

Part II: Detailed look at social movements, poverty, and the state

Chapter 6

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The human rights movement and reparations

1. Introduction

This chapter offers an analysis of the human rights movement in Peru, approaching it through a discussion on reparations for victims of the armed conflict that Peru endured from 1980 to 2000.¹ Focusing on these themes allows the study to explore the formation of discourses and objectives within the movement, how those evolve, how the movement relates to external agents and allies as it seeks to achieve its objectives, its strategies for relating to the state at different points in time, and the different stakeholders and opinions within the movement itself. Focusing on reparations will also provide a broader view of the way in which this movement is currently operating.

Moreover, the study prioritises the Ayacucho region, doing thus for two reasons; first, it was the most affected during the time period in question, and secondly, it is one of the regions that is dragging its heels in terms of reparations. That the region with the greatest number of victims and highest level of violence is also one extremely unwilling to blaze a trail in favour of the victims is a reflection of a series of processes and conflicts that it is undergoing. Examining Ayacucho also provides a window into the sub-national dynamics of the human rights movement as well as how the local branches relate to the national one. Likewise, studying Ayacucho contributes to understanding how the people most affected by the armed conflict have adopted the language of human rights (or if they have actually done so) and to what degree they have internalised or not the national movement's fundamental issue: reparations. In other words, it will be possible to verify if the national movement's priorities are the same as the sub-national's, while bearing in mind that this is the most affected region. This should open the way to shedding light on the relationships between a social movement's sub-national and national dynamics.

The first section of this chapter will present a brief summary on the history of reparations and their connection to the human rights movement. In the second section, the focus shifts to an analysis of the implications of reparations for the movement itself: how it operates internally, what the roles of its different components are, how these relate to each other and, lastly, how the movement relates to different external stakeholders, in particular the state. The last part is a discussion on the relationship between reparations and poverty and the rhetoric surrounding it.

From there, three broad conclusions can be drawn:

¹ For purposes of this chapter, the term victim shall refer to victims and people seriously affected by the period of violence in Peru,

1. Within the history of the human rights movement and reparations and in the way the movement has operated, there have been two important moments: a) when the human rights movement was the driving force behind and leader of the issue, a moment characterised by its strength and great activity, and b) when the state finally accepted the responsibility for the issue, which corresponded to the time when the movement had lost the strength and capacity to lead the issue, reasons why its characteristics are in flux. The first moment viewed reparations in terms of rights, whereas the second saw them more as an issue of development and poverty.
2. There is a current debate on whether or not reparations should be connected to poverty-fighting development programmes. The question is: are reparations development programmes? It would seem that many public sector actors believe so, but, even within the movement itself, there are varying opinions. Although Lima-based NGO's are against seeing reparations as development programmes and argue that both are completely independent of each other, viewing them simply as a restitution of rights, victims are stressing the issue of poverty and are demanding that reparations work as development programmes. Such a circumstance leads to the discussion on victimhood and how it cannot be separated from poverty.
3. Lastly, through analysing this case, one discovers the impossibility of talking about the state as a single entity, but rather as a multiplicity of offices, departments, levels, etc., something also revealed through examining the other two cases. The language the state uses changes depending on which of its institutions is discussed and who its leaders are. The state's weak institutionality keeps it from taking a unified stance on a particular topic, resulting in certain state institutions being sympathetic to the movement, while others are downright antagonistic.

These key ideas will be argued throughout this chapter, following the above-mentioned outline, starting with the historical summary and explanation of reparations. One important element to bear in mind, though, is that this chapter is an examination of the human rights movement and not of reparations such that the latter is just the jumping off point, the first step in a journey that arrives, finally, at its desired end: understanding how the human rights movement operates today.

2. The case: The human rights movement and reparations

2.1 A summary of the human rights movement

The founding of the human rights movement in Peru can be traced back to the end of the 1970's, specifically with the start up of the 1977 national strike, when the defence of rights was made evident in an attempt to have those people unjustly arrested freed from jail. Different human rights groups banded together and formed a national coalition due to the way in which the armed forces responded to the strike. Then, 1979 saw the creation of the National Human Rights Commission (CONADEH) and Human Rights Committees (CODEH), yet it was not until 1984

and the formation of the National Human Rights Coordinating Committee (CNDDHH) that the movement began its consolidation process.

Peru's internal conflict raged across the country from 1980 to the late 1990's, leaving in its wake roughly 69,000 dead, 4,000 missing persons, 600,000 DP's, and millions of dollars in economic losses, figures reported by the Truth and Reconciliation Committee (CVR). For the human rights movement, the agenda focused on the internal conflict, missing people, and extrajudicial executions. After the threat of terrorism had been subdued, it switched its attention to returning the country to democracy. Much work was also carried out on the issue of innocent people in prison. Then, after the fall of Alberto Fujimori's authoritarian administration at the end of the 20th century, the movement's priorities began to change. First, its sights were set on the CVR and then the OAS Forum for Dialogue. In the recent past, Fujimori's extradition and subsequent trial for crimes against humanity has again placed human rights on the front page as are reparations for victims of the internal conflict. What is more, each August, the movement garners media attention for its commemoration of the anniversary of the CVR's final report submission.

One of the movement's primary objectives, the reason for its formation, is raising public awareness on human rights. As the years passed and after the CVR had completed its task, the movement centred its actions on monitoring the implementation of the CVR report's recommendations, striving to keep the issue alive.

Now, after so many years, the movement possesses a rather broad agenda, and while it was born out of the concern over ESCR at the end of the 1970's, the armed conflict forced it to concentrate primarily on civil and political rights. Later, at the beginning of this decade, actions were directed towards urgent CVR report objectives and only recently has the focus again shifted to ESCR. The movement has also begun drawing attention to broader topics, such as health and education, to name two.

Presently, it includes local, sub-national, and national NGO's that are allied with the international human rights movement, victims' organisations, networks, religious institutions, activists (artists, intellectuals, youth, and students), popular organisations, and some media companies. Peru also counts on two coordinating and unifying bodies: CNDDHH and Para Que No Se Repita (PQNSR), a grassroots movement that can be loosely translated as "Never Again!" The CNDDHH is the only one of its kind in all Latin America and an essential factor in strengthening the movement because most human rights organisations in Peru are affiliated with it. It has a national assembly and runs elections every two years. Its steering committee is made up of six people and an executive secretary. Decisions are made by consensus, and the coordinator speaks for the movement, sets priorities, designs campaigns, prepares strategies, and sets up special committees (that deal with such issues as collective rights for indigenous people). PQNSR, on the other hand, represents the popular side of the movement. If the CNDDHH is made up principally of NGO's, then the ranks of PQNSR abound with activists and victims organised into grassroots and church groups and local human rights committees and, to a lesser extent, with networks, institutions, and individual people. At

present, there are thirty-eight groups active in twenty-five political regions around the country,² and these have representatives from more than 600 institutions (PQNSR 2009). And although its membership varies significantly, it is the equivalent of a confederation and a key factor in organising protests and marches as well as in commencing advocacy campaigns. It holds two assemblies per year, and there are three members of its executive secretariat. Moreover, an initiative group comprised of the founding organisations feeds it suggestions, and each of the twenty-five political regions has a promoter group. The campaigns it runs on a yearly basis have up till now been linked to the CVR report's conclusions and recommendations.

Along with these organisations are other groups: specialised national human rights NGO's (such as APRODEH: Association for Human Rights in Peru, IDL: Legal Defence Institute, and SER: Rural Educational Services), sub-national and local NGO's that to a greater or lesser degree carry out education or human rights defence programmes, local human rights committees (Ica Region Human Rights Committee – CODEHICA, for example), organisations of victims of human rights violations (around 240 of these countrywide), Catholic and Protestant church groups and institutions (like the Episcopal Commission on Social Action – CEAS), sectors of the media, and activists and sympathisers. It is a large and diverse movement that has gained a great deal of legitimacy for its commitment, stability, and inclusive nature as well as for having designed a series of principles that each group under the CNDDHH has pledged to uphold (Youngers, 2004).

Then again, there are the victims' organisations. Very few of these were operating during the 1980's, yet the most important was the National Association of Relatives of the Kidnapped, Arrested, and Missing in Peru (ANFASEP) that even today plays an important role. Its members were almost entirely women (wives and mothers of the victims) and the organisation is still referred to today as the "mother's organisation", although it formed a branch called "Juventud ANFASEP" (ANFASEP Youth), which is led by children of ANFASEP women. This organisation was the first to lift its voice in protest, to issue demands, and to mobilise people and therefore has earned the respect of many, not just for its continuing role, but also for the part it played historically. When the country was undergoing the worst years of the internal conflict, ANFASEP was the leader in victim representation.

It was not until the first decade of the new millennium that victims' organisations began appearing on the scene, a fact that arose from the formation of the CVR and later on with the implementation of the Comprehensive Reparations Programme (PIR). According to Guillerot and Magarrell (2006: 111), "From 1980 to 1990, 3 victim's organisations were created. From 1990 to 2000, a total of 24 were formed, most of these dealing with displaced persons. Yet, from 2000 to 2003, 53 more groups were created. Then, in 2004, another 118 victims' organisations were registered in 11 political regions, 8 of which are national, 18 sub-national, 21 provincial, and 32 local. 22 of these are women's organisations, 15 youth, and 26 displaced persons'."

² It needs to be pointed out that each political region may have more than one active group. Likewise, active groups are not the same as promoter groups.

As the figures demonstrate, victims' organisations began to emerge around the country after the internal conflict and the fall of Fujimori. Their creation was a response both to this historical context as well as new opportunities generated initially by the creation of the CVR and subsequently by the implementation of the PIR. And it was this boom that erected the current stage upon which the large number of victims' organisations acts, yet many are weak, and the collection as a whole is rather loosely linked together at best. Their main characteristics appear to be diverseness and weakness and, moreover, there is the issue of how difficult it is for the movement to establish sub-national or provincial or local level relations. To illustrate, the study will use the example of Ayacucho; the most important victims' organisation in that region is the Regional Coordinating Committee for Organisations of Victims of Political Violence (CORAVIP), which participates in PQNSR, has forged alliances with NGO's in Ayacucho, has a certain presence in Lima, and is part of CONAVIP, the national coordinating body for victims' organizations. However, it has little presence at a community level. The great majority of organisations are located in cities, something which makes perfect sense in terms of displaced persons, since that is where most of them are living, but this state of affairs affects most organisations. However, local groups do in fact exist, but the problem is they are independent of and have zero representation in provincial or sub-national organisations. In addition, fewer organisations participate in PQNSR, but they can be classified as the "strongest". All of this points to the reality that victims have created a very large number of small, weak, unconnected organisations, an image summed up quite nicely by one of the CNDDHH interviewees when he said, "They are still in their infant stage."

2.2 Reparations: process, debate, and controversy

2.2.1 From the end of the 1990's to the Truth and Reconciliation Commission

At the tail end of Fujimori's last term in office, large numbers of people had been mobilised and were clamouring for the country to return to democratic rule, yet none of their demands specifically mentioned human rights or the creation of a truth commission. As a consequence, the human rights movement decided to work directly with mobilised sectors and got them to accept the issue of forming one. In the words of one movement activist, human rights abuses were dealt with on a case-by-case basis until 1997. Conversely, since 1997, human rights have been filtered through the context of democracy. "We, as a nation, had all our human rights violated. So, we assembled all the actors we could: union workers, feminists, young people. By changing the agenda, we changed everything else as well and became a broader movement, now partnering together." (interview of a human rights NGO member)

The human rights movement saw Peru's return to democracy following two decades of armed conflict and Fujimori's resignation as the perfect time to propose the creation of a truth commission; in other words, it was "now or never." Since neither the national government nor the OAS Forum for Dialogue was discussing the matter, the movement took up the issue. The discussion within the movement focused on the need to form the commission during the interim administration on the grounds that the post-transition government (which was ultimately led by Alejandro Toledo) would have too much on its plate to deal appropriately with the

issue. Consequently, the movement lobbied intensely with several ministers and the four strongest presidential candidates at the time: Alan Garcia, Lourdes Flores, Alejandro Toledo, and Fernando Olivera, which bore fruit in the way of a letter, signed by those four, and subsequently dispatched to then interim President Valentin Paniagua. The contents of the letter stated their desire to undertake and to support the creation of the truth commission, their pledge to keep it active in the event they were elected as the next president, and their petition to Paniagua to create one. It represented a huge achievement for the movement, which had finally managed to ally itself with mobilised citizens, state ministers, like Diego Garcia Sayán and Susana Villarán, and the presidential candidates.

2.2.2 CVR internal debate over reparations

President Paniagua created the Truth Commission in 2001, and three months later, President Toledo renamed it the Truth and Reconciliation Commission and appointed the commissioners. Part of the CVR's mandate called upon it to make a series of recommendations, one section of which being set aside for reparations. Nevertheless, the commissioners did not hammer out a clear cut strategy for handling them, as reported by Guillerot and Magarrell (2006). At one point in time, they formed the Consequences, Reparations, and Reconciliation Department, which was later changed to the Consequences, Reparations, Prevention, and Mental Health Department. From the outside, it appears this department's job was to look at reparations from the perspective of the consequences, i.e. analyse the consequences of the conflict, and then carry out the appropriate reparations.

At the same time, the International Centre for Transitional Justice (ICTJ) and APRODEH commenced joint work on the same issue and also began advising the CVR (commissioners and the reparations recommendations team) and other human rights NGO's (Guillerot and Magarrell, 2006: 29), work with the latter having increased to such an extent that they formed an Initiative Group to handle it. There were discussions as to how beneficial (or not) moving the Initiative Group under the umbrella of the CNDDHH would be, with the final decision being to go ahead; so, in 2003, they changed its name to the Working Group on Reparations (GTR), placed it within the structure of the CNDDHH, and charged it with being the bridge between human rights NGO's and the CVR.

Months went by, and the CVR continued its work on reparations, focusing on the consequences. The GTR suggested a rights-based approach to the work. As a result and with the submission for the final report coming due, the CVR decided to reorganise the way it worked internally and created the Comprehensive Reparations Plan Group (GPIR) in January 2003, basing its work from that point onwards upon what the GTR (especially ICTJ and APRODEH) had been doing. As such, the CVR final report is the fruit of civil society, and the final approach centred on the restitution of rights with the idea being that during the internal conflict many Peruvians were stripped of theirs. Reparations, therefore, aim to restore them and "seek to acknowledge the damage done and to reaffirm the dignity of the victims and primarily their full status as citizens. Reparations are the materialisation of the acknowledgement of their pain and suffering as victims of human rights violations as well as being the manifestation of everyone's effort to establish equal and respectful relations." (Guillerot and Magarrell 2006: 31)

Table 1: PIR in the CVR final report

Second chapter of CVR final report book IX is dedicated to the recommendations, and these are made according to four large aspects: institutional reform, Comprehensive Reparations Programme (PIR), National Forensic Anthropological Investigation Plan, and monitoring mechanisms. The PIR was divided into six different forms of reparations:

1. Symbolic reparations
2. Reparations in the field of health
3. Reparations in the field of education
4. Restitution of rights of citizenship
5. Financial reparations
6. Collective reparations

Along with the different forms, the CVR was also the first entity to define and to use the concept of “victim”. In fact, victim organisations did not usually use the term “victim” in relation to their members, and so it was not until after the final report that both civil society and the state began using it. To the CVR, victims are “all people or groups of people that have suffered acts or omissions that violated international human rights laws as a result of the internal conflict Peru endured from May 1980 to November 2000 (CVR 2003: 149). CVR-identified acts that violate human rights are:

1. Forced “disappearances”
2. Abductions
3. Extrajudicial executions
4. Murder
5. Forced displacement
6. Arbitrary detention and violation of due process
7. Forced recruitment
8. Torture
9. Rape
10. Wounds, injuries, or death as a result of attacks that violate international humanitarian law

Not only was it necessary to identify the victims, but the beneficiaries as well since they could be both direct and indirect as well as individuals or groups. Accordingly, beneficiaries are relatives of the victim (spouse, partner, children, and parents). In this case, the CVR identified the following as individual beneficiaries (CVR 2003: 152):

- Relatives of missing persons
- Relatives of victims who were killed
- Displaced persons
- Innocent people who were imprisoned
- Victims of torture
- Victims of rape
- Victims of forced recruitment
- Members of the armed forces or national police force or self

defence committees that were injured or wounded during attacks that violated international humanitarian law or while on active duty.

And as worthy of specific benefits:

- Children begotten from rape
- Minors who formed part of a self defence committee
- People unlawfully charged with terrorism or treason
- People lacking state granted identity documents because of the internal conflict

Collective beneficiaries (CVR 2003: 153) are:

- Agricultural communities, indigenous communities, or any other settlement affected by the internal conflict
- Organised groups of displaced persons who have not returned to their affected communities, in their places of insertion.

In June 2003, a few months before final report submission and in anticipation of the work required once turned in, PQNSR was founded expressly to work with the final report, particularly the section on recommendations, and to make certain it would not fall off the public agenda. According to its Technical Secretariat, civil society had to work on the report because political parties were weak and politicians, in general, lacked the capacity to undertake it; otherwise, it would have ceased to be relevant.

Two months after PQNSR was created, the president received the CVR final report, and the responsibility for carrying out its recommendations fell into the hands of the government. The first act of President Toledo's administration after reception was to declare December 10 "National Day of Reconciliation", definitely a symbolic reparation. Some city governments (in Ica, for example) followed suit and established symbolic reparations.

2.2.3 Government attempts to institutionalise PIR

It was not until 2004, however, that the national government initiated required PIR implementation steps, the first being the February 5th creation of the High Level Multi Sector Commission (CMAN) responsible for State Action and Policy related to Peace, Collective Reparations, and National Reconciliation. The CMAN's president was the prime minister, and there were seven members: four different ministry representatives (of the Interior, of Economics and Finance, of Justice, and of Women and Social Development), one from the National Decentralisation Council (now defunct), one from human rights organisations, and the Presidential Human Rights Advisor. Yet, what stands out about this commission is its name, since greater importance is given to collective reparations given that it is not "responsible for action and policy related to reparations" but specifically to "collective reparations". This fact becomes rather significant in terms of actions it carried out under Alan Garcia's second APRA-led administration. CMAN, meanwhile, got down to business, but it was unable to set anything concrete in motion since the

country had no national reparations programme, something that did not happen until eighteen months later.

One year after CVR final report submission, August 2004, a series of commemorative acts took place. PQNSR reported that on August 22 some “358 rallies occurred simultaneously across the country in which citizens unfurled a gigantic banner in each of the city’s main squares.” 256 rallies transpired in places outside of Lima, while 102 were centred there. On August 27, there were “489 massive rallies in main squares around Peru – vigils and commemorations of the CVR report submission. 7000 people took part in the Lima event.” (PQNSR 2008: 2) Here was proof that PQNSR had, within one year of its creation, established a national presence. What is more, the nature of its mobilisations was also shown: commemorative in the form of vigils and peaceful marches without any demands made. What they do lack is an aura of reconciliation because of the noteworthy absence of government or armed forces representatives, which contrasts with events that commemorate the capture of Abimael Guzman³ since relatives of victims who served in the armed forces do attend those.

Even though the state had not yet passed a national reparations plan, the Huancavelica regional government did approve its plan on September 22, 2004. This constituted the first milestone in this region’s actions, which turned it into a trailblazer for the reparation process. The close of 2004 saw passage of Law 28413 on absence caused by forced disappearance from 1980 – 2000. It created the Register of Missing Persons, responsibility of which was given to the Ombudsman’s Office. During 2004, certain sectors also laid the groundwork for subsequent implementation of those recommendations that fell within their jurisdiction. Several examples are the Ministry of Health (MINSA) establishing a commission to prepare a programme for reparations in the field of health, the National Identification and Marital Status Registry (RENIEC) creating a unit with the responsibility of drawing up a National Plan for the Restoration of Formal Identity to people who had lost their legal documents during the violence, and the Ministry of Housing formulating measures to give special attention to victims within its existing shelter programme entitled “Techo Propio”.

PQNSR made headlines once again in May 2005 owing to perhaps its most famous mobilisation to date: the Great Quipu of Memory. This consisted of four messengers (known as chasquis in Quechua) running across the entire nation, from Ecuador in the north to Bolivia in the south, during which they passed through 142 cities. Two of the runners had been victims. As part of the event, “434 quipus were braided with 303,445 knots to demonstrate the country’s solidarity with the victims.” There were other events held as well: “353 public acts with more than 1 million participants, including members of 453 organisations and institutions, 311 of which were civil society and 142 were state. The closing ceremony in Lima assembled 15,000 people.” (PQNSR 2008: 2) This last event took place on August 27 and commemorated the second anniversary of the CVR final report submission.

2.2.4 Comprehensive Reparations Programme (PIR)

³ Leader of Sendero Luminoso.

In July 2005, eighteen months after CMAN's formation, the Peruvian congress passed Law 28592, the PIR Act, thus creating the comprehensive reparations programme. Human rights NGO's lobbied fiercely for this law, and members of congress had presented as many as seven bills dealing with reparations. One of those had been submitted by Jorge Del Castillo, who shortly afterwards would play an important role in this process. The Congressional Human Rights Commission took up the issue and consolidated the seven into one bill. The human rights movement took that as a sign that the time was ripe to go to work on the issue for now congress seemed open to it. Thus, the large human rights NGO's headquartered in Lima put their noses to the collective grindstone to begin drafting a PIR bill, which they handed over to certain allied congress members who had helped the movement greatly from within the legislature. Later on, the CNDDHH began lobbying party congressional leaders to move discussion of the bill to the Permanent Commission rather than in the plenary session.⁴ Yet, lobbying was not the only strategy employed. The movement appealed to famous public figures, the likes of Monsignor Bambaren, who backed the request. It also joined in marches, like that of Bambaren's "White Gloves", whose participants were protesting corruption. The movement, represented by the CNDDHH and some NGO's, obtained direct access to different politicians and was able to discuss the reparations bill face to face through these strategies. It also shed light on one important lesson: politicians will listen to leaders who can rouse the people and will follow those who have the ability to assemble others. That is why, to the movement, it is important to make them allies. At last, the PIR bill was unanimously approved in the Permanent Commission, with some of the victims present at the final meeting.

The PIR is based upon a modified version of the CVR's recommendations, and the law lays out the following programmes:

1. Restitution of rights of citizenship
2. Reparations in the field of education
3. Reparations in the field of health
4. Collective reparations
5. Symbolic reparations
6. Promotion and preferential access to housing
7. Others the multisector commission may approve

As can be seen, the law includes housing yet leaves off individual monetary reparations, something the CVR did not do.

The PIR Act third article defines victims as "people or groups of people that have suffered acts or omissions that violate human rights laws," and its ninth article created the official Registry of Victims of Violence (RUV), establishing in the first

⁴ A plenary session of Peru's congress consists of the full 120 members, whereas the Permanent Commission meets between sessions and is a smaller body made up of congress members from different political parties in proportion to their numbers in the plenary. The NGO's wanted the PIR bill discussed in the latter, thinking it would avoid delays or problems that could crop up in a body of 120 congress members, many of whom might be wary of the topic. Moreover, the Permanent Commission could approve the PIR bill without having to wait for the new session, something which might have caused the issue to be bypassed by others or be placed on a lower priority level for debate. The idea was to get the PIR bill passed as quickly as possible and with the least amount of political disruption possible (to "rock the boat" as little as possible).

complementary provision that CMAN is in charge of designing the Reparations Council (CR) structure and operations, the duty of which is to oversee the RUV.

Nevertheless, the fourth article is beyond a shadow of a doubt the most controversial since it lays out that “members of subversive organisations shall in no way be considered victims and hence shall receive no benefits under any programme herein established. Victims who might have received reparations through other state decisions or policies shall also not be considered beneficiaries. Victims who are not included in the PIR yet who demand the right to reparations shall maintain their right to take the matter before the courts.” (Law 28529, article 4).

This article has been supremely important in the reparations process. Human rights NGO's deem it unconstitutional since it excludes members of subversive groups, arguing that the article establishes that some people have more rights than others and hence violates international humanitarian law (which holds the same stature as a constitution) that Peru has pledged to uphold. The movement discussed this topic at length, especially the NGO's that formed part of the CNDDHH, and came to two conclusions: first, it would be better to have an imperfect reparations programme rather than no programme at all and, second, Peru was not quite ready to begin talking about the need to give reparations to ex-senderistas.⁵ Even today, the fourth article is a sensitive topic in the movement. Some sectors agree with the decision, while others believe it was a mistake. At that time, the movement decided “we will accept it as is and fight later on,” but today, four years later, they recognise the process is well underway, victims are being registered, and it is rather unlikely the article will be modified. However, some people still feel that “we should have continued the battle.” When all is said and done, the human rights movement, in its heart of hearts, fears that a subsequent administration that does not hold with the idea of reparations will declare the process unconstitutional (due to the article in question) and refuse to continue it, thereby eliminating the PIR. And even if the movement believes the fourth article is unconstitutional, its representatives on the CR have to abide by it, so it directs that body's work. And yet, the bottom line is the commissioners have the final say so as to who is and who is not to be included on the RUV. And they are extremely careful not to include anyone who was or is a member of a subversive organisation. Such a state of affairs shows how weakly the process is supported since it could be overturned through an aggressive campaign accusing them of favouring members of Sendero Luminoso, something the CR wishes to avoid at all costs, which is why it is meticulous in following the fourth article.

After the PIR Act entered into force, the human rights movement entered a new stage, one of lobbying for and monitoring its regulations. Moreover, the movement, in particular the GTR, worked on different bills and sought to correct problems and to fill gaps contained within the law. So, after several months of intense labour and even lobbying before different congressional members, PIR Act regulations were approved on July 6, 2006.

⁵ Former members of Sendero Luminoso.

Table 2: PIR Act regulation-established programmes

The regulations set forth the principles that must guide PIR execution, among them being that the “actions need to express the goal of reparation: hence, the only actions that shall be deemed of this nature are those that have been expressly granted that nature before their execution by having been registered under the PIR and having been communicated as such to the beneficiaries (DS N° 015-2006-JUS article 6, paragraph b). This point turns out to be vitally important in understanding later discussion between the human rights movement and the state on whether or not actions that CMAN would carry out could be considered as reparations

Regulations chapter IV specifically lays out the different PIR programmes and beneficiaries. As has been shown, the PIR Act originally did not involve individual monetary reparations, yet the movement did engage in intense lobbying to have that programme incorporated. What is more, after the regulations were approved, subsequent legislation modified their contents. The following are PIR Act regulations as they stand today (end of 2009), starting first with the PIR programmes:

1. Restitution of rights of citizenship
Beneficiaries:
 - a. Any person registered in the RUV Book 1 (original article was modified by Supreme Decree #003-2008-JUS).
2. Reparations in the field of education:
Beneficiaries:
 - a. Any person who had their studies interrupted on account of the armed conflict (original article was modified by Supreme Decree #003-2008-JUS)
3. Reparations in the field of health
Beneficiaries:
 - a. Any person or group thereof registered in the RUV that suffer any physical and/ or mental problem that was directly caused by the violence.
4. Collective reparations
Beneficiaries:
 - a. Violence-affected agricultural communities, indigenous communities, villages, and organised groups of displaced persons who have not returned to their affected communities (original article was modified by Supreme Decree #003-2008-JUS)
5. Symbolic reparations
Beneficiaries:
 - a. Any individual or collective beneficiary that was a victim of violence (original article was modified by Supreme Decree #003-2008-JUS)
6. Promotion and preferential access to housing
Beneficiaries:
 - a. Any individual or collective beneficiary whose house had been destroyed because of the internal conflict.

- b. Any individual or collective beneficiary experiencing housing problems as a direct result of the internal conflict. (original article was modified by Supreme Decree #003-2008-JUS)

7. Economic reparations

CR shall determine beneficiaries from the following cases.

Beneficiaries shall be either the recognised victim or the relatives of:

- a. Relatives of dead and/ or missing victims (*original point was modified by Supreme Decree #003-2008-JUS*)
- b. Victims of forced “disappearance”
- c. Any person who is living with a permanent partial or total physical or mental disability as a result of attacks, injuries, or torture (subject to identification by the National Commission on People with Disabilities – CONADIS).
- d. Victims of rape

Table 3: PIR beneficiaries

In the end, a victim was concretely defined as a person or group that had suffered the following (DS N° 015-2006-JUS, article 45):

1. Extrajudicial execution
2. Murder
3. Forced “disappearance”
4. Rape
5. Torture
6. Abduction
7. Forced displacement
8. Arbitrary detention
9. Forced recruitment
10. Unlawful imprisonment due to a violation of the right to due process (original point was modified by Supreme Decree #003-2008-JUS)

Beneficiaries may be individual (subject to registration in the RUV) or collective (violence-affected villages plus organised groups of displaced persons – all cases subject to registration in the RUV). As does PIR Act article 4, regulations article 52 establishes that no member of a subversive organisation may be considered a beneficiary.

Table 4: Government bodies – CMAN and CR

PIR regulations also state the programme shall be executed nationally, sub-nationally, and locally; in other words, the programme is not the sole responsibility of the national government, but the other two levels must share responsibility and shall have certain jurisdiction over reparations.

Moreover, it echoed previous legislation in that the CMAN would be the body in charge of reparations and the CR the body in charge of the RUV. At the time of the regulations’ approval, the CMAN was under the Ministry of Justice (which is the reason why regulations were issued by that ministry). It was also decided to place the CR within its structure, yet that would change at the end of September 2006 with passage of Supreme Decree 062-2006-PCM which transferred that body under the Presidency of the Council of Ministers (Prime Minister’s office). The CR is divided into a Technical Secretariat and Councillors, the latter holding the power to rule on a case-by-case basis as to who will be registered in the RUV. Their position is, furthermore, unpaid. The former is a paid position, and their responsibilities are to gather, process, check, evaluate, qualify, and certify victims.

The CMAN works directly with local government in the following manner: once a community has been chosen as a beneficiary of collective reparations, it informs the local government of the decision. An assembly is formed in the community, and the residents choose a project they wish to execute. The CMAN will then transfer 100,000.00 soles to the local

government, which is in charge of the project. Hence, CMAN has no implementation duties, just supervisory. In the words of some of the movement's members and some specialists on these issues, the CMAN, and generally speaking, APRA members, feel more at ease working with government officials than with civil society members. As a result, they prefer working with local government directly instead of monitoring civil society. This would explain why the CMAN, whose members are practically all from the APRA political party, do not work very closely with victims' organisations.

Table 5: Tensions between the human rights movement and the state on account of the RUV

The PIR Act regulations provide for creation of the RUV, which was to be organised into two books. Book 1 was to be the registry of direct and indirect victims plus relatives of missing or dead persons. Book 2 was to be the registry of collective beneficiaries. In addition, regulations state the two books would consolidate information from pre-existing registries [consequently, the CR had to work from incomplete registries. Many pre-existing ones, like that of the CVR, only listed names without including contact information] and begin adding victims through new applications, which would have to pass through a qualification process. If a person were added to the RUV, they would receive documents attesting to them being victims; likewise, the RUV itself would remain in force forever. After two years in operation, the CR would evaluate the need of establishing branch offices in the different political regions that would continue the work. Lastly, the third complementary provision lays out that within ninety days of regulations approval a Multisector Technical Commission (comprised of representatives from the Ministry of Justice, Ministry of Women and Social Development, and Ministry of Economy and Finance) would need to be formed for individual monetary reparations. Furthermore, one hundred eighty days later, the commission was to turn in a technical report. This last point is vitally important for understanding the reparations process because no such commission has yet been created as of this document's drafting (November 2009).

One other aspect of the RUV is the objectives as laid out in the regulations (which are limited to identifying and certifying victims). Article 71 states that "access to documents or information on persons in the registry is reserved for ends established in the law." (DS N° 015-2006-JUS, article 71º) This, plus PIR Act article 4, has generated a great debate within the human rights movement since information gathered for this registry cannot be used for judicial purposes. As a consequence, victim identification and subsequent reparations are now separated from legal actions brought against the victimizers. The issue is that plenty of information was gathered during the registration process that included either the names of those who authored the violence or the facts of human rights violations. Yet, much of this information is not found in the RUV since it was not necessary for officially registering victims. However, it was obtained since the victims recounted their experiences. Now, this information is incredibly useful for any legal action, but this article disallows its use in the courts.

At last, the movement opted to back the law, as it did for the PIR Act fourth article, in order to have a reparations programme, believing an imperfect PIR is better than no PIR.

This point is a reflection of the movement's limited capacity to maintain the rhetoric on reparations it had at the beginning of the process. From the outset, it had pushed for reparations to focus on the restitution of rights, yet what is actually happening, as this case demonstrates, is a distancing from rights and an approach that aims towards development, centring on poverty fighting projects.

2.2.5 Implementing the PIR

Now that the PIR Act possessed its regulations, it was time to implement the programme. So, in September 2006 after the CMAN had spent a short period of time under the Ministry of Justice, it was placed back under the Prime Minister's office, where it has remained to date.⁶ Then, in October 2006, CR councillors were appointed, and the presidency was given to Sofia Macher, former CVR commissioner and human rights NGO member. Other councillors were: Pilar Coll, a known human rights activist and first CNDDHH coordinator, one indigenous leader from the Amazon, one important banker, and armed forces and national police force representatives. The CR had officially been born. Now the question revolved around who would make up the Technical Secretariat. Applicants had to prove they had prior experience dealing with human rights, which resulted in the CR being made up mostly by members or sympathisers of the human rights movement. Consequently, it turned into a government agency that was rather sympathetic to the movement primarily because its president and one councillor were recognised movement members.

PIR implementation was very slow, as had been the process to forge it: forming the CMAN, passing the PIR Act, and approving its regulations; and so initiating the

⁶ When the CMAN was originally created, these were its members (DS 003-2004-JUS)

1. 1 representative of the executive branch, who presided over it.
2. 1 representative of the Ministry of the Interior
3. 1 representative of the Ministry of the Economy and Finances
4. 1 representative of the Ministry of Justice
5. 1 representative of the Ministry of Women and Social Development
6. 1 representative of the National Decentralisation Council
7. 1 representative of the human rights promotion and defence organisations
8. The President's Human Rights Advisory

As stated above, the CMAN was moved under the Prime Minister's Office in September 2006, and its composition changed. Right now, these are its members:

1. 1 representative of the Prime Minister's Office
2. 1 representative of the Ministry of Justice
3. 1 representative of the Ministry of Education
4. 1 representative of the Ministry of Health
5. 1 representative of the Ministry of Defence
6. 1 representative of the Ministry of the Interior
7. 1 representative of the Ministry of Labour
8. 1 representative of the Ministry of Women and Social Development
9. 1 representative of the Ministry of the Economy and Finance
10. 1 representative of the human rights promotion and defence organisations
11. 1 representative of the National Association of Research, Social Promotion, and Development Centres (ANC)
12. 1 representative of the National Assembly of University Presidents
13. 1 representative of the Deans of Professional Associations

formal reparations programme followed that trend. On July 28, 2006, Alan Garcia was sworn in for his second term as president and was handed an organised and approved PIR. Now it was just a matter of implementing it and, as stated above, that would take time. The CR was created during his presidency, thanks to the work of Prime Minister Del Castillo, but in reality his administration chose to prioritise collective reparations. As such, those began in the province of Huanta, Ayacucho, on June 17, 2007, one year after the regulations had been passed, converting this province into the heart of the process; it had been the most affected area during the internal conflict, so it was no coincidence that it had been chosen as PIR starting point. President Garcia himself led the opening ceremony and with him on the stage was Jorge Del Castillo. In his speech, the president stressed the programme would begin collective reparations, but the idea had originally been to give individual reparations: "... we [...] are taking the first steps by delivering these reparations that are now collective in nature, but you will soon see that the path we are on will lead to individual ones because the person who lost a child, a husband, or a wife and the person who lost his father or the one who saw his childhood and youth cut short must be recognised by the state as well." (speech by President Alan Garcia, June 17, 2007) From the onset of his administration to the present, that speech marked the time Garcia was the most committed to the reparations programme. However, since that day in June 2007, he has backed off on his commitment. Another important element to consider here is the work of different APRA Prime Ministers; first and foremost was Jorge Del Castillo, who promoted the RUV and the creation of the Reparations Council, and became a central figure in the government for executing the PIR since he was so personally committed to the issue, which differentiated him from many cabinet members. At the end of 2007, the CMAN had allocated S/. 45,000,000.00 to collective reparations, and the PIR was being implemented in 288 communities in nine political regions of Peru (Ayacucho, Huánuco, Junín, Huancavelica, Apurímac, Puno, Cusco, Pasco, and San Martín). Each one of these was setting a project worth S/. 100,000.00 into motion. Additionally, the CMAN had allocated S/. 1,000,000.00 to the Ministry of Women and Social Development (MIMDES) for the fifth stage of the Census for Peace, an initiative that started in 2001 under that ministry's jurisdiction and that presently has five stages. Its purpose is to register violence-affected communities, not individuals. The first three stages were criticised, which is why a new stage was needed for improving the methodology and for casting a wider net to include more communities. It is also one of the pre-existing registries on which the CR based its RUV, and communities approved in it were included in Book 2.

While the now operational CR possessed the mandate to register individual and collective victims, the fifth stage of the Census for Peace was also ordered undertaken in 2007 at the same time the council was carrying out its registration duties, which could be taken as the first sign of the depth of commitment needed for the efficient, coherent, and well organised work of one process instead of several unconnected smaller efforts.

While the CMAN moved forward on collective reparations, the CR did not follow suit. It was more than eighteen months after final approval of the law creating the CR that its first branch office was opened outside Lima. With the opening of this office on April 28th, 2008, in the symbolic city of Huanta, direct victim registration had officially begun. When in June 2008 the CR's second branch office was

opened in the city of Satipo (in Junín), CMAN was already embarking on the second stage of collective reparations, and it was only on July 21, 2008, that the CR opened a branch in Huamanga.

August 2008 marked the fifth anniversary of the CVR final report submission and, as was customary, the human rights movement, especially PQNSR, had planned to commemorate it. However, that year's celebrations were marked by clashes and criticism of the movement from opposing sectors. Concretely, CR president Sofia Macher was harshly criticised by the right wing media, certain politicians, and member of the armed forces throughout that month. The newspaper, *Correo*, printed a story calling for her resignation from the council, arguing that she had accepted the position while still working in IDL (a human rights NGO), thereby creating a conflict of interest. In response, Del Castillo publicly defended her and reiterated his trust in her. Moreover, the Ombudswoman, Beatriz Merino, gave a speech during one commemorative ceremony that took place at the monument known as "El Ojo que Lloró" (The Weeping Eye) in which she severely criticised the government for its failure to fully and rapidly implement the recommendations of the CVR. In the midst of her presentation, a group of pro-Fujimorists (people who support Alberto Fujimori) crashed the celebration, shouting praise to their leader, denouncing human rights advocates, and destroying parts of the monument. At the end of 2008, both the CMAN (still focused on collective reparations) and the CR were moving ahead with their tasks but at a snail's pace.

The CMAN opened discussions on individual reparations in January 2009. As pointed out above, PIR Act regulations ordered the creation, in ninety days of their passage, of a technical commission responsible for a report on the matter. It was now the two and a half year mark from that date, and the commission had yet to be formed. However, the immediate problem was the national budget since if individual monetary reparations were to begin in 2010, then they had to be included in the budget, discussion of which would begin in Congress in August 2009. Consequently, formation of the technical commission was urgent, yet as of September 2009, it had still not been created on account of CMAN members having been consumed by modifying the body's internal regulations, which made it practically impossible for individual monetary reparations to begin in 2010. In spite of that, the new Prime Minister, Javier Velasquez Quesquén, in response to an August 2009 march for individual monetary reparations organised by CONAVIP (National Coordinating Committee for Organisations of Victims of Political Violence) and other victims' organisations, publicly pledged that individual reparations would begin in 2010, although he never specified if that meant monetary or health and education related ones. As a matter of fact, not one budget line for monetary reparations has been brought to the 2010 national budget discussion table.

While difficulties remain for putting together a technical commission, the human rights movement and GTR worked through 2009 preparing a technical proposal for executing individual monetary reparations (reparation amount, payment form, payment scale depending on degree of victimisation, etc.). An agreement was finally reached after discussions in the GTR and with CNDDHH and other organisations, and this was dispatched to CONAVIP so debate could begin among its member organisations, an example being the April Ayacucho CORAVIP-

organised regional congress in which the document was examined. Ultimately, it had been the GTR's idea to submit a proposal that would represent opinions in the CNDDHH and other victims' organisations. The human rights movement had, by May, even chosen a person to represent it before the CMAN. He was to be a member of the technical commission, once it became operational, and he stated that he knew exactly what he was going to say since the issue had been discussed thoroughly by the movement and its position was therefore taken. Nevertheless, even if the movement were prepared, it could do nothing to speed up the government processes for creating the commission.

A second issue in 2009 that coloured reparations was the absence of a CR budget. As a result, it only had enough money to work through the end of Q2 and in May had to let its first staff workers go. June saw the second round of dismissals. In July, the council reported having received just 34% of its 2009 requested budget, and, though it kept asking for more money, the Prime Minister's office did not disburse it. There were also requests for an increased budget, but the MEF denied them. The upshot of all this was the council's decision to minimise costs through solely focusing on verification and certification of victims already on record.

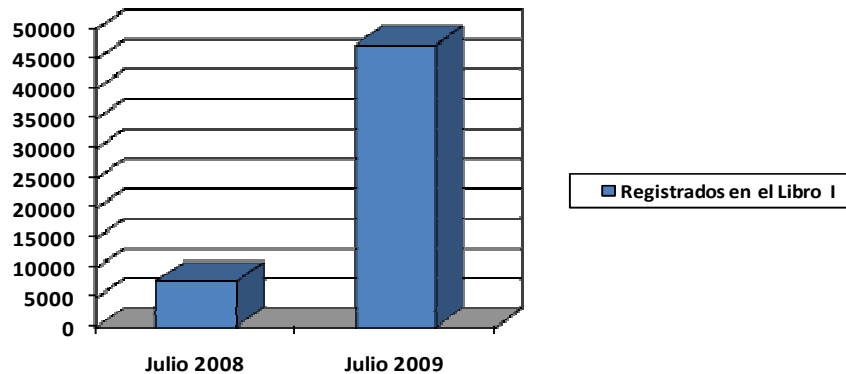
On July 23, Jorge Del Castillo pledged he would secure a 2010 budget for the CR: "I will devote myself to having the corresponding budget lines included in the national budget, since it will be set in August or September, to conclude this labour. It is essential labour for justice and reconciliation in Peru." (Ideeleradio, July 23). Here again, as he did during his term as Prime Minister, Del Castillo showed himself to be one of the movement's main allies within the government, at least in terms of reparations. Nonetheless, CR work continued to be difficult, in spite of those statements. In August, Velasquez Quesquén met with Sofia Macher, promising to "examine the issue". (Newspaper La República, August 21), yet they did not reach a concrete agreement for an increased budget. By November 2009, the CR was working with a skeleton staff, not even enough to verify applications. At the moment of this document's drafting (November 2009), thousands of unchecked applications are sitting in the council's offices.

In the meantime, CMAN Executive Secretary Jesus Aliaga proposed the idea that the CR be incorporated into the CMAN, with the latter running the entire programme (Ideeleradio, August 28). Nevertheless, even though the CR was experiencing budget difficulties and it remained the government agency closest to the human rights movement, not once was there a massive public rally in support of it or to demand greater budgetary funds for it. Those that did arise happened at the end of the crisis, between September and November.

In terms of the CR budget, there are important points to discuss. First, it is about an internal Prime Minister's office debate, i.e., both the CMAN and the CR rely on that office for their budgets, so if one is experiencing a deficit (here it is the council) and the other a surplus, then it would be a concern of that office and not the MEF. Likewise, the MEF declared the Prime Minister's office could divert funds from lines unrelated to the CR to cover its deficit. If that did not happen, then it was the office's decision. Secondly, the CMAN had to defend itself from criticism that it was not progressing with individual monetary reparations, using the argument that the

CR had not concluded the RUV. Hence, the council was drowning in budgetary problems, while being criticised that it was not working fast enough.

Even with all the problems the CR experienced during 2009, it was a productive year overall. This was partly because of changes it introduced in response to criticisms the year before that it was not doing its job quickly enough, something its members even acknowledged. In 2009, the CR began collaborating with sub-national NGO's and local government (for example, by opening registration offices in city hall). Through its agreements with NGO's, it engaged young people in violence-affected regions to register victims living in remote areas. They could travel to the community and register them on site (because the people could not go to the registration office). This is another reason why the RUV increased in size. By July 2009, 47,262 victims had been registered in Book 1 and another 40,000 applications were awaiting processing. The following graph depicts the difference in one year: July 2008 – July 2009.



Source: Author-created chart from data provided by the Reparations Council.

Along with the budget crisis, the CR entered a new period of instability at the halfway point of 2009: many of the councillors were changed or quit: Rafael Gotto came on board as a new councillor; Pilar Coll announced her departure from the council, although she was convinced to stay by people from within the movement; and in May 2009, CR president Sofia Macher became vice president of the Solomon Islands Commission of Truth and took leave from her responsibilities as president of the council. It seemed that she would not renounce the presidency, only allow herself to be replaced by another councillor, which was one of the movement's strategies to keep the CR intact because it was an important body, being part of the public sector to which it had access and exercise some influence.

As for the victims' organisations, CONAVIP arranged a march in Lima with a press conference, meetings with the Prime Minister and President of the congress, and a vigil in front of the court house. Its main demands were the beginning of individual monetary reparations and prosecution of the perpetrators of the violence. CONAVIP organizing secretary, Doris Caqui, stated, "Up till now, there has been absolutely nothing done on reparations or justice, two pending issues on which the

state has made no promises for compensating the victims of the internal conflict.” (CNDDHH blog, August 12) She also asked that the president apologise. “It costs nothing for someone to apologise, for asking forgiveness publicly to the victims of the political violence. Our loved ones disappeared with the label ‘terrorist’ falsely plastered across their files. We have become people that society points a finger at, and his public apology will help wipe away this stigma.” (CNDDHH blog, August 12) It was during the meetings between CONAVIP and the Prime Minister that the latter declared he would have individual reparations implemented without specifying exactly what he meant.

Social movements can be of the utmost importance for obtaining a determined public policy, in this case that of executing a national reparations programme. They can even pressure creation of a new institutional structure. However, the government always maintains the power to put a stranglehold on the process, especially if it is not part of its priorities or interests, which is precisely what was happening in this case.

At the close of this reparations discussion it is important to stress one overarching point in the debate: are reparations a development policy? The human rights movement has reiterated over and over again that, for effectiveness sake, reparations have to be viewed as such by the population receiving them. Moreover, it claims the central point to reparations must be the restitution of human rights that were violated during the conflict. This contention is also one of the main reasons why different NGO’s are critical of the work of the CMAN because they say the government views collective reparations (the only ones delivered so far) as development. This brings up another point, namely that, while it is true the CMAN acknowledges the need to see reparations as the restitution of rights, it also views them in a more practical light. It is believed from within the CMAN that this is the time in which communities can receive services they need.

This debate on reparations or development exists basically because victims are poor and the most affected communities are the poorest in the nation. Now, the movement states the government owns the responsibility for certain public works, such as supplying basic services: water, sanitation, health, etc. As a consequence, collective reparations should not be focused on delivering those works because, if they are the responsibility of the state, then they are not related whatsoever to people being victims, just to them being poor. Nevertheless, the CMAN holds that if communities are to wait for the state to comply with delivery of these basic services, then they will wait an extremely long time, yet collective reparations are an ideal opportunity to meet those current needs. In other words, collective reparations focus on the economic condition of people rather than on their condition of being a victim. That is the precise reason why the human rights movement challenges them so. However, is it possible to separate reparations from development? Is it possible to separate being a victim from being poor? Which one should be prioritised and why? Or, better said, will both characteristics be forever connected since they reflect vulnerability and exclusion? These and other questions will be examined in the following chapter.

3. Case analysis

Reparations are the doorway through which the human rights movement, its dynamics, and its structure will be examined. Moreover, this is a real case and one of the main issues being discussed within the movement, reasons why they provide a closer look at how it presently operates. What is more, not only are they a pathway to the movement's internal dynamics, but also to its relationship with other stakeholders, the state for example, and to the way in which it deals with poverty.

3.1 Role of the human rights movement

3.1.1 Human rights NGO's and victims' organisations

The human rights movement has played a fundamental part in Peru's reconciliation and reparations processes after twenty years of internal conflict. It contributed to the creation of the CVR and influenced the way that body dealt with reparations as well as how the PIR Act was enforced. Accordingly, it has been rather active in this field, and the reparations process presently underway in Peru is not a state-generated result or initiative, rather one from the movement itself.

The only problem now is that after having achieved the passage of the PIR, the movement has been losing strength and influence. It would seem that once certain decisions have been made (not necessarily the same as achieving objectives), the movement starts to lose strength, and the state begins building a sort of technocratic resistance. A valid example from this case is the CR's struggle for a budget and the absence of the movement to mobilise its members to lobby in its defence.⁷ CNDDHH-led campaigns, when there were any, arrived late, though these did somewhat capture the media and certain government officials' attention.

Furthermore, one interesting aspect of this movement is the organisations that make it up. We contend that the fundamental components of the human rights movement are its civil society organisations and NGO's as opposed to other movements in which NGO's are seen as allies. Victims' organisations are many, diffuse, and mostly unconnected and very few of these have been around for any length of time, primarily due to the fact that it took the CVR's creation and PIR Act passage to produce any. What that means is that a great number may have appeared due to the legitimacy the government and international community gave human rights and as a response to the incentives the context provided them, one that supplied opportunities for defending ESCR. However, while rhetoric coming from the organisations is laced with references to rights, perhaps their essential motivation has been more centred on needs connected to poverty, along with other issues.

Recently formed victims' organisations do not have much contact with older, traditional ones. ANFASEP has minimal relations with other organisations; for example, it participates in PQNSR, but it refuses to engage in many joint actions. ANFASEP mothers have an agenda and prepare strategies that bear much in

⁷ There is not much difference between this example and what happens with other social movements; they tend to lose strength once their campaigns have ended and to encounter difficulties securing resources and energy to monitor the changes.

common with other organisations in Ayacucho, for instance CORAVIP. Moreover, there is a distance between old and new organisations, with the latter accusing the former of wanting to work autonomously; and while the former say nothing negative about the latter, neither do they look to partner with them. What is more, there is limited contact with other possible allies, like certain NGO's or churches. Hence, these are weak, isolated, disjointed organisations, whose leaders and followers lack essential relations.

3.1.2 Victims

To begin understanding social organisations, it is necessary to see the differences between and among the victims: urban versus rural, victims of Sendero Luminoso (SL) versus those of the armed forces, murdered or missing persons versus displaced persons, etc. These differences are alive even today and thus set up obstacles to effective relations. Differences nurture exclusion and segregation, and groups distrust one another. Therefore, it is easy to hear them complain and criticise each other.

In addition, joining a victims' organisation means identifying one's self as a victim, a recent trend in this context, yet this may not be something people wish to do since being a victim carries with it much stigmatisation, a reason why many people tend not to claim it or seek to hide it. Such a factor builds fragility into those organisations and even more reflects a reality that is reproduced throughout the country. Ayacucho was the region that experienced the brunt of the political violence, yet it is also the one where people are often reluctant to talk about the violence or to identify themselves as victims of human rights violations, as shown in the following chart summarizing findings of a survey conducted across the nation in 2006 by the Pontifical Catholic University of Peru Institute for Democracy and Human Rights (IDEHPUCP) and focused on what people thought and remembered about the conflict. The chart provides answers to one survey question: So that the violence is never again repeated, do you think it better to remember or to forget the past and not to stir up memories of it?

Vertical percentage

Choices	Location			
	Lima-Callao	Other cities	Huánuco-Junín	Ayacucho
It's better to remember the past	57.3	53.8	36.3	23.2
It's better to forget the past and not to stir up memories of it	32.0	39.2	58.4	64.0
Did not answer	10.7	7.0	5.3	12.8
Total	100	100	100	100

Source: Sulmont, David. Public memory and opinion on Peru's armed internal conflict, 1980 – 2000. *The distance of memory*. Page 25.

As the chart demonstrates, cities most affected by the violence (“Hu’auuco and Junín” and “Ayacucho”) are also the most reticent towards remembering and the most prone to forgetting; their percentages are much higher for forgetting than cities that would choose to remember. What is more, Ayacucho, that happens to be in the most affected region, strongly rejects remembering the years of violence. As a consequence, human rights activists there take a cautious approach to making public demonstrations. For example, after Alberto Fujimori was found guilty at the

conclusion of his trial for crimes against humanity in April 2009, some NGO's in Ayacucho wanted to take to the streets and celebrate the verdict. However, they did not do so, saying they came to the conclusion during their discussions beforehand that the people may not positively welcome such a reaction. Similarly, being called a victim brings with it severe stigmatisation to the extent that some people reject and hide it. They would rather act like nothing happened than assume an identity that increases suffering and stigmatisation. This brings up the question as to whether they prefer development programmes over others dealing with restitution of rights simply as part of the process of remaining silent about their condition.

This rejection in Ayacucho and overall by the victims is also borne out in the RUV. As some CR members have stated, when they designed registration actions in rural areas, they predicted finding a determined number of victims there. However, what they discovered were figures much lower than their predictions, for two reasons: first, many victims had already moved to urban areas (an important point to be discussed later on), and second, many victims distrusted the process. The RUV name makes it clear it is a registry of victims. When people are recorded in it, they are acknowledging and accepting that status. As stated above, Sulmont (2006) discovered that many people did not wish to do that, preferring rather to forget the past. This non-acceptance of a victim's status is also caused by distrust of the government or of an NGO. For the former, many victims had been recorded multiple times for different purposes (like for the CVR, the Census for Peace, etc.), and that is why they do not trust the process nor believe it will end up in concrete reparations. What is more, it would be necessary to learn the victims' definition of reparation. Most likely, they are looking for some type of benefit. They are furthermore afraid of what the government might do with the information they give it. Many people fail to understand why they are asked to give detailed personal information, fearing the government will use it for purposes other than reparations, such as to defraud them. As for NGO's, the people are also suspicious of them. It appears that many communities feel that NGO's visit them, offering assistance, but fail to do anything in the end. Victims also believe NGO's profit from their stories and give nothing in return, at least nothing concrete. As one interviewee put it, "Something communities are rejecting is the presence of NGO's. They say we arrive in cars and then leave. We are like rundown vehicles going from workshop to workshop." (interview of an Ayacucho NGO staff member).⁸

On another point, a persistent problem related to the stigmatisation of victims is the remaining members of Sendero Luminoso living amongst them. This situation produces fear and distrust: fear of registering due to possible reprisals and distrust of the process because they see former members of Sendero Luminoso also being registered. Moreover, victims also run the risk of being classified as a former member of that group because they live in the same community with them.

3.1.3 Present state of the human rights movement: centralism and tensions

⁸ This is an ironic reference to the tendency of NGO's to organise workshops for the groups they are attempting to help.

As things stand now, it should not seem odd to find weak, disjointed victims' organisations with limited grassroots support, and that weakness reflects the problems associated with claiming a victim status. If most people have no desire to be seen as victims and the majority of people living in the most affected areas of the country feel it would be better to forget the past, then it is obvious that few people would want to join together for remembering it and for demanding change (like criminal trials for those who trampled their rights and reparations). These types of organisations likewise would lack social support because the topic is highly sensitive. Yet, these are not the only factors that would explain this current situation. There is also poverty. It takes certain amounts and types of resources to become organised, and these people lack them. Moreover, if it is about a strong national organisation, the economic outlay would be even more significant and they would not be able to finance it. As a result, organisations nationwide are connected solely with their communities. Furthermore, not all victims' organisations have the same resources for getting organised either. Those that are supported by human rights NGO are stronger than those that are not, such as ANFASEP and CORAVIP, the most important local and sub-national victims' organisations that count on support from international and national NGO's.

As a consequence, the human rights movement is filled with various victims' organisations that are weak and unconnected to each other or to any other type of organisation. And it appears that NGO's are not interested in strengthening victims' organisation. Except for PQNSR and a few small, local NGO's, human rights NGO's are not prioritising the assistance or strengthening of victims' organisations in their agendas. Moreover, NGO's and victims' organisations do not work closely together, in part because the main human rights NGO's are based in Lima. These are the strongest ones with the power to influence national politicians as well as connections to international organisations. Many of them have set up offices in different political regions of Peru, but the main decisions, guidelines, and agenda are made, set, and prepared in Lima. Because of this, it is clear the human rights movement in Peru is rather centralised. Although local initiatives are in place, members of NGO branches usually follow guidelines from Lima. This causes tension between NGO's and victim organisations, which, in turn, creates tension among Lima-based organisations and the sub national ones.

These tensions are not just a sub-national reality since they occur nationally as well: they are basically Lima problems that ripple outwards to the different political regions. Take, for example, the relationship between the CNDDHH and PQNSR during 2009 Q1. The authors of this article were told there were issues (although not the basis of them) between the two organisations, which produced tension and made their work together much more difficult. These issues were transmitted to the branch offices, and so many CNDDHH members were told not to organise PQNSR marches. The people obeyed the instructions without knowing the reasons why. "In the end, all the regulars hit the streets, but we did not write the letters 'PQNSR' on our signs." (interview of an Ayacucho human rights NGO staff member) Many members were upset by this, but in spite of that they did not march as PQNSR. This is further evidence of how centralised the movement is and of the great influence both organisations have.

Relations between the two are not as fluid as they could be. The CNDDHH is formally part of PQNSR, but interviewees of the former spoke of their organisation as “supporting” the latter, while being aware of their weakness. PQNSR is more oriented to coordinating symbolic actions: marches, vigils, and commemorating the anniversary of the CVR final report submission. What is more, PQNSR has established sub-national groups to work with local stakeholders: government officials, the media, and civil society. It does not lobby national political leaders, submit demands, march in favour of specific changes, or prepare proposals. That is the nature of the CNDDHH work: much more nationally oriented and towards government stakeholders with the most power. It has experience and know how lobbying national government, preparing demands and proposals, as well as submitting those to politicians. It also makes public statements in which it condemns certain acts, welcomes others, and demands change. While one interpretation might be that CNDDHH and PQNSR have assumed different but complementary tasks, it is also the case that they remain two quite distinct organisations that operate independently and often in parallel with one another.

And even if they make it clear they work in conjunction and that one is part of the other, in reality each has its own agenda. This situation is one facet of the reason why the human rights movement in Peru is neither strong nor unified. Another would be the weakness and dispersion of victims’ organisations.

It was pointed out in chapter four that the human rights movement is probably one of the most institutionalised in the country, basing this on a comparison with other movements in term of age, international support and recognition, nationally coordinated organisations within it, different policy changes accomplished, influence with high ranking government officials, national presence, and rhetoric that is socially accepted and adopted by many that may or may not belong to the movement. Regardless of the previously mentioned characteristics, upon closer examination we see that the movement ‘s components (NGO’s, victims’ organisations, and activists) have not yet joined together as “one” movement. Nevertheless, these weaknesses should not lead us to conclude that there is no human rights movement in Peru. As stated in previous chapters, the definition of “social movement” we are using is an ideal one, which is to say that social movements do exist, just not perfect social movements. Consequently, since the human rights movement in Peru does have a shared agenda, an alternate vision of society, longevity, and processes that are collective and political in nature, then it definitely can be classified a social movement.

Along these same lines, an interesting exercise is to examine the Ayacucho case a bit more closely. As with the national level, this sub-national movement is not cohesive, yet what is remarkable here is that its different human rights activists have realised this and are now trying to form an “Ayacucho human rights movement”. Since the middle of April 2009, different NGO’s and victims’ organisations (led by CORAVIP and ANFASEP) have been meeting regularly in an attempt to strengthen themselves into one unified movement, having decided the leadership would be shared among the NGO and victims’ organisation representatives. For all practical purposes, they are attempting to institutionalise a human rights movement at the sub-national level.

3.2 The human rights movement and its relations with other entities

3.2.1 Churches

To learn further about the movement, there needs to be an examination of its external relations, one of those being with different churches in Peru. Since it has contact with both Catholic and Protestant churches, it is impossible to talk about just one church and, in reality, the contact is with different sectors of both denominations. Some sectors are committed to human rights, have become important allies to the movement, and, in some cases, their representatives are members of it, whereas other sectors are indifferent to the issue. There is also a third sector that is openly critical (for example, the group led by Cardinal Juan Luis Cipriani). As a result, it cannot be stated there is one discourse or a single position within the church due to the differences among the sectors.

Some church sectors play an important role in the movement, like participating in PQNSR, but generally speaking it is more of a secondary one. National and international organisations, NGO's and victims' organisations do acknowledge the important role some individuals in the church play, but the institution's involvement as a whole is rather weak. On an unrelated point, evangelical protestant churches have not participated actively in the movement, yet they have won over many converts from among the victims.

3.2.2 The state or the different levels and departments of the national government

The discussion of the state is much like that of the church since it is not a unified entity. Depending on the sector, rhetoric, attitudes, and positions vary. The topic of reparations is a good illustration of this. The two principal organs that deal with them are the CR and CMAN, yet both approach the issue differently, resulting in disagreement and tension. CMAN staff are mainly APRA militants, whereas CR staff are mostly former CVR workers and human rights activists. One way of looking at them is that they are two public bodies representing separate movements: one from politics and the other from civil society. An indicator of how unequally the movement may be represented in the state, which in turn has negative consequences on how successfully it achieves its objectives, is the strong presence of civil society in the CR but its weak presence in the CMAN.

The CMAN's view of reparations is quite pragmatic, as pointed out above, seeing them as an opportunity for development project implementation. It criticises the CR for delaying RUV creation and uses that as an excuse for not applying Book 2 for community reparations and for not wishing to start monetary reparations since "individual monetary reparations demand we know how much we are going to pay, which means we have to know how many victims there are. That depends on the CR completing the RUV." (interview of a CMAN member) Things are different in the CR. Its work is in constant jeopardy since its budget is not secure (as opposed to the CMAN which receives millions of Nuevos Soles for collective reparations). The CR sees reparations as the restitution of rights violated during the twenty year conflict. It also works under the threat of possible public attacks of providing benefits to members of subversive groups. As a result, there is tension and caution

in what it does. The CR, furthermore, criticises the CMAN's community selection standards and for the way in which it provides reparations.⁹ Formally, the CMAN and CR meet periodically to update each other on progress, but in practice their different views make it difficult for them to work together. It is a tenuous partnership at best; both feel vulnerable to attacks from the right and the government, yet each one responds to different founding ideals.

The extent to which the CMAN and CR relate to victims' organisations moreover varies. Despite its name bearing the term reparations, the CR is really only dedicated to registering victims. Consequently, it maintains relations with organisations that approach it in representation of the victims. Their leaders have no power to register members since the individual must register him/ herself, but they can request information and inquire about progress in verifying an application's registration request. The authors saw firsthand the cordiality between CR staff and members of victims' organisations at a visit to the office in Huanta. However, it is different in the CMAN. To begin with, not one delegate is a victim or represents them. Civil society is represented by the CNDDHH, National Association of Research, Social Promotion and Development Centres (ANC), National Assembly of University Presidents (ANR), and professional associations. As one interviewee indicated, many delegates (particularly from the ANR and professional associations) do not feel they have a stake in reparations and hence do not attend the meetings. Right now, civil society is effectively represented by the CNDDHH and ANC, both of which are human rights NGO's, though the recent appointment of the president of the association of sociologists may signal a more active interest on the part of the professional associations. Since no one represents victims on the CMAN directly, their only recourse for doing so is indirectly through the CNDDHH or the ANC. However, the problem is that victims' organisations seemingly do not join either body, which would be required for them to be able to represent their interests directly.

It is likewise important to stress the work of local government. According to the PIR Act and regulations, all three levels of government, national, sub-national, and local, can and should enact reparations. That is why it was so important that certain regions incorporated reparations into their 2008 development plans. In truth, the majority of progress has been symbolic in nature, with some political regions and provinces establishing special days,¹⁰ building a plaza in memory of the victims or for peace,¹¹ or establishing monuments to something similar.¹² And while nothing further has been accomplished, it is worth describing certain cases. While most local governments are not much interested in reparations, there are exceptions. Take, for example, the city of Huanta. The mayor of this town is committed to the process (he is also a victim, having lost one of his close relatives during the conflict), and so registering victims in the RUV has been made easier on

⁹ Both the movement and the CR criticise the CMAN for using the Census for Peace instead of RUV Book 2 to choose communities. There is also criticism of it choosing communities close to Lima instead of spreading the aid throughout the country. These decisions have planted seeds of suspicion that the CMAN is controlling the process for political purposes, i.e., providing support to communities that will, in turn, support the national government.

¹⁰ For example, the Huánuco Region and the Moyobamba Province in the San Martín Region established a "Day of Truth, Justice, and Reconciliation", August 28 and December 10 respectively.

¹¹ The La Libertad Region built the "Plaza to the Dignity of Huamachuco residents" in the city of Huamachuco and the "Park of Peace" in the city of San Andrés. The Ancash Region also opened its own "Park of Peace" in 2006.

¹² The city of Anco in the La Mar Province of Ayacucho declared July 20 as the "Day for Peace", built a monument in memory of the victims, and subsequently unveiled it at a public ceremony.

account of his support. One concrete example is the Huanta registration office operating in a city-owned building, which also reinforces the idea once again of government not being a single, unified body, shown here at the local level. Nonetheless, after examining different local governments, a great majority do not feel that executing reparations is part of their duty, seeing that as that of the national government. One problem seems to be that local officials lack understanding of PIR Act regulations and their obligations vis-à-vis reparations. As a result, the government has not completely owned the PIR at any its levels: local, sub-national, or national, with the latter, through the CMAN, having only been focused on collective reparations.

Along different lines, though, the prime minister's role in the process needs to be stressed. As noted above, the CMAN and CR are part of his office (PCM), so any assistance they receive (budgetary, logistical, or other) appears to be conditioned upon the prime minister's commitment. Clearly, when Jorge Del Castillo was in that office, the PCM was the most interested in reparations since he 1) was one of the driving forces behind the PIR, 2) appointed members to the CR (desiring that it be formed by well known human rights activists such as Sofia Macher and Pilar Coll), 3) supported Macher after she was harshly criticised, and 4) supported the overall work of both the CR and CMAN. This zeal did not, however, get passed on to other prime ministers. As a matter of fact, it seems the support from that office has eroded. While Del Castillo was quite committed to reparations, neither the national government nor the ruling party echoed his sentiment. Voices are either opposed to the process (like those of vice president Giampietri or of the different ministers of defence) or indifferent.

3.2.3 Debate on collective reparations: possible political manipulation and the debate between restitution of rights and development programmes.

To date, collective reparations have been the only part of the PIR implemented in Peru, and they have to be handled correctly and executed clearly to avoid running into problems and accusations of political manipulation and patronage. Throughout the process, the human rights movement has defended reparations as a way of restoring rights violated during the decades of violence. Yet, once the government took over control of reparations after making them state policy, the rhetoric changed. It views reparations as a way of implementing development programmes that would help mitigate poverty. This perspective is harshly criticised by the dominant sectors of the human rights movement, particularly from Lima-based NGO's, which state that reparations should be provided because people are victims not because they are poor. Nevertheless, the reality is people are both victims and poor.

This discussion of how to approach the issue, whether fuelled by the movement or the state, is reflected in the debate around collective reparations, which, in the view of the movement and other sectors, for example the Ombudswoman's Office, is the main reason they criticise the government since it has only embraced those types of reparations. They are easier to manipulate than other reparation programmes. Many local mayors (district and provincial) use them as a way of promoting their administration by saying development works were accomplished during their term, thereby attempting to gain popularity and support, when in truth their administration

had absolutely nothing to do with them.¹³ The national government may also be involved in this type of manipulation since reparations are authorised by the CMAN and, as pointed out above, it is an organ staffed and run by members of APRA, so many people suspect the government is intent on using reparations as a way to garner votes.

This is further strengthened by the fact that many beneficiaries have no idea that what they are receiving is a reparation because of harm done to them during the conflict; instead, they see it as something the state is doing for them. The movement and some of its allies, like the Ombudswoman, are constantly criticising the CMAN and demanding that beneficiaries be told they are receiving reparations. According to CMAN officials, they are complying with that demand since accompanying each work is a sign declaring specifically that it is part of the PIR and each work is opened with an official ceremony. In other words, measures have been put in place to label the process as one involving reparations, yet there has been no end to the criticism, especially from human rights NGO's that form part of the movement. Take, for example, APRODEH, which published a study in August 2008 stating that most people had no knowledge that there had been a project related to collective reparations in their community. What is more, many of those that did know about the project did not realise it was part of the PIR (APRODEH, 2008). The study results have allowed APRODEH and other movement members to continue criticising the CMAN, even going as far as declaring that some works and projects cannot really be classified as reparations because beneficiaries do not perceive them as such, as is required in the PIR Act regulations (DS N° 015-2006-JUS article 6, paragraph b).

In reality, the debate over collective reparations illustrates the tension between the movement and the state regarding how the PIR should be handled, with each presenting its vision as the more appropriate one. It also reflects the limited capacity of the movement to control the issue after it has passed into the hands of the government. Thus, the movement's original plan of linking reparations to rights has progressively deteriorated until they have finally become linked to development.

One thing missing from this debate has been the opinion of the victims. As reported in the above mentioned IDEHPUCP survey, Peruvians believe that both reparations and development are very important.

Considering the past and thinking of the future of our country, what do you think is the most important aspect brought up in this survey?

Vertical percentages

Measures	Location			
	Lima-Callao	Other cities	Huánuco-Junín	Ayacucho
Victims of violence should receive support	20.7	22.4	31.1	32.3

¹³ There has always been suspicion that mayors are somehow pressuring the CMAN to choose communities under their jurisdiction. It is moreover fed by criticism of CMAN community selection criteria. Nevertheless, it all boils down to mere speculation.

and reparations.				
Investment in developing the poorest regions of the country should be prioritised.	32.5	32.2	28.7	23.8
Perpetrators of human rights violations should be investigated and punished.	24.9	16.6	13.5	23.3
Education should be reformed to promote peace.	13.5	13.3	14.7	9.3
There should be a guarantee that forces of order will respect human rights.	5.8	14.7	10.3	4.4
No answer	2.5	0.9	1.8	6.9
Total	100	100	100	100

Source: Sulmont, David. Public memory and opinion on Peru's armed internal conflict, 1980 – 2000. *The distance of memory*. Page 24.

This survey's results show that the least affected people consider development and poverty reduction to be the most important issues, followed by reparations. On the other hand, it is the exact opposite for the most affected population who consider that reparations (more than 30%) are more important than development. Ayacucho is an interesting case since development and punishment are almost tied for second place, i.e., in spite of not wanting to "stir up the past", there is interest in prosecuting the guilty parties. The chart also reflects that affected populations do not want one or the other; they want both, seeing each aspect as a means for remedying harm suffered during the conflict. Unfortunately, the survey does not ask people to define "reparations", so it is impossible to know if the interviewees meant monetary, individual, collective, or another type.

It is clear from the chart that reparations and development are important to the people, yet the human rights movement is against linking reparations to development, an opinion the Ombudswoman shares. As in the case of the indigenous movement, the Ombudswoman has been very active on this issue and has been monitoring state implementation of the CVR recommendations. In that sense, she has turned into an unspoken (or de facto) ally of the human rights movement and shares the views of the CR and the movement in terms of what the CMAN has been doing, for example, how it chooses communities for collective reparations, how it uses the Census for Peace but not RUV Book 2, and how it provides reparations (without victims necessarily knowing that is what they are). After the CR, the Ombudswoman's Office is the state body most sympathetic to the movement.

In general, reparations are a way of examining the relationship between the movement and the state, including the political parties (such as APRA) and the technocrats. This examination demonstrates the capacity of the politicians and the functionaries to limit the degree to which the movement's rhetoric infiltrates the state and to transform the discourse from one of rights to one of development. The movement has always sought to maintain some type of relation with the state. The movement does not, nor wants to, act without the state. In fact, the opposite takes place: participation of the state is necessary for its demands to be settled. However, it does not always relate to the state in the same way. The range moves from political patronage to autonomy, and includes options in the middle, like co-production. Indeed, this case alone has shown that the CVR and PIR were co-produced by the movement and elements of the public sector.

3.3 Discourses on reparations: rights and poverty.

One important way of illustrating the relationship between the human rights movement and the state is through how each views reparations. As stated above, the rhetoric of the movement emphasises the connection between reparations and the restitution of rights. The movement likewise had great influence on the creation of both the CVR and PIR. However, that influence diminished when it came to implementing policy, which is a characteristic shared by the different movements studied. It is easier to demand and to propose policies than to monitor their implementation. This could be accounted for by two reasons: 1) the demand or proposal becomes official policy and passes into a new space controlled by bureaucrats and technocrats and/or 2) the state uses a strategy by which it initially seems to give in to the demand yet fails to do so completely when the time comes to put the specific policy into practice.¹⁴ Be that as it may, what has happened is that the movement has lost its monopoly of control of how reparations are talked about. In the beginning, it fuelled a discourse in which reparations and rights were almost coterminous. But, along the way, that changed, and now the rhetoric is laced with the ideas of compensation, remediation, or improvement of the situation of victims, which was the original focus of the CVR, before the intervention of the ICTJ and APRODEH changed its orientation and that falls under the idea of poverty reduction.

On the other hand, the rhetoric of rights is very weak in communities and at the grassroots, as opposed to the NGO's, suggesting that human rights is not a topic for the common person but for the elite, whom critics in Peru call "caviares".¹⁵ The government would likewise rather talk about poverty instead of rights since it is much easier to deal with the poor than with victims. Nonetheless, very often a person is both, but the way the government has chosen to deal with them is by focusing on poverty. Hence, since the state perceives them as poor and seeks to reduce poverty, many times political patronage comes into play. If the government were to view them as victims instead, it would have to acknowledge its own excesses and responsibility for human rights violations during its previous period in government, something that would be difficult for any government or political machine aspiring to maintain its ability to manipulate politically.

The decision of the government to focus on the poor has been legitimised by what has happened in the communities. As discussed above, people do not normally want to call themselves victims. Instead, they identify with other characteristics, one being poverty. Thus, once the issue comes under the control of the government, the rhetoric of rights that envelopes reparations can easily be changed into one concerning poverty reduction. The difference in rhetoric also reflects the difference between citizens and subjects. If the government were to decide to recognise the rights of individuals, then it would have to treat them as rights-bearing citizens who need to be respected and protected. However, by treating them only as objects of aid, who are owed short term assistance, regardless of their voice, opinion, needs, and rights, then the situation becomes one in which beneficiaries are treated as subjects instead of citizens.

¹⁴ As can be seen in the other two social movements examined in this book.

¹⁵ This is the position of Fujimori's popular authoritarianism and some of his allies.

On the other hand, the human rights movement holds strongly to defending a rhetoric based on rights and will not accept that reparations become an issue of compensating poverty. However, this has generated certain problems within the movement. There are sectors of it that could come up with answers to contribute to poverty reduction because of their social origin, particularly victims' organisations.

¹⁶ Nonetheless, there are other sectors of the movement that do not employ the terminology of poverty. If this last sector is examined, then it might be said that the rhetoric of poverty is complicating matters since the movement as it is known today did not sprout from a single source. Historically, it was formed at the end of the 1970's from NGO's and human rights organisations. Almost immediately afterwards, Peru entered its two decades of violence and only later, in 2000, were many civil society organisations formed. In other words, in the movement today there is a coexistence between different internal processes and there are difficulties in creating connections among them. This is reproduced in the differences between Lima and the rest of the country and between NGO's and victims' organisations, which have been discussed above. The latter two have different ways of legitimising their work: NGO's through defending rights and grassroots organisations through representing victims. ¹⁷

By analysing reparations, it becomes clearer that the human rights movement is not as strong or as institutionalised as one might believe at first sight. In reality, it possesses a long history and has made great strides in defending human rights, perhaps more so than can be said about neighbouring countries that have also experienced periods of internal violence.

Yet, it is still internally fragile with important sectors that are working independently of others and that do not feel part of the movement. It is interesting that PQSNR calls itself a "citizens' movement", leading people to believe it is "the" movement, or that the CNDDHH is recognised as the human rights movement ("In Peru, the human rights movement is called the CNDDHH." [interview of a CNDDHH member]) Both statements are symbolic since they essentially reflect that neither group is aware they are part of the same movement.

The same thing is happening with victims' organisations that are separate and weak. Such a situation allows for different rhetoric, one of rights and another of poverty, as well as for the state to change the focus to the more convenient of the two, poverty. Ultimately, poverty reduction has always been an aspect within the movement yet not always explicit or intentional. On the other hand, the movement is characterised by its need to relate to the state. To achieve reform, the state must be involved, and so the movement's main goals are to influence public policy and introduce changes in legislation. As a result, there is give and take with the government, a relationship that has reached the point where the movement has actually become part of it in the cases of the CVR and the CR (and even, to a more limited extent, of the CMAN). And, in the government, there are different ways of talking about human rights: sectors that support them (the Ombudswoman's Office or the CR) and others that are relatively indifferent (APRA, which shows little

¹⁶ Although some developmentally oriented human rights NGO's also share a focus on poverty.

¹⁷ It is indicative that when we asked a member of a well known human rights NGO and of the CNDDHH who the beneficiaries were of his work, he said "All Peruvian since what we want is a society that respects human rights, something that will benefit everyone."

enthusiasm about implementing the CVR's recommendations and pursuing national reconciliation, regardless of its publicly declarations).

4. Conclusions

The human rights movement played a central role in Peru's recent past when it became one of the driving forces behind the ousting of the Fujimori Government and the return to democracy, the creation of the CVR and the passage of the PIR. It presented itself as a strong movement with influence in some government sectors, the media, and even public opinion (albeit to a lesser degree). It fuelled a rights-based reparations perspective and made it known publicly and politically that victims of rights violations needed their rights restored.

It met with success and contributed to creating the CVR and to having the PIR signed into law. However, once these goals were achieved, its degree of influence declined. It has furthermore progressively drifted away from its central role in reparations and lost control over their direction, whether because they entered an arena controlled by government functionaries and processes or because the state never fully planned on keeping its word or due to a combination of these factors. As it turned out, reparations moved away from rights and closer to compensation, including development programmes for poor communities. The movement's initial rhetoric has therefore lost relevance, a situation it has fought by criticising the state's approach, having found important allies, such as the Ombudswoman, in this endeavour. However, practically speaking, it has made little progress on formally and institutionally linking reparations with rights. This brings with it an ongoing debate as to whether or not reparations can be seen as development. The majority of victims are also poor, so they see some benefit in being viewed that way (a line of reasoning found in the CMAN, for example). It is evident that some sectors of the state with greater decision making power have chosen to see things in that light despite the existence of opposing voices in other sectors. But, the movement does not support that idea at all.

In spite of its relative strength, achievements, and allies, the movement still presents internal problems. Lima-based NGO's are the strongest of its components since they are connected to the international community and work directly with national authorities. While they share similar rhetoric, sub-national NGO's are sometimes at odds with those in Lima. Then there are local victims' organisations that often see things differently from the NGO's. And while national-level NGO's are more visible and their opinions are more widely known, this does not mean that those are shared throughout the entire movement, something evidenced in this case. These NGO's are diametrically opposed to associating reparations with development, yet victims might be more willing to accept this, as long as their rights are not swept under the rug.

Just as the movement does not present a unified front, neither does the state. There are actually "different" states, each with its own ideas, perceptions, and strategies concerning any issue. As a result, it is not strange that the movement relates better with some sectors than it does with others. These "different" states are found at all levels of government and are, once and again, an indicator of the Peruvian government's weak institutionality.