

# Displacement, Decentralization and Reparations: Justice and Development in Post Conflict Peru

by  
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Since the end of internal conflict in 2000, Peru has witnessed steady economic growth thanks to booming mineral prices and increased stability. The nation has reflected on the dark days of political violence, integrated humanitarian statutes into national law and sought to confront the pervasive levels of poverty that sparked the insurgency in 1980 through regional decentralization. In spite of such progress, there has to date, been little concerted effort to assist those who suffered most during the conflict and who remain the most marginalized of groups in the country, the Internally Displaced. Effective planning through the reparations process can, not only restore justice, but can also have tangible benefits that contribute to the nations sustainable development.

Today, with the return of former president Fujimori, to stand trial on charges of corruption and the violations of human rights, tales of torture, rape, kidnapping, arbitrary detention and execution are again within the public consciousness. The overwhelming majority of displaced peoples (IDPs) have returned to their original point of displacement in the interior or resettled in the urban areas of Lima, Huancayo and Ica. Nonetheless, for many of those displaced during the dark days of Peru's civil conflict such memories are as vivid as ever, affected by lingering trauma, stigmatization and poverty, and without effective mechanisms to facilitate integration within their host communities and for many the provision of basic social services.

Over 600,000 people were displaced within Peru during the 1980s and 1990s as a result of armed conflict between the Government, self-defence groups (*rondas campesinas*) and insurgent forces of the Shining Path and the Tupac Amaru Resistance Movement, while 69,000 people were killed or disappeared. The conflict first emerging as a campaign for greater land reform and broader social and economic rights, in response to one of the most unequal systems of land distribution in Latin America, extreme poverty and social exclusion. Nonetheless, this initial cause gave way to an oppressive Maoist ideology that instigated a campaign of terror against the civilian population, resulting in widespread human rights violations. While the government remained slow to comprehend the full extent of the conflict during the 1980s, decisive action by the Fujimori government beginning in 1990, once the full force of the conflict was felt in the capital, successfully countered the insurgency threat. This was even so achieved through a system of peasant mobilization and martial law that resulted in widespread human rights violations on a par with the atrocities committed by insurgency forces, being responsible for 28% of all violations. (*Truth and Reconciliation Commission, Final Report, 2003*)

In the years following the end of the conflict, the government to its credit, has strived to respond positively to the past. Through international support and under the leadership of President Alejandro Toledo, Peru was commended by Dr. Francis Deng,



*The Representative of the United Nations Secretary-General on Internally Displaced Persons* in 2004 after the passage of a new national law on internal displacement, (Law 28223) which incorporated international humanitarian and human rights standards into domestic legal structures through the framework of the *Guiding Principles on Internal Displacement*. The law prohibits arbitrary displacement and clarifies the rights of those who have been forced to flee their homes by armed conflict or other causes, formalizing State acceptance of responsibility for the prevention of displacement and for the protection and assistance of those who are displaced, clear progress in serving to prevent new injustices in the future. In tandem, Law 28223 provides a context with which to provide effective assistance to help heal the societal wounds of the displaced that remained open since the end of the conflict.

The final report of the Truth and Reconciliation Commission of 2003 concluded that the end of hostilities did not mark the end of the problem of displacement, but rather an opportunity for its resolution. Recommendations included the registry of all people forcedly displaced during the conflict as victims and consequently eligible for compensation, regardless of their large numbers and the resulting financial implications. In addition, compensation programs were recommended for both individuals and communities in areas of mental and physical health, education, economic support, and the provision of identification documents. Consequently there has been a broad acceptance since the TRC that the internally displaced remain a group with particular needs and presents a critical first step to effective response. However, the existence of a protracted IDP situation in Peru today is evidence that acceptance cannot mask a failure to implement processes that realize durable solutions.

To date, the reparation process has

effectively stalled. The National Reparation Council, the government body established to over see reparations has been marred by poor coordination, training of enumerators and IDP participation. Nonetheless, the initial registration of IDPs within internally displaced persons organisations that represent the broad interests of individuals, either in zones of resettlement or zones of return has been successful. However in spite of international obligations to realize such a process, the State has not completed the collation of individual testimonies that would pave the way for individual monetary compensation based on the specific rights violations that occurred. A major obstacle in this respect has been the insistence that individuals produce documentation that validates their residency at the point of original displaced. Unfortunately internally displaced persons are invariably unable to produce such documentation as they flee from rural zones under duress, usually only having sufficient time to collect rudimentary possessions, subsequently in many contexts losing land titles. Consequently, with government insistences that every individual within an IDP association complete individual registration compensation first, before collective compensation can begin have resulted in many IDP associations being effectively blocked from receiving any collective assistance whatsoever.

It would be fair to conclude that individual registration is inherently difficult programmatically for a developing nation, especially when we consider in the case of Peru, that it is only recently that the government has extended the identity card system to all of its citizens. Further it may reasonable be surmised that there is no real motivation to commit to an individual reparations process that is focused upon monetary compensation that has no measurable and structured long-term development benefit for an individual, family or community at large, in spite of the





The Lea family, Villa El Salvador, Lima

photo: Gavin David White

international recommendation to do so. The most feasible and worthwhile approach in the current context is to focus instead upon affording collective reparations to IDP organisations by way of assistance programs that have tangible developmental benefits operated through the MIMDES *El Ministerio de la Mujer y Desarrollo Social*, the governmental department ultimately responsible for finding durable solution for the displaced under Law 28223. It should be stressed that although it would remain pertinent to focus upon the long-term durability of assistance/reparation programs that have long-term benefits, there must remain a clear distinction between programs that are aimed at providing basic social services, that are national development priorities and programs that are specifically targeted economic reparations programs that target the specific needs of the internally displaced and uphold a notion of justice and compensation for victims. Offers of new Schools and Health Care centres to IDP associations by the

State are illustrative of this danger and point to a lack of awareness of the key issues of displacement and responsibilities outlines with the nations own national law.

When evaluating the depth and scale of the internal displaced problem in Peru, the most illustrative context is of the 200,000 IDPs who sought refuge on the outskirts of the nations capital. The urban slum of Villa El Salvador, is home to the highest concentration of internally displaced who arrived from the departments of Junin, Ayacucho, Apurimac, Ucayali and Huancavelica. Although the majority of displacements took place over 15 years ago there is an enduring problem of integration, a consequence of social, political, and economic and cultural exclusion. The population live in the same makeshift shacks that were constructed upon their arrival in the capital. The majority only have access to trucked water that cost 7 times more than tap water. In spite of the absence of basic social service provision the



population settled in the urban zone, due to the perception of better employment and education opportunities for their children, the lack of infrastructure in rural areas, the loss of assets and the psychological trauma associated with their original regions of displacement. Whilst the level of poverty in the region remains pervasive, the real tragedy is specific restrictions that hinder the development of counter livelihood strategies that are unique to the internally displaced. Of the internally displaced in Lima, 25% only speak Quechua, 42% are illiterate, and 35% have only finished primary level education. The majority of IDPs arrived with knowledge of the agricultural sector that is not transferable to the arid costal region of the capital, consequently, IDPs on average working for more than 14 hours a day in informal street trade and temporary work to make ends meet. (Internal Displacement Monitoring Centre, 2004)

When drawing into focus these realities

against the protective structures of the Guiding Principles on Internal Displacement the contrasts between their statutes, pertaining to Resettlement and Reintegration and implementation are apparent, specifically when measured against principle 28 of the Guiding Principles (Article 14, 22, Law 28223) and the recommendations of the TRC. To implement measures for sustainable reintegration, specifically sustainable livelihoods that are a key indicator of durable solutions to displacement. Assistance should include, access to financial resources, credit and adequate income-generating projects, especially for women.

The absence of post conflict interventions in Peru mirrors the scant attention that has been given to durable solutions for long-term internal displacement globally and was the focus of UNHCR-NGO Consultations on Humanitarian Sector Reform convened in late 2007. Defining protracted IDP



IDP Association "Organización de Desplazados por la Violencia Política Tarinacuy de Villa el Salvador", Villa El Salvador, Lima

photo: Gavin David White



situations as those where, *the process for finding durable solutions is stalled, and where IDPs are marginalized as a consequence of violations or a lack of protection of human rights, including economic social and cultural rights.* While many IDPs reside in priority humanitarian countries, and as such a focus of humanitarian actors, many more reside within nations where the conflict that produced the displacement has come to an end, yet remain a population that have particular protection needs and face limitations on their free choice of durable solutions, an unfortunate illustration of funding shortfall to effectively link humanitarian relief and development interventions.

With an awareness of the Peruvian context: How do we bridge the gap between laws and concurrent assistance programs that are realistically achievable, when framed against the national development priorities of the state where addressing the needs of the internally displaced is not high on the political agenda? Whilst advocating for durable solutions, an important first step is to evaluate in which context durable solutions and essentially justice can be interwoven within national priorities.

Both nationally and internationally the principle focus for Peru is furthering the reach and effectiveness of the state through decentralization. First and foremost, such a policy seeks to address the need for greater security in the interior, to forgo the possibility of a resurrection of the former insurgency forces by the remnants of the leftwing groups and to counter the production and distribution of coca. The fact that insurgency forces were able to ferment and grow, keenly illustrated to the State its relative weakness beyond its power base in Lima. Consequently it has sought to increase the presence of government institutions and bodies in the interior, specifically in isolated northern jungle and Andean regions. As a result the state has,

by example, successfully increased school enrolment to cover 97% of the population whilst sustainable access to improved water sources has increased to 83% of the population up from 74% in 1990 at the height of the conflict.

The process has not, however, been without its problems. Constructing and improving the effectiveness of local institutions inevitably requires the furthering of capacity building programs, such as village associations and the like, to bring the rural population closer to local government, improve accountability, engaging communities in the democratic process, and fortalice notions of national identity. Although of fundamental importance in terms of long-term development, such a policy has nonetheless backfired. Primarily because such initiatives have been undertaken without sufficient attention being placed on improving social services and economic opportunities. Consequently, with an increasingly politically mobilized populace and the existence of internal power structures that negate accountability, the response to such shortfalls has seen greater support for the Bolivarian Revolutionary Movement as a more attractive option for change. This is particularly the case within the higher Andean regions, bordering Bolivia. Such outcomes have led the international donor community in Peru to diminish its engagement with the process, during a broad reappraisal and evaluation of cooperation policy.

Without doubt, what remains clear is that economic development at a regional level is fundamental to the decentralization process and national development. The absence of opportunities in the interior has caused a steady flow of economic migration to urban centres over recent decades, along with groups that were forcibly relocated. While 61.5% of the population lived in urban areas in 1975, this figure rose to 72.4% by 2004. (HDR 2006) This demographic shift has inevitably placed an immense burden





Microfinance Project Pilot, Villa El Salvador, Lima

photo: Gavin David White

on weak public and social support structures; the most visible example of this in Lima is the absence of a public transport system where the cities residence rely on an antiquated system of informal bus and minibus networks. In all some 10 million Peruvians currently live in Lima who represent some 35.7% of nations 28 million population, this by comparison to the same number of Britons who live in London, who represents only 14.2% of the UK's 70 million population. Indeed it is obvious to see why many of the city's earlier residents remember with fondness the relative calm and order of pre-1980 Lima. What is evident, however, is that there will be no reverse migration without improved economic opportunities and wider improvements in the education system in rural areas.

Here the Peruvian government has a unique opportunity to both fulfil its commitments to the nations IDP population, whilst furthering national development priorities. An essential aspect in regional economic

development is access to the national marketplace of Lima, the absence of which has traditionally hindered access to higher earnings and essential reinvestment for people in the interior. However, viable operational networks already exist amongst the IDP populations themselves. Although groups are split between those that favoured integration in the capital, that settled in regional urban regions or returned to their rural towns and villages, effective family and community networks remain in place in the years following displacement. Further, the benefit of the Truth and Reconciliation Process has been the foundation of numerous displaced people's associations that are well connected providing an immediate focal point for the development of cooperatives or small businesses that can share skills and the benefits of each geographical position.

Although there has been the perception that the internally displaced in Peru are simply waiting and hoping for reparations checks, an evaluation of the realities in Villa El



Salvador points to the contrary. Yes, they are a population that have suffered greatly, but they are also a population full of creativity and ideas for small business development that are realistically achievable, that offer durable solutions to displacement, whilst offering the benefit of wider economic growth. Sample projects have included the production and importation of citrus products for the manufacture of fruit juices that are currently unavailable in the capital, the fabrication of household cleaning products utilizing natural derivatives from the interior and vocational skills training to provide the youth with professional skills marketable in the capital. Such initiatives are invaluable starting points utilizing the skills and networks that the IDPs do have in, whilst searching for durable solutions that the national authorities can support and further. Importantly, such structures can benefit both rural and urban IDP communities, contributing towards slum regeneration and rural economic development and by association contribute towards the increased

economic activity amongst the poor that fosters further economic development and encourage reverse economic migration for the urban to rural areas that can relieve the over burden on public services in the cities.

These potential benefits to the nations development are currently on hold without access to the necessary capital required to meet initial set-up costs. Here, the State can kick start the process, whilst honouring its commitment to durable solutions to displacement in the form of collective reparations packages to displaced peoples associations to drive small business development. Through honouring such commitments, the relatively resource rich Peruvian State can not only cast itself as benevolent, but also more importantly build important bridges between itself and the social class that will ultimately define the future of Peru. Whilst some bridges may be symbolic in terms of national identity and shared collective vision, others are countable such as adherence to the rule of law and the wider integration of the tax



Vocational Skills Training in Carpentry, Villa El Salvador, Lima

photo: Gavin David White



system. Here development actors and donors should step forward and support the government in perusing an agenda that tackles the displacement problem ensuring that the protracted situation does not endure for years or even decades to come.

In the middle and longer term such association are in parallel viable options for investment and offer access to untapped markets for the financial sector. Although certainly operating at a higher rate of interest, the lack of tradable collateral assets for small business loans can be offset through collective lending, where each individual holds collective responsibility (a system that already operates effectively at a community level within Peru's informal sector) Banking institutions need only look to the telecommunications sector after the explosion of pre-paid cellular phone use within Lima's urban poor, to realize the financial benefits of engaging this social group, to which the displaced are a part. For certain, Peru economic growth to date has been driving by the affluent, yet small A, B social economic groups that constitute no more than 20% of the population. Sustainable transition from transitional country through middle-income status and

beyond can only be realized in Peru by groups C (low income/in poverty) and D (those in extreme poverty) who constitute 60% and 20% of the population respectively.

As Peru emerges from a period of conflict social justice albeit a moral concept can also be viewed as an economic one that must be applied in recovery as an integral part of sustained economic growth. Rather than being placed on the margins of political priority as simply a restorative justice process, the State should view the need for durable solutions to displacement as an opportunity to foster economic development in urban slum regions and isolated rural areas, whilst continuing with national programs to improve the quality and coverage of basic social services. As Antonia Tenorio Gamboa of the *Organización de Desplazados por la Violencia Política Tarinacuy de Villa El Salvador* put it "our longing is for us to have an opportunity for our children to live better". Considering the enduring plight of Peru's internally displaced since their flight some 15 or 20 years ago, they are a people who deserve just such an opportunity.

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