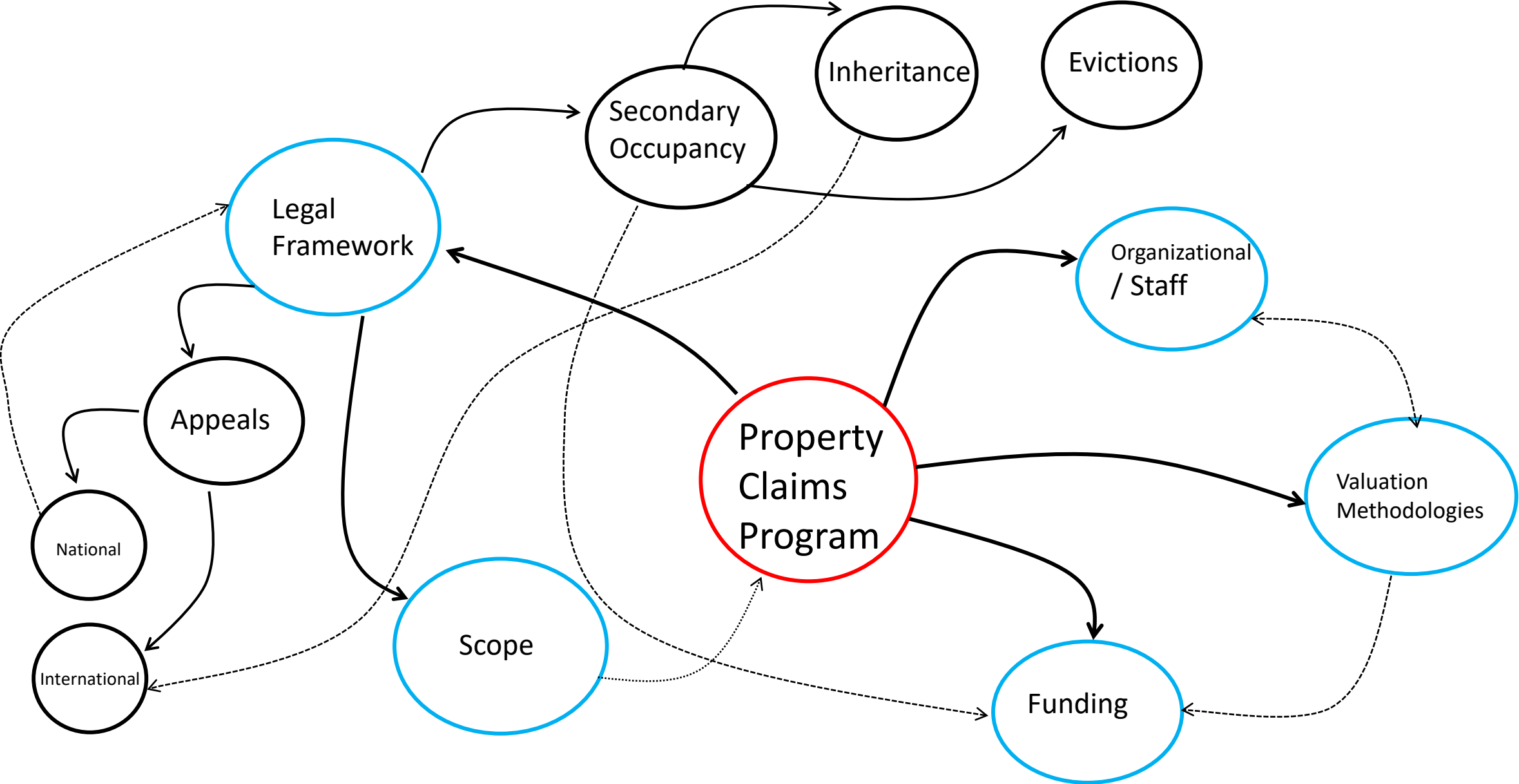


# Staffing restitution, compensation and claims programs after conflict.

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Eduardo Martinez Llarena  
[Eduardollarena@hotmail.com](mailto:Eduardollarena@hotmail.com)  
0034620834393

# Ends, Means and Ways



# Scoping claim processes

	Bosnia and Herzegovina	Kosovo	Iraq	Kuwait (UNCC)
Nr. Years	7	7	6	14 (31)
Workload (Nr. cases)	250k	35k	150k	2.5M
Lead	International	International	National	International

## Key points:

- It takes years but it has to get done fast.
- Invest in good staffing and processes to save time and budget.

## Opportunity:

- Build the restitution process that will be studied in the future.

# Legal Framework

	Bosnia and Herzegovina	Kosovo	Iraq	Kuwait (UNCC)
Legal Framework	Dayton Peace Agreements	NATO -> UNMIK	CPA -> National	UN Security Council
Key Intent	Restitution	Secondary occupancy	Restitution / Compensation from confiscation	Compensation

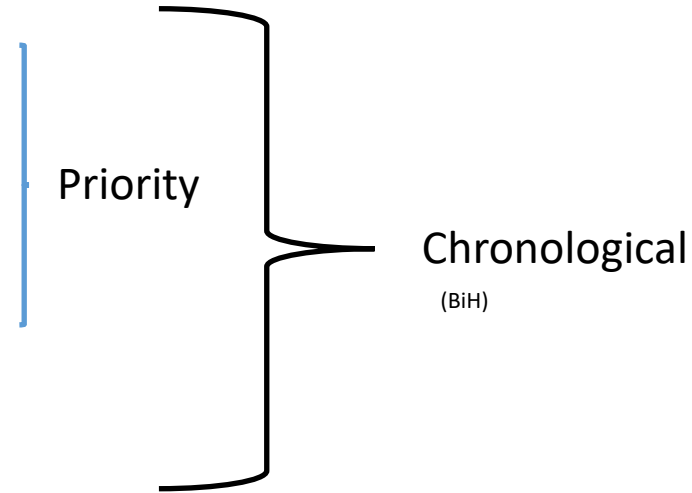
## Key points:

- Alignment of intent and scope
- War-game your legislation (run counterfactuals)

# Example Valuation Methodology (UN Compensation Commission for Kuwait)

## Categorization and Prioritization

Category	Scope
A	Displaced people from IRQ/KWT
B	Personal Injuries / relatives death
C	Personal losses up to 100K
D	Larger Individual claims
E	Corporations
F	Governments and Int. Org



(UN Compensation Commission for Kuwait)

## Valuation



### Key Point:

- Defining “market value” at war time

E-4	1	2	3	4	5	6	7
	Interest Claimant	Cost Incurred	Proof of payment	Depreciation	Variations and other claims	Improvements	Discount factor

D7 Stage 3	1	2a	3a	4	D7 Stage 4	1	2	3	4	5	D7 Stage 5	1
	Assessment matrix By loss element	Discount	Add back	Assessment score		Valuation of actual repairs	Valuation of estimated repairs	Valuation of Rental losses	Depreciation	Valuation score by loss element		Calculated compensation in \$

# Funding

- **Restitution and Compensation programs:**
  - It is a political decision
  - It is expensive. It must match nations wealth.
- **Donations vs Credits**
  - Long-term viability
    - Risk management: Dependency on donors
  - Corruption
    - Marshal Plan vs Afghanistan
- **Requisition of Russian Assets**
  - State assets are immune from prosecution (I.e: Iran vs USA)
    - Freeze of “Oligarch” assets and Ukraine new law on Nationalization of russian assets.
      - Discretionary seizure of property to finance the restitution of property rights is not a good idea!
      - (See J.M Keynes: The economic consequences of the war. (France to Germany in 1918)
- **Budgets:**
  - For the Restitution Program (staff)
  - For the Compensations
  - For future Appeals
- **Lessons Identified**
  - **BiH:** Battle for donors (for program establishment)
  - **Kosovo:** Mismatch between framework scope and claims resolutions (lack of budget for compensations)
  - **Iraq:** National funding. (Relationship between Ministry of Finance and Claims commission).
  - **UN Compensation fund (Kuwait).** Funded through Iraq oil revenues. (Honored till the end).

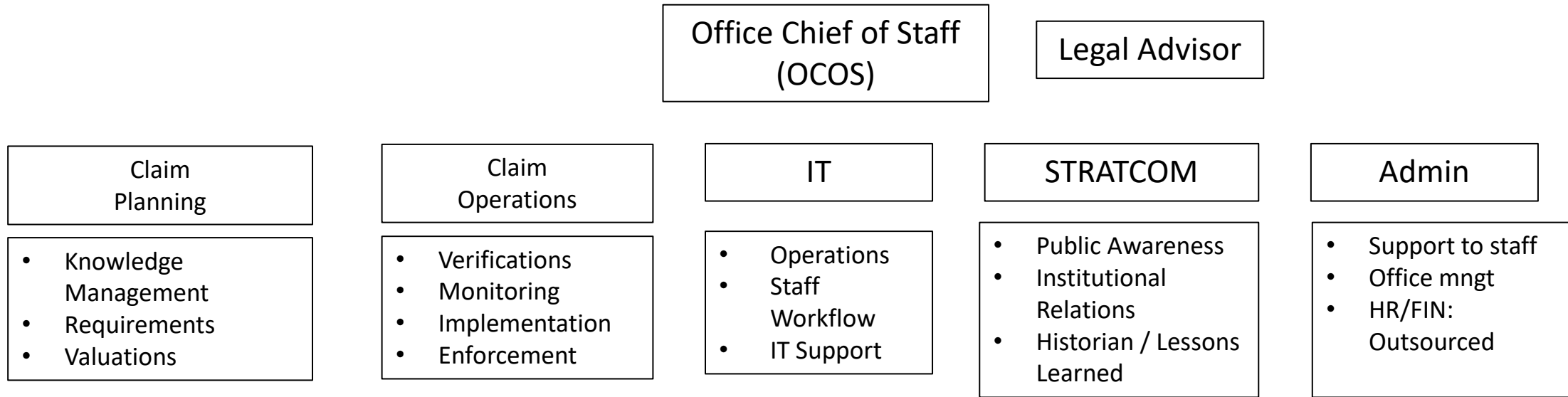
# Organizational / Staff

	BiH	Kosovo	Iraq	UNCC Kuwait
Policy Making	3 Int. Commissioners 6 National <ul style="list-style-type: none"> <li>• Bosnia</li> <li>• Herzegovina</li> <li>• Rep. Srpska.</li> </ul>	UN HABITAT -> UNMIK  Housing Property Directorate (for day-to-day)	Government	Governing Council <ul style="list-style-type: none"> <li>• 2 years terms</li> </ul>
Decision Making	Same 9 commissioners	Housing Property Claims Commission <ul style="list-style-type: none"> <li>• 1 National</li> <li>• 2 International</li> </ul> (Serving as the second instance as well for appeals)	<ul style="list-style-type: none"> <li>• Judicial Committees               <ul style="list-style-type: none"> <li>• Judge</li> <li>• Legal Adv.</li> <li>• Registrar</li> </ul> </li> <li>• Appellation Committees               <ul style="list-style-type: none"> <li>• 7 Judges (Cassation) (2x Kurdish)</li> </ul> </li> </ul>	Panel of Commissioners <ul style="list-style-type: none"> <li>• Rooster of experts</li> </ul>
Staff	400 national staff 10 international	Housing Property Directorate  Admin: Outsourced UNOPS	National	Executive Secretary <ul style="list-style-type: none"> <li>• 300 staff</li> <li>• 17 programs</li> </ul>

## Key point:

- Amateurs talk about strategy, professionals discuss logistics.

# Secretariat: A model proposal



## Preconditions for success:

- A virtuous Chief of Staff
- OCOS develops: Roles, Responsibilities and Authorities
  - Including: Initial Operational Capacity (IOC), Full Operational Capacity (FOC), Scale down plan.
- Staff:
  - Job Descriptions prepared from zero. No generic. Linked to effects.
  - International – National mix at 30%.
  - Long Term contracts (3 + 3)
  - Minimum of UN-P positions. P positions provide Direction & Guidance. NO/G execute.



# Questions?

“In War: Resolution,  
In Defeat: Defiance,  
In Victory: Magnanimity  
In Peace: Good Will.”

Winston Churchill, “History of the Second World War.”

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