Pablo de Greiff

Contributing to Peace and Justice

Establishing Links between DDR and Reparations

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FriEnt

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1. Introduction

It is obvious that one stands in new territory when the first task in the introduction to a paper is to explain the choice of topic itself. What is the point of comparing disarmament, demobilization and reintegration programmes (DDR) and reparations programmes? After all, aren't these very different programmes serving different constituencies, and, most importantly, different ends? Isn't it the case that DDR programmes are part of the tool boxes of peace makers and builders and of development practitioners, whereas reparations programmes can be located (if at all) in that of justice or human rights practitioners? In actual fact, DDR programmes have traditionally been designed and implemented in total isolation from transitional justice measures, of which reparations for victims is one kind. Indeed, it is only recently that the traditional approach that considers DDR as essentially a technical issue to be decided exclusively on the basis of military and security concerns with no regard for political or justice considerations has begun to be questioned. While there are now a few documents that argue for the introduction of justice-related considerations into DDR programming, these are still not only few in number but also tentative in nature.[1]

The incentives to try to bring the worlds of the peace maker and of the justice and human rights promoter together are manifold. In the first place, it should be acknowledged that the international legal domain has changed in the recent past. The two most visible manifestations of this change are, perhaps, the (new) disposition to act in accordance with an (older) prohibition against granting amnesties for war crimes and crimes against humanity, and the not unrelated establishment of the International Criminal Court which will now make the effects of any national amnesty for such crimes internationally moot, at least in theory. Peace making, then, now has to be practised in a way that accommodates, at the very least, these broad justice concerns.

Aside from these legal considerations, there has of course been an extended discussion within the peace building and even the peace making arenas about the role of justice. The long negative versus positive peace debate is at least partly about this.[2] Since I have never taken this debate to be about whether negative peace is the best that can be hoped for, but rather about what we ought to be prepared to pay in order to get it (so that other more substantive goals can then be pursued), this means that there are incentives for thinking about the relationship between peace and justice that are internal to the sphere of peace itself (just as, of course, justice and human rights promoters have a reason to take peace considerations seriously, for war is one of the conditions least conducive to respect for justice and rights).

Although this is a paper written from the standpoint of someone who works in the field of transitional justice, its general aim is to construct an argument about the advisability of drawing some links—to be specified—between DDR and reparations programmes, but not just because this is better from the standpoint of justice; the argument is that this may help DDR programmes as well. Given this aim, I will of course continue to grant significance from the standpoint of justice to the fact that while in circles where DDR is discussed, there is strong support for the idea that each and every ex-combatant should be a beneficiary of a DDR programme,[3] there is neither in the national nor in the international domain a similar commitment to the idea that each and every victim of conflict should be made a beneficiary of a reparations programme. I will continue to grant significance, from the standpoint of justice, to the observation that the

international community acts consistently with its rhetoric, at least at this level, and thus provides much more support for peace and security issues than for justice issues;[4] and I will consider significant that out of the 22 countries with ongoing DDR programmes in a recent global study, involving 1.25 million beneficiaries and the expenditure of more than 2 billion dollars,[5] a few have discussed the possibility of establishing reparations programmes, but none of these countries has implemented one. Ultimately, however, one way of viewing, at least initially, the nature of this paper is by considering that whether it satisfies its own end will be determined not so much by whether it successfully deploys justice considerations in the interest of justice, but whether it does so in the interest of peace.[6]

Now, more specifically, the paper will proceed as follows. It will start with a brief presentation of the facts of two cases, Rwanda and Guatemala, countries that have moved significantly further regarding DDR than reparations (2). Then I will outline some of the fundamental challenges faced by DDR and reparations programmes respectively (3). In the next section I will present concepts of transitional justice and of DDR that show why implementing a DDR programme but no reparations programme is problematic (4). The argument will capitalize on and reinforce the trust-inducing potential of both DDR and transitional justice measures. If the argument is correct, a successful linkage of these measures will strengthen both DDR and transitional justice programmes. Focusing on DDR, one of the main advantages this linkage offers to such programmes is that it would help them mitigate one of the fundamental criticisms to which they have been subject, namely, that they reward bad behaviour. In the last section I will comment on the role of the international community in DDR and reparations programmes (5).

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2. DDR and Reparations in Guatemala and Rwanda

2.1 Guatemala

DDR

There were two different dimensions of the issue of ‘demobilization’ in Guatemala as treated in the peace agreements, one involving the demobilization of members of different state and parastatal security forces, and the other involving the demobilization of the Guatemalan National Revolutionary Unity forces [*Unidad Revolucionaria Nacional Guatemalteca*—URNG]. The fact that Guatemala’s conflict was close to the paradigm of a ‘vertical’ conflict with a huge asymmetry of both forces and the responsibility for human rights violations must be kept in mind. By the time the peace agreements were signed on 29 December 1996, the URNG was a small force (around 3,000 members of the URNG were demobilized). By

contrast, while the total number of regulars in the different security forces was not tremendously high (from 35,000 to 45,000 troops), if the members of paramilitary organizations (formal and informal) are taken into account, the government had people fighting on its side at several orders of magnitude above the URNG. In terms of abuses, the Historical Clarification Commission [*Comisión de Esclarecimiento Histórico*—CEH], also part of the peace agreements, stated in its 1999 report that the armed forces and paramilitary groups were responsible for 93% of the abuses committed during more than 30 years of conflict, and the URNG only 3%.

Considering the security sector first, the four fundamental obligations undertaken by the government in the peace accords were the following:

1. The demobilization of the so-called civil defence patrols [*patrullas de autodefensa civil*—PACs], whose members were largely indigenous men organized by the military since 1981, and which were legalized in 1982 as part of the National Security and Development Plan of the military government of Efrain Ríos Montt. The evidence of widespread coercion to serve in the PACs belies their real name, the "Voluntary Civil Defence Committees". The precise total number of members remains unknown, with estimates ranging from almost 400,000[7] to 1-1.3 million at the peak of the conflict in 1982-83.[8] The PACs had been formally dissolved by presidential decree in 1994, before the peace agreements were signed, but it was only in 1996, still before the agreements were formally signed, that their structures were effectively dismantled. In fact, until 2005, this is what the demobilization of the ex-PACs amounted to, for individually they were not part of any formal programme, nor the recipients of any benefits whatsoever.

2. The government committed to disbanding the Mobile Military Police [*Policía Militar Ambulante*—PMA], a force of 2,421 men, some of whom performed police functions and others functioning as a 'parastatal security company' that provided guards for banks and other institutions.[9] Some of them were incorporated in the new National Civilian Police, and others, predictably, went into private security firms.

3. The government committed to the redeployment of the army in line with the redefinition of its functions in accordance with the peace agreements, which called for limiting the army to issues of external, not internal, security. This involved a commitment to reducing the number of military zones and closing down bases that had been established as part of the counterinsurgency campaign.

4. The fundamental commitment to demobilization on the side of government forces had to do with the reduction of the size of the military. The peace agreement stipulated a one-third reduction during 1997, down from a benchmark figure of 45,000 members to 31,000. Shortly after the signing of the accords, however, the army reported that its force level actually stood at 35,000, so it only needed a 4,000 troop reduction, which indeed took place (more systematically among rank and file than among the officer corps).[10]

As for the demobilization of the URNG forces, the following are the basic facts. As stipulated by the peace agreements, a special commission [*Comisión Especial para la Integración*—CEI] with representation from the government, the URNG, and the UN mission in Guatemala (and with observers from the EU, the OAS, UNDP, and USAID) was established in January 1997 to run the DDR programme for former URNG forces. The programme that was established shortly afterwards[11] led to the demobilization of 2,928 persons (766 females)[12] and the recovery of 1,824 weapons.[13] After a two-month-long demobilization process involving the cantonment of forces in eight camps, where they received a variety

of services, a two-phase reintegration process started. When these programmes began in 1997, the CEI had negotiated with the international community a total budget of US $27 million.[14] The following summarizes some of the benefits provided by the programmes:

Demobilization: Basic medical services were extended to all ex-combatants in camps. They were assessed and offered legal advice and basic vocational training workshops.

Reintegration: Upon leaving the camps, those ex-combatants who had a place to return to (*los dispersos*) were given grants in the form of four cheques: three for Q1,080 (US $142) and one for Q540 ($71). Ostensibly, these were intended to cover vocational training costs.[15] Those who had no place to return to (355 persons) were provided with temporary housing in four hostels (*albergues*) and a small monthly stipend of Q150 ($20). Additionally, three cooperative farms were established to permanently settle 235 ex-combatants.[16] Basic technical training was also offered in general business administration, masonry, carpentry, auto mechanics, and other trades.[17] In order to promote the economic independence of ex-combatants, the 'Productive Incorporation Project' was established. The *dispersos* were eligible for grants of Q10,000 ($1,600) and those in *albergues* of Q15,000 ($2,500). These grants were meant to be start-up money for the creation of new businesses, but early reviews showed that the businesses were not sustainable.[18]

In reality, the DDR programme basically offered a variety of technical and vocational courses, and minimal levels of short-term economic support. The programme did include some projects of high symbolic value, such as the three cooperative farms, and the *Fundación Guillermo Toriello*, a foundation that was supposed to institutionalize the participation of the ex-combatants in the design and implementation of the DDR programme.

Reparations

Again, in a paper such as this one, there is no point in attempting a detailed history of the discussions about reparations in Guatemala. And the term 'discussions' only slightly overstates the case, for although there has been some political action, and even the assignment of a fairly generous budget for this purpose, as we will see, there has been little movement in terms of implementation. The story, from my own perspective as well as in light of experience,[19] is a frustrating one of lack of social coordination and poor institutional design.

The issue of mass reparations in Guatemala can be traced back to the comprehensive peace agreements signed in 1996.[20] Two of the 12 accords, those dealing with human rights and with displacement, include a reference to a "humanitarian duty to redress and/or assist the victims of human rights violations during the internal armed conflict."[21] Although not the most categorical (or precise) statement of an obligation to provide reparations to victims, its mere appearance in the peace accords and the extension of the duty to the displaced are both notable. The CEH report of 1999 gave great impetus to the topic by including quite specific recommendations regarding reparations, some of which have survived the vagaries of the discussions. This included the formation of a body that would be responsible for, among other things, following up on the implementation of the CEH's recommendations. This body, *Instancia Multiinstitucional para la Paz y la Concordia*, was created in 1999 under the auspices of the *Procuradoría de los Derechos Humanos*, comprising at least 50 civil society organizations. In August 2002 the *Instancia* presented a draft bill for

the creation of the National Reparations Plan [*Plan Nacional de Resarcimiento*—PNR] to President Alfonso Portillo. The draft incorporated most of the specifics recommended by the CEH, including its definitions of victims and beneficiaries and its typology of the benefits that the PNR was to distribute. After intense further consultations, a modified bill, containing the outlines of the PNR and its ruling executive commission [*Comisión Nacional de Resarcimiento*—CNR], was presented to the President in November 2002. Once it became clear that the legislature was not going to pass the law, the President approved the measure via decree (Governmental Agreement) in May 2003.[22]

The 2003 Governmental Agreement created the ruling executive commission (CNR) and gave it wide latitude to design the PNR within a broad framework. The ten members of the commission included a president (who acted as the representative of the President of the Republic and who held the casting vote), four representatives of ministries and other government institutions, two representatives of victims' organizations, a representative of Mayan organizations, a representative of women's organizations, and a representative of human rights organizations.[23] Regardless of whether this structure was promoted with good or bad intentions, in a context in which there were deep divisions (of various kinds including class, training, familiarity with the instruments and ways of governance, politics, etc.) between the government and civil society representatives, and, worse, in which civil society was itself very badly fragmented, the CNR, perhaps predictably, stalemated completely for more than a year after its creation, even though the government had assigned it a budget which under Guatemala's budget rules had to be executed or it would be 'lost.' The PNR under the CNR's tutelage was given Q300 million (US $37.5 million) a year for each of its 11 years of projected existence.

In 2005 the government decided to modify the Agreement. The CNR was restructured, placing the members of civil society (same number and same distribution among the different groups as before) in a consultative council.[24] The new decree adopted the definitional work carried out in the documents produced by the former commission, and provided that the following categories of violations would be subject to reparations:

- Forced disappearance,
- Extrajudicial executions,
- Physical and psychological torture,
- Forced displacement,
- Forced recruitment of minors,
- Sexual violence and rape,
- Child abuse,
- Massacres,
- Other violations as considered by the CNR.[25]

Similarly, it adopted from the same sources the definition of the broad categories of benefits that would be provided by the PNR:

- Measures tending towards the restoration of the dignity of victims,
- Cultural restoration,
- Psychosocial reparations and rehabilitation,
- Property restitution,
- Economic compensation.26

Finally, and still following the lead of the PNR, and therefore of the recommendations made by the CEH, it urged the prioritization of the reparation of victims, taking into account, in the case of individuals, the gravity of the violations and the socioeconomic conditions and vulnerability of victims, and paying special attention to widows, orphans, the disabled, the elderly, and children. In the case of collectivities, the decree stipulated that, in addition to the general criteria above, the programme would pay special attention to victims' groups and indigenous groups that were particularly affected by human rights violations.[27]

It goes without saying that even with more functional institutions, better relations between state and non-state actors, and a less fragmented civil society, a country like Guatemala would have found it difficult to implement this plan. Reportedly, implementation has begun, albeit at a very slow pace, and regarding not all five types of benefits but only economic compensation and exhumations (which is an important but narrow component of the broader category of measures tending towards the dignification of victims).[28] Beneficiaries of victims of massacres, extrajudicial execution, and forced disappearance are receiving around US $8,000 (shared amongst family members). Victims of torture and sexual violations are receiving up to $7,000.[29] It remains to be seen whether any of the other measures will be implemented, and in fact whether all the victims of these types of violations will indeed receive economic compensation.

2.2 Rwanda

DDR

DDR in Rwanda has taken place in two phases, 1997-2001, and 2002 to the present, and has involved dealing with five shifting and sometimes overlapping forces (listed chronologically in terms of their participation in events in Rwanda, not in the order in which they were processed by the DDR programme): (1) the FAR [*Forces Armées Rwandaises*], the former Rwandan army, part of the Hutu regime responsible for the genocide of the Tutsi minority during the period between April and July 1994; (2) the RPF (Rwandan Patriotic Front), the Tutsi-dominated rebel army that routed the FAR in July 1994, leading to an exodus of a million Hutus including members of the Hutu regime and large numbers of FAR who participated in the genocide; (3) the RPA/RDF (Rwanda Patriotic Army, later renamed the Rwandan Defence Forces), the post-genocide Rwandan military; (4) the Hutu rebels whose leadership included a large number of *genocidaires* and who continued fighting the RPA/RDF, especially in Northwestern Rwanda, from 1997 until 1999, when most of them retreated to the Democratic Republic of Congo (DRC); these forces launched their last, and unsuccessful, major attack in 2001; (5) the 'armed groups' (AGs), the Hutu rebels who have stayed behind in the DRC.[30]

The Rwanda Demobilization and Reintegration Program (RDRP)

In terms of numbers, the basic facts are the following. Rwanda demobilized and reintegrated more than 58,000 ex-combatants of all forces in the period 1995 to December 2006. The present army has been reduced from its size at the time of the genocide in 1994 of between 40,000 and 50,000 to between 25,000 and 27,000, and it includes both RPF and RPA members.[31] This reduction in numbers has been accompanied by a reduction in defence expenditure, which has dropped from 3.16% of GDP in 2001 to 2.1% in 2006.[32] About 1% of those who have been demobilized are women, for whom the RDRP has created special

programmes and who receive special treatment (more on this below). In this period, a total of 2,943 children have been demobilized through the RDRP (about 5% of the total number of ex-combatants) through specially targeted programmes as well. The budget of the programme as a whole was US $53.7 million, of which the Government of Rwanda has contributed $2.7 million, with the remainder, i.e. the bulk of the budget, coming from international sources.[33]

The RDRP has functioned in two different stages. In stage I, 18,692 members of the RPA—of whom 2,364 were children—were demobilized (although the RPA designation is misleading, for at the time, 15,000 ex-FAR had already been reintegrated into the RPA ranks). International donors, wary of Rwanda's participation in the conflict in the DRC, provided only US $8.4 million for DDR, which meant that the programme gave almost no reintegration assistance and, in particular, none to the 15,000 ex-FAR at the time.[34]

After the RDRP became a part of the Multi-Country Demobilization and Reintegration Program (MDRP)—the regional demobilization and reintegration initiative for seven countries in the Great Lakes region—which, among other things, made resources from the Multi-Donor Trust Fund (MDTF) available for the programme – phase II began in 2000. The following outlines the benefits that the programme now provides at each stage of the process:

Demobilization: Ex-RDF are quickly channeled into the programmes described below. Ex-AG, repatriated from the DRC, are taken to a demobilization centre, where children and adults are separated, as are males and females. This is where the formal registration process takes place, at the end of which (and after formal renunciation of the combatant's status) an RDRP demobilization card is issued. A socio-economic profile of beneficiaries is drawn, and they are medically screened (with voluntary HIV/AIDS testing available). Beneficiaries stay at the centre for a two-month 'pre-discharge orientation programme,' which includes instruction on Rwandan history, human rights, the legal and administrative framework of the country (including women's legal rights), as well as more practical instruction on project management, entrepreneurship, and access to credit. Additionally, this is where they are given information about the RDRP's benefits.[35]

Reinsertion: After an official demobilization ceremony, all ex-combatants receive an identification card and a 'Basic Needs Kit' (BNK) of 50,000 RwF (US $91). Ex-RDF and ex-FAR, both considered former government soldiers and therefore civil servants, also receive a 'Recognition of Service Allowance' (RSA), which varies according to rank from 150,000 to 500,000 RwF ($273-$909).[36]

Reintegration: The reintegration stage is the weak point of most DDR programmes. Whether this is the case with Rwanda's RDRP is an open question, but judging by the amounts of support distributed (particularly relative to the reinsertion support, which is meant to help ex-combatants with *immediate* needs), it seems that Rwanda is no exception. Stage II of the programme stipulates that ex-AG and ex-RDF have six months after demobilization to submit to Community Development Committees project proposals meant to allow them to invest in an income-generating activity. In addition to basic business advice and information about opportunities in their areas of settlement, the programme makes them eligible to receive 'reintegration grants' of 100,000 RwF (US $182). The programme also encourages beneficiaries to pool resources. A total of 23,960 reintegration grants have been given by the programme.[37]

The programme offers one more source of economic support to ex-combatants in stages I or II who have exhausted all their previous benefits and who remain vulnerable. These are grants through the 'Vulnerable Support Window' (VSW) which offers anything from 100,000 to 500,000 RwF ($182-$909) depending on

the level of vulnerability. A total of 27,351 Vulnerable Support Grants have been given.[38]

Recognizing that reintegration is not an economic matter alone, the programme provides educational and vocational support, although the numbers here are not particularly high, and part of this support comes through the VSW grants, not in addition to them; in 2005, for example, the total number of ex-combatants supported in formal education was 1,024, and 1,027 were receiving training in different trades.[39] Plans were under way to increase the availability of vocational training to 3,584 ex-combatants in the first round of a new vocational training programme.[40]

Finally, the programme provides a variety of services to ex-combatants who are chronically ill or physically disabled, including medical support to 4,018 of them.[41]

In terms of non-individual benefits, the RDRP is starting to provide capacity development and technical advice to associations and cooperatives with significant ex-combatant membership. It is also exploring options to provide psycho-social support, and has initiated an active information and sensitization strategy to provide information about the programme and to improve the perception of ex-combatants.[42]

As mentioned before, the RDRP has made an effort to deal with female and child ex-combatants through specially targeted programmes, including special quarters for women in demobilization centres and separate facilities for children. Female ex-combatants are eligible for all the benefits available to their male counterparts, but since they are considered particularly vulnerable, they automatically qualify for the Vulnerable Support Grants. Children do not receive cash through reintegration grants but they receive customized reintegration assistance, including educational support.

The following tables summarize some of these results:[43]

Demobilization (Stages I & II)

	Stage I (1997-2001)	**Stage II** (Dec. 2001 – Dec. 2006)			
		Target	**Demobilized**	**Totals (I-II)**	%
Ex-RPA, adults	16,328			**16,328**	
Ex-RPA, children	2,364			**2,364**	
Ex-RDF, adults	-	20,000	20,039	**20,039**	100
Ex-AG, adults	-	14,400	5,526	**5,526***	38
Ex-AG, children	-	1,600	597	**597***	37
Ex-FAR, adults	-	13,000	12,969	**12,969**	100
Totals	**18,692**	**51,000**	**39,131**	**57,823**	

***Challenge:** Despite all the accords and the Rome Declaration (San Egidio, 31 March 2005) of the leadership of the FDLR to abandon its armed struggle, disarm its forces and return to Rwanda, an estimated 8,000-10,000 combatants are still active in the eastern DRC.

Reinsertion and Reintegration Assistance (Stage II)

BASIC NEEDS KIT				REINTEGRATION GRANT			
	Demobilized	**Distributed**	**%**		**Demobilized**	**Distributed**	**%**
Ex-RDF	20,039	20,039	**100**	Ex-RDF	20,039	18,805	**94**
EX-AG	5,526	5,526	**100**	Ex-AG	5,526	5,526	**100**
Totals	**25,565**	**25,565**		**Totals**	**25,565**	**24,060**	

RECOGNITION OF SERVICE ALLOWANCE (RSA)			
	Demobilized	**Distributed**	%
Ex-RDF	20,039	20,039	100
EX-AG	12,969	12,969	100
Totals	**33,008**	**33,008**	

SPECIAL ASSISTANCE TO CHILD-XCS		
Support	**Provided**	
Reunification (back home)	597	Of the 597 child-XCs demobilized (see demobilization table), all received assistance for reunion with their families. After demobilization, child-XCs received reintegration assistance in the form of vocational training, formal education or income-generating activities.
Transit Care (foster family)	58	
Formal Education	85	
Vocational Training (skills training)	148	
Income-generating Activities	103	
Totals	**990**	

Reparations

Regardless of opinions about the adequacy of the DDR efforts, there is no question that compared to them, reparations initiatives come off looking significantly worse. Even taking into account the effect of differences in reporting between the two programmes—due inter alia to the fact that since there has been little to no involvement of international organizations in the reparations efforts, there is much less reporting and therefore much less information readily available—it is clear that the relationship between DDR and justice measures in Rwanda has followed a well-established pattern in international experience: security-related measures are implemented long before justice measures, and they typically receive more attention, in every respect, than justice initiatives.

It goes without saying that this disparity has nothing to do with the urgency of the needs of the constituencies of each set of measures. While attending to the needs of 58,000 ex-combatants was obviously an urgent matter, not least because of the security risks that neglecting them may have posed, the situation faced by their victims was no less dire. As a study for the Danish Ministry of Foreign Affairs described it:

> The genocide had profound demographic impacts [sic] in addition to the loss of 12% of Rwanda's population. Currently about one-third of Rwandan households are headed by women and 20% of households by widows. The genocide created about 220,000 orphans of whom some became, and remain, heads of households….Within the broadly defined group of 'survivors' that probably numbers around 400,000 the term 'neediest survivors' is generally used to describe those who have been rendered vulnerable as a result of violence directed at them and/or the

> killing of either their partners, their parents or their families during the 1994 genocide. A 1998 survey by FARG estimated the 'neediest survivors' to number 282,000 of which 48,000 were widows, 147,000 were orphans (fatherless), 10,000 orphans (motherless) and 64,000 orphans (both parents). The needs of these different groups varied considerably. A particular problem for the widows has been that many were raped and infected with HIV/AIDS during the genocide.[44]

Notwithstanding the peculiar use of the term 'survivor,' to which we will return, and which lowers the numbers of people fitting this description who would, under any notion of rights, not to speak of humanitarian concern or basic decency, be seen as deserving recipients of reparations, the truth is that, to date, there is no comprehensive reparations programme for victims in Rwanda.[45]

This does not mean that the issue of reparations has been entirely absent from Rwanda; the 'Organic Law' adopted in 1996 to address the legacies of the genocide already mentions the creation of a fund to compensate the victims of those found guilty by the special chambers within Rwanda's existing courts that this law created.[46] Two subsequent draft laws were discussed in 2001 and 2002 respectively. The drafts aimed to create a *Fonds d'Indemnisation*, a compensation fund, and establish criteria and procedures so that victims could access reparations benefits, to cover all victims, not only those of perpetrators who stood trial. These drafts were eventually set aside. This is not the place to attempt a full review of these drafts,[47] but the very fact that neither draft was adopted—as well as the direction in which the second draft was moving—reveals huge disparities in the strength of the commitment to attending to the needs of ex-combatants versus the needs of their victims.

The 2001 draft would have provided benefits to the direct and/or indirect victims of genocide and crimes against humanity—that is, to those survivors who suffered harm directly, as well as to the family members of those who did not survive. It recognized three types of harm that call for compensation—material loss, loss of life, and permanent incapacity—and it would have provided benefits according to the harm suffered.[48] The draft, written with insurance compensation schemes in mind, for example, determined the amount of compensation for incapacity as a function of the age of a victim, the degree of incapacity, and, for family members, the degree of kinship. The law both required and articulated the basis on which to perform the complicated gradations that it called for. Thus, it recognized a highly differentiated scale of incapacity (from 1 to 5%, from 5 to 10% and so on) and three age groups (below 18, between 18 and 55, above 55, roughly corresponding to three stages of professional activity—and therefore of income potential), and varied the compensation according to degrees of kinship.[49]

Perhaps because it became apparent that, even when faced with a universe of potential beneficiaries significantly smaller than Rwanda's, such a scheme was overly complicated (leaving aside the discretion it gives to doctors in the determination of degrees of incapacity, and the negative gender impact of the overall approach, among other problems), less than a year after the draft was floated the Ministry of Justice proposed a new one. The 2002 draft goes to the opposite end of the spectrum by proposing a flat compensation (12 million RwF, US $21,818) to all beneficiaries regardless of the harm they suffered. The law defines beneficiaries in terms of three categories, namely, first, the 'survivors,' "the *rescapés* (those persecuted because of their ethnicity or because of their opposition to the genocide); second, the children, legal partners, brothers and sisters and parents of those killed because of their ethnicity or opposition to the genocide; and, finally, those Rwandans living in Rwanda who were not in the

country during the genocide but whose children, legal partners, brothers and sisters or parents were killed for the mentioned reasons."[50]

Alas, this draft was not adopted either, so it is not worth elaborating on the advantages and the (many) disadvantages of the approach it took. What is noteworthy is that it responds to what I will argue is one of the fundamental challenges faced by reparations initiatives, namely, how to define 'victims,' and particularly 'beneficiaries,' by offering restrictive definitions. This approach is shared by the only programme established by the Rwandan government that provides support for (some) victims of the genocide—although, strictly speaking, this is not a reparations programme—and therefore the issue is best discussed in that context.

In 1998 the government established a fund for the benefit of victims of genocide—the *Fonds d'Assistance aux Rescapés du Génocide* (FARG)—meant to provide support in microfinance, health, education, and housing to a sector of the victim population. Detailed information about its activities is difficult to come by, but by all accounts this has been a problematical exercise: early on it was recognized that the repayment rates for the microcredits was very low, and thus this part of the programme never acquired the importance it could have had;[51] housing support has been minimal in terms of numbers compared to demand (3,000 houses constructed in response to a demand from more than 80,000 women and 53,000 men among its target population who declared that they were without shelter), and the housing offered has reportedly also been substandard in terms of quality, durability, and location.[52] In terms of health care support, FARG reached agreements with health care centres so that they would provide card-holders with medical services for all kinds of illnesses, not just those related to the genocide (except trauma counselling, which was supposed to be provided through a specialized programme that was never launched). It is known that 68,000 cards were issued, but no data is available about the types of services actually rendered. There is information, however, about some of the centres turning down FARG patients for the latter's failure to disburse payments.[53] The educational support part of the programme is the one that survives. It basically consists of tuition assistance for children in schools and, in some cases, in universities. The fact that the programme does not include vocational and educational support for adults is a major shortcoming.[54]

Leaving aside persistent allegations of impropriety in the handling of this programme,[55] there are two points worth elaborating. First, the FARG is not really a reparations programme. There are many important differences between victims' assistance programmes and reparations programmes, but two are fundamental. Whereas reparations programmes must involve the recognition of responsibility, victims' assistance programmes need not involve such recognition, but may provide benefits solely to assuage the dire circumstances in which victims may find themselves. Furthermore, the type of recognition that is a fundamental aim of reparations programmes is two-fold: reparations involve recognizing victims not just in their status *as victims*, but, crucially, as *rights bearers*.[56] So, while victims' assistance programmes may adopt a needs-based perspective, reparations programmes must be rights-centered. That is, the conceptual scaffolding around which reparations programmes are constructed must be the notion of rights, and this helps to articulate its primary definitions, including those of 'victims' and 'beneficiaries.' FARG, by contrast, is not structured around the notions of rights. The programme uses need as a criterion of access to its benefits,[57] and, most importantly, it is not open to all of those whose rights were violated during the period of violence, strictly speaking, but only to its 'survivors' (*rescapés*).[58] This, according to the law, is a much narrower category consisting of those who "escaped the genocide or the massacres committed between 1

October 1990 and 31 December 1994." Since the intentional element of genocide and massacres is emphasized elsewhere in the law, this means that there are whole categories of people, including all those whose rights were violated by the RPF, who are excluded from the programme by definition.[59] So, even if all the considerations against taking FARG as a reparations programme could be overcome, it must be argued that it addresses the crucial challenge of defining its beneficiaries in a way that ends up under-serving even those to whom the program extends its benefits, for it does little to entrench the perception of them—as well as their self-perception—as the bearers of rights, even if it does something (albeit not much) to assuage their needs.

This huge disparity in the commitment to DDR and reparations is not a peculiarity of the situation in Rwanda. Indeed, the pattern is so well established in international experience that it is close to the norm.

3. The Main Challenges Faced by DDR and by Reparations Programmes

Establishing DDR and reparations programmes is an immense undertaking in any context, let alone in the situations in which they most need to be established, namely, post-conflict or post-authoritarian societies, which are marked by profound political divisions, weak, ineffective, or mistrusted institutions, and usually great scarcity as well. The challenges vary, ranging from the design to the implementation stages. Within the domains of design and implementation, of course, multiple factors that generate difficulties are usually at play, and these also cover a broad spectrum that includes lack of expertise, poor funding, weak political commitment, and severe coordination problems amongst the many actors that are (or ought to be) involved at each step of the way if these are going to be set up and achieve their goals.

There can be no doubt that both reparations and DDR initiatives have been marred by implementation problems. In this paper, however, I will not focus on these, for in principle, implementation problems are avoidable. Nor will I concentrate on the sort of problems that need to be resolved if reparations or DDR programmes are going to be designed—let alone implemented—in the first place, which can be grouped under the labels of economic feasibility and 'political will.' I will assume that these latter types of problem have been solved and indeed, that there is interest in establishing the programmes in question, and that a modicum of financing has been secured.[60] Hence, I will concentrate instead on design challenges, partly because these apply across the board, independently of contextual considerations and are, in this sense, more revealing.[61]

3.1 Some Challenges Faced by Reparations Programmes

How to Define Victims and Beneficiaries

It makes sense to think about reparations, at least ideally, as a three-term relationship in which links are established between the members of a set defined as 'victims' (at least for the purposes of the programme) and the members of a set defined as 'beneficiaries.' In this relationship, the links are the benefits distributed by the programme. The ideal behind a reparations programme, then, is to make sure that every victim is a beneficiary, i.e., that he or she receives something from the programme.[62] If this helps to clarify, at least abstractly, how

reparations are supposed to work, it also highlights one of the fundamental challenges faced by reparations programmes, namely, how to define 'victims' and 'beneficiaries,' and how to craft an effective package of benefits.

The real challenge nowadays concerning the notion of victim, given developments in international law, is not so much choosing a general definition,[63] but the fundamental question that all reparations programmes face, namely, how to select the rights whose violation will trigger access to benefits. In order for a reparations programme to satisfy the ideal of ensuring that every victim is a beneficiary, it would have to extend benefits to all the victims of the same broad range of violations that may have taken place during the conflict or repression.[64] Now, no programme has achieved this type of total comprehensiveness. In practice, most programmes have provided reparations for a rather limited and traditional list of rights, concentrating heavily on the more fundamental civil and political rights thereby leaving the violations of other rights largely unrepaired.

While particularly under conditions of scarcity, it makes sense to concentrate on what are perceived to be the worst forms of abuse, it remains true that no programme to date has worried about articulating the principles as to why it chooses to provide benefits for the violations of some rights and not others. One of the predictable consequences of this omission is that violations that mainly affect marginalized groups have rarely led to reparations benefits. This has had an adverse effect on the way that women, for example, have been dealt with by reparations programmes.[65] The mere demand that those in charge of designing reparations programmes must articulate the grounds on which they choose the catalogue of violations for which the programmes will provide benefits will have a salutary effect.

Rather than offering a solution to this challenge, I am interested in highlighting this as one of the crucial challenges that reparations programmes always face. When resources are limited, choosing a very extensive list of rights will inevitably lead to the dilution of the benefits. On the other hand, choosing a very narrow list will leave out entire categories of deserving victims, which not only means that important claims to justice will be left unaddressed by the programme—making it less effective than it could be—but also, since people tend to persist in their struggles for justice, that reparations will remain a contentious issue on the political agenda.

How to Define the Benefits to be Distributed by the Programme

The term 'reparations' in international law is a broad notion closely related to the concept of 'legal remedy,' and therefore includes measures of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.[66] No reparation programme to date has assumed responsibility for undertaking measures of all these kinds. For purposes of simplicity, in the design of reparations programmes which are narrower in scope, two fundamental distinctions can typically be identified: between material and symbolic reparations, and between individual and collective measures. Material and symbolic reparations can take different forms. Material reparations may assume the form of compensation, i.e. payments either in cash or negotiable instruments, or of service packages, which may in turn include provisions for education, health, housing, etc. Symbolic reparations may include official apologies, the change of names of public spaces, the establishment of days of commemoration, the creation of museums and parks dedicated to the memory of victims, and rehabilitation measures such as restoring the good name of victims, etc. These symbolic measures would fall under the category of 'satisfaction' used in the *Basic Principles.*

The combination of different kinds of benefits is what the term 'complexity' seeks to capture. A reparations programme is more complex if it distributes benefits of more distinct types, and in more distinct ways, than its alternatives.

There are at least two fundamental reasons for crafting 'complex' reparations programmes combining measures of different kinds. The first has to do with the maximization of resources; programmes that combine a variety of types of benefits ranging from the material to the symbolic, and each distributed both individually and collectively, may cover a larger portion of the universe of victims than programmes that concentrate on the distribution of material benefits alone, and thus make the programme more complete. Since victims of different categories of violations need not receive exactly the same kinds of benefits, offering a broader variety of benefits makes this task feasible. Just as important, this broader variety of benefits allows for a better response to the fact that a particular violation can generate different types of harm, and having a range of reparatory measures makes it more likely that these types of harm can, to some degree, be redressed.

Reparations programmes, then, can range from the very simple, that is, from programmes that behave as mere compensation procedures, distributing money alone, to the highly complex, distributing monetary compensation but also health care, educational and housing support, etc., in addition to both individual and collective symbolic measures. In general, since there are certain things that money cannot buy (and there are certain things for which there is no money), complexity brings with it the possibility of providing benefits to a larger number of victims[67] and of targeting benefits flexibly so as to respond to a variety of victims' needs. All other things being equal, then, 'complexity' is a desirable characteristic in a reparations programme. Of course, in most cases not all things remain equal. There are some costs to increased complexity that may make it undesirable beyond a certain threshold.

Now, it is unlikely that complexity, in the sense of the distribution of a variety of types of benefits, will be effective on its own. The types of benefits must ideally reinforce one another, making a coherent whole, giving the programme 'internal coherence.'[68] Thus, a packet of mutually reinforcing benefits is more likely to satisfy victims than a random assortment of goods. Deliberate planning of the interrelationships between the different types of benefits is called for.

How to Define the Goals of the Programme

In the case of isolated civil cases of reparations before courts, the fundamental aim of the proceedings is quite clear: the objective is to make each victim whole, that is, to the extent possible, to return him or her to the status quo ante, to the situation the person was in before his or her rights were violated. This is done, to the extent possible, by providing compensation in proportion to the harm suffered, that is, technically, by satisfying the criterion of *restitutio in integrum*. This is an unimpeachable criterion for the individual case, for its main motivation is, on the side of the victim, to neutralize as far as possible the consequences of the violation suffered, and, on the side of the violator, to prevent him or her from enjoying the benefits of crime.

The problem, however, is that there is no mass reparations programme that has even come close to satisfying this criterion. Typically, the compensation received by victims amounts to a fraction of what any calculation of the harm endured by the violation of the rights that normally triggers benefits through reparations programmes (e.g., disappearance, extrajudicial execution, illegal detention, in

general severe violations of the right to freedom and physical integrity) would suggest they should receive.

This generates at least two challenges. The first is that given that the judicial criterion of compensation in proportion to harm is both perfectly familiar from its application both in national and in regional courts as well as intuitively attractive, victims' expectations are set around this notion. How to manage these expectations by reparations bodies that in all likelihood cannot meet this criterion of justice is a serious challenge. The second related problem is how to define the aim(s) of the programme when faced with the impossibility of satisfying the criterion of justice around which reparations have traditionally been conceived. If reparations programmes cannot make victims whole, what are they trying to do? Are they the same thing as victims' assistance programmes? Is the frequent argument advanced by governments facing reparations claims, namely that since reparations are too expensive, they would rather either do development or do reparations by means of development programmes, a legitimate one? We must return to these questions. However, the immediate aims of a reparations programme, arguably, are to provide recognition to victims and to foster a minimal sense of civic trust. These aims, which reparations programmes can be thought to share with other transitional justice measures, partly explain why it is important for programmes to be not merely internally coherent in the sense explained above – namely that they provide a variety of benefits that reinforce one another – but also *externally* coherent, i.e. they have significant relationships with other justice initiatives such as truth-telling, prosecutions, or institutional reform.

3.2 Some Challenges Faced by DDR Programmes

How to Define the Beneficiaries

Although on the face of it, it seems clear who the beneficiaries of a DDR programme should be, namely, 'ex-combatants,' it is clear that this does not begin to settle this question, for even in the case of conventional conflicts with well-organized armies the boundary between combatants and non-combatants is porous.[69] This is even more so in the case of non-conventional conflicts whose forces are characterized by a great deal of interplay between civilian and conflict-related activities of different kinds. Furthermore, however stable (or not) combat functions and positions may be, there is always a large contingent of people in support positions of different types without whom combatants could not play their roles, and it is not clear that these should be left out of DDR programming. Even if a security-oriented concept of DDR is adopted (which will be discussed further below), in contexts in which weapons are readily available, the exclusion from DDR programmes of large groups of people who have played important support positions, and who probably fluctuated between combat and non-combat roles, does not serve security interests very effectively.

The challenge of defining who is eligible for benefits is multidimensional, and the fact that it is pervasive and unavoidable does not mean that ready answers have been found. How 'beneficiaries' are defined has an impact on the way that procedures for accessing the benefits are designed, and it has a very significant impact on women and children. To illustrate, many of the earlier programmes made benefits conditional on turning in weapons, in effect defining beneficiaries as those who bear arms. It is of course clear why this was at some point considered an attractive option: being an incentive for disarming, it was thought to kill two birds with one stone. However, the simplicity of this approach failed to take into account not just that, particularly among insurgent forces, there are

typically more combatants than weapons, but that this would by definition exclude from benefits the bulk of women and children in support roles who had no weapons to turn in.[70] Variations on this approach, such as one tried in Sierra Leone, which required applicants not to turn in a weapon but to demonstrate the ability to assemble and disassemble one, were rapidly met by the sudden availability on the streets of instruction on how to do just that.[71] An entirely different approach, namely to allow commanders of the forces being demobilized to define the beneficiaries of the DDR programmes by providing lists of names, has also encountered difficulties: particularly in the early stages of the process, when confidence levels are low, this is a procedure that lends itself to easy manipulation and has frequently led to massive over-reporting—with women and children, unsurprisingly, again being poorly served by this procedure.[72]

In summary, then, all DDR programmes face a challenge in defining the beneficiaries (as well as in establishing verification procedures) in a way that avoids both the exclusion that predictably comes about as the result of narrow definitions and demanding procedures, as well as over-inclusiveness (with the consequent increase of costs and potential resentment and friction) that comes from loose definitions and lax procedures. Since two notoriously vulnerable groups, i.e., women and children, stand to lose more than others from mistakes, it is imperative to exercise utmost care in establishing these definitions and the attendant verification procedures.

How to Define a Sensible Packet of Benefits

We are used to speaking about DDR programmes as if each one were a single programme. In reality, of course, each DDR programme is a complex set of (ideally integrated) initiatives, each serving its own ends; thus, for example, reinsertion measures have specific objectives which are distinct from those of reintegration programmes. This alone explains part of the difficulties that characterize efforts to develop a sensible packet of benefits. Since the objectives of both reinsertion and reintegration can be conceived differently, this only increases the complications.[73]

Even if there is consensus on what these goals might be, there is no single way of pursuing or achieving them. Even the relatively modest goal of reinsertion can be served in many ways. Regarding the more ambitious goal of social reintegration, this is more so. Considering that these are decisions that are made under conditions of scarcity, in contexts in which markets for both labour and goods are partially functioning at best, in which civil society has been fragmented under the pressure of authoritarianism or conflict, targeting a universe of beneficiaries who in many cases have no skills other than those of waging war and little formal education, and that these decisions are often made by people—including donors—with little familiarity with the local context, it is not surprising that there are so many stories of poorly conceived benefit packages, in particular skills training courses. Benefits developed with input from recipients and on the basis of labour market analyses increase the likelihood that beneficiaries will not only receive but will genuinely benefit from the goods and services provided by the programme.[74]

How to Define the Goals of the Programme

Once again, it may be surprising that programmes that were traditionally conceived in narrow technical terms have ended up encountering difficulties in defining their goals. Why this has come about, however, is easier to understand by keeping in mind one inherent and one extrinsic feature of DDR programmes. First, ‘reintegration,’ one of the dimensions (and goals) of these programmes, is a

broad notion, whose satisfaction potentially makes reference to and calls for myriad, sustained and long-term interventions in a variety of areas. Second, as if this internal factor did not provide a sufficient incentive for the proliferation of aims to be pursued by DDR programmes, in the early stages of a post-conflict process, DDR programming is frequently the only source of access to international funds – which has turned these programmes into the means to attain the various goals pursued by the numerous projects that obtain their funding via DDR programmes, including, in some cases, both services and infrastructure.[75]

Thus, all DDR programmes face a challenge in defining the goals that can be legitimately pursued through initiatives of this sort. As usual, there are pitfalls to be avoided both on the side of conceptual parsimony as well as profligacy; among other problems, a very narrow understanding of DDR may strengthen the tendency to think about it as an exclusively technical issue to be addressed solely in military- or security-related terms, ignoring the crucially important *political* dimensions of DDR and weakening the incentive for consultation and participation—which will undermine the sense of ownership of the programmes, making them more difficult to implement and less sustainable. On the other hand, conceptual profligacy in the definition of the goals of DDR can easily generate expectations—and not just on the part of beneficiaries—that are impossible to satisfy, weakening the sustainability of the programmes.[76] Assigning DDR programmes the responsibility to make a significant contribution to economic development, for example, and then criticizing the programmes for failing to achieve this goal is an example of how conceptual profligacy with the goals of DDR programmes may discredit them in general.

But the challenge of defining and articulating clearly the goals of DDR programmes is important for reasons that go well beyond narrow matters of implementation. It is through the definition of the programme goals that an answer can begin to be articulated to the fundamental challenge faced by all DDR programmes, namely, the charge that these programmes reward bad behaviour. Particularly in contexts of great economic scarcity and weak or uneven state presence, the establishment of programmes to benefit ex-combatants has, almost without exception, led others to conclude that apparently the only way to get the attention of the state is to bear and use arms. This is a challenge that these programmes cannot afford to ignore, and I will return to this issue below.

4. Conceptualizing DDR and Reparations

I have argued that one of the main challenges that both DDR and reparations programmes face is to define the goals that can legitimately be sought through them. In this section, after offering an account of a holistic transitional justice policy and adopting an account of DDR, I argue that a proper conceptualization of these goals helps to explain why it makes sense to think about establishing links between the two types of programme. I will also defend the view that establishing these links helps DDR fend off the objection that it rewards 'belligerents.' The section begins with a brief account of a holistic concept of transitional justice and of a comparatively narrow, security-oriented concept of DDR. It then tries to show how even this narrow understanding creates a sufficiently rich conceptual overlap to warrant thinking about the relationship between reparations and DDR. Finally, it will show how establishing these links helps DDR programmes meet one of the frequent objections raised against them.

4.1 Transitional Justice

I think of reparations as one element of a holistic conception of transitional justice that includes, as some of its other elements, criminal prosecutions, truth-telling, and institutional reform. While this list need not be regarded as exhaustive, what is important, if this is going to be part of a holistic conception, is that the list is more than a random assortment of measures—in other words, that the close relationship among its different elements be articulated. I will do so by means of two arguments.[77]

The first argument focuses on the complementarity that arguably exists between the measures in practice. I will illustrate the point with reference to reparations measures. The general argument is that in the absence of other transitional justice measures, reparations are more likely to be seen by victims as 'compensatory' measures that lack the proper connections to justice, without which compensation can hardly be seen as *reparation*. A society that responds to norm-breaking exclusively by compensating the victims for the costs that the norm-breaching may have caused them is one that fails to understand that there are dimensions of corrective justice that go beyond the obligation to try to restore victims to their economic status quo ante. A good illustration of this unsatisfactorily narrow approach is that of the Japanese reaction to the euphemistically called 'comfort women,' the majority of whom have not accepted the benefits offered through a Japanese foundation established to compensate them, for the benefits not only come from private funds, but are unaccompanied by an explicit recognition of fault from the Japanese government.[78] At the other extreme, a society that responds to crime without redressing victims at all would fail to understand that when violations occur it is not just norms that are broken but lives as well.

Thus, to be more specific, reparations in the absence of truth-telling can be seen by beneficiaries as the state's attempt to buy the silence or acquiescence of victims and their families, turning the benefits into 'blood money.' But the relation holds in the opposite direction as well: truth-telling in the absence of reparations can be seen by victims as an empty gesture, as cheap talk. The same bidirectional relationship links criminal justice and reparations: from the standpoint of victims, especially once a possible moment of satisfaction derived from the punishment of perpetrators has passed, the punishment of a few perpetrators without any effective effort to positively redress victims could be easily seen by victims as a form of more or less inconsequential revanchism. But reparations without criminal justice can easily be seen by victims as something akin to the payments of a crime insurance scheme, which does not necessarily involve the assumption of responsibility on the part of anyone, including the state. The same tight and bidirectional relationship may be observed between reparations and institutional reform, since a democratic reform that is not accompanied by any attempt to dignify citizens who were victimized can hardly be legitimate. By the same token, reparative benefits in the absence of reforms that diminish the probability of the repetition of violence are nothing more than payments whose utility and, again, legitimacy are questionable.

The second argument to explain the holistic dimension of a comprehensive transitional justice policy acknowledges that each of the measures that forms a part of such a policy—criminal prosecutions, truth-telling, reparations, and institutional reform (of which vetting is one modality[79])—has its own specific objectives, but points out that they share two mediate goals:[80] it can be argued that the different elements of a comprehensive transitional justice policy are meant to provide recognition to victims and to foster civic trust. Very briefly, the

various transitional measures can be interpreted as efforts to institutionalize the recognition of individuals as rights bearers. Criminal justice can be interpreted as an attempt to re-establish the equality of rights between the criminal and his or her victim, after the criminal severed that relationship with an act that suggested his superiority over the victim. Truth-telling provides recognition in ways that are perfectly familiar and are still probably best articulated by the old difference proposed by Thomas Nagel between knowledge and acknowledgment, when he argued that although truth commissions rarely disclose facts that were previously unknown, they still make an indispensable contribution in acknowledging these facts.[81] The acknowledgment is important precisely because it constitutes a form of recognizing the significance and value of persons—again, as individuals, as citizens, and as victims. Reparations are the material form of the recognition *owed* to fellow citizens whose fundamental rights have been violated, manifesting that the state has taken to heart the interests of those whose rights previously went unrecognized.[82] Finally, institutional reform is guided by the ideal of guaranteeing the conditions under which citizens can relate to one another and to the authorities as equals.

The other aim that the different elements of transitional justice arguably share is the promotion of trust among citizens and between them and their institutions.[83] The sense of trust at issue here is not the thick form of trust characteristic of relations between intimates, but rather a thin disposition between strangers that can be characterized initially as a non-hostile disposition that contrasts not just with its direct opposite, but with one that puts a premium on surveillance and the threat of sanctions.

At the most general level, the point can be put in the following terms: law both presupposes and catalyzes trust among individuals and trust between them and their institutions. It can help generate trust between citizens by stabilizing expectations and thus diminishing the risks of trusting others. Similarly, law helps generate trust in institutions (including the institutions of law themselves) inter alia by accumulating a record of reliably solving conflicts. But the accomplishment of these goals naturally presupposes the effectiveness of the law, and in a world of less than generalized spontaneous compliance, this means that law, although rational, must also be coercive. And this coercive character, at its extreme, entails criminal punishment.

Truth-telling can foster civic trust in different ways. Among those who were directly affected by the violence—whose trust is obviously particularly difficult to recover—there are two groups, distinguished by their attitudes, for whom organized truth-telling might facilitate the possibilities of trusting their fellow citizens again or anew. First, there are those who are fearful that the past might repeat itself, whose confidence was shattered by experiences of violence and abuse. Their specific fear might be that the political identity of (some) citizens has been shaped around values that made the abuses possible. So, members of minority groups in different contexts fear that majorities have internalized values dispositions, and attitudes that might lead to violence again. How can trust be fostered among citizens, when some suspect that others still harbour attitudes that, either due to their outright wickedness or to weakness, made terror possible and are likely to make it possible again?

Truth-telling, remembering the past in public ways, can be regarded as the beginning of the effort to satisfy the requirements of civic trust; we give those who worry about our political identity, as well as those who worry about whether they can rely on people who may still harbour dubious attitudes, reasons to participate in a common political project if we are willing to reflect upon what constitutes our identity and what informs our attitudes. An institutionalized effort

to confront the past might be seen by those who were formerly on the receiving end of violence as a good faith effort to come clean, to understand long-term patterns of socialization, and, in this sense, to initiate a new political project.

Second, we need to consider those whose concern is not that the past might repeat itself, but rather that, regardless of what might happen in the future, we have a debt towards those who perished. They want to receive recognition for their suffering, not necessarily because they fear the recurrence of violence, but because of what they have already endured. Here again, truth-telling is important, and not merely for pedagogical reasons. Social trust on all sides might increase if there is a willingness to remember those who perished not only as a form of 'gratitude' for what they did for us—even if that was only to afford us yet another occasion to learn what human beings are capable of—but as an expression of sheer loss. Remembering the suffering of others, then, is important independently of the knowledge that the suffering ought not to happen again. Trust might be fostered if we know not only that those whom we trust will quickly learn from their offences, but, more important still, if we know that they have a keen perception of the consequences of their transgressions.

Reparations foster civic trust by signaling to victims the serious intentions of the state and their fellow citizens to reestablish relations of equality and respect. In the absence of reparations, victims will always have reason to suspect that even if the other transitional mechanisms are applied with some degree of sincerity, the 'new' democratic society is one that is being constructed on their shoulders, ignoring their justified claims. By contrast, if even under conditions of scarcity, funds are allocated for former victims, a strong message is sent to them and others about their (perhaps new) inclusion in the political community. Former victims of abuse are given material evidence of the fact that they are now living among a group of fellow citizens and under institutions that aspire to be trustworthy. Reparations, in sum, can be seen as a method to achieve one of the aims of a just state, namely inclusiveness, in the sense that all citizens are equal participants in a common political project.

Finally, most post-transitional institutional reform is motivated not just by the aims of increasing the efficiency of state institutions—understanding efficiency simply in terms of quantifiable output—but by the richer goals of re-legitimizing the state and of preventing the recurrence of violence. The achievement of these goals provides reasons to individuals for trusting one another and their institutions.

These two arguments, one centering on the relationships of complementarity between the different transitional justice measures, and the other focusing on the goals that the different measures arguably share, are part of the explanation of the holistic character of a transitional justice policy. My interest here, however, is not simply explanatory or conceptual, but practical. These arguments also provide a motivation to make sure that each of the measures is implemented in an 'externally coherent' manner, that is, in a way that reinforces the relationship between each of the measures and other initiatives that seek to provide recognition, and most relevant for the purposes of this paper, civic trust.

4.2 DDR

The UN's recently completed *Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS)* represent perhaps the most sophisticated understanding of DDR. One of the reasons that make this document so sophisticated is that it certainly makes an effort to go well beyond the (excessively) narrow focus on disarmament and demobilization that has characterized, if not the thinking, at least the practice of DDR for so long. As the document puts it, "Integrated DDR places great emphasis on the long-term humanitarian and developmental impact of sustainable reintegration processes and the effects these have in consolidating long-lasting peace and security."[84] While this is certainly a measure of great progress, the text is sufficiently ambiguous as to allow for different readings of what it really intends to say about the relationship between DDR and development. To claim that IDDRS places emphasis on the developmental impact of reintegration is not the same thing as saying that development is one of the goals of, let alone the responsibilities it attributes to, DDR programmes. To illustrate the ambiguity again, the text argues that DDR is "a process that helps to promote both security and development." However, the same sentence argues that DDR "is just one of several post-conflict recovery strategies" and that "it must work together with other comprehensive peace-building strategies including socio-economic recovery programmes…."[85] What DDR's contribution to (and responsibility for) development might be, exactly, the text does not make explicit. On a charitable reading of the text, one may argue that the contribution that it assigns to DDR is to promote the economic development not of society, generally, but of the programme's own beneficiaries. This is plausible but (a) it would be slightly odd to talk about development in such a circumscribed manner[86] and (b) it may clash with the document's injunctions against "turning [ex-combatants] into a privileged group within the community" and its explicit statement that DDR programmes seek only to fulfil their "essential needs," which is not a big developmental aim.[87] It is in these more careful contexts where IDDRS trims its sails and returns to what may be a less ambitious but nevertheless more defensible position which recognizes that "DDR is carried out primarily to improve security,"[88] more boldly, that it is precisely because returning ex-combatants are potential 'spoilers' of peace that we provide them benefits through DDR programmes even though other war-affected groups may be larger,[89] and where it shifts the main responsibility for developmental tasks to the other, broader 'post-conflict recovery strategies' (insisting, nevertheless, on the importance of coordinating these various programmes).

Now, this is not the place to engage in a detailed exegesis of IDDRS, for that is not my point. In this paper I will explicitly adopt a narrower understanding of the goals of DDR (at least narrower than the widest but still plausible reading of IDDRS). That is, I will adopt an interpretation of the goals of DDR programmes that is more focused on the security enhancement aim of DDR. I will do so not only because I think that this is more realistic (and because avoiding defeated expectations in a post-conflict setting in which institutions have both a low level of credibility and a low capacity to deliver is crucial, in my opinion), but also because I do not want my argument to turn on nothing more than a definition; obviously, the possibility of finding interesting overlaps between transitional justice measures in general and reparations in particular, on the one hand, and DDR programmes, on the other, increases if one adopts an expansive understanding of DDR. But that would be uninteresting. I would rather take the hardest case, because if it can be shown that even a narrower understanding of

DDR is one that relates in interesting and significant ways with transitional justice measures, then this will be even more so for the broader conceptions of DDR.

I will therefore concentrate here on a conception according to which, as the Stockholm Initiative on DDR (SIDDR) *Final Report* is not shy to recognize, "the primary aim of DDR is to contribute to a secure and stable environment in which the overall peace process and transition can be sustained."[90] This understanding of the basic goal of DDR programmes is by no means indifferent to further developmental aims, but it explicitly takes DDR processes to be, at best, *enabling conditions*[91] rather than direct *causal contributions* to development. The way the SIDDR *Final Report* puts it dovetails with IDDRS when the latter is at its most cautious; the point is not to go back to a conception of DDR that concentrates exclusively on disarmament and demobilization, but to argue that the more ambitious dimensions of reintegration should be carried out by means of *coordination with other programmes* rather than being the responsibility of parts of the DDR programme:

> The SIDDR, on the one hand, sets the boundaries of DDR programmes based on the goals of security and stability—and therefore does not encourage thinking that these programmes alone can achieve either a rapid or comprehensive transformation of societal structures. On the other hand, to the extent that the SIDDR promotes the idea that DDR programmes ought to be designed and implemented as part of a comprehensive peace-building framework, it provides an incentive to think about the many ways in which DDR programmes need to be linked with other interventions if they are to support the long-term goals of a larger peace process.[92]

So why does this conceptual work matter? In essence, this is the argument: it is significant that both DDR and transitional justice measures can be seen to be measures intended to promote trust. I have already sketched the ways in which transitional justice measures can be thought to have, as one of their fundamental goals, the promotion of civic trust, and, in particular, the trust in institutions. The point is that even a narrow understanding of DDR programmes attributes to them a confidence-building role. The aim of disarming and demobilizing is both to demonstrate and to cultivate confidence in the prospects of peace and a minimal sense of trust in one's partners in the process.

Of course, it could be argued that the objects of trust at issue for DDR and for transitional justice measures are not the same: DDR, it could be said, can reasonably be thought to foster trust initially in *partners* in a peace process, whereas transitional justice measures aspire to making a contribution to the trustworthiness of institutions, largely by reaffirming the importance of fundamental *norms* and *values*. While the objection is generally valid, it must also be kept in mind that a norm-based account of trust suggests that trusting individuals is a function of certain convictions relating to the norms and values on which these individuals act; in other words, partners in peace processes trust one another only to the extent that they have reliable convictions that the other parties will have certain norms and values as one of their reasons for acting.[93]

Now, how does identifying this functional and conceptual overlap between DDR programmes and transitional justice measures help in specific terms? Returning to one of the topics in the introduction to this paper, my interest here, at least at first, is to deploy justice-related arguments in the interest of security. The general point is the following: if the primary goal of DDR programmes is to enhance security by avoiding the marginalization of potential spoilers of the peace process, then the goal is better achieved by means of processes that

contribute to the reintegration of the ex-combatants. The key point is that justice-enhancing measures may facilitate this process. Although it is difficult to generalize conclusively on the basis of a single case and a relatively small sample of participants, evidence seems to support my argument here. A recent study of the DDR programme in Sierra Leone suggests that the single most important factor in the reintegration of ex-combatants is the reputation of the unit to which the ex-combatants belonged: those who belonged to the units that allegedly perpetrated the greatest abuses have had a harder time reintegrating. This is true regardless of whether the individuals in question participated in the DDR programmes or not.[94] The argument that I have offered here provides an explanation for these results: to the extent that successful reintegration is not simply a matter of the ex-combatants' disposition, but also of the attitudes and reactions of the receiving communities, DDR programmes that are completely devoid of any justice component will have no effect on the reintegration process. By contrast, DDR programmes (in association with other initiatives) that provide receiving communities, for example, with some certainty that those whom they are expected to readmit are not the worst offenders, or that make a contribution to the clarification of the abuses through, say, creative ways of making information available for truth-telling purposes,[95] or that include safeguards against 'recycling' human rights abusers by making them part of new or reformed security forces, may contribute to the reintegration of ex-combatants.[96]

Before closing this section, however, I would like to consider how this general argument plays out with regard to reparations, for, as I have said, one of the frequent charges leveled against DDR programmes is that while these programmes distribute benefits to ex-combatants, victims, by contrast, receive nothing. In virtually all countries where DDR programmes have ever been established, this charge has come up. In Sierra Leone, for example, a victim put the point as follows: "Those who have ruined us are being given the chance to become better persons financially, academically and skills-wise."[97] In Rwanda, the Chairman of the RDRC acknowledged that this disparity in the treatment of ex-combatants versus victims upsets some survivors who feel "you recompense killers but you forget the victims."[98] The basic point is the same: resistance on the part of receiving communities, particularly victims, may diminish if they are given reasons to think that they will also be attended to. DDR programmes have taken this on board, and hence IDDRS, for example, emphasizes the importance of "balancing equity with security," of making sure that "reintegration support for ex-combatants is not…regarded as special treatment for ex-combatants, but rather as an investment in security for the *population as a whole*"[99] and ultimately by arguing that "*all war-affected populations*…should be given equal access to reintegration opportunities."[100] But this is not enough; victims call for measures that not only improve their security to the same extent that everyone's security improves, or for measures that benefit them alongside everyone else. After all, while it is true that under conflict or authoritarianism everyone suffers, the suffering of victims is special and calls for special recognition. Providing benefits to ex-combatants without attending to the claims of victims not only leaves victims at a comparative disadvantage, but gives rise to new grievances, which may exacerbate their resistance to returning ex-combatants. By contrast, guaranteeing that the claims of victims will be addressed may diminish such resistance. This is the argument for establishing links between DDR and reparations programmes.

Now, how exactly are those links to be drawn? The point is *not* that DDR and reparations programmes should be folded into one, for despite the fact that both programmes overlap around the notion of trust, it is still the case that their immediate goals differ. The urgent security needs that motivate DDR

programmes inform the design of such programmes by considering, at least initially, what is sufficient to avert the risks posed by potential spoilers. The considerations that should inform the design of reparations programmes are, by contrast, related to an understanding of what justice requires in situations of massive human rights violations. Although this is not an argument against making some of the benefits distributed through DDR programmes available to victims and the community at large, the element of recognition that is part and parcel of reparations, and that makes them different from mere compensatory schemes, will typically entail targeting victims for special treatment. This is part of what it means to give them recognition, and part of the reason that transitional institutions can give them to motivate their trust. So, rather than assimilating reparations programmes and DDR programmes, this is an argument for some type of coordination between them, for a particularly broad type of 'external coherence' between programmes that have previously never been thought of in relation to one another. Ultimately, because it is not only that these programmes serve different constituencies and pursue different immediate aims, but also because they typically move in accordance with very different calendars, one way of putting the point is that what needs to be coordinated is not so much the programmes but the commitments; although time after time victims have shown themselves reasonable enough to understand the importance of security and are willing to countenance the provision of benefits to those who may thwart a peace process, they need reasons to think that this does not amount to surrendering their claims to justice. Were they to be given assurances that this will not happen, these justice-based reasons may facilitate the achievement of security aims.

5. Recommendations

Which recommendations follow from the preceding argument and from an analysis of the data collected for this project about the distribution of aid between security and justice concerns?[101] What should be made of the international community's readiness to provide resources and expertise for DDR programmes, which contrasts with its reluctance to make similar commitments to reparations programmes? And what are some sensible reactions to this tendency? Again, at a broad level of generality, these are jarring disparities. However, one should not rush to judgment; even from the standpoint of justice there are considerations that ought to be kept firmly in mind:

- While the argument of the paper has moved in the direction of establishing the relevance of justice considerations for peace, we do well to remember the relevance of peace for justice. Justice measures stand a better chance of being implemented after the peace is secured. This assumes, of course, that in the process of attaining peace, justice is not permanently compromised e.g. through the granting of blanket amnesties. Hence the importance of DDR programmers improving their familiarity with the requirements of justice, so at the very least, they can display a 'do no harm' attitude and maintain the possibility of justice measures being implemented down the line.
- Since reparations measures are not mere compensatory schemes, it therefore matters *who* covers their costs. This is one more reason not to take the disparity in aid to DDR versus aid to reparations as evidence that international aid is being distributed unfairly.[102] Having said this, however, it is not that the international community is pouring resources into other transitional justice measures less sensitive than reparations to considerations about who covers

their costs. There is, indeed, a disparity in the international community's level of commitment to security- over justice-related programmes. So what can the international community do about this, besides increasing its overall level of support for justice initiatives? Concerning reparations specifically, and without violating the constraints imposed by the notion that responsibility for human rights abuses entails the responsibility to pay for their reparation, it can:[103]

- provide technical assistance in the design and implementation of reparations programmes,
- support local groups involved in reparations discussions,104
- given the involvement of some international actors in the area of justice, the international community can play an important role in pressuring governments not to leave behind the more victim-centered justice initiatives, thus making a contribution to the coherence of a comprehensive transitional justice policy,
- pressure multilateral institutions to foster conditions under which post-conflict economies can afford to pay due attention to the victims of conflict,
- and rethink its reluctance to provide direct material support to reparations efforts, at least in those cases in which international actors have played a major role in a conflict.

Endnotes

[1] Perhaps the *Final Report of the Stockholm Initiative on DDR* [SIDDR hereafter] goes further in this direction than any. See §3.5 of the *Report*. In a more tentative vein, see Sarah Meek and Mark Malan, eds., *Identifying Lessons from DDR Experiences in Africa* (Pretoria: Institute for Security Studies, 2004), which talks about "the need to move towards a new DDR framework that is based on human rights," vii.
[2] See, for example, some of the papers in David Barash, ed., *Approaches to Peace* (Oxford: Oxford University Press, 1999).
[3] See, for example, the statement by the head of Rwanda's Demobilization and Reintegration Commission (RDRC), which is not atypical: "Our mission is to ensure that *all* ex combatants are socially and economically reintegrated in their communities…." See RDRC, "Demobilization and Reintegration" (n.d.), available on the MDRP's website at http://www.mdrp.org/rwanda.htm, 2 [RDRC, "Demobilization and Reintegration," hereafter].
[4] According to the authors of the paper on international aid, prepared as part of the FriEnt sponsored project of which this paper is one part, of the US $2,686 million in aid given to Rwanda by 15 donors in the 11-year period from 1995 to 2005, only $111 million (4.1%) was allocated to transitional justice measures. In the same period Guatemala received $2,143 million in international aid, and allocated $140 million (6.5%) to transitional justice measures. For my purposes the figures are even more striking, for in the rubric of transitional justice measures the authors of the international aid paper include support for security sector reform, to which in fact roughly half of the total transitional justice budget in each country was devoted. See Stina Petersen, Ingrid Samset, and Vibeke Wang, "Aid to Transitional Justice in Rwanda and Guatemala 1995-2005," esp. 2, 4, 10, 11 [Petersen et al., "Aid to Transitional Justice," hereafter].
[5] Escola de Cultura de Pau (ECP), "Analysis of the Disarmament, Demobilisation and Reintegration Programs Existing in the World During 2006" (Barcelona, March 2007) [ECP Analysis hereafter].
[6] I say that this is only an initial description of the nature of the paper, for in the final analysis I would like the peace versus justice vocabulary to be set aside in favour of a

more complex conceptualization of their relationship, to which this paper ultimately seeks to make a small contribution.

[7] William Stanley and David Holiday, "Broad Participation, Diffuse Responsibility: Peace Implementation in Guatemala," in *Ending Civil Wars: The Implementation of Peace* Agreements, ed. Stephen John Steadman et al. (Boulder: Lynne Rienner Publishers, 2002), 35 in manuscript.

[8] Wenche Hauge and Beate Thorsesen, *El Destino de los ex Combatientes en Guatemala* (Guatemala: Magna Terra, 2007), 16. When the ex-PACs finally received some economic benefits in 2005-2006, the programme served 544,620 individuals. See ibid. 43.

[9] Stanley and Holiday, "Broad Participation," 35.

[10] Ibid.

[11] The peace agreements called for a very rapid demobilization process: 60 days after the establishment of the UN verification mission (which the agreements themselves call for) the URNG forces had to be demobilized.

[12] Hauge and Thorsesen, *El Destino de los ex Combatientes en Guatemala*, 28.

[13] Fundación Guillermo Toriello, *La Incorporación de la Guerrilla Guatemalteca a la Legalidad* (Guatemala: 2006), 42-43.

[14] This figure was a disappointment compared to the figure of more than $85 million that had been mentioned in December 1996 before the agreements were signed, a figure that enticed reticent members of the URNG. See Hauge and Thorsesen, *El Destino de los ex Combatientes en Guatemala,* 23 and 28.

[15] John Heard, "Guatemala: Demobilization and Incorporation Program," evaluation prepared for USAID in January 1999, 30.

[16] Ibid., 32.

[17] Ibid., 37, 44.

[18] These businesses turned out to be mostly failures. As the USAID evaluation laconically puts it, "many of these people are not mini-entrepreneurs." Ibid., 42.

[19] The author of this paper advised the *Comisión Nacional de Resarcimiento* during a brief period in 2003-2004, under an agreement with GADRES (*Grupo de Apoyo a las Reparaciones*), whose core members included representatives of the Swiss government, GTZ, UNDP and a few local NGOs.

[20] Long before the accords were signed, judicial cases before the Guatemalan courts and in the Inter-American system (cases seeking the prosecution of those responsible for human rights violations, and, at least those in the Inter-American system, seeking reparations for victims as well) constituted the other important pillar for progress on the general topic of reparations in Guatemala. The cases in the Inter-American system can have an important motivating effect (meeting between the author and Vice President Stein, Guatemala City, 2004). For an illuminating account of the fate of reparations in Guatemala, see Claudia Paz y Paz Bailey, "Guatemala: Gender and Reparations for Human Rights Violations," in *What Happened to the Women? Gender and Reparations for Human Rights Violations*, ed. Ruth Rubio Marín (New York: Social Science Research Council, 2006). This book, the first in the ICTJ's *Advancing Transitional Justice Series*, is one of the ICTJ's publications on reparations.

[21] As quoted in Paz y Paz Bailey, fn. 65, at 129.

[22] Governmental Agreement 258-2003.

[23] Governmental Agreement 258-2003, art. 4.

[24] Governmental Agreement 619-2005, arts. 3 and 4.

[25] Governmental Agreement 619-2005, art. 1.

[26] Governmental Agreement 619-2005, art. 1.

[27] Governmental Agreement 619-2005, art. 1. The decree is silent on the other crucial definition that reparations programmes must make, namely, that of beneficiaries. But in the *Manual de Calificación de Víctimas* that the CNR had succeeded in producing in 2005, the beneficiaries in the cases of deceased or disappeared victims were the direct family including the father, mother, spouse or common-law partner, and the children, all of whom would share the granted compensation. One more issue concerning the definition of beneficiaries: the *Manual* does not distinguish between civilian and combatant victims; human rights offenders as well as those in lists of ex-PACs are excluded from receiving benefits (art. 28).

[28] Psychosocial support, particularly in relation to exhumations, has long been provided not by the PNR, but by NGOs.
[29] Communication from Martín Arévalo, Executive Director of the CNR (May 30, 2007).
[30] See Lars Waldorf, "Transitional Justice and DDR in Post Genocide Rwanda," paper produced for the ICTJ's research project on DDR and Transitional Justice [Waldorf, "Transitional Justice and DDR," hereafter]. The last two groups were treated as part of the category of ex-AG.
[31] The Arusha Accords stipulated a 50-50 split in the officer corps, and a 60-40 split (RPA/RDF) in other ranks. These proportions have not been kept, however. See Waldorf, "Transitional Justice and DDR," 2-3.
[32] See Multi-Country Demobilization and Reintegration Program (MDRP) Joint Partner Mission, "Rwanda Country Report" (Oct. 4-6, 2006), circulated at the MDRP Partners Meeting, Paris, November 20, 2006, at 7 [MDRP, "Rwanda Country Report," hereafter].
[33] The World Bank has provided US $28.7 million (a $10.8 million grant, and a $17.9 million credit); the Multi-Donor Trust Fund (MDTF), managed by the World Bank as part of the MDRP, gave a $14.4 million grant; and then there is bilateral financing from the UK's DFID for $8.8 million and from the German government for $2.7 million. See RDRC, "Demobilization and Reintegration," 2.
[34] Waldorf, "Transitional Justice and DDR," 6.
[35] RDRC, "Demobilization and Reintegration," 3.
[36] This allowance is paid into the beneficiary's bank account in two installments, the first one a month after settlement in the community of return, the second two months after. All the ex-FAR who demobilized (12,969 out of original estimates of 15,000), who had been under-served in Phase I, received the RSA by December 2005 through Phase II.
[37] This last figure is for the period running up to 30 September 2006. See MDRP, "Rwanda Country Report," 3.
[38] Ibid.
[39] RDRC, "Demobilization and Reintegration," 4.
[40] MDRP, "Rwanda Country Report," 4.
[41] See MDRP, Rwanda Demobilization and Reintegration Program, World Bank/MDRP Secretariat Implementation Support Mission, Aide-mémoire, 5.
[42] See MDRP, Aide-mémoire, 5-9.
[43] RDRC, "Demobilization and Reintegration," 5.
[44] John Borton and John Eriksson, *Lessons from Rwanda—Lessons for Today* (Copenhagen: Ministry of Foreign Affairs, 2005), 32 (footnotes omitted).
[45] Considering that the overwhelming majority of victims were Tutsi and that the post-genocide regime is led by Tutsis makes this even harder to understand. Surely, the reasons to explain this lack of action are complex, but according to one analyst this "underscores the political marginalization of the Francophone Tutsi survivors, who have an uneasy relationship with the mostly Anglophone, Ugandan-born Tutsi who lead the RPF." Waldorf, "Transitional Justice and DDR," 13.
[46] Loi Organique du 30 août 1996 sur l'organisation des poursuites des infractions constitutes du crime de genocide ou de crimes contre l'humanité, commises à partir du 1er octobre 1990 jusqu'au 31 décembre 1994, Journal Officiel, no. 17, 01/09/1996.
[47] See Heidi Rombouts, "Women and Reparations in Rwanda: a Long Path to Travel," in *What Happened to the Women?*, esp. at 199-203 and 217-220 [Rombouts, "Reparations in Rwanda," hereafter].
[48] This definition of victims and of the types of harm that require compensation obviously leaves out important categories of violations that affect women in particular, including forced pregnancy. See Rombouts, "Reparations in Rwanda," 217ff.
[49] Ibid.
[50] Ibid., 219.
[51] Ibid., 224-25.
[52] Ibid., 222-23.
[53] Ibid., 224, 229.
[54] Ibid., 223-24.
[55] For a recent example, see James Munyaneza, "Ministers Discuss FARG, Order Audit," *The New Times*, June 19, 2006, available at http://www.rwandagateway.org/article.php3?id_article=2010&var_recherche=FARG

[56] For an account of justice in reparations that places recognition at the core of such programmes, see my "Justice and Reparations" in *The Handbook of Reparations*, ed. Pablo de Greiff (New York: Oxford University Press, 2006). I will return to this topic below.
[57] In contrast to a social welfare programme which can of course be structured around the notion of need, a reparations programme may use need as a criterion for the prioritization of the distribution of its benefits, but not as a criterion for accessing those benefits in the first place.
[58] For a discussion of this concept, see Rombouts, "Reparations in Rwanda," 214-16.
[59] To complicate matters even further, to the opacity of the notion of *rescapé* is added the fact that the status is not certified by an impartial body, but by neighbours, victims' organizations, or local authorities or institutions.
[60] It goes without saying that gathering the resources and mustering the will are extremely challenging (and, incidentally, interrelated problems). For a thoughtful analysis of financing reparations programmes (including the political dimensions of the issue) see Alex Segovia, "Financing Programs of Reparation: Reflections from International Experience," in *The Handbook*.
[61] As will become obvious, some of the challenges are shared. I derive no special significance from this fact; these are some of the challenges inherent to the design of distributive procedures. My argument about the importance of establishing links between DDR and reparations programmes therefore does not rest on the observation that these programmes face some common challenges.
[62] This is nothing more than a heuristic; on the one hand, the ideal is indeed more demanding than this suggests, for reparations programmes usually provide benefits to a set of people larger than the set of victims (think about unharmed family members who nevertheless, rightly, receive benefits from the programme). On the other, however, programmes usually fail to provide benefits to all victims (think not just of the many victims of violations of the type of rights that are frequently violated in situations of conflict or authoritarianism but that have never been triggers of reparations through a programme, but also of the many people who are victims of the very violations that the programme is supposed to provide benefits for, who nevertheless never receive any). To use the vocabulary that the author developed for the forthcoming OHCHR Rule of Law Tool on reparations, the former is a problem of lack of 'comprehensiveness' in the reparations programme, the latter of 'incompleteness' [OHCHR Tool, hereafter].
[63] For instance, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law offer a general definition of 'victims' that is likely to be adopted by most reparations programmes in the near future: "Victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim." A/RES/60/147, March 21, 2006, at 5.
[64] If it did that, the programme would be 'comprehensive' in the technical sense defined in the OHCHR Tool.
[65] On this topic, see *What Happened to the Women?,* especially the Introduction by Rubio-Marín.
[66] See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, March 21, 2006 [Basic Principles, hereafter].
[67] And, particularly in the case of collective symbolic measures such as public apologies and sites of memory, to non-victims as well.
[68] See, for example, OHCHR Tool, § IV. 6.

[69] IDDRS § 5.1, 8ff.

[70] The following chart clearly shows that only exceptionally is there a close one-to-one relationship between demobilized ex-combatants and recovered weapons. So, if returning weapons is chosen as a criterion for access to the programme, many ex-combatants will be left out. Source: ECP Analysis, 30.

Table 12. Weapons handed in per demobilized combatant in selected countries

Country	People demobilized	Weapons handed in	Weapons/pers	Years
Afghanistan	62,000	48,919	0.78	2003-2006
Angola	97,115	33,000	0.34	2002-2006
Burundi	21,769	26,295	1.2	2004-2006
Colombia	31,761	18,051	0.57	2004-2006
Côte d'Ivoire (1)	981	110	0.11	2006
Indonesia (Aceh)	3,000	840	0.28	2005
Liberia	101,405	28,364	0.28	2005
Rep. Congo	17,400	11,776	0.68	2000-2006
Total group	335,521	167,525	0.49	
El Salvador (FMLN)	11,000	10,200	0.93	1992
Guatemala (URNG)	3,000	1,824	0.61	1997

[71] See Jeremy Ginifer, "Reintegration of Ex-Combatants," in *Sierra Leone: Building the Road to* Recovery, ed. Sarah Meek et al. (Pretoria: Institute for Security Studies, 2003).

[72] The IDDRS has come down in favour of tests to determine an individual's membership in an armed force or group, but adds that "All those who are found to be members of an armed force or group, whether they were involved in active combat or in support roles (such as cooks, porters, messengers, administrators, sex slaves and 'war wives') shall be considered part of the armed force or group and therefore shall be included in the DDR programme." IDDRS, 2.30 § 5.1, 2.

[73] See, for example, the definitions of reinsertion and reintegration in IDDRS: "Reinsertion is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is short-term material and/or financial assistance to meet immediate needs, and can last up to one year. Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance." IDDRS, 2.10, 5.

[74] How to institutionalize the participation of civil society and other stakeholders in both reparations and DDR programmes is another critical challenge. For reparations programmes, see the OHCHR Tool, §4.1. For DDR programmes, see IDDRS, 2.30 and 3.30.

[75] SIDDR, 10.

[76] This is true not just of the expectations generated amongst the population as a whole, but even among the groups specifically targeted to receive benefits through the programme. See, for example, Fundación Guillermo Toriello "Lecciones de la Incorporación a 7 Años del Acuerdo" (Guatemala: 2003), available at http://www.c.net.gt/fgtoriello/infgral/lecciones_aprendidas.html.

[77] See my "Justice and Reparations" for an elaboration of these arguments.

[78] See, e.g., Yoshiaki Yoshimi, *Comfort Women: Sexual Slavery in the Japanese Military During World War II* (New York: Columbia University Press, 2002) and Margaret Stetz and Bonnies C. Oh, eds., *Legacies of Comfort Women During World War II* (New York: ME Sharpe, 2001).

[79] I am following Alexander Mayer-Rieckh in thinking about vetting as a form of institutional reform, without rehearsing his argument. See his "On Preventing Abuse," in *Justice as Prevention: Vetting Public Employees in Transitional Societies*, ed. Alexander Mayer-Rieckh and Pablo de Greiff (New York: Social Science Research Council, 2007).

[80] They also share two long-term goals, namely, democratization and reconciliation, but I cannot address these here.
[81] Thomas Nagel argues that there is "a difference between knowledge and *ac*knowledgment. It is what happens and can only happen to knowledge when it becomes officially sanctioned, when it is made part of the public cognitive scene." Quoted in Lawrence Weschler, "Afterword", in *State Crimes: Punishment or Pardon*, Aspen Institute Report (Washington, DC, 1989).
[82] For a full elaboration of this argument, see my "Justice and Reparations."
[83] I have worked out in detail the relationship between reparations and civic trust in my "Justice and Reparations," between truth-telling and civic trust in my "Truth-telling and the Rule of Law," in *Telling the Truths*, ed. Tristan Anne Borer (South Bend: University of Notre Dame Press, 2005), between vetting and civic trust in my "Vetting and Transitional Justice," in *Justice as Prevention*, and between reconciliation and civic trust in my "The Role of Apologies in National Reconciliation Processes: On Making Trustworthy Institutions Trusted," in *The Age of Apology*, ed. Mark Gibney and Rhoda Howard (Philadelphia: University of Pennsylvania Press, forthcoming).
[84] IDDRS, 2.10, 1.
[85] Ibid., 2.20, 1.
[86] Particularly given the insistence on the importance of making sure that DDR benefits not just ex-combatants but also communities. See, for example, ibid., 2.30, 6.
[87] Ibid., 4.30, 3.
[88] Ibid., 4.30, 6.
[89] Ibid., 4.30, 3. Of course size is not the relevant consideration, *desert* is. But these are waters in which IDDRS chooses not to wade.
[90] SIDDR, 14.
[91] Ibid., 23.
[92] Ibid., 19.
[93] For the norm-based account of trust on which this argument relies, see my "The Role of Apologies in National Reconciliation Processes."
[94] Jeremy Weinstein and Macartan Humphreys, "Disentangling the Determinants of Successful Demobilization and Reintegration," Center for Global Development, Working Paper 69, September 2005.
[95] This need not be thought of in terms of sharing information that may compromise individuals, and therefore increase the resistance on the part of ex-combatants to participate in DDR programmes to begin with, but might consist exclusively of information about the more 'structural' dimensions of the parties to the conflict.
[96] Notice the modality. They *may*. Whether they do in fact is an empirical issue that depends upon many factors including highly contextual considerations, among which a sense of whether returning ex-combatants are 'our boys (and girls)' or not is an important one. The strength of the tendency to forgive 'our boys' for what they have done to *others* should not be underestimated.
[97] Cited by Ginifer in his "Reintegration of Ex-combatants," 46.
[98] See Waldorf, "Transitional Justice and DDR," 26.
[99] IDDRS, 4.30, 6. Emphasis added.
[100] Ibid. Emphasis added.
[101] See Petersen et al., "Aid to Transitional Justice."
[102] Indeed, Guatemala has received international aid for reparations. But notice that this has been for exhumation initiatives and not for the more traditional direct benefits usually associated with reparations programmes. See Petersen et al., "Aid to Transitional Justice," and accompanying charts.
[103] See my "Reparations and International Cooperation," in *Dealing with the Past and Transitional Justice: Creating Conditions for Peace, Human Rights, and the Rule of Law* (Berne: Swiss Ministry of Foreign Affairs, 2006).
[104] This is important not just because recognition requires participation. Beyond this, there is an additional important consideration: in the end, whether a reparations plan is implemented or not depends heavily on a political struggle in which the participation of local groups is absolutely imperative.

Appendix

1. Abbreviations

AG	Armed groups
BNK	Basic Needs Kit
CEH	*Comisión de Esclarecimiento Histórico* (Historical Clarification Commission)
CEI	*Comisión Especial para la Integración*
CNR	*Comisión Nacional de Resarcimiento* (Executive Commission on Reparations)
DDR	Disarmament, Demobilization, and Reintegration
DRC	Democratic Republic of Congo
EU	European Union
FAR	*Forces Armee Rwandaise*
FARG	*Fonds d'Assistance aux Rescapés du Génocide*
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
MDRP	Multi-Country Demobilization and Reintegration Program
MDTF	Multi-Donor Trust Fund
OAS	Organization of American States
PAC	*Patrullas de Autodefensa civil* (Civil Defence Patrols in Guatemala)
RDRP	Rwanda Demobilization and Reintegration Program
PMA	*Policía Militar Ambulante* (Mobile Military Police)
PNR	*Plan Nacional de Resarcimiento* (National Reparations Plan)
RPA/RDF	Rwanda Patriotic Army, later renamed the Rwandan Defense Force
RPF	Rwandan Patriotic Front
RSA	Recognition of Service Allowance
UN	United Nations
UNDP	United Nations Development Programme
URNG	*Unidad Revolucionario Nacional Guatemalteca* (Guatemalan National Revolutionary Unity)
USAID	United States Agency for International Development
VSW	Vulnerable Support Window

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