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Reclaiming Justice from Below: Victim Participation and Reparations in Post-Conflict Peru

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VICTIM PARTICIPATION AND REPARATIONS
IN POST-CONFLICT PERU

by

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DISSERTATION

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DEDICATORIA

Para las peruanas y los peruanos cuyas vidas fueron violentadas durante el conflicto armado interno (1980-2000), sus familias y sus comunidades.
Y para todas las personas que luchan día a día por reparaciones dignas, justicia y derechos humanos en el Perú.

Para ellas y ellos, dedico esta investigación y este escrito.

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por propiciar un ambiente laboral sano que, aunque lleno de responsabilidades y horarios apretados, siempre le dio preeminencia a un sentido de comunidad y solidaridad. El apoyo de todas estas comunidades fue crucial para llegar a la versión final del manuscrito.

A todas estas comunidades, mis comunidades:

¡Gracias Totales!

Thank you!

Añaypuni

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ABSTRACT

Since 2007, Peru's *Plan Integral de Reparaciones* (PIR, Comprehensive Reparations Plan) has provided material, symbolic, individual, and collective reparations to victims of the civil conflict (1980-2000). Important differences in the implementation of reparations have emerged across time and space. Previous studies have examined factors conditioning the adoption and the effects of reparative justice, generally at the national level. How reparative processes unfold on the ground from design to implementation remains underexplored. Drawing upon original interviews, focus groups, participant observation, and archival research in three highly affected Andean regions (Apurímac, Junín, and Ayacucho) and in the capital city, Lima, I examine victims' everyday justice experiences to identify the socio-political drivers of the temporal and spatial variation in PIR implementation. Findings highlight how victims have built multiple participation strategies to articulate and negotiate their demands with national and subnational governments, reclaiming the PIR policy space to reflect their own sense of justice.

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1. INTRODUCTION

Located at an altitude of 3,124 meters above sea level and five hours by car from the city of Ayacucho, Cayara is one of the 12 districts of the Víctor Fajardo province in Ayacucho, the region most affected by the civil conflict in Peru (1980-2000). Although Cayara suffered state and insurgent incursions throughout the war, most of the human rights violations were committed by the armed forces. In May 1988, the military carried out the "*Plan Persecución"* (Persecution Plan) in the communities of Cayara and Erusco, and surrounding areas. Raiding the communities under the pretext of capturing alleged supporters of the insurgency, they committed atrocities, including the murder and disappearance of 39 people (Comisión de la Verdad y Reconciliación, 2003). The *"Caso Cayara,"* as this episode has been called by the Interamerican Court of Human Rights, the Peruvian Truth Commission, and national courts, was one of the most emblematic cases of the conflict, both in terms of media visibility and the systematic efforts of military, judicial and political entities to prevent punishment of the crimes.[1]

In the morning hours of July 18, 2017, almost 30 years after this massacre, the residents of Cayara, still awaiting punitive justice for the perpetrators, gathered in the main square of the district to participate in a process that stemmed from the *Plan Integral de Reparaciones (PIR)*, Peru's post-conflict reparations policy.[2] On that day, the *Santuario Ecológico de Memoria de Cayara* (Cayara's Ecological Sanctuary of Memory) was going to be inaugurated in honor of victims. The population, congregated near the main church, welcomed many visitors who arrived to be part of this memorialization Figure **1.1: Inauguration of the Santuario Ecológico de Memoria de CayaraFigure 1.1**). The Minister of Justice, the Vice-Minister of Justice and Human Rights, the head of the Reparations Commission, and representatives of different central government institutions arrived from Lima, Peru's capital city. Representatives of the regional government of Ayacucho, as well as the province and district mayors also joined in. For the first time in Cayara's history, high-ranking officials from all levels of government were present in this Andean locality. Some state officials set up tents to provide information about services in the

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[1] Quinteros, Víctor. (May 12, 2020) Caso Cayara: 32 años de impunidad. Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú. https://idehpucp.pucp.edu.pe/opinion_1/caso-cayara-32-anos-de-impunidad/
[2] Description of this event was based on fieldwork observations and information collected through informal conversations with community members and visitors on July 18th, 2017, in Cayara, Ayacucho.

areas of health, land titling, social welfare, and reparations; many people met with national government officials for the first time in their lives. Members of victim organizations and human rights NGOs, journalists, and other civil society allies joined as well.

The Sanctuary was designed and built by the community in *Cceschuapampa*, a ravine on the hillsides where the massacre occurred.[3] It takes about two hours hiking down a steep slope from the main plaza towards the Pampas River to get to this site. The construction of a paved road had been promised by local authorities, but it was not completed on time due to logistical and bureaucratic issues. A few days prior to the inauguration, the community organized a *minga* (community work based on the norm of reciprocity) to create a road, allowing villagers who could not hike down to place symbols representing their memories of violence and justice on the site. Without this collective effort, hundreds of villagers and visitors who arrived from Ayacucho and Lima would not have been able to access the Sanctuary.

The commemoration included moments led by the government, characteristic of the PIR's symbolic reparations. High-ranking officials offered public apologies to victims on behalf of the state, recognized their suffering, and engaged with community members in a receptive and respectful manner, evoking in the community the building of better state-citizen relations. While these acts contributed to the implementation of this memory space, the reparative character of the process resulted from the community's taking ownership of the event. They participated through speeches, stories, songs, and dances, all representative of Quechua culture and cosmovision. High school students reenacted the massacre and its aftereffects on community life. Testimonies of deceased persons' relatives and surviving victims spoke to how the community experienced violence and resilience. Demands for recognition and justice from leader of victim organizations enhanced solidarity and social cohesion among affected groups. All these acts, moments, and spaces helped weave together Cayara's collective memory.

The Sanctuary now lies in the foothills of the Andean mountains as a space of historical memory, healing, identity building, and justice. But above all, it represents a symbol of the political agency of Cayara's community, which became empowered through the reparative

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[3] Cceshuapampa is also spelled as Qachuaypampa or Qachuapampa. Since Quechua is an oral language, modern writing uses different phonetic rules of Spanish to present the language in written form.

process. The presence and support offered by the state and other allies were important for Cayara, but without the community's participation, this process would have been devoid of reparative meaning. Through their participation, they affirmed their cultural identity and status as citizens of an often-absent state. This is one of many experiences where victim participation has been the driving force of the reparative process in Peru, which is the focus of this study.

Figure 1.1: Inauguration of the Santuario Ecológico de Memoria de Cayara

Note: Author's personal collection, Perú (2015-2018). Cayara, Víctor Fajardo, Ayacucho

Within the scholarship of Transitional Justice (i.e., justice implemented during or after widespread political violence to obtain justice and redress), research on Reparative Justice (RJ) or reparations has remained scarce (Backer & Kulkarni, 2016). Due to the diversity of RJ models, types of reparations, the complex conditions of when they unfold on the ground, and fine-grained differences at the individual, community and country levels, there are very few systematic cross-sectional studies. This project adds to the work of academics, policymakers, practitioners, and civil society communities focused on this mechanism by examining the factors that contribute to the implementation of promised reparations, an often-overlooked component of the RJ process. Focusing on Peru's post-conflict reparation experience, from a comparative subnational perspective, this research makes visible how individuals and communities have

engaged with this process, especially Quechua indigenous victims who were disproportionally affected during the war and have been historically excluded by the state.

Peru's *Plan Integral de Reparaciones* (PIR, Comprehensive Reparations Plan) is a top-down national program based to some extent on globalized notions of justice and human rights. In practice, reparations were implemented very differently across communities in Peru. The adoption of RJ in Peru developed into a unique national policy design. However, empirical evidence collected in this study has shown differences in the policy output (implementation of the reparations program) and in the policy outcomes (effectiveness of reparations or achievement of reparation goals) across regions and communities (Figure **1.2**). Although researchers are often readily interested in mapping out the effectiveness of reparations, the practical value of these measures does not only lie in its intended effects, but in the undertaking itself (McAdams, 2011, p. 312). An overemphasis on whether goals of reparations were achieved or not overlooks the process victims undergo when justice mechanisms are in development. The dissertation project aims to unpack and explain the variation in the implementation of Peru's reparation program. Drawing from an inductive logic and extensive fieldwork, the main goals of this research are theory development and explanation (Koivu & Hinze, 2017).

Figure 1.2: Reparative Justice Process

National
Policy Design → Regional/Local
Policy Output → Regional/ Local
Policy Outcome
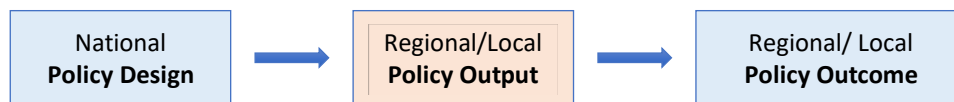
Variation is observed in different aspects such as whether reparations are implemented or not, the type of programs implemented, the extent to which each program is implemented, and how they are implemented. Although the normative framework of the PIR dictates that levels of violence endured by collective and individual victims should drive the implementation of the programs, variation among areas that experienced similar degrees of violence exists. Drawing upon original interview, focus groups and archival data from Lima and three highly affected Andean regions (Ayacucho, Junín, and Apurímac), as well as large-N data on implementation, I employ case-study analysis and quantitative tools to identify the social and political drivers of the implementation of reparations in Peru. Fieldwork in Peru working with implementers and

recipients of reparations showed that whether or not beneficiaries receive reparations depends not only on the national efforts and disbursement of resources, but also on regional and local government efforts, as well as the decisions of eligible (i.e., officially registered) collective and individual recipients on whether or not to demand and accept the benefits.

Figure 1.3: Research Questions and Main Argument

| National Policy Design | → | **Victim Participation** | → | National and Subnational Implementation of Reparations **Policy Output** |

Research Questions: What explains the temporal variation in the national implementation of reparations in Peru? What explains the spatial variation in the implementation of reparations across subnational units? How does the participation of victims affect the implementation of RJ?

The empirical research will explain and show how national and subnational actors intervene and advance, constrain, and shape the implementation of reparations (output), both at the country-level across time, and subnationally. While the study highlights the role of national, regional, and local governments in the process, and under what conditions their participation matters the most, the core of the argument falls on the demand side, the participation of individual victims and collectives, particularly Quechua communities. The decision of victims to contest, forgo, pursue, or modify existing benefits, employing multiple formal and informal channels to appeal to the state, have resulted in divergent participation strategies. Victims' capacities, preferences, and understandings of RJ have driven the way these groups interact with the national and local governments in their fight for justice and reparations. In response to a lack of formal and institutionalized channels for victim participation both in the design and implementation of reparative justice, victims have reclaimed the PIR policy space by building new avenues through which they articulate and negotiate their political demands to reflect their sense of justice.

1.1.   Reparative Justice in the Literature

Having its historical precedent in the Nuremberg trials and subsequent justice measures to respond to the Holocaust atrocities, Transitional Justice (hereinafter "TJ") has spread across the world to become a common practice among countries emerging from periods of pervasive violence (Elster, 2004; Jelin, 1994; Oettler, 2015; Stern, 2010). TJ is conceived as a systematic response to address the legacies of past human rights abuses or to end cycles of violent conflict that occur, for example, during interstate conflicts and civil wars, and under authoritarian regimes (Kritz, 1995; R. G. Teitel, 2001). TJ aims to "help societies transition from conflict to sustainable peace, from authoritarianism to democracy, from a legacy of mass human rights abuses, and from a culture of impunity to one in which citizens are treated with dignity," by providing tools for countries to confront and learn from their turbulent periods.[4] TJ is often associated with the immediate aftermath of repressive times; however, broadly speaking, it also encompasses justice during transitions, including a long time after the commission of abuses has ended, or even while the conflict is still active. Mainstream justice mechanisms to confront the wrongdoings of the violent past include human rights trials, truth commissions, amnesty laws, lustration norms (banning perpetrators from public office), reparations, memorialization efforts, and institutional reforms, among others.

In the last two decades, the field of TJ has transitioned from being mainly normative to explanatory and empirical. As many countries in the late 20th century started to embrace TJ, scholars sought to explain why some adopted it, while others did not.[5] Given the variety of TJ models, researchers explored what political, social, and economic factors drive countries to opt for different mechanisms or sets of these (Barahona de Brito, 2001; Olsen et al., 2010; Orentlicher, 1991; Vinjamuri & Snyder, 2004). As years passed since the adoption of these measures, more attention was given to the empirical effects of TJ on advancing human rights, democracy, and peace. While cross-national quantitative research has found specific TJ mechanisms to be associated with improvements in these macro-level goals, survey research

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[4] International Center for Transitional Justice. What is Transitional Justice. https://www.ictj.org/what-transitional-justice
[5] Early studies on causes of TJ borrowed arguments from the transition to democracy and third wave of democratization literatures (Hagopian & Mainwaring, 2005; Huntington, 1993; O'Donnell & Schmitter, 1986).

with victims and ethnographic studies in several countries have been more ambiguous about their effects (Pham et al., 2016).[6]

To be sure, the knowledge, empirical data, and assessment tools produced by scholars and practitioners studying the causes and effects of TJ mechanisms has been vast. But the literature has focused mostly on trials, amnesty, lustration, and truth commissions (Bates et al., 2020; Binningsbo et al., 2012; Gibson, 2006; Hayner, 2010; Nalepa, 2010; Sikkink & Kim, 2013; Wiebelhaus-Brahm, 2010). While the initial implementation of TJ and early scholarship on the subject emphasized retributive justice, there has been a shift towards a holistic application of TJ, one that includes reparative, truth-seeking, and social dimensions of justice. Reparative justice (RJ) is the only mechanism that focuses entirely on the victims, as it seeks to compensate and address the suffering and abuses they endured by providing them with reparations (De Greiff, 2006). Traditionally, the literature employs the term ***restorative justice*** to refer to reparation measures. However, in this text, I choose to employ the term ***reparative justice*** as the latter is a more encompassing concept. My choice also stems from the fact that in Peru, like in many other cases, the restorative function of reparations (i.e., return the victim to the state they were prior to the violation) can be interpreted in a way that overlooks the vulnerable conditions under which victims lived, which made them more prone to violence. Undoubtedly, when restoring conditions is the appropriate form of redress for victims, reparation programs must include these. The concept "reparative justice" as defined in this study encompasses the restorative function of reparations.

1.1.1. Research on Reparations

Studies of reparations are relatively few compared to other TJ mechanisms. The complexity of reparation measures in very politically, socially, and culturally diverse contexts has made it difficult for researchers to gather empirical data and produce systematic theories (Backer & Kulkarni, 2016). Drawing from legal, anthropological, and sociological theoretical approaches, the literature has produced rich accounts of empirical cases at the country or community levels mainly through in-depth qualitative research. These elaborate on the

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[6] Studies assessing the impact of transitional justice draw from different disciplines, methods, and levels of analysis. The variety of approaches has led to diverse conclusions and spurred an intense debate about how to best examine TJ effectiveness.

conceptualization and typology of RJ, explain victims' demands, expectations, mobilization, and often-tortuous struggle for reparations, and describe the challenges and successes of the various experiences (Carranza et al., 2017; De Greiff, 2006; Laplante, 2007; McCarthy, 2009; Moffett, 2013).

Studies on causes behind the decision to adopt reparations or the large-scale variation of reparation policies across countries and the effect of these measures is minimal (Adhikari et al., 2012; Bates et al., 2020; Olsen et al., 2010; Powers & Proctor, 2017). An emerging area of TJ studies explores micro-level effects through perception-based population surveys and experimental designs, but the focus on reparations is also limited (Backer & Kulkarni, 2016). Pham et al. (2016)'s multi-level mixed methods approach to evaluate the reparations program in Colombia constitutes an innovative exception, as it examines public and victims' perceptions of this process. Similarly, Firchow (2017, 2020) surveys the perceived impact of reparations on peace and reconciliation at the micro-level in Colombian communities, employing indicators developed by community members themselves. This body of research seeks to explain reparation effects on goals they are meant to achieve normatively (peace, reconciliation, trust, and justice), but it does not examine potential gaps in the early stages of the reparation delivery process that can in fact condition reparative justice effects. Experts note that the RJ (and TJ) literature has focused mostly on evaluations after the full implementation of these mechanisms, while paying too little attention to examining the initial or intermediate stages (Porciuncula, 2021).

Drawing from the insights of existing explanatory research on the causes and effects of reparations, this study falls in between these two puzzles to address an often-overlooked question: under what conditions do reparations that are promised ultimately are implemented? Academic and evaluation research on RJ has shown how difficult it is for countries, especially those with precarious institutions and economies, to deliver promised reparations (APRODEH & ICTJ, 2011; Correa, 2013; De Greiff, 2006; Greenstein, 2020). In most cases, reparative justice models are developed as social policies to be administered across the national territory according to the bureaucracies in charge of implementing them (Dixon, 2016). To better understand the gap between the design and output of a national reparations policy, this project examines variation in implementation at the national level across time, and subnationally across regions and communities in Peru.

RJ, both in theory and practice, has overlooked victims' views and demands in the inception phases. This is especially truth when affected individuals and communities come from politically, socially, and economically marginalized groups, like ethnic minorities, women, and vulnerable populations. Reparation experiences have excluded cultural notions and customs, partly due to a narrow interpretation of the universal human rights logic. Although the Universal Declaration of Human Rights acknowledges and treats all rights—including respect for self-determination—equally, TJ research and practice have tended to prioritize civil and political rights over social, economic, and cultural rights (Gready, 2021; Robins, 2012; Selim, 2017). They lack local and cultural sensitivities that are critical for these justice measures to have reparative meaning for victims.

1.1.2. <u>Evaluating Reparative Justice in Peru</u>

TJ and reparation studies on the Peruvian case have been dominated by qualitative research in anthropology, legal, and public policy studies. Root (2012) provides the most comprehensive account of the building of Peru's TJ model during the transition to democracy and the contentious barriers it suffered in the first decade of the 21st century. This piece helps us understand how the road towards accountability in the country paved the way to a multifaceted ambitious TJ agenda. While the Peruvian case brings important lessons to the region (and the world), especially due to the conviction of the ex-president Fujimori, the implementation and positive impact of TJ has lagged because of the lack of institutionalized parties and a divisive rhetoric in Lima's society about who should be consider a victim or a "terrorist," among other factors (Root, 2012). Macher (2014) offers another critical assessment of the effectiveness of TJ by mapping out the extent of regulations and policies that have been created to implement reparations and other recommendations of the Truth Commission ten years after the publication of its Final Report. She suggests that while a significant legal framework exists, norms remain unspecified and unattainable because they lack appropriate regulations and guidelines for their actual implementation.

Focusing on the reparation process in Peru, seminal pieces like Guillerot and Magarell (2006), Laplante (2007), and Laplante and Theidon (2007) examine the normative and political foundations of the reparation agenda in Peru. They identify the demands and needs of the

affected population before and during the design of the PIR, highlighting disjuncture problems among normative aims, victims' expectations, and state interests and capacities in the early 2000s. A section of the literature has taken a victim-focused perspective, tracing the ways affected groups have negotiated and constructed identities, public discourses, and social and political repertoires in their demand for justice (Correa, 2013; de Waardt, 2016; Henriquez, 2014; Ulfe, 2013; Ulfe & Málaga, 2021; de Waardt, 2013). Gathering testimonies directly from PIR beneficiaries in specific communities through rich ethnographic accounts, they find evidence of victims' negative views of reparation efforts. Victims' expectations of reparations were high, especially after the Truth Commission, but the hierarchical categorization of victims imposed by the state, the politicization of victimhood, and delayed implementation left many victims feeling mocked and revictimized by the state (de Waardt, 2013). Many rural communities where collective reparations have been implemented poorly feel disillusioned and frustrated because of the lack of information about reparations, the logistical and bureaucratic barriers to register as victims and receive benefits, and the mismanagement of reparation resources by local authorities (Bunselmeyer, 2016). For Ulfe and Málaga (2021), the state rhetoric of *lucha contra la pobreza* (fight against poverty) has permeated the PIR policy and influenced the way public officials see and carry out reparations on the ground, setting aside the recognition of victims, social recovery of affected individuals and communities, and (re)building of state-citizen relationships.

Other studies measure the actual implementation of reparations, identifying the strengths and limitations of the Peruvian state in complying with its commitment. Taking on a comparative angle, they look at the degree of implementation of a particular program across a selection of urban or rural communities (Barrenechea, 2010; Correa, 2013; Jave, 2021; Jave & Ayala, 2017). Most of these pieces focus on depicting implementation mainly through the eyes of the beneficiaries themselves, shedding light on the challenges, frustrations, and revictimization those affected by violence have experienced in their fight for reparative justice (Jave, 2021). Barrenechea (2010) focused instead on the engagement of municipal governments in the early years of the delivery of collective reparations in Ayacucho, offering some insights into why we observe differences in the implemented benefits across territories.

Building upon this scholarship, this study provides a systematic comparative assessment of PIR implementation at the national level and subnational levels during the first 12 years

(2007-2018) of the delivery of reparations. Instead of looking at either the demand or the supply side in isolation, it showcases the role of both state actors and victims in this process, focusing on Andean Quechua-speaking regions of Peru, which were disproportionally affected by the conflict. To better understand how reparations can be carried out in a more meaningful way for recipients, and thus, achieve more significant effects, we should consider who participates (and who does not) and how they participate in the process (Firchow, 2013; Firchow & Selim, 2022). The analysis places at the center the multiple strategies, resources, and trajectories victims and victim organizations have developed. Before examining the ultimate outcomes or expected normative aims, I argue that we need to better understand the negotiations, the progress and setbacks, and the cycles and turns individuals and communities go through when engaging with state actors at the national, regional, and local levels as a result of the PIR system.

1.1.3. Victim Participation in Justice Processes

TJ legal and humanitarian practice and research has experienced a shift towards victims of the conflict—protecting and promoting their needs, rights, and engagement in all components of the process—since the mid-2000s (García-Godos, 2016). Drawing upon the literature on victimhood and victim participation in post-conflict settings, my research highlights the relevance of formal and informal channels of victim participation throughout all steps of reparative justice (Cornwall & Coelho, 2007; Robins & Tsai, 2018). This is particularly important for Quechua indigenous communities in Peru who have been empowered and politically transformed through their demand for justice (Rubio-Marín et al., 2011).

Victim-centered justice

The study takes on a victim-centered approach, which is crucial to understand to what extent transitional justice mechanisms incorporate victims' rights, perspectives and needs. This analytical strategy switches the role victims play in the post-conflict dynamics. They are not anymore merely passive recipients of justice mechanisms; instead, they are enactors or key "actors in the political process of claim making and contestation" with "agendas of accountability and justice" (García-Godos, 2013). This view also allows for a learning curve in the justice implementation process driven by victims' experiences, ideas, and priorities at a given

time. In the case of the PIR, victims are not just the beneficiaries; instead, it is feasible for them to provide feedback and reclaim the policy crafting space that they were blocked from initially or where false promises were made. By participating on their own terms, victims seek to redefine, reshape, and reappropriate the approach to justice.

Applying a victim-centered frame, this study also engages with scholars and practitioners advancing a transformative justice agenda (Rubio-Marin, 2009). This normative claim departs from the recognition that reparations cannot simply restitute victims to their pre-violence situations, which were precarious and made them more vulnerable to violence in the first place. While reparative justice cannot change the irreparable, it can be transformative to the extent that it has the potential to identify and begin addressing these marginalized conditions (Yepes, 2009). As with victim-centered justice studies, proponents of this approach examine changes in the capacities and decision-making of those affected by violence. Transformative reparative justice moves beyond material individual benefits and prioritizes the building of human capital and agency through education, mental health, vocational training, and collective resources that can self-empower victims to avoid dependence on the state (Gready, 2021; Weber, 2018). Thus, adopting victim-centered transformative lenses, this study places emphasis on the variation of victims' preferences, strategies, and resources in their everyday experiences with the PIR.

Victim Participation

Normative theorizing on TJ advanced its global application based on its positive effects on democratic and peace-building goals (Teitel, 2008). However, in many post-conflict contexts, TJ has been defined and carried out through a very rigid top-down process (McEvoy & McGregor, 2008; Robins S, 2012). While adopting TJ mechanisms that promote state accountability for past human rights violations is positive to democracy and human rights norms in principle, many mechanisms have been designed and implemented excluding the voices of those most affected who do not have political leverage. Although TJ encompasses a set of negotiations between actors to determine how justice will be carried out on the ground, most often, the views of international donors, state actors, or national experts are imposed at the expense of victims (Jones & Bernath, 2017). Studies have also replicated this bias by looking

exclusively at decision-making among political elites and international actors (Firchow & Selim, 2022).

Given these shortcomings, the literature has begun to explore the barriers to participation imposed by TJ institutions and decision-makers as well as the victims' approaches to influence these processes (Lundy & McGovern, 2008). To obtain some form of relief, victims must confront political, financial, and bureaucratic barriers to hold the state accountable for its reparation promises, as well as serious uneven implementation (Balasco, 2017). In cases where the majority of victims are indigenous, non-indigenous state leaders and high-ranking officials tend to have unilateral control of the reparation process. Victims in Guatemala and Peru have felt alienated and revictimized by state actors when trying to access and receive reparations (Viaene, 2010; de Waardt, 2013). Despite these challenges, victims have found themselves in need of developing strategies, building alliances, and obtaining social and political resources to reclaim their agency and decision-making rights in the reparative process.

An emerging scholarship argues for an emphasis on local processes, where exclusionary relationships and structures of power can be contested and changed (Gready, 2021; Lundy & McGovern, 2008). Aligned to the transformative justice agenda, the analysis embraces a localized bottom-up perspective to better unpack victim participation in the Peruvian case. Although victim participation has evolved parallel to the global institutionalization of human rights, the notion of bottom-up participation has been largely the result of increased transnational advocacy networks and activism from local, national, and regional victim collectives and NGOs (Bonacker, 2013). To be sure, victim participation can have different meanings and take on multiple forms, from the attendance of victims in institutional forums to empowered engagement in both grassroots and formal spaces and moments. Moving beyond nominal engagement (i.e., sole presence), this study highlights participation of affected individuals and communities that is meaningful and transformative (Firchow & Selim, 2022; Robins & Tsai, 2018). This type of participation means that victims become main decision-makers in the RJ process and thus, can reshape reparations according to their cultural and experience-based understandings, knowledge, values, and priorities. This study will assess how and when victim participation in this space of negotiations can indeed advance the PIR according to victim notions and interests.

Additionally, this study moves away from an analysis of official spaces and processes to shed light on the everyday experiences of affected people. Tamayo Gomez (2022) describes how social solidarity practices have become a crucial component of local justice processes in Colombia. In Eastern Antioquia the development of a grassroots project where communities employed social cartography to collectively identify mass graves served as a powerful unofficial mechanism to claim justice beyond official agendas and narratives. Evrard et al. (2021) highlights spaces where Guatemalan indigenous women met to share their stories about the war with other fellow survivors of sexual violence in a safe environment, supported by civil society organizations who provided psychological support. The *Tejidos* report documented those experiences and complemented prior Truth Commission reports, paving the way for retributive justice in the Sepur Zarco case. Similarly, this project will highlight how victims in Peru organize, mobilize, educate other groups, build coalitions and social and political capital in formal and informal spaces, enhancing their resources and strategies to transform the PIR policy.

1.2. Case Selection: National and Subnational Levels

This section describes the criteria used for case selection at the national and subnational levels. While many of the decisions are guided by the research question and objectives, there are pragmatic considerations at each stage of selection as well. At each level of analysis, it will first be crucial to define the universe of cases or at least the possible list of "good cases" to work on, a methodological practice not very common in the discipline, and then to discuss the criteria used to choose cases (Goertz, 2017). Transparency on research objectives, case selection criteria, accounting for methodological and practical or logistical considerations helps make our disciplinary conventions more realistic and humanistic (Koivu & Hinze, 2017).

1.2.1 Country selection: Peru's PIR

Since the phenomenon of interest is the variation in the implementation of reparations, the universe of cases is limited to countries that have adopted reparations. In addition, the study takes on meso and micro perspectives where differences are mainly examined across subnational units and communities. There are some empirical references that meet these conditions. For instance, Greenstein (2020) highlights how Romani Germani victims of the Holocaust were

deliberately excluded from monetary reparations in the 1950s, while other organized victim groups received them. Similarly, in Timor Leste, the government privileged victims who showed resistance against Indonesia (Rothschild, 2017). In other cases, the variation is manifested not in the beneficiaries but in the kind of reparations prioritized by the state, against the demands of affected communities. Mapuche communities in Chile stated that individual economic reparations were delivered without taking into account their demands for non-monetary compensation, negatively impacting their family and social relations (Lira, 2006). Viaene (2010) demonstrates the dissatisfaction and rejection that Q'eqchi communities feel about Guatemala's *Programa Nacional de Resarcimiento* (National Reparation Program) due to the prioritization of individual reparations, ignoring the collective sense of their identity.

The first criterion for selection is empirical, with the focus on Latin America since it has concentrated most of the RJ initiatives and shows variation in models and types of reparations (Sikkink et al., 2015).[7] Practical considerations such as the author's familiarity with the history, culture, and languages in the region influenced this decision as well. Thus, on the possible list of cases are Argentina, Chile, Uruguay, Paraguay, Brazil, Bolivia, Peru, Colombia, Mexico, and Guatemala (TJRC; Reparations Database).[8] Within the region, my universe of cases is reduced since the interest is limited to contexts in which violence heavily affected indigenous peoples, who have been excluded from political processes since the periods of colonization. This applies to Colombia, and especially to Guatemala and Peru. Because of these conditions, in these countries the participation of victims has been more challenging and therefore, low levels of engagement in the process are likely. Opposite trends would give an opportunity to examine causal mechanisms behind the impact of victim participation on delivery of RJ.

Among these countries, I decided to focus on Peru for methodological reasons. Many studies choose cases of interest because of specific values they have in the independent or dependent variable. In my case, there are reasons on both sides of the equation. In the three countries where indigenous peoples were heavily affected by violence, there are different levels

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[7] The Transitional Justice Research Collaborative (TJRC) dataset provides information about TJ mechanisms adopted during 1970-2012 across the world. The data report 45 country-level reparation programs, from which 35% are in Latin America. https://transitionaljusticedata.com/about

[8] TJRC data is available at: https://transitionaljusticedata.com/about. The Reparations Database is available at: https://reparations.qub.ac.uk/reparations-database/

of victim participation and different ways of participating. However, while in Colombia there is a nation-wide victim participation law that provides a normative framework as a starting point, in Guatemala and Peru, this does not exist. While the participatory nature of the reparations policy is included in the language of the norms that create these programs, a specific framework for participation is not provided. These are cases in which we would not expect participation to be high both because of the lack of a normative instrument, as well as the political exclusion and precarious conditions under which the indigenous Maya population in Guatemala and the Quechua in Peru live. In both Guatemala and Peru, the reparations policy encompasses different types of reparations at least in design, however, Guatemala prioritized monetary reparations for many years (Martínez & Gómez, 2019; Viaene, 2010). While Peru began implementation with collective reparations, some health and monetary reparations initiatives started during 2010-2011 and since 2012 more types have been carried out (Guillerot, 2019).

Figure 1.4: Map of Peru

Note: Map created by author using INEI data

Given that the project's goals are explanation and theory generation, the country case selection is also purposive. The characteristics of the PIR process in Peru, both in the dependent and independent variables, make it a substantive case (Gerring, 2007; Gerring & McDermott,

2007). The relative early implementation of different types of reparations in Peru make this an ideal case to explore whether and how individuals and communities have influenced the implementation. Although the PIR has one multi-faceted national design, it shows variation across time and space (subnationally) during the implementation stage. Each of the seven reparations programs have distinctive subcomponents and the way these are developed changes across time and subnationally. National, regional, and local public officials from different areas and levels of government and non-state actors (i.e., victim organizations, NGOs and other civil society members) have intervened in disparate manners. Variation in financial and logistical resources available to implementers, preferences and capacities of the various actors involved in the process and demands and participation of victims have affected the implementation of these measures. Differences in these and other aspects of the reparative justice process make this case appropriate to examine the drivers of implementation.

The decision to begin this theory-development study in Peru is based on practical reasons too. Because of the author's language skills (Spanish and Quechua), strong familiarity with Peru, and in-country networks, it made more sense to start with this case. These logistical considerations often come into play in research but are rarely acknowledged or discussed because they can be perceived as a failure of methodological rigor (Koivu & Hinze, 2017). However, landmark comparative studies on conflict and human rights at the micro-level have begun with exploratory fieldwork on sites selected for pragmatic reasons (Kalyvas, 2006; Wood, 2003). Similarly, I disclose the practical considerations that led me to focus on Peru's subnational reparation dynamics and place this case in a comparative perspective.

How does the Peruvian case compare to and differ from other reparations experiences across the world? As in most cases in the world and in Latin America, Peru's reparative justice takes place after an era of political violence. It is also part of the emerging trend among transitioning societies of providing reparations as a public policy, instead of through the court system. Although most cases provide monetary awards at the minimum, Peru is part of a smaller group of nations that have adopted a comprehensive approach to reparations that includes education, health, memorialization, and other non-monetary benefits. Other cases include Chile, Morocco, Guatemala, and Côte d'Ivoire (Sikkink et al., 2015). Different from notable reparation experiences in the region (i.e., Chile, Argentina, Brazil), Peru's PIR targeted marginalized

groups who suffered political, economic, social, and cultural marginalization even before the conflict. The violence in Peru, as in Guatemala and Colombia, disproportionally affected rural indigenous communities where the state had never been present. This study will highlight prominent characteristics that make this case comparable to these two cases.[9] It will also elaborate on those traits that make the Peruvian experience a special one, further supporting the selection of this case for this research, which aims mainly at explaining and developing an initial theory about reparation implementation.

1.2.1. National-level Selection: Temporal Variation

The project identifies temporal changes at the national level. Chapter 4 evaluates national-level differences across time by comparing the PIR implementation carried out during three periods: 2007-2011 (period 1), 2012-2015 (period 2), and 2016-2018 (period 3). The analysis starts in 2007 because this is the year when reparations started being implemented, and ends in 2018 because qualitative and quantitative data for this project were collected until that year. Cases across time are defined in terms of these three periods—as opposed to years or shorter time intervals—due to empirical and theoretical reasons.

First, the three periods during 2007-2018 show differences in the overall implementation of the PIR at the national level, the outcome of interest in this study. PIR implementation displays a distinctive set of characteristics in each of these clusters of years. While implementation in period 1 was very narrow and restrictive, covering solely some collective victims and advancing only one program, in period 2, some of the barriers for victims were removed, more programs started implementation, but the coverage and quality of the implementation of most benefits did not meet victims' reparation demands. Period 3 shows a more inclusive, decentralized, and victim-centered implementation that tries to incorporate a real reparative character in the PIR.

Second, the theory proposes contextual and main explanatory factors to understand why the Reparations Commission (CMAN – *Comisión Multisectorial de Alto Nivel*), the Reparations

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[9] When expanding this work to other countries, moving from theory development and explanation to theory generalization, the theory will face the problem of "external validity and generalizability." At this stage a different country case selection and subnational selection must be employed and justified based on scope conditions derived from this study (Dosek, 2020).

Council (both part of the Ministry of Justice), other ministries involved in the PIR, and other high-ranking national government officials carried out national-level implementation differently in each period. These national state actors are part of the executive branch of government and are appointed by the president and other top officials. Therefore, their implementation approaches fall under the purview of the national administration. When examining the impact of temporal differences in the explanatory factors on PIR implementation across the three periods, the discussion is framed in terms of government administrations. Period 1 (2007-2011) falls within most of Alan García's administration term (July 2006-July 2011), whereas period 2 (2012-2015) is part of Ollanta Humala's governmental term (July 2011-July 2016). Last, period 3 (2016-2018) covers years when Pedro Pablo Kuczynski's, also known as PPK (July 2016-March 2018), and Martín Vizcarra (March 2018-October 2020) ruled the country.[10]

1.2.2. Subnational Selection: Spatial Variation

At the subnational level, this study assesses spatial differences in implementation for two types of territories: regions and rural communities affected by the war.[11] Chapter 5 showcases variation in the output of symbolic reparations across selected regions relying on qualitative case-comparison tools, whereas Chapter 6 employs quantitative analysis to examine implementation across all communities eligible to receive collective reparations. The two reparation programs were selected because they showcase cross-sectional variation at two different levels of analysis: regional and local. Also, these two programs offer high political incentives for the participation of subnational governments, a contextual explanatory variable included in the theory. In the Symbolic Reparation Program, regional governments can become the primary state actor overseeing the implementation, whereas in the Collective Program, local authorities are the main implementers.[12]

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[10] Although the official period of government comprises July 2016-July 2021, Peru has been enmeshed in political turmoil since 2018, when PPK resigned. In October 2020, Vizcarra was impeached by Congress on alleged influence peddling. The president of Congress, Manuel Merino, acted as president for 16 days and had to step down after excessive use of force against protesters left two people dead and hundreds injured. Peruvians across the country took to the streets to demand his exit as they felt the Congress was abusing its power. A transitional government led by Francisco Sagasti governed during October 2020-July 2021.

[11] Although implementation within subnational cases also varies across time, this study focuses on across-time changes at the national level and cross-sectional differences among geographical units.

[12] The theory section of Chapter 3 explains in detail how the implementation of the seven reparation programs has been structured differently, offering high political incentives for the participation of subnational governments in some cases, and low incentives, in other cases.

Figure 1.5: Selected Case-study Regions

Note: Map created by author using INEI data

Theoretical and empirical reasons motivated the case selection in the small-N regional analysis (Chapter 5). Peru is divided territorially into 25 regions, each of which has a regional government which has allegedly played a role in the implementation of the PIR. Among all regions, 15 were more affected by the conflict. The *Comisión de la Verdad y de la Reconciliación* (CVR, Peruvian Truth Commission) classified regions according to the size of the population that was victimized during the war, which was based on the testimonials and data collected during their two years of work. For this comparative case-study chapter I focus on three regions: Ayacucho, Junín, Apurímac. These Andean regions were selected because they have different levels of implementation, combined with similarities on other characteristics. As is the case for many single-country small N studies, I select my cases drawing upon Mill's method of difference or Przeworski and Teune's (1970) most similar system design. This allows me to compare cases that show differences on the implementation of symbolic reparations, the dependent variable, and victim participation, the main explanatory variable, but that are alike on other factors that prior information suggests can affect implementation.

The three regions concentrate a high percentage of Quechua-speaking communities that were affected by the conflict, which are the population of interest for this project. The national government prioritized these regions for PIR implementation because they were at the high end

of the spectrum in terms of human rights violations. Also, PIR public officials are based in the capitals of Ayacucho, Junín, and Apurímac. In addition to the main office in Lima, the CMAN, in charge of supporting and coordinating with all state entities responsible for the implementation of reparations, decentralized its efforts by creating four Regional Divisions in Ayacucho, Junín, Apurímac, and Huánuco. Each of these offices serves the population of other nearby regions as well. However, having a Regional Division at the center puts these regions at an advantage as these officials can facilitate the communication, coordination, and technical support among state institutions to implement reparation measures. Because of the shared characteristics on levels of violence and presence of CMAN officials, these regions become most-likely cases of these alternative explanations. Failing this test then helps disconfirm the premise that violence alone or CMAN efforts can explain the outcome (Koivu & Hinze, 2017).

Table 1.1: Characteristics of Selected Regions

Characteristic	Apurímac	Junín	Ayacucho
Level of Violence	High	High	High
CMAN Regional Division	Yes	Yes	Yes
Quechua Indigenous Population (2017 Census)	84.1%	34.9%	81.2%
Quechua Indigenous Population Density (Regional Order)	1st	5th	2nd
Geographic Region	Andean	Andean (mainly)	Andean
Imlementation of Symbolic Reparations	Minimal	Moderate	Comprehensive

Additionally, this case selection strategy allows me to control national level variables to some extent, so that the study can focus on local-level variables to explain differing outcomes on otherwise similar cases (Dosek, 2020). Focusing on these regional cases with similar potential to develop reparations, I examine how differences in the participation of regional governments and victim organizations—i.e., preferences, resources, and capacities—can constrain or advance the implementation of symbolic reparations within these subnational units.

1.3.   Research Design, Fieldwork, and Data

This study employs a subnational research design (SNR) to examine differences in reparation implementation across regions, districts, and communities (Snyder, 2001). This

research design offers several theoretical, methodological, and empirical advantages with regard to the goals of this study (Dosek, 2020; Giraudy et al., 2019). SNR helps uncover the–often—uneven provision of RJ inside a country, and underscore the role of actors, structures, and institutions operating on the ground at regional and local levels in making reparations a reality for victims. A subnational comparative research strategy is appropriate for this study because it helps reduce the impact of macro-level factors that could have affected the adoption of reparations to begin with but that are not so relevant for their actual implementation. In other words, this design reduces the problem of theory stretching, incurred when national-level theories are inappropriately applied to explain subnational phenomena. The comparative case-study identifies key differences in the implementation of reparations across regions, districts, and communities and traces back the paths to these distinctive outcomes. The selected units highlight the variation in the participation of victim organizations.

SNR is suitable for multi-level research aimed at building theories in which different levels of analysis are showcased. TJ research, mainly focused on justice models and their national-level effects, has developed explanations using international and national factors. Chapter 4 explores national variation of implementation across three periods. These temporal differences at the national level have implications for subnational implementation as well. The chapter builds a multi-level theory to explain country-level implementation across time, employing some ideas from prior research and factors identified through this project's empirical work. Methodologically, the emphasis on a single country-wide RJ design to be applied to different territories of Peru allows us to increase the units of analysis, by comparing cross-sectional subnational units. Because of the advantages offered by SNR, it is possible to employ multiple methodological tools to study implementation. As both qualitative and quantitative data were collected during fieldwork, this study employs small-N case studies and large-N analyses in the empirical chapters.

In order to carry out this project, I completed two months of pre-fieldwork in 2015 and fourteen months of dissertation fieldwork in Peru during 2017-2019. Most of the field activities took place in the three selected Andean regions (Ayacucho, Junín, and Apurímac), but some research was conducted in Lima, the capital of Peru. My data collection methods included semi-structured interviews, focus groups, participant observation, and archival work.

1.3.1. Qualitative data

Research on TJ impact is often divided between those who emphasize "top-down" or state-level goals such as democratic consolidation or peace stability, and those who highlight the "bottom-up" perspective focusing on victims' perception of justice (Dancy, 2010). Drawing from a comprehensive understanding of RJ in Peru (i.e., from designers, implementers, and recipients), I mapped out "multiple truths" that need to be accounted for and balanced when assessing reparations implementation (Pham et al., 2016). I completed 187 interviews in the field, with two broad groups: (1) PIR beneficiaries (i.e., those included in the victim's registry) and leaders of victim organizations; and (2) other actors involved in the reparations process, including public officials, academics, and NGO representatives.[13] In particular, interviews with current and former regional government officials involved in the implementation of the PIR, representatives of decentralized CMAN Divisions, and members and leaders of regional umbrella victim organizations were completed in each of the three regions. A total of 13 focus groups were conducted with members of victim organizations of Ayacucho, Huancayo, and Abancay cities, capitals of the selected regions. Additional smaller focus groups (3) were completed in rural communities outside the capitals. Interviews and focus groups helped mapping out affected communities' demands, expectations, understandings, and experiences regarding the implementation of reparations, as well as implementers and facilitators' beliefs and actions carrying out PIR benefits.

The recruitment of participants for these two data collection methods relied on purposive (snowball) sampling and thus, their opinions and experiences are not representative of the population under examination. Nonetheless, they provide rich accounts of multiple cases and stages of the reparative justice process. Both for interviews and focus groups, notes were recorded in Spanish and Quechua, the native language of most affected communities. Communicating in Quechua with victim collectives' members allowed for a much more efficient, direct, and reliable dialogue and understanding of the perceptions and expressions of the participants. These data were complemented by participant observation sessions (54 in total)

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[13] A total of 108 interviews were used in this analysis. Some authors preferred to be identified by name while others decided to be identified by the organization they belong to. In other cases, to protect the confidentiality and privacy of participants, the interviewee is unidentified.

during internal meetings of victim organizations, mobilizations and protests regarding reparation and justice, public events and discussions between public officials and victim organizations, and reparative justice events. Additionally, I carried out archival work at the CMAN office in Lima, at the Truth Commission's repository (*Centro de Documentación de la CVR*), and at the offices of some victim organizations (i.e., meeting minutes) and subnational governments. All qualitative data were analyzed by applying a coding system to the written information that allowed me to find systematic themes and patterns. Additionally, I employed process-tracing to build my cases when comparing implementation at the national level across time (Chapter 4) and among regions (Chapter 5).[14]

1.3.2. Quantitative data

I collected quantitative information about the PIR programs at the internal repository of the CMAN, and compiled covariates from other sources to create a database for the large-N analysis of this project. The data contain information about whether a *Centro Poblado* (CP, rural and peri-urban community affected by violence) was prioritized and awarded national government funds to complete a reparation project during the period 2007-early 2018. It also includes aspects of the project selection process, the national and local funds that have contributed to the projects, community participation, and the status of implementation. Other variables at the community-level, describe socio-demographic and territorial attributes, as well as information about the violence endured and reparation process in the CPs. The dataset also comprises district-level variables that depict electoral, financial, and political characteristics about the local government that has jurisdiction over the communities. Additionally, there is socio-demographic and *Registro Único de Víctimas* (RUV, Unified Registry of Victims) individual victim information about the territorial district where the communities are located. National-level electoral politics and regional and provincial victim data are also included.[15]

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[14] Some of the data has been analyzed employing MaxQDA qualitative data analysis software. But most of it was examined through a coding system applied to the digital copies of transcriptions.

[15] The dataset was built using data from the Reparations Council, CMAN, Ministry of Development and Social Inclusion, National Office of Electoral Processes, Census 2007, Census 2017, Ministry of Economy, and National Registry of Municipal Governments.

Some of these are original variables from the sources and other characteristics were constructed by combining, cross-referencing, and transforming existing variables.[16]

Most of the variables are binary or continuous, but some, such as geographic location or type of projects, are nominal. Quantitative data was analyzed using Stata statistical software. The dependent variable measures whether a collective reparation project has been implemented or not (prioritized and funded by the national government or not) for each of the collective eligible beneficiaries (communities) during the aforementioned period. In Chapter 6, I employ logistic regression to build a predictive model because the dependent variable is binary and the data are cross-sectional with CPs as the unit of analysis.

1.4.   Overview

The manuscript is divided into seven chapters, including this introduction and the conclusion. Chapter 2 is mainly descriptive and historical, while Chapters 3-6, the core of the manuscript, explain theoretical arguments and provide qualitative and quantitative empirical tests to address the project's question at different levels of analysis: national, regional, and local. Chapter 4 looks at variation of the PIR policy across time, with the country as the unit of analysis. Chapters 5 and 6 evaluate variation in specific components of the PIR across subnational territories, having regions and rural communities as units of analysis, respectively. What follows is a brief description of each chapter.

Chapter 2 provides a historical context to better understand the Peruvian reparations program by discussing the conflict and post-conflict TJ periods. It elaborates on the legal and historical grounds of the PIR and describes its normative and institutional frameworks as well as the beneficiaries and types of reparations. **Chapter 3** offers a conceptual framework for the Peruvian reparations process and its different components, providing working definitions of key concepts in the theory. Drawing on both deductive and inductive processes, I present a theoretical framework to account for variations in national and subnational implementation of reparations in Peru.

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[16] After a series of cleaning, transformation, and merging steps, I compiled 490 variables, some pertaining the CPs themselves and others, about higher level units.

Chapter 4 focuses on the temporal variation in the implementation of the PIR at the national level. It employs qualitative data to depict and explain implementation of the overall PIR implementation across three periods: 2007-2011 (period 1), 2012-2015 (period 2), and 2016-2018 (period 3). PIR implementation displays a distinctive set of characteristics in each of these clusters of years. This comparative case study section assesses whether international, national, and subnational actors and processes can account for differences in the reparation policy outputs at the country level.

Chapter 5 evaluates the spatial variation in the subnational implementation of the Symbolic Reparations Program (one of the seven components of the PIR) across three Andean regions of Peru that experienced high violence levels. It conducts a comparative case-study analysis of Ayacucho, Apurímac, and Junín, mapping out how national political interests and the engagement of regional governments and regional victim organizations have impacted the development of symbolic reparations.

Chapter 6 examines the spatial variation in the subnational implementation of the Collective Reparations Program across *Centros Poblados* (CPs) or communities where violence took place. It uses an original large-N dataset of CPs registered in the RUV as eligible collective beneficiaries to explore conditions that affect the implementation of reparations at the local level. Through quantitative analysis, it examines the impact of national political interests and the participation of victims and local governments in the reparations process.

The conclusion summarizes the proposed concepts and theories as well as the main findings of this study. Additionally, it discusses the theoretical and practical contributions of this project, which can contribute to debates among the scholarly, policymaking, practitioner and victim communities working on reparative justice.

2. THE PLAN INTEGRAL DE REPARACIONES AND TRANSITIONAL JUSTICE IN POST-CONFLICT PERU

This chapter provides a historical context to better understand the origins of post-conflict reparations in Peru. It begins by discussing the conflict and post-conflict periods, providing an account of each of the Transitional Justice mechanisms adopted in the country. It then elaborates on the legal and historical grounds of the *Plan Integral de Reparaciones* (PIR, Comprehensive Reparations Plan), including initial relief measures and the building of a reparative justice proposal during the Truth Commission years. The final section describes in detail the normative and institutional frameworks developed to carry out reparations, as well as the PIR beneficiaries and types of reparations. The conclusion summarizes the most important empirical facts of this historiographic chapter.

2.1. Peru's Conflict and Post-conflict Period

2.1.1. Conflict Period: 1980-2000

Over two decades (1980-2000), Peru experienced severe political repression and human rights abuses. The civil conflict between Maoist-oriented insurgent groups and the government was conditioned by long-standing socioeconomic and political grievances, as well as the institutional weakness and lack of legitimacy of the state, in the most marginalized areas of the country, which suffered the most during the war (Comisión de la Verdad y Reconciliación, 2003). During the years prior to the conflict, Peru had been governed by a military regime (1968-1980). In contrast to the trend of conservative military dictatorships in Latin America at that time, the Peruvian military carried out a series of leftist policies such as the agrarian reform, which put an end to the *gamonal* era.[17] At the end of this period, the military accepted a peaceful transition to a civilian government, negotiating legal prerogatives that would guarantee their power, especially allowing them to intervene in case of irregularities or political conflicts, and provide a sort of amnesty for past abuses (Cameron & Mauceri, 1997). Fernando Belaúnde

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[17] *Gamonal* is a term employed in Andean countries like Peru, Ecuador, and Bolivia to refer to white large landowners who inherited the colonial feudal system (hacienda system), exploiting the labor of indigenous people, mainly in rural areas.

Terry, who had been deposed by the military coup in 1968, was elected president once again and carried out the transition agreements.

At the end of the 1970s, Peru was also undergoing a series of social transformations as a result of an accelerated modernization that had deepened inequalities and made them more visible. Since Peru's beginnings as a republic, political and socioeconomic inequalities throughout the territory have privileged white elites and the *mestizo* middle class in Lima and coastal cities, to the detriment of the indigenous, black, and *cholo* populations in the Andean and Amazonian provinces (Reátegui Carrillo et al., 2008).[18] Economic growth and the end of the hierarchical hacienda system drove rural-urban migration and urbanization in the 60s. These processes, together with the widespread growth of education and the use of communication and transportation systems, opened the way for young migrants who felt vulnerable and marginalized by Lima's centralism to drive social mobilizations and build social organizations in both rural and urban areas in search of systemic change (CVR, 2003). The formal establishment of universal suffrage in 1979 allowed illiterate people, who were mostly indigenous, to vote. This meant that for the first time, excluded groups inside and outside the capital were able to make an impact on the election of their representatives. The change brought about by universal suffrage was reflected in the high voter turnout in 1980, the first elections under the new civilian democratic regime. Although there were advances against the hierarchical and formal structures that concentrated political, economic and social power in the hands of Lima's white and *mestizo* upper and middle class elites, the patterns of ethno-cultural and racial discrimination were perpetuated in practice, taking other forms and spaces of public life (Reátegui Carrillo et al., 2008). Modernization had arrived for only a small sector in the country's capital, while the vast majority of indigenous, *cholo*, rural and migrant, poor people were even more marginalized by the state.

It is in this context that the *Sendero Luminoso* (SL, Shining Path), a Maoist revolutionary movement, initiated the "people's war." Founded by Abimael Guzmán, a white professor at the

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[18] While *Mestizo* is an ethnic category used to refer to a person with mixed European (mainly Spanish) and any indigenous ethnic heritage, *Cholo* is more commonly used to refer to mestizo people with Andean indigenous origin. The term *Cholo* was created during colonial times to refer to a person born from an indigenous parent and a mestizo parent. With time, it started being used in a derogatory form by white elites. Most recently, Andean people or individuals with Andean ancestry have reclaimed the word and use it to self-identify with pride, removing its negative connotation.

San Cristóbal de Huamanga University in the Andean region of Ayacucho, SL grew in the 1970s and launched an armed struggle against the new civilian democratic government in 1980 (Gorriti Ellenbogen, 1999). Inspired by his trip to China during the cultural revolution, Guzmán, known as "*Presidente Gonzalo*" among his followers, organized a Maoist revolution in Peru to fight for the indigenous peasant population that had been marginalized for centuries (Degregori & Stern, 2012). Many groups of students affiliated with the Communist Party of Peru, young migrants— who lived between the rural roots they did not fully identify with and the city that rejected them—and those who remained relegated to the periphery of power, joined this group.

SL occupied peripheral and rural areas, enacting local justice, punishing criminals, and turning rural schools into spaces for propaganda and Maoist indoctrination. Ironically, the same population that the SL claimed to stand up for became its main victim. In the face of this threat, the military organized *Comités de Auto Defensa* (CADs, Peasant Self-defense Committees), also known as *rondas campesinas*, to fight against the subversive SL (Degregori, 1996). The group escalated its tactics of violence and intimidation very rapidly. It went from killing dogs and burning ballot boxes to full-scale armed attacks on the military, the police, and civilians. SL targeted socially progressive organizations, including pro-human rights non-governmental organizations (NGOs), university and neighborhood associations, and even community kitchens, viewing them as rivals. They frequently engaged in public humiliation of civilians who were reluctant to actively support SL, which also served as a coercion mechanism. In 1984, another subversive group named *Movimiento Revolucionario Túpac Amaru* (MRTA, Túpac Amaru Revolutionary Movement) appeared. Although the levels of violence of the MRTA against the civilian population were much lower than those of SL, MRTA also committed heinous acts, such as selective assassinations, hostage-taking, and kidnappings.

The *Comisión de la Verdad y Reconciliación* (Truth Commission) and other studies found systematic regional and ethnic marginalization, government corruption, extreme poverty, and underdevelopment to be the main contributing factors of the conflict at the macro level (Comisión de la Verdad y Reconciliación, 2003; Degregori & Stern, 2012; Palmer, 1992). At the micro level, studies have reported a number of political and personal insurgent motivations, including personal grievances, intra-community and intra-family conflict, and exclusion of the

youth, rural, migrant, and indigenous from political decision-making (Theidon, 2004). Among these, ideology was cited as the motivating force of individual mobilization (Friedman, 2018).

The government initially responded with a brutal counter-insurgency war that conflated Andean peasants with terrorists (Laplante & Theidon, 2007). The tactics for dealing with the conflict varied across presidents, but those of Alberto Fujimori, elected in 1990, were particularly severe. Fujimori earned credit for ending the conflict by using harsh legal measures, allowing paramilitary tactics, perpetrating a self-coup that shut down Congress, rewriting the constitution, and dismantling political parties and other institutional intermediaries to develop what he named a "direct democracy" (Burt, 2007). In September 1992, the Fujimori administration arrested the Sendero Luminoso's leader, a critical event that came to be popularly known as "*la captura del siglo*" (capture of the century).[19] Although the guerrillas committed massive atrocities against the population, the record of abuses by the state was also alarming. Initially when international institutions like the Inter-American System of Human Rights and Amnesty International publicly denounced these acts and demanded a response from the state, the governments of Alberto Belaúnde Terry (1980-1985) and Alan García (1985-1990) denied the allegations (Crabtree, 2001). The state only began to gradually change its behavior after the establishment of a transnational network between international and domestic advocacy groups, which engaged in a pressure campaign throughout the 1990s (Carranza Ko, 2021). In 2000, Fujimori fled Peru after the discovery of thousands of videotapes in which he and the former head of National Intelligence Vladimiro Montesinos bribed several people, ranging from congressmen to television hosts. As a result, corruption charges forced Fujimori to resign and several army generals and politicians to be jailed, providing the political opening for the transitional government of Valentín Paniagua in 2001.

The *Conflicto Armado Interno* (CAI, Internal Armed Conflict) left about 70,000 people killed, more than 20,000 forcefully disappeared, 600,000 displaced, among other victims (Comisión de la Verdad y Reconciliación, 2003; Defensoría del Pueblo, 2013; Ramírez Zapata, 2018a).[20] While the state was deemed responsible for about 30% of violence and the *Comités de*

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[19] Centro de Documentación e Investigación. (2017-2020). *Captura del siglo*. Lugar de la Memoria, la Tolerancia y la Inclusión Social, Perú Ministerio de Cultura. https://lum.cultura.pe/cdi/palabra-clave/captura-del-siglo
[20] Peruvian scholarship refers to the civil war in Peru as the Internal Armed Conflict despite criticisms from other sectors of society, including right wings of military forces, who denominate it "*la época del terrorismo*" (the terrorism period) instead.

Auto Defensa (CADs, Peasant Self-defense Committees) committed 5% of the abuses, the insurgent groups, principally SL, were attributed responsibility for 54% of violations. The conflict disproportionally affected the most politically and economically marginalized groups in the country. Some 75% of victims spoke Quechua, Asháninka, or other indigenous languages and 79% lived in rural areas. Although these trends reveal a clear socio-demographic profile of the most affected groups, the post-conflict Truth Commission investigation and subsequent research suggest that mass violence was not the result of a plan to systematically destroy these communities, either from the state or the insurgency (Carranza Ko, 2021). As a result, it is difficult to identify this conflict as a genocide against rural indigenous groups in Peru. The pervasive violence targeting these vulnerable communities in Peru is nonetheless undeniable, from colonial times to the present. The political violence era was a testament of this reality, illustrating an implicit social hierarchy logic embedded in Peru's centralist state and Lima society, which blatantly marginalizes the indigenous, the rural, and the poor in the country. During 1996-2000, Fujimori enacted the *Programa de Salud Reproductiva y Planificación Familiar*, a health policy that forcibly sterilized hundreds of thousands of individuals, most of which were indigenous women living in rural areas.[21] The REVIESFO, register of forced sterilization victims, reports more than 5,000 victims as of today.[22] Two decades after these violations, a criminal complaint against Fujimori and other top officials of his second term was issued on behalf of 1,300 victims, but progress on investigating the complaint has been slow as of 2022.[23]

2.1.2.   Transitional and Post-conflict Period: 2000-present

Beginning in 2000, Peru experienced a transition back to democratic governance, following the expulsion of Fujimori and his intelligence chief Vladimiro Montesinos. The transition was led by interim president Valentín Paniagua (2000–2001) and followed by democratically elected Alejandro Toledo (2001–2006). These years brought about important

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Under the dominant state narrative, insurgents (and civilians from rural and indigenous communities who were caught in the crossfire) were terrorists, and the state was the savior who defeated them.

[21] Court, M. & Lerner, R. (2015). Quipu Project. https://interactive.quipu-project.com/#/en/quipu/intro

[22] Ballón, A. (2013). *Registro de Víctimas de Esterilizaciones Forzadas*. Archivo Programa Nacional de Salud Reproductiva y Planificación Familiar. https://1996pnsrpf2000.wordpress.com/reviesfo/

[23] Coordinadora Nacional de Derechos Humanos. (2022, February 15). *Víctimas de esterilizaciones forzadas denuncian al Estado Peruano ante CEDAW por no abordar sus demandas.* https://derechoshumanos.pe/2022/02/victimas-de-esterilizaciones-forzadas-denuncian-al-estado-peruano-ante-cedaw-por-no-abordar-sus-demandas/

changes with respect to human rights and transitional justice, including the ratification of human rights international treaties, improved domestic laws, and institutional reforms in the political and military systems (Carranza Ko 2021). Paniagua also advanced legislative reforms based on the Inter-American Court of Human Rights rulings (Burt, 2018).

In the aftermath of violence, the state transitioned towards democracy and implemented different Transitional Justice (TJ) mechanisms to achieve justice, build peace, and secure better human rights practices (Root, 2012). These included the *Comisión de la Verdad y Reconciliación* (CVR, Truth and Reconciliation Commission), human rights trials in specialized national courts (and their predecessors in the Inter-American Court of Human Rights), the creation of the Plan for the Search of the Disappeared and a special agency to carry out this process, memorialization policies, institutional reforms, and a comprehensive reparations plan.

Truth and Reconciliation Commission

The CVR (2001-2003), which released its Final Report in August of 2003, played an essential role in the development of retributive and restorative justice measures (Root, 2012). Over two years, this ad-hoc body of members from different sectors of society investigated the origins and succession of events during the war. With decentralized teams in the most affected regions like Ayacucho, Apurímac, Huancavelica, Junín and Huánuco, staffers traveled across rural communities heavily impacted by the war to learn about atrocities perpetrated during the conflict period. They established fact-finding and registration centers where people affected by the war could come and provide their testimonies. To many affected individuals and communities, this was the first time they interacted with the Peruvian state. Studies have shown that testimonials had a positive effect on the victims' wellbeing. Most participants felt relieved after sharing their experiences, as these platforms had a cathartic effect (Laplante & Theidon, 2007). The CVR also provided a space to recognize victims and their suffering. This justice measure took on a transformative justice agenda as it gave victims a space for empowerment and participation (Gready & Robins, 2014). To be sure, the CVR created major expectations about avenues of redress, especially among those who participated in the public hearings. Laplante and Theidon (2007) found that although not every person pursued retributive justice through criminal investigations and trials, all of them requested reparations. Testimonials conveyed a strong

demand for reparations not only to symbolically redress the abuses victims suffered, but also to alleviate the socio-economic hardships that made them vulnerable to violence, which were worsened by the war.

The CVR also ensured conditions for participation for groups that otherwise would have remained silent. For instance, some hearings for victims of gender-based crimes used techniques to alter their appearance (Durbach & Geddes, 2017). The Commission hired personnel who were able to provide culturally sensitive support, including speaking indigenous languages. Although the CVR started its work with an inclusive mandate, it prioritized civilian victims; feeling excluded from this process, ex-combatants and the military abstained from testifying (Friedman, 2018). Conservative sectors in society, such as political and economic elites, high and middle classes in Lima, and military members, opposed and constantly undermined the CVR. Despite setbacks and challenges, the CVR's work, enshrined in the Final Report, was foundational for the development of other TJ mechanisms and the path towards reconciliation in the country.

Human Rights Trials

During the 1990s, in the face of state impunity, victim collectives and human rights organizations paved the way for retributive justice in Peru by appealing to the Inter-American System of Human Rights (IASHR). The Inter-American Commission on Human Rights (IACHR) and the Peruvian state issued a Joint Press Release in 2001, through which the government committed publicly to investigate 159 cases of human rights violations and provide reparations to the victims.[24] The Inter-American Court of Human Rights (IACtHR) held trials for a number of cases, ruling in favor of victims and establishing legal precedents for Peru to adopt justice measures. For example, these rulings were instrumental in leading the Peruvian state to nullify the amnesty law that prevented prosecutions against military members and begin the search for disappeared persons. The IASHR legal jurisprudence has also supported the building of the national reparations policy in Peru. Facing repression during the war and a weak and inefficient judiciary in the post-conflict period, victims have continued resorting to IASHR institutions to obtain some form of redress. Unfortunately, in most cases, the state has failed to

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[24] Comisión Interamericana de Derechos Humanos. (2001, February 22). *Comunicado de Prensa Conjunto s/n*. Organización de los Estados Americanos. http://www.cidh.org/comunicados/spanish/2001/peru.htm

comply with existing rulings and recommendations. Given the low enforcement capacity of these institutions, it rests on victims to demand compliance from the state. At the domestic level, an important milestone in retributive justice was the prosecution of former president Alberto Fujimori for his participation in crimes against humanity during the war. Although Fujimori's trial, ending in 2009, resulted in a sentence of 25 years of imprisonment, the momentum gained by the trial faced several difficulties in the following years, including several acquittals and the obstruction of judicial processes by administrative and legal procedures (García-Godos, 2013).The *Ministerio Público* (Public Prosecutor's Office) started criminal investigations in all cases referred by the CVR. Although progress has been slow, some important cases have resulted in convictions such as Lucanamarca, Cayara, Cabitos, and the Grupo Colina cases. Nonetheless, military personnel and political sectors, which were responsible for some of the atrocities, have imposed barriers preventing prosecutors from gathering evidence and moving the cases forward. More than 20 years after the end of the war, retributive justice in domestic courts continues to be notoriously minimal.

Search for the Disappeared

For years during and after the war, state authorities disregarded the demands of families searching for their relatives who were forcibly disappeared during the violence period. Prosecutions were slow and there was no clear political leadership demanding more prompt and effective judicial action. In 2016, the Law for the Search of Disappeared Persons (1980–2000) was passed.[25] The legal norm created an institutional and normative framework to enact the *Plan Nacional de Búsqueda de Personas Desaparecidas* (National Plan for the Search of Disappeared Persons). It created a specialized unit, the *Dirección General de Búsqueda de Personas Desaparecidas* (DGBPD, General Directorate for the Search of Disappeared Persons) under the Ministry of Justice, and the RENADE, a national registry of disappeared victims. The DGBPD's mandate is to lead and coordinate efforts with all national and subnational state institutions engaged in the search, identification, and restitution of remains of disappeared persons.[26] As of 2022, more than 20,000 missing person cases have been registered in the RENADE. Different

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[25] Law Nº 30470*, Ley de Búsqueda de Personas Desaparecidas durante el Período de Violencia 1980-2000.* (2016). Normas Legales, El Peruano. https://cdn.www.gob.pe/uploads/document/file/1539337/1.%20LEY%20N%C2%B0%2030470.pdf.pdf?v=1610382689
[26] Interview, DGBPD official, Ayacucho, 2018.

from earlier forensic efforts, which were focused on producing evidence for prosecutions, a humanitarian approach is at the core of the DGBPD's work. The humanitarian approach encompasses a humanitarian investigation (gather evidence, meet with relatives and local authorities, and identify the burial site), joint intervention (recovery, analysis, and identification of remains), and restitution of remains to their relatives, including a memory-building ceremony and adequate burial following the creed and cultural practices of the families (Barriga Pérez, 2020). A Genetic Data Bank was created in 2018 to enhance these efforts.

Memorialization

Victim organizations have been the main driving force behind state memorialization initiatives at the national, regional, and local levels. Although the CVR emphasized the value of state and non-state memory spaces, a national policy ensuring the heterogeneity of these memorialization processes has been missing (Jave & Hurtado, 2021). Polarization about the conflict in public debate has stigmatized victims and prevented building a constructive dialogue among different groups in society. In turn, this has hindered their ability to share hidden experiences and build collective memories in the country. In 2019, the Ministry of Justice promoted a series of spaces to build the National Memorialization Plan, as the first policy framework for memorialization efforts.[27] This plan is designed to strengthen a democratic republic, promote a human rights culture, prevent human rights violations, and ensure peaceful coexistence among all citizens.

Institutional Reforms

The CVR recommended reforms for the judicial, military, and police at both at the national and subnational levels. Some important normative improvements include the strengthening of the independence and impartiality of the courts, the incorporation of internationally recognized human rights violations into the criminal code (i.e., forced disappearance, torture, genocide, imprescriptibly of human rights violations) and a few

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[27] Ministerio de Justicia y Derechos Humanos. (2021, January 20). MINJUSDH y PUCP lanzan plataforma web "Memorias en Diálogo" para la construcción del Plan Nacional de Memoria, Paz y Reconciliación [Press Release]. https://www.gob.pe/institucion/minjus/noticias/325500-minjusdh-y-pucp-lanzan-plataforma-web-memorias-en-dialogo-para-la-construccion-del-plan-nacional-de-memoria-paz-y-reconciliacion

regulatory improvements in military justice procedures (Guillerot, 2021). However, judges and prosecutors have not received specialized training to ensure that these changes are enacted adequately and systematically, nor has the military justice system aligned to constitutional principles. Similarly, although important steps were taken to solidify the respect of human rights in national defense institutions such as making the national police a nonmilitarized civilian actor, and delimiting the scope of the concept of national defense, there are a series of regulations that have neutralized some of these reforms (Macher, 2014). The CVR also proposed the promotion of social inclusion in the educational system. Some improvements in coverage, content, and quality have been achieved since 2011, including the expansion of bilingual and inter-cultural education, allocation of more resources to Andean and Amazonian rural areas, and the training and monitoring of educators' performance, as well as the incorporation of some components of the CVR's Final Report into educational curricula (Guillerot, 2021). Still, inequalities and gaps are large, precisely in the areas that were heavily affected by the conflict.

Grassroots Justice

Recent debates in the TJ policy literature suggest that studies addressing TJ suffer from an institutional bias. To the extent that they focus almost exclusively on formal institutions and do not pay attention to transformations and efforts at the cultural and individual dimensions of social life, they obscure the ways in which institutions can affect and be affected by changes in the other two dimensions (De Greiff, 2014). The International Center for Transitional Justice (ICTJ), the main think tank and policy-generating platform for TJ practices worldwide, has sought to fill this gap by showcasing cultural creations and activities carried out by non-state societal actors that have achieved TJ goals and thus can be perceived as part of the TJ scheme (Ramírez-Barat, 2014). Recent scholarly pieces have addressed this issue by explaining how society-based efforts (i.e. cultural activities, customs, artistic productions) can dialogue with state-sponsored truth commissions and other official memorialization processes (Atencio, 2014; Gómez-Barris, 2009; Lambourne, 2009; Milton, 2014; Moore, 2012; Ramírez-Barat, 2014).

Justice built from the bottom up, while not formally recognized as such, has had an enormous impact on the arduous fight for institutional justice in the country. By making victims visible, raising awareness of the transitional dilemmas and goals, exposing various collective memories of the past, and creating a dialogue with formal TJ mechanisms, cultural productions can enhance the goals of formal TJ institutions. In Peru, these include the Memory Museum of the pioneering victim organization ANFASEP of Ayacucho, the *Chalina de la Esperanza* (Scarf of Hope) knitted by collectives of family members of disappeared victims, and the *Ojo que Llora*, a stone-based monument honoring local authorities killed, communities that suffered massacres and many other victims, among others. Milton (2014) maps other visual and performance arts, memory sites, cinema, songs, and stories enacted locally during and after the CVR, as examples of non-state repositories of memory in Peru's TJ landscape.

2.2. Reparative Justice in Peru

2.2.1. Historical background: precedent, creation, and development of the PIR

Providing State Assistance for Victims during the War

During the two decades of war, human rights organizations and victim groups claimed justice from the government, employing the language of "reparations" to obtain redress for the harms suffered. Many of them learned about this notion from their international allies and counterparts in other Latin American countries that had emerged from a violent past and had started to design reparation programs. The monetary compensation granted to victim groups as part of human rights trials in the IACtHR had become a valuable precedent. However, this went ignored by most people in the capital and the political and economic elites. Nonetheless, Fujimori, as part of his populist agenda, instituted a few relief programs for targeted groups that had aided the state in its counterinsurgency. These included members of the armed forces and police, public officials, and civilian authorities. In 1998, a monetary compensation system was created to benefit *Comités de Auto-Defensa* (CADs, Peasant Self-defense Committees members who were handicapped during combat or the close relatives of those who died.[28] The economic packet was applied retroactively, including cases since the official recognition of the CAD system in 1992, but ignored most violations against these groups which had occurred during the

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[28] Executive Decree Nº 068-98-DE-S/G, Ministry of Defense, Peru.

80s.[29] Also, the process was cumbersome and full of legal requirements and excluded instances where patrol members had been killed selectively or during terrorist raids. Thus the program benefitted only a few people (Defensoría del Pueblo, 2008). Additionally, the *Programa Integral de Reparaciones No Dinerarias* (Comprehensive Non-monetary Reparations Program) was instituted to comply with the rulings of the International Court of Human Rights in 159 cases against the Peruvian state (Guillerot & Magarrell, 2006).

Moreover, Fujimori created the *Programa de Apoyo al Repoblamiento y Desarrollo en Zonas de Emergencia* (PAR, Program in Support of Repopulating and Rebuilding Affected Areas) in 1993 to help displaced victims return to and rebuild the communities affected by violence. This was part of a wave of poverty-reduction social policies developed during the 90s. The policy was born in a moment of increasing recognition and protections of internally displaced victims in Latin American and internationally (Cohen & Sánchez-Garzoli, 2001). As many displaced victims chose to return to their rural communities, this program provided support to meet their basic housing, education, and health needs, as well as means to reestablish their subsistence economy. The PAR remained active throughout Fujimori's government under the management of the *Ministerio de Promoción de la Mujer y Desarrollo Humano* (PROMUDEH, Ministry for the Promotion of Women and Human Development).[30] But resources were allocated inconsistently and non-systematically across impacted communities.[31] Many decided not to seek these benefits, and even when benefits were awarded, these were not enough to help them rebuild their lives in their hometowns, forcing them to relocate with their families once again. Some estimates indicate that by the end of the war 350 thousand people had returned to their communities, but PAR funds only benefitted half of this group (Reátegui Carrillo et al., 2008).

During the democratic transition, the PAR continued to operate under the *Ministerio de la Mujer y Desarrollo Social* (MIMDES, Ministry of Women and Social Development), which had replaced the PROMUDEH. Alejandro Toledo implemented a series of restructurings in the ministries, transferring the functions of the PAR to the *Fondo de Cooperación para el Desarrollo Social* (FONCODES, Foreign Aid Fund for Social Development), which reduced its

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[29] Executive Decree Nº 077-92-DE, Ministry of Defense, Peru.
[30] Legislative Decree Nº 866. https://www4.congreso.gob.pe/comisiones/1998/mujer/LOPR.HTM
[31] Focus Group, ANFASEP members, Ayacucho, 2017.

resources and capacity for direct intervention with displaced victims on the ground (Guillerot & Magarrell, 2006). This change sought to merge the PAR with all existing initiatives in favor of internally displaced persons, as prescribed by the Law on Internal Displacement. This law formally recognizes the notion of "internally displaced" to refer to any person who leaves their place of residence due to development projects, natural or ecological disasters, coercive policies and international or internal armed conflict in Peru, as well as their rights and protections at different stages of the displacement process.[32] The program culminated during Toledo's term in office.[33] The periodic reports of the MIMDES highlight several activities and projects that were achieved in almost a decade, such as the allocation of scholarships for children and adolescents, employment generation, support for housing reconstruction, rehabilitation of families, critical emergency health care, among others. However, the few evaluations of this program conclude that a very small percentage of the displaced population was assisted, forcing most of them to leave the countryside again (Ramírez Zapata, 2018b).

Undoubtedly, the various organizational transformations throughout the existence of the PAR, as well as the lack of systematic documentation about the benefits delivered to the affected communities, were poor foundations for the future reparations program. For some, the program fulfilled its welfare function, even though the aid was temporary. The PAR can be considered analogous to temporary assistance programs that some countries emerging from violence have instituted such as Nepal's Interim Relief Program, which provided economic benefits to victims in the first years following the end of the civil war (Adhikari et al., 2012). However, instead of monetary awards, the program provided public goods and services to cover basic needs. For instance, some youth who were displaced and orphaned during the war took advantage of the scholarships to receive technical training that could allow them to provide for themselves and their siblings.[34] In two rural communities in the district of Sañayca in Apurímac, during a PIR reparations activity, people acknowledged that a health center and primary school building existed thanks to the PAR assistance.[35] The PAR served as a prelude to the reparations program,

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[32]Congreso de La República. Law Nº 28223, *Ley sobre los desplazamientos internos*. (2004). Normas Legales, El Peruano. https://www.mimp.gob.pe/homemimp/direcciones/ddcp/normas/4_3_Ley_28223_Ley_sobre_Desplazamiento_Internos.pdf
[33] Some studies contend that the PAR ended during 2004-2005, when the last progress reports were issued. However, interviews conducted in this project indicate that some benefits were obtained until 2011.
[34] Interview, Amparo Esquivel, Apurímac, 2018; Focus Group, ANFASEP members, Ayacucho, 2017.
[35] Observation, Sañayca, Apurímac, 2017.

setting precedents, generating expectations, and giving a populist character to the state's intervention in the face of the abuses suffered by these communities. Many of these projects were short term, did not receive maintenance or had a plan for continuity, and ended up abandoned. Not only were many of the achievements truncated, but also the institutional legacy of the PAR was not transferred to another state agency. The data, documents, the networks created for the operation of these projects did not become part of what would become the official reparations process in Peru.[36]

Building a Reparations Proposal during the CVR years

The foundations of the reparations policy in Peru lay in the recommendations of the CVR's Final Report. The commissioners proposed a state-sponsored Comprehensive Reparations Plan for victims of the civil conflict predicated on the fact that the state had failed its obligation to protect its citizens. This had become a core international norm during the last decades of the 20th century, especially within Latin American countries emerging from dictatorships, such as Chile and Argentina (United Nations Office of the High Commissioner for Human Rights, 2008). The commissioners' claim was that developing a national policy managed by the executive, instead of the courts, would provide justice and fair and equitable satisfaction to many victims across the territory. The Peruvian judicial system did not have the capacity to address systematic human rights violations. All branches of government were even more institutionally weak after the fall of the dictatorship (Guillerot & Magarrell, 2006). In addition to not being bureaucratically equipped to carry out actions across the country, there were notable patterns of discrimination in the Peruvian courts. A national reparations policy would allow the state to provide reparations "more in line with the patterns of violence of the Peruvian conflict and the ethnic-cultural dimension of victims" (CVR, 2003).

In two years of work, the CVR went through several organizational changes, which affected the evolution of the conceptual proposal on reparations (Guillerot & Magarrell, 2006). The CVR created the *Área de Secuelas, Reparaciones y Reconciliación (ASRR)*, a unit within the Commission charged with a very broad mandate: to produce an analysis of the aftermath of conflict and make proposals for reconciliation and reparations. With time the ASRR narrowed its

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[36] Interview, Amparo Esquivel, Apurímac, 2017.

scope of work, focusing solely on effects on violence to develop proposals on mental health care and reparations for victims. Initially, members of the ASRR relied on premises drawn from international doctrine and jurisprudence on reparation, compensation, prevention, and victimhood. These norms were alien to the experiences of victims, especially to the indigenous, rural, and poor majority.[37] During the first year of work, relations with the affected organizations and NGOs were strained, especially because victims demanded a real participatory process. The challenges were progressively overcome by mid-2002 thanks to the joint work of these organizations, APRODEH in particular, with the International Center for Transitional Justice (ICTJ). With the technical and financial support of the ICTJ, bridges were built between civil society and the CVR. The study carried out by APRODEH and the ICTJ, based on workshops that gathered the expectations and demands of the affected population across the country, resulted in useful tools for both the CVR and civil society for designing a reparations program (APRODEH & ICTJ, 2002; Guillerot et al., 2002). It is crucial to note that, in the context of this study, *civil society* alludes to national progressive sectors that fought for justice in the post-conflict era including human rights NGOs, academics, journalists, religious groups, and university and neighborhood associations who were under attack during the war. Although victim organizations are typically included in the notion of civil society, I consider them a separate actor as their role in the implementation of reparations is a crucial part of this research.

These exchanges led to the creation of the *Grupo sobre el Plan Integral de Reparaciones* (GPIR, Group on the Comprehensive Reparations Plan), a specialized team of CVR workers. Also, the *Grupo de Trabajo sobre Reparaciones* (GTR, Working Group on Reparations) was established within the *Coordinadora Nacional de Derechos Humanos* (CNDDHH, National Human Rights Coordinator) as a permanent space for consultation among organizations that would help maintain an ongoing dialogue with the CVR and future state entities in charge of reparations. In April 2003, the CVR organized a presentation of the reparations plan draft to more than 150 representatives of victim and human rights organizations, who gave their

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[37] The RJ experiences of Argentina, Chile, Guatemala, and El Salvador were evaluated as part of this process. Additionally, the ASRR examined domestic laws on reparations for victims of terrorism and reparations programs designed by the Special Commission for Pardoned Innocents and the Commission to monitor the compliance with IASHR recommendations (Guillerot, 2019).

comments and suggestions for changes.[38] Thus, the CVR in its recommendations on reparations left behind universal notions to build a conceptual framework based on the ICTJ guidance, the ICTJ and APRODEH evaluation, and most importantly, the dialogue with civil society.[39] The CVR's Final Report contains a very useful tool on reparations, with specific objectives and scope, indicating cross-cutting approaches that reparations should follow, typology of victims and beneficiaries, and the different components of the plan (i.e. economic, collective, symbolic, health, education, and citizen rights reparations). This proposal would serve as the foundation for the reparations plan described later in this chapter.

A recurring debate among the commissioners and teams on the ground about how to conceptualize and frame a reparations scheme stems from the recognition that most victims had been subjected to structural violence and exclusion by the state prior to the specific human rights violations they endured.[40] Restoring the victims to the conditions they lived under before the conflict would mean putting them in the very vulnerable position that facilitated their victimization in the first place, living precariously in the peripheries of the capital-centered state as they have been for years. Additionally, the commissioners and the teams on the ground believed that the effects of violence, especially for violations that occurred in the 80s, had brought more suffering and losses for the victims and their families. Addressing human rights violations could not solely focus on the action or omission of the state. The root causes of violence, the personal and material losses, and short-term and long-term effects of the abuses endured by victims needed to be considered too. However, the commission was aware of the limits of the scope that the reparations could have. The proposed plan was already broad and ambitious, given the government's meagre bureaucratic, financial, and logistical capacities. In addition, there was a risk that the comprehensive, multidimensional approach needed to remedy precarious conditions could make these measures appear to be development programs like any other, depriving reparations of their symbolic value. Although the commission's first draft took an extensive approach in which political and civil rights as well as economic, social, and cultural rights would be redressed, the Final Report adopted a narrower view (Laplante, 2007; Ramírez

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[38] One of the most important additions to the plan following this consultation forum was the Education Reparations Program in response to the request of the organizations of young orphans (Guillerot 2019).
[39] For a more in-depth discussion of this process, see Guillerot and Magarell 2006.
[40] Interview, Sofia Macher, 2017.

Zapata & Scott-Insúa, 2019). The CVR indicated that while it was important to understand the structural causes of the conflict, reparations could not solve the nation's "poverty, inequality, and exclusion," which are problems that the state must address in general (CVR, 2003, 163). Ultimately, the commission recommended reparations aimed at recognizing the status of victims to those affected by the violence, contributing to—but not fully addressing—their moral, mental, and physical recovery, and compensating the social and economic damages suffered by these individuals, their families, and communities.

Guillerot and Magarell (2006) make a comprehensive assessment of the challenges and limits the CVR faced in constructing a reparations proposal. On the one hand, although tools were available to record victims' testimonies, information on their expectations and needs was not systematically collected and analyzed, and it was not possible to build a socio-economic profile of the beneficiaries to estimate the financial, technical, and bureaucratic state resources that would be needed. Other technical barriers include issues in the internal communication, horizontal information flow, and rapid decision making within the CVR, as well as the lack of full-time specialized staff in the GPIR with the political leadership to negotiate with the state actors involved in the PIR. On the other hand, conceptually, a clear definition of reparations, victims, or the violations to be included, was not developed from the beginning, nor was it guaranteed a gender and cultural inclusive approach that would account for the complexity of the Peruvian reality. Finally, the construction of the proposal had challenges in the political dimension. Although the proposal was elaborated based on contributions, exchanges, and negotiations between international and national experts on the subject, human rights organizations, and associations of victims, it was not possible to build alliances with a broader sector of society, especially with the political and economic elites.[41] This affected the political and budgetary viability and the social acceptance of the PIR. There was great political opposition to this and other TJ mechanisms, mainly from sectors that had lost legitimacy and power in the transition. There were also detractors of the CVR among citizens in large cities, especially in Lima, as they had adopted the discourse fostered in the Fujimori era, equating victims with "terrorists." Likewise, the relationship between the CVR and civil society was characterized by

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[41] These include the media, economic elites, conservative political parties, congressmembers, the executive, unions and guilds, and other state actors that were part of the PIR implementation.

misunderstandings, mistrust, and conflicts, in part because of the lack of an efficient communication system or a third party to build bridges between these sectors. Distrust was heightened by the fact that victims and their allies were sidelined in the early stages.

Creating an Institutional Framework for Reparations after the CVR

A few months after receiving the CVR's Final Report, Toledo publicly apologized on behalf of the Peruvian state to the citizens affected by the violence and acknowledged many of the CVR's findings.[42] This symbolic gesture was undermined when he emphasized that state violence had not occurred under his command, negating the notion of the state as a continuous institution with juridic personality, responsibilities and obligations to the citizenry regardless of who is in power (Guillerot & Magarell 2006). Toledo spoke of development policies as reparations measures without a cohesive plan or a clear funding strategy. He omitted some of the programs proposed in the Truth Commission's report, and downplayed the violence perpetrated by the state. This response, which lacked the firm commitment to truth and justice expected of a transitional government, appears to have been influenced by Toledo's alliance with sectors opposed to the state assuming this historical responsibility (Reátegui Carrillo, 2005).

A year after his pronouncement, in 2004, Toledo initiated actions to respond to his promise on reparations, mainly because of civil society's mobilizing and lobbying. He created the *Comisión Multisectorial de Alto Nivel* (CMAN, High Level Multisectoral Commission) and tasked them with developing a reparations program based on the CVR's recommendations. The CMAN produced two tools, which formally recognized the concept of "integral reparations" and developed the PIR program for 2005-2006.[43] Civil society strongly criticized this plan because it significantly reduced the agreed funding, excluded monetary reparations, and gave the PIR a development orientation by focusing on addressing the effects of war such as poverty and inequality. In July 2005, Congress passed Law Nº 28592 (PIR Law), formally approving the adoption of reparations with the consensus of all political parties. This would be administered by

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[42] América Noticias. (2003, November 21). *Mensaje del presidente Alejandro Toledo sobre el Informe de la Comisión de la Verdad y Reconciliación.* Lugar de la Memoria: Centro de Documentación e Investigación. https://lum.cultura.pe/cdi/video/mensaje-del-presidente-toledo-sobre-la-comision-de-la-verdad-y-reconciliacion

[43] Presidencia del Consejo de Ministros. Executive Decree 062-2004-PCM. (2004). Normas Legales, El Peruano. https://www.mimp.gob.pe/homemimp/direcciones/ddcp/normas/4_15_Decreto_Supremo_062_2004_PCM.pdf Presidencia de la República. Executive Decree 047-2005-PCM "Plan Integral de Reparaciones: Programación Multianual 2005-2006"(2005). Sistema Peruano de Información Jurídica. https://spij.minjus.gob.pe/Normas/textos/070705T.pdf

the central government and would have the character of public policy to achieve greater coverage, as recommended by the CVR. The approval of the law was unexpected since this move had not been previously coordinated with the executive branch and many sectors in the legislature were not in favor of approving legislation to implement the CVR's recommendations (Guillerot & Magarrell, 2006). However, it was a very important milestone in the struggle and demand of victim organizations because it represented a legal guarantee of the state's obligation to provide reparations to the victims (Guillerot, 2019). The PIR law indicated that within a period of no more than 90 days the executive branch had to generate a regulation for the law.[44] However, it took a year for the PIR Regulations to be approved by the Council of Ministers, towards the end of Toledo's government. This document developed in detail many aspects of the plan's design, providing the necessary basis for all state actors involved to begin implementation. It also created the *Consejo de Reparaciones* (CR, Reparations Council), the entity in charge of building the registry of individual and collective victims. Once again, this progress was achieved thanks to the mobilization and advocacy of civil society.

The actions of the executive branch showed a lack of coordination and congruence on the issue, resulting from the CMAN's weak institutional power to fulfill its functions, the late regulation of the plan and the lack of an official registry of beneficiaries. According to the law, the ministries were obligated to develop in detail the reparation programs that would be under their sector.[45] Initiatives were seen in a few sectors, such as the MINSA, providing mental health care in affected areas, and the MIMDES, registering and organizing internally displaced persons, as well as certain regional and local governments (Guillerot & Magarrell, 2006). But most of the actors in the executive such as the head of the *Ministerio de Economía y Finanzas* (MEF, Ministry of Economy and Finances), whose role was crucial to financing the PIR, lacked the "political will" to move the process forward and refused to accept reparations as a state obligation to the victims.[46] CMAN did not have the leadership and negotiating capacity to achieve consensus and commitments from the ministries. On the other hand, although the CR had been appointed in October 2006, consolidating a database from existing sources and

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[44] In the Peruvian legal system, if a law provides only the general framework, it must be followed by a regulation that elaborates on how the law will be implemented.
[45] When talking about the executive branch or national government, the term "sector" is used to refer to ministries.
[46] Interview, victim organization member, Lima, 2018.

developing a work strategy delayed the start of the cross-country registration until 2008 (Consejo de Reparaciones, 2018). As some pioneering reparations were delivered without a formal registry, duplications and inequities among beneficiaries became common during the first years of the PIR.

During the first year of the García administration (2006), victims' demands continually faced resistance and stigmatization from many public entities. In addition to inaction, there were technical and political barriers in the organizational structure created for reparations. These included the lack of communication channels and effective coordination, especially between the CMAN and the CR, the continuous changes and decrease in professional personnel, and the transfer of these entities from the *Presidencia del Consejo de Ministros* (PCM, Presidency of the Council of Ministers) to the *Ministerio de Justicia* (MINJUS, Ministry of Justice) and back to the PCM.[47] The state's negligence reached the point of rejecting proposals from foreign governments and international entities that offered to forgive Peru's foreign debt in exchange for the funds to be used to finance part of the PIR (Laplante & Theidon, 2007). For many civil society actors, the continuity of the reparations process was not guaranteed because any favorable step by a high-ranking public official was only the result of a personal commitment, rather than an institutionalized norm that encapsulated the state's duty to repair.[48] Because of these delays and lack of commitment to the implementation of the PIR, affected communities and organizations were frustrated, mocked, and disappointed, feeling that the state had created false expectations during exchanges with the CVR.

Thus, evaluations of the early years highlight the fundamental role of the victim organizations and their allies who mobilized politically and lobbied by various means to keep the PIR and other CVR's recommendations on the public agenda (Laplante & Theidon, 2007). The process of information gathering and registration of victims, carried out by decentralized modules and itinerant teams of the Reparations Council, further strengthened the mobilization and organization of affected people in many rural areas where the state was absent. It also

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[47] The PCM is a special institution within the executive power. The head (or Premier) of the PCM is appointed by the president and is the one in charge of appointing the rest of the cabinet. This minister coordinates with other national sectors (ministries) and articulates the national government's policies with regional and local efforts. As the presiding minister of the cabinet, the Premier has the greatest political and economic leverage after the president.
[48] Interview, APRODEH representative, Lima, 2017.

motivated the creation of associations of displaced victims in urban and peri-urban areas, who had been working with MIMDES and FONCODES to strengthen their organizational capacities. The victim collectives that emerged immediately after the CVR represent the second generation of organizations of victims. During the first decade of war, relatives of disappeared victims organized themselves to search for their loved ones, making up the first wave of victim associations in Peru (García-Godos, 2013).

2.2.2. Norms and Institution

PIR Legal Framework

The legal framework of the PIR is composed of tools constructed and approved by both the legislature and the executive. The main legal reference for the reparations process in Peru is the aforementioned Law Nᵒ 28592 (PIR Law) passed by Congress in July 2005, which establishes general parameters such as the identification of programs, the definition of victims and beneficiaries, and assigns responsibilities to some state institutions in order to further the process.[49] The passage of the law represented a milestone for victims in Peru because it created legal guarantees to secure the right of victims to be repaired and the state obligation to recognize and redress their suffering. The PIR Law defines the notion of victim, establishes the creation of six reparations programs, excluding economic reparations, but grants the CMAN commissioners the capacity to approve new programs. However, it does not explain the programs, benefits and the specific roles of the entities involved. These points are covered by Executive Decree Nᵒ 015-2006-JUS (PIR Regulations), the second most important document for the PIR, which was approved a year later in July 2006. [50] This tool regulates and elaborates on multiple aspects, including the goals, legal foundations, and approaches of application of the PIR, the functions, and organizational aspects of the entities in charge of overseeing and implementing the plan, as well as a detailed description of the beneficiaries, programs, and benefits of each component of

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[49] Law Nᵒ 28592, *Ley que crea el Plan Integral de Reparaciones – PIR.* (2005). Normas Legales El Peruano. https://www.mimp.gob.pe/homemimp/direcciones/ddcp/normas/4_5_Ley_28592_Crea_el_PIR.pdf
[50] Executive Decree No 015-2006-JUS reformed via: Ministerio de Justicia y Derechos Humanos. Executive Decree N° 003-2008-JUS. (2008). Modifican el Reglamento de la Ley que crea el Plan Integral de Reparaciones. https://www.gob.pe/institucion/minjus/normas-legales/1496813-003-2008-jus

the plan.[51] The influence of the CVR's work on this document is notable as it incorporates terms, definitions and content developed in the Final Report (Guillerot & Magarell 2006).

In addition to these two main documents, the executive decrees that create the entities in charge of coordinating and guiding the state's reparations scheme and those that provide an operating plan within each fiscal year stand out. As described in the previous section, the CMAN was created in 2004 before the PIR Law, but the CR was established by the 2006 PIR Regulations. The members who will make decisions in both institutions are also appointed through this mechanism approved by the Council of Ministers. Other key decrees to understand the operational, financial, and political limitations of the PIR include those approving the Program Framework, the 2005-2006 Multiannual Programming, and those modifying the composition of the institutions as well as the Ministry under which they operated.[52]

Additionally, subsequent legal instruments, including executive decrees, ministerial resolutions, and policy instruments have been developed at the general level or by each sector of the government to further regulate the law and each of the programs. The executive decrees that restrict or extend the benefits or their coverage are noteworthy. One of these initiated the process of economic reparations, establishing the amount of 10,000 Peruvian Soles (approximately 3,030.3 USD) for each individual beneficiary, which as we will see in the national chapter was contrary to the civil society's proposals.[53] Additionally, it created a term of 6 months from the issuance of the norm to close the registry of persons who qualified for this benefit, which violates the imprescriptible and inclusive nature of the right to be repaired. However, subsequent decrees reopened the registry and approved multiple monetary benefits for victims who suffered more than one of the crimes covered by this program.[54]

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[51] Presidencia de la República. Executive Decree No 015-2006-JUS, Reglamento de la Ley No 28592 que crea el Plan Integral de Reparaciones (2006). http://www.ruv.gob.pe/archivos/Reglamento_de_la_Ley__28592.pdf
[52] Presidencia de La República. Executive Decree 062-2004-PCM Aprueban marco programático de la acción del Estado en materia de paz, reparación y reconciliación nacional. (2004). Sistema Peruano de Información Jurídica. https://spij.minjus.gob.pe/Normas/textos/270804T.pdf; Presidencia de la República. Executive Decree 047-2005-PCM "Plan Integral de Reparaciones: Programación Multianual 2005-2006"(2005). Sistema Peruano de Información Jurídica. https://spij.minjus.gob.pe/Normas/textos/070705T.pdf
[53] Ministerio de Justicia y Derechos Humanos. Executive Decree No. 051-2011-PCM establece el plazo de conclusión del proceso de determinación e identificación de los beneficiarios del Programa de Reparaciones Económicas (2011). https://www.gob.pe/institucion/minjus/normas-legales/1517404-051-2011-pcm
[54] Ministerio de Justicia y Derechos Humanos. Executive Decree N°012-2016-JUS establece el proceso de determinación e identificación de beneficiarios civiles, militares y policías del Programa de Reparaciones Económicas. (2016). https://www.gob.pe/institucion/minjus/normas-legales/1517406-012-2016-jus

Internally, the CMAN and CR have created their own policy tools to further orient the PIR implementation process. In the case of the CMAN, this has become crucial as they need to coordinate and guide the actions of multiple sectors of the national government as well as regional and local governments. Each of the seven reparation programs relies on the *Lineamientos de Programa* (Program Guidelines), which explain the goals of the program, the types of reparations available (which I will refer in here as benefits), and a description of how each of these reparations will be carried out. Currently, policy tools are available to the public through the CMAN institutional portal.[55] There are other important norms that are considered in the implementation of the PIR. One of them is the Law on Internal Displacement, which recognizes the status of displaced persons and the process of internal displacement and establishes a series of guarantees and rights to protect the population against forced displacement, to assist those who are displaced and to achieve their resettlement.[56] Under this framework, persons displaced by the conflict are considered beneficiaries of some PIR programs. In addition, this law mandates the MIMDES to create the National Registry of Displaced Persons, which will later become a fundamental tool for the CR in its creation of the victims' registry. The Law on Absence due to Enforced Disappearance is also crucial because it recognizes at the national level the forced disappearance during the political violence period, and grants guarantees to the relatives of disappeared victims and other legitimately interested persons in exercising their rights.[57] It orders the creation of a specialized registry for these cases, which falls under the jurisdiction of the *Defensoría del Pueblo* (Ombudsman's Office), as an impartial state entity that has always supported civil society in their fight for justice.

PIR Institutions

The two critical entities for the implementation of the PIR are the *Comisión Multisectorial de Alto Nivel* (CMAN) and the *Consejo de Reparaciones* (CR). In 2004, Toledo established the CMAN, charged with designing, coordinating, and monitoring the

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[55] Ministerio de Justicia y Derechos Humanos. (2004). *Comisión Multisectorial de Alto Nivel – CMAN*. https://www.gob.pe/12070-ministerio-de-justicia-y-derechos-humanos-comision-multisectorial-de-alto-nivel-cman
[56] Congreso de La República. Law Nº 28223, Ley sobre los desplazamientos internos. (2004). Normas Legales, El Peruano. https://www.mimp.gob.pe/homemimp/direcciones/ddcp/normas/4_3_Ley_28223_Ley_sobre_Desplazamiento_Internos.pdf
[57] Presidencia de la República & Congreso de La República. Law No 28413 Ley que regula la ausencia por desaparición forzada durante el periodo 1980-2000. (2004). Sistema Peruano de Información Jurídica. https://spij.minjus.gob.pe/Normas/textos/111204T.pdf

implementation of the reparation programs across ministries and levels of government. The PIR Regulations created the CR in 2006, whose main task is to identify and register individual and collective victims of the conflict. Both are crucial for the implementation of the PIR. The CR includes a multilateral decision-making body that sets policy and an operational technical body that implements those policies, working directly with victims. Both entities started their work attached to the *Presidencia del Consejo de Ministros* (PCM, Ministry of the President of the Council of Ministers), but unexpectedly in November 2005, the CMAN was transferred to the Ministry of Justice (MINJUS) towards the end of Toledo's administration, losing the very limited political leverage it had under the PCM. Under Peru's presidentialist system, the president only appoints the prime minister (PM), who in turn selects other ministers. The PM, as well as the president, can ask for the resignation of any cabinet members at any point.[58] The PCM is tasked with coordinating multisectoral and decentralization policies, working with all state entities across all levels of government. Because of this configuration, the PCM holds more political power and has greater economic resources, which benefitted indirectly the standing of the CMAN. In October 2006, during García's first year in power, it was placed again under the jurisdiction of the PCM along with the CR. Finally, the CR and CMAN became part of the MINJUS in 2011 and 2012 respectively. These changes, which will be discussed in the next chapters, have weakened the institutional and bureaucratic capacity of these entities, which has been especially detrimental to the CMAN in their role of coordinator of the PIR programs.

The decision-making body of the CR is made up of seven citizens nationally recognized for their defense and commitment to human rights and democracy. In its 16 years of existence, most of the members have been civilians who represent civil society organizations fighting for TJ in the country, but two or three members have been part of the military or police forces. (Consejo de Reparaciones, 2018) . During its inception, the incorporation of the latter was perceived as a strategy from the government not to alienate those sectors of society who were not fully supportive of the TJ scheme. CR members have worked *ad honorem* to move the reparations process forward. The *Secretaría Técnica* (Technical Secretariat) is the unit in charge of conducting all the operational, administrative, and technical tasks in support of the CR. Even

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[58] As all ministers depend on the PM's survival in power, the entire cabinet of ministers must resign if the PM receives a vote of no confidence from Congress. This has become the most misused prerogative of the legislature to keep the president in check within the last 6 years, sinking the country into a never-ending political crisis.

though the CR was created in October of 2006, given budget-related and political constraints described previously, the first office opened in mid 2007 in Lima. In 2008, nation-wide registration tasks started officially through itinerant teams and decentralized modules. Registration takes place through two channels: (1) transfer of data from other regional and local—officially recognized—registries (i.e., CVR Database) or (2) self-initiated application by victims. The evaluation and qualification process of cases of victims leads to the publication of official lists and victim accreditation certificates that function as an official identification document for those affected. Throughout the last 14 years, the CR has been building the *Registro Único de Víctimas* (RUV, Unified Registry of Victims) compiling the testimonies and stories of thousands of victims. Specially during the early years of registration (2007-2010), the leadership of the CR shielded the entity from undue political influence, both from the executive power, and from other reparation implementing agencies. They maintained a very systematic methodology in the way they examined cases and evidence to approve the registration of victims under specific categories of violations, which in turn would eventually entitle them to some types of benefits (Consejo de Reparaciones, 2018). The Council is still certifying and registering individual and collective victims.[59]

The CMAN decision-making body is made up of representatives from the different ministries involved in the PIR and four members from civic society organizations, representing universities, professional associations, the National Human Rights Coordinator, and the association of development NGOs.[60] The number of ministries involved in this entity has varied through time, and has depended on the level of commitment of the head of the sectors and the ability of the CMAN to build new agreements. The *Secretaría Ejecutiva* (Executive Secretariat) of the CMAN is the technical and operational body of this institution.[61] While this entity does not have decision-making power, it is ultimately the one in charge of coordinating and

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[59] In 2011, ex-president García closed the registration of victims entitled to economic reparations but in 2016, an executive decree reopened the registry.

[60] In the Peruvian government, there are many High Level Multisectoral Commissions. These are ad hoc commissions made up of representatives from different ministries tasked with designing or implementing temporary policies. For the purposes of the PIR, the CMAN is the *Comisión de Alto Nivel Encargada del Seguimiento de las Acciones y Políticas del Estado en los Ámbitos de la Paz, la Reparación Colectiva y la Reconciliación Nacional* (High Level Multisectoral Commission Tasked with Overseeing the Activities and Policies of the State in the Areas of Peace, Collective Reparation, and National Reconciliation).

[61] Given that most of the interaction with victims is carried out by the Technical Secretariat of the CMAN, the empirical chapters deal with their work primarily. Therefore, in the text I refer to this operational body as CMAN. When referring to the decision-making unit within the broader CMAN institution, I will explicitly say so.

overseeing the compliance of all state actors charged with implementing the different programs. As such, they are the face of the CMAN, meeting with individual and collective victims and providing all operational support to carry out each of the benefits. They prepare the normative guidelines, negotiate with multiples parties, propose modifications in the programs based on the victims' demands, create budgets and all other legal, policy, fiscal and victim-addressed documents, among other tasks.[62] In addition to the main office in Lima, where the head of this body and the directors of all seven reparation programs are based, the CMAN has four permanent Regional Divisions based in the capital cities of Ayacucho, Apurímac, Huánuco, and Junín, and one itinerant team who works with indigenous groups in the Amazonian area (Satipo, Mazamari, and San Martín de Pangoa). Except for the Ayacucho Division, which covers solely this region, Lima's main office and the other three Regional Divisions encompass more than one region. This allows the CMAN to decentralize its functions and better coordinate with regional and local authorities in the most affected parts of the country. CMAN's role in the implementation of the PIR has varied through time substantively as we will see in the empirical Chapter 4. The CMAN and the CR coordinate with another important agency, namely, the *Dirección de Desplazados y Cultura de Paz* (Office for the Displaced and Culture of Peace). This unit under the Ministry of Women and Vulnerable Populations employed the networks created by the PAR and FONCODES to establish relationships with organizations of displaced persons. The Law on Internal Displacement sanctioned the creation of this unit.

State Implementers

The implementation of each of the PIR programs must be completed by different state actors at the national, regional, and local levels. While regional and local governments do not intervene directly in the implementation of all programs or their benefits, they are all mandated by law to support the PIR in their respective jurisdictions.[63] The PIR normative framework indicates that the national government and the CMAN, as the coordinating body, must take into account regional and local reparation processes in order to carry out an appropriate territorial application of the PIR programs.[64] Likewise, throughout the document, the importance of the

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[62] Interview, Adolfo Chávarri, Lima, 2015.

[63] Local governments include district and provincial governments.

[64] Presidencia de la República. Executive Decree No 015-2006-JUS, Reglamento de la Ley No 28592 que crea el Plan Integral de Reparaciones (2006). Articles 7, 12b, 16, 24, 28 54, 58 http://www.ruv.gob.pe/archivos/Reglamento_de_la_Ley__28592.pdf

participation of regional governments and *Municipalidades* (provincial and district governments) in the design, planning and implementation of the various programs is highlighted. In principle, the law mandates that these subnational governments be incorporated into the PIR and that the they actively intervene in local reparative justice processes, making use of the fiscal, legal and institutional capacities and resources available to them.

It is very difficult to measure a region's overall progress relative to others without considering that the development of programs relies on disparate bureaucracies with distinctive formal and informal norms and goals, which change across space and time. Based on the expectations set out in the guidelines of the programs and on the evidence collected, the typology below was created to better understand the engagement of national and subnational state actors across PIR programs (Table **2.1**). Actors hold primary, secondary, and complementary roles in the implementation of reparations. An actor with a primary role oversees decisions and essential actions in the implementation and interacts directly with the affected population in the reparation process, while one with a secondary role carries out necessary actions to achieve reparations but does not have greater decision-making capacity and does not always interact directly with the victims. Actors that play a complementary role are not obliged to intervene but, above all, facilitate access to information and use of their local communication and logistical networks to support the process. In practice, subnational governments have not always fulfilled their primary, secondary, or complementary roles, or if they have, they have acted in a variable manner.

In the first responsibility structure, including the Economic and the Civil and Political Rights (CPR) Restitution Programs, only the national government has a primary role, being in charge of providing monetary and legal benefits, while subnational governments serve as a bridge of communication and information dissemination between the central government and the local population.[65] The Education, Housing and Health Programs, belong to the second type since they have been subsumed by existing social policies attached to ministerial sectors. In this structure, the national government, through the Ministries of Health, Housing, and Education, provides the technical and normative components for the execution of their respective public

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[65] In the PRE, while the central government issues lists of beneficiaries sequentially for monetary reparations accounts to be created at the *Banco de la Nación*, subnational governments can support by providing access to eligibility and identifying the location of potential beneficiaries. In the PDC, national agencies assist in retrieving legal documents and redressing allegations, while subnational governments serve as bridges between central entities and local beneficiaries.

policies. Officials from the ministries and CMAN meet with representatives of victim organizations to define requirements and opportunities for access to benefits. The Regional Bureau of each ministerial sector, which depends administratively and functionally on the regional government, serves and works directly with the affected population in each region, but must abide by the provisions of the ministries in Lima. Local governments have no greater influence than to provide support in disseminating information to their populations.

Table 2.1: Typology of PIR Implementation Structures

Government Level	PIR RESPONSIBILITY STRUCTURES			
	Single-actor	Multi-actor		Hybrid
	1 Economic CPR Restitution	2 Education Health Housing	3 Collective	4 Symbolic
National	Primary	Primary	Secondary	Primary
Regional	Complementary	Secondary	Complementary	Primary
Local	Complementary	Complementary	Primary	Primary

The Collective Reparations Program represents the third responsibility structure. In this case, the central government's role is limited to transferring fiscal resources to finance the projects while the local (provincial and district) governments play a primary role as they intervene directly in the construction and delivery of community projects and may contribute funds and other resources as well. In this scenario, regional governments only have a complementary role. The last responsibility path applies to the Symbolic Reparations Program, in which all three levels of government have a primary role. Each level may take a central role exclusively or they may act jointly. For example, the central government can grant public apologies for damages and the regional or local governments can lead the recognition and accompaniment in the restitution of remains of murdered victims to their families. Likewise, representatives from all three levels can participate and contribute to coordinated memorialization efforts. It is here where the role of the regional state is fundamental as it becomes a bridge between the national and local levels for all forms of symbolic reparations that will reach the local population. In summary, the first group is a national-level structure, where attribution is focused on the central government. The second and third groups are multi-actor structures, but in the former, the national government takes the

lead, while in the latter, local political authorities become the main providers. The fourth becomes a hybrid model, in which actors at each level can carry out actions independently or jointly.

The CMAN oversees the implementation of the PIR by coordinating with other actors and monitoring their activities and reparation policy outputs. Drawing data from the Reparations Council, they compile list of PIR beneficiaries that are eligible to receive a given type of reparation (depending on the violation they suffered) and provide this information to the entities in charge of implementing the respective benefits per program. Additionally, they track the progress on implementation, depending on the information national and subnational state implementers share with them. In many cases, databases are not updated periodically, and in other cases, these implementers do not collect data properly.[66] In addition to its monitoring and coordinating role, in some cases the CMAN has a more direct role in the process (i.e., the Collective and Symbolic Reparations Programs).

2.2.3. PIR Beneficiaries, Programs and Benefits

From Victims to PIR Beneficiaries

The PIR Law defines victims as "persons or groups of persons who have suffered acts or omissions that violate human rights norms" and provides a non-limiting enumeration of these violations. The PIR Regulations identified victims of 16 crimes as individual beneficiaries, including the families of the killed and disappeared and those who suffered torture, sexual violence, severe injuries, and military conscription, among others (Table *2.2*). Collective beneficiaries are *Centros Poblados* (CPs), peasant and indigenous communities and other settlements affected by the violence during May 1980-November 2000, as well as Organizations of Displaced Persons (ODPs) who had not returned to their places of origin. This definition is limiting and exclusionary. Under article 4 of the PIR Law, those who were found associated in some manner to insurgent forces are excluded from the RUV. Because of this, many people who were forcibly recruited but could not prove so, are excluded.

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[66] Interviews, CMAN officials, Lima, 2017.

Victims become beneficiaries of the PIR program if they are registered in the RUV. Initially, the CR employed multiple sources to create the RUV, reviewing and validating previous registries designed by various state and non-state entities such as the *Defensoría del Pueblo*, Ministry of Women and Development, armed forces, and the CVR's registry. All those who are listed in pre-existing registries are automatically registered (Consejo de Reparaciones, 2018). Starting in 2008, the CR conducted field work supported by churches, municipalities, regional governments, and civil society organizations to reach victims not previously registered by other instruments. Currently, there are decentralized registration modules—not as many as in the early stage—in capital cities and some urban centers of affected regions. In the case of individual victims, most registrations have been self-initiated. In the case of collective beneficiaries, most of the CPs were registered through the first channel, following the results of the *Censo Por la Paz* (Peace Census) in 2002. Contrary to this, all ODPs have self-registered, by creating an organization of 20 or more displaced victims.[67] If the channel is self-registration, then to be officially recognized as a victim, and thus be entitled to reparations, individuals must provide evidence to prove the human right violation and receive approval from the CR. The CR assesses each claim through a verification process relying on multiple (internal) databases and approves or denies registration. In some cases, approval is pending until further documentation is submitted.

Each victim who meets all the qualifications of the PIR Law and its Regulations receives a *Certificado de Acreditación de Víctima* (CAV, Victim Certificate) and is included in the RUV. This process applies to both individual and collective victims. Once victims are registered, this information is transferred to the CMAN and the state implementers. The RUV is subdivided into two components: individual beneficiaries list (*Libro 1*) and collective beneficiaries list (*Libro 2*). In 2017, the *Registro Especial de Beneficiarios en Educación* (REBRED) was created to register one child or grandchild of each individual victim as beneficiary of the education reparations program. As of October 2022, the CR registered 231,506 individual victims, 5,717 CPs that were affected by violence and 180 ODPs in the RUV, and 24,311 beneficiaries in the REBRED. [68]

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[67] In the past each of the members had to have been previously registered (individually) in the National Registry of Displaced Persons to then obtain an individual RUV certification, and finally join an organization of displaced victims. This has been changed recently and they can directly register in the RUV.

[68] Consejo de Reparaciones: Cifras RUV 2022. http://www.ruv.gob.pe/CifrasRUV.pdf

Registration of individual and collective victims in the RUV is instrumental for the reparation process, as the PIR targets victims individually or collectively and allocates programs (and benefits within each program) according to the human rights violations suffered. The table below shows the eligibility of reparation programs based on the type of abuses individual and collective victims endured. The first five programs are allocated to individual beneficiaries, the collective reparations program targets collective beneficiaries only, and the symbolic program covers both individual and collective beneficiaries– depending on the benefit in question. For instance, construction of a memorial site applies to collectivities whereas restitution of remains could involve a family member or family (individual allocation) or an entire community where a massacre took place (collective allocation). Also, the table shows that for individual victims, only three out of the six individually targeted programs are universal (i.e., apply to all regardless of type of violation: health, education, and symbolic). Housing is exclusive to displaced victims and to those who can prove their immovable property was lost due to violence. Economic reparations are limited to the first four types of HRVs (deemed as such due to the severity of the crime). Finally, restitution of political and civil rights applies under certain conditions but being the least developed program, it does not portray clear parameters on how victims become eligible beneficiaries of its benefits.

The Reparation Programs

The PIR programs are: (1) restitution of civil and political rights, benefits in (2) education, (3) housing, and (4) health, (5) collective, (6) symbolic and (7) economic reparations. Individual reparations are directed to individual victims of 15 different human rights violations and collective reparations are directed to CPs and ODPs. While restitution of civic and political rights and symbolic, education, health reparation measures are universal for all types of victims (i.e., across all 15 human rights violations included in the victims' registry), the other three programs are only awarded to victims of specific human rights abuses.

Table 2.2: Eligible reparation benefits by type of victim and human rights violation

TYPE OF VICTIM	HUMAN RIGHTS VIOLATIONS	REPARATION PROGRAMS						
		Health	Education	Housing	CPR Restitution	Economic	Symbolic	Collective
Individual Victims	**1. Killing: family member***	✓	✓				✓	
	2. Forced disappearance: family member*	✓	✓				✓	
	3. Injury (physical or mental): member of any state armed force, CAD member, or public official	✓	✓		2	4	✓	
	4. Torture	✓	✓		2	4	✓	
	5. Handicap or severe injury: civilian	✓	✓		2	4	✓	
	6. Sexual violence – rape: victim and child	✓	✓		2	✓	✓	
	7. Sexual violence – other than rape: victim	✓	✓		2		✓	
	8. Unlawful detention	✓	✓		✓		✓	
	9. Unlawful imprisonment (being innocent)	✓	✓		✓		✓	
	10. Kidnapping	✓	✓		2		✓	
	11. Forced displacement	✓	✓	✓	2		✓	5
	12. Forced recruitment by insurgent groups	✓	✓		2		✓	
	13. Forced recruitment of minors by CADs	✓	✓		2		✓	
	14. Unlawful order of examination	✓	✓				✓	
	15. Loss of documentation (birth certificates, national identification document, etc.)	✓	✓				✓	
	16. Material loss of housing **			1	3		✓	
Collective Victims	**Centro Poblado – collective violence A**						✓	✓
	Centro Poblado – collective violence B						✓	✓
	Centro Poblado – collective violence C						✓	✓
	Centro Poblado – collective violence D						✓	✓
	Centro Poblado – collective violence E						✓	✓
	Organization of Displaced Persons						✓	✓

■ Victim is eligible beneficiary of the reparation program
□ Victim is eligible beneficiary of the reparation program under some conditions:

1. Only if immovable property or land were damaged, destroyed, or lost as a result of violence
2. If needed as a result of human rights violation

3. Only if legal property rights over an immovable property or land were lost or affected in some manner as a result of violence

4. Only if human rights violation caused mental or physical handicap, partially or totally
5. Only if member of formally registered ODP

* Spouse, children and parents of victim.
** This category is not formally recognized as a human rights violation. Nonetheless, non-displaced individuals who claim/prove that violence led to the material loss of their immovable property are entitled to receive benefits from the housing and legal aid reparation programs. Because of this, in the intake/registration process, the Reparations Council official assesses claims of material loss, which, if supported with evidence, can lead to those reparation programs.

Note: Author's creation based on PIR Normative Framework

Figure 2.1. shows the seven programs and specific benefits within each of these, as well as general eligibility criteria. A general description of each program as it was designed and appears in the normative framework is provided below.

Figure 2.1: PIR Programs and Benefits
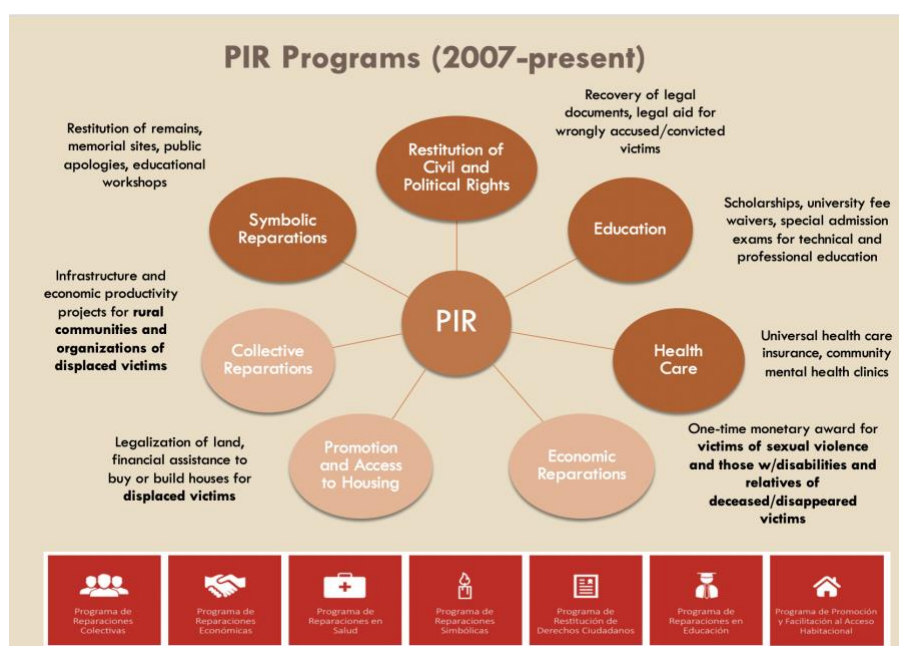
Note: Author's creation; program symbols included at the bottom come from CMAN's hand-outs (2018)

Health Reparations Program

The *Programa de Reparaciones en Salud* has incorporated a social welfare policy from the Ministry of Health. The *Sistema Integral de Salud* (SIS, Comprehensive Health System) is a needs-based public healthcare insurance for Peruvians who live in poverty or extreme poverty. Taking advantage of the bureaucracy, infrastructure and personnel already set in place for this policy, normatively, the Health Program gives PIR beneficiaries access to the SIS without making them go through the normal selection process (i.e., SIS applicants must meet certain criteria to receive the benefit).[69] Other reparation benefits under this program include individual

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[69] Interview, Raúl Calderón, Lima, 2018.

and community-based mental health services. The program is available for all individual victims of the RUV.

Education Reparations Program

The *Programa de Reparaciones en Educación* is available to all individual victims of the RUV. [70] The most important benefit is the inclusion of victims in the *Beca18* social program of the Ministry of Education. The *Beca18* policy grants scholarships to cover the cost of higher education at a public or private institute or university to high-achieving secondary school seniors whose families live in poverty or extreme poverty. In light of the financial and bureaucratic constraints state institutions face to create independent programs to implement reparations benefits, this education reparative benefit has been inserted into a state social program, like in the Health Program. Although victims are eligible to receive this benefit, first they must apply to a semi-annual contest to achieve a score that allows them to obtain one of the limited number of scholarships offered in each period. Their right to reparation is conditioned to their being able to perform what is necessary to secure a scholarship. This, and the existence of additional requirements to apply (high school grades, age, etc.), have represented major barriers to victims' access to this reparation. Other benefits of the program include quotas when applying to universities and exemption from enrollment fees in universities that have agreements with the CMAN, as well as access to the country's High Performance K12 Schools.

Housing Reparations Program

The *Programa de Promoción y Facilitación de Acceso Habitacional* (Promotion and Facilitation of Housing Access Program) carries out housing reparations for those who lost their homes and those who face housing problems as a direct effect of the process of violence. The program coordinates the delivery of reparations with the Ministry of Housing, Construction, and Sanitation through the *Techo Propio* program, which has provided housing access to individuals living in poverty since 2002. [71] As in the Health and Education Programs, the housing reparation

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[70] Interview, Raúl Rosasco, Lima, 2018.
[71] Interview, Doris Castillo, Lima, 2018.

benefit was embedded into a social policy. Similarly, it imposed a series of conditions and requirements for eligible victims to meet if they wanted access to this benefit.

Civil and Political Rights Restitution Program

The *Programa de Derechos Ciudadanos* (Civil and Political Rights Restitution Program) is available to all individual victims who require it. It consists of providing legal assistance to victims to obtain or recover their lost legal documents or those of their missing or deceased relatives.[72] Benefits include the formalization of the ownership of real and personal property, exoneration of judicial, registry and municipal fees, as well as legal advice for persons who had unjust criminal proceedings against them.

Economic Reparations Program

Beneficiaries of the *Programa de Reparaciones Económicas* (Economic Reparations Program) include family members of killed and disappeared individuals, victims of rape, and those who suffered injuries that caused total or partial disability, physical and/or mental. Each direct beneficiary is entitled to 10,000 PEN (3,030.3 USD).[73] For victims killed or disappeared during the war, the amount is to be divided among eligible relatives in specific percentages, always allocating 50% to the widower if there is one. Victims were at first prioritized based on age and poverty status, and then later based on the date of the violation. The program has suffered many changes in the eligibility and prioritization requirements, which will be discussed in the next chapter. Once victims are selected to receive the economic benefit, they can withdraw the funds from any National Bank branch.

Symbolic Reparations Program

The *Programa de Reparaciones Simbólicas* (Symbolic Reparations Program) seeks to contribute to rebuilding the social ties broken because of political violence, within communities and families, among individuals, and between the Peruvian state and individuals through forms of recognition and public apologies for the abuses of the state and insurgent groups, as well as

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[72] Interview, Katherine Valenzuela, 2017.
[73] Average exchange rate for the 2007-mid 2018 period is 1 USD=3.3 PEN.

the failure of the state to protect its citizens.[74] All the efforts of this program are directed towards enhancing national reconciliation and building a sense of solidarity from society towards victims. All individual and collective victims in the RUV are beneficiaries of this program. The program includes public gestures such as apologies, ceremonies to commemorate the CVR's contribution to justice and reconciliation, and letters to victims, as well as acts of recognition to individuals and communities affected by the violence, local authorities, armed and police forces, CADs, social and political leaders, and human rights organizations. Likewise, it encompasses the annual commemoration of the delivery of the CVR Final Report on August 28th, the recognition of victims as "Heroes of Peace," and naming districts, squares, streets, bridges, and other spaces after them. Also, reappropriating, and reassigning meaning to physical and institutional spaces that refer to or enabled political violence episodes. Given the symbolic nature of all these acts, the program guidelines emphasize an implementation with an intercultural, gender and participatory approach (CMAN, 2013). All state institutions are responsible for carrying out these forms of reparation, including different ministry sectors, autonomous or decentralized national state institutions, and regional and local governments. CMAN accompanies this process with technical advice for these state entities, coordinates activities among actors, and allocates an amount of its annual budget to support these actions.

Collective Reparations Program

The *Programa de Reparaciones Colectivas* (PRC, Collective Reparations Program) aims at supporting collectivities with the rebuilding of their communal infrastructure and their economic, and social, and political systems, affected by the violence. It provides projects to two types of collective victims recognized in the RUV, Centros Poblados (CPs, communities where violence took place) and Organizations of Displaced Persons (ODPs). Projects included in this program must fall within one of four areas of the livelihoods of these collectivities. Two of these areas pertain to material needs of these communities and the other two are intended to address non-material problems such as the weakening and deterioration of their social and political structures (CMAN, 2012). CPs and ODPs can select projects that help them recover and rebuild the infrastructure that enable economic productivity and commerce in the community, as well as

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[74] Interview, Katherine Valenzuela, 2017.

develop peoples' work skills and access to economic opportunities. Alternatively, they can recover and expand the infrastructure of basic services like education, health, sanitation, electricity, and other communal spaces. Additionally, the PRC can be focused on supporting the repopulation of affected areas and resettlement of displaced groups. Last, communities can use reparations to rebuild and strengthen communal institutions, including local authorities and governance rules, conflict resolution and prevention systems, human rights protections, and legal resources. Each community receives an award of 100,000 PEN (approx. 30,303 USD) from the national government for the project of their choice. The national state transfers this amount to the local governments, which become the direct implementers of the PRC. They must guarantee that communities chose projects democratically according to local customs, elaborate and submit project proposals to the CMAN, built and delivery the project to the beneficiary communities. The CMAN oversees the appropriate implementation of the project and represents the national government on the ground in the different meetings and ceremonies with the community.

2.3.   Conclusion

The *Conflicto Armado Interno* (Internal Armed Conflict) left about 70,000 people killed, more than 20,000 forcefully disappeared, 600,000 displaced, among other victims. The insurgency, primarily Sendero Luminoso, perpetrated most of the violations (54%), while the state was responsible for a third of the atrocities. Violence disproportionally affected the most vulnerable and marginalized groups in the country, as 75% of victims spoke Quechua, Asháninka, or other indigenous languages and 79% lived in rural areas. Root causes of the war included macro-level conditions such as widespread ethnic marginalization, government corruption, extreme poverty, and underdevelopment, while personal and community grievances and ideology were the main micro-level drivers. In the aftermath of violence, the state transitioned towards democracy and implemented different TJ mechanisms to achieve justice, build peace, and secure better human rights practices. These included the *Comisión de la Verdad y Reconciliación* (CVR, Truth and Reconciliation Commission), human rights trials in specialized national courts (and their predecessors in the Inter-American Court of Human Rights), the creation of the Plan for the Search of the Disappeared and a special agency to carry out this process, memorialization policies, institutional reforms, and a comprehensive reparations plan. Despite setbacks and challenges, the CVR's work, enshrined in the Final Report, was

foundational for the development of other TJ mechanisms and the path towards reconciliation in the country. Similarly, grassroots justice (i.e., bottom-up non-state initiatives) has had an enormous impact on the arduous fight for institutional justice in the country. By making victims visible, raising awareness of the transitional dilemmas and goals, exposing various collective memories of the past, and creating a dialogue with TJ formal mechanisms, cultural productions can enhance the goals of formal TJ institutions.

The foundation of the *Plan Integral de Reparaciones* (PIR) rests on the recommendations of the CVR, which were built with the participation of victim organizations, national NGOs like APRODEH, and the technical and financial support of international human rights institutions, mainly the International Center for Transitional Justice. The CVR led an important debate around the scope of reparative justice in the country. Some argued that state actions or omissions could not be the sole focus. The root causes of violence, the personal and material losses, and short-term and long-term effects of the abuses endured by victims needed to be considered too. Ultimately, the CVR indicated that while it was important to understand the structural causes of the conflict, reparations could not solve the nation's "poverty, inequality, and exclusion," which are problems that the state must address more broadly (Comisión de la Verdad y Reconciliación, 2003, 163). The Commission recommended reparations aimed at recognizing the status of those affected by the violence, contributing to—but not fully addressing—their moral, mental, and physical recovery, and compensating the social and economic damages suffered by these individuals, their families, and communities.

The legal framework of the PIR is composed of tools constructed and approved by both the national government, mainly the executive. The main legal reference for the reparations process in Peru is Law Nº 28592 (PIR Law) passed by Congress in July 2005 and further regulated in 2006 by the executive. The passage of the law represented a milestone for victims in Peru because it created legal guarantees to secure their rights to be repaired and the state obligation to recognize and redress their suffering. The two main entities for the implementation of the PIR are the *Comisión Multisectorial de Alto Nivel* (CMAN) and the *Consejo de Reparaciones* (CR). Since 2007, the CR has been building the *Registro Único de Víctimas* (RUV, Unified Registry of Victims) compiling the testimonies and stories of thousands of individual and collective victims. The CMAN, on the other hand, has been planning,

coordinating, and monitoring the implementation of the reparation programs across ministries and levels of government. As such, the full implementation of programs on the ground is embedded in a system that relies on disparate bureaucracies with distinctive formal and informal norms and goals, which change across space and time. To better understand the role of these actors, this chapter proposed a typology that classifies national, regional, and local state institutions into primary, secondary, and complementary implementers. This categorization is used in Chapter 3 to support the development of critical concepts and theories.

The PIR Law defines victims as "persons or groups of persons who have suffered acts or omissions that violate human rights norms" and provides a non-limiting enumeration of these violations. However, the PIR Regulations identified victims of 16 crimes as individual beneficiaries, including the families of the killed and disappeared and those who suffered torture, sexual violence, severe injuries, and military conscription, among others. Collective beneficiaries are *Centros Poblados* (CPs), peasant and indigenous communities and other settlements affected by the violence, as well as Organizations of Displaced Persons (ODPs) who had not returned to their places of origin. This definition is limiting and exclusionary. Under article 4 of the PIR Law, those who were found associated in some manner to insurgent forces are excluded from the RUV. Because of this, many people who were forcibly recruited but could not prove so, are excluded. The PIR comprises seven programs: (1) restitution of civil and political rights, reparation benefits in (2) education, (3) housing, and (4) health, as well as (5) collective, (6) symbolic and (7) economic reparations. Some of these programs are universal for victims of all human rights violations, while others are only available for victims of specific crimes. There have been significant differences across time at the national level and across subnational units in the implementation of these programs, including the content, eligibility requirements, coverage, and process of delivery of benefits. While Chapter 3 will present a theoretical framework to explain temporal and spatial variation, Chapters 4, 5 and 6, will provide a fuller empirical account of these transformations.

3. VICTIM PARTICIPATION IN REPARATIVE JUSTICE IMPLEMENTATION: CONCEPTS AND THEORIES

This chapter offers a conceptual framework for interpreting the Peruvian reparations process and its different components and lays out a theory for examining temporal and spatial variation in the implementation of reparations. Instead of thinking about Reparative Justice (RJ) as an institutional measure or the benefits provided to victims, it can be conceived of as the entire experience affected individuals and communities go through in demanding and receiving reparations. The concepts developed draw on ethnographic insights from the field while working with Quechua collectives in Peru.

Following this approach, the implementation of reparations, the outcome of interest in this study, is understood as a contested social process between national and subnational state actors and collective and individual victims. PIR implementation starts from the moment victims receive official recognition in the RUV, through the bureaucratic procedures they undergo, their struggles, successes, and failures in demanding justice, to the moment they ultimately receive (or not) reparations. Although no formal spaces have been created for engaging victims in this process, they participate by developing resources, strategies, and capacities within formal and informal spaces, moments, and structures, based on their preferences, to negotiate with state actors and reclaim RJ. Victim participation exists at different levels of empowerment, from very limited engagement to full involvement and decision-making power.

Drawing on both deductive and inductive processes, the chapter proposes a national-level (temporal) implementation theory and a subnational-level (cross-sectional) theory. In the first case, the chapter suggests that differences in the level of intervention of international human rights actors, the strength of national civil society (separating victims from this group), and in the political ideology of the national government condition changes in the national-level implementation of the PIR across time. But it also contends that levels of victim participation, and the brokerage role of key state actors who advocate for victims in national politics, ultimately explain temporal variation. Second, at the subnational level, the interests of the national government (mainly driven by clientelistic politics) and the commitment of legal,

financial, technical, and political resources by regional or local governments set the stage for subnational implementation. However, the level of engagement of victims in these subnational units drives the differences observed across regions or communities. Overall, the theoretical framework laid out in this chapter argues that when it comes to the implementation of RJ in Peru, whether examining temporal (national) or cross-sectional (subnational) variation, victim participation becomes a key factor.

3.1. Conceptual Framework

3.1.1. Conceptualizing Reparative Justice

International Normative Definition

Throughout the last century, the conceptualization of RJ has evolved across disciplines in both scholarly and policy literatures, moving away from being compensatory benefits to nation-states to becoming redress for individual and collective victims within a country. At first, the international community used the term "reparations" to refer to the responsibility states had to each other when committing wrongdoings or breaching an engagement to provide some form of adequate compensation (i.e., fines or forms of payments). Under this state-centric view, a state's crimes against its citizens were deemed a domestic affair, and even when a state harmed another state's nationals, the affected state was the one with rights to compensation (United Nations OHCHR, 2008). With the internationalization of human rights and international humanitarian law after WWII and progressive consolidation of Transitional Justice (TJ) across the globe, the concept switched focus towards victims, solidifying the notion of justice in the form of reparations for the affected individuals and groups.

A plethora of international legal norms, as well as jurisprudence produced by human rights bodies like the International Court of Justice, the International Criminal Court, and the Inter-American Court of Human Rights, has since been developed, providing a basis for the right of victims of human rights violations to remedy and reparation.[75] In the international juridic

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[75] United Nations OHCHR (2008) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation (United Nations, 2005) identify these crucial international and regional legal tools: the Universal Declaration of Human Rights (art. 8), the International Covenant on Civil and Political Rights (art. 2), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 6), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (art. 14) and the Convention on the Rights of the Child (art. 39). International humanitarian law and international criminal law are

sense, RJ is understood as the tools and measures that aim to provide redress to individual and collective victims for all the harms they suffered as a result of certain crimes (De Greiff, 2006). 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" (Basic Principles and Guidelines, hereinafter), developed in 2005 and adopted by the UN General Assembly in 2006, constitutes the most important normative framework at the international level (United Nations, 2005). It identifies who must be considered a victim, the obligations of states, principles on how to protect and adequately carry out RJ, and forms of full and effective reparation measures such as restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence.[76] As such, the broader conceptualization embedded in this juridic framework does not only includes reparation measures, but also it encompasses components of other TJ mechanisms that have a reparative content or aim (De Greiff, 2006). For instance, human rights trials against perpetrators can provide some degree of satisfaction for victims and relatives of deceased individuals. Equally, the work of truth-seeking bodies, often fundamental in developing the foundations of reparation programs, can provide spaces for satisfaction and rehabilitation during the testimony collection stage.

During a country's transitional period, reparations can be understood as part of a political project as they seek to contribute to the creation or building of a new political system and social pact (De Greiff, 2006; United Nations OHCHR, 2008). As with other TJ mechanisms, reparations can enhance the path towards a more democratic society with better human rights standards. Indeed, reparations are effective not only because they provide justice for victims through restitution and compensation, and recognition of them as individuals and citizens, but also to the extent they can reform and restore trust among citizens and strengthen social solidarity across society (De Greiff, 2006).This means the (re)building of constructive ties between the state and victims, civilians and the military, affected populations and other social groups, among others.

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also relevant in this regard, in particular the Hague Convention respecting the Laws and Customs of War on Land (art. 3), the Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (art. 91), the Rome Statute of the International Criminal Court (arts. 68 and 75), the African Charter on Human Rights and Peoples' Rights (art. 7), the American Convention on Human Rights (art. 25), the Convention for the Protection of Human Rights and Fundamental Freedoms (art. 13), and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
[76] Definitions and examples of these forms of reparations can be found on Table **3.1**.

Normative works have contributed to the design of reparative justice schemes worldwide, but because they set very high standards for countries seeking to repair victims, they mainly become a departing point to define RJ in practice. In much of the normative theory, reparations are understood as mechanisms that help to redress the legacies of massive human rights violations by supporting immediate (i.e., victim recognition, civic trust) and long-term goals (i.e., peace, reconciliation, improved democratic and human rights practices) of the transition. This teleological definition is meant to motivate states to emulate these principles as best as possible (United Nations OHCHR, 2008). However, instead of embedding goals in the conceptualization of reparations, we can treat them as separate socio-political phenomena affected by variation in reparation schemes. This choice is crucial for causal theorizing as it allows us to assess—and not assert—reparations' effects on specific outcomes such as democracy and peace, as well as differences in how reparative efforts are carried out across and within countries.

Additionally, because international norms and doctrine on reparations convey general guidelines, drawing from a universal human rights logic, they cannot provide us with specific definitions or indicators. The standards they provide allow actors interested in the process to identify inadequacies of reparations programs at a very surface level. But because they do not provide clear and concrete guidance on how reparations should be done—for example, how prioritization should be done when the number of victims is large—they cannot prevent the instrumentalization of reparations for political gain (Pradier et al., 2018). The normative definition of reparations needs to be contextualized at the very least according to the political violence process the country experienced, the demands and perspectives of victims, and the conditions and capacities of the state adopting RJ.

Applied Definition: Reparation Programs

While the international legal understanding of RJ, condensed in the Basic Principles and Guidelines, motivates states to develop reparations and other justice measures in a way that enhances their reparative function, these standards are often unattainable. For De Greiff (2006), a narrower definition of reparations refers to the state-wide efforts to provide benefits to victims on the ground. In this practical sense, RJ is conceived of as the programs or policies that include material, symbolic, collective, and individual benefits for victims of human rights violations.

Instead of employing a case-by-case approach through the courts, RJ in transitional cases takes the form of mass administrative programs carried out by executive (and legislative to some extent) branches of the government. They are different from other measures like reconstruction or victim assistance, which focus on immediate needs and rebuilding efforts right after the violence period, because RJ stems from victims' legal right to be repaired and be recognized for the harms they suffered, as well as the state's obligation to provide these reparations (Roht-Arriaza & Orlovsky, 2009). Although this right to remedy has been enshrined in multiple international human rights instruments and jurisprudence from international and regional courts, implementing it ultimately rests with domestic law. [77]

In the Peruvian context, this narrow, applied definition of RJ is encapsulated in the *Plan Integral de Reparaciones* (PIR), passed into law in 2005. Foundations of this policy can be found in the *Comisión de la Verdad y Reconciliación's* (CVR, Truth and Reconciliation Commission) Final Report, which proposed a reparations program with legal, ethical and integrity dimensions. The legal and ethical components provide the normative grounds that legitimize the reparations process, while the integrity dimension sets basic standards for its accurate implementation (Guillerot & Magarrell, 2006). Based on domestic and international legal norms, the state has a legal obligation to repair the damage caused by violations of human rights and humanitarian law against individuals and groups under its jurisdiction because it failed to ensure respect for these rights and prevent or respond adequately to abuses committed by both state and private actors. The state's moral duty implies recognizing the harm and suffering of the victims and their dignity as citizens, rebuilding bonds of trust and democratic coexistence in a more inclusive and egalitarian manner (Guillerot, 2003). Additionally, the CVR proposes a reparations program with internal *integralidad* (integrity) or, as De Greiff (2006) calls it, coherence.[78] This concept alludes to the idea that the program's components should complement and be congruent with each other when implemented; also, they should respond to the complexity of the violence

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[77] Since 1995, the Inter-American Court of Human Rights has granted remedies for victims of abuses committed during the war. The Peruvian state, as a signatory member of the San José Pact (1969), has been obligated to comply with these rulings. But in practice, compliance has lagged given that, like most international legal entities, the IACHR has limited capacity to enforce its rulings upon states.

[78] During the creation of the CVR's Reparations Plan, Pablo De Greiff participated in some of the forums organized by the ITCJ and presented some of his normative theorizing about reparations. For this reason, the conception of justice in reparations he defends was adapted to the Peruvian case and reflected in the CVR's Final Report. For an in-depth discussion of these concepts, see ICTJ and APRODEH (2002). This report can also be complemented with De Greiff (2006) foundational work on RJ.

endured by victims, covering collective, individual, material, and moral aspects. Coherence should not only exist internally, but the plan should be in tune with other TJ mechanisms (i.e., prosecutions, memorialization, institutional reforms, and other truth-finding and reconciliatory measures), or what experts call external integrity (ICTJ & APRODEH, 2002).

Following the CVR recommendations, the normative framework (described in the prior chapter) defined the PIR as the reparations policy to be carried out by all levels of government to provide redress to victims of the political violence period. RJ is understood by the Peruvian state as all the actions in favor of officially recognized victims and relatives of victims, which seek to contribute to the peace, coexistence, and reconciliation among Peruvians. In addition to this general objective, the PIR has four specific goals pertaining to victims: (1) identify and recognize victims and the abuses they endured; (2) restore their citizenship status and guarantee the full exercise of their rights; (3) contribute to the rehabilitation of victims' conditions, capacities and opportunities of personal development that were lost as a result of the political violence; and (4) repair the personal, social, moral, material and economic damages that individual and collective victims suffered.[79] This definition has some practical boundaries such as the scope of the period, the population to be repaired, and the identification of which actors should participate in the RJ process. But it also contains a teleological component, which is characteristic of normative notions of RJ.

Although the Peruvian state was aware of the need to address the root causes of violence, it was also cognizant of its financial and bureaucratic limitations. As a result, the PIR adopts a narrower, mainly forward-looking, approach, focusing on the effects of human rights abuses. To achieve the PIR goals and encompass the dimensions that the CVR proposed, the state created a comprehensive policy with seven components: (1) restitution of civil and political rights; (2) education; (3) health care; (4) collective reparations; (5) symbolic reparations; (6) promotion and access to housing; and (7) economic reparations. For the weakened Peruvian state, which remained very capital city-dominated despite the decentralization efforts that started in 2002, the

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[79] Executive Decree (Order)No 015-2006-JUS. Plan Integral de Reparaciones, Reglamento 2006, Artículos 3, 6, 9 y 10. (2006). https://www.gob.pe/institucion/minjus/normas-legales/1496812-015-2006-jus

application of this multi-faceted notion of reparations seemed unrealistically ambitious, especially in rural areas, where many victims lived, but the state was absent.

Typology of Reparations in Peru

In this section, I explore typologies of reparations in the Peruvian case, drawing from theory-based categorizations as well as empirically grounded ways of classifying RJ. Understanding the composite dimensions of reparations and the relationship between them is crucial to devising a theoretically relevant typology. Evaluating different typologies can provide insights about the sources of causal power behind reparations (Goertz, 2006). This in turn can support the generation of a theory that helps explain RJ implementation. For instance, if the target of reparations is deemed a relevant attribute, it is possible to argue that victim communities intervene in the implementation of collective reparations—contrasted with individual victims demanding personal benefits—in a way that allows them to have a significant impact on the output of the PIR policy. While traditionally the government has defined the PIR according to the seven-program typology, reparations in Peru can be conceived along different classifications. As we will see below, the way victims understand reparations ultimately relates to their experiences when demanding, applying to obtain, and receiving reparations.

The first referent to classify type of reparations in the PIR can be found in the Basic Principles and Guidelines (United Nations, 2005), which prescribes five forms of reparations, understood in a very broad juridic sense. The PIR encompasses some sub-types across all five forms of reparations (Table **3.1**). Among all programs, the Civil and Political Rights Program is the closest to a restitution measure because it seeks to restore the legal status and identity of affected individuals. Nevertheless, it never reaches the ideal behind *restitutio in integrum* (full restitution) that this form encapsulates. The Economic and Collective Programs have a compensation function, as they, respectively, provide individual monetary awards and community material goods that were lost in the war. Most benefits from the Education Program can be conceived of as a form of compensation for the lost educational experiences. As far as rehabilitation, Health and Housing Programs serve as social services for the victims. The Symbolic Program encompasses many of the satisfaction measures, including the recovery and reburial of remains respecting cultural practices, public apologies, commemorations to victims,

among others. Finally, the Symbolic Program's graphic-art workshops on violence and memory carried out in high schools across the country represents a human rights education initiative. Although most of the guarantees of non-repetition measures are not covered by the PIR, they have been included in military and judiciary reforms. As mentioned earlier, the typology offered by the Basic Principles and Guidelines discusses measures that are meant to have reparative effects, regardless of whether they are included in reparation programs or in other TJ measures. For instance, the CVR's uncovering of the root causes of the war and violence patterns also provides satisfaction to victims and society.

Table 3.1: PIR Typology based on Basic Guidelines and Principles

Form	Definition and Examples	PIR Program
Restitution	Restore victim to original situation before the gross violations: restore liberty, human rights, identity, family life, citizenship, place of residence, employment and property.	Civil and Political Rights (CPR) Restitution Program
Compensation	Economic award to compensate any economically assessable damage that constitutes violations of international HR and international humanitarian law such physical or mental harm, lost opportunities including employment, education and social benefits, material damages and loss of earnings, moral damage, cost for legal, medical, psychological and social services.	Economic, Collective, and Education Programs
Rehabilitation	Medical and psychological care, as well as legal and social services.	Health and Housing Programs
Satisfaction	Effective measures to cease continuing violations, verification and public disclosure of violence carried out (without endangering victims and witnesses), search for disappeared and recovery and reburial of remains respecting cultural practices, declaration to restore dignity and rights of victims, public apologies, sanctions against perpetrators, commemorations to victims, accurate account of HRVs to be included in educational and training materials at all levels.	Symbolic Program
Guarantees of non-repetition	Ensuring effective civilian control of military and security forces, ensuring all civilian and military proceedings comply with due process, fairness, and impartiality; strengthening independence of the judiciary; protecting professionals supporting justice and victims; human rights education to all sectors of society and security forces; promoting codes of conduct and ethical norms by state agents, security forces and professionals; prevention and monitoring of social conflicts and their resolution.	Symbolic Program*
Under guarantees of non-repetition, the Symbolic Program encompasses only human rights education initiatives.		

Note: Author's creation based on the Basic Guidelines and Principles (2005)

In practice, RJ can be understood along two empirical dimensions: the target, individual and collective victims, and the content, material, and symbolic direct benefits (De Greiff, 2006; Verdeja, 2008). As Table 3.2. shows, conceiving of reparations in this way creates a two-by-two typology: symbolic collective, symbolic individual, material collective, and material individual reparations. Reparation policies can encompass components that cover all these types, so in principle they do not act as mutually exclusive categories when it comes to the model of reparations a country will adopt (Verdeja, 2008). Peru's PIR showcases how a policy can provide reparations covering all combinations of these empirical dimensions because there are both material and symbolic benefits for collective and individual victims. Because some of the seven programs have more than one benefit, instead of classifying the PIR Programs, the table below portrays different benefits. The Collective, Economic, Health, Education and Housing Programs provide benefits that fall under one of the four categories, whereas the Symbolic, Health and Education Programs have benefits in two categories.

At the benefit level, in theory, these four categories appear to be mutually exclusive, but in practice, they work like fuzzy-set types. While each PIR benefit has been listed under one quadrant, victims' reparation experiences encompass a combination of these types. For example, the Collective Reparations Program is described as a collective material type because it provides infrastructure and economic productivity projects to groups. However, as part of the implementation, some communities have carried out a memorialization exercise where the state has offered public apologies and recognized specific victims and families, giving the process a symbolic character.[80] In other cases, rural communities and—mainly—organizations of displaced victims have selected a project that allocates individual awards to all the group members, such as food vendor carts or a determinate number of farm animals to each household. In the Education Program, the transfer of the right to reparations in education is done individually from each victim to one child or grandchild, and in essence, this means the victim's relative will have access to the material benefits of this program. However, because in many cases, this transfer has been done through a public ceremony, for some older victims and younger generations this has meant a form of recognition of their suffering.[81]

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[80] Observation, Sañayca, Apurímac, 2017.
[81] Observation, Andahuaylas, Apurímac, 2017; Interviews, PIR beneficiaries, Ayacucho, 2018.

Table 3.2: PIR Typology based on Content and Target of Benefits

		Targeted Beneficiaries	
		Collective	Individual
Content of Benefits	**Symbolic**	**2. Symbolic Program*:** *memorial Sites, comic-making workshops on violence and memory, public apologies, ceremonies during restitution of victim remains to family*	**2. Symbolic Program*:** *restitution of victim remains to family, apology letters, and ceremonies to honor specific victims* **4. Education Program*:** *public ceremonies to transfer reparation rights to children and grandchildren via the Certificate Awarding* **7. CPR Restitution Program:** *recovery of legal citizenship status via: Legal documents recovery, legal aid to wrongfully convicted or accused*
	Material	**1. Collective Program:** *infrastructure and economic productivity projects* **6. Health Program*:** *community mental health clinics*	**3. Economic Program:** *monetary awards* **4. Education Program*:** *scholarships, quotas in university admission, university fee waivers* **5. Housing Program:** *legal titling of land, and access to Techo Propio social program to build or rebuild houses partially or fully* **6. Health Program*:** *universal health insurance affiliation and health care provision in public hospitals and health centers*
**Reparation program has benefits in two distinctive categories*			

Note: Author's creation based on De Greiff 2006 and Verdeja 2008

The typologies reviewed are useful in understanding the functions (Table 3.1) and the nature (Table 3.2) of the PIR, and as such, they affect the way victims interact with the state when demanding these benefits. But they do not provide a full account of victims' experiences. Affected individuals and collectives prioritize certain benefits over others based on their needs, interests, beliefs, and social and material resources. However, the role of victims in pursuing and advocating for reparations has been mainly conditioned by how they experience the implementation of reparations. These typologies describe *what* benefits victims can receive and what they look like on paper, at the designing stage, instead of *how* victims apply for and receive those benefits during the implementation phase. The next two typologies allude more to the latter process.

On the one hand, victim participation in the RJ process is conditioned by the eligibility structure imposed by the state (Figure **3.1**.) As described in the prior chapter, victims are entitled to receive certain reparations according to the specific human rights violation(s) they endured.

While registering with the Reparations Council, and obtaining RUV (Unified Victim Registry) status, victims undergo different levels of scrutiny depending on the violation suffered before they become eligible beneficiaries of universal or violation-specific programs. This differentiation created a disjuncture among victim collectives, pushing victims to create associations along the lines of one of the violations they suffered—as many victims had suffered multiple abuses—and to pursue the kinds of reparations they were able to receive based on their victimization experience. In the mobilization and demand of victims for justice, this has become a source of conflict, disagreement and lack of coordination and cooperation in the early and current stages of the PIR process (de Waardt, 2013, 2016; García-Godos, 2008).

Figure 3.1: Typology of Reparations Based on Eligibility
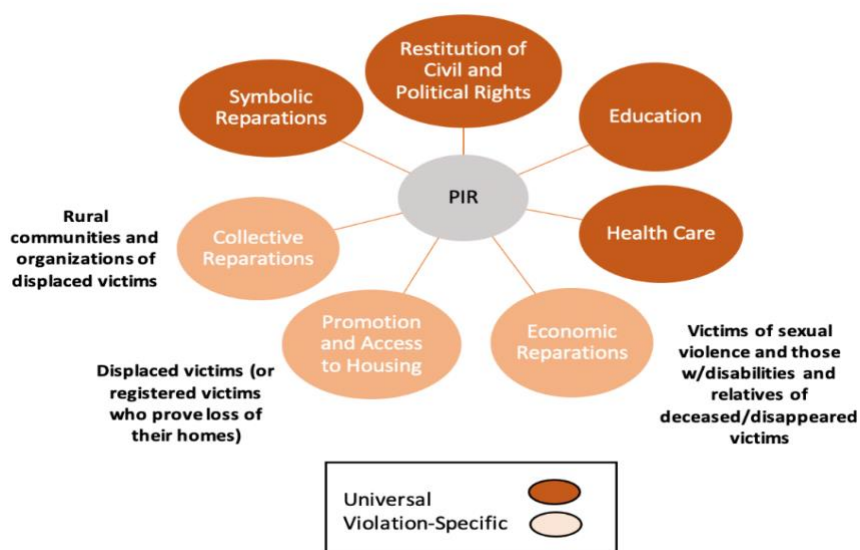
Note: Author's creation based on PIR Normative Framework

On the other hand, affected individuals and organizations of victims perceive reparation programs through the lens of other interactions they had had with the state as recipients of public benefits or services (Figure **3.2**). Experientially, many of these programs are understood as forms of state social welfare, assistance, or anti-poverty development efforts, while other programs are seen as unique acts and gestures of recognition and dignification for victims coming from the state. Although conceptually reparations can be differentiated from development, in practice, the lines are blurred. This particularly applies to the PIR given that the state embedded benefits from

the Health, Housing, and Education Program within pre-existing social welfare policies. Additionally, while the Economic, Collective and Civil and Political Rights Programs are not part of social programs, victims need to navigate complex bureaucratic procedures and interact with public officials according to their disparate norms, and in most cases, they are treated as second-class citizens. Many contend that they should be entitled to these social benefits or assistance because they are Peruvian citizens, regardless of their suffering. Often these interactions with the state around reparations can unintentionally lead to spill-over effects in the areas of development and citizenship (Roht-Arriaza & Orlovsky, 2009). Especially when these encounters are positive, they can increase awareness of the population about their rights as citizens. But even when negative, they can enhance the demand for rights, justice, and adequate reparations, as has happened in the case of Peru, nationally and subnationally.

Figure 3.2: PIR Typology based on Recipients Experiences with the State

State Social Benefits and Assistance		State Recognition and Dignification
Education Program Health Program Housing Program Economic Program	Collective Program CPR Restitution Program Symbolic Program	
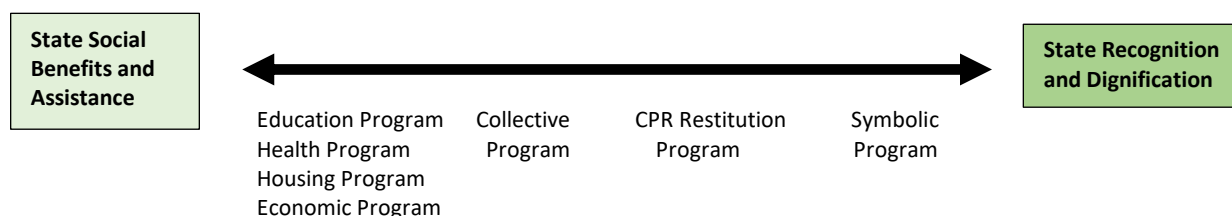
Note: Author's creation

The Symbolic Program has consistently provided reparations in a way that victims see the differentiated reparative message.[82] Benefits from this program have created spaces where state officials relate and dialogue with victims on more horizontal terms, allowing individuals and communities to decide how they should be recognized. Throughout the planning and implementation of restitution of remains ceremonies, memory sites, and public acts, the state recognizes victims' suffering, apologizes publicly, and reaffirms their citizenship status and rights. The seven PIR programs have been placed in this continuum based on a general evaluation of field information, but as in prior categorizations, their classification is not rigid. Victims' reparative experiences with each of these programs are more nuanced, depending on the local conditions of these state-citizen spaces, the officials that victims engage with in specific moments, or the coalitions that victims form to advocate for specific benefits. Following these

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[82] Observation, Ayacucho, 2018. Interviews, PIR beneficiaries, Lima, Ayacucho, Apurímac, and Junín, 2018.

experience-based typologies, I describe the working definition of RJ in this study, which has implications for the definition of other crucial concepts as well as the theory.

Reparative Justice as a Process

Although TJ mechanisms are traditionally conceptualized and measured in terms of the institutional and technical templates adopted in each case and during the evaluation of expected outcomes at given points in time, they can also be studied as a process (Gready, 2021). For many policymakers and practitioners, Reparative Justice alludes to a set institutions or mechanisms, direct benefits, fixed events, or finite moments. In that sense, reparations are considered tools or means to an end: redress for victims. However, RJ can be defined more broadly as a dynamic and multifaceted process. Based on work with victims on the ground, practitioners argue that the symbolic and meaningful character of reparation policies lies more in the *how,* or the ways in which they are carried out, than in the *what,* or the material product (Evans & Wilkins, 2019; Roht-Arriaza & Orlovsky, 2009). Adopting a more fluid definition of RJ—instead of a purely instrumental one—means that process is prioritized in the analysis over preconceived goals. In turn, this perspective justifies the need to pay attention to the agency, resources, and preferences (or lack thereof) of different state and non-state actors and the way they interact in the RJ arena.

While this study employs a practical definition of reparations by focusing on the PIR policy, it also adopts an experiential approach, viewing RJ as a ***transformative dynamic process***. By doing so, one can have a more comprehensive view of the everyday experiences of the affected population in their tireless struggle for justice and peace (Firchow, 2020; Mac Ginty & Firchow, 2016). The social and political contestation they undergo is placed at the center of the analysis (García-Godos, 2008). In the Peruvian case, we can identify multiple stages that victims have experienced: advocating and mobilizing to demand reparations, the normative adoption of the mechanism, the design of the policy, the identification and registration of victims (beneficiaries), the benefit granted to the victims, and the outcomes of the reparative policy (whether goals have been attained). This study will not evaluate victims' experiences across each of the different phases of the process, but rather, it will provide a general account of their experiences.

This fluid notion of RJ also draws from Rubio-Marin's (2009) transformative reparations approach, which refers to RJ designs that unsettle preexisting racial, ethnic, gender, and cultural hierarchies. In most cases, reparations are not able to redress the irreparable, nor should they restore victims to their previous situations of marginalization and poverty; but they have the potential to change the precariousness in which victims live, which is often a root cause of conflict (Yepes, 2009). This is more effectively delivered on a collective level, given the depth of inequality and poverty prevalent in these transitional settings (Gready, 2021). Reparations are not defined as the solution for structural inequalities that made some groups more vulnerable to violence. Instead, they can help victims to come to terms with past abuses they endured, but they can also be a "modest but non-negligible opportunity to move towards a more just society" (Yepes, 2009). Following this approach, this study evaluates whether and how the RJ process that victims go through has become a space for political and social transformation and empowerment. The transformative aspect of justice occurs insofar as this process is a means for victims to challenge unequal power relations and structures locally and nationally (Gready & Robins, 2014).

This view of RJ is also rooted in a culturally sensitive notion of justice. Considering that this study has an explanatory aim, the process of concept and theory building has been inductive, based on and updated periodically during and after fieldwork.[83] In the Peruvian case, given that indigenous people comprised most of the affected population, the notions described herein draw from my interviews and focus groups with victims, which were mostly Quechua-speaking Andean participants. These bottom-up ontological and epistemological approaches are reflected in anthropological and sociological works on conflict and TJ but have rarely been employed in political science studies (Lira, 2006; Viaene, 2010). For example, Theidon (2004) uses cultural lenses to explain the micropolitics of violence and reconciliation during the late 90s in six violence-stricken Quechua communities in Peru. She highlights how the *mal del campo* (external evil or illness) created by the socio-political violence brought *penas* (pains) and *llakis* (painful memories), affecting both the mind and the body of many *campesinos*, and contrasts the successful use of customary forms of reconciliation and reintegration with failed cases of

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[83] Although this approach may be endogenous and cyclical, it is typical of the "paradox of conceptualization" (Kaplan, 1964). Through the construction of good and clear concepts, we arrive at a good theory, and this in turn feeds the refinement of concepts that can be used in a better version of the theory.

externally imposed peace. Similarly, some of the ontological notions in the narratives I gathered guide the way I develop my conceptual and theoretical frameworks. Setting aside the teleological aspect of RJ in this analysis allows me to focus on victims' experiences in the present and recent past.[84] In Quechua cosmovision, the future is placed in the *washa* or behind and cannot be seen, while the past and the present are in the *ñawpa* or visible in front of everyone. On the other hand, the notion of *ayllu*, family or community, is implicit in seeing victim reparations as a social process. Without denying individual experiences, this denotes how the violence victims went through has implications for their social identity and their family and community dynamics. The fluid view of RJ also gives space to the *purisunchik* or the continuous fight for justice on their terms, personified by many victim collectives.

3.1.2. Conceptualizing Reparative Justice Implementation

As with any other area of public policy, we can identify three major developmental phases in the PIR: (1) ***design*** or construction of the legal and institutional foundations, (2) ***output or implementation*** of the normative framework to build specific programs and deliver the reparative benefits, (3) and ***outcomes or effects*** of the implementation, considering established goals (Figure **3.3**). The PIR originates from a top-down design, which is embodied in PIR Law of 2005 and its regulations approved in 2006. This design includes parameters of various aspects of the PIR, such as the definition of victim that the state adopts to identify eligible PIR beneficiaries, the different types or programs of reparations and the specific benefits within each program, the allocation of benefits to victims of different human rights abuses, and the roles of different state institutions and actors in the process. This national normative design described in the prior chapter has served as a backbone for the PIR implementation, which is the focus of this study. Except for the foundational principles, the programs, and the types of violations covered, which have all remained unaltered, evidence shows that the design has left ample room for transformations on the ground during the implementation phase.

Figure 3.3: PIR Policy Phases

| Policy Design 2005-2006 | → | Policy Output 2007-present | → | Policy Outcome 2007-present |

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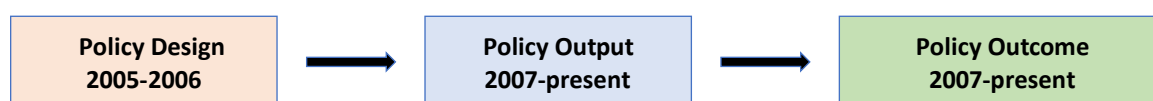
[84] Interviews, victims, Ayacucho, 2017-2019.

Very much in line with the view of RJ as a dynamic process, the conceptualization of reparations implementation that this project adopts goes beyond the public-policy approach to account for victims' lived experiences. Instead of conceiving of implementation solely as the ultimate policy output, such as the public acts and the material benefits victims receive, implementation will also be defined in a longitudinal way, stressing different parts of the process. This broader understanding allows one to examine the range of actors involved, from the national to the local, and the different components of victims' reparative experiences. ***Reparative Justice Implementation*** is defined as the set of technical instruments, procedures, and actions of the coordinating and monitoring bodies, CMAN and CR, and the public institutions that carry out each reparations program to provide benefits to victims. Figure **3.4** illustrates the constitutive dimensions of implementation, including registration of victims, determining which victims to prioritize (i.e., preference over which victims will receive benefits first), which requirements are needed for victims to access benefits, the coverage, and the process of delivering reparations, up until the final provision of reparations to victims.

Figure 3.4: Constitutive Dimensions of PIR Implementation
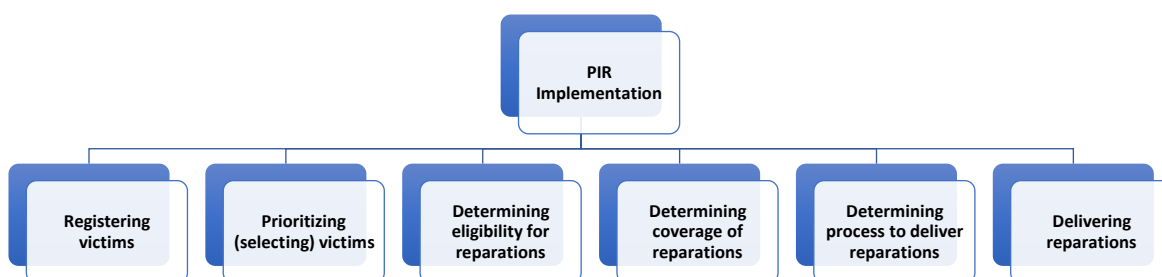
Although the PIR is implemented by national and subnational institutions, not all actors are equally responsible for the different dimensions across the seven programs. For each of the responsibility structures discussed in Chapter 2, the table below identifies whether national, subnational, or both state entities carry out the implementation components. Across all cases, registration is centralized because the Reparations Council is part of the national government. However, subnational entities also support this step, many times tasking a member of their bureaucracies to guide and register victims. In the first implementation structure, the national

state carries out all components of implementation, but subnational state actors can indirectly support the process. In the second and third structures, national implementation refers to victim prioritization and establishing eligibility, content, and coverage of reparations, as well as providing guidelines on how to provide the service, act, or benefit. Ultimately, when it comes to the provision of reparations, national state actors only provide the financing while subnational actors deliver the benefits. Although regional governments cannot formally determine who will receive benefits and how to provide them, they indirectly impact these components of the implementation because they employ personnel at the Regional Bureaus of Education, Health, and Housing. The same applies to district and provincial municipalities regarding local officials constructing collective projects. For symbolic reparations, the fourth structure, the national government also guides the process by determining the types of benefits, but both levels carry out other components jointly or separately.

Table 3.3: Implementation Dimensions
across Responsibility Structures and Levels of Government

Constitutive Dimensions of Implementation	Responsibility Structures							
	1 Economic and CPR Restitution Reparations Programs		2 Health, Education, and Housing Reparations Programs		3 Collective Reparations Program		4 Symbolic Reparations Programs	
	National	Subnational	National	Subnational	National	Subnational	National	Subnational
Registering victims	▨	▨	▨	▨	▨	▨	▨	▨
Prioritizing victims	▨				▨		▨	▨
Determining eligibility for reparations	▨		▨		▨		▨	▨
Determining content of reparations	▨		▨		▨		▨	
Determining coverage of reparations	▨		▨	▨	▨	▨	▨	▨
Determining process to deliver reparations	▨		▨	▨	▨	▨	▨	▨
Delivering reparations			Funds	Benefits	Funds	Benefits		

▨ = Dimension is carried out by national/ subnational actor

PIR Implementation Variation and Measurement

Since 2007, implementation of the PIR has varied across time and space in terms of these constitutive components. National-level temporal variation mainly involves dimensions carried out by the central government to set the standards and conditions for the decentralized provision of RJ benefits. Spatially, differences in implementation are observed across distinctive territories: regions, districts, communities, and organizations. Subnational variation primarily encompasses procedures and activities carried out by regional and municipal authorities, although national state actors complete some implementation dimensions in specific programs (i.e., funding allocation to communities in the Collective Program). To be sure, implementation within subnational units fluctuates across time on par with national-level longitudinal changes, as well as because of regional and local temporal dynamics. However, the theoretical framework and empirical analysis will focus on temporal variation at the national level and cross-sectional changes among subnational units (Table **3.4**).

Table 3.4: Temporal and Spatial Variation in the PIR Implementation
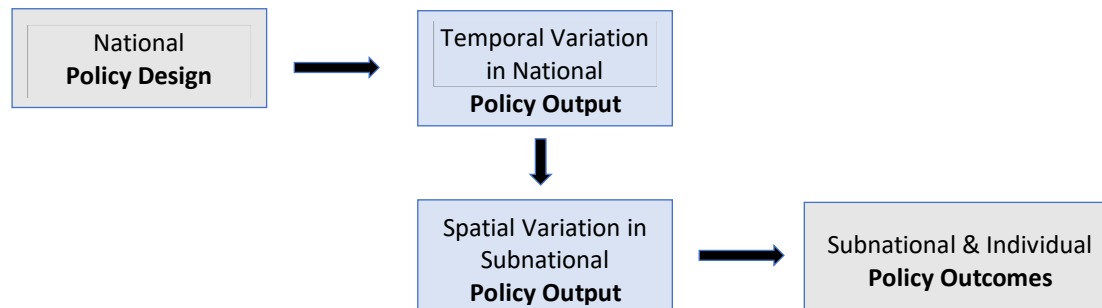
The empirical chapters will employ national and subnational evidence gathered in this study to evaluate spatial and temporal differences in the PIR, measuring implementation in both quantitative and qualitative ways. Some dimensions of implementation can be more easily assessed quantitively, while others require a qualitative characterization. In the quantitative sense, progress in implementation is measured in terms of the number of programs (and benefits of programs) being delivered, and the coverage of victims (to what extent individual and collective eligible victims are being awarded). Qualitatively, progress is defined as the degree to which the implementation has adopted a ***reparative character.*** By this notion, I mean whether

the reparation benefit was implemented recognizing victims and their suffering, as well as always securing the rights of victims in the process. In many contexts, state actors, international organizations and even victim groups themselves have pushed for reparations in the form of development projects, but this has been criticized by many as violating the spirit of reparations which is for the state, victims, and society to recognize this benefit as "atonement for past harms" (Roht-Arriaza & Orlovsky, 2009). When reparative justice—especially material benefits—is implemented as part of or parallel to development and social welfare policies, it is crucial to incorporate elements that reflect some degree of symbolic recognition (apologies from the state, memorialization ceremonies, recognition of victims and their suffering) to preserve its normative dimension (Verdeja, 2008).

The attributes that give a reparative character to the PIR are very subjective and vary across ethnic groups, regions, communities, and even individuals, as victims have experienced violence and justice in disparate ways.[85] Although this study recognizes that this concept cannot have one sole meaning, it develops a typology of implementation for the purposes of analyzing its quality across time and space. Drawing from the normative framework and victims' accounts, the following 3-point typology depicts degrees of quality of implementation in terms of the strength of the reparative character (Table **3.5**). First, PIR ***implementation is minimal***, and thus has a poor reparative quality, when victims have multiple restrictions for registration and accessing the benefits, coverage is limited and arbitrarily allocated, and only a few programs and benefits are being carried out. This implementation omits or overlooks the recognition of victims and does not incorporate their preferences and perspectives. Second, ***moderate implementation*** encompasses some registration restrictions and eligibility requirements, more clear and systematic parameters for prioritizing victims, the coverage of both individual and collective victims, and having more than half of the programs active on the ground. In this scenario, the delivery of both material and symbolic reparations incorporates some degree of recognition, even if is not consistent or does not follow victim groups' views and cultural values. Last, the PIR and its programs will show a ***comprehensive implementation*** if victims have low or no registration barriers and eligibility requirements, all kinds of individual and collective victims are covered,

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[85] For example, some resisted and stayed, others were forced to join the state or insurgent ranks, and in other cases they fled their homes. Some communities joined efforts to demand some forms of justice, other groups preferred not to register under the state system and reject the PIR, and yet others demand recognition in other non-PIR citizen-state spaces.

and levels of violence drive prioritization in a systematic manner. The content and guidelines for the delivery process of all or most programs and benefits have been defined. In this scenario, victims' suffering and rights are recognized, and their interests and perspectives are incorporated in the process, giving the implementation a reparative character.

Table 3.5: Typology of Quality of Implementation

Constitutive Dimension of Implementation	Definition of Dimension	Quality of Implementation *Reparative Character*		
		MINIMAL	MODERATE	COMPREHENSIVE
Registering victims	Deadlines and logistics barriers for RUV registration	*High*	*Moderate*	*Low or none*
Prioritizing victims	Selection is systematic and directly based on violence experiences	*Never or rarely*	*Sometimes*	*Often or always*
Determining eligibility for reparations	Requirements to access PIR programs or benefits	*Many*	*Some*	*A few or none*
Determining content of reparations	Benefits of programs have been clearly determined	*A few or none*	*Some*	*Many or all*
Determining coverage of reparations	Individual and collective victims covered	*A few or some victims of one group*	*Some victims in both groups or most victims of one group*	*Most victims of both groups*
Determining process to deliver reparations	Victims' views, interests, and notions of justices are incorporated in the delivery process; symbolic recognition of victims is a core component of the delivery process	*Never or rarely*	*Sometimes*	*Often or always*
Delivering reparations	Programs (and benefits within programs) are provided across the country; victims receive and make use of the benefits	*A few or none*	*Some*	*Many or all*

3.1.3. Conceptualizing Victim Participation

To better define victim participation, the main independent variable of this project, it is important to stress that the notion of victim is inclusive in this project, going beyond the PIR legal definition. This approach is followed for different reasons. First, both theoretically and empirically, it is very complex to unpack the myriad meanings individuals and communities affected in Peru ascribe to their conflict experiences. Ethnographic work in 2017-2019 suggested that while general trends in the understanding and typology of victimhood exists across regions, other identity dimensions and post-conflict experiences come into play when characterizing

individuals and communities affected by violence. In some cases, victims expressed that they decided not to register because they do not want to be labeled as victims by the state or because they do not want to receive any "payment or blood money" from the perpetrator state. Most prefer to be identified as *afectados* (affected), *llakiqkuna, ñaqariqkuna* (hurt, sad and in pain) or other similar terms; some call themselves victims, while others do not accept being called "victims" but narrate the abuses endured, and others deny they are victims altogether—even if in legal or practical terms, they have experienced human rights violations. For these reasons, the study does not contest the victimhood of those who are not (yet) officially recognized in the RUV or who were not included due to legal, logistical, bureaucratic, personal, or political reasons.

Second, the state's narrow definition of victim, which excluded a great number of Peruvians who were impacted by the war from the PIR, and its inflammatory rhetoric during and after the war, turned many victims into "terrorists," especially in the minds of Lima's society. In Peru's polarized society, victims are constantly stigmatized, romanticized, patronized, or glorified, depending on where they are, who they affiliate with politically, and their sociodemographic attributes. And many of these opposing views are reinforced by the divide between urban and rural, non-indigenous and indigenous, Lima-based centrist political elites and political actors outside the capital city. Especially when it comes to Quechua indigenous communities and individuals, there seems to be a vast inter-group and intra-group contestation about who is and who is not a victim. A rigid victim-perpetrator dichotomy is the dominant way of understanding violence in Peru, instead of a spectrum of grays that accounts for the complexity of human behavior during war. The legal definition of victim cannot prevent us from recognizing the heterogeneity that exists among victims and that changes constantly (García-Godos, 2013). While I recognize that PIR beneficiaries are victims in the state-defined sense, in the examination of victim participation, I consider victims to be the ones included in the RUV along with many others who employ different terminology to characterize the direct and indirect ways they have been affected by the war and who engage in the PIR process.

Understanding RJ implementation as a socio-political process of contestation sets the context for the conceptualization of victim participation because it allows one to describe how grassroots actors coordinate or compete according to their identities and interests in negotiating

with the state (García-Godos, 2008; García-Godos, 2013). Engaging with the notion of victim-centered justice, this study places "the people affected by conflict, their testimonies and needs at the heart of the planning, decision-making, and management" of the RJ process (de Waardt & Weber, 2019; Lundy & McGovern, 2008). Studies on Transitional Justice underscore the role of victims and allies in civil society in getting the state to adopt and comply with judicial processes against perpetrators of human rights violations, truth commissions, and pro-human rights institutional reforms (Olsen et al., 2010; Van der Merwe & Schkolne, 2017) . In the case of reparations, victim mobilization is mostly emphasized as a driver for the creation of the policy (Rubio-Marín et al., 2011). It is assumed that once RJ is promised and embodied in a law, victims become passive actors, solely recipients of reparations. I argue instead that the participation of victim organizations and communities is, in fact, a key factor in understanding the variation in the PIR implementation.

In this study, ***victim participation*** in RJ is defined as the use of tools, norms, and capacities developed by victims within formal and informal spaces to negotiate with state actors and reshape justice according to their views and preferences. The notion of victim participation adopted in here draws from critical studies in the TJ literature that bring local perspectives and processes to the foreground and place participation within a broad network of formal and informal structures, spaces, and moments (Andrieu et al., 2015; Hinton, 2018; Robins et al., 2022). Specifically, this study employs an analytical framework that proposes to examine the strategies and trajectories of victims, recognizing that they participate within a TJ ecosystem (Evrard et al., 2021). Opting for this approach has implications for the definition and characterization of victim participation. First, instead of conceiving of participation in a linear, hierarchical manner, dependent on the institutional rules—the PIR's formal avenues in the Peruvian context—I support a more fluid view that highlights the efforts of individual and collective actors to make their voices heard before the state, non-state actors, and within their organizations and communities. Second, not all victim groups—or even members within an organization—have developed the same type or degree of resources and capacities, nor are these fixed in time. Victim collectives participate in different ways depending on the capacities and resources available at various times in their trajectories such as intra-group social cohesion, leadership, community outreach, civil society allies, and relationships with other groups. Third,

victims do not participate in unison; collectivities and individuals do not move in the same manner towards the same goals. On the contrary, victims' and victim groups' agency, power, and identities are in constant change because of the complexity of their engagements and trajectories. At times, these trajectories converge, leading collectives to support common goals, while at others, competing demands of different groups push them towards diverging participation strategies. Last, this framework sees victims' trajectories not "as having a teleological end-point, but rather as ongoing processes which have inherent value" (Evrard et al., 2021, 438). Although participation encompasses victim efforts to transform (or not) the PIR implementation, this engagement is not only an instrument for other goals. Participation is itself meaningful for victims, setting aside the impact it may have on TJ institutional, social, and cultural processes.

Victim Participation Variation and Measurement

The empirical chapters will depict variation in victim participation both temporally and spatially, using quantitative and qualitative measures. On the one hand, participation is captured by the size of the victim population, relative to the total population of a subnational unit at a given point in time, and the number of collective victims—*Centros Poblados (CP)* and Organizations of Displaced Persons (ODPs)—that fall under those territories. These quantitative measures are raw representations of victim participation. They reflect victims registered in the RUV, omitting other affected people who do not fit the state definition or choose not to register but who mobilize for justice.[86] Also, just because there is a high number of victims in a region, district, or community, it does not necessarily mean they will engage with the PIR. Notwithstanding these issues, this measurement will be used as a proxy of participation, as the number of official victims can be indicative of the presence of non-registered individuals affected by violence.

On the other hand, qualitatively, this study adapts Robins and Tsai's (2018) typology of participation, which depicts four levels of victim empowerment going from limited engagement to full agency in TJ processes, to the reparative justice context (Table **3.6**).[87] At the highest level

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[86] Although collective victims refer to registered communities only, this measure provides a fuller picture because residents of victimized CPs can become beneficiaries of collective reparations, regardless of whether they are in the individual RUV or not.
[87] The authors' guide for strengthening participation in local and national TJ processes draws from Sherry Arnstein's "ladder of citizen participation" originally applied to citizens' participation in political decision-making in the US (1969).

of empowerment, ***transformative*** victim participation means affected groups have the will and power to make decisions about RJ, from conception through implementation. They are recognized by the state as key political actors and build capacities and resources to challenge long-standing marginalization and exclusion. Second, victims engage in ***representative*** participation when they have the resources and power to collaborate with state actors to define some components of the RJ process, but final decisions often rest on governments. ***Instrumental*** participation alludes to scenarios where victims can engage with the PIR under terms set by the state, which allows victim participation only to comply with a formality. Finally, victims participate in a ***nominal*** way if their involvement is limited to conveying demands or grievances, but these are not officially addressed or incorporated in the implementation of reparations. The authors propose this framework to describe participation in the national sphere; however, I argue that it can also help understand social and political negotiation between affected groups and state actors at subnational levels.

Table 3.6: Victim Participation Typology

Participation Type	Level of Empowerment and Capacities	Spaces	Relationships among Organizations or Communities
Transformative	Decision-making	Institutional and Grassroots	Converging
Representative	Consultation and collaboration	Institutional and Grassroots	Converging
Instrumental	Providing information	Institutional	Diverging
Nominal	Demanding grievances	Institutional	Diverging

The referenced typology also incorporates Cornwall's (2005) notions of invited (government controlled) and claimed spaces (created by victims) during TJ processes, identifying which spaces are employed by victims at each level of empowerment.[88] Similarly, the qualitative measurement of participation will map out both institutional and grassroots spaces, moments or structures that are part of victims' repertoires in the PIR process. Furthermore, because Tsai and Robins' typology focuses on the role of victims at the national level, the interactions among organizations and groups within subnational units are not evaluated. I incorporate this dimension to better understand how the efforts of different affected groups

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[88] Andrea Cornwall's created the dichotomous typology of invited and claimed spaces to describe participation of communities in development projects.

converge or diverge when engaging with the PIR. This classification does not assume that victim collectives have the same interests or capacities when it comes to reparations (or justice in general), or that these remain the same across time. It only characterizes the degree of coordination that victims have in each territory or within a period in terms of the implementation of the PIR or specific reparation programs. The qualitative data account for these complexities by showcasing narratives of victim organizations and individuals regardless of whether they are registered in the RUV. Because this analysis takes on the TJ ecosystem approach, the typology describes participation of affected individuals and communities in defining, demanding, building, or transforming multiple forms of justice at national, regional, and local levels. The manuscript focuses on the impact of these participation trajectories on specific components of RJ but acknowledges that their meaning and effects go beyond that realm.

3.2.   Theoretical Framework

The theory presented in this chapter seeks to explain temporal and spatial variation in the implementation of post-conflict reparative justice in Peru. The PIR (2007-present) was designed as a national reparations policy meant to be implemented in a comprehensive and egalitarian manner throughout the Peruvian territory. However, despite starting from a single design, important differences in the adoption of reparation programs, benefits, and forms of implementation at both the national and subnational levels have emerged. On the one hand, I propose crucial factors that contribute to changes in the national PIR across time. On the other hand, I provide an explanation to better understand the differences observed between regions and between communities affected by the civil conflict. Together, the models theorize how, in a context where there is no institutional framework (i.e., a platform sanctioned by the state) for victims' participation in the design and implementation of reparations, individual victims and victim collectives build formal and informal spaces and strategies to engage with and influence the reparative process. The conceptualization of key concepts above—RJ, reparations implementation, and victim participation—also shapes the causal relationships I will postulate in this section (Hall, 2003).

3.2.1.   <u>Assumptions</u>

The theoretical framework encompasses a series of assumptions. First, many assessments in the literature treat each country's reparation mechanism as unique and invariable across the territory and throughout the duration of the process. This strategy allows for the country or state where the political violence occurred to become the unit of analysis. Here, on the contrary, I assume the possibility of temporal and spatial variation within the country. Not only do I consider that the PIR has been transformed over the years at the national and subnational levels, but also that there are different models of reparations in local territories at any given time. Therefore, the study adopts subnational comparative theoretical and empirical approaches.

Second, due to the difficulty of generating standardized measurements of the implementation of national reparations models, research in this area often assumes that the content of the legal instruments that describe the country's reparations model accurately capture what is carried out on the ground. The models in this section propose causal factors and mechanisms that account for the gaps between the normative and the practical realities to understand the different ways in which reparations materialize in the lives of affected individuals and communities.

Third, for the most part, causal theories of TJ have focused on proposing factors that determine the origin or effects of the different mechanisms, overlooking the intermediate processes –the application, development, and transformation of the normative models into day-to-day victims' reparative experiences. By doing so, they assume that the effects of TJ mechanisms or models (i.e., a combination of mechanisms) on expected goals (e.g., peace, reconciliation, justice, democracy) are disconnected from how these are developed. This strategy allows researchers to produce generalizations about the effectiveness of TJ, especially in cross-country time series analyses. However, research designs that account for changes in between creation and delivery of justice measures are crucial to further advance our understanding of TJ's actual impact. Here, the process which victims go through to receive different reparations becomes the central point of the theory. Before being able to evaluate the results of a reparations policy, it is crucial to understand how it moves from design to implementation and what factors contribute to differences in the reparative experience of the affected population. The theoretical

frameworks that follow are compatible with the definition of reparative justice as a dynamic and multifaceted process described in the previous section of this chapter.

3.2.2. Temporal National-level Implementation

To explain variation in the temporal implementation of the PIR policy, I propose a multilevel causal theory, incorporating variables corresponding to different levels of analysis (Giraudy et al., 2019). I consider the role of international as well as domestic, national, and subnational actors and processes in the changes of the PIR at the country level across time.

Figure 3.5: Factors Explaining Temporal Variation in PIR Implementation at the National Level
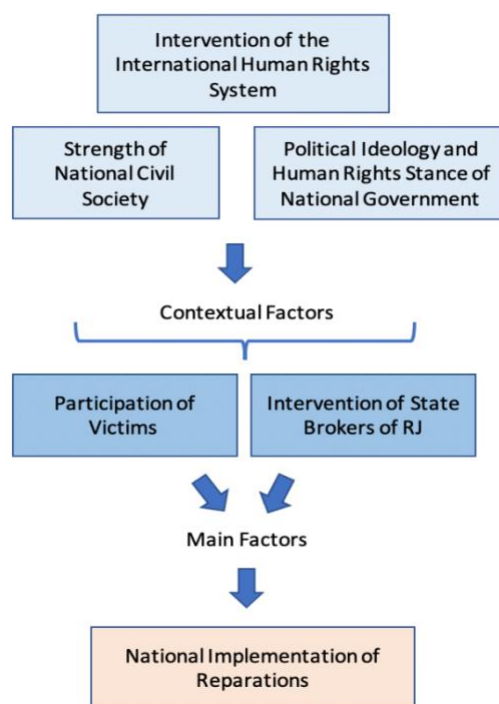
Note: Author's creation

First, borrowing from the TJ literature, the model includes three factors that explain the adoption of justice mechanisms in other cases: the intervention of the international human rights system, the strength of civil society, and the national government's political ideology and human rights stance Figure 3.5. I contend that these have at best indirect effects on the process and cannot fully explain temporal differences. Second, I argue that victim participation, along with the brokerage of some state actors, have become the crucial drivers of the PIR implementation at

the national level across time. For each of the contextual and main explanatory factors, I formulate a testable hypothesis, and then propose causal mechanisms that unpack how the causal effect is expected to occur.

Contextual Explanatory Factors

First, the intervention of international state and non-state institutions of human rights to support justice in Peru facilitated the implementation of reparations. Cross-country literature provides evidence of how international human rights institutions influenced the choice of TJ mechanisms across regions and post-violence contexts, incentivizing countries towards accountability instead of impunity (Lessa et al., 2014; Olsen et al., 2010; Sikkink, 2011). The PIR policy was crafted under the international model of TJ and human rights that emerged after the third global wave of democratization. During the war and the CVR period, countries like Germany and France offered logistical and financial support to civil society in their fight for justice. Additionally, non-state institutions like the International Center for Transitional Justice provided technical expertise on the ground to craft a reparations proposal in the CVR's Final Report. The TJ experiences of Chile and Argentina served as referents for the Peruvian TJ model as well. Therefore, I expect that precedent or parallel processes in the Latin American region as well as in the world will influence not only the design, but also, the implementation of reparations in Peru. At the regional level, the Interamerican Court of Human Rights and the Commission have been strong advocates for victims, especially when it comes to reparations.

International actors can influence the implementation of reparations through different mechanisms. On the one hand, actors which the Peruvian state has treaties with, or organizations of which Peru is a member exert pressure through economic sanctions or delegitimization before other nations. On the other hand, international non-governmental and governmental organizations (hereinafter, INGOs and IGOs respectively) may seek to impact this process through the international aid system by providing financial and logistical resources for the development of social projects and programs or directly working with national and local victim organizations and their allies. Also, certain institutions can play a more technical and pedagogical role, offering guidance, resolving binding international judicial decisions, or sharing experiences of reparative justice and its results in other post-conflict contexts.

Hypothesis 1*: National implementation of the PIR is more likely the more international human rights institutions support reparative justice in Peru.*

Second, at the domestic level, I consider the role of the national government's political ideology and human rights stance on the PIR policy outputs. Left-oriented and progressive administrations should favor the implementation of the PIR more than right-oriented ones. Leftist governments in Latin America have been characterized by the adoption of TJ mechanisms, especially in contexts where a rupture with the authoritarian regime took place and where the actors who committed abuses did not have much political power (González Ocantos, 2020; Skaar et al., 2017). Likewise, in recent decades, progressive governments –which for the most part are from the left or center-left in the regional context—have advocated for the protection of human rights and social policies in the region. Since most of the victims in Peru live in rural areas and belong to communities that are politically, socially, and economically marginalized by the centralist elites in Lima, the PIR incorporates benefits that address the basic rights and needs of these vulnerable populations. Therefore, it is expected that a progressive leftist government, devoted to the protection of human rights, will favor PIR implementation.

The central government will indirectly influence the implementation of the PIR through different causal mechanisms. By being in favor of the PIR, the executive is more likely to support multisectoral decision-making spaces where victims lead the implementation of the PIR. By encouraging victims' direct involvement in the process, the PIR can be implemented in a manner that meets their views and demands. Support from the executive will facilitate more financial, logistical, and legal resources to advance the implementation of the PIR. Also, a favorable position of the head of the executive will encourage both high-ranking officials and bureaucrats in the state sectors to include components of the PIR in their multi-annual institutional plans, goals, and budgets. A progressive left-oriented government will be more likely to keep the PIR as part of the public discourse, legitimizing RJ as a norm not only among state institutions, but also before society. The more committed the national government is to justice, and thus to the PIR, the more likely the PIR will remain in the government's agenda throughout the mandate.

Hypothesis 2*: National implementation of the PIR is more likely the more progressive and left-oriented the national government's political ideology.*

Finally, I also account for the strength of the country's civil society which has advocated for TJ efforts. In the Peruvian context, civil society encompasses victim organizations, NGOs, progressive sectors of the Catholic Church and other religion groups, journalists, academics, and other professionals devoted to the defense of human rights. Although victim collectives are part of civil society, broadly defined, I treat the former as a separate actor because, as the next subsection will discuss, I argue that the role they play in the implementation of reparations is more critical. The strength of civil society is understood as the ability of these actors to coordinate efforts to move the RJ agenda forward in the national sphere, despite working with different victim groups that have distinctive interests. During the war, both in Lima and in the most affected regions, civil society sheltered and protected victims and denounced and investigated the violations committed by the state and insurgent forces (CVR, 2003). Because the strength of these non-state actors' efforts has represented a key driver in the adoption of reparations, we should expect to see a positive impact on the evolution of the PIR's national implementation.

The role of these actors is materialized through different mechanisms. Civil society makes the voice of victimized populations more visible, both nationally and internationally, by serving as interlocutors or mediators vis-à-vis the state and by helping victim organizations become more empowered to be at the front of these negotiations. Likewise, these actors exert pressure on the state to implement agreements adopted during the democratic transition as well as the CVR's recommendations. They use their networking and mobilization capacity to appeal to international jurisdictions and intergovernmental actors who can provide incentives or sanctions in response to the level of state compliance. Through educational initiatives, awareness-raising and dialogue, Peruvian civil society builds bridges among key actors and appeals to other sectors of society, especially in spaces where notions about victims are very biased and follow right-wing inflammatory rhetoric, as is the case in the country's capital city.

Hypothesis 3*: National implementation of the PIR is more likely the stronger the presence of mobilized and organized civil society supporting victims in their demand for reparations.*

Main Explanatory Factors: Victim Participation and PIR Brokers

While international actors, leftist leaning regimes and civil society have influenced the implementation of the PIR, I argue that their contributions alone cannot fully explain transformations in the national PIR. Rather, these actors opened the way for domestic actors to generate direct and concrete changes. My theory proposes two crucial domestic factors that explain temporal variation in PIR implementation, namely, the participation of victims and the strategic actions of public officials that advocate on behalf of victims from within the state. First, the higher and more representative the participation of victim organizations is in the process, the more likely they can bring about concrete changes in the PIR according to their interests and needs. Traditionally, victim participation is seen as a byproduct of the TJ process. Even when victims are deemed important for creating or developing justice measures, they are often treated as part of the country's civil society. For reparations to achieve some level of the normative goals, accountability, and distributive justice, victims must be treated as political agents in their own right (García-Godos, 2013). Although the initial normative and institutional structure of the PIR prescribes the participatory nature of the reparations process, it has not contemplated specific measures or platforms to fulfill this goal, even less so in the national implementation of programs. In light of this institutional vacuum, national victim organizations and collectives will use different mechanisms that allow them to establish channels, bridges and spaces for dialogue and negotiation with the state and build decision-making capacities to impact the PIR's national implementation.

The greater the amount of victim organizations and communities involved at the national level, the higher the quality and coverage of the PIR implementation. As outlined above, victim participation can occur at four levels of empowerment. If the engagement of victim representatives is ***nominal*** in national politics, the PIR implementation will have high barriers and requirements for victims to access reparations, very few programs and benefits will be carried out on the ground, and coverage and symbolic recognition will be very poor. Victims can become involved in the process in an ***instrumental*** way, under the terms set by the government. In these cases, the PIR will have moderate implementation, with restrictive access to registration and application for benefits in some cases, some degree of symbolic recognition, and more defined benefits carried out on the ground. At the highest level of empowerment, victim

participation is ***representative or transformative***, supporting a more comprehensive PIR implementation with all or most programs and benefits in operation, no restrictions in the registration or application for reparations, and a systematic violence-based prioritization. More importantly, most reparation delivery processes will recognize victims and their rights, advancing the reparative character of the PIR.

Figure 3.6: Effect of Victim Participation on National Implementation
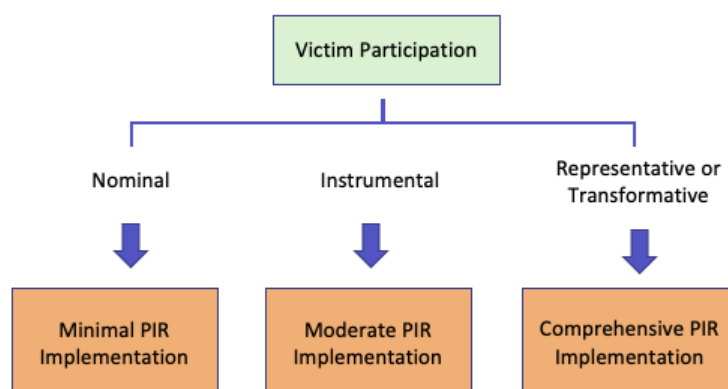
Note: Author's creation

Drawing on the actor-oriented ecosystem perspective of participation (Andrieu et al., 2015; Evrard et al., 2021), I identify multiple strategies and trajectories of victims in both formal and informal spaces which illustrate how victim participation can have an impact on the form of and extent to which reparations benefits are carried out. Through periodic meetings and social capital-building activities in Lima, macro-organizations and representatives from subnational organizations learn from each other, share resources, provide information about subnational justice processes, socialize bottom-up initiatives and strategies, and coordinate actions to support common goals. Likewise, victim collectives employ education, socialization, and awareness-raising tools to extend their national support network, working with other affected populations not yet organized, with young sectors of the citizenry, and with national politicians who have views and interests in common with them. These organizations also ally with civil society actors and foreign aid entities so that they in turn use their own strategies to negotiate with the national government.

Another set of tools in the repertoire of national umbrella organizations, who represent the interests of subnational victim organizations, includes public mobilizations, denunciations, and demonstrations in Lima and in the capital cities of affected regions. Indigenous groups and poor and disadvantaged communities affected by the war exercise what scholars call "insurgent citizenship," a way of reclaiming their rights from the margins (Robins et al., 2022). This strategy allows victim collectives to generate visibility for their fight for justice and exert direct pressure on the national government. Additionally, national and regional organizations create channels of dialogue, either facilitated by human rights institutions and activists or directly with key central government actors tasked with implementing reparations.

Instead of being passive actors in a vertical policy process that offers none or very limited formal forums for their input, victims participate through these different mechanisms, building and enhancing their organizational capacity and political agency, and in turn, achieving the progressive transformation of the national implementation of the PIR. Following the TJ ecosystem approach, I do not contend that this myriad of engagements and tools produced, reshaped, and repurposed by victims are exclusive to the reparative justice context. On the contrary, victims' trajectories in formal and informal spaces –both equally important—address multiple demands and needs across the various justice measures at play and thus impact the TJ ecosystem in Peru. Here I attempt to emphasize the effect of their participation on the implementation and development of the reparative justice process, while acknowledging that their everyday experiences of participation in parallel or prior state-sponsored measures (i.e., human rights trials, search for disappeared relatives, truth commission testimonials) and non-state initiatives contribute to and are affected by their engagement in the PIR.

Hypothesis 4: *Greater and more transformative participation by victims in the PIR process will lead to more comprehensive national implementation of the PIR.*

Second, I argue that the presence and intervention of key actors who mediate, negotiate, and intercede on behalf of victims' actual needs, interests, and justice frameworks contributes favorably to the national implementation of reparations. The literature on brokerage highlights the capacity of brokers to build bridges between different contexts, translate between languages, and mediate between parties who would otherwise not meet or communicate (Bräuchler et al.,

2021; Stovel & Shaw, 2012). In the context of human rights studies, "knowledge brokers" are the people in the middle who support the "vernaculization" or adaptation of transnational and national human rights concepts to local institutions (Levitt & Merry, 2009; Merry, 2006). A few studies have employed the term "TJ brokers" to refer to NGOs, advocacy groups or non-state actors who support victims by helping them become more visible and providing financial and technical support (Selim, 2017). In this study, I employ the concept of **PIR brokers** to identify specific actors who advocate for victims' rights and perspectives from within the state.

PIR brokers act as agents of vernaculization in the reparative justice context, bridging the gaps in communication and understanding between national level politicians and local victim collectives who participate both at the national and subnational levels. They are strategically positioned in public institutions that interact with victims daily or periodically in the reparation process. Not all state actors are brokers, but only those who have the knowledge, social skills, networks, and motivation that allow them to connect actors, spaces, and contexts involved in the PIR. As such, they support the implementation of reparations through different mechanisms. They receive requests and demands from various parties and coordinate efforts among implementers with competing interests. Also, they facilitate the implementation of PIR components or proposed changes. By being receptive to victims' demands, they favor the incorporation of elements of regional models and local experiences of reparative justice in the PIR. The implementation of reparative policy at the national level can make progress by adopting subnational measures and processes that are well supported by regional or local victim coalitions. In other words, victim participation becomes a necessary but not sufficient factor to explain the evolution of the national PIR, since the role of brokers has been essential to channel transformations.

Hypothesis 5: *National implementation of the PIR is more likely the higher the presence and intervention of RJ brokers in the process.*

3.2.3. Cross-sectional Subnational-level Implementation

This section explains spatial variation of reparations implementation across regional and local territories of Peru, considering some important scope conditions. First, the hypotheses

apply to PIR Programs in which subnational governments have a primary role in the subnational implementation of reparations, namely, Collective and Symbolic Programs. In these cases, the stakes are higher for regional and local governments because they are expected to take on the responsibility to redress victims. Second, although temporal changes in the PIR at the national level can impact subnational implementation, this added complexity is not modeled here. However, to focus on variation across subnational units, some time-dependent implementation parameters need to be fixed. One constitutive dimension of RJ implementation in particular must be invariable to be able to make comparisons across regions or communities: the content of the reparation benefit. Once the national government has determined what the reparation program or benefit within a program will be, the next step is decentralized provision to ensure reparations become a reality for affected individuals and communities across the country. This does not imply that the theory explains differences in subnational implementation across units within a fixed month, year, or period but instead, that the content of the benefit needs to be the same whatever time interval one decides to apply this framework to. Third, the model points to contextual and main explanatory factors affecting the subnational implementation of reparations, including benefits for which more than one level of government need to intervene for carrying out different components of local implementation.

The subnational theory contends that while the political interests of the national government and the intervention of regional and local state actors have a contextual explanatory effect on the implementation of reparations, local victim participation represents the key factor to understand differences across units (Figure **3.7**). Within the national government, political interests of the president and party elites set the tone for subnational implementation by determining some components like the content of benefits and the coverage. The PIR normative framework prescribes the participation of subnational state actors, but this is not guaranteed. Whether and how these local authorities engage in implementation conditions the way victims experience this process. As in the national level theory, victims' participation becomes the main driver in achieving implementation that responds to their visions, needs, and demands. While civil society, the international human rights system, and PIR brokers within state institutions (other factors in the national model) support victim collectives both at the national and subnational levels, those factors are not part of the subnational theory. Their impact on local

implementation is not significant because reparation outputs result mainly from interactions between actors on the ground. Participation of local actors allows for greater and better implementation because it changes the interests and capacities of the parties involved in this political process, generating a better system of accountability.

Figure 3.7: Factors Explaining Subnational Variation in PIR Implementation
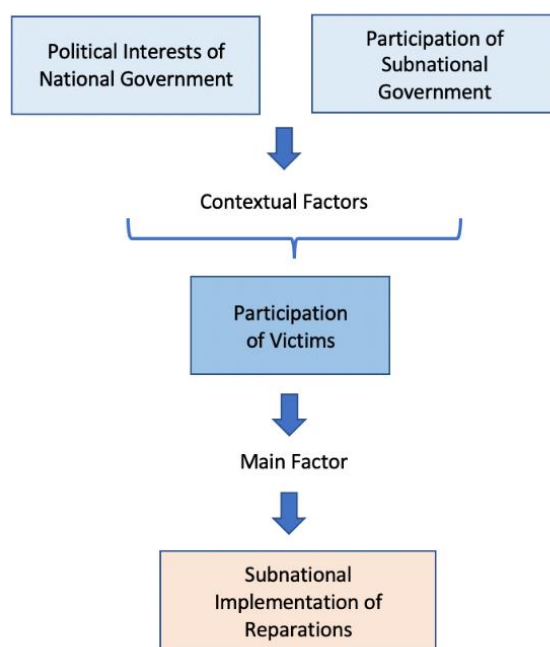
Note: Author's creation

Contextual Explanatory Factors

First, I argue that the national government's political interests affect the local implementation of reparations, especially when the executive is responsible for the actual allocation of resources or direct provision of reparations. As indicated by other studies, interviews completed in the field constantly described the "lack of political will" as one of the culprits for deficient or no implementation.[89] While reparations are aimed at providing redress to victims, "the realization of their reparative potential depends on the intentions of political actors" (Pradier et al., 2018). The more the central government can gain political credit for carrying out the PIR policy, the greater the implementation will be. Reparations adopted during or after a

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[89] In a recent evaluation of the PIR, Guillerot has found that this lack of *political will* encompasses different challenges such as the scarcity of resources, equating reparations to social policies, limiting the coverage of victims, and financial, logistical, and human constraints of the bodies in charge of reparations (2019).

transitional period can be subject to manipulation by political elites for strategic gain (Loyle & Davenport, 2016). As some reparation benefits or programs are embedded within social policies or are treated as public goods, PIR components become vulnerable to political instrumentalization by state officials who want to receive credit for them.

Given the prominence of clientelistic practices in Peru's political institutions, the implementation of the PIR will be more likely where it best serves these interests. A more comprehensive implementation of PIR benefits with greater coverage implies the use of fiscal and bureaucratic state resources. The central government will seek to increase (and/or reduce the loss of) its political capital in subnational areas where the president or the elected political party has political support. Both to reward its supporters and to maintain or grow its popularity or that of its political party, the national government will advance the implementation of PIR goods, projects, or services in districts and provinces where it has a political advantage. Clientelistic and patronage practices are the main (informal) norms that frame political negotiations and decision-making at the national and subnational levels in Peru, especially during electoral campaigns (Muñoz, 2014, 2018).[90] Additionally, with increasingly weak and non-programmatic national parties and an abundance of local parties, these systems are perpetuated across the country by employing local authorities as the mediators. But precisely because Peru lacks an institutionalized party system, traditional clientelist practices (providing gifts in exchange for votes) cannot be sustainable, as the many emerging political organizations and candidates will also offer benefits (Revilla Cortez, 2021). In this context, the *obrismo*, building of public works in specific communities, can work as an alternative strategy to generate electoral support in the following cycle (Muñoz, 2016). The decision to select given communities over others can be driven by electoral support, as well through regional and local government officials who are politically aligned with the central government. Additionally, patronage politics will target population in poorer, rural areas, where the capacity of the local state is lower.

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[90] Tanaka, M. (2012, July 22). *La paradoja peruana (2)* [Noticias en IEP en Medios]. Instituto de Estudios Peruanos. https://iep.org.pe/noticias/martin-tanaka-la-paradoja-peruana-2/

Hypothesis 1*: National implementation of the PIR is more likely the better it serves the political interests of the incumbent national administration in terms of clientelistic and patronage practices.*

Second, the participation of subnational state actors (regional and local governments) conditions the implementation of reparations too. Subnational government participation in the PIR is defined as the intervention of regional or local political actors to achieve more and higher quality implementation of reparations, especially guaranteeing their reparative character, providing public resources (fiscal, legal, technical, bureaucratic), and building spaces for dialogue and decision-making where victims are recognized as political actors with rights. Although subnational governments can participate in different components of the PIR, I argue that their participation is more significant in the symbolic and collective programs. Because they are the primary implementers in these cases, achievements or failures in implementation are more likely to be attributed to or associated with these authorities. In these scenarios, political incentives for their participation are high as they have the most to lose or gain according to how they participate in the implementation. Despite decentralization efforts, clientelism and corruption abound in subnational governments and elected politicians govern in a populist and hierarchical manner (Aragón & Becerra, 2016; P. Muñoz, 2018). Following this literature, I assume that the subnational political actor is rational and has political ambition and, therefore, seeks political recognition and legitimacy to achieve their political and economic aspirations.[91] It is expected that the political approval or support they receive from the affected population (and civil society) will depend on coverage and quality of delivered reparations. Therefore, the authorities will be more incentivized to fulfill their role.

Using the responsibility structure presented in Chapter 2, Figure **3.8Figure 3.8** identifies a low stakes context, when subnational governments serve secondary or complementary roles, and a high stakes scenario, represented by programs for which subnational governments have primary responsibility. On the one hand, in the low-stakes context, participation of subnational governments will not contribute significantly to variation in local implementation, as it will be limited to the national government's guidelines. They respond by not intervening or participating

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[91] Whether through formal and informal institutions of the "political game." That is, whether through responsible and consistent forms of representation or through networks of corruption and clientelism.

minimally. In any case, subnational governments adopt the policy using the same approach determined by the national state. Additionally, implementation of these programs depends highly on demand, as victims must first initiate the application process to receive most benefits. Thus, there are factors that condition this self-selection mechanism on the side of the affected population. On the other hand, in the high-stakes context, political incentives in implementing symbolic reparations and collective reparations, are significant for regional and local governments, respectively. Because subnational governments have a primary role in the process, they can act with greater autonomy and legitimize their decentralized power before their population. They participate by taking on different approaches to adopt the policy in their territories. In turn, the fact that the population attributes the delivery of reparations to them implies that regional governments and *Municipalidades* will be accountable to the electorate.

Figure 3.8: Subnational Implementation in High Incentives and Low Incentives Contexts

	PIR IMPLEMENTATION STRUCTURES			
	Single-actor	Multi-actor		Hybrid
Government Level	1 Economic CPR Restitution	2 Education Health Housing	3 Collective	4 Symbolic
National	Primary	Primary	Secondary	Primary
Regional	Complementary	Secondary	Complementary	Primary
Local	Complementary	Complementary	Primary	Primary
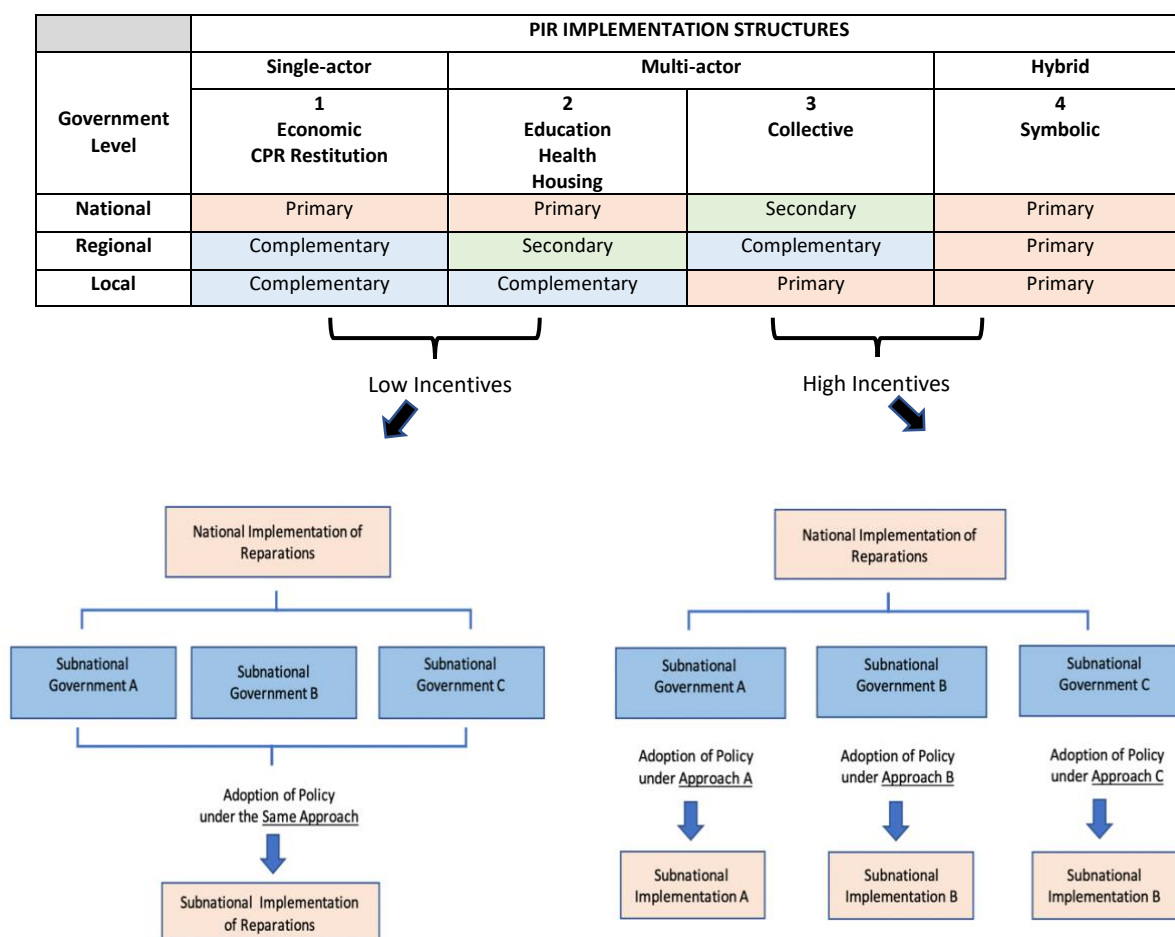
Note: Author's creation

While the expectations for participation of subnational actors in this context are higher, not all will respond in the same way. Once implementation at the national level has taken place, subnational governments can decide their level of involvement in the process. This involvement can manifest itself in different ways depending on the reparation benefits.[92] Broadly speaking, subnational government participation can be classified in three qualitative types (Figure **3.9**). Regional governments (RG) and *Municipalidades* (local governments) can choose not to participate, delaying or preventing reparations from being carried out in the territories, leading to low implementation. Subnational authorities can participate in a nominal way, perhaps providing resources to facilitate the adoption of reparations, but not being receptive and attentive to victims' demands. This scenario would achieve moderate or limited implementation. Finally, subnational governments' participation can be substantial, offering resources and building bridges between national and local actors, and using their local knowledge to support victims' local perspectives. This would lead to high or comprehensive implementation with a stronger reparative character. In general, I propose that the higher the level of participation, the greater and better the implementation of reparations.

Figure 3.9: Effect of Subnational Government Participation on Regional and Local Implementation of Reparations
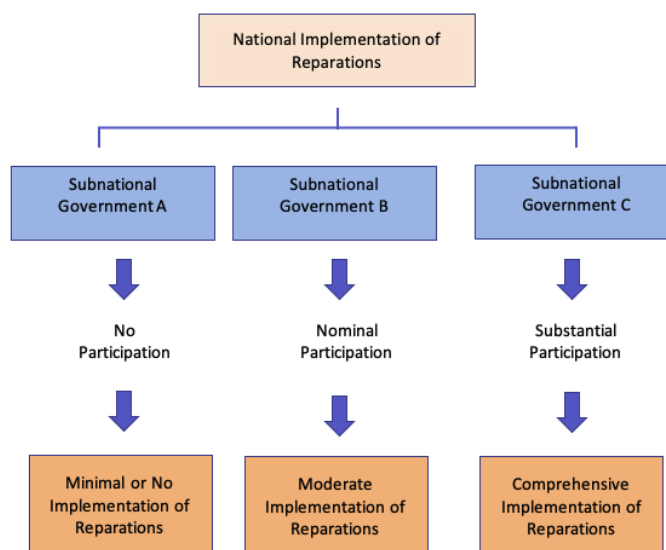
Note: Author's creation

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[92] Chapters 4 and 5 test the theory of implementation at the regional and local levels, respectively. Applying this scheme of forms of participation, these chapters detail what is the observable implication of nonparticipation, nominal intervention, and committed and substantive participation of the RCs and LGs in the implementation of symbolic reparations and collective reparations, respectively.

In subnational contexts, the impact of RG and *Municipalidades* on the PIR implementation will occur through different causal mechanisms. On the one hand, in terms of capacities, as they have closer and more direct links with their citizens, they are better positioned to build agreements and communication channels between the national government and the affected communities. Also, their local "know-how" when working with their populations on the local territory offers a comparative advantage that guides the actions of national actors. They also provide additional legal, bureaucratic, and logistical resources to those offered by the central government that strengthen the implementation of reparations. On the other hand, as the participation of subnational governments improves, they help to bring the interests of the affected communities into dialogue with the central government's proposals. Their involvement in the process not only legitimizes the central government's actions before the affected communities, but also validates the process for other local social groups who might otherwise contest PIR benefits that target only registered victims. As such, they help reduce the risk that spoilers will obstruct or prevent the implementation of reparations. This in turn strengthens and makes RJ more sustainable in the local territory.

Hypothesis 2: *Subnational implementation of the PIR is more likely to be larger and more comprehensive the higher the participation of subnational governments.*

Main Explanatory Factor: Victim Participation

At the subnational level, I argue that the participation of regional and local victims' collectives influences the implementation of reparations. Even though the PIR starts from a top-down design, based on the visions of technocrats and experts, I propose that victim organizations and their leaders within subnational territories reclaim and transform the PIR into a policy that meets their local perspectives, concerns, and interests. A well-designed reparations program is effective to the extent that, in comparison to reparations granted by courts, victims obtain remedies faster at lower costs, relaxed standards of evidence, non-adversarial procedures, and with more certainty that the state will implement reparations (De Greiff, 2006). Despite a comprehensive national design, the PIR implementation process has been full of barriers and subnational inequalities in a fragile state like Peru, where most victims do not receive adequate attention and services from the state and live in precarious conditions without access to political

decision-making. The CMAN, despite its brokerage role in support of victims at the national and regional levels, does not have bureaucratic, financial, and political capacities to secure a decentralized implementation. Therefore, the participation of victims at the regional and local levels becomes even more crucial to secure their right to reparations.

In the absence of institutional channels that guarantee their formal participation, victims rely on local practices, resources, and social norms to enter the PIR implementation process and reshape local and national state preferences and behavior. Victim participation is beneficial for the quality of reparative justice (and TJ) because it fosters the self-empowerment of communities who have been excluded from the design and challenges hierarchical power structures and norms that have prevailed in mainstream politics (Robins & Tsai, 2018; Roht-Arriaza & Orlovsky, 2009). While contagion or spill-over effects to other decision-making areas are not guaranteed, victims will learn and build tools and alliances in this process, which can serve to demand a vote in other social and political issues. Their participation also leads the process in a direction that is congruent with the needs, frameworks, and experiences of local victim groups, which in turn legitimizes and makes reparations more sustainable. A participatory pluralistic approach to reparations argues that victims are uniquely positioned to influence what they perceive is necessary to repair (Laplante, 2015). It is mainly at the local level that victims engage with this process to ensure that the PIR implementation accommodates multiple and distinctive justice demands and expectations.

The more victim collectives participate at the regional and local levels, especially under a representative or transformative approach, the more comprehensive the implementation of reparation benefits will be (Figure **3.10**). For most programs, victim participation at the national level influences implementation dimensions that pertain to the central state (i.e., registration, prioritization, determination of eligibility and content of benefits). The engagement of victims within regions, districts and communities becomes more relevant when it comes to the coverage, the process for the delivery, and the actual provision of reparations because these depend heavily on subnational governments, who victims can engage with locally. When victim groups participate ***nominally***, their grievances and demands are not considered by regional and local authorities and thus, reparations are not carried out on the ground or if implemented, they have low coverage and lack symbolic recognition for victims. The ***instrumental*** participation of

affected people means that some groups will be included in a limited implementation of reparations, which does not embody justice and recognition for victims. ***Representative and transformative*** victim participation leads to comprehensive implementation. In these cases, coverage is larger, benefits provided have a more definitive reparative character, and victims identify with reparations.

Figure 3.10: Effect of Victim Participation on Regional and Local Implementation of Reparations
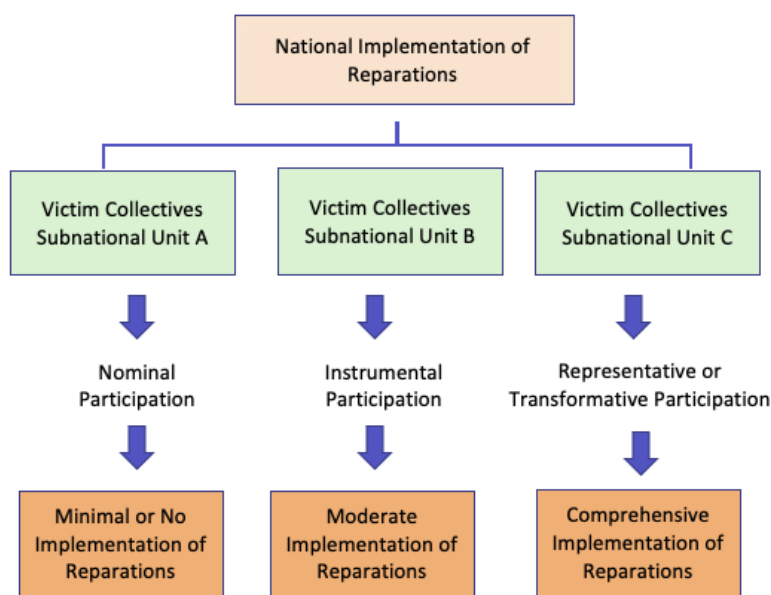
Note: Author's creation

At the regional and local levels, the participation of victims has a positive impact on the implementation of RJ through causal mechanisms like those described in the national model. Within their public repertoire, macro-regional, provincial and community victim organizations carry out mobilizations, public denunciations, and protests in places visible to subnational governments and citizens in general. They also organize forums to open a dialogue with political actors, and social awareness campaigns on violence and memory aimed at other social groups. Additionally, victim collectives build bridges with other strategic actors such as NGOs, international organizations, academics, and sectors of society in support of human rights. Representatives from victim organizations reach out to political candidates during electoral campaigns to communicate their reparation demands, organize public debates among them, and generate commitments regarding the needs of the affected population. In some cases, they

become political candidates and representatives in their subnational units, creating greater sensitivity and awareness within regional and local state institutions.

Victims' participation is not only exercised in institutional or public spaces, but also in informal moments and spaces. By holding regular meetings with their members to inform them about changes in the PIR and map out the demands of different sections of their association. By providing social accompaniment and economic support to people in precarious conditions, and organizing cultural, social, and recreational activities, victim collectives strengthen social cohesion and sense of belonging among members, which is vital for the survival of these organizations. Likewise, in affiliation with sectors of civil society and sometimes on their own, they carry out workshops and political and organizational skill-building activities, within their associations or with other collectives.

Hypothesis 3: *Subnational implementation of the PIR is more likely and more comprehensive the higher and more transformative the participation of subnational victim organizations, communities, and individuals.*

3.3.   Conclusion

Moving beyond the traditional normative and practical understandings of Reparative Justice (RJ) in the scholarship, this study argues for conceptualizing it as a transformative fluid process. This allows me to assess victims' everyday experiences in demanding and receiving reparations. This conception of RJ is aligned with a more culturally sensitive approach to justice, which becomes especially critical in contexts where violence targeted ethnic groups who, like Quechua people in Peru, have been socio-economically and politically marginalized by the state and privileged sectors of society. Indigenous peoples' conceptual, linguistic, and cultural perspectives are often lacking in the study and practice of TJ. Both my conceptual and theoretical frameworks are built on ethnographic insights gained while working with Quechua collectives.

Examining RJ as a process has implications for the conceptualization of reparations implementation and victim participation, the dependent variable and main explanatory factor in this study respectively. First, the ***implementation of reparations*** is defined as a contested social process between the state and victims in Peru. Because victims did not have a direct say on the

PIR policy design, the implementation phase has become a space of contestation and grassroots-driven change. RJ implementation, when viewed as a longitudinal process, encompasses different constitutive dimensions, including registration and prioritization of victims, determination of the content, eligibility requirements, delivery process, and coverage of reparation benefits, and actual provision of reparative justice. Some tasks fall under the purview of the national state, others are assigned to subnational governments, and in some cases, both levels are responsible for their implementation. Implementation of reparations can be classified as ***minimal, moderate, or comprehensive*** depending on how much it incorporates a reparative character (i.e., how much it recognizes victims, their status as citizens, and rights in the process). Some of the steps that make implementation more comprehensive include reducing barriers and requirements to access programs, ensuring that all programs' benefits have been defined and are being delivered on the ground in a decentralized manner, or requiring that victims' views, interests, and worldviews are included in the process.

Second, ***victim participation*** in RJ is defined as the use of tools, norms, and capacities developed by victims within formal and informal spaces to negotiate with state actors and reappropriate justice according to their views and preferences. To be sure, differences in victim participation among victim collectives are conditioned by the capacities and resources each of these rely on at given times in their trajectories (i.e., intra-group social cohesion, leadership, community outreach, civil society support, and relationships with other groups). In looking at the participation of victims, this research does not discriminate between those who are in the victim registry, those who identify in this manner despite not being considered victims by the state, or those who have suffered human rights abuses but choose not to be called victims. The chapter also proposed a qualitative typology of victim participation, drawing from the literature on TJ participation (Andrieu et al., 2015; Evrard et al., 2021; Firchow & Selim, 2022; Robins & Tsai, 2018). While ***nominal and instrumental participation*** means that victims are treated as passive recipients unable to make decisions in the process, ***representative and transformative participation*** refer to scenarios where victims empower themselves politically and socially to contest and reshape RJ on their own terms. The working definitions and typologies of RJ, reparations implementation, and victim participation are the foundations of the theoretical propositions.

Since the beginning of the PIR implementation (2007) the measures and actions by national state actors carrying out reparations have varied. What factors explain the changes in the national implementation of RJ in Peru over time? The national theoretical model proposes that temporal changes in the implementation of the PIR at the national level are indirectly influenced by the intervention of the international human rights system and pro-human rights civil society, as well as by the ideology and human rights stance of the executive branch. While these factors can create favorable conditions for better implementation, concrete transformations are the direct result of victim participation, aided by the presence of actors in key positions in the national government who have become allies and brokers of positive change.

A cross-sectional look at the territory over a specific period provides a view of important disparities between subnational units (e.g., regions, provinces, or districts, and communities affected by violence). How can we explain these spatial differences? The model argues that the national government's clientelist interests and the involvement of regional and local governments in the PIR contextualize implementation levels. Regional and local governments have found space and autonomy in the symbolic and collective programs, respectively, to legitimize their local power and respond to their citizens affected by violence. At the subnational level, the participation of victims is much more crucial to understanding the empirical differences in the implementation of reparations. Chapters 4-6 present qualitative and quantitative empirical information collected in the field, putting this chapter's theoretical propositions to test. The main argument advanced by this study is that bottom-up engagement of individual and collective victims in the process represent the main explanation for differences in RJ efforts across time and space. The multiple tools and strategies victims use in institutional and grassroots spaces help them make their voices visible and impact the implementation of the PIR. As the participation of victims and their national, regional, and local collectives solidifies in more institutional channels and direct interlocutions with high-level officials with decision-making capacity in ministerial sectors, the implementation of the national PIR will reflect more the needs and notions of the population. A bottom-up RJ approach highlights victims' agency, resources, leadership, and participation in policy decisions, challenging traditional structures of exclusion (Gready & Robins, 2014).

4. THE PIR ACROSS TIME: NATIONAL IMPLEMENTATION OF REPARATIVE JUSTICE

The aim of this chapter is to describe the general approach embedded in the implementation of RJ at the most macro level and examine variation across time. Drawing from the conceptual framework (Chapter 3), the chapter begins by recapping the concept and measurement of RJ but applied to the context of national PIR implementation (as opposed to implementation of an specific PIR program at the regional or local level, which will be covered in Chapter 5 and Chapter 6, respectively). The first section explains the meaning of PIR implementation and the typology developed to measure variation at the country level.

Next, section 2 employs qualitative data to describe national-level implementation during three periods: 2007-2011 (period 1), 2012-2015 (period 2), and 2016-2018 (period 3). The analysis starts in 2007 because reparations started being implemented in that year and ends in 2018 due to data availability. The three periods during 2007-2018 were selected based on the empirical information about overall PIR implementation across years. PIR implementation displays different characteristics in each of these clusters of years. While implementation in period 1 was very narrow and restrictive, covering solely some collective victims and advancing only one program, in period 2 some of the barriers for victims were removed and more programs started implementation, but the coverage and quality of the implementation of most benefits did not meet victims' reparation demands. Period 3 demonstrates a more inclusive, decentralized, and victim-centered implementation that tries to incorporate a real reparative character into the PIR. What explains variation in the implementation the PIR at the national level across these three periods?

Section 3 traces and evaluates the explanatory factors proposed in the national theory across time. On the one hand, the intervention of the international human rights system, the strength of the national civil society, and the political ideologies and human rights stances of national governments have contributed to temporal changes in the PIR implementation by setting the stage for other key domestic actors to act. On the other hand, differences in the quality of the PIR implementation at the national level across these periods were ultimately driven by the participation of victims and state actors who support victims' demands from within the system.

With time, victim collectives have developed different participation strategies in institutional and grassroots spaces to make their voices visible and have an impact on the implementation of the PIR. Reparative justice brokers, victim's allies within state institutions, have built bridges between other state actors and victim collectives, facilitating PIR improvements according to victims' perspectives.

4.1.   National Implementation of the PIR

The understanding of RJ implementation in this study is comprehensive and longitudinal, accounting for the different parts of the process and the engagement of both state and non-state actors. Under this victim-centered approach, implementation encompasses victims' experiences, from the moment they register in the RUV trough the delivery of reparations. The conceptual framework presented in the prior chapter identifies seven constitutive dimensions of the implementation process. Depending on the PIR program (i.e., responsibility structures typology), some of these dimensions fall under the purview of the national government, the subnational government or both. Across all programs, national government actors define the general parameters of the process. This includes securing victims' registration, determining criteria for prioritization of victims (i.e., order in which victims will receive reparations) and eligibility of reparations, establishing the content and coverage of reparations, and providing guidelines on how to deliver reparations. The national state is the only entity delivering economic reparations, whereas for the other programs, it works with subnational governments to provide reparations to the affected population. For this macro-level evaluation, I focus on the dimensions of implementation carried out by central government institutions (i.e., the Reparations Council, CMAN, ministries and high-ranking officials of the executive power).

Implementation—and each of its dimensions—is defined qualitatively in terms of its reparative character. The conceptual framework developed in Chapter 3 advances the idea that PIR implementation is better the more it recognizes the suffering of victims and their status as citizens and secures the rights of victims in the process. National actors can take steps to instill the reparative character in the PIR implementation. Such steps include reducing barriers and requirements to access programs, ensuring that all programs' benefits have been defined and are being delivered on the ground in a decentralized manner, or requiring that victims' views,

interests, and worldviews are included in the process. This chapter measures variation in the quality of reparative justice implementation at the national level following these criteria and applies the 3-point typology presented in the theoretical chapter. For each period, I classify each dimension of implementation as minimal, moderate, or comprehensive. Then, I characterize overall PIR implementation according to this typology. The following analysis examines the technical instruments, procedures, actions, and decisions of the coordinating and monitoring bodies, CMAN and Reparations Council, the Ministries, as well as other actors in the executive power involved in the implementation of reparations.[93]

4.2.   Variation across Time

Although the CMAN was established in 2004, the implementation of reparations did not start until 2007. Since then, the PIR implementation has undergone legal and substantive transformations that have impacted the RJ experience of victims across the country. Table 4.1 provides an overview of the changes over the three periods. On a few occasions, these changes have been formalized via executive decrees to modify the PIR Regulations (2006), or through official public statements or internal institutional directives. But in most cases, these changes have not been readily visible to the public eye, as they have related more to the actions and approaches used by national public officials to carry out the PIR.

4.2.1.   Period 1: 2007-2011

The design of the PIR, embodied in the 2005 PIR Law and the 2006 PIR Regulations, provided a framework to begin the implementation of reparations. From 2007 to 2011, national PIR implementation focused on the Collective Reparations Program, including infrastructure and economic productivity community projects. As noted in Chapter 2, the *Consejo de Reparaciones* (CR, Reparations Council) got off to a late start in registering individual victims (2007).

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[93] The role of Congress during the implementation phase has been minimal. After the passage of the PIR law, for the most the legislature has not been engaged in the implementation. On a few occasions, pro-Fujimori members have denigrated victims and human rights organizations, while progressive members like Tania Pariona, Marisol Pérez Tello, and Gino Costa, among others, have been allies of victim organizations, always prompt to meet with them and facilitate bridges between the executive and them.

Table 4.1: Temporal Variation in PIR Implementation at the National Level

DIMENSION	PERIOD 1 2007-2011	PERIOD 2 2012-2015	PERIOD 3 2016-2018
Registering victims Deadlines and logistics barriers for registration	**Minimal** Deadline for beneficiaries of economic reparations; sexual violence victims (except for rape) excluded	**Moderate** Deadline for beneficiaries of economic reparations remained; less requirements to register for other groups	**Comprehensive** No deadlines but some logistics barriers
Prioritizing victims Selection is systematic and directly based on violence experiences	**Moderate** Selection is somewhat systematic and/or uses criteria that accounts for violence experiences	**Moderate** Selection is somewhat systematic and/or uses criteria that accounts for violence experiences	**Comprehensive** Selection is systematic and uses criteria directly related to violence experiences
Determining eligibility for reparations Requirements to access PIR programs or benefits	**Minimal** Many requirements, access is very restrictive	**Minimal** Some requirements, access is moderately restrictive for 5 programs	**Moderate** A few requirements, access is moderately restrictive for 3 programs
Determining content of reparations Benefits of programs have been clearly determined	**Minimal** Few: Collective, Health	**Moderate** Some: Collective, Education, Housing, Health, Symbolic, CPR Restitution	**Comprehensive** All: Programs
Determining coverage of reparations Individual victims covered Collective victims covered	**Minimal** Individual: Beneficiaries of economic reparations registered before Dec 2011 Collective: Many *Centros Poblados* (CPs) and no Organizations of Displaced Persons (ODPs)	**Moderate** Individual: beneficiaries of economic reparations registered before Dec 2011, and some beneficiaries of other programs Collective: Some CPs and a few ODPs since 2015	**Comprehensive** Individual: all beneficiaries Collective: CPs and ODPs all individual victims
Determining process to deliver reparations Victims' views, interests, and notions of justices are incorporated in the delivery process; symbolic recognition of victims is a core component of the delivery process	**Minimal** Delivery of few or no material reparations encompasses symbolic recognition; victims do not perceive benefits as forms of justice	**Moderate** Delivery of some material reparations encompasses symbolic recognition; victims perceive some benefits as forms of justice	**Comprehensive** Delivery of most or all material reparations encompasses symbolic recognition; victims identify with reparations and perceive them as forms of justice
Delivering reparations Programs (and benefits within programs) are provided across the country; victims receive and make use of the benefits	**Minimal** Very few programs (3): Collective (2007), Health (2010), and Economic (2011)	**Minimal-Moderate** All programs (7) progressively across years: Collective, Economic, Health, Education (2012), Symbolic (2013), Housing (2013), and CPR Restitution (2014)	**Moderate-Comprehensive** All programs (7): Collective, Economic, Symbolic, Education, Health, Housing, and CPR Restitution
Overall PIR implementation	**Minimal** Narrow focus, exclusion of victims, bureaucratic barriers, some decentralization	**Minimal-Moderate** Systematization, broader approach, more decentralization, building the symbolic component of RJ	**Moderate-Comprehensive** Stronger decentralized networks, more bureaucratic capacity, differentiated approach, and implementation of all programs

CMAN used the list of *Centros Poblados* (CP, rural and peri-urban communities where violence took place, listed in the RUV) to begin implementing material collective reparations. Organizations of Displaced Persons (ODPs), the other type of collective victims, were not repaired during this period. Of the 2,649 CPs that received collective reparation funds from the national state from 2007-early 2018, about 65% were prioritized between 2007-2011. The highest year was 2009 with 492 communities selected (19% of the total). In this period, a total of 1,648 CPs (62.2%) received funds from the national government to build community projects (Table **4.2**). The highest percentage (20%) of transfer of national funds to finance collective reparation projects was also 2009. Prioritization rules dictated that higher levels of violence should take precedence in the selection of communities to be funded each year. Based on information from *Censo por la Paz* (Census of communities affected by violence) and other sources, the CR classified communities in 5 levels of violence using nominal categories A-E: A being the highest (5) and E being the lowest (1). Therefore, while A-level CPs are expected to be repaired first, only 41% of CPs funded during period 1 suffered the highest levels of violence (

Table **4.3**). About a third of communities repaired were level C and below.

A bivarate chi-square test comparing the 3 periods in terms of reparations awarded across all 5 levels of violence shows there are significant differences (p-value <0.001). During this first period, communities of violence levels C, D, and E received significantly more collective reparations than expected, while A and B-level communities received fewer collective benefits. Additionally, 90 communities repaired during this term were not listed in the RUV. National funds for collective reparations were given to more than half of the total number of communities repaired as of early 2018. Although this number reflects progress in terms of coverage, it tells us very little about the quality of the process. In fact, most awarding processes in this period failed to secure components that give these material public works their reparative character such as ensuring the participation of victims and women in decision-making, public acknowledgement of the abuses suffered, cultural practices, among others. Many victim organizations and civil society allies report that many projects were left unfinished or were implemented poorly.[94] No official Program Guidelines or systematic account of the reparation process was documented by

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[94] Focus groups, Ayacucho, 2015 and 2017.

the CMAN personnel at that time. CMAN monitoring activities that started in 2012-2013 suggest that in some cases local governments misappropriated the reparation funds and left behind poorly implemented material projects that fell into disuse.[95]

Table 4.2: Awarded Beneficiaries of Collective Reparations Program across Periods[96]

Periods and Years	Number of Beneficiary Communities
Period 1: 2007-2011	1648
	62.2%
Period 2: 2012-2015	676
	25.5%
Period 3: 2016-2018	325
	12.3%
Total	2649
	100%

Table 4.3: Awarded Beneficiaries of Collective Reparations Program by Level of Violence across Periods

Violence Levels	National Government Periods			
	Period 1: 2007-2011 [97]	Period 2: 2012-2015	Period 3: 2016-2018 [98]	Total
E – Very Low (1)	14	8	0	22
	0.9%	*1.2%*	*0%*	*0.9%*
D – Low (2)	146	16	0	162
	9.4%	*2.4%*	*0%*	*6.3%*
C – Medium (3)	321	44	7	372
	20.6%	*6.5%*	*2.2%*	*14.6%*
B – High (4)	436	199	216	851
	28%	*29.4%*	*66.5%*	*33.3%*
A – Very High (5)	641	409	102	1152
	41.1%	*60.5%*	*31.4%*	*45%*
Total	1558	676	325	2559
	100.00	100.00	100.00	100.00

Pearson Chi2 (8) =345.8   Prob <0.001
First row has *frequencies* and second row has *column percentages*

In mid 2010, a series of consultation meetings to assess the amount for economic reparations was held with the participation of victim representatives and allies who had been

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[95] Interview, CMAN official, Ayacucho, 2017.
[96] All statistical analysis outputs were transformed into tables using the *asdoc program*, written by Shah (2018).
[97] The table shows 1,558 CPs for government period 1 (instead of the 1,648) because of these 90 CPs that are not officially in the registry and thus, do not have violence information.
[98] Period 3 only covers 2017 and the first 3 months of 2018 as data was obtained in October of 2018, but fiscal reporting had only reached the first trimester of the year.

working with them since the CVR time, but their claims were ultimately unheard.[99] On June 2011, the national government issued the Executive Decree 051-2011-PCM, setting the compensation amount at 10,000 PEN (3,030.3 USD) per direct victim.[100] In the case of a fatal victim, the amount was to be divided among eligible relatives in specific percentages, always allocating 50% to the widow or widower if there was one. This distribution system led to many inequities, as in multiple cases, eligible family members received as little as 400-600 PEN (121.2-157.9 USD) because of the allocation rules or because the benefit was divided among so many.[101] This created anger and frustration among PIR beneficiaries, especially when compared to the compensation received by *Comités de Autodefensa* members (CADs, Peasant Self-defense Committees), who received up to 39,000 PEN (11,820 USD), or other public officials, who were repaired with up to 30,000 USD (Defensoría del Pueblo, 2013).

The decree also indicated that economic reparations would only be given to victims registered by December 2011, infringing on the imprescriptible right of victims to be repaired by the state, as established by the Peruvian legal framework and the UN Basic Principles and Guidelines. Many victims lived in conditions that made it impossible to be registered on time, such as lacking transportation, funds, language, literacy, or other logistical and personal resources to complete the registration process on time, and many did not even know about their right to this type of benefit by then. Additionally, the norm established prioritization criteria that neglected direct victims and spouses of fatal victims younger than 65 years old, as well as parents of victims who were younger than 80 years old or that had other sources of economic support. Relatives who were physically or mentally ill because of the hardship endured and even people who were terminally ill, but who did not meet other thresholds, were excluded from benefits. Many indirect victims passed away without being economically compensated (Defensoría del Pueblo, 2013).[102] The first list of beneficiaries of this program was approved in July 2011 and by the end of 2011, there were five approved lists.

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[99] Interview, Isabel Coral, Lima, 2015.
[100] Executive Decree N° 051-2011-PCM, January 2011. https://cdn.www.gob.pe/uploads/document/file/1582871/DS-051-2011.pdf
[101] Interview, victim, Ayacucho, 2017.
[102] Interviews, ANFASEP members, Ayacucho, 2017.

The other PIR programs did not achieve any sizeable progress during this period. Internally, there were initial drafts of Program Guidelines for the other types of reparations, but these were not made public, nor did they lead to any concrete actions during the 5-year period.[103] The CMAN decision-making body discussed and approved the Health Reparation Program Guidelines in 2010, which included public health insurance affiliation and mental health provision for affected individuals and communities, but there was no systematic implementation across regions.[104] In fact, since 2006 the Ministry of Health issued a series of resolutions to incorporate victims into the *Sistema Integral de Salud* (SIS, universal public health insurance), and enhance the work of itinerant mental health teams that had started working in affected rural communities since 2004 (Defensoría del Pueblo, 2008). But these normative grounds did not guarantee efficient, inclusive, and decentralized implementation among victims. The Civil and Political Rights Restitution Program had not determined its benefits, nor had it developed guidelines, but the RENIEC (National Registry of Identification and Civil Status) had started working in affected areas to provide identification documents to individuals who did not have them, as part of a general ID recovery policy in the country—not only for victims (Defensoría del Pueblo, 2008). Although other programs were not implemented on the ground, higher restrictions for receiving education reparations were included in the plan such as having low socio-economic status. Additionally, the CMAN decision-making body held the largest number of official meetings (114 out of 140). Debates and bureaucratic delays with very limited consensus on how to move the PIR forward were typical of this period.

Overall, the PIR implementation during the first period was minimal, imposing restrictions and deadlines for registration and for accessing the three functioning programs, covering few groups of victims, disregarding their views and needs, and overlooking symbolic recognition (Table 4.1). Although the government prioritized funding for collective victims in areas where violence took place, covering as many CPs as possible, the quality of the process and the reparative intention were neglected. Individual victims not only were disillusioned with the result of the debate around economic reparations, but also felt more mocked and victimized by imposed registration deadlines. Except for guaranteeing a decentralized delivery of collective

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[103] Acta Sesión 112 CMAN, January 2011. https://cdn.www.gob.pe/uploads/document/file/1653546/2011_ActaSesion112_.pdf.
[104] Interview, CMAN official, Lima, 2017.

reparations, the implementation of the PIR across all dimensions during this period did not embody the reparative character of this justice measure.

4.2.2. Period 2: 2012-2015

In the second period, guidelines for the Education (2012), Symbolic (2013), Health (2013) and Civil and Political Rights Restitution or CPR (2014) Programs were established. Only the Economic and CPR Programs lacked guidelines by the end of this period. It was important to have formalized parameters for the state entities in charge of implementing each program because many actors argued that they could not serve the affected population due to the lack of guidance from CMAN.[105] Additionally, available funding was distributed to secure some degree of implementation across all functioning programs. Macher (2014) takes a first step in assessing implementation by mapping out the extent of regulations and policies that had been created to implement the PIR by early 2013. Using the 22 recommendations given by the CVR regarding reparations as a point of departure, she finds that while 50% of the recommendations have not seen satisfactory progress, about 25% showed significant improvement, especially regarding some benefits of the Symbolic, Health, and CPR Restitution Programs.

As of 2015, most beneficiaries registered under the Economic Reparations Program (95.3%) had received this monetary benefit. In 2013, the prioritization criteria for the Economic Reparations Program beneficiaries were revised, making the date of the violation the main driver.[106] During this period, 13 lists of beneficiaries had been approved, compared to five lists in the first period. It is crucial to note that approval of a list means that funds were secured and deposited into *Banco de la Nación* (Peru's state bank) accounts under the names of the listed beneficiaries. It does not, however, guarantee that victims become aware of this benefit or that they are able to claim their compensation.[107] Also, the deadline imposed in 2011 for this program was maintained. Only those who registered up to December 2011 received monetary reparations during these years, excluding a great number of victims who were entitled to this benefit. Additionally, although a law was approved in 2012 to include victims of sexual violence (sexual

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[105] Interview, Adolfo Chávarri, Lima, 2015.

[106] On 15 January 2013, Law No. 29979 was enacted, replacing, and annulling the Sole Final Complementary Provision of Supreme Decree No. 051-2011-PCM and establishing as a prioritization criterion the date on which the HRV occurred.

[107] Data on percentage of beneficiaries who have collected the benefit has not been made public to the date.

slavery, forced prostitution, and forced abortion instead of only rape) in the PIR, and thus, in this program, by the end of this period this norm had not come into effect.

When guidelines were established for the Education and Housing Programs and revised for the Health Program, each one of these incorporated an already existing social program from the respective Ministries. As a result, the ability to apply to *Beca18* scholarships became part of the Education Program, registration in the *Sistema Integral de Salud* (SIS), needs-based public health insurance, was officially added to the Health Program, and access to *Techo Propio* housing funds became the main Housing Program benefit.[108] However, when these three social programs were included in the PIR, all the requirements for non-victim beneficiaries were also imposed on victims, making many of these benefits unattainable for them in practice. Although the Education Program started providing scholarships for victims in 2012, most victims had major barriers to receiving this benefit as they had to compete with other non-victims who were eligible for the *Beca18* social policy because of their socio-economic status.[109] Additionally, many victims had not completed basic schooling and were not able to pursue a higher degree at that point in their lives. The *Beca18* program had a series of requirements that were unfeasible to most victims such as age limit (25) and minimum secondary school GPA to be able to apply for a scholarship. Most RUV victims were 40 years old or older and, given their low socio-economic status, had to work in the informal sector when they were young, so could not perform well in school. For the Health Program, as early as 2013, 40% of individual victims had obtained public health insurance registration (Macher, 2014). Although this did not guarantee an adequate quality of health care, it was a step forward. Nonetheless, victims stated that they experienced multiple barriers to receive actual care, including mistreatment from providers and other SIS-related deficiencies.[110] To obtain *Techo Propio* funds, people needed to have legal titles of the land or relocate to areas where affiliated construction companies worked, among other clauses. Many displaced persons, who make up most of the beneficiaries of the Housing Program, did not have

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[108] As described in period 1, the Ministry of Health had already issued resolutions to expand SIS registration to victims of violence, but this benefit was not clearly defined in the PIR instruments and implementation lagged. The revised Health Program Guidelines formally incorporated this reparation benefit and laid out information about adequate health provision for victims of violence.

[109] Interview, CMAN official, Lima, 2017; Interview, victims, Ayacucho, 2017.

[110] Defensoría del Pueblo. (2015, August 28). Defensoría del Pueblo exige cumplimiento de acuerdos materia de reparaciones y búsqueda de personas desaparecidas. https://www.defensoria.gob.pe/defensoria-del-pueblo-exige-cumplimiento-de-acuerdos-en-materia-de-reparaciones-y-busqueda-de-personas-desaparecidas/

land titles at the time nor were able to resettle with their families to another location after the trauma they endured having to leave their communities of origin during the war. Because of all these barriers to access these benefits, victims felt their right to claim reparations had been denied. They condemned the way these programs were adopted into the PIR, as they were not sensitive to the lingering effects of violence on their lives.

The Collective Program (PRC) exhibited problems in some areas of implementation, and progress in others during this period. The coverage, number of communities being repaired, decreased substantially, totaling 676 CPs. Between 2007-early 2018, 2015 was the year with the fewest funded projects (3.6%).[111] On the other hand, highly affected communities were prioritized, contrary to what happened in period 1. From the total of awarded CPs, 90% had A or B levels of violence (Table **4.2**). Also, there were significantly fewer communities C, D, and B, and more CPs with very high violence (60% compared to 45%). A few more E-rated communities received collective reparations than what was expected (1.2% compared to 0.9%). An improvement in the implementation of collective reparations during this period was the inclusion of monitoring trips to repaired communities as part of the tasks of PRC Regional Division personnel. These monitoring activities gave CMAN officials a better sense of the state of projects implemented in the prior term and follow-up with local governments who had not adequately executed these projects. For years, the *Defensoría del Pueblo* and victim organizations had denounced poor implementation in different regions. Also, the CMAN team received no reports from their predecessors on what had been done.[112] Additionally, the PRC team at the CMAN created guidelines in 2012 to establish prioritization criteria that had levels of violence as the main driver and to lay out in detail all parts of the implementation process so that local governments could better understand the reparative character they needed to ensure, including democratic decision-making by the community and participation of women and individual victims. In 2015, five Organizations of Displaced Persons (ODPs) became effective beneficiaries of this program.[113] This was also the result of the recommendation of the *Dirección de Desplazados y Cultura de Paz* (Directorate for the Displaced and a Culture of Peace) of the Ministry of Women and Vulnerable Populations for displaced victims to register directly with

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[111] This excludes 2018, because the fiscal year was not complete at the time data were collected.
[112] Interview, CMAN officials, Lima 2015.
[113] Interview, CMAN official, Lima, 2017.

the RUV so that they could speed up creating ODPs (Ramírez Zapata & Scott-Insúa 2019).[114] In general, both registering and repairing displaced victims has proven more challenging than with CPs. Because many of them come from different communities and live in urban and peri-urban areas, they often lack social cohesion and trust, which can be more common in rural communities with ties to a common land (Quispe Córdova et al., 2013). Organizational capacities have decreased even in some of the groups that were formed before the PIR started implementation. It is often difficult for people with disparate work skills or interests to coincide on a type of collective project, which creates conflict, distrust, and delays for implementation.[115]

The Symbolic Reparations Program achieved significant progress relative to others in this period, establishing direct relationships with victims organizations, receiving feedback from them on how to make this program meaningful to them, and reforming the guidelines accordingly.[116] During this period, CMAN promoted ceremonies for restitution of remains to the families of disappeared victims, psychological support for the grieving process, public ceremonies to recognize and apologize to victimized communities, construction of memorialization sites, and educational workshops on violence and memory for secondary school student in affected regions (CMAN, 2015). As far as the CPR Restitution Program, in 2012 the Ministry of Justice and the CMAN signed an institutional agreement with the RENIEC for the latter to carry out itinerant campaigns to inform and help victims obtain identification documents they lost during the war (Defensoría del Pueblo, 2013). Without doubt, one of the major achievements over the period 2012-2015 was to make all PIR programs operational at some level. Out of the seven programs, six developed official guidelines. While only 14 CMAN decision-making meetings took place during this time, different government sectors and subnational governments began to issue ministry resolutions and regional and local ordinances in support of the PIR.

Although this period started with minimal implementation, a moderate level was progressively achieved (Table 4.1). The implementation during 2012-2015 certainly moved the

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[114] For a decade since the National Registry for Displaced Persons was created in 2006, victims had registered with this entity first and then, the Dirección de Desplazados would transfer the information to the Reparations Council, creating duplications and errors.
[115] Interviews, Marislaa Quispe, Rubén Laura, Ayacucho, 2017.
[116] Interview, Katherine Valenzuela, Lima, 2015.

PIR towards the promised internal coherence or integrity (i.e., PIR programs complementing and being congruent with each other when implemented). The registration became more open to victims, although the deadline for victims entitled to economic reparations was not lifted and there were many eligibility requirements for beneficiaries, especially in terms of housing, health, education reparation benefits. All programs became active on the ground, covering many more individual victims and including the ODPs in the collective beneficiaries. Although guidelines to provide symbolic recognition in all processes were promoted, the idea that this was key to turning material benefits into reparations was still incipient in practice across sectors and levels of government. Overall, implementation in this period was more systematic, decentralized and victim-sensitive than the previous period.

4.2.3. Period 3: 2016-2018

In the third period, the programs and the reparation benefits within each program started becoming more defined and the budget in the Ministry of Justice (MINJUS) for their annual implementation increased consistently.[117] During 2016-2017, programs that incorporated social policies into the PIR began changing the requirements or conditions under which victims would receive benefits. In the case of the Education Program, most victims had demanded their children or grandchildren to receive those benefits. In early 2016, a decree was issued granting victims the ability to transfer their reparation rights to education. But once again, as it happened with economic reparations, a very tight deadline was established for this transfer, violating the imprescriptible character of reparation rights. In 2017, this deadline was eliminated, allowing the majority of RUV beneficiaries, especially in rural areas, to complete this process when they were able to.[118] Additionally, the scores needed to apply or the threshold they had to reach to obtain a scholarship were decreased to make them more accessible to children who lacked proper education and had grown up under precarious conditions because of the hardship experienced by their parents or grandparents. Additionally, a greater emphasis was placed on adapting mental health methodologies employed by the Ministry of Health in partnership with NGOs in rural areas in the early 2000s so that these tools could be systematically deployed across affected

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[117] Interview, CMAN officials, Lima, 2018.
[118] Executive Decree No. 008-2017-JUS, March 2017. https://cdn.www.gob.pe/uploads/document/file/1582872/DS-n-008-2017-jus-1503873-2.pdf?v=1614641034 DS 008-2017-JUS.

communities.[119] The Housing Program secured some improvements in the amount available to victims who were eligible to access and eliminated some of the additional socio-economic status requirements needed to access the *Techo Propio* policy, but implementation was still minimal.

The Symbolic Reparations Program continued making significant achievements. In 2017-2018, the program facilitated the construction and inauguration of *Santuarios Ecológicos de Memoria* (Ecological Sanctuary of Memory), outdoors spaces of memorialization, in the communities of Uchuraccay, Accomarca, Cayara, Soras, Sacsamarca, Chungui (Ayacucho), Aucayacu (Huánuco), and Pampa Hermosa (Junín). It also continued carrying out educational and graphic art workshops on violence and memory with secondary school students across different regions of the country. During periods 1 and 2, this program coordinated with multiple state actors to carry out restitution of remains of disappeared victims to their relatives and provide adequate support for this process. State actors in these symbolic reparatory acts included mental health professionals (Ministry of Health), forensic and legal teams (Public Prosecutor's Office), and representatives of the national government (CMAN and MINJUS)—and regional and local state actors who wanted to participate—to commemorate victims and offer public apologies. Although these acts had been completed in the most diligent manner possible, because of the complexity of the search for, recovery, and restitution of remains, the process was moving slowly. Because of this, in 2016, a National Plan for the Search of Disappeared Persons and a National Registry of Disappeared Persons and Sites of Burial were created.[120] These tools were assigned in 2017 to the Ministry of Justice's *Dirección General de Búsqueda de Personas Desaparecidas* (DGBPD), which was to be exclusively devoted to articulating all measures related to this process and coordinating with state agencies, civil society, and victims. Starting in 2018, the DGBPD and the respective plan came into effect. The CMAN was still engaged in the process, but only in a supportive capacity. At the end of 2018, the Peruvian Genetic Data Bank was created to strengthen and facilitate these efforts.

There were also major improvements in the process of registration and victim recognition. First, in September 2016, the restriction imposed on direct and indirect victims who were eligible for economic reparations but registered after December 2011 was eliminated. Many

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[119] Interviews, CMAN officials, Junín and Apurímac 2017.
[120] Law No 30470.

of these victims had waited five years for their eligibility to be reinstituted, and some passed away without having seen this change.[121] Similarly, a new clause for the Economic Reparations Program allowed victims of multiple human rights violations to be entitled to a monetary benefit for each of these crimes. Many people had lost more than one child, and sometimes their spouse too, and children often had lost both of their parents. The category of *víctima con afectación múltiple* (victim with multiple human rights violations) was created to better capture the complexity of the victimization and trauma many surviving victims and family members experienced. The CMAN approved eight lists of economic beneficiaries between 2016 and 2018. Starting in 2017, victims of multiple violations were repaired and included in the last six lists of this period. Recognizing the multifaceted violence some victims endured, the PIR provided a monetary compensation for each of the violations recognized in the RUV. Another important step in this direction was to coordinate and promote sector-based plans to create more awareness and sensitivity among public officials working across ministries and their regional divisions, as well as other subnational government entities that serve the affected population. This was applied to officials from the highest ranks down to staff in direct day-to-day contact with victims such as local health center providers, local government workers supervising collective reparation works, or PRONABEC workers serving victims interested in applying for scholarships.

The years 2017-2018 saw an increased engagement from different levels and sectors of government. For years, the CMAN decision-making body included representatives of multiple sectors, but on many occasions, the issues raised in the meetings did not lead to concrete actions by each Ministry. During this period, agencies were more open to meeting with the CMAN and even directly with victim organizations' leaders. Regional and local governments appeared more willing to support reparation efforts in coordination with the CMAN, by working together on implementing symbolic and collective reparations that can meet the demands and needs of different populations. Table **4.2** shows that during 2016, 325 communities received collective reparations, focusing on highly affected CPs (98%). This can be contrasted to the first period (2007-2011), in which 30% of communities of mid and low violence levels (C, D and E) received collective projects. The CMAN repaired significantly fewer communities with lower

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[121] Executive Decree No. 012-016-JUS, September 2016. https://cdn.www.gob.pe/uploads/document/file/1582874/decreto-supremo-que-restablece-el-proceso-de-determinacion-e-decreto-supremo-n-012-2016-jus-1425978-6.pdf

violence levels (C, D, and E) than expected, and more high violence (B) CPs. It provided slightly fewer reparations to A-level communities (31.4% compared to 45%), which might be related to the fact that A-level communities had almost full coverage by then. Also, the number of repaired CPs in 2016 is half of what was accomplished in all the years of period 2 (2012-2015). During 2016-2018, the CMAN repaired 560 CPs, following prioritization criteria, and placing more effort to foment the participation and agency of women and victims in the process, and provided collective projects to 20 Organizations of Displaced Persons.[122] Local governments started to commit more to the process by being willing to accept implementing reparations projects for many beneficiaries yearly, which in turn, allowed the CMAN to request more funding from the Ministry of the Economy to secure these inter-government agreements.[123]

The implementation of the PIR in the third period progressed from moderate to reasonably comprehensive, characterized by a more systematic delivery of reparations resting on growing institutionalized norms, networks, and coordination among the different sectors and subnational governments (Table 4.1). A major milestone in this period was providing the affected population with differentiated and focused care (*enfoque diferenciado*) by improving the conditions and coverage of reparations benefits embedded in social programs. The registration changes implemented also revealed a state that recognized the vast and multifaceted human rights violations that many families had suffered. While some demands and needs remained unattended, the reparative character of the PIR was higher.

4.3.   Case Study Evidence

Drawing upon the national-level theory laid out in Chapter 3, this section explains temporal variation in the PIR implementation at the country-level. First, I consider three contextual factors: the intervention of the international human rights system, the strength of civil society, and the political ideology and human rights stance of the national government. These factors have at best indirect effects on the process but cannot fully explain differences across the three described periods. Second, I examine two factors that I argue have become the crucial

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[122] Interview, CMAN officials, Lima, 2018.

[123] Although this chapter only evaluates implementation until 2018, the partnership between the CMAN and local governments to secure an expedient implementation of collective reparations appears to be working. Despite the economic and logistical challenges suffered during 2020-2021 because of the pandemic and the political turmoil that Peru has been experiencing especially since October 2020, the national government prioritized and funded 1442 CPs by mid-2021.

drivers of the PIR implementation: victim participation and the brokerage role of some actors who support victims from within the national state.

Figure 4.1: PIR Implementation Periods and National Government Terms

The implementation at the national level is carried out by the Reparations Council, the CMAN (both part of the Ministry of Justice), other ministries involved in the PIR, and other high-ranking officials in the national government. Because of this, I evaluate how each explanatory factor has affected the way these national actors implement the PIR across time. These national state actors are part of the executive branch of government and are appointed by the president and other top officials. Therefore, when examining the impact of temporal differences in the explanatory factors on PIR implementation across the three periods, the discussion is framed in terms of government administrations. Period 1 (2007-2011) falls within most of Alan García's administration term (July 2006-July 2011), whereas period 2 (2012-2015) is part of Ollanta Humala's governmental term (July 2011-July 2016). Last, period 3 (2016-2018) covers years when Pedro Pablo Kuczynski's, also known as PPK (July 2016-March 2018) and Martín Vizcarra (March 2018-October 2020) ruled the country.[125]

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[124] Manuel Merino, who was head of Congress when Vizcarra was impeached, became interim president on November 10, 2020. His mandate ended on November 15, 2020, after he stepped down following country-wide protests demanding his resignation and opposing Congress self-serving actions. Merino authorized police to use disproportional force against protesters, leaving more than 100 people injured and 2 young Peruvians dead. Two years later, Congress shielded Merino and his ministers from a constitutional indictment led by Peru's General Attorney.

[125] Although the official period of government comprises July 2016-July 2021, Peru has been enmeshed in political turmoil since 2018, when PPK resigned. In October 2020, Vizcarra was impeached by Congress on alleged influence peddling. The president of Congress, Manuel Merino, acted as president for 16 days and had to step down after excessive use of force against protesters left two people dead and hundreds injured. Peruvians across the country took to the streets to demand his exit as they felt the Congress was abusing its power. A transitional government led by Francisco Sagasti governed from October 2020 until July 2021.

4.3.1. <u>Contextual Explanatory Factors</u>

International Human Rights System

The international human rights system, comprised of state and non-state actors, has contributed to the adoption and creation of Peru's transitional justice (TJ) model. The Inter-American Commission on Human Rights (IACHR) and the Peruvian State issued a Joint Press Release in 2001 through which the government committed publicly to investigate 159 cases of human rights violations and provide reparations to the victims.[126] The IACHR recommendations not only gave some sense of justice to the victims of these cases vis-à-vis the state, but they also offered frameworks for the state to develop TJ measures, including reparations. For instance, during this transitional period, national courts invalidated the 1995 Amnesty law that gave impunity to armed state actors, ratifying the Inter-American Court of Human Rights (IACtHR) ruling in the matter.[127] As described in Chapter 2, CVR officials drew from the IACHR recommendations and the IACtHR decisions on reparations to build the proposal for the Final Report. To many, the commitments made by the Peruvian state to these human rights institutions were renewed when Toledo, on behalf of the state, accepted the CVR's Final Report in 2003. However, although the CMAN and part of the PIR normative framework were created during his term, there was no progress on implementation.

When García came to power for the second time, he faced a strong national human rights movement backed by the international human rights system. Nonetheless, not only did his government fail to move forward the investigations contained in the Peruvian state-IACHR 2001 commitment, but also many procedural criteria recommended by the IACHR were not followed. Although during 2004-2006, judicial decisions adopted partially this approach, since 2007 they shifted away from those criteria (Defensoría del Pueblo, 2008). Likewise, between 1995-2011, progress on the 18 binding rulings against the Peruvian state issued by the IACtHR regarding human rights violations during the conflict was minimal.[128] In particular, no reparations were

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[126] Comisión Interamericana de Derechos Humanos. (2001, February 22). Comunicado de Prensa Conjunto. http://www.cidh.org/comunicados/spanish/2001/peru.htm

[127] Chumbipuma Aguirre et al. v. Peru (Barrios Altos Case), Inter-Am. Ct. H. R. Judgment on Merits of March 14, 2001, Series C No. 75. www.corteidh.or.cr/docs/casos/articulos/seriec_75_ing.pdf.

[128] Peru has the obligation to comply with the judgments of this international tribunal as a result of the international treaties signed (Vienna Convention on Treaties of 1969), which is also guaranteed by the Peruvian Constitution.

provided in response to milestone cases decided during García's term (i.e., La Cantuta, Cantoral Huamaní and García Santa Cruz, and Anzualdo Castro). The IACtHR rulings on monetary compensation became benchmarks referenced during the negotiation of the economic reparations program in 2010-2011; however, the state ignored these precedents, providing victims with small amounts and creating inequities among victims. During the Humala administration, the IACtHR issued eight additional rulings, which included reparations for social, economic, and cultural rights and the state's duty to search for disappeared persons.[129] Rulings also gave recommendations to improve the integrity of the PIR. The decision in the Gómez Palomino case suggesting the transfer of the right to education reparations to children was welcomed by victim organizations (Defensoría del Pueblo, 2008). Finally, under the PPK-Vizcarra period covered in this study, three IACtHR rulings were added regarding extra-judicial detentions and disappearances carried out by the state in the 90s. These gave support to victims' demands on the search of disappeared victims and emphasized reparations in mental health. Progress on the 159 cases has lagged during both the Humala and PPK-Vizcarra terms.

The international human rights system also influenced the PIR process through the creation of transnational advocacy networks (TANs), encompassing international human rights organizations and national groups that influenced key moments in the building of a victim-centered PIR (Keck and Sikkink 2006). The International Center for Transitional Justice (ICTJ) provided technical support during the Truth Commission period and supported the Peruvian NGO APRODEH in the organization of workshops with victims across the country. Between 2008 and 2011, during the García administration, the ICTJ evaluated progress on collective reparations, facilitated workshops at rural communities to enhance their advocacy capacities around reparations, and monitored the Fujimori trial. The International Committee of the Red Cross (ICRC) has also been a key player. From García's term to the present, the ICRC has promoted the search for disappeared persons, supporting state institutions such as the Public Prosecutor's Office, the CMAN and the Reparations Council with technical advice and financial resources for exhumations and restitution of remains. Although TANs remained active, coordinating with NGOs in Peru to impact domestic decision-making, especially in the

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[129] Defensoría del Pueblo. (2015, November 16). Defensor del Pueblo destaca sentencia internacional en caso de desaparición forzada. https://www.defensoria.gob.pe/defensor-del-pueblo-destaca-sentencia-internacional-en-caso-de-desaparicion-forzada/

García and Humala governments, the pressure exerted often failed to influence state behavior (Carranza Ko, 2021). After 2011, their role diminished and became more indirect. They were, however, activated by civil society and victim organizations (VOs) at critical moments to support the RJ process through public statements and letters to the Public Prosecutor's office, ministries, or the government in favor of victims. For example, in 2017, during PPK's administration, in the face of the humanitarian pardon granted by the president to Alberto Fujimori, international entities endorsed national actors' petition to nullify it.

Additionally, international actors have also indirectly impacted the development of the PIR through foreign aid. Although aid has ranged between 341-400 million USD during the three administrations, when evaluating the amounts by priority area, since 2011, there is a progressive reduction for the "social inclusion and access to basic services" dimension, which includes "human rights and cultural diversity" (APCI, 2015). The García government showed little to no interest in accepting foreign aid devoted to human rights projects. For example, it initially refused the German government's aid for the construction of the *Lugar de la Memoria* (LUM, National Memory Site) until it was pressured to accept it by national and international actors. Since donors have been unable to influence the state on the human rights agenda, they have sought to support civil society organizations working on this issue area.[130] The reduction in international funding since 2011 was attributed to Peru's growing macro-economic indicators, which reclassified it as an upper-middle country around 2010 (OECD, 2019). For example, the German government-funded NGO *Apoyo para la Paz* in Ayacucho ceased operations in 2015-2016, after years of supporting many VO initiatives.[131] Despite the decrease in donations, some governments (i.e., French and German), through their embassies, have continued endorsing publicly the work of VOs, signaling their legitimacy to the Peruvian state.

Strength of National Civil Society

During the post-war transitional government , Paniagua allowed civil society to have a say in the process, which in turn promoted more civil society organizations (CSOs) to engage with the government. One of the legacies of this period was the creation of the *Mesa de*

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[130] CSOs include COMISEDH, APRODEH, the Natinal Coordinator of Human Rights, EPAF, CAPS, *Centro Loyola*, and *Asociación Paz y Esperanza,* among others.
[131] Interview, Yuber Alarcón, Ayacucho, 2017.

Concertación para la Lucha contra la Pobreza (Cooperative Roundtable on the Fight against Poverty) as the main institutional forum where civil society members could dialogue with state authorities and have a say in the social policy decision-making.[132] As described in Chapter 2, CSOs advanced the reparations process in Peru during Toledo's term. They supported the CVR work by organizing—along with the ICTJ—workshops to incorporate victims' notions of justice and facilitating the dialogue between the CVR and affected groups.

Since the PIR's inception period up until Humala's term, national civil society filled a large gap in the state efforts to provide justice to victims. First, supported by the *Defensoría del Pueblo* (DP, Ombudsman's Office) many organizations of forensic professionals organized a coalition to search for disappeared persons. The *Equipo Forense Especializado* (EFE, Specialized Forensic Team) inside the *Ministerio Público* (Public Prosecutor's Office) was created because of joint efforts among organizations like the *Equipo Peruano de Antropología Forense (*EPAF), the *Centro Andino de Investigaciones Antropológico-Forenses*, and the International Commission of the Red Cross in Peru. For 10 years (2002-2012), these coalitions between the EFE and CSOs recovered the remains of 2,109 victims (Correa, 2013). Under the García administration, these organizations protected the exhumation of remains in *La Hoyada* (Ayacucho) next to military barracks, when many political and military elites opposed this process. Second, as the national state lagged on creating spaces for memorialization, many CSOs together with victim communities and organizations created spaces of memory. A clear example is the *Ojo que Llora* by artist Lika Mutal, inaugurated in 2005 in Lima and financed by private national and foreign funds. CSOs have come to its defense when pro-Fujimori supporters and politicians labeled as a "pro-terrorist" monument and covered it with paint.[133] Also, the *Casas de Memoria* (Memory Houses) in Putacca (promoted by *Paz y Esperanza*) and Huanta (*Instituto Diálogo y Propuesta*) and the *Ojo que Llora de Llinque* monument (APRODEH).

During García's term, civil society also provided technical support to the government and facilitated bridges between the PIR institutions and affected groups. Since 2010, the Reparations Council relied on these organizations when they deployed teams to different regions of the

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[132] This entity was created during the transitional government of Paniagua in 2001 to secure the involvement of civil society in the social welfare policies (and spending) developed by the state to reduce the levels of poverty in the country.

[133] IDL-Reporteros. (2021, May 26). *No, 'El ojo que llora' no es un monumento pro-terrorista*. https://www.idl-reporteros.pe/no-el-ojo-que-llora-no-es-un-monumento-pro-terrorista/

country to reach communities that had not been previously registered (Consejo de Reparaciones, 2018; Correa, 2013). COMISEDH and the *Yuyanapaq* Project worked in Ayacucho, EPAF and the *Instituto Peruano de Educación en Derechos Humanos y la Paz*, in Huancavelica, the *Estudio para la Defensa de los Derechos de la Mujer*, in Lima, and the *Centro Amazónico de Antropología y Aplicación Práctica*, in Amazonian areas. Their ability to build bridges between the state and victims was also reflected in the development of the PIR normative framework during Toledo's and García's governments. Especially in the latter, they provided legal and technical advice to justify victims' petitions regarding PIR reforms.

Moreover, CSOs took on an oversight role given the government delays and setbacks in terms of reparations and other justice processes, denouncing the state's misconduct when needed. In 2008-2011, APRODEH (with ICTJ support) monitored the achievements and shortcomings of the collective reparations process. They collected evidence about the poor implementation of projects, the lack of symbolic character in the process, irregularities in the use of resources by local governments, and the absence of community participation (APRODEH & ICTJ, 2011). Academics, journalists, and human rights NGOs publicly denounced the poor implementation of collective reparations claiming that the government had turned reparations into clientelistic projects, seeking to exchange public goods for political loyalty. The momentum achieved by the CVR's work dissipated due to the delays in the PIR implementation and the narrow focus during García's term (García-Godos, 2013).

Likewise, civil society and VOs succeeded in pressuring García to accept foreign aid funds for the LUM. It was speculated that literature Nobel laurate Mario Vargas Llosa's conversation with García had a lot of weight in his decision. In 2010, CSOs organized a national front and activated TANs to demand that the state repeal Legislative Decree 1097, which closed all investigations into crimes against humanity committed by state forces.[134] The decree, approved by the president, was repealed following a transnational mobilization.[135] Thus, CSOs pressured the government through public protests and mobilizations, and shaming the actions of

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[134] Equipo Peruano de Antropología Forense. (2010, September 13). *Rechazo Total al DL 1097*. http://epafperu.org/en/rechazo-total-al-dl-1097/

[135] Coordinadora Nacional de Derechos Humanos. (2010, September 21). Derogación De Legislative Decree en Perú: Un Avance Para Los Derechos Humanos. https://derechoshumanos.pe/2010/09/derogacion-de-decreto-legislativo-en-peru-un-avance-para-los-derechos-humanos/

the state in international forums. Very limited achievements during the García administration were mainly the result of the strong mobilization and advocacy of civil society, victim collectives, and independent state institutions like the *Defensoría del Pueblo* (Correa, 2013).

During Humala's term, CSOs progressively positioned themselves more behind the scenes, as victim collectives started taking a more central role in the PIR implementation. To be sure, the PIR gained greater public visibility through lobbying by civilian human rights groups (Bebbingto et al., 2011). Civil society and victim organizations continued to demand modifications to the PIR during this term. Their efforts were supported by the Ombudsman's Office and on a few occasions by Congress. But towards the end of Humala's term, they were mainly focused on supporting victims in mobilizations and public demands or denunciations. The decrease in international funds since 2010 impacted NGOs, especially those working on human rights issues. NGO members agreed that the few projects still supported by international donors focused more on environmental issues and sustainable development.[136]

From 2001 through the government of Humala, civil society—often with the financial support of foreign governments—continued supporting victims in the most affected areas. Civil society's work in the aftermath of violence was particularly critical to rural indigenous communities where the state had never been present. By 2011, the *Coordinadora Nacional de Derechos Humanos* (*Coordinadora*, National Human Rights Coordinator) encompassed 79 regional human rights organizations, many of which provided legal counselling and representation to victims and their families (Collins et al., 2013). NGOS like REDINFA, CAPS, APRODEH, EPAF, COMISEDH, *Paz y Esperanza*, *Centro Loyola*, among others have offered financial, mental health, legal, forensic, organization-building and conflict-resolution resources. Between 2017-2018 the *Coordinadora* had reduced its number of regional members by 60 and many of the NGOs had to close their offices in other regions and operate only in Lima. Although their presence in spaces of dialogue between victims and the state decreased since 2015, they continued to indirectly help victim organizations. On different occasions they have joined victims' protests and spoken out publicly against the state.

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[136] Interview, APRODEH and COMISEDH members, 2017.

Political Ideology and Human Rights Stance of National Government

Valentín Paniagua's commitment to the defense of human rights characterized his transitional government, setting a high threshold for the next democratically elected governments. Despite belonging to a center-right party (*Acción Popular*), he moved towards the center to reach a consensus among the post-conflict political and social actors. His successor, Alejandro Toledo, who was elected under a center left party, continued to support justice processes, mainly to weaken the *Fujimorista* opposition (Carranza Ko, 2021). Although neoliberal economic policies prevailed in his term, he tried to expand the social welfare system to address the needs of the poorest in most rural areas, and promoted mechanisms for indigenous representation in politics. Ultimately, he failed to deliver what he promised upon receiving the CVR's Final Report.

The arrival of Alan García to power in 2006 represented a setback for human rights policies. Leader of the *Partido Aprista Peruano* (APRA), which had historically been on the center-left, García won the elections against Ollanta Humala by moving further to the right. Under his first government (1985-1990), many human rights abuses were committed, especially by the military (CVR 2003). The human rights movement was opposed to his presidency, as he had not been held accountable for his responsibility during the war. In 2008, the Constitutional Tribunal of Peru (i.e., Peru's highest court) ruled he could not be judged for extrajudicial executions in the *El Frontón* case of 1986, alleging that the status of limitations had expired. CSOs took to the streets when this decision was issued since according to international norms, human rights violations have no statute of limitations.[137] Some human rights CSOs in Lima and Ayacucho claimed that there was certain level of repression against them; they even accused him of using an audit system to control their actions.[138]

Both García and his ministers maintained an impunity approach to human rights violations. In 2009, the president rejected foreign funds for building the Lugar de la Memoria (LUM) arguing that this space would exhibit a biased narrative, wrongly accusing the armed forces of violations. Critical of the CVR's Final Report, especially due to the responsibility

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[137] https://2009-2017.state.gov/j/drl/rls/hrrpt/2008/wha/119170.htm
[138] Interviews, CNNDDHH, APRODEH and COMISEDH representatives, Lima, 2018.

attributed to him for the violence perpetrated violations during his first government, he opposed the creation of this memory space.[139] In 2010, García approved a legislative decree to suspend prosecution of all military and police officers who allegedly committed abuses during the war. This was later repealed under pressure from VOs, civil society, and international actors. His government denied reparations to victims identified by Inter-American Court of Human Rights cases on the grounds that they needed to be recognized by the Peruvian judicial system (Defensoría del Pueblo, 2008). Also, the decision to define the parameters of the Economic Reparations Program close to the end of his mandate appears to have been intended to simply create an economic legacy of his government (Correa 2013). In expediting the process, he ignored the demands of the population and imposed a series of restrictions and inconsistencies on the implementation process, which ended up re-victimizing the population.[140] His disregard for human rights extended outside the post-conflict justice process. In 2009, after using inflammatory rhetoric against Amazonian native population, García violated the right to consultation of Bagua communities and authorized the use of Amazonian lands for extractive activities. The Ministry of the Interior acted disproportionately against the indigenous population, provoking an armed confrontation between civilians and police forces that left 34 dead and hundreds wounded.[141]

Ollanta Humala was elected president in 2011, largely because he represented an alternative to the traditional right represented by Keiko Fujimori, daughter of Alberto Fujimori. As leader of the leftist *Partido Nacionalista Peruano*, he appealed to the country's rural, indigenous, and abandoned populations, and was elected under a coalition with other left-oriented groups, including VOs and human rights organizations. Shortly after his election, plunged into a crisis with the Congress, Humala moved to the center and adopted neoliberal anti-environmentalist measures, losing the base of popularity and credibility upon which he had been elected. In fact, Humala's commitment to human rights had been questioned from his first candidacy in 2006, when he was investigated for human rights violations during the 1990s. A

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[139] Andean Air Mail and Peruvian Times. (2009, April 1). *Peru's Garcia does about-face on German donation to build memorial museum for victims of political violence.* https://www.peruviantimes.com/01/perus-garcia-changes-his-mind-about-memorial-museum-to-accept-grant/2405/
[140] Interviews, VOs representatives, Lima, Ayacucho, Abancay and Huancayo, 2018.
[141] Barrera Hernandez, Lila. (2009, June 12). Peruvian Indigenous Land Conflict Explained. *Americas Quarterly.* https://www.americasquarterly.org/article/peruvian-indigenous-land-conflict-explained/

former military officer at the Madre Mía military base in San Martín, he was charged for his alleged participation in disappearances, torture, and killings. Although he was later acquitted in 2011, the case has been reopened given new information revealed in 2017.[142]

Leaving behind the commitments he had forged with VOs and civil society in the electoral campaign, Humala was reluctant to accept measures to improve PIR implementation. In 2011, the President of the Council of Ministers Salomón Lerner Ghitis decided to reopen RUV registration for economic reparations and establish a multi-year budget of 3.8 million PEN (1.2 million USD) annually for 10 years linked to a plan with goals and indicators that would make implementation more efficient. After a political crisis led to the resignation of Lerner Ghitis, the appointed new head of the PCM supported the restrictive stance of the Ministry of the Economy, approving less than 50% for only one year (Correa, 2013). Both he and members of his cabinet consistently restrained the state's financial commitment to reparations. The government opposed the inclusion of victims of sexual violence (the PIR law only included victims of rape) in the group of eligible beneficiaries of monetary reparations and the idea of providing separate reparations for victims who suffered more than one eligible violation (Defensoría del Pueblo, 2013). Congress had pass a law for the inclusion of victims of sexual violence in 2012, but the executive power objected to the law, rendering it ineffective.[143] Although Humala announced an increase in the size of economic awards, he did not follow through with this change.[144] Despite his campaign promises, Humala continued with aggressive development policies on indigenous lands, which was reflected in the reparations process.[145] In a delivery of collective reparations in Lucanamarca in 2012, he argued that the past they suffered could be overcome through development, progress, and social inclusion advanced by these projects (Bunselmeyer, 2016). Perhaps one of the most reproachable decisions during his term was the appointment of Daniel Urresti as Minister of the Interior, who was investigated because of his alleged participation in the murder of journalist Hugo Bustíos in Ayacucho during the conflict. Urresti was openly opposed to reparations measures and memorialization efforts. Throughout Humala's term, this

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[142] Cabral, Ernesto. (2021, February 7). Madre Mía: Humala lleva al Congreso a tesorero investigado por pago de sobornos. *Ojo Público*. https://ojo-publico.com/2469/madre-mia-candidato-de-humala-es-investigado-por-sobornos
[143] In 2021 Congress modified the PIR law (28592) to officially include victims of different forms of sexual violence. https://andina.pe/agencia/noticia-incluyen-a-victimas-violencia-sexual-plan-integral-reparaciones-832696.aspx
[144] Interview, Isabel Coral, Lima, 2015.
[145] Cabitza, M. (2012, June 5). Peru's indigenous people: from García to Humala their battle goes on. *The Guardian*. (https://www.theguardian.com/global-development/poverty-matters/2012/jun/05/peru-indigenous-people-garcia-humala

lack of commitment to the PIR was reflected in the CMAN decision-making body. High ranking officials rarely attended these multisectoral meetings and even when commitments were agreed upon, enforcement was low.[146]

Pedro Pablo Kuczynski (PPK) was elected in 2016 under the *Peruanos Por el Kambio* party tag, which was considered a conservative and liberal center-right party. He defeated Keiko Fujimori in the second electoral round with backing from the left, which considered him the lesser of evils, given his apparent commitment to human rights and social inclusion. PPK met with human rights organizations and VOs during the campaign. During his first year he appointed ministers and other higher-rank officials who were committed to human rights such as Marisol Pérez Tello as the head of the Ministry of Justice. However, at the end of 2017, PPK granted a humanitarian pardon to former president Alberto Fujimori, who was previously found guilty of crimes against humanity. This action was widely viewed as betraying the trust that many civil society actors and especially VOs placed in him.[147] When the Congress with a pro-Fujimori majority was about to impeach him, PPK allegedly negotiated this pardon in exchange to remaining in office.[148] Multiple legislators left his party and higher-rank officials resigned from ministerial positions, including the head of the CMAN and the director of the Symbolic Reparations Program, stating that this action was not compatible with a government committed to human rights.[149] Subsequently, after corruption allegations pushed him to resign in March 2018, his vice-president Martín Vizcarra became president. Vizcarra, a centrist politician who had been regional governor of Moquegua during 2011-2014, advanced social inclusion and anti-corruption measures during his government. During his term, appointed leaders at the Ministry of Justice and the CMAN were known allies of the human rights movement who sought to improve the performance of the PIR at all levels. In September 2018, Vizcarra approved a legislative decree creating the Peruvian Genetic Data Bank to support the search for disappeared

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[146] Interviews, CMAN officials, Lima, 2015.

[147] BBC News. (2017, December 6). *Fujimori: New clashes after Peru ex-president is* pardoned. https://www.bbc.com/news/world-latin-america-42481281

[148] It is worth mentioning that although the TC annulled the pardon, this action by the executive led a series of judicial proceedings which most recently resulted in ruling authorizing the release of Fujimori in March 2022.

[149] RPP Noticias. (2018, January 3). *¿Qué congresistas oficialistas y funcionarios renunciaron tras el indulto a Fujimori?* https://rpp.pe/politica/gobierno/quienes-renunciaron-a-la-bancada-y-al-gabinete-de-ppk-noticia-1096179?ref=rpp

victims. He hosted leaders of several victim organizations in the Government Palace, showing a public commitment to the victims of the conflict.[150]

4.3.2. Main Explanatory Factors

Victim Participation

Victim participation has played a fundamental role in improving the implementation of the PIR over the three administrations. A first wave of organizations of victims and their families emerged during the war to publicly denounce state and insurgent violence in Peruvian and international forums, and to build spaces of solidarity such as community kitchens, informational meetings to help victims find loved ones, and advocacy campaigns. The delivery of the CVR's Final Report contributed to the development of these organizations and creation of new ones, legitimizing their demands, and creating expectations about reparations and other forms of justice. However, the Toledo government's slow progress on reparations dissuaded the victims' engagement and weakened some organizations, especially those outside the capital city.

Table 4.4: Some of the Main National Victim Organizations in Peru

Full Name of Victim Organization	Acronym
Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú	CONDECOREP
Coordinadora de Víctimas de la Violencia Política del Perú	CONAVIP
Asociación Nacional De Familiares De Desaparecidos, Ejecutados Extrajudicialmente Y Torturados	ANFADET
Coordinadora Nacional De Mujeres Afectadas Por El Conflicto Armado Interno	CONAMUACAI
Asistencia Policial Del Perú	ASISTEPOL
Asociación de Viudas, Madres y Sobrevivientes de Miembros de las Fuerzas Armadas y de la Policía Nacional	AVISFAIP

In Lima, national umbrella organizations built different participation strategies and resources to counteract the lack of commitment from the state to implement justice measures. CONDECOREP, the macro-organization of associations of displaced persons, and CONAVIP, the national coordinator that groups collectives of different types of victims, are the two largest national organizations of civilian victims. Other important civilian victim collectives include

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[150] Presidencia de la República del Perú. (2018, September 7). *Presidente Vizcarra: Creación del banco de datos genéticos permitirá aliviar el dolor e incertidumbre a los familiares de los desaparecidos.*
https://www.gob.pe/institucion/presidencia/noticias/19353-presidente-vizcarra-creacion-del-banco-de-datos-geneticos-permitira-aliviar-el-dolor-e-incertidumbre-a-los-familiares-de-los-desaparecidos

ANFADET, relatives of disappeared, extrajudicially killed and tortured victims, and the women based CONAMUACAI. Among non-civilian groups, ASISTEPOL represents former police members who suffered abuses during the war and AVISFAIP encompasses victims who were in the military or the police and relatives of deceased victims.[151]

When García came to power, VOs were disappointed and fearful the PIR process would not move forward given the record of human rights abuses during his first term and his protective stance towards perpetrators within the armed forces. In this period, there was very limited dialogue between victims and the actors in charge of designing and implementing reparations policies. PIR implementers and CMAN officials saw victims as the targeted population of a state policy or passive beneficiaries rather than active stakeholders (García-Godos, 2013). Since the PIR beneficiaries were mostly indigenous, rural, and poor, national elites kept them marginalized from the decision-making process.

During this period of minimal implementation, approaches and means of participation differed among VOs, not only because each group focused on different types of reparations, but also due to the lack of trust and solidarity between them. Because for decades affected communities in the most underserved areas had not received comprehensive care to address the effects of violence, they also faced deteriorating social and political norms, with rising crime, alcoholism and drug abuse, domestic abuse, and family fragmentation (Friedman, 2018). For these communities, social welfare and development needs were urgent. For families of disappeared and deceased victims, the priority in the early post-conflict years was the search for their relatives and retributive justice against the perpetrators (García-Godos, 2013). The competing priorities of displaced groups and relatives of deceased victims were deepened by the PIR's allocation of benefits based on the type of violation (Quispe Córdova et al., 2013; Ramírez Zapata, 2018b). Tension existed not only among civilian victims, but especially between civilians and former military or police personnel. Victims of violations by the armed forces found it very difficult to open a dialogue with relatives of deceased members of the armed forces. Civilians indicated that members of the armed forces did not want to cooperate in the

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[151] Although Table 4.4 does not represent an exhaustive list, it includes some of the most representative VOs.

search for the disappeared despite having information about the location of clandestine burial sites and that they had not apologized for the state abuses (Friedman, 2018).

Participation during the García administration was ***nominal or at best instrumental***. Although the umbrella organizations in Lima such as CONAVIP and CONDECOREP demanded access to institutional forums to be more engaged in the PIR process, the state did not open such spaces. The García government was more open to recognizing and working with non-civilian organizations, increasing the ruptures between these groups. Even within the implementation of collective reparations, which had been the focus of García's government, the communities' right to select their projects was not guaranteed. Although VOs participated in grassroots spaces within their organizations, especially at the local level, these were neither visible nor legitimized by the government. Their strategies in the public space aimed at communicating their grievances, through protests and joint statements with civil society, international allies, and a few local governments. Victims mobilized around the non-implementation of the other PIR programs but focused all their resources and capacities in speaking out against the impunity of the government and stopping measures that infringed upon their rights. As a result of the demands of victims' organizations, a process to determine the amounts, procedures, and modalities of payment for economic reparations was finally initiated in July 2010 (Defensoría del Pueblo, 2013).

To be sure, the García administration brought much disillusionment and frustration to victims, weakening the organizational capacity of victims. By 2011, victim organizations were also affected by the dwindling international financial aid and technical assistance. Between the end of García's term and the first years of Humala's, national umbrella organizations began to strengthen regional networks and organized meetings where different collectives could exchange ideas, learn from each other's regional experiences, and become a more united front vis-à-vis the national government. Since 2009, CONAVIP has brought together delegations of victim collectives from at least 15 regions to meet in a national congress. This grassroots space has helped increased the cohesion and trust between groups and provided tools for VOs to find common grounds, while respecting that each collective had other interests and grievances. The CONDECOREP and its regional organizations of displaced persons also initiated a series of encounters. By the end of the Humala administration, although not all regional chapters of these macro-organizations were engaged in national processes, the relationship between the

CONAVIP and CONDECOREP was more solid and coordinated, internally and in public statements, events, and mobilizations.[152]

At the beginning of Humala's term, victims continued to mobilize around securing the implementation of other PIR programs. Some victim groups, noting the delays of the state in creating specialized PIR programs from the ground, lobbied for already existing social programs to be adapted to provide reparation benefits. For instance, ANFADET and CONAVIP proposed that the Ministry of Education's *Beca18* program be incorporated into the Education Program of the PIR (Jave & Ayala, 2017). However, when these social programs were included in the PIR, all the requirements for non-victim beneficiaries were also imposed on victims, making many of these unattainable in practice. Victims condemned that the way these programs were adopted was not sensitive to the lingering effects of violence on their lives. They felt their right to claim reparations was denied. Other victim groups were opposed to these programs because even before the adoption of these policies, they were already eligible to receive them because of their poverty levels, but never learned about them because the state did not have coverage in their areas. It appeared as if the state was sending the message that they were entitled to these only because of the violence they endured, not because they had rights as citizens. In the Peruvian case, as in many others where benefits that are part of social programs are used as reparations, the lines between state anti-poverty policies and distributive reparative justice become blurred. Considering the financial constraints of the Peruvian state and the lack of commitment from the top officials, victim organizations accepted these benefits as part of the PIR but demanded the development and application of an *enfoque diferenciado* (differentiated approach).

Based on the information gathered through their networks regarding the barriers and challenges beneficiaries were experiencing, VOs demanded changes in the benefits of health, housing, and education reparations. In terms of health, some individuals said that even though they were eligible to receive the SIS public health insurance, it did not help them because they were already included in it based on their socio-economic status. Instead, they asked for additional support such as rapid availability of appointments, trained personnel that accounts for

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[152] Demus. (2016, June 28). *Organizaciones de víctimas del conflicto armado demandan a Comisión Permanente del Congreso debate de dictamen sobre violencia sexual.* https://www.demus.org.pe/noticias/organizaciones-de-victimas-del-conflicto-armado-demandan-a-comision-permanente-del-congreso-debate-de-dictamen-sobre-violencia-sexual/

their trauma, a special protocol for mental health treatment, among other services.[153] Equally, for the housing reparations, their access to *Techo Propio* (housing subsidies) could not be effective without waiving legal and socio-economic requirements unattainable to most victims. Unfortunately, during the Humala period, none of these programs achieved significant changes. When the education reparations began in 2012, although all victims were eligible to apply to the *Beca18* social program, most of them did not have real access to this benefit due to the burdensome requirements. Issues such as the age limit to be eligible to apply, the minimum exam grades and GPA scores were topics of constant debate between VOs and PRONABEC, the entity in charge of the program at the Ministry of Education.[154] The VOs demanded that these requirements be modified to give this social policy a differentiated approach (Jave & Ayala, 2017). Thus, between 2016-2017, the age limit was eliminated, and the score requirements were reduced. Also, a major demand of the victims was the transfer of the right to reparations in education to their children or grandchildren, which was finally achieved in January 2016.[155]

While Humala was in power, victim participation was mostly ***instrumental***, as victims provided information to stakeholders about their non-reparative experiences with programs, while ministries remained uncommitted to reform these benefits. At times, VOs represented their constituents effectively, offering proposals via CMAN to higher-rank officials. Victim collectives broadened their range of actions to include strategies for making existing social policies more concrete and tailored to their needs (Ramírez Zapata & Scott-Insúa, 2019). They created semi-institutional spaces for consultation and following up on each of the PIR programs. They went from solely consulting with the CMAN and the Reparations Council to demanding meetings with ministries' officials at the CMAN offices. They also achieved recognition of their grassroots spaces by civil society and state actors like the *Defensoría del Pueblo*, the CMAN and the Reparations Council, as well as a few committed officials in the ministries and congressmembers who attended their national meetings. In addition to these dialogues, they continued to mobilize in the streets supported by human rights NGOs, attended commemorative and educational events about the conflict, and activated TANs to pressure the state when needed.

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[153] Interview, VO representatives, Lima, Ayacucho, Huancayo, 2018.
[154] Interview, Raúl Rosasco, Lima, 2017.
[155] Executive Decree N° 001-2016-JUS. https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-modifica-el-articulo-18-del-reglamento-decreto-supremo-n-001-2016-jus-1339728-1/

For example, through the so-called *tejidotones,* community events where families of the disappeared knitted pieces of clothing to honor their relatives, victims from different regions joined in solidarity to make the 1-kilometer long *Chalina de la Esperanza* (Scarf of Hope). This cultural production traveled across Peru and internationally to raise awareness about the victims of disappearance.[156] Their participation during Humala's term focused on modifying the restrictive nature of the PIR—a legacy of García's administration that Humala appeared hesitant to change—and enhancing social benefits with a differentiated victim-sensitive approach.

During PPK's electoral campaign, victims capitalized on his pro-human rights platform to push for commitments to improve the PIR and other justice measures. Once elected, the appointment of progressive top officials, especially inside the Ministry of Justice, created an opportunity for greater victim participation. Under this favorable climate at the national level, social cohesion among the different VOs was also strengthened through different mechanisms. Since the inauguration of the LUM in Lima in 2016, this space welcomed VOs to participate in different memory-building and outreach activities, where leaders could exchange ideas and build rapport with each other and with state implementers. In 2017, CMAN and the ICRC (Red Cross) promoted capacity building workshops at the LUM where representatives from both civilian and non-civilian VOs created a bridge between their organizations. At meetings promoted by the MINJUS and civil society allies, victims of state violence and victims who were members of the armed forces recognized the suffering of the other side and showed public gestures of empathy and solidarity. Throughout 2016-2018, despite their own specific demands, when it came to general improvements in the PIR, umbrella victim collectives have been progressively more open to sit at the negotiation table with the state as a united front.

During the first three years of the PPK-Vizcarra government, victim participation can be characterized as ***representative***. VOs have solidified institutional spaces where they have a more direct say in the process, while also continuing to employ grassroots spaces and resources to keep members engaged and expand their national reach. Victims have gone from working under the mediation of CMAN to being the direct interlocutors with the ministries and other national state entities involved in the PIR implementation. In 2017, they promoted the creation of

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[156] Gamarra Galindo, M. (2011, January 20). *Blog de Marco Gamarra Galindo*.
http://blog.pucp.edu.pe/blog/labibliotecamarquense/2011/01/20/la-chalina-de-la-esperanza-conmueve-a-lima/

Working Groups for the Health, Education, and Housing Programs to institutionalize the spaces for dialogue between them and the state, allowing victims to reach agreements and oversee the progress of the implementation of these benefits.[157] Subsequently, a CMAN Working Group was set up to have periodic meetings between VOs representatives and CMAN Program Directors, identifying progress, challenges, and demands of the population to then be addressed with each sector. While these venues have helped building better communication, coordination, and trust between the state and victim groups, during the first years, representation from different regions had not been secured. Most of the representation came from leaders of national organizations based in Lima, except for one member from CORAVIP (Ayacucho).

In addition to the Working Groups that fell under the MINJUS, VOs sought to improve the commitment of the ministries by pushing for the creation of Multisectoral Commissions for health, education, and housing benefits. While the Working Groups arrangement enabled an official from the ministry to meet with victims, not all the relevant offices participated to coordinate the needed steps. For instance, in 2018, CONAVIP and CONDECOREP led the creation of the Multisectoral Commission on Housing Benefits, which mandated that seven ministries and two independent state entities join efforts to secure consistent implementation of this program.[158] Additionally, in 2018, VOs reached out to their regional networks, asking CPs where collective reparations had not been implemented yet, to work directly with local governments to lobby for more and better projects yearly.

Victims have continued using their grassroots spaces to enhance social trust and political agency inside their organizations. VOs have opted to invite electoral candidates to their grassroots forums so that they can inform prospective politicians about their grievances but also hear their human rights proposals. In 2018, at the regional and local level, they appealed to electoral candidates in different regions, holding public forums and internal meetings with candidates that were willing to sign commitments to improve reparations. Additionally, the CONAVIP Congress became recognized by the state. In 2016, the Minister of Justice, Marisol

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[157] Resolución Ministerial N° 0219-2017-JUS. https://busquedas.elperuano.pe/normaslegales/constituyen-grupo-de-trabajo-encargado-de-coadyuvar-en-la-me-resolucion-ministerial-no-0219-2017-jus-1562991-1/
[158] Defensoría del Pueblo. (2018, September 5). *Defensoría del Pueblo saluda creación de Comisión Multisectorial en temas de vivienda a favor de víctimas del periodo 1980-2000.* https://www.defensoria.gob.pe/defensoria-del-pueblo-saluda-creacion-de-comision-multisectorial-en-temas-de-vivienda-a-favor-de-victimas-del-periodo-1980-2000/

Pérez Tello attended this Congress made a public commitment to the PIR and recognized the achievements of victims since reparations started being implemented.[159] Moreover, victims' presence in the public scene through mobilizations, joint statements supported by national and international allies, and awareness-raising events in memory spaces have been crucial when state impunity resurfaced, as when PPK pardoned Fujimori in 2017. During this third governmental term, victims continued securing a more reparative character in the implementation of different PIR programs. In 2016, the RUV was finally reopened for victims eligible to receive economic reparations, each of the violations applicable to this program started being repaired, and the transfer of reparation rights in education to a child or grandchild was granted.[160]

The creation of an institutional framework to formally search for disappeared victims was the result of different moments in the trajectories of VOs where their engagement was more ***transformative***. For more than four decades, relatives of disappeared victims have mobilized to search for their loved ones. In the early 1980s, ANFASEP became the leading organization to denounce the disappearance of family members. In a moment of high violence in Ayacucho, these exemplary and resilient Quechua women took to the streets and appealed to national and international human rights advocates to demand the state for the whereabouts of their family members. ANFASEP was later joined by collectives in Lima such as CONAVIP and ANFADET and in other regions of the country. With a weak and inefficient judicial system after the war, many organizations reached out to the Inter-American System of Human Rights, which led to investigations and legal precedents that were instrumental in favorable national court rulings. In addition to retributive justice, one of the most important common causes among VOs is finding and recovering the remains of their relatives.

Although their fight for justice has been present in the public eye throughout the post-conflict era, victims launched critical initiatives during 2015-2018 to build a united front and enact change. In 2015-2016 victim collectives developed the *#Reúne* campaign. This encompassed public mobilizations, vigils, artistic representations in the public space and the

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[159] Organización Internacional para las Migraciones, OIM. (2016, October 28). "OIM participa del 'V Congreso la Coordinadora Nacional de Afectados por la Violencia Política". https://peru.iom.int/es/news/oim-participa-del-v-congreso-de-la-coordinadora-nacional-de-afectados-por-la-violencia-politica

[160] An important precedent to the recognition of the *afectación multiple* was the 2016 sentence in favor of a victim who was handicapped and lost his mother during the war. https://www.defensoria.gob.pe/defensoria-del-pueblo-saluda-sentencia-que-reconoce-derecho-a-reparacion-de-victimas-con-multiples-afectaciones/

dissemination of testimonies, facts, and data about enforced disappearance cases through social media. Supported by the CMAN and human rights NGOs (i.e., EPAF and the Red Cross), victims successfully raised awareness among society and lobbied before Congress and the executive to design a public policy addressing this issue. The creation and traveling of the *Chalina de la Esperanza* to different parts of Peru—and other countries—and diffusion of their personal stories through written and oral means (e.g., *Chinkaqkuna* book) were also part of these grassroots efforts. The creation of National Plan for the Search of Disappeared Persons, the *Dirección General de Búsqueda de Personas Desaparecidas* (DGBPD, specialized unit within the MINJUS) and a registry of disappeared victims and burial sites in 2016 (through Law No. 30470) were the result of county-wide victim participation.

Victims continued a constructive dialogue with the Vizcarra government, securing the effective operation of the DGBPD with decentralized offices on the ground and creating the state-sponsored Genetic Data Bank in 2018. The ability of VOs to push the state to commit to searching for disappeared victims—despite the large opposition from political sectors in Congress and the military—exemplifies the building of the political agency of traditionally marginalized groups, including Quechua women from rural Peru. In this last period, the unwavering work they have been doing in the capital and in their regions permeated even more the PIR policy, exemplifying the transformative participation of victims in critical moments.

State Brokers of RJ

The presence of RJ brokers within the state has increased through time. Under García, while the Reparations Council remained independent from political instrumentalization because of the inclusion of civil society members in the decision-making body, the CMAN did not follow this path. CMAN members were APRA affiliates, and while some argued they tried to ignite the implementation of the programs, their party allegiance and García's vision of the process appeared to drive their actions during this term. The CMAN, which fell under the PCM (the most powerful ministry) prioritized collective reparations that delivered tangible results (material projects over socio-political types), which appeared to be in line with García's developmental

agenda and obeyed populist political interests.[161] Many recent CMAN agents, local government workers, and beneficiary communities argued that this implementation was highly politicized based on the networks of clientelism that the deeply rooted APRA (*Alianza Popular Revolucionaria de América*) maintained across the country.[162] The *Defensoría del Pueblo* (DP, Ombudsman's Office) reported that, in many cases during the 2007-2011 implementation period, CMAN's decisions and coordinating efforts were outdone by the willingness of national and local representatives (2013). Additionally, many complaints against the PCM, CMAN and MINJUS from associations of victims were brought to the *Defensoría*.

During the García years, the *Consejo de Reparaciones* (CR) was protected from this undue politicization mainly thanks to the leadership and membership of the decision-making body of this entity. During 2007-2010, when the CR started collecting information across the country and meeting directly with victims, former CR president (and CVR commissioner) Sofía Macher, and other strong human rights advocates in the decision-making and operational bodies of this unit ensured that their work remained independent from political leverage or powerful sectors in society. Unfortunately, this approach was met with constraints from the executive in their funding and their mandate.[163]

Although the transferring of the CMAN from the PCM to the MINJUS in 2012 brought some institutional instability to this entity—and perhaps reducing is political leverage—it certainly gave CMAN officials more independence from the very politicized PCM realm. A new CMAN operational body was appointed under the government of Humala. This move was not necessarily the result of a pro-human rights agenda by the executive, but instead, it was intended to remove all APRA-affiliated staff from multiple ministries. The new leadership of Adolfo Chávarri brought personnel who had participated in the CVR process, who had experience working in social inclusion initiatives within the state or who came from the human rights NGO sector. Most of the PIR Program Directors developed proper guidelines in coordination with the respective ministry sectors to systematize and instill some degree of institutionalization to the reparations process. Upon encountering very minimal implementation in period 1 and a victim

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[161] This is very similar to the post-apartheid government which instrumentalized reparations for political gains, using the funds for pro-development collective awards (Pradier et al., 2018).
[162] Interviews, victims, Ayacucho and Apurímac, 2017.
[163] Interview, CR official, Lima, 2017.

population who felt left out of the PIR design, they started consulting with victims' groups and civil society organizations to review different aspects of the implementation of PIR benefits, which ultimately led to many of the changes described in period 2. The CMAN, as the coordinating agency for the PIR, started building bridges between the ministries and the VOs through different means. Through the Regional Divisions and the CMAN and CR offices in Lima, they compiled demands and complaints of victims across the different programs and relayed them through formal channels to the ministries and to the public in annual reports. This strengthened the transparency and accountability of the CMAN and changed the views of some national and regional VOs who progressively began seeing them more as allies.[164] Additionally, they appealed to Ministry of Justice's top officials so that the MINJUS could build institutional agreements with other sectors and regional and local governments to generate a the very least normative commitment.

Since 2016, the new leadership of the CMAN (Daniel Sánchez and later, Katherine Valenzuela), building on the progress achieved during period 2, sought to further transform the relationship between them and VOs, approving the creation of the Working Groups to maintain a horizonal dialogue with victim representatives across different PIR programs. Although they supported victims by serving as mediators in negotiations with officials from other ministries, they also promoted a more direct communication between the sectors and VOs, always being present to ensure victims' rights. In moments of political crises or unexpected setbacks in justice efforts, they released public statements to condemn the actions of other state officials, including the president. For instance, when PPK pardoned Fujimori, the CMAN executive secretariat and the Symbolic Program director resigned in protest of this impunity act.

The brokerage role of CMAN (and the CR) has been facilitated by the ability of these actors to draw from the prior human rights expertise of some workers, the national network of civil society allies, and the gradual learning they have accumulated through years of progress and setbacks in the PIR implementation. CMAN, CR and mid and low-ranking bureaucrats who work directly with victims have become RJ brokers. Either because they came from the NGO sector, from the victim organizations themselves, or from other state agencies serving the

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[164] Interviews, VOs representatives, Ayacucho, Apurímac and Junín, 2018; Focus group, victims, Ayacucho, 2018.

population, these brokers had a better understanding of the needs and experiences of victims during and after the conflict and shared with victims the interest of seeing the PIR move forward. At the same time, they relied on the capacities they built navigating the state system to develop and transform the national PIR according to victims' needs. Additionally, the leadership of Ministers Marisol Pérez Tello and Vicente Zeballos, and and Vice-ministers Gisella Vignolo and Daniel Sánchez in the MINJUS was also critical during 2016-2018. As top officials, they were able to push for favorable changes and lobby for financial and political commitments from other ministries and the president himself. The *Defensoría del Pueblo* (People's Ombudsman) has been another crucial state actor acting favorably on behalf of victims across time. This autonomous government institution has served as a RJ broker across the three periods discussed and has been the only permanent ally of victims within the state, serving as an institutional model for the CMAN and other officials within ministries.

4.4. Conclusion

This chapter focuses on the implementation of reparations at the national level. It employed qualitative data to depict and explain the implementation of the PIR at the country-level during three periods: 2007-2010 (period 1), 2011-2015 (period 2), and 2016-2018 (period 3). These periods were selected based on the empirical description of overall PIR implementation, which displays a given set of characteristics in each of these clusters of years. Implementation in period 1 was very narrow and restrictive, concentrating most efforts on only one program and repairing mainly rural and peri-urban communities affected by violence, one of the two types of collective beneficiaries. In period 2, some of the barriers for victims were removed and implementation was expanded to include more programs, but the coverage and quality of the implementation of most benefits did not meet victims' reparation demands. Period 3 shows a more inclusive, decentralized, and victim-centered implementation process that tries to incorporate a real reparative character into the PIR. Given its restrictive nature, I characterize implementation in period 1 as ***minimal***. Period 2, which broadens implementation for both victims and programs is characterized as ***minimal-moderate***. Finally, Period 3, which displays improvements on multiple dimensions is classified as ***moderate-comprehensive*** implementation (Table 4.1). What explains variation in PIR implementation at the national level across these three periods? The chapter puts to test the multilevel causal theory proposed in Chapter 3,

considering the role of international, national, and subnational actors in the temporal changes of the PIR at the country level.

The implementation at the national level is carried out by the Reparations Council, the CMAN (both part of the Ministry of Justice), other ministries involved in the PIR, and other high-ranking officials in the national government. Because of this, I evaluate how each explanatory factor has affected the way these national actors implement the PIR across time. These national state actors are part of the executive branch of government and are appointed by the president and other top officials. Therefore, when examining the impact of temporal differences in the explanatory factors on PIR implementation across the three periods, the discussion is framed in terms of government administrations. Period 1 (2007-2011) falls within most of Alan García's administration term (July 2006-July 2011), whereas period 2 (2012-2015) is part of Ollanta Humala's governmental term (July 2011-July 2016). Last, period 3 (2016-2018) covers years when Pedro Pablo Kuczynski's, also known as PPK (July 2016-March 2018) and Martín Vizcarra (March 2018-October 2020) ruled the country.

Empirical evidence shows that changes in the implementation of the PIR at the national level were indirectly influenced by different factors. First, the intervention of the international human rights state institutions such as the Inter-American System of Human Rights (IASHR) and foreign donors (i.e., Germany, France, Czech Republic, Italy, and Spain) and non-state actors like the ICTJ and the Red Cross was stronger during the first post-conflict decade until 2011-2012. By providing technical, financial, and legal resources to the state, national civil society, and victims, they supported the creation and implementation of the PIR. Although domestic actors activated Transnational Advocacy Networks (TANs) to denounce and appeal to the state in gridlock moments, they were not able to effectively and consistently pressure the state to take a more pro-human rights stance, especially during the early years. Second, the strength of national civil society was also higher during the CVR years (2001-2003) through 2012-2013. During that time, civil society organizations (CSOs) filled a large gap in the state efforts to provide justice to victims. CSOs like REDINFA, CAPS, APRODEH, EPAF, COMISEDH, *Paz y Esperanza, Centro Loyola*, and the *Pastoral Social Service* and other progressive actors inside the Catholic Church, among others, offered financial, mental health, legal, forensic, organization-building and conflict-resolution resources to victims. Since 2012,

CSOs progressively positioned themselves more behind the scenes, as victim collectives started taking a more central role in the PIR implementation.

Finally, the human rights stance of the executive branch (more than its political ideology) has conditioned the way other domestic actors behaved by either imposing major roadblocks or by not being intrusive in the process. Rather than offering direct positive incentives to the process, the role of the government has been defined more in terms of the degree of obstructionism and impunity it has displayed. Alan García's administration represented a setback for human rights policies, including the PIR; the government's rhetoric and decisions led to a very poor implementation and mistreatment of victims. While Ollanta Humala's government did not directly hinder the moderate progress achieved during that time, the president and his ministers were opposed to making legal, political, or financial commitments needed by the PIR. PPK and Vizcarra had a more progressive stance in general, appointing ministers and mid-ranking officials who enacted important improvements in the PIR, and supporting these efforts. As the pardon PPK offered to Fujimori showed, a non-obstructive position by the executive towards the PIR did not guarantee a real commitment to human rights in the country.

More importantly, this chapter's qualitative evidence suggests that temporal variation in national PIR implementation has been mainly driven by victim participation, supported by the brokerage work of state actors who have advocated on behalf of victims. Victim participation during the García administration was ***nominal or at best instrumental***. Although the umbrella organizations in Lima such as CONAVIP and CONDECOREP demanded access to institutional forums to be more engaged in the PIR process, the state did not open such spaces. Their strategies in the public space aimed at communicating their grievances, through protests and joint statements with civil society, international allies, and a few local governments. Under Humala, victim participation was mostly ***instrumental***, as victims provided information to stakeholders about their non-reparative experiences with programs, while ministries remained uncommitted to reform these benefits. At times, VOs represented their constituents effectively, offering proposals via CMAN to higher-rank officials. During the first three years of the PPK-Vizcarra government, victim participation can be characterized as ***representative***. VOs have solidified institutional spaces where they have a more direct say in the process, while also continuing to employ grassroots spaces and resources to keep members engaged and expand their national reach.

Victims have gone from working under the mediation of CMAN to being the direct interlocutors with the ministries and other national state entities involved in PIR implementation. The creation of an institutional framework to formally search for disappeared victims was the result of different moments in the trajectories of VOs where their engagement was more ***transformative.***

CMAN and CR mid and low-ranking bureaucrats who work directly with victims and the *Defensoría del Pueblo* officials have become RJ brokers. These mediators have come from the NGO sector, from the victim organizations themselves, or from other state agencies serving the population. Because of their background, they have had a better understanding of the needs and experiences of victims during and after the conflict and share with victims the interest in seeing the PIR move forward. The brokerage role of these actors has been facilitated by their prior human rights expertise, the national network of civil society allies they relied on, and the gradual learning they have accumulated through years of progress and setbacks in the PIR implementation.

In sum, the unwavering work that victims and their collectives have been doing in the capital city of Lima and in the most affected regions, supported by RJ state brokers, has allowed victims to take more ownership of and improve the PIR policy and its implementation.

5.   THE SYMBOLIC REPARATIONS PROGRAM: REGIONAL IMPLEMENTATION OF REPARATIVE JUSTICE

This chapter examines regional-level factors contributing to the variation in the subnational implementation of symbolic reparations, by focusing on *lugares de memoria* (memory spaces). Also known as sites of memory, these are physical spaces devoted to the recognition and memorialization of deceased and surviving victims, along with their families, in a manner that respects the cultural norms and traditions of affected groups, and to educating other members of society and new generations about the violence and justice in Peru. Three Andean regions with similar conflict-related, socio-demographic, and RJ institutional characteristics have been selected: Apurímac, Junín, and Ayacucho. Although the normative framework of the national PIR dictates that levels of violence endured by collective and individual victims should drive the implementation of the programs, qualitative variation exists across these three territories that experienced high violence levels. While Apurímac represents the negative case, as no regional memory space has been implemented as of 2022, Junín and Ayacucho are positive cases with implementation but with different attributes. The design and planning of Junín's memory space, *Yalpana Wasi*, was mainly led by the regional government. Although the space provides resources, assistance, and socialization platforms for victim organizations in Huancayo, victims do not feel fully identified with the narrative and the space, especially organizations from other provinces of Junín. In Ayacucho, the building of the *Santuario de la Memoria La Hoyada*, has been primarily led by victim organizations. Although the planned buildings have not been constructed yet as of 2022, victims have taken ownership of the space and used it to carry out cultural, social, and political activities. When it comes to symbolic reparations, what other factors contribute to the differences in implementation across regions?

The chapter starts by providing an overview of the Symbolic Reparations Program and discussing the conceptual meaning of memory spaces, as well as empirical examples across Peru. Based on the conceptual framework developed in Chapter 3, it explains how implementation of regional memory spaces is defined and measured qualitatively. The following section describes the variation observed between Ayacucho, Junín, and Apurímac in terms of regional sites of memory. Then, I describe how the theoretical model is applied to this symbolic reparations'

context. The evidence section builds a comparative analysis of these cases by examining how political interests of the national state regarding each region, and the participation of regional state actors and umbrella victim organizations have impacted the implementation of regional memory spaces. The analysis compares these regions beginning in 2012, when systematic implementation of the Symbolic Program at the national level started, through 2018, the most recent year that data are available for all three regions. Findings emphasize how victims' political agency to access, transform, and reclaim reparations locally has impacted the implementation of memory spaces.

5.1.   The Symbolic Reparations Program

The PIR normative framework granted all individual and collective victims the right to access the *Programa de Reparaciones Simbólicas* (PRSI, Symbolic Reparations Program), but was very general in determining its benefits. In 2013, the Program Guidelines further developed specific components of this program, paving the road for a more systematic implementation of these reparations. PRSI benefits fall into two broad categories: reconciliation and restitution. The first category pertains to historical memory, peace, and reconciliation, which involves activities that give a pedagogical, conciliatory, and commemorative sense to memory, showing the severity of what regions, communities, and people affected by violence have lived through and recognizing victims and their rights. Among these are public apologies by any state representative and by the CMAN during key moments of the implementation processes (i.e., start of project construction or delivery of collective reparations). It also includes acts of recognition for victims, as well as consulting and working with their families to create a physical element (e.g., a plaque, a monument, the naming of a space) that confers a degree of permanence to the symbolic reparative act. As of 2018, the program had conducted 66 public acts to apologize on behalf of the state and to recognize deceased and surviving victims of emblematic cases and Andean and Amazonian communities where violence took place in the regions of Ayacucho, Apurímac, Ancash, Huánuco, Huancavelica, Junín, Pasco, Cusco, and Lima.[165]

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[165] Interview, Katherine Valenzuela, Lima, 2018.

This first type of PRSI reparations includes the recognition and revaluation of local memory spaces, which are physical sites considered important by a community or group for their role in historical memory and social recovery. The CMAN developed detailed guidelines and templates of conceptual and execution plans, budget proposals, and other procedural tools with the input from victim organizations. They also provided technical support to local governments interested in developing and protecting memory spaces such as the *Municipalidades* (local governments) of Guadalupito in La Libertad region, Accomarca, Cayara and Hatun Soras in Ayacucho, and Pueblo Nuevo in Ica (CMAN, 2017b). Additionally, the program facilitated the construction and inauguration of *Santuarios Ecológicos de Memoria* (Ecological Sanctuary of Memory), which are outdoors spaces of memorialization in victim communities.

Other measures under this category encompass events that lead to reconciliation by promoting constructive exchanges between different affected parties and civil society members, sharing their perspectives on memory and violence. For instance, such events include exercises in community historical memory-building, participatory visual productions that allow the recognition and revaluation of past, present, and future perspectives of victims, public human rights workshops, and traveling exhibitions. Since 2013, the CMAN has been carrying out graphic art workshops on the civil conflict and human rights in Peru with high school students from across the country, especially in regions highly affected by the conflict such as Ayacucho, Apurímac, Junín, Huánuco, and Puno. Students learn and discuss multiple perspectives about the war and can materialize their ideas on paper by developing graphic art stories about the conflict and justice in Peru. Most often, these comics are based on the experiences of their parents, grandparents, or community members, and facilitate a better dialogue between generations.[166] The students also participate in an annual contest within their regions organized by the CMAN and share their stories in a virtual repository.[167]

The second broad PRSI category, which focuses on restitution of the remains of victims of disappearance and *acompañamiento* (comprehensive support) for their families, includes providing mortuary boxes to give proper burial to victims of forced disappearance, and the

[166] Interview, Jesús Cossío, Lima, 2017.
[167] Centro de Documentación e Investigación. (2017). *Colecciones.* Lugar de La Memoria, La Tolerancia y La Inclusión Social, Perú Ministerio de Cultura. https://lum.cultura.pe/cdi/busqueda/colecciones?field_coleccion=56

organization of religious commemorations in accordance with the customs and creeds of families and communities. Both the CMAN and subnational governments contribute funds to build burial sites and transfer the remains of the deceased. Often, NGOs such as the Red Cross have financially supported these activities. Since the Directorate for the Search for Missing Persons started operating at the end of 2018, this category of reparations has been mainly under the purview of this institution, while the CMAN has taken on a secondary role, supporting the process. Through 2018, the CMAN had facilitated the restitution of the remains of 1,146 deceased victims to their relatives. This represented about 10% of the total number of disappeared victims in the registry. This symbolic reparation process includes providing logistical and psychological support for the family of the victims, securing a cultural-sensitive approach to build burial sites, and apologizing on behalf of the state (CMAN, 2017b, 2018).

CMAN encourages the participation of all state actors because, as prescribed in the PIR legal framework, the Symbolic Reparations Program must be implemented by all levels, sectors, and institutions of government. For example, the Ministry of Education contributes to this program by facilitating and coordinating access and visits by school and university students to sites of memory, while the Ministry of Culture recognizes the value of memory spaces and disseminates visual and museography materials on historical memory. Additionally, to adequately restore the remains of deceased victims to families, the CMAN works in coordination with the Public Prosecutor's Office, which searches and identifies the remains of the disappeared, and the Ministry of Health, which provides psychosocial support to family members. Regional and local governments are called upon to participate in the PRSI process through various actions (CMAN, 2013). These include recognizing memory spaces and the organizations, communities and individuals affected by the violence through ordinances or resolutions, commemorating victims by naming civic days, streets and public spaces, by placing plaques, by logistically and financially supporting processes of restitution of remains to families of victims of disappearance, and by participating in acts of apology and public recognition, and using fiscal, legal, and bureaucratic resources to consolidate these actions.

5.1.1. Memory Spaces

The analysis in this chapter focuses on the implementation of ***memory spaces***. In the context of post-conflict and Transitional Justice (TJ) settings, these are defined as physical spaces that are significant for a community that endured human rights abuses because these enable the production of memories regarding experiences and events prior, during, and after the violence. Whether a physical, emotional, or symbolic link exists between the community and the memory space, these sites, and the connections they evoke, are believed to be critical for the healing and redress of affected communities and the rebuilding of individual and collective identities, life stories, and future aspirations (Naidu, 2017; Reátegui et al., 2012). In Peru, the CMAN developed a *Guide for the Implementation of Memory Spaces*, which defines memory spaces as:

> *"physical and territorial spaces that allow family members, affected individuals, and the community to commemorate the victims and events of the period of violence (1980-2000), creating a public space to address and reflect on the recent past (CMAN, 2020)."*

Based on interviews with civil society organizations, victim collectives, and CMAN personnel, memory spaces are seen by all sides as crucial components for the rebuilding of social, political, and cultural norms, practices, and structures within affected communities, and for the reconstruction of the identity and life plans of individual victims and their families.[168] It is also argued that these memory spaces help to educate other social groups and younger generations about the atrocities endured by these communities throughout the two decades of war. The CVR's Final Report recommended the creation of memorialization spaces as a form of symbolic reparations for affected communities and groups. The Commission highlighted the so-called *Casas de la Memoria* (Houses of Memory) as community spaces that would allow for the preservation of the historical memory of the events, the victims, and of the impact of that the violence had on people (CVR, 2003). Based on the demands of the population, the local initiatives, as well as international reparation experiences, the CMAN incorporated the development of memory spaces into the Symbolic Reparations Program and encouraged all

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[168] Interviews, CMAN officials, victim organization leader, NGO representatives, Ayacucho, Apurímac, 2018.

levels of government to support this process. To enhance the sustainability of these reparations, the CMAN asked the Ministry of Culture to officially recognize the memory spaces as national patrimony, protected under the National Cultural Heritage's regulatory framework.[169] In 2018, all sites of memory were included in the National System of State Museums, making state actors even more accountable when implementing and maintaining these spaces.[170]

In Peru, several memory spaces emerged over two decades, even before the PIR came into existence. The three largest initiatives that document memory spaces in the country are the *Lugares de Memoria* project by the *Instituto de Democracia y Derechos Humanos de la Universidad Católica del Perú*'s (IDEHPUCP, Institute of Democracy and Human Rights of Peru's Catholic University), the archives from the national state-sponsored *Lugar de la Memoria* (LUM), and the *Espacios de Memoria* project by the national human rights movement *Para que No se Repita* (So that It Does Not Happen Again). The three repositories document between 135-185 memory spaces.[171] Most often, these have been built by communities themselves with support from non-state actors including the *Cooperación* (foreign aid), national and local NGOs, and religious groups.[172] For example, the non-governmental *Asociación Paz y Esperanza* led the creation of the *Casa de la Memoria de Putacca* in Huamanga, Ayacucho, financially supported by the German government (Aroni, 2015). In other cases, a constellation of local state and civil society actors have facilitated the development of these symbolic reparations. For instance, the *Casa de la Memoria de Yuyanahuasi* in Huanta, Ayacucho, was the result of joint efforts among local victim organizations, Huanta's provincial government, a local NGO, a Latin American cross-national movement, and the Italian government (Portugal, 2015). Some of these memory spaces have disappeared, either because they were not properly maintained, not used by the community, or because the physical space was reallocated for a different purpose.

Because many memory spaces encompass plaques, museums, and monuments, some scholars have argued that there is strong logic of "monumentalization of memory" in the

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[169] Interview Cathy Mesa, Lima, 2018.
[170] Resolución Ministerial 301-2018-MC & Resolución Ministerial 0271-2020-DM/MC. https://cdn.www.gob.pe/uploads/document/file/1414267/RM%20271-2020-DM-MC.pdf.pdf
[171] Espacios de Memoria en El Perú. (2022). *Mapeo de sitios de memoria en El Perú.* http://espaciosdememoria.pe/; Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú. (2021). *Lugares de Memoria.* https://proyecto-lugaresdememoria.pucp.edu.pe/lugares-de-memoria/mapa-de-lugares
[172] Interview, Ernesto Ambia, Ayacucho, 2018.

Peruvian post-conflict context (Jallade, 2014). Quinteros (2012) identifies 108 public memorials, most of them monumental in nature. These sites of memory most often reflect the preferences of actors with more political power, rather than the understandings of affected communities. However, in recent years, it is possible to identify cases in which a bottom-up logic has driven the implementation of these spaces. Although the CMAN, representing the national government, has facilitated and guided the process, victim organizations and communities have led the implementation. This chapter will examine the implementation of regional memory spaces following this bottom-up participatory approach.

5.1.2. Regional Memory Spaces

The selection of regional memory spaces as the type of symbolic reparations of interest is due to different reasons. First, the creation of this reparation has been discussed in all three regions, both during meetings of victim organizations and in public forums with representatives of Regional Governments (RG), as one of the most important reparations demands. Victims pursue this reparation for themselves, their families, and future generations.[173] Second, while regional governments can contribute in different forms to the PRSI, the theory suggests that they will tend to support processes that give them high attribution and thus political support. Building sites of memory makes their contribution to RJ visible and permanent. It can also allow them to gain legitimacy and trust before their constituents, relative to the national and local levels of government. It should be noted that, although regional governments have been the main implementers of memory spaces, the national government has also been involved in the implementation. Third, the qualitative variation in the implementation of this symbolic benefit across regional cases allows one to compare the occurrence and non-occurrence of this outcome, as well as different other crucial attributes that will be described below.

Moreover, examining the emergence of regional memory spaces is empirically important in a centralist state like Peru where the capital city's perspectives tend to dominate the national debate on key socio-political issues such as the building of historical memory about the conflict. The *Lugar de la Memoria, la Tolerancia y la Inclusión Social* (LUM, Place of Memory, Tolerance, and Social Inclusion), based in Lima, represents the national memory space as of this

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[173] Focus groups, Junín, Ayacucho, Apurímac, 2018.

date. It was inaugurated in late 2016 after a decade of interminable debates between political elites (some of whom were part of groups that were responsible for or facilitated state violence) about the official narrative and "truth" that this site would endorse.[174] Although funding for the LUM was offered by Germany and other international donors, the national government opposed and delayed its implementation. Even after the approval of the PIR legal framework, politization and *negacionismo* (denial) of victimhood and the right to be repaired were predominant within congress and the executive. When the government decided to build the national LUM in Lima, in the wealthy district of Miraflores, many victims felt disappointed and mocked. Regardless of where they currently live, the majority of victims were from rural, poor areas of Peru, far away from the capital city; thus, this site by the Pacific coastline did not evoke any memories of their past nor did it represent their cultural and geographical roots. Placing the LUM in this location meant that most victims could not access the space nor identify with it even from a distance. Throughout the years, LUM personnel have reached out to different victim organizations (VOs) and made a concerted effort to include the voices of multiple affected groups, even welcoming leaders from other regions and often covering their travel expenses while in Lima.[175] However, most affected individuals and collectives do not feel represented and cannot make use of this reparative space. Because of the physical, social, and cultural barriers most victims face to take ownership of the LUM, it becomes even more imperative to analyze the existence of memory spaces in the regions that suffered the highest levels of political violence.

Although the LUM might not be a space that many victims can easily access or relate to, it certainly has a reparative function in post-conflict Peru. Located in Lima city, within reach for about a third of the country's population, this memory space does not only help Peruvians learn accurate facts about the conflict and its aftermath, but also, it provides a platform for continuing human rights education for all sectors of society, including political elites and security forces. Through the exhibitions, roundtables, cultural and educational activities, and memorialization events, the LUM also helps shape the views of polarized national actors who might otherwise perpetuate stigma and discrimination against victims. Additionally, since its opening, the CMAN and other state actors have used this memory space to offer public apologies and commemorate

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[174] Interview, LUM staff, Lima, 2017.
[175] Interview, LUM staff, Lima, 2017; Observations, Lima 2017-2019.

victims. In that sense, the LUM, as a symbolic reparation, encompasses the functions of satisfaction and guarantees of non-repetition referenced in the Basic Principles and Guidelines.

5.1.3. Measuring Implementation of Regional Memory Spaces

To evaluate the outcome of interest in each region, this chapter measures implementation qualitatively, applying the typology of implementation presented in Chapter 3 to describe the strength of the reparative character in the creation and development of regional sites of memory in these cases. The implementation goes from the moment victim groups and communities in the region demanding this form of reparation are included in the process, through its planning, design, and construction, to the delivery of a memory space. Although the proposed conceptual framework encompasses seven dimensions of implementation, this analysis will only focus on three dimensions that pertain to the regional sphere. Some implementation dimensions have already taken place at the national level before an RG decides to build regional memory spaces. The CMAN established the content of the Symbolic Program and each of its benefits, including the parameters of what constitutes a memory space, and determined there were no eligibility requirements for this program. Additionally, given the collective and open nature of a memory space, other dimensions are not applicable. Because all individual and collective victims are eligible to receive symbolic reparations, a regional site of memory is expected to be all-inclusive, at least in theory, within the region, and thus, registration and prioritization of victims should not be needed for affected people—even those who are not registered in the RUV—to access the space. If some groups are not represented or targeted with this benefit or face barriers to use the space, these constraints will be included in the coverage and provision dimensions respectively.

When it comes to the implementation of a memory space, the three crucial constitutive dimensions are coverage of victims, process to develop and deliver the reparation, and its actual delivery (Table **5.1**). First, *coverage* describes the extent to which all or most affected groups or communities are included and represented in the implementation of this site. Second, *process* is understood as whether and how victims' views and notions of justice are incorporated in the planning, building, and delivery of the space, as well as whether victims feel recognized and identified with it. Third, the *delivery of memory* spaces is not limited to the development and inauguration of the site. On the contrary, because of the perennial nature of this type of

reparation, delivery encompasses how individual and collective victims access and make use of this space. Thus, evaluating the implementation of the regional sites of memory includes identifying whether this symbolic reparation exists (or not), examining what victim groups or organizations are included, describing the process of designing and building the site, as well as how victims take ownership over the space.

Table 5.1: Definition and Variation of Implementation of Sites of Memory

Constitutive Dimension of Implementation	Definition of Dimension	Quality of Implementation *Reparative Character*		
		MINIMAL	MODERATE	COMPREHENSIVE
Coverage of reparations	Individual and collective victims in the region are included in the implementation of the memory space	*A few or none*	*Some*	*Many or all*
Process to develop and deliver reparations	Victims' perspectives and notions are incorporated into the design and building of the memory space; victims are recognized through and feel identified with the site of memory	*Rarely or never*	*Sometimes*	*Often or always*
Delivery of reparations	A regional memory space has been created or is in the process of being developed; victims can access and make use of the space according to their interests and views	*Rarely or never*	*Sometimes*	*Often or always*

5.2.   Regional Variation

This subnational comparative analysis will focus on three Andean regions: Apurímac, Junín, and Ayacucho. As indicated in the introductory chapter, this selection strategy follows Mill's method of difference. While these cases show variation in the level of implementation of regional memory space (the outcome of interest) and victim participation (the main explanatory factor), they are similar in characteristics that are arguably alternative explanations. The three regions all suffered high levels of violence during the conflict, have a significant Quechua indigenous population, and are home to one of the four Regional Divisions of the CMAN. These attributes make them most-likely candidates for the emergence of reparation efforts, including the building of a region-wide memory space.

In all three case-study regions, there are important memory spaces at the local level (provincial, district, or community), including monuments, plaques, murals, plazas, and *Casas de*

la Memoria (Table **5.2**).[176] In fact, the majority of local memory spaces as reported by the examined archives (PQNSR, IDEHPUCP, and LUM) are concentrated in these three regions. These were built in honor of specific individuals or communities that suffered human rights violations. Since the 90s, most local sites of memory have been advanced by victim organizations, civil society members, provincial or districts authorities, international entities, and in some cases, by joint efforts between state and non-state actors. Ayacucho has the highest number of local memory spaces (60), followed by Junín (23), and Apurímac (12). Since 2007, the year in which the PIR started being implemented, the CMAN—through its Regional Divisions—has facilitated, in full or partially, the development of some of these local-level memory spaces. The support from the CMAN, as the national-state entity, has been more significant in Ayacucho (20) and Junín (10), than in Apurímac (3).

Table 5.2: Local and Regional Sites of Memory in Apurímac, Junín, and Ayacucho

Subnational Level of Sites of Memory	Apurímac	Junín	Ayacucho
Local	12 Cases	23 Cases	60 Cases
Regional	**None**	*Yalpana Wasi, Wiñay Yalpanapa Casa de la Memoria Para Recordar Eternamente*	*Santuario de La Memoria La Hoyada*

Although this study acknowledges the existence and significance of local sites of memory, it focuses on regional memory spaces because it aims to understand how Regional Governments (RG) have responded to the PIR's legal mandate that extends to state actors at all levels. While international—state and private—donors and national NGOs can provide resources to support this symbolic reparation, the main responsibility falls on the RG as the decentralized representative of the Peruvian state. The analysis describes the existence and implementation of memory spaces from 2013, when the CMAN issued the PRSI Guidelines, through 2018, the end of the period covered by this study. Apurímac represents the negative case because it does not have a regional memory space. The *Yalpana Wasi, Wiñay Yalpanapa* represents the regional site of memory in Junín, and the *Santuario de la Memoria La Hoyada*, its counterpart in Ayacucho.

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[176] Espacios de Memoria en El Perú. (2022). *Mapeo de sitios de memoria en El Perú.* http://espaciosdememoria.pe/

Although these two regions are positive cases in this analysis, these reparations were carried out under distinctive approaches, corresponding to different levels of victim participation. Even though Apurímac represents the negative case, the discussion for this region will center on two local memory spaces that have become pioneering models for the rest of the country. For Junín and Ayacucho, the analysis will characterize the three dimensions of implementation (Table **5.1**).

5.2.1. Apurímac

In Apurímac, there is no regional memory site to date. While victim organizations, mainly those in the capital city of Abancay where the RG is based, have conveyed their desire for this symbolic measure to different regional administrations, no one had taken any concrete actions as of 2022. Nonetheless, the region is not completely devoid of this kind of reparations. There are 12 identified memory spaces, three of which have been supported by the national PIR Symbolic Program, including three plaques in honor of victims of Santa Rosa, Chuquibambilla, and Andahuaylas districts (CMAN, 2017a). Most of the spaces have been promoted by civic society organizations, built by affected communities themselves through *mingas* (community work), and with the participation of local authorities on a few occasions. In Abancay, four local memory spaces have been developed. Only two of these, a monument dedicated to all victims of Apurímac and a Mausoleum for the victims of Chaupiorcco (financed by the Abancay provincial government), still exist. The *Sasachakuy Watakunatamana Qonqanapaq* (Not to Forget the Years of Violence) mural, sponsored by the NGO APRODEH, and the *Plaza de la Memoria* of the Villa Ampay district, promoted by the local government, have disappeared. Although Apurímac does not have a region-wide memory space in Abancay, the *Kutinachaka* bridge and the *Ojo que Llora de Llinque* represent local initiatives that have set a precedent for memorialization experiences in other territories.

The *Kutinachaka* (The Bridge for the Return), built in 1992 during the war, is perhaps one of the oldest examples of memory spaces in Peru. The bridge is very significant for the surrounding communities because it was used by displaced victims during the 80s to flee areas of active conflict, going from Chungui (Ayacucho) to Andahuaylas (Apurímac) until it was

destroyed by Sendero.[177] In the 90s, when the *Programa de Apoyo al Repoblamiento* or PAR (described in Chapter 2) was supporting the return of displaced victims to this area, the NGO *ProAndes* obtained funding from the European Union to finance the reconstruction of the bridge (Jallade, 2014). Approximately 200-400 returning community members worked together to rebuild this crossing space over the Pampas River. For victims, the bridge symbolizes the recovery of their sense of community and socio-economic livelihoods (Jallade, 2014). It provides access to routes leading to important economic centers such as Andahuaylas and allows the exchange of products between Chungi producers and Andahuaylas traders. The precarious state in which the bridge has remained—a reminder of the absence of the state in this zone—has forced villagers to repair it multiple times. Almost three decades later, in 2021, the La Mar provincial government inaugurated a bridge, allegedly built with good quality materials, and financed with 19 million PEN (5.76 million USD). In September 2022, the infrastructure sponsored by the former mayor (currently sentenced for embezzlement) collapsed, and left many rural communities without access to resources.[178] Despite these shortcomings and disappointments, for the communities, the bridge's symbolic value rests on all the struggles, resilience, and rebuilding they have continuously endured.[179] Beyond its materiality, the *Kutinachaka* has evoked this meaning to many victims in the area and in other regions of Peru.

The other important local site of memory is the *Ojo que Llora de Llinque* (The Eye that Cries in Llinque), in the district of Toraya, Aymaraes province. The monument, also known as *Ama Qonkanapaq* (To Not Forget), was created in 2008 through a participatory process facilitated by APRODEH and with the financial support of the district municipality. But, as in the previous case, the construction was led by community efforts (APRODEH et al., 2014). Inspired by the monument *El Ojo que Llora de Lima* (built in 2005 by artist Lika Mutal), the community adopted a natural element perspective, characteristic of the Andean Quechua life, and used stones from caves that served as hiding places for surviving victims during the war. The space represented for Llinque an opportunity to rebuild their identity as citizens of Peru, refusing

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[177] The area known as *Oreja de Perro* (Dog's Ear) encompasses communities of the district of Chungui, in Ayacucho, and was one of the areas of greatest violence and control by *Sendero Luminoso*.

[178] La República. (2022, September 8). *Ayacucho: colapsa puente que costó S/ 19millones a solo un año de su inauguración.* https://larepublica.pe/sociedad/2022/09/07/ayacucho-colapsa-puente-que-costo-s-17-millones-a-solo-un-ano-de-su-inauguracion-kutinachaka-la-mar/

[179] Interview, José Alca, Apurímac, 2017.

to be considered collaborators of *Sendero* (as certain state sectors claimed) and reaffirming that they suffered because of the violence (Delacroix, 2014). An agricultural fair is held annually on the anniversary of the construction of this site. The event brings together people from Llinque and other surrounding communities. It has become a celebration of cultural identity and social exchange, in which local actors use the memory space to reflect on their past and present (Delacroix, 2014).

Figure 5.1: El Ojo que Llora de Llinque, Apurímac

Note: El Ojo que Llora de Llinque, Source: "Espacios de Memoria en el Perú"[180]

5.2.2. Junín

The *Yalpana Wasi Wiñay Yalpanapa* (House of Memory to Remember Eternally)*,* located in the capital city of Huancayo, represents Junín's regional memory space. In addition to this reparation, 23 local sites of memory have been identified across the region, 10 of which have been supported by the CMAN by providing some funds for their construction or technical advice to secure adequate implementation (CMAN, 2017a). The majority of these are plaques commemorating victims of human rights violations—including Quechua communities and *comunidades nativas*.[181] Other sites of memory include murals, monuments, and parks. As in

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[180] Espacios de Memoria en El Perú. (2022). *El movimiento Para que No Se Repita.* http://espaciosdememoria.pe/espacios.php?memoria=2
[181] In Peru, whereas the term *comunidades indígenas* (indigenous communities) is typically used to refer to Andean indigenous groups, the term *comunidades nativas* (native communities) exclusively refers to Amazonian indigenous communities.

Apurímac, most of these initiatives have been sponsored by civil society actors and local governments. In Huancayo, community members, supported by the regional Archdiocese, built the *Cruz de la Paz* (Cross of Peace) with the remnants of electric towers that were knocked down by Sendero during the war. Also, the *Universidad Nacional del Centro del Perú* (UNCP, National University of Central Peru), an important public university in this area, supported the construction of a park and a monument to honor deceased university members and other affected people in Junín. The Huancayo provincial government sponsored a park to honor journalists and a conference room dedicated to a major assassinated during the conflict, while the district government of Huaripampa joined efforts with a local church to create a memory monument.

The *Yalpana Wasi* was inagurated in June 2014, becoming the first memory space financed entirely by a regional government, and the first large-scale symbolic reparation of this kind in Peru.[182] The 5-story building encompasses permanent and temporary exhibits, an auditorium, and offices dedicated to supporting victims in different manners.[183] The permanent exhibits provide a historical context about Junín, and explain the evolution of the conflict in the region, highlighting specific cases of human rights abuses and the lingering effects of violence. The space also features cultural productions by local artists representing these experiences. Temporary exhibits have been developed in collaboration with the CMAN and other national civil society institutions. Recent examples include *Desaparecidos: entre la búsqueda y la esperanza*, a photographic exhibit about disappeared victims and their families, and *Cuando la Gráfica es Amarga*, a graphic art collection that depicts how violence was normalized in the everyday life of many and how the conflict enhanced socio-economic disparities.[184] There are some memorialization areas to honor deceased and disappeared victims and support surviving victims' healing. Also, the space has a library with written resources on the conflict, an office to provide mental health support for victims, and another room for internal meetings of regional

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[182] Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú. (2014, June 2). *Se inaugura el Lugar de la Memoria en Junín*. Pontificia Universidad Católica del Perú. http://idehpucp.pucp.edu.pe/notas-informativas/se-inaugura-el-lugar-de-la-memoria-en-junin/
[183] Observation. Junín, 2018.
[184] Lugar de La Memoria, La Tolerancia y La Inclusión Social. (2017). *Exposición "Desaparecidos" en el Yalpana Wasi de Huancayo*. Perú -Ministerio de Cultura. https://lum.cultura.pe/actividades/exposici%C3%B3n-desaparecidos-en-el-yalpana-wasi-de-huancayo); Avila, D. (2017, February 16). *Acabó un conflicto pero un drama sigue vigente*. Lamula.pe. https://redaccion.lamula.pe/2017/02/16/desaparecidos-lugar-de-la-memoria-huancayo/danielavila/#lg=1&slide=5; López-Cubas, R. (2017, January 23). *Muestra "Cuando la Gráfica es Amarga" de Alvaro Portales va hasta febrero*. Lima en Escena. https://limaenescena.pe/muestra-cuando-la-grafica-es-amarga-de/

victim organizations. Up until 2017, there was an RUV office—affiliated with the Reparations Council—to register victims so that they could receive PIR benefits.

Figure 5.2: The Yalpana Wasi Wiñay Yalpanapa Memory Space, Junín.

Note: Author's Personal Collection 2015-2018,
Lugar de la Memoria, Yalpana Wasi, Huancayo, Junín.

While Junín is a positive case because of the existence of a regional memory space, its implementation is categorized as ***moderate***. First, in terms of coverage, even though the *Yalpana Wasi* is argued to be dedicated to all affected communities and individuals in Junín, some victim

groups contend that they do not see it as an all-inclusive space. Since the time it was inaugurated, it has demonstrated a bias in favor of recognizing some types of victims (political authorities and well-known people) and crimes (those proximate to the capital city).[185] Officially, this reparation did not prioritize any group during the design stage. However, in practice, some stories or cases appeared to be more represented than others. This is the case of UNCP vice-president Jaime Cerrón Palomino, father of former regional governor Vladimir Cerrón (2011-2014), who sponsored this reparation. Cerrón Palomino was assassinated in 1990, allegedly by a paramilitary group that tortured and disappeared UNCP students and professors following orders from the military.[186] Some displaced victims feel their stories are not visible in the *Yalpana Wasi*. Others complain about the lack of mechanisms to include rural communities' experiences in the space, a reality that has left representatives of victim organizations (VOs) from other provinces frustrated.[187] In recent years, *Yalpana Wasi*'s personnel have tried to be more receptive to and document the stories of all people, including those who are not recognized in the RUV.[188]

Second, when it comes to the process to develop and deliver this reparation, the quality of the implementation has gone from minimal to moderate. The planning and construction of the site was led by the RG without guaranteeing the incorporation of different groups' perspectives and values. Some argue that the museography was completed without consulting VOs and communities from the different provinces of Junín.[189] In particular, those in the most rural areas, living in extreme poverty, were not asked to contribute to the design of this regional space. Even displaced people living in the district of Chilca, where the *Yalpana Wasi* is located, have felt excluded from this stage. Despite this, the usage of Quechua and Asháninka narratives on the walls of this space, as well as the display of traditional cultural productions from Junín have made the site of memory more representative. An example of this type of work is the carving art of Marcelino Poma, a victim of the armed forces, who illustrates stories of violence and resilience in *mates burilados* (gourd fruit). Nonetheless, many Andean and Amazonian

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[185] Interview, VO leader, Huancayo, 2017.
[186] Some people argued that Cerrón Palomino, was a sympathizer or collaborator of *Sendero Luminoso*, which by mid 80s had infiltrated and gained control inside the university (CVR 2003). More information about this case:
Montaño F. (2021, April 24). *En espera juicio a cuatro generales por muerte del padre de Vladimir Cerrón y otros desaparecidos de la Universidad Nacional del Centro*. https://convoca.pe/agenda-propia/en-espera-juicio-cuatro-generales-por-muerte-del-padre-de-vladimir-cerron-y-otros
[187] Interview, victim, Huancayo, 2017.
[188] Interview, Yalpana Wasi staff, Huancayo, 2018.
[189] Interview, VO leader, Huancayo, 2017.

indigenous communities do not identify fully with this regional space and its contents, nor do they feel their suffering and rights have been properly recognized and redressed through this reparation.[190]

The inauguration of the *Yalpana Wasi* in 2014 was the first step of the delivery of this reparation, but the way the space has been used by victims since then is arguably the most important part of the implementation. To be sure, the space has provided multiple resources for victims. People from nearby areas have received specialized mental health support at this site, and, on a few occasions, general health check-up clinics. The *Yalpana Wasi* has hosted special events to provide food and information about reparation benefits, and to create an opportunity for elderly victims to socialize, especially those living in precarious conditions. Also, some people have brought photographs, clothing, and offerings to place in the memorialization area to honor their deceased relatives. Although these efforts are noteworthy, they engage with victims like passive recipients. Also, they have not reached communities outside Huancayo, where a vast majority of victims live. Despite this, recent events suggest some victim collectives have begun to appropriate the space. Since 2018, leaders from the *Asociación Regional de Desplazados del Centro del Perú* (ARDCP, Regional Association of Displaced Persons of Central Peru), Junín's umbrella victim organization, have used the assigned office to hold meetings, and the auditorium for large gatherings.[191] In 2018, relatives of disappeared and deceased people and other victims participated in a social cohesion building activity, in which each person made a woven, knitted, or quilted piece using designs and materials, typical from Amazonian and Andean indigenous art. Inspired by the *Chalina de la Esperanza* (Scarf of Hope) created by relatives of disappeared persons from across the country, the participants combined their pieces to create the *Chalina de la Paz* (Scarf of Peace).

5.2.3. Ayacucho

The *Santuario de la Memoria La Hoyada* (Sanctuary of Memory La Hoyada), located in the capital city of Ayacucho, is the regional memory space of the Ayacucho region. With 60 identified local sites of memory, the largest number in the country, this region showcases

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[190] Interviews, VOs representatives, Huancayo, 2017-2018.
[191] Interview, ARDCP leader, Huancayo, 2018.

multiple approaches to memorialization. These spaces have emerged in Ayacucho since the early 2000s (and in a few cases during the 90s) to honor deceased, disappeared, and surviving victims. They include the so-called *Casas de la Memoria*, murals, plaques, monuments, mausoleums, parks, and other symbols likes crosses and flags. As in the other regions, many of these were constructed with the financial support of NGOs and foreign entities as well as the participation of the communities themselves. Although not all of these have been maintained up to the present day, they spurred community collective memorialization, dialogue, and healing at the local level.

The PIR's Symbolic Program has supported 19 local memory spaces in Ayacucho, providing financial resources and technical guidance to enhance their reparative character (CMAN, 2017a). These include commemorative plaques, mausoleums, and sanctuaries. Since 2012, *Mausoleos de Memoria* (Mausoleums of Memory) have been created to bury deceased victims according to the credo and cultural norms of each community. Often these *Mausoleos* are built after a restitution of remains process, working closely with the relatives of disappeared victims to meet their preferences.[192] The CMAN has contributed to building *Mausoleos* in the communities of Pampachacra, Ccano, Accomarca, Soras, and Huayao, among others, but other initiatives of this kind exist with the support from other actors. The *Santuarios Ecológicos de Memoria* (Ecological Sanctuaries of Memory) represent a more recently implemented type of memory space. Built on green areas and with symbols made from natural elements to recognize affected communities and individual victims, the *Santuarios* are built sometimes on sites where human rights violations occurred such as *Cceschuapampa* in Cayara. Starting in 2017, the first *Santuarios Ecológicos* in Accomarca, Soras, Uchuraccay, and Cayara were inaugurated. The CMAN has adopted a participatory approach in the implementation of Sanctuaries and Mausoleums, where the design and construction are led by surviving victims, families of the deceased and disappeared, and local communities. Local governments, other national government actors (e.g., Ministry of Health to provide mental health support), and civil society, have also contributed to building these spaces.

In the capital city of Ayacucho, there are several memory spaces. Of special significance is the *Museo de la Memoria*, *Para que No se Repita* (Memory Museum, So it does not Happen

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[192] Observation, Lima, 2017.

Again), one of the most sustainable local grassroots initiatives in the country and undoubtedly a precedent for the regional memory site. This memory space was created in 2004 by the *Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú (*ANFASEP, National Association of Relatives of the Abducted, Detained and Disappeared of Peru), a pioneering victim organization funded in 1983 amid the war by the relatives of disappeared victims, mainly Quechua women. They received financial support from the German Government, the National Coordinator of Human Rights, and the Ministry of Women to build this museum, to maintain and improve the space, and to develop educational, creative, and knowledge-generating activities.[193] This local memory space has helped ANFASEP members and other allied VOs in the region to legitimize and amplify the demands of affected groups, especially in terms of memorialization and recognition, becoming a model for the emergence of a regional space in the same capital city.

The *Santuario de Memoria La Hoyada*, Ayacucho's regional memory space, is located on the outskirts of the city of Ayacucho in *La Hoyada* plot, next to the Domingo Ayarza (also known as *Los Cabitos)* military barracks. Between 1983-1985, *Los Cabitos* barracks was one of the largest centers of arbitrary detention, torture, forced disappearance, and extrajudicial execution of community members from Ayacucho and surrounding regions who were allegedly supporters of Sendero.[194] Between 2005 and 2011, 109 skeletal remains were recovered from this area and evidence of unidentifiable cremated human remains in a nearby oven were recovered from this area, making this space one of the largest known clandestine burial sites in the country.[195] In 2017, after more than 12 years of trial, and 34 years since the commission of these crimes, the *Sala Penal Nacional* (National Criminal Court) determined that evidence proved these facts and established punitive sentences against some of the perpetrators.[196]

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[193] Interview, ANFASEP member, Ayacucho, 2018.

[194] Asociación Pro-Derechos Humanos. (2019, April 14). *Un paso importante para la justicia en el caso Cabitos*. http://www.aprodeh.org.pe/un-paso-importante-para-la-justicia-en-el-caso-cabitos/

[195] Lucas, O. & Martin, C. (2020, August 30). *El adiós de un hombre que buscaba a la familia que le quitaron*. Ojo Público. https://ojo-publico.com/2035/adios-un-hombre-que-buscaba-la-familia-que-le-quitaron

[196] Reyes, V. (2017, August 21). *Justicia para las víctimas de Los Cabitos, un análisis del fallo*. Instituto de Democracia y Derechos humanos de la Pontificia Universidad Católica del Perú. https://idehpucp.pucp.edu.pe/notas-informativas/justicia-las-victimas-los-cabitos-analisis-del-fallo/#_ftnref1

Figure 5.3: The Santuario de la Memoria La Hoyada, Ayacucho

Note: Author's Personal Collection 2015-2018
Santuario de la Memoria La Hoyada, Ayacucho, Ayacucho.

The *Santuario de la Memoria La Hoyada* (hereinafter the *Santuario*) is in a 7-hectare piece of land, surrounded by hills and a perimetric fence placed by Ayacucho's regional government in 2015 at the request of victims to protect it from squatting.[197] The terrain has remained barren for the most part, with a few cacti, agave, and other small highland plants. For more than a decade, the *Santuario* has had a stretch of hollow spaces left after the exhumation of remains and forensic analysis were completed in 2011. The oven and gas tank used by the military for the cremation of disappeared victims' remains have continued standing through

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[197] Observations, Ayacucho, 2015, 2017, and 2018.

almost 40 years as graphic representations of the high level of violence in the region. A 4-meter-tall white cross made of concrete was placed on one end of the *Santuario* in 2007 by ANFASEP and the human rights NGO APRODEH not only to honor the killed and disappeared victims, but also to signal the significance of the space to others and deter squatters (Jave, 2017). Throughout the years, ANFASEP, other regional VOs, and civil society actors, have protected the space and used it to build collective memories, honor victims—both in Ayacucho and elsewhere—and empower their political and cultural identities and rights. The planned buildings of the *Santuario* will be built in harmony with the natural landscape and inspired by pre-hispanic architecture and art. There will be areas for memorialization, healing, and celebration of traditional rites such as the *samay wasi* (house of rest), *wayra pata* (windy space), *kawsay puquio* (the lake of life), the chapel, the *plaza de la cruz* and *oratorio*.[198] Other elements like the oven and the exhumation zone will be preserved as symbols of the atrocities committed in La Hoyada and in many communities during the conflict. The museum will serve as a core space to keep victims' individual and collective memories alive. It will also help educate visitors and raise awareness among current and future generations of Peruvians about the violence perpetrated on this site and in Ayacucho, as well as a general understanding of the war and its effects. In August 2022, the RG formally began the construction of these physical components.

Although the *Santuario*, also known as *La Hoyada Yuyana Waka* in Quechua, is currently under development, this positive case shows a ***comprehensive*** implementation because relative to the other two regional cases, this symbolic reparation has embraced a more inclusive, victim-centered, and reparative character. First, in terms of coverage, different victim collectives have been included in the activities carried out at the *Santuario*, as well as in the debates and negotiations with other state and non-state actors around the building of the urban landscape on the site. To be sure, the idea of creating a memory space in *La Hoyada* was initiated by ANFASEP in 2007 and since then, the pro-*Santuario* fight has been led by these resilient Quechua women. However, other Huamanga-based VOs such as the *Coordinadora Regional de Afectados de la Violencia Política en Ayacucho* (CORAVIP) and the *Asociación de Familias*

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[198] More information about the design: Lugar de la Memoria. (2021, February 15). *Santuario de la Memoria de La Hoyada – Presentación.* [Video]. YouTube.https://www.youtube.com/watch?v=roiQ6NZ4ftY Presentación del proyecto Santuario de la Memoria de la Hoyada; Lugar de la Memoria, la Tolerancia y la Inclusión Social. (2021). *Presentación del proyecto "Santuario de la Memoria de La Hoyada".* https://lum.cultura.pe/actividades/presentaci%C3%B3n-del-proyecto-santuario-de-la-memoria-de-la-hoyada

Desplazadas Internas por la Violencia Política de Ayacucho (AFADIVPA), have taken part of securing property rights over *La Hoyada* land and demanding resources from the RG and other state actors to build the memory space.[199] Additionally, the space represents not only those whose remains were exhumed, or the estimated 500 who were disappeared and killed on this land, but all deceased and surviving victims of the violence.[200] Amid years of debates and demands among victim groups and civil society allies, the idea that the *Santuario* is a regional—and even national—site of memory for affected communities, families, and individuals has become more consolidated.

The design and planning dimension of implementation has been more horizontal, incorporating victim notions and visions, especially rooted in Quechua cultural frameworks. At all stages, from the moment the RG legally recognized *La Hoyada* area as a site of memory in 2014, through the development of a design and the technical dossier, to the construction of the physical components, victims' perspectives have been at the core of the implementation. The process has not been exempted from setbacks, disillusions, and exclusion for affected groups, but these have not taken away their recognition as main actors in the reparative path.[201] The design of the space relied on the expertise of architects who worked closely with ANFASEP (and often with CORAVIP representatives too) to build a proposal that reflects the Quechua cosmovision, honors victims, and the long-standing fight for justice of victim collectives.[202] Although the ANFASEP has been a crucial actor present at all stages of designing this space, other regional actors have been included in institutional and grassroots spaces. In 2015, ANFASEP and CORAVIP were recognized as civil society actors in the *Comisión Multisectorial pro Construcción e Implementación del Santuario de la Memoria de la Hoyada*, and later, AFADIVPA was added to this Commission.[203] In the internal *juntas* (gatherings) of ANFASEP and in meetings among leaders of Huamanga VOs—and from other provinces on a few

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[199] Interviews, Juana Carrión, Adelina García, Felimón Salvatierra, and members of AFADIVPA, Ayacucho, 2018

[200] Interview, Iris Jave, Lima, 2018; Interview, ANFASEP Junta members, Ayacucho, 2018.

[201] Interviews, ANFASEP and CORAVIP members, Ayacucho, 2018.

[202] Interviews, ANFASEP members and Juan Carlos Zapata, Ayacucho, 2018.

[203] Regional Executive Resolution No 630-2014-GRA/PRES (2014). https://cdn.www.gob.pe/uploads/document/file/2483105/RER_630_2014.pdf.pdf?v=1637597573 / 2015 Regional Executive Resolution No 726-2015-GRA/GR (2015). https://cdn.www.gob.pe/uploads/document/file/1997207/RER_726_2015.pdf.pdf?v=1625582692 2022; Regional Executive Resolution No 153-2022-GRA/GR (2022).https://cdn.www.gob.pe/uploads/document/file/2965194/153-2022-GR.pdf.pdf?v=1648572114

occasions—victims exchange ideas, expectations, and information about this space.[204] During activities on the *Santuario*, and in other formal and informal spaces and moments, some members from AFADIVPA and CORAVIP convey that in spite of inter-organization disputes and different approaches to reparations at times, they believe victims from their organizations identify with the *Santuario*.

Although the RG approved the plan to construct an urban landscape on *La Hoyada* as a formal site of memory in 2015, the *Santuario* has existed since the moment victim collectives took ownership of the space. First, in 2007, when ANFASEP placed the cross to mark the significance of the site, and throughout the years during social, cultural, and recreational activities, victim organizations, have embraced this memory space as their own. ANFASEP has consistently carried out memorialization events and ceremonies such as *romerías* (processions to bring flowers and other goods to places where their relatives died), following Quechua cultural practices and inviting CORAVIP and AFADIVP members to join them. They also organize *mingas* to remove debris and weeds from the land and place flowers by the crosses with the names of their relatives. Recreational and educational activities are also carried out to allow other member of society to learn about this space. VOs from Ayacucho envision the space becoming a place of memorialization and remembrance of their *chinkaqkuna* and *wañuchiqkuna* (disappeared and murdered), and at the same time, to be a decentralized and accessible site for the Ayacucho and the country too. They have given *La Hoyada* a new meaning, memorializing the victims, giving meaning to the community's history and identity, and planting different types of vegetation to represent their resilience and collective future.

5.3.   Explaining the Implementation of Regional Memory Spaces

Drawing on the theory on subnational implementation proposed in Chapter 3, the case-study section below examines conditions that contribute to the development (or lack of) a regional site of memory in Apurímac, Junín, and Ayacucho.

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[204] Observations, Ayacucho, 2017-2018.

Figure 5.4: National and Regional Government Period during PIR and PRSI Implementation

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021

PRSI Implementation Data Coverage

PRSI Implementation with Guidelines

PIR Implementation

National Government Period 1 Jul 2006 – Jul 2011 Alan García *APRA*	National Government Period 2 Jul 2011 – Jul 2016 Ollanta Humala *Partido Nacionalista Peruano*	National Government Period 3[205] Jul 2016 – Jul 2021 Pedro Kuczynski – *Peruanos Por el Kambio* Martín Vizcarra – *Independent* Francisco Sagasti – *Partido Morado*

Period 1 Jan 2011 – Dec 2014	Period 2 Jan 2015 – Dec 2018

Apurímac Regional Government

Elías Segovia *Poder Popular Andino*	Willber Venegas *Movimiento Independiente Fuerza Campesina Regional*

Junín Regional Government

Vladimir Cerrón *Perú Libre*	Angel Unchupaico *Junín Sostenible con Su Gente*

Ayacucho Regional Government

Wilfredo Oscorima *Alianza para el Progreso*	Wilfredo Oscorima *Alianza Renace Ayacucho* Jan-Dec 2015 / Jun 2017-Dec 2018 Jorge Sevilla Dec 2015-Jun 2017

As contextual factors, first, each case-study maps out whether national government's political interests have influenced the reparative efforts of the CMAN in each region. The potential leverage the central government can exert on the implementation of symbolic reparations is minor, relative to other programs, and this is especially true when it comes to regional memory spaces. Among all the dimensions of the implementation of memory spaces, the CMAN is mainly tasked with determininig the content of symbolic reparations and providing guidelines, technical support, and limited fiscal resources for their development and delivery. Nevertheless, an assessment of national-regional political alignments and whether the central state favors or not PRSI reparations in each region will be provided. Figure **5.4** presents a general picture of the leaders and organizations in power in the national and regional administrations during the period under review.

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[205] Manuel Merino, who was head of Congress when Vizcarra was impeached, became interim president on November 10, 2020. His mandate ended on November 15, 2020, after he stepped down following country-wide protests demanding his resignation and opposing Congress self-serving actions. Merino authorized police to use disproportional force against protesters, leaving more than 100 people injured and 2 young Peruvians dead. Two years later, Congress shielded Merino and his ministers from a constitutional indictment led by Peru's General Attorney. More information about this: Kurmanaev, A. & Taj, M. (2020, November 15). *Perú President steps down just after 6 days, leaving country adrift*. The New York Times. https://www.nytimes.com/2020/11/15/world/americas/peru-president-resigns.html

Second, the analysis evaluates the engagement of regional governments in the building of memory spaces by examining the normative, financial, and personnel resources they contribute to the building of a memory space (and the PIR in general), as well as their preferences when building relationships with victim organizations (VOs), the CMAN, and other local actors in the region. Following the typology described in, RG participation can take three forms. First, non-participation of the RG, which is characterized by committing none or very minimal resources and maintaining hostile or distant relationships with VOs and other PIR actors, results in delaying or preventing a memory site from being created. Second, nominal participation, which entails making decisions without proper consultation with victims or other PIR actors and committing resources sporadically, leads to a moderate implementation of this symbolic measure. Last, substantial participation of the RG includes contributing resources, engaging actively with victims, facilitating communication between national and local actors, and using their local knowledge to articulate local visions of justice, generally resulting in comprehensive implementation of the regional site of memory.

The comparative analysis underscores the participation of victims as the main explanation for diverging regional outcomes. Since this is a regional-level evaluation, the focus will be on regional umbrella victim organizations or macro-organizations. In all three cases, these organizations are based in the regional capital cities: Abancay (Apurímac), Huancayo (Junín), and Ayacucho (Ayacucho). To measure the participation of VOs in the implementation of reparative justice in the region, I identify the capacities and resources they have developed in both institutional and grassroots spaces to impact the implementation of memory spaces and other reparation outputs. Also, I examine whether—broadly speaking— preferences of different VOs are converging or diverging when it comes to RJ (i.e., what reparations must be implemented and how to do so). Because this study draws on an ecosystem approach to participation (Andrieu et al. 2015; Evrad et. al 2021), victims' capacities and preferences regarding the building of a regional site of memory are characterized as part of a broader ecosystem of participation in the RJ and TJ arenas.

Figure 5.5: Factors Explaining Variation in the Implementation of Regional Memory Spaces
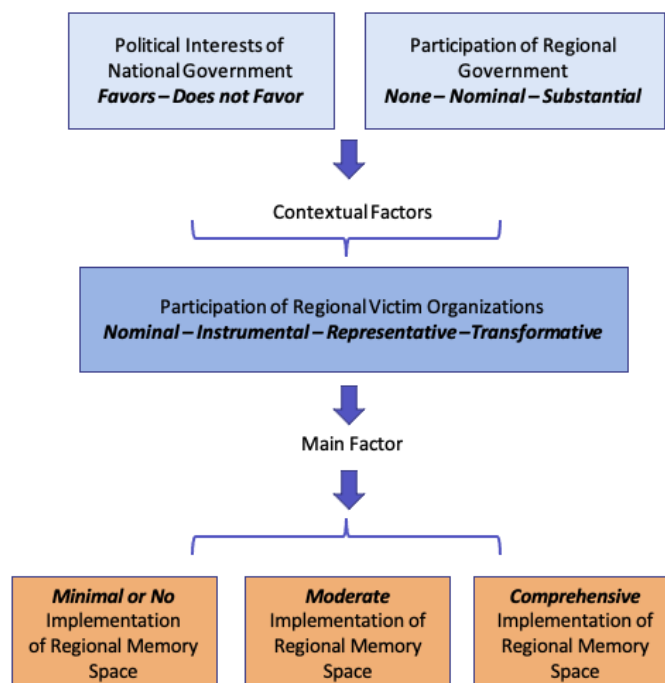
The victim participation typology adopted in this study proposes 4 forms of engagement, going from lower to higher levels of empowerment and capacities: ***nominal, instrumental, representative, and transformative***. While nominal and instrumental types of participation tend to favor institutional or official forums, victim engagement is more representative or transformative when affected groups value both institutional and grassroots spaces. In terms of preferences, there is more divergence among regional victim groups when participation is nominal or instrumental, while representative or transformative participation patterns allow collectives to converge at least in critical aspects of the reparations process.

Each case describes the engagement of victim collectives in the building of a memory site framed within an ecosystem of participation in the post-conflict justice scene in their regions. These preferences and capacities are not assumed fixed in time or space. Neither does this study overlook power differentials within and among victim collectives; these exist and are reproduced in both formal and informal structures. As political actors demanding to be recognized by the state, victims make strategic choices in different spaces and moments, but an assessment of VOs' trajectories in each region allows to characterize their overall participation in the period under review.

5.4.   Case Study Evidence

5.4.1. <u>Apurímac</u>

Contextual Factors

During the period examined, political interests of the national government did not align with those of Apurímac Regional Government (APRG). Regional movements won the 2010 and 2014 regional elections and in neither of these periods did they created formal coalitions with national parties. During the last year of García's presidential term (2006-2011), although there were no affinities with the governor Elías Segovia (2011-2014), the head and workers of the Apurímac CMAN Division—as well as the head of the CMAN in Lima—were affiliated with the APRA. This alignment generated a lot of expectations from VOs that demanded a comprehensive implementation of the PIR. But, because collective reparations were prioritized nationally, this was reproduced at the regional level too. Neither of the following national administrations, led by Huamala in 2011-2016, and PPK-Vizacarra in 2016-2018, maintained close relationships with APRG. Under these two national administrations, new personnel were appointed at the Apurímac CMAN Division, led by people who had been involved in the CVR and human rights movement in the region, knowledgeable and sensitive to the demands and needs of victims. However, this change did not arbitrarily favor Apurímac as it was part of a country-wide reorganization of the CMAN after García left power.

Overall, the role of the RG in the effective implementation of the PIR has fluctuated between full absence to minimal participation, even more so in terms of symbolic measures. Even though Apurímac had a normative framework during 2007-2010 to support the PIR, this was abandoned when Segovia took power in 2011 and was never updated by Willber Venegas, his successor. A few regional ordinances have been issued, especially during 2012-2014 and during the first year of the 2015-2018 regional administration, offering employment quotas and small funds for victim groups to implement material projects that can generate economic opportunities, and small scholarships for children of affected population.[206] But these were isolated cases, as neither of the administrations had a dedicated budget line for reparation efforts. Regarding personnel, initially the RG entered into an institutional agreement with the MINJUS-

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[206] Interview, APRG official, Abancay, 2018.

Reparations Council to finance the work of two employees whose tasks were to register victims and coordinate with the Apurimac CMAN Division to support PIR activities. With time, only one official from the Social Development Department was assigned to this role because PIR resources were cut short during 2016-2018. APRG has not built a partnership with local governments, especially the provincial government of Abancay, even though this coordination was requested by VOs to advance reparations in a more congruent manner across levels of government. Even before Symbolic Program Guidelines were issued in 2013, defining memory spaces as one form of reparations, some local authorities had already implemented some of these measures. But the RG lagged on this matter.

The RG has not shown consistent interest in building a relationship with umbrella victim organizations, even in the capital city of Abancay. Segovia's administration (2011-2014) was not receptive to victims' demands and did not push any initiatives to help implement the PIR. This was very frustrating to victim collectives that had been very active in the prior years. In 2014, many victims supported the election of Willber Venegas (2015-2018), but later felt the trust and promises built during the campaign were broken.[207] Given the background on reparations that the elected governor had as former head of the Apurímac CMAN Division during García's term, they assumed the relationship with the RG would significantly improve. However, the Apurímac CMAN Division conveyed that the RG was not willing to partner with them to advance reparative efforts in the region.[208] Although civil society and victims had secured national funds for the PIR in 2008-2009, these remained unused during both regional administrations. Some VOs proposed funding the building of a memory space, but according to human rights advocates, the APRG—especially during Venega's term—were never going to endorse memorialization efforts that could point to García's criminal responsibility during the war.[209] Although APRG claimed they were responsive to victims, VO representatives interviewed stated that they often felt neglected and frustrated, especially as many pre-arranged meetings with the governor were cancelled at the last minute.[210] For example, a 2015 meeting between VO representatives and the governor appeared to victims as a simple formality, as no concrete changes followed.

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[207] Interviews, CROVAVPA members, Abancay, 2018.
[208] Interviews, CMAN officials, Abancay, 2018.
[209] Interviews, José del Risco, Enver Quinteros, Abancay, 2018.
[210] Interviews, CROVAVPA and ANTROPIL members, Abancay, 2017.

Additionally, victims argued that it was very difficult to make progress because the constant change in the Social Development Department's leadership made them renegotiate or even abandon their requests.[211] Although some mid-level officials in the RG were sympathetic to the affected population, this was not the norm. The few ordinances issued in favor of the affected population were the result of one or two members of the Regional Council (legislative body) who had to build alliances and circumvent bureaucratic barriers to support RJ in the region.[212] To some victims, the RUV (Unified Victims Registry) official was more supportive than high-ranking personnel. In sum, it appears that many governmental officials in the APRG still follow the *gamonal* (hacienda system) logic when thinking about and interacting with victims, treating the poor and indigenous in a paternalistic way.[213]

Victim Participation

Victim participation in the region was for decades led by the *Coordinadora Regional de Organizaciones de Víctimas de la Violencia Política de Apurímac* (CROVAVPA, Apurímac's Regional Coordinator of Organizations of Political Violence Victims), the regional umbrella organization, but most recently the *Asociación Nacional de Torturados, Desaparecidos, Desplazados y Reos Inocentes*-Apurímac (ANTROPIL, National Association of the Tortured, Disappeared, Displaced and Innocent Prisoners-Apurímac) has emerged as stronger collective in Abancay. Both organizations include displaced victims, but also people who have suffered multiple abuses. The social capital of these VOs has decreased significantly within the last decade. The political agency and organizational skills VOs developed through sustained work with NGOs like APRODEH during the war and right after the war has eroded. CROVAVPA led important processes in the region such as securing funds through participatory budget funds to open a regional RUV, which served as a model to build the Reparation Council's national RUV, but their active role started to erode in 2007. [214] Over the period 2015-2018, there was little sense of collectivity or trust, and membership and participation in activities was almost non-existent. In ANTROPIL, the situation was mixed. Some groups within this VO were relatively socially cohesive, meeting periodically, especially as they were creating formal associations of displaced

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[211] Focus groups, CROVAVPA and ANTROPIL members, Abancay, 2017.
[212] Interview, APRG Councilwoman, Abancay, 2018.
[213] Interview, Enver Quinteros, Abancay, 2017.
[214] Interview, José Carlos Alca, Abancay, 2017.

persons so that they can receive collective reparations. In both cases, this loss of social skills and connectivity can also be attributed to the fact that, in contrast to Ayacucho, younger generations, have not engaged in the advocacy and mobilization that their parents sustained for so long. [215]

The relationship between these two groups has been distant and antagonistic at times. Many ANTROPIL members do not recognize CROVAVPA as the umbrella organization. In turn, some CROVAVPA members are mistrustful of ANTROPIL leaders, accusing them of taking advantage of victims, for example, by charging fees to gather information about reparations in Lima. Because of the low social ties among these organizations, their collective participation in recent years has been limited to public mobilizations to demand reparations. Although some members have approached the Apurímac CMAN Division to advocate for resources to strengthen their organizational capacities, this type of forum has not occurred as they lack convening power with the individual members. VO leaders demanded the existence of an institutional forum where state and civil society members could coordinate actions to facilitate PIR implementation. In 2013, the *Consejo Regional del PIR* (COREPIR, PIR Regional Council) was created as a formal space, but after a year of meetings, it became inactive during the transfer of regional power. It remained inoperative for years until the end of 2018, when it was reactivated because of lobbying from the head of the Apurímac CMAN Division and a regional councilmember. Some victims were pessimistic about the COREPIR as they felt they did not have a real vote. Since leaders abandoned participation in the COREPIR because of the presiding power of APRG, they did not have a common space where both organizations can build consensus.

In recent years, participation by victims in Apurímac in PIR implementation has been *nominal*. Even though regional VOs were empowered during the first decade after the war, decreased within-group social capital, distant inter-group relationships, and diverging preferences in terms of reparations affected their capacity to participate in the PIR process cohesively. Because of the conflict between CROVAVPA and ANTROPIL leadership, when victims engaged in public demonstrations or requested formal meetings with the CMAN or the

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[215] Interview, Enver Quinteros, Abancay, 2017.

RG, each VO acted separately. This rift has, without a doubt, been exacerbated by the mistreatment they received from APRG.

5.4.2. Junín

Contextual Factors

As in the prior case, the national government's political preferences were not aligned to those of the Junín Regional Government (JRG); Junín was ruled by regional movements during both administrations under review and there were no party alignments between the national and regional groups in power. In 2011, Vladimir Cerrón (2011-2014) publicly committed to reparation measures, focusing on *Yalpana Wasi*. At the time, the national government, led by García, had no interest in advancing the PIR in an integral manner, let alone for the creation of memory spaces. García and Cerrón, leaders of the APRA and Perú Libre parties, respectively, were politically opposed to each other. Cerrón has long blamed García for being behind the murder of his father during García's first presidential government (1985-1990).[216] Although relationships between the Humala administration (2011-2016) and JRG improved, this did not lead to higher reparative efforts in the region.[217] After the inauguration of *Yalpana Wasi* in 2014, the CMAN recognized it as a memory space and started supporting initiatives in the space (e.g., exhibitions and ceremonies to recognize victims) and when Junín's memory space was at risk of being permanently closed in 2015, the Ministry of Justice (MINJUS) and Ministry of Culture supported victims and civil society to secure its reopening. During Kuczynski-Vizcarra's term, the relationship with the RG was more distant, but the CMAN continued working directly with *Yalpana Wasi*'s personnel to support activities directed towards victims. Actions taken by the CMAN and the MINJUS to advance symbolic reparations in Junín since 2012 cannot be interpreted as the national government's arbitrary allocation of resources; these were part of the

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[216] Olmo, G.D. (2022, April 28). *Entrevista a Vladimir Cerrón: "Queremos abolir la Constitución de Perú y desmontar el modelo neoliberal"*. BBC News Mundo. https://www.bbc.com/mundo/noticias-america-latina-61253682

[217] Humala's Partido Nacionalista and Cerrón's Perú Libre, both leftist parties, aligned politically in many issues, however, as Humala move progressively towards the right to the surprise of many, the relationship between these two governments became distant. Nevertheless, Cerrón has always been a sympathizer of Humala and his brother, who led an uprising in Apurímac in 2005 taking a police station in Andahuaylas, Apurímac, and was sentenced for rebellion, kidnapping, and homicide.

consolidation of symbolic reparations across the country. For instance, in 2021, the national state included the *Yalpana Wasi* in the National Museum Registry, protecting it further.[218]

JRG participation in the PIR can be broadly characterized as nominal. Although it has committed more fiscal resources and personnel to reparations than its regional counterparts, it has not opened a sustained dialogue with victim organizations, and in fact, high ranking officials have at times mistreated and ignored victims. In terms of resources, JRG created the Regional PIR Plan (2014-2020) as a normative framework to carry out actions in support of victims. Vladimir Cerrón allocated about 8-9 million PEN (2.4-2.7 million USD) to the construction of the *Yalpana Wasi*, becoming the first regional authority to finance in full a symbolic reparation measure. The subsequent governor, Angel Unchupaico (2015-2018), was initially reluctant to support the memory space because of the political rivalry with his predecessor. Ultimately, due to advocacy from victims and civil society, he established an annual budget of 150-200,000 PEN (45-60,600 USD) to support PIR activities in the memory space for the 2015-2018 period, in addition to supporting salaries for the staff. Moreover, since 2012 the RG's Social Development Department has annually allocated resources to the Division of Culture of Peace, which is tasked with registering victims and providing reparation benefits financed by the RG. For instance, even before PIR scholarships were made available to children of RUV victims, JRG authorized registration and tuition waivers for children of victims in public higher education institutions in Junín like the Universidad del Centro.[219] RUV registration was relocated to the *Yalpana Wasi* for a few years during Unchupaico's term, but later in 2018, it was reassigned to the Division of Culture of Peace as part of an institutional agreement between the JRG and the MINJUS-Reparations Council. Finally, at the local level, JRG has not built strong relationships with district or provincial authorities to further reparations. In fact, there has been a hostile relationship between the RG and the district government of Chilca. This local government delayed giving out the license for the construction of the *Yalpana Wasi* and imposed several measures to impede and obstruct its development, claiming ownership of the land where the

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[218] Oficina de Comunicación e Imagen Institucional. (2021, January 2). *Incorporan el Lugar de la Memoria "Yalpana Wasi - Wiñay Yalpanapa" al Sistema Nacional de Museos del Estado*. (Press Release). Ministerio de Cultura, Plataforma Digital Única del Estado Peruano. https://www.gob.pe/institucion/cultura/noticias/322978-incorporan-el-lugar-de-la-memoria-yalpana-wasi-winay-yalpanapa-al-sistema-nacional-de-museos-del-estado

[219] Interview, JRG official, Huancayo, 2018.

memory space was being built. JRG—allied with victim organizations and civil society—fought back this local authority to finally complete and inaugurate the space in 2014.

Despite the resources provided, JRG preferences have not been aligned to those of victims; in fact, the government has favored hierarchical and unilateral relationships with victim groups. Although Cerrón was the driving force behind building the memory space, he neglected meeting and talking with VOs during its development. Most victims feel their ideas were adjusted to fit the narrative and views of the RG and the academics and technical advisors they consulted (Inga Correa, 2020). Also, during the inauguration of the space, national and regional authorities, and not victim collectives, were the protagonists.[220] It appeared he treated the space as another public infrastructure work to secure re-election.[221] To many affected people, despite Cerrón's public narrative stressing his fight for human rights, he never sought to build rapport with them nor formally recognize their suffering.[222] His successor, Unchupaico, took a very arbitrary approach initially. In 2015, he closed the *Yalpana Wasi* and contemplated the idea of using it as an RG building (Inga Correa, 2020). VOs felt once again revictimized by the RG, but with the help from civil society and the CMAN, they pressured JRG to reopen the space. Though Unchupaico's actions further fractured the relationship between the RG and victims, with time he became progressively more open to listening to their needs. Some argue that he was even more receptive than his predecessor and treated them with dignity when there was the chance to meet with him. In terms of interactions with lower-ranking officials, some interviewees contend that *Yalpana Wasi* staff have for the most part been able to build a constructive relationship with the ARDCP and smaller VOs. Similarly, the Division of Culture of Peace has made efforts to address victims' needs but given the high number of affected individuals in the region, access is very limited, and at times, other staff have denied victims entry to RG building. Overall, despite

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[220] Andina Agencia Peruana de Noticias. (2012, October 22). *Colocan primera piedra del Museo de la Memoria de la región Junín*. https://andina.pe/agencia/noticia.aspx?id=433139
[221] Cerrón Palomino lost the election in 2013 but was reelected as governor in 2018. A few months into 2019, he was revoked from this position because he was sentenced guilty of corruption and embezzlement. The funding of Perú Libre's public works has been more scrutinized in light of Cerrón's 2019 sentence and the ongoing investigation he faces for money laundering and running a criminal organization inside the RG. More information: Lopez Marina, D. (2022, August 22). *Police seize bank accounts associated to ruling party leader Vladimir Cerrón*. Perú Reports. https://perureports.com/police-seize-bank-accounts-associated-to-ruling-party-leader-vladimir-cerron/9679/
[222] Interview, ARDCP leader, Huancayo, 2018.

of some positive interactions, members and leaders of victim collectives characterize the relationship with the RG as weak.

Victim Participation

Victim organizations' participation and mobilization has been led by the *Asociación Regional del Centro del Perú* (ARDCP). Created in 1995 in Huancayo, the ARDCP unified *Jatariy Ayllu* (Stand up, family!), Peru's pioneering organization of displaced persons coming mainly from Ayacucho and Huancavelica, and *Juc Warmi Jinalia Sayarisun* (Let's stand up together as one woman!), an organization of displaced women supported by the catholic church (Oré Cárdenas, 2001; Quispe Córdova et al., 2013). The meso-organization, mainly composed of smaller Quechua victim collectives, has been recognized at the national level for their advocacy and demands during the last years of the war and the transitional 2000s. Also, the ARDCP was one of the main forces behind the emergence of the *Coordinadora Nacional de Desplazados y Comunidades en Reconstrucción del Perú* (CONDECOREP), the national organization for displaced people in the country since 1996.

The ARDCP has mainly represented the interests of Quechua victim collectives in Huancayo and peri-urban areas, not covering affected Asháninka and Notmashiguenga *comunidades nativas* who suffered high levels of violence as Sendero controlled their territories in the Amazonian basin of Junín.[223] Surviving victims created the *Asociación de Familiaries y Víctimas de la Violencia Terrorista Satipo* (AFAVITPS, Association of Family Members and Victims of Terrorist Violence in Satipo) and joined the *Coordinadora de Víctimas de la Violencia Política del Perú* (CONAVIP), the other large national victim organization in the country that groups together regional and local associations of people who experienced different forms of human rights violations.[224] For years, Andean and Amazonian associations in Junín acted separately, but in 2012-2013, the Social Pastoral Service of the Catholic Church (PASDDHI) helped bring them together. They created the *Coordinadora Regional de Víctimas de la Violencia Política de Junín* (Regional Coordinator of Political Violence Victims of Junín)

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[223] It is estimated that a total of 55,000 Asháninkas, more than 10% were killed, another 10% were kidnapped and subjected to forced labor and violence in camps, and more than 20% were displaced as a result of the Shining Path's crimes (CVR 2003).
[224] CONAVIP demands revolve around murdered and disappeared victims and economic reparations, compared to the CONDECOREP, whose focus has been collective reparations. This segregation is largely due to the eligibility criteria that state imposed on victims based on the type of crimes endured (Ramírez Zapata, 2018a).

in 2012 to coordinate efforts to demand comprehensive reparations.[225] Although the dialogue has remained open since then, the bridges built a decade ago have weakened. In general, the preferences and strategies of the ARDCP and other Andean victim organizations have diverged from those of Amazonian indigenous collectives.[226]

In the last decade, social cohesion, and active membership within the ARDCP has diminished, resulting in less collective work among VOs. However, a few ODPs inside Huancayo (ARDCP members) maintained social ties and continue to attend meetings and support each other in institutional and grassroots spaces. As in the prior region, civil society demanded the creation of Junín's COREPIR (Regional Reparations Council) to coordinate reparation efforts. This institutional space created in 2012, encompassed RG officials, civic society organizations, VOs, and the Apurímac CMAN Division. The ARDCP conveyed their demands during initial COREPIR meetings, but no real commitment from JRG was achieved. During 2014-2015, meetings were discontinued due to low attendance. But PASDDHI pushed for the COREPIR's reactivation in 2016. Given that relationships between the ARDCP and the RG were negative, victims asked PASDDHI to preside over the COREPIR. While this change brought more consistency in meetings and made this negotiation forum more inviting to victim participation, accountability was low because the RG did not enforce compliance of regional state actors.

In spite of the drawbacks inside the COREPIR, some ARDCP collectives continued participating in grassroots spaces. Their repertoire of tools included public mobilizations and social and educational events to raise awareness about human rights abuses in partnership with the *Yalpana Wasi*. Some ODPs still hold weekly or biweekly meetings, in which they discuss strategies to reach the national, regional, and local governments and raise efforts to support members living in precarious conditions. Unfortunately, these forms of engagement and the number of people participating have been diminishing. Leaders argue this is partly due to the

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[225] Pastoral Social de Dignidad Humana-Arzobispado de Huancayo. (2012, October 16). *Junín: Afectados conforman Consejo Regional de Víctimas de la Violencia Política.* Coordinadora Nacional de Derechos Humanos. https://derechoshumanos.pe/2012/10/junin-afectados-conforman-consejo-regional-de-victimas-de-la-violencia-politica/
[226] Villasante Cervello, M. (2015, November). *Primer Congreso Nacional de organizaciones regionales de Víctimas de la Violencia.* Boletín del Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú. https://lum.cultura.pe/cdi/sites/default/files/articulo/pdf/Primer%20Congreso%20Nacional.pdf

revictimization and disappointment they experienced while expecting justice and recognition from the state; others say organizations have weakened because of the way collective and economic reparations have been implemented, placing individual interests above organizational bonds and needs. Within the past few years, factions within ARDCP surfaced with distinctive approaches to what RJ should look like and which PIR programs they should prioritize in their demands. This has not only weakened the umbrella organization, but also led to the use of divergent participation strategies. The ARDCP maintains antagonistic relationships with a subgroup of VOs that endorsed the leadership of another ODP whose president has allegedly financially deceived many victims.

The participation of the ARDCP and its member collectives in the implementation of *Yalpana Wasi* has been ***instrumental***, with ***some notable representative moments***. Their resources and trajectory have guaranteed them some degree of access to the symbolic reparations process, especially as the demands for a memory space increased in Junín. During the inception period, VOs were close to the process, and although they did not participate in the actual construction of the site or the creation of the museography—as they demanded—they never stopped fighting for inclusion. They rallied against Chilca's local government to prevent it from taking the land of the memory space and garnered the support from prominent regional, national, and international human rights advocates, and the national government to reopen the *Yalpana Wasi* when Unchupaico closed it in 2015.[227] However, the weakening of its social organizational capacities paired with the barriers imposed by JRG constrained their participation. Because of the divergent interests, lack of unity between Andean and Amazonian associations at the regional level, and distinctive participation strategies, their involvement in the implementation of this site has been inconsistent. Their ability to influence this process has also been constrained by the priorities that the RG had for this museum. In the last year, a few leaders and members have pushed for greater decision-making and ownership over the usage of the space. VOs have requested museum personnel to give special recognition to experiences of forced displacement in the exhibitions and have secured access to an office for small scale meetings and the auditorium

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[227] Red de Sitios de Memoria Latinoamericanos y Caribeños. (2014). *Por la continuidad y desarrollo del Lugar de Memoria en Junín, Perú.* https://redlatinoamericanadesitiosdememoria.wordpress.com/pronunciamientos-de-la-red/por-la-continuidad-y-desarrollo-del-lugar-de-memoria-en-junin-peru/

for bigger events. While this is promising, it only applies to a small section of the ARDCP and no other groups in the region.

5.4.3. <u>Ayacucho</u>

Contextual Factors

The national government has not been politically aligned to Ayacucho Regional Government (AYRG) during either of the two regional administrations under review. Although Wilfredo Oscorima won the election in 2010 under *Alianza para el Progreso* national party tag, he did not maintain any affiliation to this national political group, let alone García's APRA which ruled the country when Oscorima started his mandate. In 2014, Oscorima was reelected competing under a regional movement to break even further away from traditional party politics (Revilla Cortez, 2021). Although Oscorima was sympathetic to Humala's presidency, the positive relationship allegedly benefitted the region solely in terms of infrastructure projects and connections with Ministries (Revilla Cortez, 2021). None of the three national administrations favored the building of the memory space in Ayacucho. García, who was largely unpopular in Ayacucho because of the high levels of human rights violations during his first term, prioritized collective reparations. Although Humala met with VOs in Ayacucho on a few occasions, he did not follow through with his commitments towards victims.[228] In fact, some higher and mid-rank members of his administration were opposed to building the space.[229] Having the MINJUS as mediator, victims mobilized and lobbied against the Ministries of Defense and Agriculture, both with legal rights over La Hoyada, to guarantee the transfer of property rights to the RG. Similarly, while PPK met with ANFASEP and accomplished some important milestones in the human rights agenda, he also disappointed and fractured their trust when he pardoned Fujimori in 2017.[230] To be sure, financial contributions from the PIR budget, the CMAN's technical guidance, and the engagement of MINJUS high-ranking officials in Ayacucho have enhanced VO efforts to consolidate the *Santuario de la Memoria La Hoyada* as the regional memory

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[228] Interview, Isabel Coral, Lima, 2015.
[229] Interviews, VO leaders and NGO members, Ayacucho, 2018.
[230] Ojo Público. (2017, December 24). *Presidente Kuczynski indulta a Fujimori, condenado por corrupción y violación de DDHH.* https://ojo-publico.com/575/alberto-fujimori-recibe-el-indulto-del-presidente-pedro-pablo-kuczynski

space. But these actions were not exclusive to this region; they were part of systematic initiatives from the RJ brokers within the national state.

Ayacucho Regional Government (AYRG) has participated nominally in PIR implementation. While fiscal resources committed as of 2018 have been lower than in Junín, normatively, both the governor and the Regional Council have been more proactive in responding to the demands of victims. In 2012, the Regional PIR (2013-2021) was issued as the normative framework for reparation efforts. Later in 2013, AYRG issued a regional ordinance to declare *La Hoyada* a protected area that will be destined for memorialization, and in 2014, an executive resolution to create a Pro-Sanctuary Commission, composed of RG actors, VOs, Ayacucho's Archbishop, civil society organizations and other interested institutions.[231] Progressively throughout the 2011-2018 period, they have issued norms to protect the *La Hoyada* zone, expand the area intended for the *Santuario* from three to seven hectares, and include other state and non-state actors in the Pro-Sanctuary Commission. The annual budget for reparation efforts has not been consistent. Only during the period 2017-2018, is there a budget of approximately 40,000 PEN yearly (12,121 USD) reported to support the implementation of reparations in the region, including the *Santuario de la Memoria* project. Mid-rank officials inside sectoral entities of the RG contend that there are no clear guidelines about the amount of funds needed for the PIR, and what percentages should be covered by the national state and the regional authorities.[232] As far as personnel, the Social Development Department assigned an officer to the Regional Council of Human Rights and Reparations, an entity created to represent the government in PIR activities. This office also signed an institutional agreement with the Reparations Council (MINJUS) to register victims in the RUV. Overall AYRG has offered low to moderate normative, fiscal, and human resources to the RJ process.

During the two regional government terms under review, Willfredo Oscorima, was elected as governor in Ayacucho. An entrepreneur and political outsider, Oscorima secured support from the population and local governments through clientelistic practices during the

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[231] Gobierno Regional de Ayacucho, Ordenanza Regional No 021-2013-GRA-CR (2013).
https://cdn.www.gob.pe/uploads/document/file/1440495/ord_21_2013.pdf.pdf?v=1605213949
Gobierno Regional de Ayacucho, Resolución Ejecutiva Regional, No 630-2014-GRA-PRES (2014).
https://cdn.www.gob.pe/uploads/document/file/2483105/RER_630_2014.pdf.pdf?v=1637597573
[232] Interview, DIRESA official, Ayacucho, 2018.

electoral campaigns and throughout his mandate period via *obrismo* (Muñoz, 2016; Revilla Cortez, 2021). Contrary to his predecessor, he met with ANFASEP leaders on a few occasions and sanctioned executive orders in favor of the *Santuario* (Jave, 2017). Nevertheless, his commitment was not consistent. Although AYRG had issued a series of norms to protect the *Santuario*, victims felt the need to constantly lobby for these actions to be implemented. In December 2015, Oscorima was sentenced to 5 years of jail on corruption charges; he was in hiding until 2016 and then imprisoned until June 2017.[233] From December 2015 through June 2017, Jorge Sevilla, a Regional Councilmember took over AYRG. During that period, the RG maintained the contact with VOs, but could not make much progress as the region was submerged in a political crisis. Overall, most members of the Regional Council of 2015-2018 sustained a fluid and cooperative relationship with VOs in the capital, supported the building of the *Santuario,* and incentivized local authorities to implement symbolic reparations in different provinces.[234] Some victims noted that the RG official attended PIR events and was receptive to the demands of VOs, maintaining a more horizontal dialogue with regards to the planning and conceptual design of the *Santuario*. However, often, this RG worker did not have the resources and leverage inside the RG to address the needs of the sizeable victim population in Ayacucho. Other victims suggested that the Provincial government of Huamanga was a more reliable ally than the RG, as the latter was not able to build a sustainable relationship with ANFASEP, CORAVIP or AFADIVP.

Victim Participation

The *Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú* (ANFASEP, National Association of Relatives of the Kidnapped, Detained and Disappeared of Peru), funded in 1983 in Huamanga by Quechua indigenous women, relatives of disappeared victims, is one of the most notable pioneering victim organizations in the country. Their activism, bravery to publicly denounce crimes, and commitment to human rights since the conflict years are recognized nationally and internationally. ANFASEP, as a local VO, later became part of the CORAVIP, regional branch of the national umbrella CONAVIP in Ayacucho.

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[233] El Comercio. (2017, June 6). *Wilfredo Oscorima: estuvo prófugo y preso y hoy retoma las riendas del gobierno regional.* https://elcomercio.pe/peru/ayacucho/ayacucho-wilfredo-oscorima-retomo-riendas-gobierno-regional-428969-noticia/
[234] Interview, AYRG Councilmember, Ayacucho, 2018.

CORAVIP was created in 2007 to advocate for public policies in favor of the affected population, encompassing VOs from other provinces inside Ayacucho and coordinating actions with other VOs across the country. This regional organization has led the debate among victim groups of different areas of Ayacucho and maintained diversity of membership regardless of types of abuses endured by victims. Another important VO in the capital is the *Asociación de Familias de Desplazados Internos por la Violencia Política de Ayacucho (*AFADIVPA, Association of Families of Persons who were Internally Displaced by Political Violence in Ayacucho), a meso-level organization created in 2010 that clusters about 22 organizations of displaced persons (ODPs).

The level of social cohesion and trust within these VOs is moderate overall, with some instances of high social capital. CORAVIP, as the overarching entity, encourages activities to build a cohesive network of VOs across the region, but there is limited cooperation and trust mainly outside Huamanga. Other collectives in Huanta and La Mar provinces for instance, prefer to organize locally, instead of creating a united front. CORAVIP's convening and outreach capacities have decreased in the last few years. AFADIVPA, which houses different ODPs, has suffered organizational weakening and internal fragmentation that has led to the emergence of factions with different perspectives on reparations and on the viability of working with other victim collectives (Quispe Córdova et al., 2013). These issues have been partially the result of personal conflicts and mistrust among ODP members. Moreover, as displaced victims have been interacting with the state for decades, through the PAR, FONCODES, MIMPV, and more recently the PIR institutions, their expectations have been frustrated repeatedly, eroding confidence in the state's actions. The factions created within the ARDCP show some social cohesion that allows them to continue functioning. Some members argue that the poor implementation of collective reparations for ODPs has led to further weakening of the social ties of these organizations. Contrary to the prior two organizations, ANFASEP, focused since its inception on the search for disappeared victims, has maintained strong social capital throughout the years.

Without doubt, ANFASEP's trajectory has not been exempted from backlash coming from other VOs, society in general, and even subnational and national state actors. But ANFASEP's strong social ties and political agency has survived through local and national

defamation and disinformation campaigns against them, becoming the oldest and strongest advocate for justice nation-wide. Internally, there have been divergent positions about the way the organization engages with national and international civil society actors, reparations, and most recently, about the building of the *Santuario* (Jave, 2017). But these differences have not weakened the organization; often they are the topic of public debate in the bimonthly *juntas* (meetings) the members have.[235] As any organization, not all members have been able to develop social and political capital, but the *mamás de ANFASEP* (endearment term locals use to refer to them) have been able to remain engaged in national and local justice processes as a united front.

These three VOs are united in the general demand for better reparations and other forms of justice, but priorities differ across these organizations because of the type of human rights violations that unified members of these groups. Cooperative relations between ANFASEP and CORAVIP are visible in public and internal spaces and moments, especially when actions are coordinated by the umbrella regional organization. Many young members of CORAVIP received shelter during the war at ANFASEP, so they also support and protect the *mamás* that once looked after them.[236] The relationship between AFADIVPA and the other collectives has often not been positive. In part, this has been the result of the lack of awareness and information withing ODPs about the goals and actions taken (Quispe Córdova et al., 2013). Also, as discussed in Chapter 2, displaced persons do not self-identity as "victims" and draw a line between them (the displaced) and organizations of victims like ANFASEP. This segregation has been enhanced by the state's decision to assign reparation benefits based on the violation endured. Some AFADIVPA leaders and members convey they cannot work together as there is not much trust and they must compete for resources from state and non-state allies to pursue different objectives. Other leaders, opposed for personal or political reasons to ANFASEP or CORAVIP, have veered their members away from inter-organizational activities on many occasions. Nonetheless, other AFADIVPA members and leaders have built cooperative relations with these groups and participate in common efforts. ANFASEP has also built social links and reciprocal relationships with other VOs in the region and in Lima.

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[235] Observations, Ayacucho, 2017-2018.
[236] Interviews with CORAVIP and ANFASEP members, Ayacucho, 2018.

Despite some inter-group grievances, overall, VOs in Ayacucho city have used institutional and grassroots spaces to demand reparations and justice. The COREPIR (Regional Reparations Council of Ayacucho) has been active since 2013, encompassing AYRG actors, members from the main VOs, religious leaders, local governments, and the Ayacucho CMAN Division. The COREPIR is part of the *Mesa Temática de Derechos Humanos* (Human Rights Roundtable) of Ayacucho's regional chapter of the *Mesa de Concertación para la Lucha contra la Pobreza* , the main civil society-state institutional forum for citizens to participate in the development of social policies. Meetings have been held regularly, allowing new VOs to join at any time and participate by bringing issues to the agenda.[237] ANFASEP and CORAVIP have been more active participants and secured that the *Santuario* project was always a theme for discussion among the *Santuario* Commission members. While the COREPIR does not have enforcement capacity, it has served as an accountability mechanism, as the different members have constantly lobbied before regional and local state entities. VO representatives, aware of the commitments reached in this forum, have publicly denounced officials who have not followed through with their commitments. Although the RG has limited participation in these spaces, VOs feel their interests have been advanced and voiced through these channels. It is important to note that VOs have maintained a positive strong relationship with civil society and foreign donors. [238] As a result of their long history of dialogue and cooperation, they have participated jointly in formal and informal spaces. Although financial aid from international agencies has receded in the last 10 years, civil society organizations have been working together with victim collectives for more than three decades and thus they have built high levels of social cohesion and trust. Ultimately, VOs in Ayacucho became the main interlocutor in the PIR process, occupying an increasingly central role in the lobbying and dialoguing.[239]

The repertoire of grassroots activities and resources these organizations have built include public mobilizations and protests, as well as educational and cultural events to raise

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[237] Gobierno Regional de Ayacucho, Regional Executive Resolution No 726-2015-GRA-GR (2015). https://cdn.www.gob.pe/uploads/document/file/1997207/RER_726_2015.pdf.pdf?v=1625582692

[238] The support from civil society actors such as APRODEH, COMISEDH, Asociación Paz y Esperanza, Centro Loyola and the Archbishop of Ayacucho, along with state actors like the CMAN and the Defensoría del Pueblo has been undeniably important for their demand for this symbolic reparation. Even international actors like the German government, the European Union, and the UN have advocated for this site. The German Cooperación financed an NGO Apoyo para la Paz for years during and after the war to support multiple VO initiatives, including the demand for this memory space. In 2021 a Consulting Commission of national and international experts (Germany, France, Colombia, and Argentina) was included in the proposal stage.

[239] Interviews, NGO members, Ayacucho 2018.

awareness about human rights and violence. Internally, each organization meets periodically, some more than others. They have also held informational events and debates with local and national authorities and other civil society members. ANFASEP has consistently carried out memorialization events in public and internal forums, as well as educational efforts. For instances, it worked with IDEHPUCP to create tools and strategies to make memory spaces more inviting and participatory to members of society (Jave et al., 2019). These three victim organizations have also launched campaigns to provide social, economic, and emotional support for their members living in extreme poverty. At times, these solidarity spaces have occurred across organizations. Last, supported by the few NGOs that remain active, or through financial aid from other governments, they have promoted economic and political skill-building spaces and opportunities for members who do not participate and for other victims. For many months during the period 2015-2017, AFADIVPA has been attending mental health and organizational-skill workshops in Quechua, facilitated by the NGO *Centro Loyoya*. Since 2017 ANFASEP has been traveling across Ayacucho provinces conducting capacity-building workshops to improve the organization and participation of victim communities and groups with low-resources.[240]

In Ayacucho, Quechua victim organizations have participated in a more ***representative and transformative manner***, appropriating the PIR policy space to incorporate their needs and interests. By the time the CMAN issued official guidelines to implement memory spaces and other symbolic measures in 2013, the proposal to build a memory space in Ayacucho was already in motion thanks to the actions of victim organizations. To be sure, VOs and civil society organizations have been key actors in the ongoing building of a regional memory space. Their usage of the space to carry out cultural, social, and mental health activities has become a political statement in itself; they have taken ownership of the space and redefined its meaning, transforming a space where the military and the state violated their rights to one where they can build collective memories and obtain some sense of justice on their own terms. Led by ANFASEP, victims have embraced a political role in the process of lobbying for the building of the Santuario, not solely demanding actions from the state but also building and enacting their

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[240] Observations, Ayacucho, 2017.

own reparative justice proposals (Jave, 2017). VOs have empowered themselves, directly influencing the design and implementation of the regional PIR and the *Santuario La Hoyada*.

Table 5.3: Participation of Regional Governments and Victim Organizations
in the Implementation of Memory Spaces

	APURÍMAC	JUNÍN	AYACUCHO
Regional Government Participation	None/Minimal	Nominal	Nominal
Victim Participation	**Nominal**	**Instrumental/ Representative**	**Representative/ Transformative**
Implementation of Regional Memory Space	**No Implementation**	**Moderate Implementation**	**Comprehensive Implementation**
	None As of today, no regional memory space has been developed	**Yalpana Wasi** Regional memory space has been built. It provides resources, assistance and socialization platforms for victim organizations, but victims were not active part of the design and do not feel fully identified with the narrative and the space.	**Santuario de La Memoria La Hoyada** The urban landscape of the regional memory space is currently under construction. It started as a project of one organization but other communities across the region have been incorporated in the design and implementation. Quechua victim organizations identify and embrace this memory space as their own.
Model of Implementation	**Negative**	**Positive Top-Down**	**Positive Bottom-Up**

5.5.   Conclusion

As PRSI guidelines indicate, for memory spaces to be properly implemented by subnational governments, communities must decide the location, content, purpose, and the construction of the symbolic reparation through a participatory and democratic dialogue (CMAN, 2020). A comprehensive implementation of a regional site of memory means victims can build individual and collective memories in a manner that incorporates their understandings, needs, and world views. Victims' reparative experiences with memory spaces are not fixed nor finite; they can decide the extent and terms of their engagement with these spaces. In light of this notion, how can we explain the qualitative differences in the implementation of regional memory spaces between Ayacucho, Junín, and Apurímac?

Table **5.3** compares the three regions in terms of the explanatory variables and the levels of implementation. First, the evidence suggests that national political interests did not influence

the symbolic reparative efforts of the CMAN in each region. This is especially true when it comes to regional memory spaces. In none of the regions, there was a clear political alignment with the central state during the period under review (2012-2018), nor did the national government favored the implementation of memory spaces in any of these regions. Because there is no regional variation in that sense, this factor is omitted from the table. Second, RGs have provided different levels and types of resources. The RGs of Junín and Ayacucho exhibit nominal participation while the RG of Apurímac barely engaged with RJ. While the participation of the RG has affected whether or not a memory site exists in these regions, by itself it does not explain differences in the implementation. Participation of victim organizations has become the decisive factor in the building of regional memory spaces.

Apurímac represents the negative case. While there are important local sites of memory supported by *Municipalidades*, there is no regional space, and thus, implementation was minimal. Participation of VOs in Abancay has been nominal and instrumental perhaps at specific times. Even though regional VOs were empowered during the first decade after the war, decreased within-group social capital, distant inter-group relationships, and diverging preferences in terms of reparations affected their capacity to participate in the PIR process cohesively. Junín displayed a moderate top-down implementation of its regional memory space, mainly driven by the RG. Although VOs participate in instrumental and representative terms, they did not lead the decision-making about the content and usage of the *Yalpana Wasi*. This, in turn, has raised barriers for them to identify with or appropriate the memory space. Victims have not felt the space was their own. Finally, Ayacucho can be characterized as the positive bottom-up case since it denotes a more representative and transformative role of victim organizations in the creation of *Santuario de la Memoria*. Victim organizations have achieved a more comprehensive implementation that is more aligned to the preferences, norms, and worldviews of Quechua communities. Additionally, despite different preferences, they have been able to converge in the building of this space. Through institutional and grassroots spaces, victims have been able to interact with the regional state in more horizontal terms. Quechua-speaking groups have reclaimed *La Hoyada* to build collective memories, honor all the victims of the conflict, and reflect their sense of justice.

6. THE COLLECTIVE REPARATIONS PROGRAM: LOCAL IMPLEMENTATION OF REPARATIVE JUSTICE

This chapter examines the implementation of collective reparations at the local level and tests quantitatively whether the proposed subnational theory can help explain variation across cases. While the prior chapter compared RJ outputs across 3 regions of Peru, this chapter focuses on implementation at a more disaggregated level of analysis: *Centros Poblados*, or rural communities where most violence took place during the conflict. As collective victims registered in the RUV, *Centros Poblados* (CPs) are eligible beneficiaries of the *Programa de Reparaciones Colectivas* (PRC, Collective Reparations Program), which has provided infrastructure and economic productivity projects to affected communities and groups since 2007.

The PRC implementation is a multistage process that involves state and non-state actors at different levels. The national government initiates the implementation by selecting a limited number of collective beneficiaries to receive PRC funding each fiscal year. After the community selects a project in an assembly facilitated by its local government (district or provincial depending on the type of territorial jurisdiction), the latter must prepare a formal public works proposal. Once this plan is evaluated and approved at the national level by the CMAN, the funds are transferred from the national to the local state so that the latter can build and deliver the project to the community. Among these different stages of the PRC implementation, this chapter focuses on the first stage, the prioritization and funding of CPs, because this step prompts all other actors to engage in the PRC process. Why are some communities selected to receive PRC funding while others are not?

First, to provide context, I describe the content of the PRC and the different stages of implementation in further detail. Then, I apply the subnational theory framework to the context of collective reparations to explain how the contextual conditions (national political interests and local government engagement) and the main explanatory factor (victim participation) can impact the selection and funding of communities. I then present an original large-N dataset of CPs, the measures used for the dependent, independent, and control variables, and respective descriptive statistics, as well as some bivariate inferential tests. The analysis employs logistic regression modeling because of the binary nature of the dependent variable. The last section discusses four

different model specifications, their goodness of fit, and the impact of the covariates on the likelihood of PRC implementation. Marginal effects graphs are also included to help visualize and interpret results. The conclusion stresses the importance of local state actors and victims in the RJ process. While normatively, the implementation of the PRC should be primarily driven by the intensity of violence endured by CPs, findings suggest that participation of local governments and victims is also a factor in implementation which helps to explain the inequities and inconsistencies in the RJ experiences of affected communities.

6.1. The Collective Reparations Program

The *Programa de Reparaciones Colectivas* (PRC) provides material projects to two types of collective victims recognized in the RUV: *Centros Poblados* (CPs), which are rural and peri-urban communities where violence took place, and Organizations of *Displaced Persons* (ODPs), which group 20 or more displaced victims that resettled from their place of origin to other jurisdictions during the war. The national government awards each collective beneficiary 100,000 PEN (approx. 30,303 USD) to implement its reparation project.[241] As explained in Chapter 4, the PRC was the first PIR program to be implemented across the country beginning in 2007. For the first nine years, only CPs received collective reparations. Displaced victims experienced a series of bureaucratic challenges, navigating different state entities, two registries (the RUV and the RND), and multiple requirements to create formalized organizations eligible to receive PRC benefits (Ramírez Zapata 2018b). It was not until 2015 that the first 5 ODPs were selected to be repaired. According to the Reparations Council, as of October 2022, there were 180 self-registered ODPs, 52 (29%) of which have been awarded PRC funds. Among the 5,717 CPs registered in the RUV, 3,946 (69%) have received national government funds to implement their projects (Consejo de Reparaciones, 2022).

As described in Chapter 2, the normative framework indicates that CPs or ODPs are entitled to use PRC funds to develop projects in one of the following four areas: economic productivity, basic services infrastructure, resettlement, and reconstruction of socio-political institutions. However, in practice since the beginning of the PIR, communities have only

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[241] Average exchange rate for the 2007-mid 2018 period is 1 USD=3.3 PEN. All calculations for collective reparation project funds will use this average instead of the current 3.9 rate (because of global inflation) has been present main throughout the last 2 years.

received infrastructure and economic productivity projects. Some CMAN and local government officials argue that this corresponds to the preferences of communities, which have opted for using these resources to cover their more pressing material needs.[242] As these collectivities live in very precarious socio-economic conditions, they see the PRC as a chance to improve their quality of life. For other CMAN officials and community members, limiting the PRC to those two types of projects was the result of the lack of fiscal, logistical, and technical capacities of the CMAN and local state actors to address the socio-political needs of these communities.[243] With limited financial resources allocated from the Ministry of Economics to the CMAN yearly, this coordinating agency has not been able to hire professionals that can develop strategies and projects to support resettlement and socio-political reconstruction efforts. Similarly, most *Municipalidades* (provincial and district governments) do not have personnel that can design and implement those kinds of projects. For most subnational state actors, serving their populations comes down to producing as many *obras* (public works) as possible.[244] Thus, they concentrate resources to secure the technical and bureaucratic capacities needed to carry out tangible projects. Constrained by these two choices, collective victims go through a lengthy, convoluted process to receive reparations. The following section describes the engagement of different actors in the implementation of the PRC.

6.1.1. The Implementation Process

The implementation of the PRC is a multilevel and multistage process. Figure **6.1** provides a visual representation of the different stages and the role of the different actors at the national, local, and community levels. Implementation starts at the national level, when the CMAN decision-making body prioritizes some collective beneficiaries to receive PRC funds (Stage 1). Prioritization is the technical term the government uses to refer to the selection of communities to be repaired. These selections take place in the regular meetings of the CMAN decision-making body, typically once a year. The PRC program guidelines, issued in 2012, established that the operational body of the CMAN (CMAN hereinafter), which coordinates the

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[242] Interviews, CMAN officials, Lima, 2018; Interviews, local government officials, Ayacucho, 2018.

[243] Interview CMAN officials, Lima, Junín, Ayacucho, and Apurímac, 2018; Focus groups, VOs, Ayacucho, 2017.

[244] Interviews, VO leaders, Ayacucho, 2017-2018.

implementation on the ground, must support this selection by providing information about progress up through the prior year.[245]

Figure 6.1: Multistage Implementation of Collective Reparations
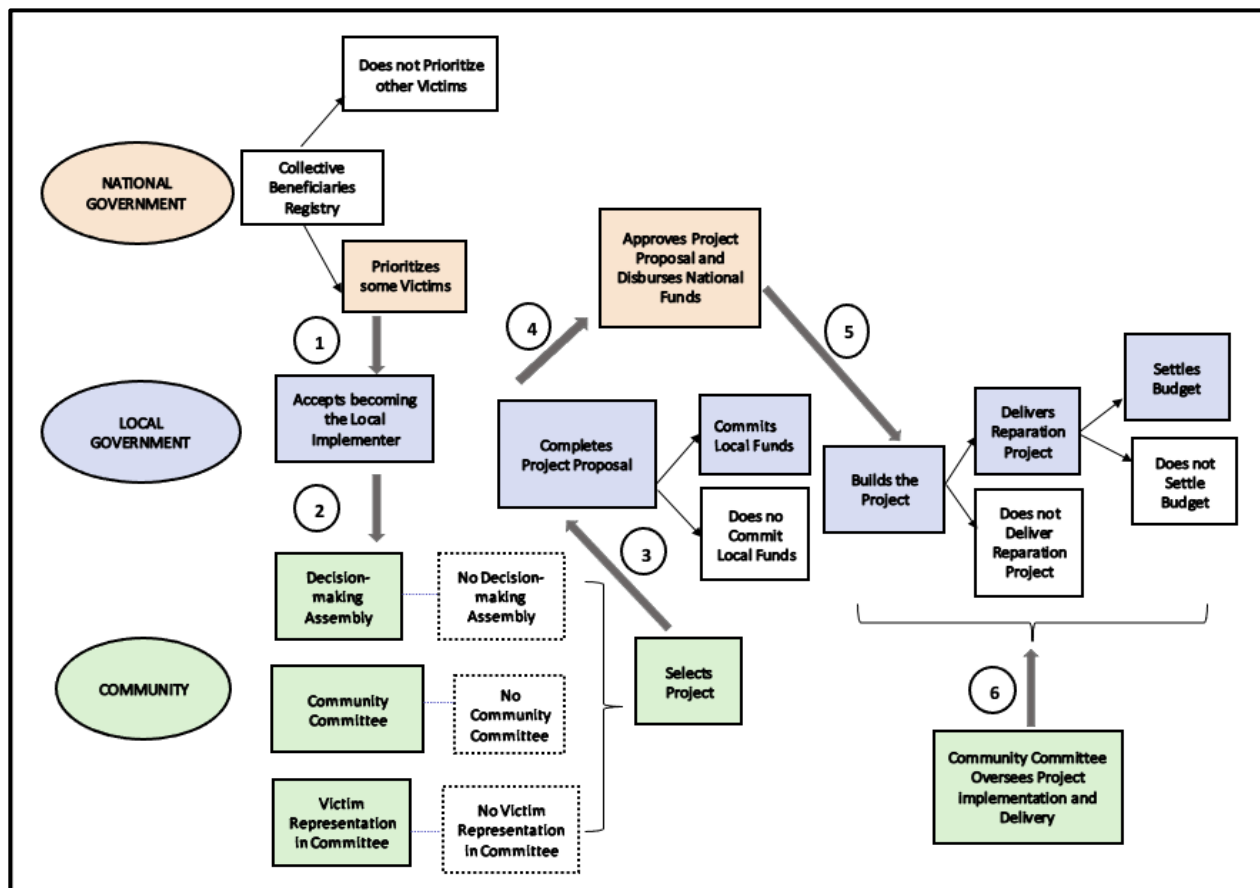
Note: Author's creation based on PRC Guidelines

Formally, prioritization is based primarily on levels of violence, focusing at first on communities that experienced higher levels of violence according to the index built by the Reparations Council. Since 2012, because of inconsistencies, inequities, and irregularities in the selection of CPs and implementation of collective reparations during 2007-2011, an additional criterion has been considered. If a community in line to receive reparations has a local government (district or provincial) with financial or project-execution problems in previously awarded cases, the CP can only be selected if the government commits in writing to remedy

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[245] Interview, CMAN official, Lima, 2017.

these issues. Otherwise, the next community in line will be selected as long as its local authority has fully executed 75% or more of the reparation projects in previously awarded communities (CMAN, 2012).[246] Although the CMAN could recommend communities in line to be repaired using data from their monitoring activities, the ultimate decision on which communities will be prioritized each year has always rested on the CMAN decision-making body, a multisectoral entity with representation from different ministry sectors, and thus, following the lead of the president. Once the prioritization has been made, the CMAN in Lima and its Regional Divisions reach out to the selected CPs or ODPs and the local governments that have the jurisdiction over them to inform them that they have been prioritized to receive a PRC benefit. A formal letter from the Ministry of Justice on behalf of the Peruvian state, recognizing the violence endured by the community and their right to be repaired, is issued.

Once the provincial or district government accepts becoming the implementer of the project, a representative from the *Municipalidad* (local government) must convene a community assembly so that all current residents of the CP or ODP members select the reparation project. The local authority is responsible for promptly organizing this decision-making meeting and ensuring that it is carried out in a democratic, participatory and gender and culturally inclusive manner. During this assembly, which becomes Stage 2 of the process, a *Comité de Gestión y Vigilancia Comunitaria* (CGV, Community Management and Oversight Committee) is appointed, whose role is to represent the CP or ODP during the implementation process, maintaining contact with the CMAN to inform them about non-compliance or inappropriate actions of the local government. The CGV is made up of five community or ODP residents. For CPs, the committee must include at least one woman, two victims of violence, and a member of the Self-Defense Committee (if one exists). ODPs have a gender quota as well. The inclusion of at least two victims in the CGV of *Centros Poblados* is symbolically crucial to enhance the reparative character of these projects. Even if a community suffered violations during the conflict, because many villagers were displaced or never returned, it is likely that a good number of current residents may have moved into the community after the incursions and would not be direct or indirect (relatives) victims. Therefore, it is important that victims (in the official sense)

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[246] As we will see in the next paragraphs and more in-depth in the local chapter, full implementation at the local level encompasses constructing the project, settling the budget with the national government, and officially delivering the project to the community.

are represented and have a voice in the process. Although all these components must be secured to guarantee the decision-making rights of the population, community members report this has not been the case in some CPs and ODPs, mainly due to the negligence of local governments.[247]

After the collective beneficiary selects the project, the local government develops a technical project proposal, including a timeline, an itemized budget, and documentation regarding how the decision-making process was carried out (Stage 3). In addition to devoting human resources, including engineers and construction workers, local governments have the option to commit fiscal resources to complement the national government award and further support the reparation projects. Once the project proposal is completed, the *Municipalidad* submits it to the CMAN's PRC Director in Lima. At Stage 4, the CMAN evaluates all technical aspects of the proposal, including the costs and execution plan, and more importantly, it verifies that all conditions that give the project a reparative character have been met. When the PRC unit approves the proposal, it establishes an institutional agreement between the MINJUS and the local government and transfers the amount of 100,000 PEN to the latter.

Stage 5 entails all the actual development of the project on the ground. As part of the implementation process, local government officials and a CMAN official (Regional Division), whose role is to represent the national state, must always be present during community meetings. In addition to the decision-making assembly, there are two symbolic ceremonies, one before the building of the project begins and another one to observe the official "delivery" of the project to the community. These ceremonies are spaces to memorialize victims and for the state to publicly apologize to the community and recognize the abuses endured during the war. They must be carried out in a way that embraces the cultural norms and practices of the community. For instance, for some Andean Quechua CPs, a *pago a la pachamama* (offering to mother earth) is a core aspect of this symbolic memorialization act. Once funds have been received, the local government must start immediately with the building of the project. The expectation is that projects are completed in a rapid but effective manner, embodying the reparative character the PIR law prescribes. The CGV oversees the entire process and can inform the CMAN about any problems during the development of the project and at the time of delivery (Stage 6). In addition

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[247] Interviews, CMAN Collective Reparation officials, Lima, Ayacucho, Huancayo, Abancay, 2018.

to finalizing construction of the project, the local government must settle the budget included in the original proposal and present this to the national government and the community. The CMAN regulates the proper completion and delivery of the project to the collective beneficiary. If the budget is not settled, the CMAN can seek legal actions against the local implementer.

Figure 6.2: Stages of Collective Reparation Implementation

Decision-making Community Assembly, Cangallo, Ayacucho, 2017

Pre-building of the Project Ceremony, Aymaraes, Apurímac, 2017

Delivery of the Project Ceremony for an ODP, Ayacucho city, 2017

Monitoring of the Project, CP Huascahura, Ayacucho, 2015

Note: Author's personal collection, Perú (2015-2018)

6.1.2. <u>Measuring Implementation of Collective Reparations</u>

The stages and the responsibilities of the different implementation actors derive from the PRC Guidelines (CMAN, 2012). As guidelines were created in 2012, communities that received reparations during the period 2007-2011 did not have such a formalized process. Yet, even after these stages were defined on paper, the reality on the ground has differed vastly from formal

implementation in many cases. In recent years, the CMAN, through its Regional Divisions has been monitoring the state of projects, whether they were completed and delivered properly to the community as well as usage and sustainability, especially for the projects implemented during the first national administration.[248] Among these different stages of implementation, this chapter examines variation in the first stage, ***the prioritization of communities and allocation of funds,*** because this stage prompts the implementation of the PRC at the local level.

Collective victims in the RUV include both CPs and ODPs, but this analysis will not include the latter for two reasons. First, while the registry of eligible CPs has remained fixed since the inception of the PIR, the registry of ODPs has changed yearly because they must self-organize and self-register to obtain official RUV status. This situation creates individual-level and group-level self-selection dynamics that need to be accounted for in the theory and model. The 180 ODPs reported in the RUV as of October 2022 do not fully reflect the large proportion of victims who are displaced. Although the Council has registered 76,073 displaced persons as of that date, other studies estimate that up to 600,000 individuals were displaced because of violence (Coral, 1994, 2002; Ramírez Zapata, 2018a). Because victims waited decades for reparations, especially for people who fled their communities in the 1980s, many of these organizations have disappeared. In most cases, while some members still mobilize and engage with each other, the social ties and organizational capacities of most of the local ODPs have weakened (Ramírez Zapata & Scott-Insúa, 2019). Additionally, displacement patterns led members from the same CP to resettle in different areas, making it harder for displaced persons to find commonalities and create an organization with people from different backgrounds. Displaced victims have faced bureaucratic hurdles, confusion, and disappointment working with different state actors such as the Ministry of Women and Vulnerable Populations, Ministry of Development, Ministry of Justice, FONCODES, and the PAR (described in Chapter 2). All these factors have hindered their ability and will to pursue collective reparations. Therefore, this empirical analysis will focus on conditions that explain why some Centros Poblados are prioritized and funded for collective reparations while others are not.

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[248] Interview, CMAN official, Lima, 2017.

6.2.   Explaining implementation of Collective Reparations

As in the regional empirical chapter, this chapter draws upon the subnational-level theory's contextual and main explanatory conditions to explain why some communities are prioritized to receive PRC national funds while others are not. First, the analysis examines whether political interests of the national government have influenced the selection process that falls under the responsibility of the CMAN's decision-making body. Among all PIR programs, the potential leverage of national higher-ranking officials on the implementation of reparations is the highest when it comes to the PRC. Because this selection is carried out by a multi-party entity with representation from different ministry sectors, its members are more susceptible to the influence of the cabinet members (especially the PCM when the CMAN was under this Ministry) or the President. The theoretical chapter underscores the prevalence of clientelist practices in Peruvian politics, which permeate the interactions between national and local state actors. Given that traditional clientelistic exchanges are difficult to sustain in weak party systems, Muñoz (2016) identifies *obrismo* (building of public works) as a strategy used by Peruvian politicians to garner legitimacy and support from their constituencies in future electoral processes. Applied to the PRC context, because collective reparations entail infrastructure or economic productivity projects, *obrismo* then becomes viable. I argue that the national government will advance the implementation of community projects both to reward their supporters and to maintain or grow their popularity. National state actors will strategically select communities within jurisdictions where they can make political gains, working with local governments that can mediate these exchanges and benefit from this process.

Second, the theory proposes the participation of local governments as an additional contextual factor to be considered. Although local governments do not contribute directly to the selection of communities, their engagement at this stage materializes when they accept the responsibility for implementation. For these projects to happen, the local authority must at the very least commit logistical and bureaucratic resources to carry out the community assembly, to provide the technical project proposal, and to build and deliver the project. Some local governments will be more amenable to participate in the PRC process than others. Especially when a CP is part of a non-capital district, either the district or the provincial authority can take

on the project as both *Municipalidades* have jurisdiction over this community.[249] To be sure, their engagement is linked to the national government's political interests. As part of the *obrismo* strategy, *Municipalidades* participate as brokers, implementing projects and ensuring that the community identifies them as *obras del gobierno* (public works), both from the national and local governments. As such, I argue that local government participation, understood as acceptance of becoming the implementer on the ground, will favor the selection of some communities over others. The propensity of local governments to agree to participation in the process can be driven by the economic impact that this award can have during their administration, which in turn, enhances their local legitimacy.

Figure 6.3: Factors Explaining Variation in the Implementation of Collective Reparations
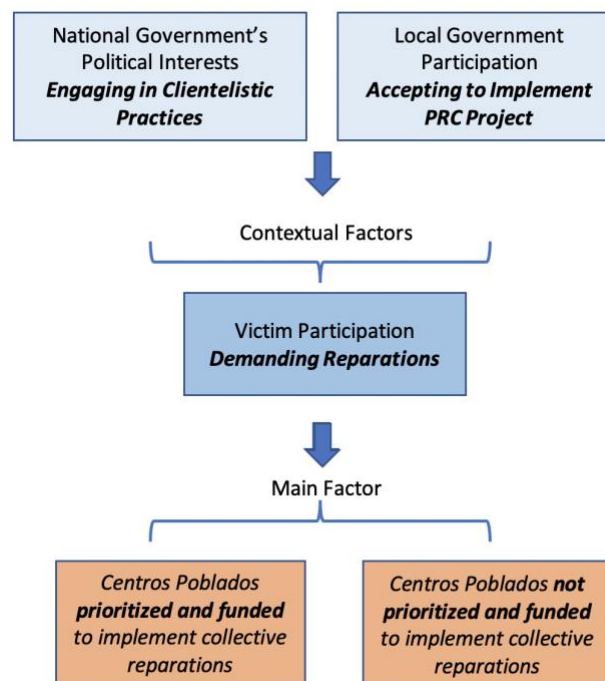
Third, the analysis evaluates the impact of victim participation, the main explanation of the theory, on the prioritization of affected communities. At Stage 1, it is difficult for communities to advocate for being selected, especially if the decision-making takes place in the

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[249] Provinces are divided in various non-capital districts and one capital district. Provincial governments govern the capital district and serve the population of the non-capital districts in specific areas. District governments rule non-capital districts. If communities fall within capital districts, only the provincial government can repair them, but if communities fall within non-capital districts, then either the provincial or district governments can implement the reparation.

capital city of Lima by bureaucrats who might not be willing to meet with community members. Nonetheless, victims have taken an active role in the process. PRC workers state that since 2007, social and political leaders of CPs and ODPs have reached out to them in writing, by phone, or even by traveling to Lima to meet with them in person, to better understand the selection process and demand prompt reparations.[250] Because the cost of traveling is high for rural community members, other leaders prefer to gather information about annual prioritization through their respective Regional CMAN Division or urge their local governments to inquire about their status. During 2007-2017, the number of CPs prioritized each year fluctuated between 62 and 492, with an average of 240 per year. Even at a rate of 250 communities prioritized annually in the years to come, it will take 13 years to repair all of them. Because of these challenges, CPs rely on the mobilization of victims across their regions, provinces, or districts, to pressure the national government to expedite the PRC process. Among the many demands regional and local VOs bring to the negotiation table with subnational and national state actors, they increasingly insist on better and more collective reparations annually for both rural communities and ODPs. Therefore, I argue that victim participation in the PRC implementation process can increase the probability of a CP being prioritized and nationally funded.

6.3. Quantitative Data and Measures

6.3.1. The Dataset

The dataset built for this analysis contains information about *Centros Poblados* (CPs, rural and peri-urban communities) where violence took place and that were registered as collective victims in the RUV. It has 5,801 CPs, a higher number than the official count (5,717), because it includes 90 communities that were repaired during 2007-2011 but were never incorporated into the RUV.[251] Additionally, there are 6 CPs in the current version of the registry that were not in the database I collected in 2018-2019.[252] *Centros Poblado*s, the unit of analysis, are territorially aggregated into districts; districts make up provinces; and provinces together become a region (Figure **6.4**).

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[250] Interviews, CMAN officials, Lima, Junín, Apurímac, and Ayacucho, 2018.
[251] This discrepancy has been acknowledged by the CMAN, but because these communities appear in databases that help build the registry of affected CP, they maintain records of their implementation even if they were not assigned an official RUV code.
[252] Because the current version of the RUV cannot be downloaded by the public, I have not been able to determine which are the extra six CPs that my version of the data is missing.

Figure 6.4: Territorial Distribution of Affected Communities

Region	Frequency	Percent
ANCASH	65	1.12
APURIMAC	**499**	**8.60**
AYACUCHO	**1400**	**24.13**
CAJAMARCA	90	1.55
CUSCO	148	2.55
HUANCAVELICA	**459**	**7.91**
HUANUCO	**867**	**14.95**
JUNIN	**768**	**13.24**
LA LIBERTAD	18	0.31
LIMA	53	0.91
PASCO	363	6.26
PIURA	76	1.31
PUNO	226	3.90
SAN MARTIN	**559**	**9.64**
UCAYALI	210	3.62
Total	5801	100.00

Flowchart: 15 Regions → 95 Provinces → 719 Districts → 5801 Centros Poblados
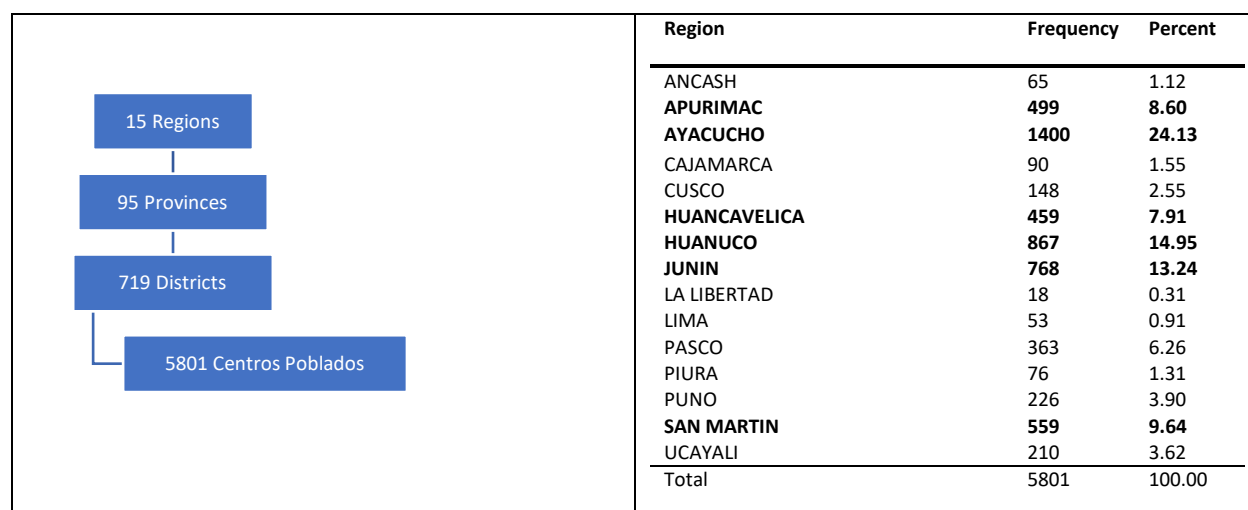
Peru is divided into 25 territorial regions, formerly known as departments.[253] CPs are distributed in 15 of these regions, where political violence occurred. The region with the highest number of communities is Ayacucho (24.1%), followed by Huánuco (15%), and Junín (13.2%). Other regions with many affected communities are San Martin (9.7%), Apurímac (8.6%), and Huancavelica (7.9%). These regions comprise about 78% of the affected communities. The region with the lowest number of CPs is La Libertad (18). Lima and Ancash have 53 and 65 CPs, respectively. Currently, there are 195 provinces in the 25 regions of Peru, but during the two decades of violence, there were 153-188 provinces, according to the National Informatics and Statistics Institute estimates (INEI, 2020).The drastic increase in the number of provinces in the 1980s-90s reflects the mass migration due to forced displacement. The country had about 1,680-1,793 districts during the conflict, which have grown to 1,874 as of 2022. The creation of new districts in the first 20 years of this century resulted from population growth, as well as migration during and after the war. Affected communities are distributed in 95 provinces, 50% of the total number of provinces that existed during the years of violence, and 719 districts, representing about 40% of the districts.

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[253] In some contexts, the term "departments" is still used to refer to regions and the Callao region is known as a constitutional province, a special and unique jurisdiction for this territory.

6.3.2. Dependent Variable

The dependent variable in this analysis is binary, coded 1 if a community was selected to receive PRC funding for a project, and 0 otherwise, during the period of 2007 to early 2018. ***National government implementation*** for the PRC encompasses two steps: prioritization of communities and disbursement of funds to the local government (Figure **6.1**). The operational body of the CMAN can recommend communities in line to be repaired using data from their monitoring activities. However, the ultimate decision on which communities will be prioritized each year rests on the CMAN decision-making body. The latter, as discussed above, is a multisectoral entity with representatives from different ministry sectors. From 2007 through early 2018, 2,649 (45.7%) of communities affected by violence had been prioritized and funded nationally for collective reparations (Table **6.1**). As far as territorial distribution, the five regions with the highest percentage of repaired communities (awarded CPs) are Ayacucho, Junín, Huánuco, Apurímac, and Huancavelica, in that order. It should be noted that the region with the highest number of collective beneficiaries (eligible CPs) is also Ayacucho, followed by Huánuco, Junín, San Martín, and Apurímac. Ayacucho alone concentrates about a third of the communities that have received reparations. La Libertad, the coastal region with fewer beneficiary communities, is also the region with the lowest percentage of repaired CPs.

According to PRC regulations, each community receives 100,000 PEN (30,303 USD) for its collective reparation project, but the variable reporting the funds transferred from the national government to the local government shows a wide range, with 35,385.84 PEN (10,723 USD) being the minimum value, 100,000 PEN, the maximum, and 99,517.4 PEN, the average. Almost all cases (99%) are between 90,000-100,000 PEN, but only 87% received the full amount. There are 23 outliers that received significantly reduced funds during the 2008-2012 period and correspond to 13 municipal governments in the regions of Ayacucho, Junín, and Huánuco. While these results could be attributed to a data entry error, in some cases, it may be the result of pending or contested budget settlement issues with the local governments to which these communities correspond. Transfers of national funds to carry out collective reparations have been affected because of lagged budget settlement processes, especially if it is determined that the local government in charge of implementing projects has an outstanding balance or

unaccounted surplus of funds in the execution of previous repairs.[254] This has pushed the CMAN to start legal proceedings before the *Contraloría* (national government's comptroller agency) against local governments who have taken advantage of this transfer at the expense of communities entitled to be properly repaired.

Table 6.1: PRC Implementation 2007-early 2018

PRC Implementation (Prioritization and National Funding)	Num. of CPs	Percent of CPs
no	3152	54.3%
yes	2649	45.7%
Total	5801	100%

Region	Frequency	Percent
ANCASH	5	0.19
APURIMAC	313	11.82
AYACUCHO	913	34.47
CAJAMARCA	4	0.15
CUSCO	49	1.85
HUANCAVELICA	257	9.70
HUANUCO	352	13.29
JUNIN	353	13.33
LA LIBERTAD	2	0.08
LIMA	10	0.38
PASCO	100	3.78
PIURA	4	0.15
PUNO	115	4.34
SAN MARTIN	132	4.98
UCAYALI	40	1.51
Total	2649	100.00
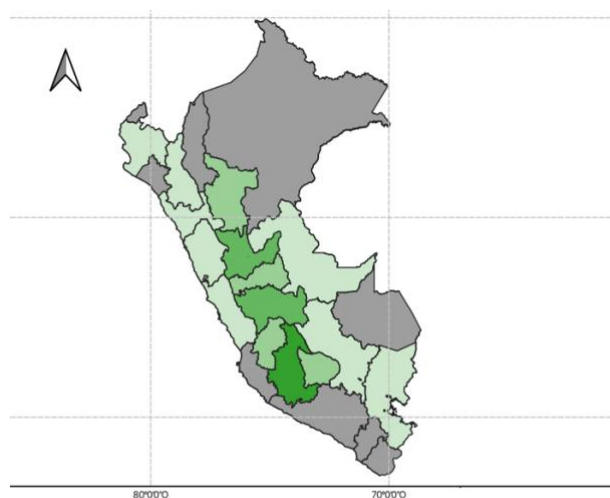
Legend

Percentage of registered communities in RUV from country total

- No Data
- 0,3 - 5 %
- 5 - 10 %
- 10 - 15 %
- 15 - 24,1 %
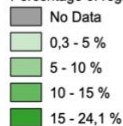
0   100   200 miles

Scale
1 : 25000000
WGS 84 Zone 18S

Fuente: INEI & MINAM
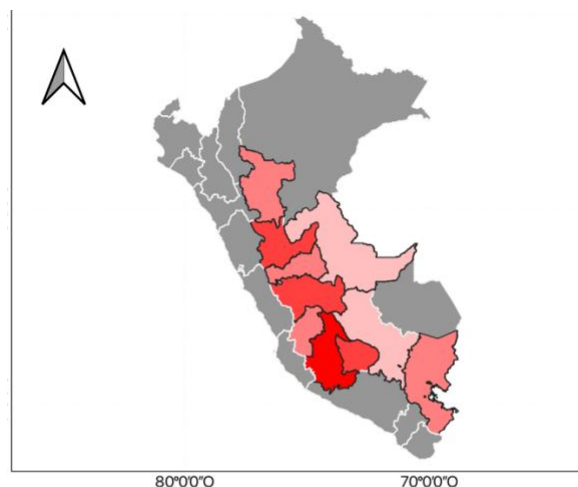
Legend

Percentage of prioritized communities in RUV (from country total)

- No data
- 0,38 - 1,85 %
- 1,85 - 9,7 %
- 9,7 - 13,33 %
- 13,33 - 34,47 %
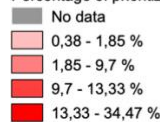
Note: Maps created by Ayna Rodríguez based on author's data analysis

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[254] Interview, CMAN official, Lima, 2017.

6.3.3. Independent Variables

National Government's Political Interests

As indicated above, national state politicians with political ambition tend to employ clientelistic and patronage politics to achieve their goals, including *obrismo* (Muñoz 2016). Measuring political patronage and clientelism is difficult, even more in a context like Peru with weak, non-programmatic parties. I will use different proxies to capture this variable, as clientelism can manifest in different ways. First, I incorporate a measure of **electoral support** in the model. Research in Peru shows that politicians reward voters' electoral support with public works (Muñoz, 2016, 2018). President's electoral support in the territorial districts where communities fall is not available at the time, so I employ the best next measure I was able to collect. Electoral support of each community is measured by the vote share obtained at the regional level by the winner in each of the 3 presidential elections that occurred during the period under study: 2006, 2011, and 2016. While this might not capture the community level political preferences, at the very least, it shows regional trends.

Table 6.2: Descriptive Statistics of Regional Vote Share 2006, 2011, and 2016 Variables

Regional Vote Share	Obs	Mean	Std. Dev.	Min	Max	Median	P75
2006 Election	5801	32.3	12.3	16.6	72.6	36.1	37.2
2011 Election	5801	63.5	9.3	42.5	78	63.5	72.1
2016 Election	5801	49.8	5.1	38.9	65	49	50.1

As Table **6.2** shows, on average, CPs belong to regions that did not support García in the 2006 election. While they highly supported Humala's candidacy, they voted more moderately in favor of Kuczynski (PPK). This is expected as most state abuses were perpetrated against rural communities during García's first administration (1985-1990). He nonetheless was never prosecuted for these human rights violations. Humala, on the contrary, appealed to the rural and indigenous vote and promised to follow through with post-conflict justice measures. Although PPK was white and had advanced neoliberal policies during the Toledo administration (2001-2006), he gained the support of the youth and pro-human rights civil society, including many victim organizations. Following the hypothesis specified in section 2, the expectation *is that CPs in regions with higher electoral support are more likely to receive reparation funds*.

Second, I include an indicator for ***electoral regionalism***, which is defined as the dominance of regional and local political organizations in municipal electoral contests. Throughout the last two decades since the transition to democracy, national parties have been losing predominance in regional and local elections. The more voters are disillusioned by national politics, the more they have opted for supporting regional or local political organizations. Also, in the last 15 years, we have seen a proliferation of subnational parties and political organizations, and high degrees of competitiveness among them. In this context of increasing electoral regionalism, national organizations have started delivering patronage to regional or local parties, using them as brokers, especially as the national party machines they used to rely on throughout the country have weakened (Aragón & Becerra, 2016; Muñoz, 2018).

Table 6.3: Descriptive Statistics of District-level Electoral Regionalism and Party-tag Alignment

Electoral Regionalism Score	Freq.	Percent
0	493	8.50
.33	1670	28.79
.67	1969	33.94
1	1669	28.77
Total	5801	100.00

Party-tag Alignment Score	Freq.	Percent
0	4912	84.68
.08	192	3.31
.25	188	3.24
.33	403	6.95
.42	100	1.72
.58	6	0.10
Total	5801	100.00

During the 2007-early 2018 implementation period, there have been 3 local government terms, as shown in Figure **6.5**. All local state officials are elected for a 4-year term. Based on information about the winning political organization for each term, I created a binary variable that indicates if the elected party was created regionally or locally (1) or not (0).[255] Since the data are cross-sectional and I cannot apply the time component to communities where reparations have not been implemented, I then created a composite measure of electoral regionalism by averaging the values across the 3 periods and incorporated it into the model. In this case, I expect *higher scores to be associated with a higher probability of reparations*. The distribution shows that less than 10% of communities are part of districts who elect national parties (Table **6.3**).

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[255] Local electoral politics covariates were build based on the district where the communities are, but some conditions apply. When attaching local electoral politics information to the communities, I used different criteria. If the community has been repaired, since the data reports which of the governments was the implementer, I used that information. If the community has not been repaired and falls in a capital district, provincial government values were attached. But if the community is inside a non-capital district and has not yet received reparations, I used the district government values.

About 29% of CPs show low levels of electoral regionalism, having voted for a regional or local party at least once in the 3 elections, and another 29% have always voted for non-national parties. The majority (34%) supported regional or local political organizations in two elections.

Figure 6.5: National and Local Government Periods during the PRC Implementation
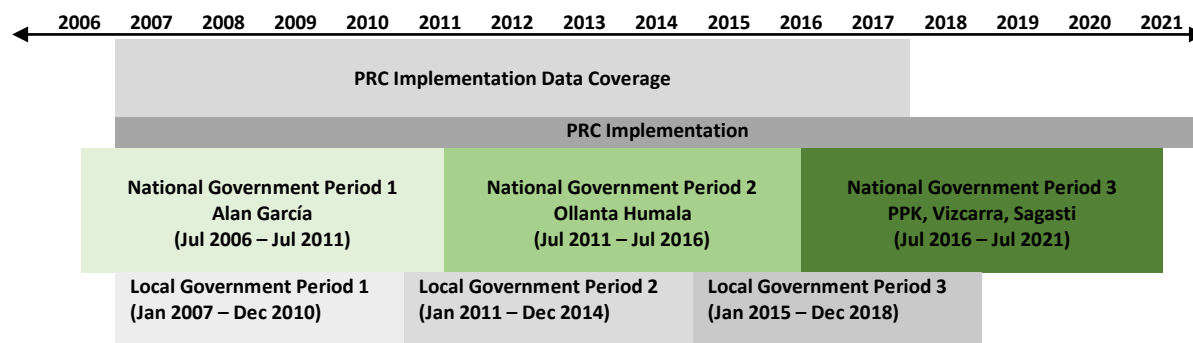
Intersection of National and Local Government Periods for PRC 2007-2017

Local Government period	National Government period
2006-2010 period 1	2006-2011 period 1
2010-2014 period 2	2006-2011 period 1
2010-2014 period 2	2012-2016 period 2
2015-2018 period 3	2012-2016 period 2
2015-2018 period 3	2017-2018 period 3

Third, to measure ***political alignment***, I created a variable that reports whether the elected national party and the elected local party are the same at a given time. Considering the abundance of parties, both national and local, and the growing electoral regionalism, it becomes increasingly rare for national parties to be elected at the local level and even more so for a single party to govern both the country and a district. However, looking at the party tag used by the elected official to compete in the national elections and by its counterpart in the local elections, I built a measure that identifies when this alignment happens. As shown in Figure **6.5** given that presidential and local government terms are not aligned and that they have different term duration (five and four years respectively), there are five different moments with distinctive combination of actors. I created a binary variable for each of these combinations. The variable had a value of 1 if the officials had the same party tag (the national government party tag) or in case of a national coalition, if any of the party members was elected at the local level. Because the data are set up cross-sectionally, I also created a composite measure by averaging the values of these five. As in the prior case, the hypothesis suggests that *reparations will be more likely for*

cases with higher political alignment scores. Most CPs (85%) are part of districts where local governments have not had the same elected party than the national government at a given time (Table **6.3**). About 3% of cases have had this matching once in the full period, and another 3% have seen this alignment two times. In 2% of cases, alignment happened four times and only in six cases, there was always matching of national and local elected party tag. This variable represents only possible linkages at a superficial level. A more accurate measure to better understand the affinity between these two governments could account for other aspects of their interactions that convey the level of political alignment (Niedzwiecki, 2018).

A bivariate analysis of the relationship between party-tag alignment score and the period when reparations took place (including communities that have not received reparations yet or "no period" cases), shows significant differences (Table **6.4**). In the two highest alignment scores (.42 and .58), the percentage of communities receiving reparations in period 1 is significantly higher than expected. Cases with high alignment scores receiving reparations in periods 2 and 3 are fewer than expected. The proportion of mid scoring (.33) cases that received reparations in period 3 is higher. The percentage of cases with lower alignment scores (.08 and .25) that received reparations in period 1 are significantly lower, while periods 2 and 3 cases are higher. García's term awarding of reparations shows some relationship with levels of party-tag alignment between the national and the local elected authorities, favoring those with high scores.

Table 6.4: Bivariate Analysis of Collective Reparations Periods and National-Local Party-tag Alignment Score

Collective Reparations Period	Party-tag Alignment Score						
	0	.08	.25	.33	.42	.58	Total
No Period	2698	92	91	218	52	1	3152
	54.93	*47.92*	*48.40*	*54.09*	*52.00*	*16.67*	*54.34*
In Period 1: 2006-2011	1404	53	46	103	37	5	1648
	28.58	*27.60*	*24.47*	*25.56*	*37.00*	*83.33*	*28.41*
In Period 2: 2011-2016	555	32	34	46	9	0	676
	11.30	*16.67*	*18.09*	*11.41*	*9.00*	*0.00*	*11.65*
In Period 3: 2016-2018	255	15	17	36	2	0	325
	5.19	*7.81*	*9.04*	*8.93*	*2.00*	*0.00*	*5.60*
Total	4912	192	188	403	100	6	5801
	100	*100*	*100*	*100*	*100*	*100*	*100*
Pearson Chi2 (15) = 46.33 Prob = 0.000 / First row has *frequencies* and second row has *column percentages*							

Local Government Participation

To measure the participation of local governments at this stage, their willingness and ability to accept becoming PRC implementers, I incorporate proxies that pertain to their **capacities**. On the one hand, two measures focus on their spending capacity. Local governments that have relatively low budget capacity are more susceptible to national state clientelistic practices, and thus participate in the PRC implementation process. While limited resources do not automatically mean that patronage will be delivered, it is treated here as a risk factor to engage in this type of relationship. First, I use the averaged spending of local governments for the years 2008-2018 (2007 spending is not included because it has information only for a third of the cases). Any of the yearly values can be used, as they show a high degree of correlation. While spending has been increasing across time, this change has been proportional across units. Following the hypothesis stated in section 2, *the higher the spending of local governments, the less likely the national state to award reparation funds*. Second, I created a variable that identifies the percentage of this spending value (average of 2008-2018 spending) represented by the 100,000 PEN (approx. 30,303 USD) national award for each community. This measure conveys how economically significant this amount is for the local government. In this case, because of the measure employed, the expectation is the opposite: *The higher the percentage, the more significant it will be for that local state, and the more likely that the national government can use this as patronage*.

These two measures are not correlated and thus are included in the model. These variables have non-missing values for 5,726 observations, so 75 cases are lost (Table **6.5**). As alternative measures, I use the spending 2018 variable to create an economic significance variable because these have values for the total number of cases. Because spending values go up to 8-digit amounts, I transformed the two variables (average 2008-2018, and 2008) to make them more comparable to other covariates with smaller scales. Spending of local governments is expressed in 10,000,000s. The mean of spending 2008-2018 is lower than the 2018 one by 7 million PEN. Maximum and minimum values are very similar, but the median of spending 2018 is higher by 3 million PEN. As far as economic significance, on average, the collective reparation award represents 1.9-2.0% of the spending of local governments. The highest percentage among cases is 18.8-19.1% and the lowest value is 0.08-0.84%.

Table 6.5: Descriptive Statistics of Spending and Economic Significance Variables

Measure	N	Mean	Std. Dev.	min	max	median	p75
Spending Average	5726	1.226	1.404	.053	12.851	.792	1.47
Economic Significance (Spend. Avg.)	5726	2.04	2.109	.078	18.795	1.262	2.599
Spending 2018	5801	1.633	1.780	.052	11.868	1.098	1.929
Economic Significance (Spend. 2018)	5801	1.894	2.539	.084	19.05	.911	2.215

On the other hand, I use a measure capturing the type of political administrative unit within which the CP is located: capital district or non-capital district. This indicates the type of local government and thus, its capacity to provide resources and public goods to the population. The majority of CPs, a total of 5,024 (87%), are located in a non-capital district. While communities are mostly located in very rural areas of the country, in some cases they belong to a capital district and therefore, have a provincial government, while in other cases, they fall in a non-capital district and are governed by a district government. Provincial *Municipalidades* not only tend to have more resources, but also, the capital districts where they are based are more urbanized and receive better public services. National administrations opt for delivering goods where they will be more salient and significant for the population, and tend to establish these linkages in more rural, less resourceful, non-capital districts and their *Municipalidades. The expectation is that when CPs fall in a capital district, they are less likely to receive reparations*. A binary variable that reports if the community belongs to a capital district or not is included in the model.

Victim Participation

Ideally, given my definition of this concept, that accounts for both formal and informal practices and spaces of participation, information about the social cohesion and organizational capacities of the community could be useful. This includes the existence of an *acta comunal* (community document that preserves important historical facts, events, meetings, and agreements across years), the number of times the *junta comunal* (authorities in the community) meets, or number of people that attend community meetings. Additionally, other important measures are the presence of victims in these communities (not only as defined by the state, but according to the community) and whether there is a victim organization or a victim registry.

However, the only variables at the community level that speak about victim participation or representation are reported only for CPs that have been repaired (2,649).

Therefore, victim participation is measured in a very general manner. One way that we can proxy this variable is through the demand of victims to be recognized and repaired by the state. For individual victims, registration is a choice. During the early registration phase (2007-2010), the Reparations Council reached out to the affected population by deploying itinerant teams but providing documentation or testimonies to prove the violations endured were the responsibility of victims, so the process needed to be driven by them. After 2010, registration at modules in urban centers across regions has been self-initiated for the most part. As such, the strength or size of victims' demand can be proxied by looking at the ***number of individual victims in each district.***

Figure 6.6: Descriptive Statistics of Victim Participation Variables

Other Descriptive Statistics								
	N	Mean	Std. Dev.	Min	Max	Median	p75	skewness
Victim Pop. Size in District (%)	5801	7.657	10.290	0	88.016	4.274	10.243	3.704
Log Victim Pop. Size in District (%)	5801	.731	0.418	0	1.949	.722	1.051	.229
Number of Victims in CP	2605	8.668	14.257	1	423	4	10	11.192
Log Number of Victims in CP	2605	1.47	1.157	0	6.047	1.386	2.303	.306
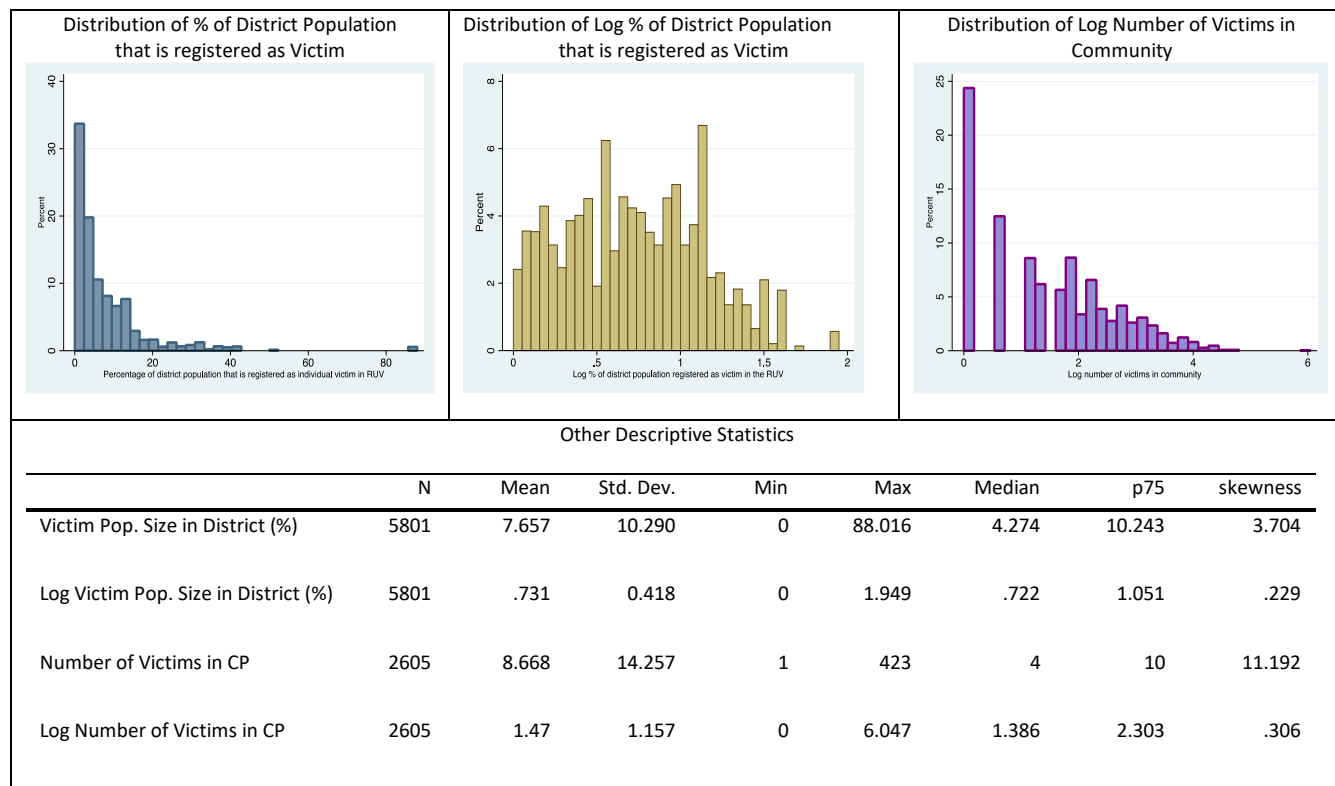
Because the data have population size information at the district level, I created a measure that shows the percentage of the population in each district that is registered as

individual victim in the RUV. Victim population size at the district level is slightly skewed, so I created a log version of this as an alternative. Because victim population percentage has 23 cases with a value of 0, I added 1% to all values to be able to log it and not lose observations. The log version is not skewed. A second alternative measure is the number of victims in the community. While this is a more precise measure, it is only available for half of the communities (2,444). Because victim size at the community level is highly skewed, I also log it to address this problem. The mean percentage of victims in the districts where CPs are located is eight. A total of 23 cases do not have registered individual victims and in a few outliers 50-88 % of their population are victims. However, most districts have up to 10% victims in their population. At the community level, in half of the 2,605 cases there are 1-4 victims. Victims in CPs go from 1 to 423, but this maximum value is an outlier as the 99 percentile is 58. On average CPs have nine registered victims. For all these measures, *the higher the number of registered individual victims, the more likely communities will be prioritized for collective reparations*.

6.3.4. Control Variables

Four controls are included in the model. First, I incorporate a measure of the ***level of violence*** as this is assumed to be the most important driver in the national prioritization and funding of communities. The CVR and *Censo por la Paz* research collected information about multiple types of human rights violations in the communities. These variables were used by the Reparations Council to create a violence index. From this composite numeric measure, they created a 5-point ordinal variable that characterizes the level of collective violence in each CP, with E (1) being the lowest level of violence, and A (5), the highest (Figure **6.7**). About 45% of the cases have high (B) or very high (A) levels of violence, while 12% suffered the lowest levels (E). The median value is C (3), indicating that half of the CPs suffered high levels of violence and the other half, low levels. Focusing only on the highly affected communities (A and B), the most violated regions were Ayacucho, Junín, and Apurímac, which are the 3 subnational units that this study compares in the regional empirical chapter. Ayacucho alone contains almost 40% of the most affected CPs. The figure below shows the types of violations reported in the data that were used to construct the index and the ordinal levels of violence, as well as descriptive statistics of these.

Figure 6.7: Distribution of Communities across Levels of Violence and Descriptive Statistics of Violence Variables
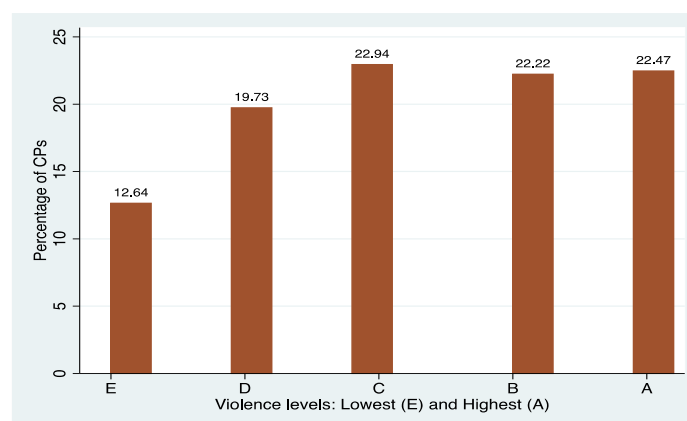
Description	N	Mean	Min	Max	Median	p75	p90
Violence levels: 1(E)=Lowest and 5(A)=Highest	5711	3.2	1	5	3	4	5
Violence levels: composite index	5711	.1	.008	2.362	.051	.14	.319
Number of attacks perpetrated against the community	5711	34.5	0	2040	8	23	68
Number of people killed	5711	7.1	0	400	3	8	16
Number of people disappeared	5711	2.5	0	670	0	2	6
Number of people tortured	5711	7.7	0	650	1	6	16
Number of people handicapped	5711	1.1	0	580	0	0	2
Number of people widowed	5711	3	0	350	0	2	8
Number of people orphaned	5711	8.3	0	550	0	7	24
Number of people who lost legal documents	5711	15.1	0	1100	2	15	30
Number of people displaced	5711	104.4	0	5500	30	100	250
Number of authorities killed	5711	.7	0	26	0	1	2
Number of authorities disappeared	5712	.3	0	45	0	0	1
Number of authorities displaced	5712	2.4	0	512	0	3	6
Number of community organizations affected by the conflict	5712	1.4	0	24	0	2	4
Number of family assets lost by the conflict	5711	261.9	0	33863	20	160	605
Number of community assets lost by the conflict	5711	78.9	0	16000	1	5	70

Among trends that stand out, 90% of communities suffered 68 or fewer incursions by both state and insurgent forces, with 35 being the average number of episodes. The mean of murdered individuals was seven; among these, one person was an authority. About three women were widowed and eight children were orphaned on average which corresponds to the CVR's findings that fatal violence was mainly perpetrated against men. Other abuses that depict the violence in these communities include torture, loss of legal documents and displacement, with an average of 8, 15 and 104 victims respectively. Indeed, the conflict caused an exodus of 10-100 people in 75% of the rural areas. In general, violence drove the authorities out of the CPs because they were key targets of both the state and insurgency thus, had to flee to other territories. This led to the destruction or weakening of the foundations of political organization in

these communities. In addition to the individual rights abuses, there were material losses at the household and community levels. A correlation among violence variables indicates that in places where killings are reported, there are similar levels of forced disappearances, murdered authorities and therefore, women losing their husbands, and children their parents.

One can argue that the classification of communities A-E followed by prioritization by level of violence could be biasing the process by selecting on the dependent variable. However, these two steps have been carried out by different entities of the national state who have not had the ability to influence each other. As discussed in Chapter 2, the process of classifying communities into five groups, according to the levels of violence they experienced, was not politicized. Throughout its existence, the Reparations Council leadership has protected the victim registration process from undue national government influence.[256] On the other hand, the entity in charge of prioritizing CPs, the CMAN decision-making body, does not have any relation or intersection in membership with the Reparations Council staff. In general, *implementation is more likely in communities that experienced higher levels of violence*.

Table 6.6: Descriptive Statistics of Socio-Demographic Variables

Variable	N	Mean	min	max	Median	p75
District population size	5801	13674.4	166	169039	6843	14901
Log district population size	5801	8.9	5.1	12	8.8	9.6
Indigenous community	5801	.3	0	1	0	1
District indigenous population %	5801	46.9	0	85.9	56	70.7

Second, as sociodemographic attributes, I include ***population size*** and ***ethnic identity***. For the population variable, I use the 2017 Census data which is reported at the district level.[257] The minimum population size is 177, and the maximum, 169,039. But on average CPs belong to districts with 13,674 residents. Because the variable was very skewed, I created a log version to use instead. For ethnicity, a binary variable of whether the CP is indigenous or not is reported. Most of the CPs (72%) are not indigenous. Of the third of cases reported as indigenous, 24% are *comunidades campesinas,* Andean peasant (mostly Quechua-speaking) groups, and 5% are *comunidades nativas*, native communities from the Amazonian geographic region.

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[256] Interview, Sofía Macher, Lima, 2015; Interviews, CR officials, Lima, 2017.
[257] A better measure of population size is being collected from the 2007 Census both at the district and community levels.

Table 6.7: Social Programs in Communities, Total and divided by Ethnicity of Community,
and Bivariate Analyses

Program	All CPs (4946)	Indigenous CPs (1535)	Peasant Communities (1251)	Native Communities (284)
Cunamás	29.3	38.5	42.7	19.7
Qaliwarma	81.7	87.8	89.9	79.2
Pensión65	90.8	94.6	97.4	82.4
Contigo	15.6	22.8	27	3.9
PCA	19.8	23.8	26.8	10.6
Foncodes	13.6	17.6	18.9	11.6
Juntos	78.6	88.7	93.3	68.7
PAIS	38.2	54.1	63.9	11.3
One or more programs	97.9	99.3	99.9	96.8
Four or more programs	52.8	69.1	77.1	33.5

CP is beneficiary of 4-8 social programs	Type of Community			Total
	Non-indigenous	Peasant community	Native community	
no	1861	286	189	2336
	54.6	*22.9*	*66.6*	*47.2*
yes	1550	965	95	2610
	45.4	*77.1*	*33.5*	*52.8*
Total	3411	1251	284	4946
	100	*100*	*100*	*100*
Pearson Chi2 = 414.10 Prob = 0.0000				

Community is beneficiary of 4-8 social programs	Indigenous Community		
	No	Yes	Total
no	1861	475	2336
	54.6	*31*	*47.2*
yes	1550	1060	2610
	45.4	*69.1*	*52.8*
Total	3411	1535	4946
	100	*100*	*100*
Pearson Chi2 = 236.85 Prob = 0.0000			

First row has *frequencies* and second row has *column percentages*

Binomial analyses indicate that differences between ethnic groups in terms of intensity of violence are significant. Indigenous communities were more subjected to A and B levels and less, to C, D, and E violence. Non-indigenous CPs experienced more C, D, and E degrees, and less high and very high levels of violence. These gaps become more notable when dividing indigenous communities into Andean and native communities. *Comunicades campesinas* experienced more levels of violence A, B, and C, while nonindigenous and c*omunidades nativas* suffered more D and E levels. The dummy ethnicity variable, collected by the Ministry of Development, is likely underrepresenting the number of CPs that identify as indigenous, especially because it is coded by the interviewer. Alternatively, I use the ethnic self-

identification data at the district level from the 2017 Census to create a variable reporting the percentage of indigenous individuals. The 2017 Census was the first one to ask communities and households to self-identify ethnically. District indigenous population percentage ranges from 0 to 86%, but on average, communities fall in districts with 47% of indigenous population. The effect of these socio-demographic characteristics is connected to other explanatory factors. *CPs in more densely populated districts are more likely to receive reparations* both because there is more demand for public works from the population in general, and because they become more noticeable targets for clientelistic practices. On the contrary, *CPs in districts with a higher number of indigenous residents are less likely to receive reparations*. These communities tend to be more overlooked when it comes to public works and development projects because they are left out of the political decision-making. Given the high degree of illiteracy and political disenfranchisement within indigenous communities, political elites tend to assume they will not participate in electoral processes, and thus, are not motivated to carry out public works to benefit them.

Third, to represent the socio-economic profile of the CPs, I employ a proxy of **poverty** by looking at social welfare programs that serve their population. A set of variables report whether there are social welfare beneficiaries in the community for eight social programs that serve populations that are considered poor or extreme poor. Although it can be argued that this is a sign of national state presence (these are carried out by the central state), these variables only indicate the existence of beneficiaries registered under these programs, not the coverage or the level of care community members receive. Therefore, I am using it as a proxy of poverty. Instead of including a dummy variable for each of these programs, especially as not all of these are present across the units, I created two composite measures to use in the model. First, an ordinal variable that reports the number of programs that serve a community, and based on the this, a dummy variable that indicates whether the CP has a population enrolled in more than 4 programs or not. The distribution of the number of programs is close to normal, with a median of 3, so I divided the cases in low (0-3) and high (4-8) number of social programs. This dummy is a proxy of whether the community is poor or very poor. *Poverty levels of CPs are expected to drive more clientelism and obrismo, and thus increase the probability of reparations funding*. Populist political elites in the national government are likely to apply the poverty alleviation logic to the PRC process, instrumentalizing reparations.

Some general trends for programs can be identified in Table **6.7**. Almost all the CPs receive one or more social programs, and more than half of the communities have registered beneficiaries of 4 or more programs. This highlights that a large part of their population is in poverty or extreme poverty. Eligibility to receive these welfare benefits is dependent on being formally recognized as individuals living below the poverty line.[258] The programs can be classified into three types. Some of these like Cunamás, Qaliwarma and JUNTOS, serve the mother-child population. Others are more general, aimed at adolescent and adult populations, serving those with vulnerabilities such as the elderly population (Pensión65), people with disabilities (Contigo), and population from shelters, *comedores populares* (community kitchens), and organizations supporting chronic health conditions (PCA).[259] *Plataformas de Acción para la Inclusión Social* (PAIS) is a program focused on providing state services to rural communities that are territorially distant from decentralized political centers. Many CPs receive maternal and child programs (94%), as well as programs for vulnerable people (93%). The PAIS program serves 40% of the CPs. The coverage of PCA, Contigo, and FONCODES is 20%, 16%, and 14% of communities, respectively. As a prior chapter indicated, during the early 2000s, FONCODES worked with displaced victims, taking on the steps of the PAR program. The lack of a strong presence of this program does not mean that there is no need for it, but rather, it might be that there are no opportunities to develop labor skills in many of these CPs because they are mostly rural or peri-urban. Self-subsistence economic activities predominate, and these skills are transmitted intergenerationally within the family and community. Additionally, while FONCODES maintains a strong relationship with displaced groups after a different unit took over their registration, these ties are mainly observed in urban centers like Ayacucho city, where many displaced victims reside.

A binomial analysis of the community-level ethnic variable and social benefits indicates that the differences between ethnic groups are statistically significant (Table **6.7**). Andean

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[258] In Peru, the poverty line is assessed based on individual (per capita) cost of life. At the end of 2017 (taking into account the date this data was withdrawn) the line was placed at 338 PEN (102.4 USD) per month for an individual to be classified as poor, and 183 PEN (55.5 USD), as extremely poor. For more information: Oficina Técnica de Difusión. (2018). *Pobreza monetaria afectó al 21,7% de la población del país durante el año 2017* (Press Release No 063-April 24, 2018). Instituto Nacional de Estadística e Informática. https://m.inei.gob.pe/prensa/noticias/pobreza-monetaria-afecto-al-217-de-la-poblacion-del-pais-durante-el-ano-2017-10711/

[259] Información sobre programas sociales del MIDIS: https://www.gob.pe/institucion/midis/tema/110-ayuda-social Ministerio de Desarrollo e Inclusión Social. (2022, November 12). *Ayuda Social: Programas sociales, iniciativas y beneficios que brinda el Estado a las personas en estado de vulnerabilidad y pobreza.* https://www.gob.pe/institucion/midis/tema/110-ayuda-social

communities have more social welfare than other types of communities. While 45% of non-indigenous communities and 44% of native communities receive 4 or more programs, 77% of Andean peasant CPs benefit from this number of programs. When separating the programs into the two types of populations served, a higher percentage of *campesina* CPs receive maternal and child benefits (6-10% more) and services for vulnerable people (10-15% more) than non-indigenous or even native groups. Only 1-2% of Andean communities (13) do not receive these two types of programs. Similarly, when evaluating each program separately only among indigenous CPs, the percentages of communities benefiting from these social programs increase, even more for Andean groups than for native communities. In particular, the presence of PAIS in almost 64% of the *campesina* communities is notable, given that only a third of the non-indigenous communities are served by PAIS, and 38% of all CPs are served by this state program. These comparisons indicate the greater precariousness of the indigenous group, but above all, of the highland's peasant population. This fact coincides with the structural causes and consequences of the armed conflict shown in the CVR's Final Report. The lower numbers among the native communities do not imply a lack of socio-economic hardship. In this case, lower service provision reflects the difficulty for the state to reach many of these populations in many cases due to geographical issues (Ministerio de Justicia y Derechos Humanos, 2013).

Because the social program variables only have information for 4,946 communities (85%), I also use an alternative district poverty measure.[260] The INEI (National Statistics Institute) created a poverty measure in 2013 based on several socio-economic household indicators and then ranked districts according to density of household living in poverty or extreme poverty, from lowest to highest. Poverty rank values range 1-1903 from highest to lowest poverty levels, so lower values on this variable indicate districts are poor or very poor. The average is 709, and most districts have values below 612, indicating that they are poorer than other districts. A summary of the variables included in the model, the direction of the effect (positive or negative) on implementation, and the level of analysis is provided below.

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[260] Some districts exhibit pockets with different levels of poverty, so they appear twice in the original data. To obtain one value per district, I created an average value for cases that had more than one observation.

Table 6.8: Independent and Control Variables and their Effect on National Implementation

Variable		Measure	Type of Variable	Unit of Analysis
National Government's Political Interests	(+) National government electoral support	Elected president's vote share in 2006 Elected president's vote share in 2011 Elected president's vote share in 2016	Continuous	Region
	(+) Party tag alignment between local and national governments	Composite measure based on 5 combinations of national-local terms, where 0 is lowest value and 1 is highest value. For each combination, if party of elected mayor is same as party of elected president, a 1 was assigned, and if they were different, a 0 was assigned.	Ordinal	Local Government (District or Province)
	(+) Electoral regionalism	Composite measure based on 3 local elections (2006, 2010, and 2014), where 0 is lowest value and 1 is highest value. For each election, if party of mayor is regional or local, a 1 was assigned, and if party is national or a coalition, a 0 was assigned.	Ordinal	Local Government
Local Government Participation	(-) Fiscal capacity of local government	Primary: Average of local government spending (2007-2018) in 10^7 PEN *Alternative: Average of local government spending (2018) in 10^7 PEN	Continuous	Local Government
	(+) Economic significance of reparation for local government	Primary: Reparation award as percentage of local government spending average *Alternative: Reparation award as percentage of local government spending (2018)	Continuous	Local Government
	(-) Capital district	Community falls within a capital district (1) or non-capital district (0)	Dummy	District
Victim Participation (+) Size of victim population		Primary: RUV individual victims as percentage of district population	Continuous	District
		*Alternative: RUV individual victims as percentage of district population (log)	Continuous	District
		*Alternative: number of RUV individual victims in community (log)	Continuous	Community
Conflict Intensity (+) Violence level		Community level of violence A-E, where highest is A (5) and lowest is E (1)	Ordinal	Community
Socio-Demographic Profile	(+) Population size	District population size in 2017 census (log)	Continuous	District
	(-) Indigenous ethnicity	Primary: Community is indigenous (1) or not indigenous (0)	Dummy	Community
		*Alternative: district population % that self-identifies as indigenous in 2017 census	Continuous	District
Socio-economic Profile (+) Poverty level		Primary: Community has 4 or more social programs (1) or less than 4 (0)	Dummy	Community
		*Alternative 1: Number of social programs in community	Ordinal	Community
		*Alternative 2: District poverty rank value in 2013 from highest (1) to lowest (1903)	Continuous	District

6.4.   Analysis and Results

The model used for this analysis is logistic regression because the dependent variable is binary, and the data are cross-sectional with victim community as the unit of analysis. The data are structured hierarchically as they contain predictors from different levels of aggregations: regions, territorial districts, local governments (political provinces or districts), and communities. Table 6.9 shows a summary of descriptive statistics for all the variables discussed before and the number of observations with data for those attributes.

Table 6.9: Descriptive Statistics and Correlation Matrix of Model Variables

	Variable	N	Mean	Std. Dev.	min	max	p25	Median	p75
1)	National implementation of reparations	5801	.457	0.498	0	1	0	0	1
2)	President's vote share 06	5801	32.286	12.294	16.575	72.546	23.523	36.051	37.192
3)	President's vote share 11	5801	63.497	9.256	42.465	77.895	54.657	63.463	72.103
4)	President's vote share 16	5801	49.799	5.142	38.907	64.987	48.412	48.821	50.076
5)	Party alignment local-national	5801	.042	0.108	0	.583	0	0	0
6)	Electoral regionalism	5801	.61	0.314	0	1	.333	.667	1
7)	Local gov. spending (avg)	5726	1.226	1.404	.053	12.851	.385	.792	1.47
8)	Economic significance of rep. (avg)	5726	2.04	2.109	.078	18.795	.68	1.262	2.599
7A)	Local gov. spending (2018)	5801	1.633	1.780	.052	11.868	.451	1.098	1.929
8A)	Economic significance of rep. (2018)	5801	1.894	2.539	.084	19.05	.518	.911	2.215
9)	Capital district	5801	.134	0.341	0	1	0	0	0
10)	Victim pop. size – district %	5801	7.657	10.290	0	88.016	1.411	4.274	10.243
10A)	Victim pop. size – district % (log)	5801	.731	0.418	0	1.949	.382	.722	1.051
10A)	Victim pop. size – community (log)	2605	1.714	0.899	.693	6.047	1	1.386	2.303
11)	Violence level	5711	3.221	1.332	1	5	2	3	4
12)	Population size (log)	5801	8.871	1.152	5.112	12.038	8.072	8.831	9.609
13)	Indigenous ethnicity – community	5801	.282	0.450	0	1	0	0	1
13A)	Indigenous ethnicity – district	5801	46.868	26.230	0	85.921	21.936	56.014	70.664
14)	Social programs (4+) – community	4946	.528	0.499	0	1	0	1	1
14A)	Social programs (number) – community	4946	3.677	1.585	0	8	3	4	5
14A)	Poverty level – district	5801	708.673	488.494	1	1903	283	612	1061

Different model specifications were examined, using the main variables and alternative measures. Before running the models, I reviewed the distribution of continuous and ordinal variables to confirm that skewness was not present. While variables with non-normal distribution can be used in logistic models (there is no normality assumption), sometimes very skewed measures can increase the probability of high leverage and create large residuals, which in turns affects the predictive ability of the model (Olvera Astivia et al., 2019). As indicated in the prior

section, I created a log version of three variables: population size, victim size at the community level and district victim percentage. The goal with transforming these independent variables is achieve *linear* relationships with the dependent variable and improve the fitness of the model. Also, I identified collinearity in some of the variables.

The matrix below shows high correlations (.6 or above) for national politics variables. President vote share 2006 has a high negative correlation with vote share 2011, victim size at the district level (and its log version), indigenous ethnicity at the district level, and poverty rank. In general, García was poorly supported in regions with CPs, while Humala received high support, explaining the negative correlation of these measures. The same applies to victim size and socio-demographic variables. As described above, people affected by the war had a negative perception of García because of his role by commission and omission in violence perpetrated in his first term. Districts with higher levels of indigenous victim population did not support García for a second term. Additionally, Humala's vote share (2011) correlates highly and positively with 2016 vote share and percentage of indigenous in district. Again, Humala's candidacy as a *provinciano* (Peruvian who was born and/or was raised outside of Lima city) was appealing to the poor, rural and indigenous of the country. Humala's supporters were left-leaning social groups, including human rights organizations and victim collectives. They also supported PPK in 2016 as he competed against right-oriented Keiko Fujimori, daughter of the authoritarian former president Alberto Fujimori.

Last, population size also exhibits a high degree of positive collinearity with spending variables. This is expected given that fiscal capacity of local governments is driven by socio-demographic characteristics of their jurisdictions. Population size shows a negative high correlation with the variables capturing the economic significance of the award because these measures are inversely proportional to spending. Places where the award will be more significant have lower numbers of residents, and thus, lower spending capacity. Despite these correlations, some of the model specifications include collinear measures, especially if –when compared to models without them other results were significantly impacted in a negative manner.

Figure 6.8: Correlation Matrix of Model Variables

Variable	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(7A)	(8A)	(9)	(10)	(10A)	(10A)	(11)	(12)	(13)	(13A)	(14)	(14A)	(14A)
1) National implementation of reparations	1.0																				
2) President's vote share 06	-0.3	1.0																			
3) President's vote share 11	0.2	-0.9	1.0																		
4) President's vote share 16	0.1	-0.3	0.6	1.0																	
5) Party alignment local-national	0.0	-0.0	0.0	-0.0	1.0																
6) Electoral regionalism	0.1	-0.2	0.2	0.0	-0.4	1.0															
7) Local gov. spending (avg)	-0.1	0.2	-0.1	0.1	-0.1	0.0	1.0														
8) Economic significance of rep. (avg)	0.1	-0.1	0.1	0.1	0.2	-0.1	-0.5	1.0													
7A) Local gov. spending (2018)	-0.1	0.2	-0.1	-0.0	-0.1	0.1	0.9	-0.5	1.0												
8A) Economic significance of rep. (2018)	0.1	-0.1	0.1	0.0	0.1	-0.1	-0.4	0.8	-0.5	1.0											
9) Capital district	-0.1	0.1	-0.1	-0.1	-0.1	0.2	0.4	-0.3	0.4	-0.2	1.0										
10) Victim pop. size – district %	0.3	-0.6	0.5	0.0	0.0	0.1	-0.1	0.1	-0.1	0.1	-0.1	1.0									
10A) Victim pop. size – district % (log)	0.3	-0.7	0.6	0.1	0.0	0.1	-0.2	0.1	-0.2	0.1	-0.1	0.9	1.0								
10A) Victim pop. size – community (log)	0.3	-0.3	0.2	-0.1	0.0	0.1	-0.0	0.0	-0.0	-0.0	0.0	0.4	0.4	1.0							
11) Violence level	0.7	-0.3	0.3	0.1	0.0	0.1	-0.1	0.1	-0.1	0.0	-0.1	0.4	0.4	0.3	1.0						
12) Population size (log)	-0.2	0.4	-0.4	-0.2	-0.2	0.0	0.7	-0.8	0.7	-0.6	0.3	-0.3	-0.4	-0.1	-0.2	1.0					
13) Indigenous ethnicity – community	0.1	-0.3	0.3	0.1	-0.0	0.2	-0.1	0.1	-0.1	0.1	-0.0	0.1	0.2	0.1	0.1	-0.2	1.0				
13A) Indigenous ethnicity – district %	0.2	-0.7	0.8	0.5	0.0	0.2	-0.2	0.2	-0.2	0.1	-0.1	0.4	0.5	0.2	0.3	-0.4	0.4	1.0			
14) Social programs (4+) – community	0.2	-0.3	0.3	0.2	0.1	0.0	-0.2	0.2	-0.2	0.1	-0.1	0.1	0.1	0.2	0.1	-0.3	0.2	0.4	1.0		
14A) Social programs (number) – community	0.2	-0.3	0.4	0.2	0.0	0.1	-0.3	0.2	-0.3	0.1	-0.1	0.1	0.2	0.2	0.2	-0.4	0.3	0.4	0.8	1.0	
14A) Poverty level – district	-0.2	0.5	-0.5	-0.1	-0.1	-0.0	0.4	-0.2	0.4	-0.1	0.2	-0.4	-0.5	-0.2	-0.2	0.5	-0.2	-0.6	-0.4	-0.4	1.0

A total of eight models were tested with different combinations of predictors. Model outputs show the odd ratios (OR) instead of the coefficients to have a better interpretation of the impact of the variable. OR that are greater than one indicate that the explanatory variable has a positive effect on implementation, whereas OR that are between zero and one indicate a negative effect.[261] OR have been rounded to two decimal places.

Figure 6.9: Model Specification 1

National Implementation of Reparations	Odd Ratios	St.Err.	t-value	p-value	[95% Conf	Interval]	Sig
President's vote share 06	.96	.01	-5.42	<.01	.94	.97	***
President's vote share 11 **(◊)**	.95	.01	-3.69	<.01	.93	.98	***
President's vote share 16	1.02	.01	1.37	.17	.99	1.04	
Party alignment local-national	1.21	.47	0.49	.62	.56	2.61	
Electoral regionalism **(*)**	1.27	.18	1.63	.1	.95	1.68	
Local gov. spending (avg) **(*)**	.93	.04	-1.56	.12	.85	1.02	
Economic significance of reparation (avg)	1.1	.03	3.12	<.01	1.04	1.17	***
Capital district	.72	.1	-2.41	.02	.55	.94	**
Victim pop. size – district % **(*)**	1.01	.01	1.38	.17	1	1.02	
Violence level	4.1	.17	33.69	<.01	3.78	4.45	***
Population size (log)	1.01	.07	0.11	.91	.87	1.16	
Indigenous ethnicity – community	1.02	.09	0.27	.79	.86	1.22	
Social programs (4+) – community	1.95	.17	7.82	<.01	1.65	2.3	***
Constant **(*)**	.15	.18	-1.56	.12	.01	1.62	

Mean dependent var		0.45	SD dependent var		0.50
Pseudo r-squared		0.39	Number of obs		4939
Chi-square		2687.79	Prob > chi2		0.000
Akaike crit. (AIC)		4146.61	Bayesian crit. (BIC)		4237.68

*** p<.01, ** p<.05, * p<.1

(◊) Variable becomes insignificant in model specification without President's vote share 06
(*) Variable becomes significant in model specification without President's vote share 06

The first model included all the variables in Figure 6.9. For those with alternative measures, it included the primary options. Among the contextual variables, vote share of 2006 and 2011, economic significance of the reparation for the *Municipalidad*, and the capital district dummy are significant. The higher the share in elections 06 and 11 the lower the odds of reparations happening, indicating a negative association. More specifically, for every percent increase in the vote share of 2006 and 2011, respectively, the likelihood of a community being selected to receive reparations is reduced by 4% and 5% respectively. If electoral support is considered a proxy for the propensity of a population to clientelist practices, the results contradict the prediction of the theory. However, this negative association might be related to the

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[261] OR exactly equal to 1 indicates that there is no association between the variable in question and the outcome. OR cannot be equal or lower than 0.

fact that vote share is measured at the regional level, the highest level of subnational aggregation and it is not truly capturing the electoral support of the district, let alone the community's vote. These variables show an average level of support, obscuring the differences across subunits. Funding for collective reparations is allocated to local governments, not regional ones. If anything, this tells us that the regional electoral support might be capturing some characteristics at that level that reduce the odds of implementation.

As predicted, economic significance and capital district impact implementation positively and negatively, respectively. Each additional 1% increase in the economic significance of the award for a *Municipalidad* is associated with 10% increase in the odds of the community being repaired. And, a community that falls within a capital district, and thus has a Provincial government, has a reduction of 28% in the odds of receiving the national PRC award. Among the control variables, higher poverty and violence levels increase the odds of a community being selected for collective reparations. The odds of being repaired are expected to grow 95% with each additional social program in the community, and 310%, with each additional level of violence. Victim participation is not significant in this model, which might be related to the collinearity with vote share 2006. In a nested version of the model, without vote share 06, victim participation becomes significant, along with electoral regionalism and spending; their impact on the outcome is as expected. For every percent increase in victim population size in the district, the odds of a community being selected to receive reparations are predicted to grow by 1%. Vote share 2011 becomes insignificant in the nested model.

In model specification 2, I used the district-level indigenous measure instead of the community dummy, but the ethnicity attribute remained non-significant. Since percentage of indigenous in district is highly correlated with electoral support in 2011 (and 2006), I removed Humala's vote share, but it did not make indigenous significant. When using the ordinal social program variable instead of the dummy, the model is improved. The fact that the ordinal version of the measure is a better predictor allows us to see that a more nuanced characterization of community poverty levels (eight as opposed to two levels) better captures the impact that this attribute has on implementation. This was especially true when the specification also included the vote share of 2006. Victim participation, ethnicity, and poverty become significant, and they follow the predicted patterns (Figure **6.10**). Victim participation becomes marginally significant

(.054). Many political variables are significant too. While higher electoral support in 2006 and 2011 decreased the odds of implementation, electoral support in 2016 increased it. Electoral support in 2016 was moderate across the board among regions covered in this dataset, so this measure might also be capturing other dynamics at the regional level. Higher values of economic significance increase the odds of receiving reparations, whereas being in a capital district under a provincial government and with higher urbanization decreases the odds of being repaired.

Figure 6.10: Model Specification 2

National Implementation of Reparations	Odd Ratios	St.Err.	t-value	p-value	[95% Conf	Interval]	Sig
President's vote share 06	.95	.01	-5.59	<.01	.94	.97	***
President's vote share 11	.95	.01	-3.46	<.01	.93	.98	***
President's vote share 16	1.03	.01	2.00	.05	1	1.05	**
Party alignment local-national	1.38	.54	0.82	.41	.64	2.99	
Electoral regionalism	1.22	.18	1.41	.16	.92	1.63	
Local gov. spending (avg)	.94	.04	-1.29	.2	.87	1.03	
Economic significance of reparation (avg)	1.1	.03	3.09	<.01	1.04	1.17	***
Capital district	.75	.1	-2.08	.04	.57	.98	**
Victim pop. size – district %	1.01	.01	1.93	.05	1	1.02	*
Violence level	4.23	.18	33.47	<.01	3.89	4.6	***
Population size (log)	1.02	.08	0.29	.77	.88	1.18	
Indigenous ethnicity – district %	.99	.002	-2.91	<.01	.988	.997	***
Social programs (number) – community	1.35	.04	10.50	<.01	1.28	1.43	***
Constant	.05	.06	-2.48	.01	.004	.53	**

Mean dependent var		0.45	SD dependent var		0.50
Pseudo r-squared		0.40	Number of obs		4939
Chi-square		2740.24	Prob > chi2		0.000
Akaike crit. (AIC)		4094.16	Bayesian crit. (BIC)		4185.23

*** p<.01, ** p<.05, * p<.1

In another version of this model, I used the district poverty measure instead of the community one so that I preserve as many observations as possible (the variable "community social programs" only has information for 4,946 CPs). However, that change made victim participation, spending and indigenous insignificant, and more importantly the odds ratio value of the significant poverty rank variable was one, with no confidence interval or standard errors. This tells me that something might be problematic about that measure. In any case, the community-level measure is a better option because it captures variation at the lowest level of aggregation and performs better in the model. In a different model specification, I tried the impact of using the spending 2018 and economic significance 2018 variables instead of the average-based ones, but the fitness decreased, and victim participation became insignificant.

In model specification 3, the log version of district victim size is used instead (Figure **6.11**). Victim participation becomes significant at the 0.01 level, as well as most of the variables

that were also significant in the prior model. The three vote share variables, capital district and economic significance of the award show consistent results in terms of their positive or negative impact on the odds, as discussed earlier. The same occurs for victim participation, indigenous ethnicity, and poverty. Albeit the skewness of victim population size at the district level was not that large, it appears the model performs better when including a more normal version of this indicator. I checked the performance of 2018 spending measures in the model, but the average indicators are the better options.

Figure 6.11: Model Specification 3

National Implementation of Reparations	Odd Ratios	St.Err.	t-value	p-value	[95% Conf	Interval]	Sig
President's vote share 06	.96	.01	-5.08	<.01	.94	.97	***
President's vote share 11	.95	.01	-3.62	<.01	.93	.98	***
President's vote share 16	1.03	.01	2.36	.02	1.01	1.06	**
Party alignment local-national	1.48	.58	0.99	.32	.68	3.2	
Electoral regionalism	1.27	.18	1.63	.1	.95	1.68	
Local gov. spending (avg)	.94	.04	-1.43	.15	.86	1.02	
Economic significance of reparation (avg)	1.11	.04	3.36	<.01	1.05	1.18	***
Capital district	.76	.11	-1.95	.05	.58	.994	*
Victim pop. size – district % (log)	1.6	.23	3.22	<.01	1.2	2.13	***
Violence level	4.19	.18	33.27	<.01	3.85	4.56	***
Population size (log)	1.04	.08	0.55	.58	.9	1.21	
Indigenous ethnicity – district %	.99	.002	-3.05	<.01	.988	.997	***
Social programs (number) – community	1.36	.04	10.64	<.01	1.28	1.43	***
Constant	.02	.03	-2.97	<.01	.002	.28	***

Mean dependent var	0.45	SD dependent var	0.50
Pseudo r-squared	0.40	Number of obs	4939
Chi-square	2746.69	Prob > chi2	0.000
Akaike crit. (AIC)	4087.71	Bayesian crit. (BIC)	4178.78

*** p<.01, ** p<.05, * p<.1

Figure 6.12: Model Specification 4

National Implementation of Reparations	Odd Ratios	St.Err.	t-value	p-value	[95% Conf	Interval]	Sig
President's vote share 06	.97	.01	-2.65	.01	.94	.99	***
President's vote share 11	.96	.02	-2.05	.04	.92	1	**
President's vote share 16	1.06	.02	3.16	<.01	1.02	1.1	***
Party alignment local-national	.49	.29	-1.22	.22	.16	1.54	
Electoral regionalism	1.14	.24	0.62	.54	.75	1.72	
Local gov. spending (avg)	.9	.06	-1.55	.12	.79	1.03	
Economic significance of reparation (avg)	1.15	.05	2.93	<.01	1.05	1.25	***
Capital district	.62	.12	-2.40	.02	.42	.92	**
Victim pop. size – community (log)	1.68	.12	6.98	<.01	1.45	1.94	***
Violence level	4.63	.3	23.55	<.01	4.08	5.26	***
Population size (log)	1.11	.12	0.98	.33	.9	1.37	
Indigenous ethnicity – district %	.99	.003	-3.30	<.01	.98	.99	***
Social programs (number) – community	1.28	.06	5.66	<.01	1.17	1.39	***
Constant	.001	.002	-3.58	<.01	0	.05	***

Mean dependent var	0.56	SD dependent var	0.50
Pseudo r-squared	0.42	Number of obs	2444
Chi-square	1394.42	Prob > chi2	0.000
Akaike crit. (AIC)	1981.23	Bayesian crit. (BIC)	2062.45

*** p<.01, ** p<.05, * p<.1

A final model with the community-level victim variable (log version) is depicted above (Figure **6.12**). Results are the same in terms of significance and direction of the impact of the predictors on national implementation. Estimations of the four discussed models are compared below. In general, the four specifications perform very well in terms of fitness. There is a significant improvement in the percentage of cases correctly classified from the null case, the distribution of the positive cases of the dependent variable. Among the three first models that use 85% of the observations, the ones for which social program information is available, the third model, with log district victim size has the highest predictive power. All three models show similar significant results, but only in Model 2 and Model 3, victim participation becomes marginally significant at 0.05 and significant at 0.01 respectively. Model 3 is the best one because of its slightly better predictive power. Model 4, performs similarly well, but it drops half of the cases in the data. [262]

Figure 6.13: Comparison of Estimates of Models 1-4

Variable	Model 1	Model 2	Model 3	Model 4
President's vote share 06	.96***	.95***	.96***	.97**
President's vote share 11	.95***	.96***	.95***	.96*
President's vote share 16	1.02	1.03*	1.03*	1.06**
Party alignment local-national	1.21	1.38	1.48	0.50
Electoral regionalism	1.27	1.23	1.27	1.14
Local gov. spending (avg)	0.93	0.94	0.94	0.90
Economic significance of reparation (avg)	1.10**	1.10**	1.11***	1.15**
Capital district	.72*	.75*	0.76*	.62*
Victim pop. size – district %	1.01	1.01*		
Violence level	4.10***	4.23***	4.19***	4.63***
Population size (log)	1.01	1.02	1.04	1.11
Indigenous ethnicity – community	1.02			
Social programs (4+) – community	1.95***			
Indigenous ethnicity – district %		.99**	.99**	.99***
Social programs (number) – community		1.35***	1.36***	1.28***
Victim pop. size – district % (log)			1.60**	
Victim pop. size – community (log)				1.68***
Constant	0.15	.05*	.02**	.0***
N	4939	4939	4939	2444
R2_p	.3949	.4026	.4035	.4165
Correctly classified (Null)	45.5	45.5	45.5	56.4
Correctly classified (Model)	81.37	81.51	81.88	82.04

legend: * p<.05; ** p<.01; *** p<.001

The outputs of the logistic models provided above listed Odds Ratios for all independent variables (as opposed to coefficients) to facilitate the interpretation of results. However, another

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[262] Below some marginal effects figures are shown to better illustrated the effect of some the predictors (confidence intervals included). These will be discussed in a future draft and during the defense.

strategy to visualize the effect of covariates in non-linear models is through marginal effects, interpreting results as probabilities of an event happening. Figure **6.14** and shows the predicted probability of PRC implementation happening (a community being prioritized to receive a collective reparation award) in some specific examples, using model specification 4. These cases were selected to showcase the probability of being repaired under specific values of independent variables that are significant while keeping other variables at their mean values. The graphs illustrate 95% Confidence Intervals (CI) for the predicted probabilities across all five levels of violence.

First, local government participation, understood at this stage of the implementation as accepting the task of building the project on the ground, is proxied by the economic significance of the award for the *Municipalidad*. As shown in graph A, the probability of implementation when the award is insignificant (represents 0.4% of CP's local government spending or less) is above 0.5 only for communities with high (B) and very high (A) levels of violence. Whereas, when the award represents 20% of the local government's annual budget, C communities also have a probability of 0 above the probability is higher than 0.5. Overall chances of implementation increase across all levels when the economic significance is 20%. The effect of these two levels of economic significance is discernable as the CI between 0 and 20% do not intersect. Although cases with 10% economic significance also make a difference, increasing probabilities across all levels of violence and being distinguishable from no significance cases, the intersection between the CIs of 10% and 20% cases suggests the lower value might be enough to see an impact on the probability of implementation.

Second, graph B shows that the impact of different levels of poverty, proxied by the number of social programs that have registered beneficiaries in the CPs, is notable. Moving from no (least poor) to 8 social programs (poorest), the probability of PRC implementation increases most dramatically for communities with low, mid, and high levels of violence (D, C and B). Especially, among those CPs that experienced mid and high levels of abuses, the probability of receiving the PRC award is above 0.5 for the poorest communities. Third, higher levels of victim participation, represented by the size of the registered victim population in the district is, increase the probability of communities being prioritized too. Graph C compares the predicted probabilities of implementation when victim population size is 1% with cases with very high

density of victim population (89%). Especially for C and B communities, this drastic change in victim population size increases the probability of reparations above 0.5.

Figure **6.14** also shows two examples combining different values of two independent variables across all levels of violence. Real world cases are more likely to have values other than the mean for the characteristics accounted in the models. Among CPs where residents are not registered for any social program, and thus have lowest levels of poverty, cases inside districts with a large indigenous population (90%) are less likely to be repaired than those with no indigenous residents (graph D). This difference is higher for communities that experienced mid to very high levels of violence (C, B, and A). For the group of CPs with the highest number of social programs (8), having a large indigenous population appears to decrease the probability of implementation more noticeably when communities endured low and mid violence (D and C). Overall, although the size of the indigenous population in the district reduces the likelihood of PRC funding, levels of poverty have a stronger effect on the outcome across all degrees of violence. This is especially true for C-level communities; even when they belong to a jurisdiction with high indigenous population, the probability of collective reparations is greater than 0.5 when poverty levels are high.

When combining levels of poverty with levels of victim participation, the effect of falling within one of the four groups of cases is more evident than in the prior combination (CIs are more distant from each other across all violence levels). Among the least poor CPs, high victim participation (89% victim population registered in the RUV) increases the chance of reparations for D-A communities, relative to minimal victim participation (graph E). This effect is more significant for communities that endured mid and high degrees of victimization. In terms of CPs with high poverty levels, having a sizeable number of victims demanding reparations makes a key difference even when the intensity of violence was low (D). In general, victim participation levels appear to matter more than the ethnic composition of the district population for improving the odds of collective reparations being implemented in CPs.

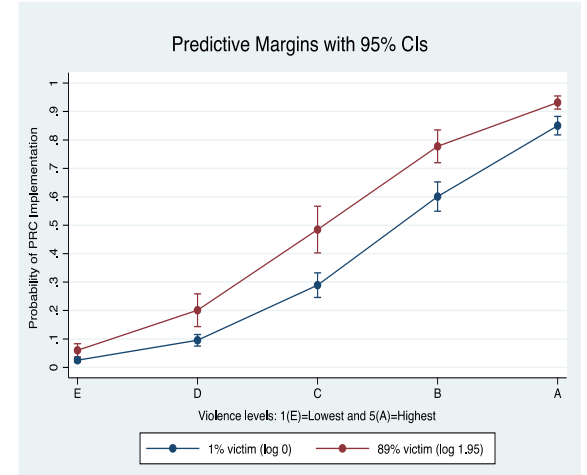*Figure 6.14: Marginal effects of Independent Variables on the Probability of Implementation*

A. **Marginal effects of local government participation**
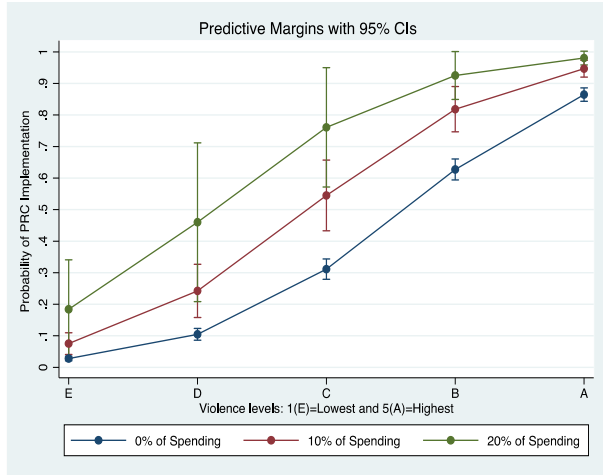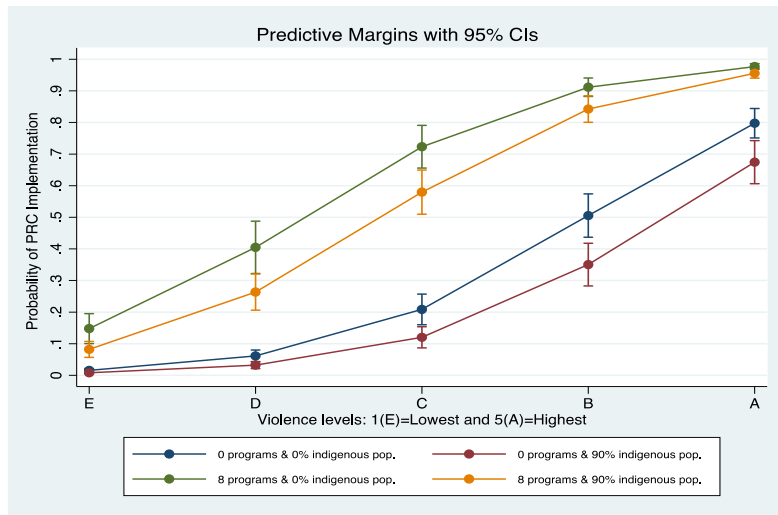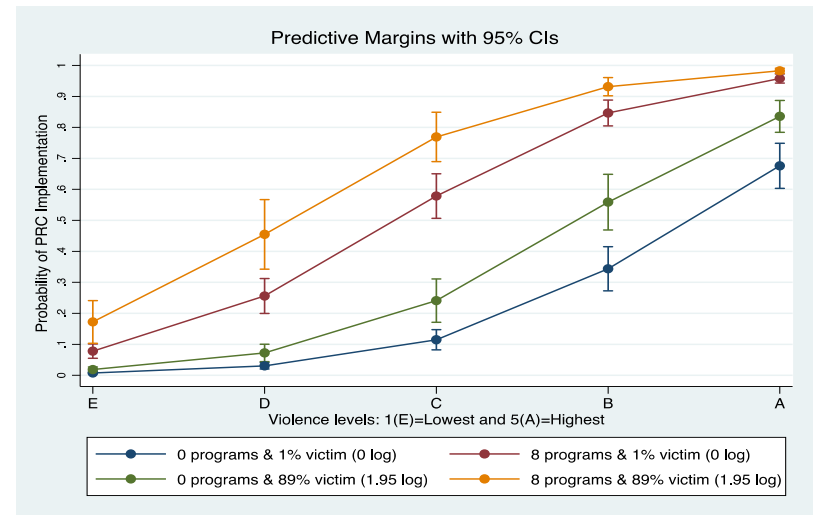
B. **Marginal effects of poverty**
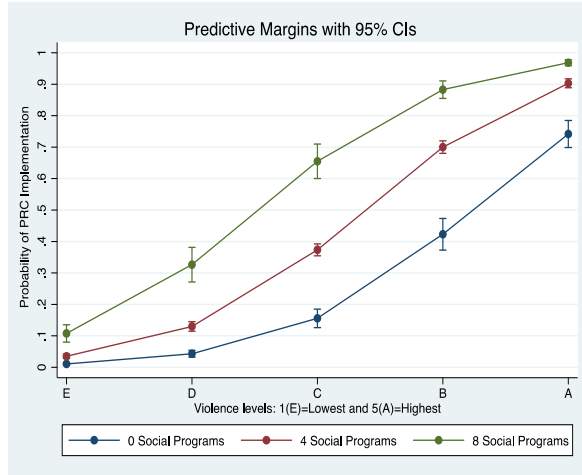
C. **Marginal effects of victim participation**

D. **Marginal effects of poverty and indigenous ethnicity**

E. **Marginal effects of poverty and victim participation**

6.5.   Conclusion

Since 2007, the implementation of the *Programa de Reparaciones Colectivas* (PRC) has provided collective reparations projects to Centros Poblados in rural and peri-urban areas of the regions most affected by the political violence. As in other PIR programs—and perhaps more clearly than in others—rather than defining implementation solely in terms of the delivery act, it is better understood as a multistage multilevel process, in which the national government, the local government and the community participate in different ways. For communities on the ground, not only what is being delivered as reparation is important, but also, how this process unfolds from the national to the local levels. To have a better grasp of the experiences of these communities, it is crucial to understand the intermediate outcomes at different stages and what factors condition each of these outcomes. Among all stages, this chapter focused on the first stage of the process: the prioritization and funding of some communities. Why are some communities selected to receive PRC funding while others are not? In addition to levels of violence (the main selection criterion according to PIR guidelines), the subnational theory postulates that political interests of the national government and the participation of local governments condition this first stage in the implementation, whereas victim participation ultimately drives the decision-making.

The theory is tested quantitatively using an original cross-sectional dataset of communities that are eligible to receive collective reparations and that have received them, incorporating different proxies to measure explanatory and control variables. Across logistic regression models, results provide support for most of these premises. First, national political interests are measured in terms of conditions that favor clientelism, which studies and empirical evidence have found to be a core incentive and political tool by national politicians (Muñoz 2016). Two of the measures, political alignment between the national and local governments and electoral regionalism (propensity of a district to vote for local politicians, who in turn, can serve as clientelism brokers), are not significant. Even though presidential electoral support yields significant results, the effect is negative for two presidential elections and positive in one of

them. Due to data constraints, electoral support is reported at a very aggregate level (regional), which most likely does not reflect district or community electoral trends.

Second, when it comes to local government participation at this stage, three measures of the capacity of *Municipalidades* are used to proxy the ability and willingness of these authorities to accept becoming the main implementers of collective reparations, and thus, to benefit from the transfer of PRC funds. All models indicate that the higher the economic significance of the award for a local government (based on their spending capacity), the higher the odds of implementation. Also, communities in non-capital districts and thus, under the purview of district governments with lower public service and infrastructure capacities, are also more likely candidates for these reparations. The two significant results of local government participation offer support to the idea that the willingness of *Municipalidades* to accept implementing PRC projects, coupled with allegedly clientelistic practices of the national state, contribute to the selection of CPs to receive reparations.

Third, victim population size at the district level (and at the community level for those cases where this information is available), a proxy for victim participation, significantly increases the probability of implementation. Among control variables, as anticipated, the CP's violence level is a strong positive predictor of implementation. Poverty levels and indigenous ethnicity yield significant positive and negative effects on PRC funding, respectively.

These results offer some insights about how communities are experiencing PRC implementation. On the one hand, findings from this quantitative analysis and qualitative interviews suggest that the PRC has been immersed in political instrumentalization by national and local authorities. Prior qualitative studies have supported this claim (APRODEH & ICTJ, 2011; Hurtado, 2021; Ulfe, 2016). National and local governments appear to rely on *obrismo* and other clientelistic practices to exchange PRC projects for political approval and future electoral support. The fact that higher poverty becomes a predictor for implementation enhances the idea that these are perceived as anti-poverty development projects, instead of reparations. This is especially true if local governments do not incorporate symbolic elements (i.e., victim recognition, building of oral historical memory about the conflict and the aftermath in the community) into the process. On the other hand, results also support the argument advanced in

this study about the importance of victim demand and other forms of participation in the implementation of reparations. Precisely because of the political challenges described in here, victim participation, from the moment of demand to the moment of delivery, becomes even more crucial.

7. CONCLUSION AND IMPLICATIONS

"Ninguna reparación nos devolverá a nuestros seres queridos y la pérdida de nuestro proyecto de vida, el retroceso de años de desarrollo, liderazgo y sentido de comunidad…Reparar es, para mí, la restitución de los derechos perdidos, o inclusive de aquellos que nunca tuvimos…una reparación digna y con justicia debe reconocernos como seres humanos, como ciudadanos antes que nada…"[263]

- Interview with a Person Affected by Violence, Ayacucho, Perú, August 2017

7.1. Research Questions, Theory, and Main Findings

My research examines variation in the implementation of promised reparations in Peru, contributing to the knowledge-base of academic, policy-making, practitioner and civil society communities working on post-conflict Reparative Justice (RJ).[264] Focusing on Peru's *Plan Integral de Reparaciones* (PIR, Comprehensive Reparations Plan), this research reveals how individuals and communities have engaged with this process, especially historically excluded Quechua indigenous victims who were disproportionally affected during the war. In order to carry out this project, I completed two months of pre-fieldwork in 2015 and fourteen months of dissertation fieldwork in Peru during 2017-2019. Most of the field activities took place in the three selected Andean regions (Ayacucho, Junín, and Apurímac), but some research was conducted in the capital city, Lima. My data collection methods included semi-structured interviews, focus groups, participant observation, and archival work. Preliminary observations in the field indicated that there were national level differences in the implementation of the PIR across time. Additionally, reparations were being implemented in a distinctive manner at the regional and community levels. Field research experiences led me to ask the following empirical question: ***What explains the temporal and spatial variation in the implementation of reparations in Peru?*** To address this question, instead of looking at either the demand or supply

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[263] *"No reparation will bring back our loved ones and the loss of our life plans, the deterioration of our organizational and leadership capacities and our sense of community…To repair means to restore the rights we lost, or even those rights we never had access to. A proper reparation process should recognize us as human beings and citizens before anything else…"*

[264] Traditionally, the literature employs the term *restorative justice* to refer to reparation measures. However, in this text, I choose to employ the term *reparative justice* as the latter is a more encompassing concept.

sides in isolation, I examined the role of both state actors and victims in this process. To better understand how reparative justice can be carried out in a more meaningful way for victims, it is crucial to be aware of who participates (and who does not), how they participate in the implementation process, and the implications of that participation. While the study highlights the role of national, regional, and local governments in the process, the core of the argument falls on the demand side—the participation of individual and collective victims and collectives, particularly Quechua communities.

Before examining the ultimate outcomes or expected normative aims, I argue that we need to better understand the negotiations, the progress and setbacks, and the cycles and turns individuals and communities go through when engaging with state actors at the national, regional, and local levels as a result of the PIR system. In the case of the PIR, victims are not just the beneficiaries; instead, it is feasible for them to provide feedback and reclaim the policy crafting space that they were blocked from initially or where false promises were made. ***How does the participation of victims affect the implementation of RJ?*** The analysis of both the temporal national-level and subnational variations in the implementation of the PIR places the multiple strategies, resources, and trajectories victims and victim organizations have developed at the center of the process. The decisions of victims to contest, forgo, pursue, or modify existing benefits, employing multiple formal and informal channels to appeal to the state, have resulted in divergent participation strategies. Victims' capacities, preferences, and understandings of RJ have driven the way these groups interact with the national and local governments in their fight for justice and reparations. By participating on their own terms, victims seek to redefine, reshape, and reappropriate the approach to justice.

7.1.1. Peru's Plan Integral de Reparaciones

The *Conflicto Armado Interno* (CAI, Internal Armed Conflict) left about 70,000 people killed, more than 20,000 forcefully disappeared, 600,000 displaced, among other victims. The insurgency, primarily Sendero Luminoso, perpetrated most of the violations (54%), while the state was responsible for a third of these atrocities. Violence disproportionally affected the most vulnerable and marginalized groups in the country, as 75% of victims spoke Quechua, Asháninka, or other indigenous languages and 79% lived in rural areas. Root causes of the war

included macro-level conditions such as widespread ethnic marginalization, government corruption, extreme poverty, and underdevelopment, while personal and community grievances and ideology were the main micro-level drivers. In the aftermath of violence, the state transitioned towards democracy and implemented different TJ mechanisms to achieve justice, build peace, and secure better human rights practices. These included the *Comisión de la Verdad y Reconciliación* (CVR, Truth and Reconciliation Commission), human rights trials in specialized national courts (and their predecessors in the Inter-American Court of Human Rights), the creation of the Plan for the Search of the Disappeared and a special agency to carry out this process, memorialization policies, institutional reforms, and the *Plan Integral de Reparaciones* (PIR, Comprehensive Reparations Plan).

The foundation of the PIR rests on the recommendations of the CVR, which were built with the participation of victim organizations, national NGOs like APRODEH, and the technical and financial support of international human rights institutions, mainly the International Center for Transitional Justice. The Commission recommended reparations aimed at recognizing the status of those affected by the violence, contributing to—but not fully addressing—their moral, mental, and physical recovery, and compensating the social and economic damages suffered by these individuals, their families, and communities. The legal design of the PIR is enshrined in Law Nº 28592, passed by Congress in July 2005 and further regulated in 2006 by the executive. The passage of the law represented a milestone for victims in Peru because it created legal guarantees to secure their rights to be repaired and the state obligation to recognize and redress their suffering. The two main institutions for the implementation of the PIR are the *Comisión Multisectorial de Alto Nivel* (CMAN, Reparations Commission) and the *Consejo de Reparaciones* (CR, Reparations Council). Since 2007, the CR has been building the *Registro Único de Víctimas* (RUV, Unified Registry of Victims), compiling the testimonies and stories of individual and collective victims, while the CMAN has been planning, coordinating, and monitoring the implementation of the reparations. In addition to the CMAN, the implementation of reparations relies on the engagement of different ministries (i.e., Justice, Education, Health, Housing, and Economy) and other and national officials, as well as regional and local governments.

The PIR policy provides reparations to individual beneficiaries of various human rights violations and collective beneficiaries (*Centros Poblados* or communities affected by the violence and Organizations of Displaced Persons). Under article 4 of the PIR Law, those who were found associated in some manner to insurgent forces are excluded from the RUV and thus are not entitled to reparations. Because of this, many people who were forcibly recruited but could not prove this, are excluded. The PIR comprises seven programs: (1) restitution of civil and political rights, reparation benefits in (2) education, (3) housing, and (4) health, as well as (5) collective, (6) symbolic and (7) economic reparations. Some of these programs are universal for victims of all human rights violations, while others are only available for victims of specific crimes. There have been significant differences across time at the national level and across subnational units in the implementation of these programs, including the content, eligibility requirements, coverage, and process of delivery of benefits.

7.1.2. Conceptual Framework

Chapter 3 develops a conceptual framework to answer the research questions. The working definitions of RJ, reparations implementation, and victim participation are the foundations of the theoretical propositions. First, moving beyond the traditional normative and practical understandings of reparations in the scholarship, this study conceptualizes ***reparative justice*** as a transformative, fluid process. Victims' everyday experiences in demanding and receiving reparations are assessed, aligning with a more culturally sensitive approach to justice. This approach is particularly critical in contexts where violence targeted ethnic groups who, like Quechua people in Peru, have been socio-economically and politically marginalized by the state and privileged sectors of society.

Second, the ***implementation of reparations****,* the dependent variable, is defined as a contested social process between the state and victims in Peru. Because victims did not have a direct say on the PIR policy design, the implementation phase has become a space of contestation and grassroots-driven change. RJ implementation viewed as a longitudinal process, encompasses different constitutive dimensions, including registration and prioritization of victims, determination of the content, eligibility requirements, delivery process, coverage of reparation benefits, and actual provision of reparative justice. RJ Implementation—and each of

its dimensions—varies qualitatively in terms of its reparative character, which I classify as ***minimal, moderate, or comprehensive***. PIR implementation becomes more comprehensive the more it recognizes the suffering of victims and their status as citizens, securing their rights in the process.

Third, ***victim participation*** in RJ, the main independent variable, is defined as the use of tools, norms, and capacities developed by victims within formal and informal spaces to negotiate with state actors and reappropriate justice according to their views and preferences. To understand victim participation, I draw on critical studies in the transitional justice (TJ) literature that bring local perspectives and processes to the foreground. I examine the strategies and trajectories of victims, recognizing that they participate within a broader ecosystem (Andrieu et al., 2015; Evrard et al., 2021; Hinton, 2018; Robins et al., 2022). To be sure, variation in participation among victim collectives is conditioned by the capacities and resources each of these rely on at given times in their trajectories (i.e., intra-group social cohesion, leadership, community outreach, civil society support, and relationships with other groups). Also, victim collectivities and individuals do not move in the same manner towards the same goal; sometimes they converge, and other times, they diverge. Moreover, I contend that participation in the process of RJ is meaningful for victims in and of itself, setting aside the impact it may have on TJ institutional, social, and cultural outcomes.

Taking an inclusive approach to the notion of victims or *afectados de la violencia política* (people affected by political violence), as many individuals and communities who endured abuses prefer to call themselves, this study includes those who are registered in the RUV, those who identify in this manner but are not recognized by the state, and those who have suffered violations but choose not to be called victims. I draw on the literature on transitional justice participation (Andrieu et al., 2015; Evrard et al., 2021; Firchow & Selim, 2022; Robins & Tsai, 2018) to develop a typology of victim participation. While ***nominal and instrumental participation*** means that victims are treated as passive recipients, unable to make decisions on the process, ***representative and transformative participation*** refer to scenarios where victims empower themselves politically and socially to contest and reshape RJ on their own terms.

7.1.3. <u>Temporal National-Level Variation</u>

Drawing on the multilevel causal theory developed in Chapter 3, Chapter 4 focuses on national-level PIR implementation using process-tracing analysis to understand RJ implementation over three time periods: 2007-2011 (period 1), 2012-2015 (period 2), and 2016-2018 (period 3). PIR implementation displays a distinctive set of characteristics in each of these clusters of years. Implementation in period 1 was very narrow and restrictive, concentrating most efforts on only one program and repairing mainly rural and peri-urban communities affected by violence, one of the two types of collective beneficiaries. In period 2, some of the barriers for victims were removed and implementation was expanded to include more programs, but the coverage and quality of the implementation of most benefits did not meet victims' reparation demands. Period 3 shows a more inclusive, decentralized, and victim-centered implementation process that tries to incorporate a real reparative character into the PIR. Given its restrictive nature, I characterize implementation in period 1 as **minimal**. Period 2, which broadens implementation for both victims and programs is characterized as **minimal-moderate**. Finally, Period 3, which displays improvements on multiple dimensions is classified as **moderate-comprehensive** implementation.

Empirical evidence shows that changes in the implementation of the PIR at the national level were indirectly influenced by multiple factors. First, the intervention of the **international human rights state and non-state institutions**, was stronger during the first post-conflict decade. By providing technical, financial, and legal resources to the state, national civil society, and victims, they supported the creation and implementation of the PIR. While their support provided the foundations for TJ in Peru and enhanced the building of civil society and victim organizations, these actors were not always able to pressure the state to take a more pro-human rights stance, especially during the early years. Second, the **strength of civil society** was also higher until about 2012-2013. During that time, national civil society organizations (CSOs) filled a large gap in the state efforts to provide justice to victims, offering multiple resources (i.e., financial, mental health, legal, forensic, organization-building and conflict-resolution). Although victims have appealed to the Transnational Advocacy Network that has supported TJ in Peru, especially in moments of high state impunity, the participation of transnational actors has progressively decreased, leaving the participation of domestic actors to be the primary factor

shaping the quality of implementation. Finally, the ***human rights stance of the national government*** (more than political ideology) has conditioned the responses of other domestic actors by either imposing major roadblocks or by at least not interfering in the process. Rather than offering direct positive incentives to the process, the role of the government has been defined more in terms of the degree of obstructionism and impunity it has displayed. Alan García's administration represented a setback for the PIR and other human rights policies. In contrast, while Ollanta Humala's government failed to make the needed legal, political, or financial commitments, it did not directly hinder the moderate progress achieved during that time. PPK and Vizcarra took a more progressive stance in general, appointing ministers and mid-ranking officials who enacted important improvements in the PIR, and supporting these efforts. As the humanitarian pardon PPK offered to Fujimori showed, however, a non-obstructive position by the executive towards the PIR did not guarantee a real commitment to human rights in the country.

While these factors can create favorable conditions for better implementation, concrete transformations were the direct result of ***victim participation, aided by RJ brokers inside the government***. Victim participation during the García administration was nominal or at best instrumental. Although the umbrella organizations in Lima such as CONAVIP and CONDECOREP demanded access to institutional forums to be more engaged in the PIR process, the state did not open such spaces. Their strategies in the public space aimed at communicating their grievances, through protests and joint statements with civil society, international allies, and a few local governments. Under Humala, victim participation was mostly instrumental, as victims provided information to stakeholders about their non-reparative experiences with programs, while ministries remained uncommitted to reform these benefits. At times, VOs represented their constituents effectively, offering proposals via CMAN to higher-rank officials. During the PPK-Vizcarra government, victim participation can be characterized as representative. VOs have solidified institutional spaces where they have a more direct say in the process, while also continuing to employ grassroots spaces and resources to keep members engaged and expand their national reach. Victims have gone from working under the mediation of CMAN to being the direct interlocutors with the ministries and other national state entities involved in PIR implementation. The creation of an institutional framework to formally search

for disappeared victims was the result of different moments in the trajectories of VOs where their engagement was more transformative. The CMAN and CR mid and low rank bureaucrats who work directly with victims and the *Defensoría del Pueblo* have become RJ brokers. These mediators have come from the NGO sector, from the victim organizations themselves, or from other state agencies serving the population. Because of their background, they have had a better understanding of the needs and experiences of victims during and after the conflict and share with victims the interest in seeing the PIR move forward. The brokerage role of CMAN (and the CR) has been facilitated by the ability of these actors to draw from the prior human rights expertise of some workers, the national network of civil society allies, and the gradual learning they have accumulated through years of progress and setbacks in the PIR implementation. Overall, the unwavering work that victims and their collectives have been doing in the capital city of Lima and in the most affected regions has allowed them to take more ownership of the PIR policy and its implementation.

7.1.4. Subnational Variation

While the national government's clientelist interests and the involvement of subnational governments in the PIR contextualize the subnational implementation of reparations, participation of victims is much more crucial to understanding cross-sectional empirical differences. Subnational variation in PIR implementation occurs at different levels of analysis: regions, provinces, districts, communities or organizations, and individuals. In this study, I apply my theory of implementation to the regional and community levels. Drawing on the PIR implementation responsibility structure described in Chapter 2, I argue that regional and local governments have found space and autonomy in the symbolic and collective programs, respectively, to legitimize their local power and respond to citizens affected by violence. Therefore, the subnational empirical chapters (Chapters 5 and 6) focus on these two reparation programs.

Chapter 5 employs qualitative data analysis to build a comparative case-study that explains variation in implementation of symbolic reparations at the regional level. Following Mill's method of difference, I selected three highly affected Andean regions with similar socio-demographic and PIR institutional characteristics and different levels of implementation:

Apurímac, Junín, and Ayacucho. Among all symbolic measures, the chapter focuses on *lugares de memoria* (memory spaces). Also known as sites of memory, these are physical spaces devoted to the recognition and memorialization of deceased and surviving victims, along with their families, in a manner that respects the cultural norms and traditions of affected groups, and educates other members of society about the violence and justice in Peru. The building of a regional memory space has been a recurring theme across meetings of victim organizations and in public forums with representatives of Regional Governments (RG), as one of the most important forms of reparations. Victims have pursued this reparation for themselves, their families, society in general, and future generations. While Apurímac represents the negative case, as no regional memory space had been implemented as of 2022, Junín and Ayacucho are positive cases with implementation but with different attributes in each case. The *Yalpana Wasi, Wiñay Yalpanapa* in Junín and the *Santuario de la Memoria La Hoyada* in Ayacucho were carried out under distinctive approaches, corresponding to different levels of victim participation. Since this is a regional-level evaluation, the chapter focuses on regional umbrella victim organizations (VOs). In all three cases, these organizations are based in the regional capital cities: Abancay (Apurímac), Huancayo (Junín), and Ayacucho (Ayacucho).

First, the evidence suggests that **national political interests** did not favor the implementation of memory spaces in any of these regions. Second, in terms of **RG involvement**, regional authorities in Junín and Ayacucho exhibited nominal participation while the RG of Apurímac barely engaged with RJ. While the participation of the RG appears to have affected whether a memory site exists in these regions, by itself it does not explain qualitative differences in the implementation. **Participation of victim organizations** has become the decisive factor in the building of regional memory spaces. In Apurímac, while there are important local sites of memory supported by *Municipalidades*, there is no regional space, and thus, implementation is qualified as minimal. Participation of VOs in Abancay has been mostly nominal, rising to instrumental in specific instances. Even though regional VOs were empowered during the first decade after the war, decreased within-group social capital, distant inter-group relationships, and diverging preferences in terms of reparations decreased their cohesive capacity to participate in the PIR process. Junín displays a moderate top-down implementation of its regional memory space. VOs participated in instrumental terms, and representatively on some occasions, but they

did not lead the decision-making about the content and usage of the *Yalpana Wasi*, which in turn has raised barriers for them to identify with or appropriate the memory space. The implementation of the *Santuario de la Memoria* in Ayacucho can be characterized as bottom-up and comprehensive since it denotes a more representative and transformative role of VOs. Through institutional and grassroots spaces, victims have been able to interact with the regional state in more horizontal terms and create a memory space that is more aligned to their preferences, norms, and the worldviews of Quechua communities.

Using quantitative analysis on an original cross-sectional dataset of *Centros Poblados* that are eligible to receive collective reparations, Chapter 6 evaluates the subnational theory of implementation from 2007 through early 2018. Since 2007, the implementation of the *Programa de Reparaciones Colectivas* (PRC) has provided collective reparations projects to *Centros Poblados* in rural and peri-urban areas of the regions most affected by political violence. As in other PIR programs, rather than defining implementation solely in terms of the delivery act, RJ is better understood as a multistage, multilevel process, in which the national government, the local government and the community participate in different ways. This chapter focused on the first stage of the process, namely the national government's selection of which communities receive PRC funds.

The quantitative analysis shows mixed results but supports the importance of community-level participation in the RJ process. First, ***national political interests*** defined by clientelistic practices and measured by presidential electoral support, yields significant negative effects, contrary to the prediction. However, due to data availability issues, electoral support is reported at a very aggregate (regional) level, which most likely does not reflect district or community electoral trends. Second, when it comes to ***local government participation***, results indicate that when the economic significance of the PRC award for a local government (based on their spending capacity) is high or when the local authority governs a non-capital district (where governments have lower capacity for service delivery), the probability of implementation increases. Third, victim population size, a proxy for ***victim participation***, significantly increases the probability of implementation. Among controls, CP's violence level is a strong positive predictor of implementation, but poverty matters too.

Overall, these empirical findings offer some insights into the reparative experiences of *Centros Poblados*. As argued qualitatively in earlier chapters, the PRC appears to have been immersed in political instrumentalization by national and local authorities. The association of higher poverty levels with higher implementation indicates perhaps that these projects are treated as anti-poverty development measures, instead of reparations. Results also support the argument advanced in this study about the importance of victim demand and other forms of participation in the implementation of reparations. In light of the political challenges described here, victim participation, across all stages, becomes even more decisive.

The main argument of this study is that bottom-up engagement of individual and collective victims in the process represent the main explanation for differences in RJ implementation across time and space. Qualitative and quantitative empirical evidence at the national and subnational levels supports this premise. The multiple tools and strategies victims used in institutional and grassroots spaces have helped them to make their voices visible and have an impact on the implementation of the PIR and its specific programs. As the participation of victims and their national, regional, and local collectives becomes more representative and transformative, becoming direct interlocutors with the state and leading the decision-making about RJ, the implementation of the national PIR will have a more reparative character and reflect the demands, interests, and views of the affected population. A bottom-up RJ approach highlights victims' agency, resources, leadership, and participation in policy decisions, challenging traditional structures of exclusion (Gready & Robins, 2014).

7.2.   Scholarly Contributions

Due to the diversity of RJ models, types of reparations, the complex conditions in which they unfold on the ground, and fine-grained differences at the individual, community and country levels, there are very few systematic cross-sectional studies on RJ. This project offers theoretical, empirical, and methodological contributions to the scholarship on reparations. First, the RJ scholarship has focused mostly on either causes behind the adoption of reparations, or evaluations after the full implementation of these mechanisms, while paying too little attention to examining the initial or intermediate stages (Porciuncula, 2021). Drawing from the insights of existing explanatory research, this study falls in between these two puzzles to address an often-

overlooked question: under what conditions do reparations that are promised get ultimately implemented? Building upon the Peruvian scholarship on reparations, this study provides a systematic comparative assessment of PIR implementation at the national and subnational levels during the first 12 years (2007-2018). To better understand the gap between the design and output of the national reparations PIR policy, this project builds a theory and provides empirical evidence to explain variation in implementation at the national level across time, and subnationally across regions and communities in Peru.

Second, TJ encompasses a set of negotiations between state and non-state actors to determine how justice will be carried out on the ground, but most often, the views of international donors, state actors, or national experts are imposed at the expense of victims (Jones & Bernath, 2017). Studies have also replicated this bias by looking exclusively at decision-making among political elites and international actors, overlooking victims' views, demands and participation strategies. This is especially true when affected individuals and communities come from politically, socially, and economically marginalized groups, like ethnic minorities, women, and vulnerable populations. Contrary to this trend, this project applies a victim-centered approach, which argues that incorporating victims' rights, perspectives and needs is at the core of transitional justice success. Empirical evidence examined in these chapters suggests that victims should no longer be viewed as merely passive recipients of justice mechanisms; instead, they are enactors or key "actors in the political process of claim making and contestation" with "agendas of accountability and justice" (García-Godos, 2013).

Third, while reparative justice cannot change the irreparable, it can be transformative to the extent that it has the potential to identify and begin addressing these marginalized conditions (Yepes, 2009). Transformative reparative justice proponents argue for RJ models that move beyond material benefits to prioritize the building of human capital and agency through education, mental health, vocational training, and collective resources that can empower victims to avoid dependence on the state (Gready, 2021; Weber, 2018). Thus, using these analytical lenses, this study places emphasis on the variation of victims' preferences, strategies, and resources in their everyday experiences with the PIR. Despite multiple financial, political, bureaucratic, and practical challenges, the empirical analyses indicated that victims have found themselves in need of developing strategies, building alliances, and obtaining social and political

resources to reclaim their agency and decision-making rights in the reparative process. This has been particularly important for Quechua indigenous communities in Peru who have been empowered and politically transformed through their demand for justice.

Moreover, TJ studies have prioritized top-down processes taking place in official or formal channels and mechanisms. Setting aside this institutional bias, this project sheds light on the everyday experiences of affected people, both in formal and informal spaces, moments and structures of victim participation, throughout all steps of the reparative justice process (Cornwall & Coelho, 2007; Robins & Tsai, 2018). It highlights how victims in Peru organize, mobilize, educate other groups, build coalitions and social and political capital in grassroots and institutional spaces, enhancing their resources and strategies to transform the PIR policy. An emerging scholarship argues for an emphasis on local processes, where exclusionary relationships and structures of power can be contested and changed (Gready, 2021). Aligned to the transformative justice agenda, the analysis embraces a localized bottom-up perspective to better unpack victim participation. In the Peruvian case, findings suggest that local participation becomes meaningful and transformative when victims and victim collectives become main decision-makers in the RJ process and thus, can reshape reparations according to their cultural and experience-based understandings, knowledge, values, and priorities.

Finally, a few studies have shed light on how RJ schemes ignore indigenous people's cosmovision on violence and healing, and how to best repair the abuses they endured (Lira, 2006; Viaene, 2010). In cases where the majority of victims are indigenous, non-indigenous state leaders and high-ranking officials tend to have unilateral control of the reparation process. Victims in Guatemala and Peru have felt alienated and revictimized by state actors when trying to access and receive reparations (Viaene, 2010; de Waardt, 2013). In examining the implementation of reparations in Peru, this research adopts a culturally sensitive approach, especially as most fieldwork was completed working with and learning from Quechua indigenous communities and collectives.

7.3.   Policy Implications and Future Research

This section provides some practical insights from this study to support the RJ efforts of policymakers, practitioners, civil society organizations, and more importantly, of collective and individual victims who continue fighting for justice in Peru. First, I identify some of the most pressing challenges in the implementation that I learned about during my fieldwork in Peru. Then, I provide some suggestions to rethink the approach to implementation and offer some future directions for this research.

7.3.1.   PIR implementation challenges

First, an important incentive for having reparations delivered through administrative channels instead of judicial ones is that it reduces the bureaucratic and evidentiary burden that victims are subjected to in the court system (De Greiff, 2006). However, this has not been the case in the Peruvian context. Regulations prescribe that all state institutions in every sector and level of government have a role in the reparative process to achieve decentralized implementation. Engaging different institutions in the process is commendable as victims in theory would be receiving a message of recognition and redress from various angles. However, two major issues have emerged as a result. On the one hand, this multisectoral multilevel approach has also implied that victims must deal with disparate formal (and informal) norms and cultures inside these institutions. Victims find themselves at a loss trying to navigate inefficient, non-institutionalized state bureaucracies who are not aware nor sensitive to the needs of the affected population. On the other hand, the multi-actor design most often does not work in practice. Some state authorities do not comply with their—primary, secondary, or complementary—responsibility nor commit any resources to the RJ process. While the CMAN has improved their monitoring ability, they lack negotiating and enforcement capacities needed to achieve compliance of all actors.

Many post-violence reparation contexts like Peru are not fully equipped to carry out reparation policy, as they are frequently characterized by weak institutional capacity, fractured social relations, very low levels of trust and a scarcity of financial resources (United Nations, 2009). Despite the challenges that Peru's state institutions and politics display, greater financial,

legal, and symbolic commitment from top officials at all levels and sectors of government can offer some relief to continue making possible improvements in the PIR. At the national level, the brokerage capacities of key political actors, combined with the political agency of victim organizations, were met with receptivity, particularly during the second and third time periods. Subnationally, victim organizations have described having allies within regional and local governments who have facilitated horizontal dialogues between victims and the state. As in the case of the CMAN, many of these officials come from the human rights movements or have been affected by violence, so have a better understanding of the issues.

A second related issue has been the lack of clear guidelines from the beginning on how these programs needed to be implemented or in other words, how to ensure that the reparative character emerges across the different types of reparations. Even though the different PIR programs offer general guidelines since 2012-2014 to encourage regional and local participation, many officials believe that training and more specific measures or indicators are needed to avoid duplication of functions between the CMAN, national, regional and local governments. Some suggest that the gap between national policy design and subnational implementation in the PIR can be attributed to the lack of institutionalized frameworks to systematically carry out the decentralization of the PIR. Others contend that there are no specialized officials within subnational bureaucracies with the skills and political power to ensure comprehensive implementation of reparations. Also, as there is no single source of information that clearly outlines the role of sub-national entities (i.e., actors must review each of the program guidelines separately), it has been very difficult for them to get a sense of the resources that are needed or are available to commit to the process. Equally, it is hard for the CMAN to assess effective participation of regional and local governments when this notion has not been clearly defined. It would be helpful to have basic general metrics that can help both subnational governments and the CMAN to keep track of how much they are doing to support PIR implementation.

Third, when talking about the PIR, state actors have been mainly preoccupied with the ultimate output (i.e., looking solely at coverage), and thus, they overlook the quality of the process. This approach has prevented implementers and observers from identifying where the challenges might be. For instance, in addition to mapping out where memory spaces are and who

supported their implementation, one might ask: Why do some memory spaces fail? What should state and society actors pay attention to once these spaces are created? The *Casas de la Memoria*—highlighted in the CVR's Final Report as a symbolic reparation—like the ones in the communities of Pampachacra, Huamanquiquia, Putacca, and Totos (Ayacucho region) are significant because they were developed as spaces for collective memorialization, dialogue, and healing at the local level. However, a few years after their opening, some *Casas* closed or were repurposed for other community activities (Aroni, 2015). The failure of these projects is attributed to local governments' negligence in maintaining them—after they committed to do so—or because they were created based on external conceptual goals, often inadvertently imposed by NGOs working with these communities. Beyond building memories, communities have accepted these spaces because they seek "recognition, reparation, and development" from the government (Aroni, 2015). They represent the expectations and hopes of community members about a state that will be present and care for its population. When these promises do not happen, citizens once again feel frustrated and disappointed, losing interest in these spaces. Identifying not only what has been implemented, but also how it was implemented, and whether it achieved a reparative function, can help us to take steps to transform some of these reparative justice experiences (e.g., if the community wants to reclaim the space) and plan for improvements in the future.

Last, but not least, as other studies suggest, many actors I had the chance to talk to observe that many Peruvian state officials and powerful groups in society do not accept that Peruvians live in a "post-conflict era," nor do they validate the need for transitional justice mechanisms. The presence of *Fujimorismo* in Congress and in recent electoral contests as well as pro-Fujimori voters (opposed to human rights policies), and the constant accusations against human rights leaders of pro-terrorist sympathies is evidence of a very volatile political context when it comes to post-conflict justice (Balasco, 2017; Ramírez Zapata & Scott-Insúa, 2019). Despite some gestures from the executive branch during the PPK-Vizcarra period, other actors, especially many in Congress, have endorsed *negacionismo* (denial) of victimhood and *terruqueo* (calling actors terrorists, especially if they display a progressive political ideology). In October 2017, the Ayacucho prosecutor's office summoned ANFASEP to testify about the alleged pro-

terrorist stance conveyed at ANFASEP's local memory space in Ayacucho.[265] Added to this contestation about how as a society Peruvians confront their (not so distant) past, is the non-stop delegitimizing of Peruvian state institutions. Both at the national and subnational levels, Peru has suffered from major corruption both during and after the war. The sacking of Fujimori, Montesinos, and the vast network of personnel and means that facilitated the corruption throughout the 90s, reduced these detrimental practices for some time. However, except for Valentín Paniagua who led the transitional period in 2001, all presidents from 2001 up to 2018 have been charged with corruption, embezzlement, and influence peddling while in power or after their administrations.[266] While this study does not cover the period beyond mid 2018, as of this writing in late 2022, the country remains enmeshed in political turmoil. Past president Vizcarra (who took over after PPK resigned in 2017) was forcibly removed from office in November 2020 by the Congress under allegations of accepting bribes from companies who won public works contracts during his regional mandate. His successor, Castillo, elected in 2021, is under investigation for multiple accounts of corruption and influence peddling in his one and a half years of government. Although this political context is detrimental to the PIR process, it is crucial to highlight how victims have continued building strategies and political agency to reclaim the RJ policy space despite the governmental chaos that surrounds them.

7.3.2. Some Recommendations and Further Research

First, to better understand reparative justice, it is important to reflect on how our ontological and epistemological lenses affect the way we design, implement, and evaluate reparations. Building on recent TJ literature, I propose to switch the traditional teleological *notion of RJ implementation* for a fluid process-like conception. RJ is not just a final output, a single act, benefit, or service. Instead, it can be conceived of as a contested social process, a day-to-day experience of victims demanding some form of redress from or interacting in other ways with the state. Understanding RJ as a process or experience then provides incentives for implementers to make it more engaging for victims, from the moment they register through the

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[265] Diario El Correo. (2017, October 13). *Congresistas de Ayacucho rechazan posible intervención a museo de la memoria.* https://diariocorreo.pe/edicion/ayacucho/congresistas-de-ayacucho-rechazan-intervencion-museo-de-la-memoria-779634/
[266] Ellis, E. (2022, July 13). *The Evolution of Peru's Multidimensional Challenges, Part I: The Political Crisis.* Global Americans. https://theglobalamericans.org/2022/07/the-evolution-of-perus-multidimensional-challenges-part-i-the-political-crisis/

different dimensions of implementation to the delivery of reparation. It also has implications for how to best evaluate implementation.

Instead of solely asking how many people have registered in the RUV, we can also inquire about how testimonials are been conveyed, how victims experience the intake and evidence-submission stages or what barriers and sources of support they have while completing the registration process. In addition to keeping track of how many scholarships have been awarded, it is imperative to examine what challenges victims have when applying to the *Beca18* program and whether or not they complete the degree (and if no, why not) and how the degree has been a source of redress in their lives. Similarly, while mapping out the number of collective reparations projects awarded is important, we should also monitor their use by the communities and how to revitalize them if necessary. Overall, changing our understanding of RJ, can allow us to develop more multifaceted measures that can produce data on the quantitative and qualitative features of implementation.

Second, it is also important to reflect on how we understand, define, and facilitate ***victim participation***, as it represents one of the most crucial components of the RJ experience. The PIR legal framework indicates that victim organizations should be invited to participate in decision-making and define the social, cultural, economic, and political dimensions of their reparative processes through dialogue and effective consultation. However, in the absence of a victim participation law that systematizes and formalizes this process, there are no mechanisms that guarantee their participation. As the implementation of PIR programs has become more and more decentralized, victim organizations and communities have sought to convey their demands, negotiate, and work with local and regional authorities to secure effective implementation of the PIR according to their needs and priorities. Their participation in the delivery of reparation benefits becomes more relevant as victims did not have a direct role during the designing stage (normative framework-making). To obtain some form of relief, victims must confront political, financial, and bureaucratic barriers to hold the state accountable for its reparation promises. Despite these challenges, victims have reclaimed the PIR policy space by building new participation strategies in both institutional forums and grassroots spaces through which they articulate and negotiate their political demands to reflect their sense of justice.

As such, while facilitating or promoting victim participation in the PIR, it is crucial to treat victims as political agents in their own right. To improve the everyday RJ experiences of victims we should not only see implementation as an encompassing process, but also facilitate and legitimize both formal and informal spaces of participation. In fact, conceiving of RJ as an everyday process helps reduce the institutional bias so present in the study and evaluation of transitional justice because it allows us to raise awareness about participation in grassroot, informal, and claimed spaces and moments (not only in formal forums). Justice processes that enhance local agency and resources can "help build resilient social contracts and sustain peace, where resilience can in addition disconnect the exclusionary past from the future" (Gready, 2021). Drawing from Jelin (2012), Jave (2017) identifies some victim collectives as *memory entrepreneurs*, who go from demanding reparations from the state to lobbying and leading the design and implementation of memory spaces like ANFASEP and the Santuario de la Memoria in Ayacucho. This study has shed light on the scope of this transformative participation in the reparations context at national and subnational levels. Many victims and victim collectives in Peru have become *reparative justice entrepreneurs* to reclaim the PIR policy space.

Following these insights, further research will be devoted to two broad goals. On the one hand, I aim at evaluating the effects of the reparative justice experiences at the community and local levels. Preliminary findings suggest that victim recognition in the RJ process (or lack of) is associated with perceptions of subjective citizenship. As such, I expect to employ focus groups and surveys to examine both individual and collective perceptions in a variety of reparative justice scenarios (i.e., different programs, benefits, levels of reparative character, etc.). In addition, I plan to broaden my understanding of victim participation and inquire about their experiences in other justice processes. Following the TJ ecosystem approach, I do not contend that the myriad of engagements and tools produced, reshaped, and repurposed by victims are exclusive to the reparative justice context. On the contrary, victims' trajectories in formal and informal spaces—both equally important—address multiple demands and needs across the various justice measures at play and thus impact the TJ ecosystem in Peru. I plan to map victims' everyday experiences of participation in parallel or prior state-sponsored measures (i.e., human rights trials, search for disappeared relatives, truth commission testimonials) and non-state initiatives and how these contribute to and are affected by their engagement in the PIR.

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