments. The intention of PAIR is to solve key questions that the adoption of economic reparations for past harms poses for states, including: What are the state’s obligations to victims? And what can money do for those who have experienced suffering?

### **Data collection**

This article stems from a larger project on the creation and adoption of reparation policies in Latin America as a way to redress the effects of prolonged periods of violence. Research included interviews, observations, and textual analysis. During eleven months of fieldwork in Colombia carried out between 2016 and 2018, I completed forty-three interviews addressing the creation, implementation, and effects of economic reparations. I interviewed respondents from two groups: former and current staff from the Victims’ Unit (VU), the institution in charge of reparations, and compensated victims who have participated in at least one of the workshops organized by the state to incentivize the good use of compensation. Out of the group of twenty-five interviewed victims, twenty-three are women who experienced different forms of sexual violence by members of the guerrilla, paramilitaries or state forces. Interviews were conducted individually and in Spanish and ranged in length from 35 to 120 minutes. Interviews were transcribed and coded with Dedoose (qualitative software) to identify common themes. In this paper, I identify each respondent by an acronym followed by a number: SO1 (State Official 1), V2 (Victim 2), and so on. Given space constraints, I include only a small number of interview quotes, which are broadly representative of key patterns I identified in the interview data.



Ethnographic work took place in the capital city of Bogotá and six regions of Colombia that have been historic epicenters of the armed conflict.<sup>57</sup> This qualified them to be on a priority list for the implementation of post-conflict policies, including economic reparations, in areas designated by the government and international organizations, including the USAID and the IOM (International Organization for Migration). I observed interventions designed by the Colombian state to carry out the reparation of victims in order to explore what reparations mean to (1) those providing compensation in the name of the state and (2) those receiving the compensation as victims. These interventions included the delivery of checks, public apologies, investment fairs, and financial education workshops. I focused on how government officials conducted the intervention, how they explained the role of economic reparations specifically, how they apologized in the name of the state, and how they interacted with victims during these events. In my interviews and observations of victims, I paid particular attention to how they communicated with government officials, their responses to the content and style of the government's interventions, and their explanations of the role that compensation had in their lives.

A third source of data came from official documents related to economic reparation policies and the programs and trainings in place to stimulate the investment of these resources. Some of these documents were available at the workshops I attended, while others are available on the VU website or were shared by state officials. These include brochures, policy briefs, and the procedures used by state officials in the reparation workshops and in the collective delivery of checks. The combination of interviews, ethnographic work, and textual data revealed that economic reparations in Colombia followed the script of micro-finance development

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<sup>57</sup> Tumaco (Nariño); Apartado, Medellín, Bello and Rionegro (Antioquia); Montería and San Antero (Córdoba); Vigía del Fuerte (Choco); Popayán (Cauca); and Cartagena (Bolívar).

interventions. They aimed to create new post-conflict subjectivities around the discourse of self-reliance and facilitated new ways of connecting the state with victim-citizens.

## **Findings**

The Victim's Law emphasizes rights recognition and coming to terms with the past—a reckoning of what officials described as the state's long-owed debt to the victims (Krystalli 2018). However, the implementation of reparation policy requires translating the Law into the actual practice of distributing resources. States have to create institutions and programs to get money into the hands of victims, and they have to explain to them what that money is for. The economic reparation of victims in Colombia is a future-oriented process that accentuates resilience and recovery. Thus, on the one side, we have the legislation written in the idiom of rights and recognition of harm, while on the other side we have the bureaucracy of the Victims' Unit (VU) speaking about empowerment and a better future. I use the next vignette to illustrate how the future-oriented discourse overshadows the rights one (coming to terms with the past). As I will develop in the next sections, in Colombia, the discussion is not about who is a deserving victim, as people can self-identify as victims without legal proof,<sup>58</sup> but about how victimhood should be performed.

Vígia del Fuerte is a small town located in one of the poorest and most isolated regions of Colombia. In 2000, a massacre perpetrated by the FARC caused a massive displacement of 1,200 people. Many former residents have returned over the last decade, making the town one where

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<sup>58</sup> This right-granting orientation of the legislation is evident in that people do not have to show legal or official evidence of victimization to be included in the registry.

95% of its population holds the official status of victim.<sup>59</sup> I visited Vígía with staff from the VU in December of 2017 to deliver 160 compensation checks. The money was delivered after a two-hour event that included staff from the VU telling recipients “to please invest these resources wisely so you and your family can have a productive project.” Officials also engaged in a symbolic act, called the satisfaction measure (*medida de satisfacción* in Spanish), in which they apologized in the name of the state. This is supposed to be a standardized and ceremonial part of the check delivery process, but in practice, it can take different forms that range from a moment of silence to, in the case of one ceremony held on the coast, throwing into the sea a rock that symbolizes past suffering. In this case staff from the VU handed recipients a candle and proceeded to apologize by saying, “the state is deeply sorry for not being there for you.” Then the official in charge proceeded to explain to them what the satisfaction measure was:

“Satisfaction is when you feel very good. Who here likes to eat fish? It is delicious! [...] But who is the only one who can say if they liked the fish or not? I am the only one! Right? One tells her mom: mom that fish you made was delicious! And then the mom says I think it was as good as always. And then what do you say? No, it was delicious! Who is the only one who knows that the fish was tasty? You! That is the satisfaction measure. Who is the one who can decide when to forgive and be in peace? When to love again? That is an individual decision and we [Victims’ Unit] are here only to keep you company as you make that decision. This is why we are bringing this candle to light. It is a light that will allow you to think, how did you decide to come back to Vígía and what have you done to stay here. Then some people would say ‘I had to be very strong’ or ‘I had to have a lot of love’; others would say ‘I had to believe in my family’. Each one of you knows what you had to do. So what we are doing today is that you are going to say and gift to the person next to you one of those things that kept you strong during hardship” (Transcription from video of public event).

As the vignette shows, victims are not expected to justify their status or prove they have suffered; what state officials await, instead, is a particular embodiment of victimhood. In the public delivery of checks, the VU shifts the focus from a violent past to the personal strategies victims

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<sup>59</sup> Given the provision of the Victim’s Law, a family who suffered forced displacement is entitled to up to \$4,000 split among its members.

used to navigate loss, highlighting that coming to terms with the effects of armed conflict is a process that happens at the individual level. This is troubling in Vigía del Fuerte, where the guerrillas of the ELN and narcotraffickers still have a violent presence. Thus, even when the state apologizes for the past, its focus is on promoting a post-conflict future free of suffering and characterized by resilient individuals.

In what follows, I explain in three steps how the Colombian state implemented reparations as development, and the effects of this policy. First, I show how the emphasis on the future in the reparation policy comes from infusing the language and practices of micro-finance into the compensation regime. Then I interrogate the ideas of citizenship and victimhood that the model of reparations as development promotes. This policy aims at creating a new entrepreneurial post-conflict subjectivity that I name the “responsible victim.” Lastly, I show how beneficiaries adopt, albeit ambivalently, and mobilize the identity of “responsible victim” in their interactions with the state. Sometimes they use the language of self-reliance to present themselves as independent citizens, but on other occasions, they use it to request economic aid and thereby contest the boundaries of this individualized post-conflict subjectivity.

### *Reparations as a Development Project*

What can money do for those who experience suffering? In 2016 and 2017, I interviewed employees of the Victims’ Unit (VU) and asked them this question. Many insisted that compensation was not meant to imply an equivalence between money and suffering. As one respondent explained, “monetary compensation is like making objective something that isn’t” (SO1). Another official replied, “can money equate with loss? No! I can tell you that does not happen in any case” (SO2). State officials acknowledge that reparations do not represent the value

of suffering, and many are uneasy with the notion that these payments are in any way a valuation of people's pain. Yet despite these impassioned responses, financially compensating victims of the armed conflict is a practice that bureaucrats justify as necessary, and it is one of the main policies carried out by the VU (Sikkink et.al 2015). The way state officials manage their discomfort with the valuation aspect of reparations is by suggesting that these payments are not compensation for *past* suffering, but rather down payments on the *future*—reparations represent seed money that victims can use to start a new life in which they leave poverty behind.<sup>60</sup> In this section, I explain how, in their interactions with victims, officials of the VU draw inspiration from the micro-finance paradigm's emphasis on budgeting and investing in self-sustaining income-generating activities, thereby positioning reparations as a mode of development.

**Figure 1. Program for the Adequate Investment of the Resources (PAIR)  
Recommendations for Repaired Victims Brochure**

**¡NO TE APRESURES!**

Invierte los recursos de indemnización cuando estés seguro/a de haber tomado la mejor decisión. Si requieres más información, ponte en contacto con el/la Enlace del Programa de Acompañamiento en tu dirección territorial.

**DO NOT RUSH!**

Invest your compensation when you are sure that you made the best decision possible. If you need more information, get in contact with the officer in charge of the Program for the Adequate Investment of Resources in your area.

This message, along with the question “Have you thought... how are you going to invest your compensation?,” was printed on flyers handed out to victims during a collective check delivery carried out in Popayán in October 2017. While waiting for their compensation, victims listened to the state official say: “Please take care of this money. The government will not give it

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<sup>60</sup> In a separate paper, I develop a more explicit analysis of the valuation problems posed by reparations, and the attendant questions of money and morality.

to you again, even if you get robbed or scammed.” After issuing this warning, the Victims’ Unit clerk introduced, one by one, the stands spread across the large school auditorium where the ceremony was taking place. One could hear over the speaker that people from the Agrarian Bank, various for-profit universities, and even a paramedic training center were marketing themselves as the best way to invest the compensation. Victims patiently listened to the different offers and clapped after each official finished talking. Since the actual check distribution was the final item on the agenda, everyone stayed through the long litany of presentations regarding these myriad investment options. The insistence on investing reparation payments to secure a prosperous economic future seemed rather anachronistic at this particular delivery event, which targeted those older than 65, people with terminal illnesses, and in some cases, both.

The VU created the “Program for the Adequate Investment of the Resources” (PAIR)<sup>61</sup> “to make the reparations have a positive impact in the lives of victims and to help them improve their life conditions” (VU 2016). As one of the officials put it, “we don’t want the compensation to become pocket money” (SO1). Following the principles of micro-finance, the PAIR program offers victims four different options to help them learn how to be economically mindful and create self-sustaining projects. First, the VU organizes investment fairs like the one described above, to connect beneficiaries with private and public institutions to help them invest in education, housing, land or small businesses. Second, victims can be part of economic workshops that teach them how to budget, save, and invest their compensation. These workshops are advertised to victims during the check deliveries, where victims are given flyers emphasizing the importance of careful planning (Figure 2). Third, the PAIR offers trainings on how to create a micro-enterprise. Fourth,

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<sup>61</sup> In developing PAIR, the Colombian government consulted with Fundacion Capital, an international development organization with projects in twelve Latin American countries that works on inclusive finance to eliminate poverty (Fundación Capital 2018).

the Program helps victims to access small loans for businesses, higher education, or to pay off old debts (VU 2015).

## Figure 2. Program for the Adequate Investment of the Resources (PAIR) Recommendations for Repaired Victims Brochure

TEN EN CUENTA ESTAS RECOMENDACIONES:

**1 Piensa en tu futuro:** Revisa las opciones de inversión que te permitan sacar el mejor provecho de los recursos. Estos recursos se pueden convertir en un medio para **transformar positivamente** tu proyecto de vida.

**2 Planea tu inversión:** Revisa si tienes **ahorros** y si los recursos que recibiste de la indemnización te alcanzan para llevar a cabo tu inversión, de lo contrario, busca mecanismos financieros o programas estatales que te ayuden a **cumplir tu meta**.

**3 Protege tu dinero:** No malgastes el dinero de la indemnización, **¡ahórralo!**. Esto te permitirá reservar el dinero de manera **segura y confiable** mientras decides cómo invertir o completar los recursos necesarios para llevar a cabo tu inversión.

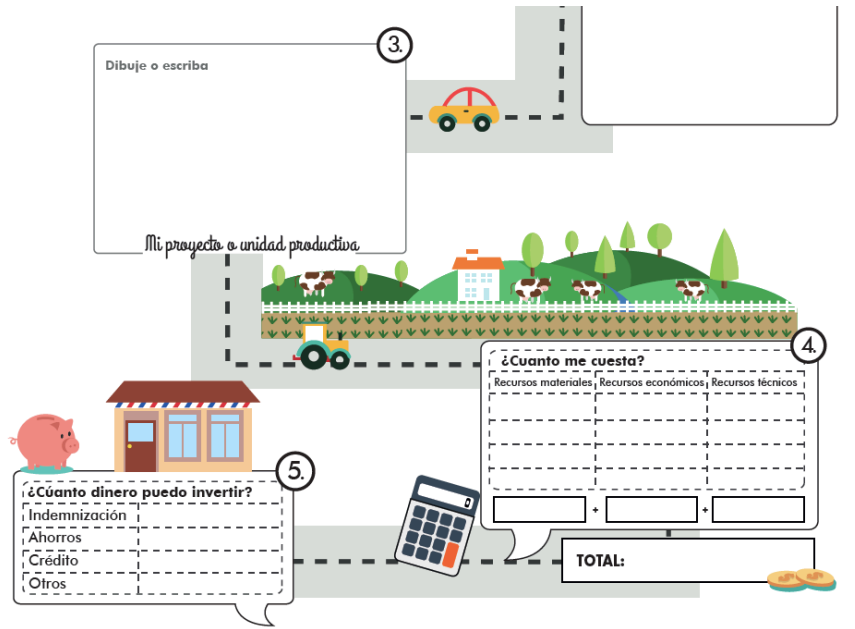
**4 Comprométete:** A realizar una **inversión legal y segura**. Recuerda que debes realizar una buena planeación para garantizar el éxito de tu inversión y que esta es una decisión muy importante para tu vida y la de tu familiar.

Pay attention to these recommendations:

1. Think about your future: Pay attention to the investment options that will allow you to take the most advantage from the resources. These resources can become a means **to transform your life plan positively**.
2. Plan your investment: **Check if you have savings** and if the resources that you got as compensation are sufficient to carry out your investment. If that is not the case look for other financial mechanisms or state programs that can help you to accomplish your goal.
3. Protect your money: do not waste your compensation money, **save it!** This will allow you to **keep your money safe** while you decide how to invest or how to acquire the resources you need for your investment.
4. Commit: **make a legal and safe investment**. Remember that you have to make a good plan to guarantee the success of your investment! This is a very important decision for your life and your family's life!"

Even though PAIR is a voluntary program, most victims attend the economic workshops or the investment fairs they sponsor, as these events are frequently integrated into the collective and individual ceremonies in which checks are delivered. Since the population of victims is disproportionately poor, in most cases, they are encouraged to combine the compensation with small loans or pool assets with other victims to create a successful economic project. Figure 3 shows one of the handouts used during the economic workshops where participants are asked to list all the possible sources of income they have available to cover the expenses of their planned project, including compensation, savings, and loans.

**Figure 3. Workshop: Learning to Invest my Compensation in the Creation or Strengthening of Productive Projects Worksheet<sup>62</sup>**



The risk that comes with being a small entrepreneur acquiring debt to invest is downplayed in the workshops, during which beneficiaries are told that their investment will either create a new productive project or strengthen one they already have. The discourse of planning and investment that state officials employ—one that is reiterated in all of the supporting materials beneficiaries receive—suggest that reparations in Colombia are functioning less as a mode of rights-recognition than a means of individual poverty alleviation. In other post-conflict compensation schemes in Latin America like Peru or Guatemala, payments are not matched with plans to educate victims on what constitutes an appropriate use of money (Portilla and Correa 2015). The framework developed by the VU in Colombia posits a paternalistic state that, having assumed the economic

<sup>62</sup> Steps 1 and 2 (not included in this image) ask, do I want to invest in creating or strengthening a productive project? And Why is this important? Step 3 in the worksheet asks the participant to draw or write down their productive project. Step 4 asks, how much is this going to cost me? The respondent is instructed to think about three types of expenses: material, economic, and technical. Step 5 asks, how much money can I invest? Money can come from three specific sources: compensations, savings or loans.



burden of repairing victims, gets to advise beneficiaries about the best ways to spend these public resources.

*Post-conflict Subjects: The Responsible Victim*

The model of reparations as development not only formulates interventions to facilitate the investment of the compensation; it also aims at producing a new type of post-conflict subjectivity rooted in microfinance development models of an entrepreneurial citizenry (Ellison 2018). Here I describe how Victims' Unit (VU) officials promote the subjectivity of the "responsible victim" as one who invests her money, does not spend it on perceived frivolities, and therefore counts as a contributing member of society. The way in which state officials frame this new form of citizenship is by educating people to define their *life-plan* as an economic project that requires careful planning and austerity in order to attain economy stability. This desired moment of independence is only possible when victims redirect their attention from a past filled with loss and political violence to a promising future society replete with victims-cum- entrepreneurs.

In Colombia, the justification for reparation payments is not that they will fully compensate victims for their losses, but that they will help them to rebuild a life-plan. The idea of the life-plan comes in part from the Interamerican Court of Human Rights (ICHR), which has insisted that countries repair victims for harms impacting "the integral fulfillment of the affected person, considering her vocation, aptitudes, circumstances, potentialities and aspirations" (Calderon 2006: 8). However, the VU also defines the life-plan with a specifically economic understanding of empowerment. This is evident in the following VU news feed reporting the delivery of reparation checks:

“In Medellin, 238 victims plan to boost their life plans with the compensation. The majority of them are planning to invest the resources from the reparation in housing, starting or strengthening productive projects, and in education”. (VU 2018)

The economic dimension of the concept of the life-plan also surfaced repeatedly during my interviews with officials. They stressed that reparations are not about the past, but about the future by giving victims a way to move ahead. Bureaucrats underscored that they could not define the life-plan in one single way, as it is the victims’ responsibility to decide the type of future they want.

The idea is to contribute to the transformation of their life-plan. What I was telling you is that, we as the Unit, we don’t come and say ok this is what happened, it was a mess, now look at this new thing, no! It is about contributing to the transformation of the life-plan [...] A practical example of this is [...] the project “Transforming”<sup>63</sup> that we have done for 3 years and has been implemented with 3,100 individuals. From that group of beneficiaries, around 72% reported this: when I started I did not believe in myself! When I graduated I believed in myself and I believed I could contribute to my own transformation but also to society” (SO1).

Another state official clarified the purpose of reparations by differentiating them from other forms of state relief:

“I always think about this difference as, assistance is about ‘What am I getting?’ And the part related with reparation is ‘Ok I got something, but what can I give back?’ This change in the mental chip<sup>64</sup> is an arduous but important labor that we all have to keep working on, but that the victims have not assimilated yet because they say, or some of them believe: ‘the state has the obligation to give me’ [...] but there are areas in the country that have a surplus of options [government assistance] and people got tired of getting so much and because they are in kind of good shape, they are still waiting for more but they are not contributing to society” (SO3).

Through the PAIR and the work of bureaucrats, victims are educated in a set of behaviors and dispositions that reduces them to economic subjects. Beneficiaries are encouraged to adopt practices that will allow them to be disciplined with money, become income generators and

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<sup>63</sup> *Transforming my Future* is a project led by the VU where victims who have succeeded in creating productive projects provide advice those who are in the process of formulating one. The overall goal is to provide “junior investors” with the opportunity to learn from other victims those who have successfully invested their compensation (Fundación Capital 2018).

<sup>64</sup> The use of the word chip is referring to computer chips (integrated circuit).

ultimately be responsible of their own recovery. During an informal meeting with a VU official in charge of managing the reparation fund, I asked how victims could feel safe investing if they did not have enough resources to cover basic needs like food or housing. She proceeded to give the example of a victim who asked the same question during one of the economic workshops and who, after learning there that savings can come not only from having a surplus of income but also from cutting costs, stopped smoking and started a fund with the money he was wasting on cigarettes. Months later, he had enough money to start a micro-enterprise, selling empanadas on the street. Similarly, when I asked victims what they learned during the economic workshops, they described how the emphasis was on being responsible by saving and investing the compensation.

“They explained to us how to keep track of your expenses, like having a small budget and keeping the books in case we wanted to open a business. The idea is that you will avoid, or that is what they said, that at the moment that you get the payment you will not go partying and spend everything they gave you. No! You have to think about your future” (V1).

“When they gave us the checks they put us in a study group. They gave us handouts with information so that we would not waste the money. They gave us moneyboxes with the shape of a women body [...] and they talked to us about a financial institution where we could save the money” (V2).

Emphasis on investing imposes on the victim the responsibility of giving back to society, when, in fact, she is the one who has suffered, whose rights were violated, and who presumably deserves compensation by virtue of these facts. The VU entices beneficiaries to adopt new techniques of self-regulation to promote citizen-entrepreneurs as fiscally creative, spirited, and capable of developing sustainable businesses. Thus, the distinction is not about determining who deserves the title of victim. In this sense, the recipient of the compensation is in all cases a *deserving victim*, one whose suffering means they are entitled to compensation. Crucially, then, the emphasis of the reparation policy is instead on ensuring that the compensation recipient becomes a *responsible victim*, since the underlying message is that not all victims make good use of the money granted to them by the state. It is around an economic view of the life plan that the

subjectivity of the “responsible victim” is built. When questioned about examples of victims who, in their view, did make proper use of their compensation, officials highlighted individuals who could be characterized as independent, empowered, and positive. As one observed, “there are some victims who are more awake (*vivo* in Spanish) than others” (SO4). Awake here refers to someone who is able to take advantage of the situation she is in and knowingly act in ways that will benefit her.

The irresponsible victim is one who makes poor use of the funds, spends them on herself, and does not contribute to society. Some of the examples designed to illustrate improper use of reparations included: victims who bought a motorcycle and the next day died in a bike accident; a female victim who, instead of feeding her children, purchased herself new hair extensions and a new flat screen TV; families who throw quinceañera parties; or victims who got groceries, cellphones and clothes with the compensation. As the following excerpt illustrates, bureaucrats portray victims who have not been part of the workshops—and therefore are not yet responsible—as being pessimistic, lacking confidence and not dependable.

“During the project “Transforming my Future” [...] people used to say: I can’t, I don’t think I am capable, I can’t do it. All in a negative sense. When they graduated these victims said: I did it! I can! I will be able to do it! So, this is transmitted from person to person. That’s why we have a strategy in which peers teach peers. It is super important! Because they are empowered victims saying: it is not only about getting the money and spending the money in a party or a pico,<sup>65</sup> or a motorcycle because then what? I am still fucked!” (SO3)

The concept of a life-plan promotes a morally charged subjectivity around the idea of the responsible victim that combines human rights-based discourses with micro-finance development ideas of the self-reliant citizen. Thus, reparations are not only a way to recognize victims’ rights, but also a way to promote an empowered entrepreneurial citizenry for post-conflict Colombia. The

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<sup>65</sup> A pico is a large sound system.

problem is that not all victims can be “responsible” within the narrow confines of an economically productive future, because not all victims have the resources and skills to participate successfully in small-scale entrepreneurship. Especially in areas where the conflict remains active, the empowerment narrative of the self-reliant victim is more a form of cruel optimism (Berlant 2011) than a path out of trauma and poverty (Crane and Vallejo 2018). Nevertheless, this definition of who is a “responsible victim” remains powerful among the recipients of reparations, who deploy it in interacting with the Colombian state.

### *Performing Victimhood for the Sympathetic State*

Victims use the subjectivity of the “responsible victim” in ambivalent ways. They are influenced by discourses of the self-reliant citizen and sometimes begin to use PAIR’s language regarding empowerment and the importance of a life-plan. Yet this subjectivity also empowers them to request attention from the state and to point to the resources they lack and would need to realize their life-plan. In this section, I highlight one of the key aspects of the Colombian case, namely that beneficiaries’ willingness to follow the guidelines of the policy signals the building (or repair) of a relationship between the state and the victims. This is relevant as it shows how a reparations scheme designed to target poverty has effects that go beyond the motivations of policy makers.

The following vignette exemplifies how compensation recipients perform the “responsible victim” to present themselves as morally righteous users of state aid, but also to keep the state accountable. The Victim’s Law (2011) promised victims of the conflict housing, education, health, symbolic and economic reparations, and small-businesses. Their willingness to accept the narrative of the responsible victim is accompanied by a clear demand for that long-list of services. In

December 2016, I was invited to watch a group of victims of sexual violence perform a play that they created with the help of a famous Colombian actress. Victims, many of whom had never been on airplane or stayed in a five star hotel, were flown to Bogotá from different areas of the country with resources from IOM and the VU. Some of them wanted to visit relatives or go sightseeing in the capital city, but officials made clear to them that they were brought to work. Victims who did not keep to the busy agenda were scolded. Even meals and rest time were scheduled for them.

During the three-day event (*encuentro* in Spanish), this group of victims, which had already received compensation, participated in the creation of the play and in group-therapy activities like trauma sharing, mindfulness, and art therapy. The workshops and the play were designed as cathartic exercises to heal the victims' suffering; the language used throughout resembled self-help groups. The play was performed in front of the VU leadership, representatives of the President and the Mayor of Bogotá, and United Nations and USAID officials. The script told a story that started with a bright life destroyed by rape and war and ended in resilience and empowerment with all the women dancing happily across the stage.

After the women finished dancing, the event organizers announced that Alan Jara,<sup>66</sup> the VU director at the time, was in the building and that he wanted to congratulate the women and hear about their experiences with reparation. Immediately, a group of 55 victims went to the stage and started to engage in a sort of gratitude ritual that soon developed into a public airing of grievances. The addresses followed a pattern. They began with demonstrations of empowerment, followed by acknowledgement of the compensation, and ended with lively complaints about the state's pending promises.

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<sup>66</sup> Alan Jara is a victim himself and was the director of the Victims' Unit from 2016-2017. He was kidnapped by the FARC from to 2001 to 2009.

The women started with a performance of resilience:

“I am not a victim anymore, I am a survivor”.

“I want to invite all of you to stop crying. Let’s stand up and remember that what unites all of us is our will to keep going”.

“I felt lower than the ground but thanks to the Victims’ Unit I learned to free myself [...] now I am free as freedom, now I love myself”.

Once they demonstrated personal empowerment, they then signaled to the Victims’ Unit director that they used their reparation payments wisely:

“Money is not everything, but the money you gave us was super helpful [...] We used it to buy land. So please take into consideration that we invested the money the right way. Money is not just to have, but to fight for”.

“The money you gave us was very helpful and I can prove to you that that’s the case”.

These acknowledgments and references to the proper use of compensation then ended with criticisms of the VU work:

“I come from Medellin and not only am I bringing their best regards to you, but also a petition so we don’t have to wait for the compensations for so long”.

“We need houses and we need you to focus your work on that”.

“We need you to understand that our daughters who were raped, our children who are the product of sexual violations and the children we were carrying at the moment that we were raped are also victims and need help”.

This account illustrates how in Colombia the state institutionalized the reparations as a state program around the category of the “victim of the armed conflict,” facilitating the development of a new relationship between the state and its citizens. This is a two-way relationship, as the state is able to include traditionally excluded communities into the political project of post-conflict Colombia, and at the same time, victims are entitled to demand basic social services from the state. Victims participate in the myriad workshops run by the VU and in many cases adopt the language of empowerment, small-business entrepreneurship, and economic austerity to articulate their ongoing and substantial needs for education, housing, and health. When

asked about the reparation workshops for victims of sexual violence, one of the participants explained to me that it was not only about getting the money, but about “gaining knowledge because in here we can learn about our rights and the rights that the state has to grant to us” (V2). Similarly, a second victim explained to me how she expected the VU to not only provide economic reparation, but to offer additional support to help victims leave poverty:

“I think that we the victims do not need so many words. And when I speak of too many words, I am not referring to giving us an amount of money because nothing compensates [for] what happened to us. I mean relief and aid to support future projects. We need relief for things like education, and things that will really allow us to do something. And above all the government must focus the aid and identify who are the people who want to, and are willing to, move ahead. There are some people who want to stay where they are and that is respectable [...] But there are others like us who do not want to stay stagnant and therefore we need the support from the government, but where is the government?” (V3)

To be clear, not all victims have the same level of exposure to the reparations as development model, and certainly not all identify as a responsible victim. When given the option some simply pick up their checks, and thereafter avoid any interaction with the VU. Nevertheless, I want to emphasize that those who are influenced by the subjectivity of the “responsible victim” perform this identity in different ways. Depending on who is their audience, users will endorse the reparation policy and/or openly criticize it, pointing, for example, to its shortcomings or inadequacies. At reparation workshops I attended for victims of sexual violence, participants presented themselves and their experiences with reparations in varied ways, depending on who they were interacting with; they understood that the VU leadership and staff had expectations of them that differed from mine, as a researcher, or those they had of each other, as fellow victims. I interpret these different representations not as a manipulation of the responsible victim trope, but rather as an indication of the victims’ deep ambivalence regarding the discourse of the self-reliant citizen.

In the interviews I did during the workshops, I heard a number of complaints:



“I used the compensation to pay education debt so it was very helpful [...] But I still have not finished my studies because I am going to do a four-year program and I still need more help, that’s why! They tell you that we as victims have special benefits to pay for college, that we have more opportunities, and that they will offer you different payment options but that is all a lie. When you go to pay the tuition, it costs you the same as a victim as it costs somebody else, that is what is happening. If they are going to give you aid to attend college it has to be real” (V4).

“I live in a town where a house is priced right now around \$7,000, no more than that. Then if you give a person \$7,500 and that person goes and buys a house then his hands are empty. And if you open a business you won’t have a house, then the aid is kind of incomplete. They [Victims’ Unit] need to have like an agreement in which they buy you the house and give you the reparations in cash or they make sure they get you a job and also give you the house. I think the government is slacking even when the government has a lot of money to help us, the victims, to create businesses for us to work on” (V2).

“For the second compensation, the one for forced displacement, I have to wait because I already got a notification saying I was not going to get any more social assistance and that I had to wait”<sup>67</sup> (V5).

The same three women expressed a different attitude during the reparation workshop when the regional director of the VU asked them how they had spent the compensation money. We were all sitting in a circle, and one by one, they stood up, and after thanking the administrator for the money, proceeded to give her a detailed account of the good use they made of it. The first two women (V4, V2), who had complained to me about how inadequate the reparations were and how in many cases they ended in failed investments, explained with pride that they had used the money to pay for college and to start a street-food business. The third woman (V5) explained how she opened a laundry machine-renting service and, with a smile, received complements from the state officials. I knew that the three enterprises had not ended well: V2 had to go in debt to pay for the rest of the tuition and had not graduated from college; V4 had to close the food business because standing for long periods of time had made her sick; and V5 had to give half of her compensation

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<sup>67</sup> Victims are entitled to more than one compensation. They can get money for each human rights violation they experienced as long as they are included in the list of nine types of violations that are granted economic reparation.

to the person who helped her to file the claim (*tramitador* in Spanish) and was frustrated about waiting for the second compensation.

After the workshop ended, these three recipients each individually approached some of the lower-level VU bureaucrats to request more aid. They pointed out that the transportation reimbursement they were given to attend the workshop was not sufficient, since it did not cover the real cost of getting to the city from their town, nor their families' expenses for three days. The three women aired their frustrations with me about their investments having not been successful, but in front of the VU they presented themselves as entrepreneurial women who had wisely invested their reparation money, and who therefore had the right to demand fair compensation for participation in the workshop. This complex embodiment of the responsible victim reveals how some beneficiaries engage PAIR's empowerment narrative while simultaneously mobilizing it to keep the state accountable, and to underscore the government's role in enabling the self-reliant repaired victim.

## **Conclusion**

Prolonged civil war generates large numbers of victims who have suffered various forms of physical and emotional abuse, and who require material assistance. Post-conflict states, then, need to provide reparations for human rights violations and to foster economic development more broadly. These are processes that the literature on post-conflict has described as separate, even when transitional states are encouraged simultaneously to reconstruct their political community via reparations and reinvigorate economic development. I use the case of Colombia to show what happens when states try to pursue both goals simultaneously—that is, to pursue development via reparations. I contend that when reparations are combined with neoliberal anti-poverty policies, a

new form of post-conflict citizenship emerges in the form of the responsible victim. My findings point to three specific consequences of the use of reparations as development.

First, reparations centers a financialized and individualized view of post-conflict society. My analysis highlights the inherent limitations and contradictions of conflating reparations and development in the absence of a broader distributive politics. Economic reparations in Colombia are being asked to do the work of an antipoverty program. In pushing victims to use their money in “productive ways” and to “give back” to society, state officials suggest that putting money in the hands of victims can help society overcome a violent past. This is a heavy, and in many cases unrealistic, burden for the victims. They are encouraged to believe that the elusive promise of economic development is attainable through smart personal choices in a context where structural poverty and violence remain pervasive (Crane and Vallejo 2018, Wilkis 2018). The use of reparations as a development project shifts the focus from acknowledging past-wrongdoings to an emphasis on a post-conflict society where citizens are entrepreneurs.

Second, the study of compensation for human rights violations in Colombia invites questions about the relationship between reparations and citizenship in a neoliberal world—how boundaries of inclusion and exclusion, worth and blame, are drawn when market principles become dominant organizational logics in post-conflict states. In Colombia, the reparations regime not only involves the interpretative and technical processes of defining how much money victims should get for their losses. It also involves the work of instructing people on how this money should be spent. In contrast to some other post-conflict states, such as Peru, the Colombian government does not need to adjudicate who is a victim and who is not; under the Victim’s Law, people have the right to self-identify as such. Consequently, what needs to be distinguished is not who is deserving of support, but rather who uses the compensation responsibly. The state provides

resources to victims, and then encourages them to invest those resources wisely. Among repaired victims, it is ultimately the market that determines who succeeds or who fails in transforming their lives. Through this reparations regime, the Colombian state instructs citizens about the kinds of behaviors and dispositions that are valued in a post-conflict society.

In addition to showing how states use reparations as an anti-poverty policy, this research also uncovers the complicated relationships that develop between beneficiaries and the state. Reparations in Colombia not only created an entrepreneurial citizenry; it also incentivized beneficiaries to ask for equity and social rights. The institutional apparatus of training and pedagogy built around the reparations promoted the formation (or repair) of a relationship between the state and victims. Yet this is not a vertical relationship in which the state gets to dictate authoritatively the behaviors of victim-citizens. Quite the contrary—people relate with the state in ambivalent ways, and the formation of the responsible victim entails agentic, as well as disciplined, subjects. This agency manifests in the way beneficiaries deploy the state’s rhetoric of the “responsible victim” and the “life plan” to ask for basic social services and infrastructure. Thus, even when market logics of entrepreneurship and productivity expand within the post-conflict state, thereby assimilating transitional justice to a neoliberal ethos, the notion of citizenship as a repository of rights does not cease to matter. The project of claiming citizenship in post-conflict Colombia reflects the tensions and contradictions of a reparation regime that encourages victims to embrace future opportunities as a way to both recognize past abuses and fight poverty in the present.

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## CONCLUSION

On September 26, 2016, I was sitting on a bus traveling from New York City to Charlottesville (Virginia), watching, on the small screen on my cellphone, President Juan Manuel Santos and Timochenko, the former leader of the FARC (Revolutionary Armed Forces of Colombia), shake hands after signing a peace accord to end 52 years of armed conflict. I began to cry inconsolably. At the same time, friends and family were sending me messages of disbelief about the historic deal and the images we were all watching with great emotion. As a Colombian citizen, I grew up in the context of war. It was normal to me. As a child, my grandmother told me stories of the brutality enacted during the years of La Violencia. Her tales were of dismembered bodies and women in pain. She shared these stories to drive home the point that Colombians had a natural inclination towards violence.<sup>68</sup> Years later, the accords symbolized the possibility of a reconciliation with Colombia's violent past. The media and the government described the agreements resulting from the four years of negotiation (2012-2016) between the government and the FARC as a transitional justice peace deal (Nauenberg 2019).

I arrived in Colombia in early October 2016, just days after the signing of the peace agreements. My goal was to research how the government was implementing transitional justice reparations for victims of the armed conflict. Upon arriving in Colombia, I immediately began talking with state officials, as I had strong connections with people inside the Victims Unit. During these conversations, I was surprised to learn that I was the only one talking about transitional justice with great interest. With the exception of a couple of people in high positions, respondents

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<sup>68</sup> La Violencia is the name given to the ten-year civil war between the Colombian Conservative Party and the Colombian Liberal Party (1948 to 1958).

only briefly mentioned transitional justice at the beginning of our talks. Instead, the bulk of the conversation was devoted to them explaining the very complicated decisions and processes taking place inside the Colombian state to keep the reparations program running. I encountered a similar situation when I talked to state officials and experts in Peru. Transitional justice was just the starting point to a larger conversation about how state officials, experts, and victims' advocates created legislation to support the reparations, built new institutions to deliver the payments, and trained bureaucracies to be in charge of victims' affairs. In other words, economic reparations in Colombia and Peru were a state enterprise, and one that did not seem strongly linked to the broader project of transitional justice.

The transitional justice repertoire has gained popularity around the world as a “solution” to help countries leave violence behind and cope with the consequences of civil conflict. Reparations have become a standard feature of transitional justice programs. Many transitional justice scholars and practitioners focus on whether reparations facilitate desired outcomes, such as reconciliation and political stability in post-conflict societies. There are few empirical and comparative studies of the role of states in implementing transitional justice mechanisms (for recent exceptions, see Dixon 2016, Nauenberg 2018). As this dissertation shows, the state is a key player in the development of transitional justice reparations, and we need to know more about how and why states implement them, as well as the effects of these policies on the lives of victims. This study address these questions. Specifically, I examine (1) How states carry out reparations; (2) What compensation money means for the states and the victims; and, (3) What types of victim-state relationships develop with economic reparations in transitional contexts.

This dissertation reveals that the adoption of transitional justice does not guarantee reconciliation or victim's recovery. The timing of the conflict, as well as the political context and

the local cultural understandings of money and suffering, play a key role in how states develop reparation policies. Colombia's and Peru's economic reparations programs differ based on the interaction of these local factors with transitional justice discourses. Moreover, to explain the role of the state in reparation programs, my work aligns with recent work on compensation that has attended to the reception of reparations—as opposed to the intention behind them (Moon 2012, Dromi 2013)—to highlight how, for victims, reparations are not only an avenue for healing. They can invoke, within the victim, individualistic views of recovery that overlook the structural conditions of inequality that led to their victimization in the first place. Taken together, these papers provide a more nuanced understanding of the implementation of transitional justice in situ. Furthermore, I contribute to research on post-conflict state building reparations, literature on compensation and the meanings of money, and the sociology of development.

### **Summary of Findings**

In the first paper, I develop a historical analysis of how and why the implementation and outcomes of reparations in practice depart from the expectations of the transitional justice model. More specifically, this article answers the questions: What factors shape the processes and policies states develop around reparations? And, how are these implemented? My comparison of Colombia and Peru shows how the interaction between international mandates and local contexts gave birth to unique reparations plans in each country. I identify three variables that drive the reparations process: the timing of the conflict, the local political context, and official definitions of victimhood. I find that in both countries, the goals of transitional justice and global human rights were made subordinate to the state's competing goals: state expansion, in the case of Colombia, and silencing a shameful past, in the case of Peru. Colombia tried to use reparations as an opportunity for

institutional expansion, connecting the state with its citizen-victims through an ambitious compensation program. In Peru, post-conflict state building focused on creating a new narrative of the political community, silencing the role of the state in massive human rights violations and highlighting the state's triumph over the guerrillas of Sendero Luminoso (Shining Path) and the MRTA (Túpac Amaru Revolutionary Movement). This paper demonstrates that while reparations are an increasingly common element of the post-conflict transitional justice framework, the state plays a critical role in shaping how and with what consequences reparations are carried out.

The second paper contributes to cultural-economic sociology by interrogating the meanings money carries when used to compensate victims of human rights violations. In this piece, I explore the reparations regime as a contentious process in which victims negotiate different and sometimes contradictory moral frames that operate in tandem to give meaning to the money they receive. Using interviews, ethnographic observations and textual data, I show how compensation money carries multiple meanings and how, for the victims in contrast to the state, redress is not the dominant meaning compensation money carries. My analysis conceptualizes reparations as a process containing three moments of meaning-making. First, victims reject the idea that their suffering can be repaired with money. The healing and palliative expectation for reparations prevalent in reparation law and transitional justice discourse is not reflected in the experiences of victims. Second, I offer specific examples of the alternative meanings that victims assign to compensation money in order to make sense of accepting money for something they believe cannot be commodified or assigned a monetary value. In other words, the victims engage in meaning work that tries to explain away this contradiction. Third, once the whole reparations process ends, victims evaluate their experience with compensation according to whether their

expectations were met by the state. Recipients in Peru are more dissatisfied than their Colombian counterparts because they felt the state did not fulfill what it promised for reparations.

Finally, the third paper explains what happens when reparations are used as a way to foster economic development. This study contributes to sociological literature on development by examining the implementation of reparation policies that aim to foster economic development in post-conflict contexts. I use the case of Colombia to explain how the government treats reparations as seed money to help lift victims out of poverty. Reparations resources have been presented to victims as a down payment that they can use to build a prosperous economic future. The architects of the reparation policy created different mechanisms to encourage victims to invest the compensation they receive in what government officials consider appropriate and productive ways, like small business.

Using interviews, ethnographic observations and textual data, I argue that when reparations ostensible intended to acknowledge the suffering of victims are also used to advance economic development, new categories of victimhood and citizenship are constructed. I develop the argument in three steps. First, I show how those in charge of implementing the reparation policy followed the script of micro-finance development interventions. Second, I explain how this policy aims to create a new post-conflict subjectivity that I name the “responsible victim”—one who is expected to invest (rather than spend) the money she (or he) receives. Third, I demonstrate that beneficiaries perform the “responsible victim” in ambivalent ways; they embrace the discourses of the economically self-reliant citizen not only to feel empowered, but also to request attention from the state and underscore their need for further assistance. This piece demonstrates how the use of reparations as development shifts the focus from acknowledging past-wrongdoings to an emphasis on a prosperous post-conflict economic future.

## **Future Research**

These three papers constitute the dissertation, but they do not represent an exhaustive analysis of my two years of data collection, which includes 99 interviews, ethnographic observation, and extensive archival data. In the future I would like to explore the gender dimension of reparations and delve deeper into the role of experts in the valuation of suffering.

My dissertation research allowed me to engage a long-standing interest in gender in post-conflict contexts. While scholars have examined the role of women as victims (Cohen 2016, Wood and Bleckner 2017) or combatants (Viterna 2013, Utas 2005), a smaller body of research has emphasized the role of women in the post-conflict period. This work shows that in periods of transition, women are perceived as pacifists who are responsible for reconciliation (Theidon 2007, Martin De Almagro 2017) and economic reconstruction (Nesiah 2018). I collected extensive data on the economic reparation of women victims of sexual violence while I was in the field. Yet in the dissertation I do not explore the gender dimension of post-conflict policies. My future project examines how the implementation of compensation for victims of sexual violence in Colombia has followed an empowerment narrative characteristic of gendered development interventions. My hypothesis is that economic reparation plans targeted at women provided a space to recognize sexual violence, but also carried gendered views of women—for example, as key enablers of national reconciliation with a propensity to forgive perpetrators, and caregivers who will make good use of compensation in the context of household economies. My preliminary findings on the gender dimension of transitional justice suggests that reparations aimed at helping women carry the risk of reproducing gender inequality.

At the beginning of this project the question guiding my research was how is suffering valued monetarily? I headed to the field with the intension of understanding the role of experts and



politicians in determining the economic value of suffering. I engaged with this question tangentially in the first paper, but I did not fully answer it. While in the field, I faced different limitations in both Colombia and Peru in accessing the necessary data to fully address this question. In Colombia, I was unable to access the archives of the meetings where the scale of payments for compensations were decided. Based on my interviews and a private archive, I know that the amount of compensation for Colombian victims was determined after multiple rounds of heated discussions in the CNRR (National Commission for Reconciliation and Reparation). On the contrary, in Peru I had access to archival and interview information about the different discussions that surrounded the valuation of suffering, but I could not interview those who set the final values in the MEF (Ministry of Economic and Finances). Despite the limitations on data access, my hypothesis is that in Colombia lawyers were the deciding force behind reparations, while in Peru it was economists. The key role played by these different experts explains why, in Colombia, reparations were more generous and came with an apology, as this group of lawyers had previous involvement in victims' rights advocacy. Economists in Peru had more power than lawyers in the Minister of Justice and the CMAN because they were the ones in charge of allocating the funds for reparations. The MEF controlled public spending more broadly, and its bureaucrats constantly questioned the economic payoff of paying reparations.

These two future research projects would extend the insights from the dissertation explaining the differential effects of reparations and how reparation programs establish a monetary value for suffering.

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## METHODOLOGICAL APPENDIX A: EXPERTS AND STATE OFFICIALS INTERVIEW GUIDES

### Opening Text

*Introduction of myself/general details about the project*

My name is Catalina Vallejo and I am a doctoral candidate at the University of Virginia, in the US. My dissertation research concerns the way victims of human rights violations are awarded economic reparations in Colombia and Peru. The research will result in a PhD dissertation to be finished in August 2018. I will transcribe this interview literally, but in references in the text I will exclude your name and your work position; I will also remove other characteristics that can make you identifiable. However, I cannot guarantee you that your information will be completely unidentifiable.

*Consent Form*

Give time to read and sign before starting.

*Pre-interview information sheet*

1. Do you consider yourself (select all that apply):

- State Officer             Expert  
 Victim's advocate     Academic  
 Consultant  
 Other \_\_\_\_\_

2. What is the highest educational degree that you have received?

- High School Degree             Two-year college Degree  
 Bachelor's Degree             Post-graduate Degree  
 M.A Degree                     Doctorate Degree  
 Other \_\_\_\_\_

3. What is your current job?

Institution \_\_\_\_\_ Position \_\_\_\_\_

How many years have you worked at [name of company]? \_\_\_\_\_

4. What do you spend most time doing at work?

\_\_\_\_\_

5. Do you work on economic compensation in this job? Yes  No

6. If not could you tell me the name of the institution and the position you occupied when working on economic compensation?

- 
7. How long were you in that position? \_\_\_\_\_
  8. What did you spend most time doing at this work?
- 

### **Section 1: The History of Compensation**

1. When was the process of compensation first implemented in (Colombia/Peru) and why?
  - a. What were the motivations to create a compensation plan for victims of the armed conflict?
    - i. Have these motivations change over time?
  - b. Do you know what is the legislation connected to compensation?
    - i. Has the legislation change over time?
  - c. Who were some of the people who participated in this initial process?
  - d. Do you remember some of the main discussions at the moment the compensation plan was created?
  - e. What were some of the conflicts or disagreements that developed as compensation was being discussed?
  - f. What institutions were created to compensate the victims?
2. What are the goals of compensation?
  - a. Have these goals changed over time?
  - b. Have you noticed conflicts between these goals?
  - c. Do you think the goals set for the compensation plan have been met over time? Why?
    - i. Can you describe some examples that illustrate goals being met (not met)?
3. How is compensation connected with the adoption of Transitional Justice (TJ) in (Colombia/Peru)?
  - a. What are the characteristics of compensation under the frame of TJ?
  - b. Why did (Colombia/Peru) adopted TJ?
  - c. Was compensation available before TJ?
    - i. Can you give me an example of compensation for human rights violations related to the civil conflict before TJ was implemented?
    - ii. How was this compensation different from compensation under TJ?

4. How do you foresee economic reparation changing in the future?

## **Section 2: Victims and Responsibility**

1. Who are considered the victims in the context of the armed conflict?
  - a. Among the people who are considered victims, who was considered deserving of compensation and who was not?
  - b. What do you think was behind this determination?
  - c. Can you explain what criteria were applied in the declaration of official victimhood status?
  - d. What do you think is the role of compensation in the victims' lives?
    - i. Can you give me an example of what compensation *can* do for the victims?
    - ii. Can you give me an example of what compensation *cannot* do for the victims?
    - iii. What do you think are the long-term effects of economic reparation in the lives of victims?
2. What are your thoughts on the state's financial responsibility for victim compensation?
  - a. Why do you think the state assumed this responsibility?

## **Section 3: General Questions Concerning the Valuation of Suffering**

1. Can you explain the structure of the (Colombian/Peruvian) compensation plan to me?
2. Who were the people in charge of designing the compensation plan?
3. Who were the people who decided how much money a victim should get?
  - a. Why them?
  - b. Did they follow any international guidelines or examples?
  - c. Did victims have any influence in the process of pricing compensation?
4. How much money were victims awarded to compensate their suffering?
  - a. Is it the same amount for everyone? Why or why not?
  - b. Should all victims receive equal compensation? Please explain.
    - i. If there are distinctions made between victims, what measure was used to determine degrees of suffering?
5. How is it possible to quantify human rights violations in monetary terms?
  - a. In your opinion, what are some of the difficulties regarding paying victims for their suffering?
  - b. Do you know if the government experienced difficulties assigning an economic value to victim suffering?
6. Can you explain, from your view, how the final numeric value of the compensation was determined? ?
  - a. Why do you think the government chose these numbers and not others?
7. In general, what do you think is the role of money when it comes to suffering?

#### **Section 4: Wrap-up**

5. Do you think you will keep working on compensation in your personal or professional life? Why or why not?
6. Is there anything else you would like to share or any insights you think might be valuable for my study?

Do you have any questions for me?

## METHODOLOGICAL APPENDIX B: COMPENSATED VICTIMS INTERVIEW GUIDE

### Opening Text

#### *Introduction of myself/general details about the project*

As you know, I am a PhD student studying Sociology at the University of Virginia, in the United States. I am conducting a study on the economic reparation of victims of the armed conflict, and I would like to ask you some questions about that. I would like to tape record our conversation, so that I can get your words accurately. If at any time during our talk you feel uncomfortable answering a question please let me know, and you don't have to answer it. Or, if you want to answer a question but do not want it tape recorded, please let me know and I will turn off the machine. If at any time you want to withdraw from this study please tell me and I will erase the tape of our conversation. I will not reveal the content of our conversation beyond myself to maintain your confidentiality. I will do everything I can to protect your privacy. I will identify you with a number and omit any information that can make you identifiable, but there is always a slight chance that someone could find out about our conversation.

#### *Oral Consent*

Now I would like to ask you if you agree to participate in this study, and to talk to me about the economic reparation that the government has provided for victims. Do you give me permission to interview you?

May I record this interview?

May I take notes about this interview?

#### *Pre-interview information sheet*

9. Age: \_\_\_\_\_

10. Gender: \_\_\_\_\_

11. Marital status:

Single       Married

Divorce       Separated

Widowed       Domestic partnership

12. Number of children: \_\_\_\_\_

13. What is the highest educational degree that you have received?

Elementary School completed       Some high school, no diploma

High School Degree       Trade/technical/vocational training

- Two-year college Degree                       Bachelor's Degree
- Post-graduate Degree
- Other \_\_\_\_\_

**14. Occupation:** \_\_\_\_\_

**15. Employment status**

- Employed for wages                       Self-employed
- Out of work and looking for work       Out of work but not currently looking for work
- A homemaker                                   A student
- Retired     Unable to work

**8. Place of residency:** \_\_\_\_\_

**9. Place of birth?** \_\_\_\_\_

**Getting the compensation**

1. When did you first hear about the economic reparation?
2. When did you get the compensation?
  - a. Has anybody else in your family been compensated?
3. Can you walk me through the application process to get the compensation?
  - a. What was difficult for you?
  - b. Who did you have to talk with to get the compensation?
  - c. Who in the government helped you through this process?
    - i. How was your relationship with these people?
  - d. Did anyone else help you with the application process?
4. How long did you have to wait to get the compensation?
  - a. Can you describe for me how was that period of waiting for you?
  - b. Were people in the government in contact with you during this time?
  - c. How was your relationship with these people?
  - d. Did anyone else offer advice during the waiting?
  - e. Did you use any legal measure to get access to the economic reparation?
5. I would like to talk about the moment when you got the compensation. I am wondering how was that moment for you? Do you have any special recollection about that moment?
  - a. How did you feel?
  - b. Did someone from the government talk to you at that moment?
    - i. If yes, what did they say?
    - ii. How did you feel about what they said?
  - c. For you personally, have there been or will there be positive effects of the compensation? What is good?
    - i. Are there any negative effects? What is not good?
  - d. What were you planning to do with the compensation?



- i. Did the planning differ from what you actually did with the compensation?
  - e. Did you get any advice from the government on how to use or invest your reparation?
6. How do you feel about the compensation today?
  - a. Has something in your life changed after you got the compensation? Why? Why not?
7. Why do you think the government decided to give you this money?
  - a. How does that make you feel?
  - b. Do you agree with those reasons? Why? Why not?
8. Since you got the compensation have you talked to anyone from the government?
9. What is your opinion of the VU/CMAN today?
  - a. Has this opinion change over time?

### **Money and reparations**

1. I would like to hear your opinion about the amounts of money the government has given to victims of the armed conflict?
  - a. Did the government explain to you why they gave you that amount and not another?
    - i. If yes, who explained this to you?
    - ii. Do you agree?
2. What do you think is the role of compensation in the victims' lives?
  - a. Can you give me an example of what compensation can do for the victims?
  - b. Can you give me an example of what compensation cannot do for the victims?
  - c. What do you think are the long-term effects of economic reparation in the lives of victims?
3. Do you know of people who did not ask for the compensation?
  - a. If yes, why do you think that was the case?
4. Looking at the payments that are about to be made to other victims, what suggestions would you make to the government to get the best out of the compensations?
5. Do you think the government should keep providing compensation to the victims? Why? Why not?
6. What do you think about people who claim that the compensation is unfair?
7. Have you received a payment as a result of a court case or any other settlement process?
8. In general, what do you think is the role of money when it comes to suffering?

## **Other reparations**

1. Do you know about the other support services and reparations that the government is offering to victims, different from the compensation?
2. Have you applied or get any of the other reparations?
  - a. If yes, where did you hear about these services? What was or is your experience with these services?
  - b. If any of these services have been helpful, how or why?
3. In your opinion how are these other forms of reparations different from the compensation?
4. Can you identify any barriers that may prevent victims from accessing the reparations, services and the compensation?
5. What does reparation mean to you?
  - a. Is this how you feel today?
  - b. Do you feel the reparations met your expectations?
    - i. What about the compensation?

## **Apologies**

1. Has anybody apologize to you about what happened?
  - a. Has the state presented an apology to you?
2. I am wondering if anyone apologized to you when you got the compensation?
  - a. If yes, did this apology make any difference in how you think about the compensation?
3. In your opinion who do you think has to apologize to the victims of the armed conflict?
  - a. Have they apologized to you?
  - b. If yes, how do you feel about that apology?

## **Mobilization**

2. Do you belong to any organization of victims?
  - a. If yes, can you tell me a little about this organization and its purpose?
  - b. How has this experience helped you?
2. Has this organization advocated for the compensation?

## **\*\*\*For Colombian victims who were part of the workshops (Feria de Servicios) to advise them on how to invest their reparation**

1. What is your opinion about the Feria de Servicios?
2. Why did you decide to come to the Feria de Servicios?
3. Who did you talk to?
  - a. Are you going to follow their advice? Why or Why not?

- b. How did it feel to talk to this people?
4. How do you feel about the idea of investing your reparation?
5. What did you find more useful?
6. Can you tell me about the productive project or investment you would like to have?

**Wrap-up**

9. How do you think the reparations might help you in the future?
10. Is there anything we haven't discussed that you would like to add?
11. Do you have any questions for me?
12. May I include your material in my published work? If so, I want you to know that I will not use your real name or any information that will make you identifiable

*Closing statement:*

Thank you very much for taking the time and having the strength to tell me about your experiences. Nobody deserves to be treated the way that you have been treated and you are clearly a strong and courageous woman/men to have survived these abuses.

## METHODOLOGICAL APPENDIX C: LIST OF ARCHIVES SURVEYED

| Name  | Case Country      |
|---|-------------------|
| International Center for Transitional Justice (ICTJ), Duke University, Durham (NC)                              | Colombia and Peru |
| APRODEH (Asociación Pro Derechos Humanos)   | Peru              |
| IDL, (Instituto de Defensa Legal)   | Peru              |
| CMAN (Comisión Multisectorial de Alto Nivel)  | Peru              |
| La Republica (Newspaper)  | Peru              |
| El Peruano (Newspaper)  | Peru              |
| El Comercio (Newspaper)   | Peru              |
| Agencia Peruana de Noticias   ANDINA<br>(News Agency)   | Peru              |
| Private Archive Patricia Buritica former member of the CNRR (National Reparation and Reconciliation Commission) | Colombia          |
| Victims' Unit (Online)  | Colombia          |
| Revista Dinero (Magazine)   | Colombia          |
| Revista Semana (Magazine)   | Colombia          |
| El Tiempo (Newspaper)   | Colombia          |
| El Espectador (Newspaper)   | Colombia          |