
REPARATIONS FOR HISTORICAL WRONGS: FROM AD HOC MASS CLAIMS PROGRAMS TO AN INTERNATIONAL FRAMEWORK PROGRAM?

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This paper outlines how international and national mass daims programs have been employed over the last two hundred years to redress the consequences of massiye wrongs arising out of historical events such as wars, revolutions and other extraordinary incidents, and that have affected a large number of individuals in asimilar manner. This paper will focus on the mechanisms used to facilitate financial compensation without considering whether this form of remedy is the most appropriate one from a policy point of view, or indeed from the point of view of the victims themselves. In addition, in terms of the specific consequences of wrongs, we will focus on one particular category of daims, namely those dealing with death and personal injury. While each of the mechanisms or processes considered here are ad hac, Le. established to deal with the consequences of certain specific historical wrongs or events, patterns emerge as to the manner in which daims concerning liability for death and personal injury have been dealt with. The question arises as to what extent such past programs might be referred to in addressing the consequences of any contemporary or future events or wrongs. To what extent should such programs be considered precedent or models? To what extent should they be adjusted to the particular circumstances of each individual case? While we do not propose to offer any ready-made solutions, as this would be outside the scope of this paper, we do suggest that a careful analysis should be ma de of the relevant past and current programs when designing a novel mass claims process. The paper will consider the evolution of compensation programs from a historical perspective, bearing in mind that the,se programs were originally established mainly to deal with property and finandal issues arising out of wars, revolutions or other historical events . The novel trend of adjudicating death and personal injury claims by mass claims programs will then be investigated .

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