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The Impoverishment of Displacement: Models for Documenting Human Rights Abuses and the People of Diego Garcia

by David Vine

BETWEEN 1967 AND 1973, the U.S. and UK governments forcibly displaced the people of the Indian Ocean's Chagos Archipelago as part of the development of a U.S. military base on the island of Diego Garcia. (The base gained attention recently in the wars in Afghanistan and Iraq as a launch pad for long-range bombers and as an alleged secret U.S. detention site.) The two governments deported approximately 1,500 individuals, known as Chagossians, to the western Indian Ocean islands of Mauritius and Seychelles, located 1,200 miles away. Most Chagossians received no resettlement assistance and quickly fell into poverty. Three decades later, most of these Chagossians (currently more than 5,000 individuals) remain impoverished in Mauritius and Seychelles.

For decades observers have found that Chagossians have suffered myriad negative consequences from this expulsion.¹ There has, however, been little systematic research detailing the full range of ways — economic, material, psychological, physical, social, and cultural — in which the expulsion has harmed the group. Research has been conducted on this issue since August 2001 to provide documentation to lawyers suing the U.S. and UK governments on behalf of the Chagossians. The aim of the research is to document the nature of the harms Chagossians have suffered and to estimate the harms' monetary value. To this end, researchers employed a model developed by scholars working with the World Bank for documenting the harms of involuntary displacement and created a new model for calculating monetary damages. In April 2005 a major report, “*Dérasiné: The Expulsion and Impoverishment of the Chagossian People*,” presented the findings of this research.²

This article summarizes the report's main conclusions and describes the methodologies used to document the injuries suffered by the displaced Chagossians. It begins by summarizing the little-known history of the Chagossians, their expulsion from Diego Garcia, and the ongoing litigation against the U.S. and UK governments. This article also presents both the established involuntary displacement model and the newly-developed damage calculation model used in the research. It then illustrates how the Chagossians have experienced severe and chronic impoverishment as a result of their expulsion, leaving them as a marginalized underclass in Mauritius and Seychelles. Although the final calculations of total damages have not been completed, the details of these models may be useful in assisting in the legal and political efforts of other displaced peoples and victims of human rights abuses.

THE CHAGOSSIANS AND THE EXPULSION

BEGINNING IN THE LATE 18TH CENTURY, Franco-Mauritian plantation owners brought the enslaved African ancestors of today's Chagossians to work on coconut plantations in the Chagos Archipelago. Around the time of emancipation in the 1830s, the owners started importing indentured laborers from India to supplement the labor force. Over the 19th and 20th centuries, this diverse labor force developed into a distinct society and a people known initially as the *Ilois* (the Islanders). In exchange for their work on the plantations,

the Chagossians enjoyed virtually universal employment. By the mid-20th century, they were receiving regular salaries in cash and food, as well as small plots of land, housing, education, pensions, vacations, and basic health care.

This life began to collapse in 1965 when Britain separated Chagos from colonial Mauritius to create the British Indian Ocean Territory (BIOT). The BIOT was a project of the U.S. and UK governments to establish military facilities in the Indian Ocean. A confidential 1966 agreement between the United States and the United Kingdom made provisions for “those administrative measures” necessary to remove the local population of Chagos and for a U.S. payment of \$14 million to carry out the plan.³

Beginning in 1967, as part of the implementation of these administrative measures, Chagossians who had left Chagos for medical treatment or regular vacations to Mauritius were prevented from returning and marooned 1,300 miles from their homes. The British also restricted the shipment of supplies that they usually sent to Chagos. By the turn of the decade, more Chagossians left the archipelago as food and medical supplies dwindled.

“Chagossians have struggled, protested, and held hunger strikes to gain the right to return to their homeland.”

In 1971 the U.S. military started construction of the base on Diego Garcia and instructed British officials to complete the removals. Between 1971 and 1973, British agents forced the remaining Chagossians to board overcrowded cargo ships. They were transported to the docks in Mauritius and Seychelles and abandoned. During the deportations Chagossians witnessed British agents and U.S. soldiers collecting their pet dogs and exterminating them *en masse* in sealed plantation sheds.⁴ Since 1973 Chagossians have not been allowed to return to Chagos. Military and civilian contractor personnel working on the Diego Garcia base are the only people who have lived in the archipelago during this time. Although Mauritians have been among the contractor employees, Chagossians have been barred from working on the island.⁵

LIFE IN EXILE

CHAGOSSIANS ARRIVED IN MAURITIUS and Seychelles without jobs, land, or homes, and most had little money. With no resettlement plan, most Chagossians quickly fell into what a *Washington Post* reporter described as “abject poverty.”⁶ In 1976 a British government official admitted that Chagossians were “living in deplorable conditions.”⁷ In 1978 and 1982, five and ten years after the last group of Chagossians arrived in Mauritius, some Chagossians received com-

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pensation from the British government. This compensation, which included land, housing, and cash, totaled less than \$6,000 per recipient.⁸ To date, no Chagossians in Seychelles have ever received any compensation.

Moreover, conditions have improved only marginally for most Chagossians. Many sold their compensation land and houses and used the money to pay off large debts accrued since their expulsion. In 1997 a World Health Organization-funded report found that most Chagossians were “still housed in tin shacks in the disadvantaged slums” of the Mauritian capitol, Port Louis, “without regular incomes and without real practical access to education or health care.”⁹

LEGAL BATTLES

CHAGOSSIANS HAVE STRUGGLED, protested, and held hunger strikes to gain the right to return to their homeland. In 1997 Chagossians filed a suit against the British Crown asking the courts to rule on the legality of their removal. On November 3, 2000, the High Court of London found for the Chagossians and ruled that their expulsion was illegal.¹⁰ The British government acceded to the judgment and permitted Chagossians to return to all of Chagos except Diego Garcia. In 2001 Chagossians sued the British government for compensation and money to finance their return and the reconstruction of their society. On October 9, 2003, the High Court denied the Chagossians’ claim for compensation, but admitted that Chagossians were “treated shamefully by successive UK governments.”¹¹ Undeterred, Chagossians have since filed suit against the British government in the European Court of Human Rights on three main grounds: (1) that the European Convention on Human Rights prohibits forced displacement; (2) that international agreements including the UN Charter and the International Covenant on Civil and Political Rights prohibit Britain from violating the right to self-determination; and (3) that common law prohibits Britain from violating fundamental rights.

Before the Chagossians could receive a European hearing, however, the British government made a stunning announcement. The Queen was enacting two royal Orders in Council barring the Chagossians’ return to Chagos. Without parliamentary debate or consultation, the British government used the archaic power of royal decree to overturn the Chagossians’ November 2000 court victory and their right of return. The Chagossians returned to the High Court in December 2005 to contest the Queen’s decree. They are currently awaiting a ruling.

In Washington, D.C., Chagossians have filed a parallel class action lawsuit in federal court against the U.S. government and several government officials, including former U.S. Defense Secretary Robert McNamara and current Defense Secretary Donald Rumsfeld. The suit accused the defendants of harms including forced relocation; cruel, inhuman, and degrading treatment; and genocide. These claims are based on alleged violations of domestic and international law, as well as customary international law. The suit asked the court to grant the right of return, award compensation, and order an end to employment discrimination on the base.¹²

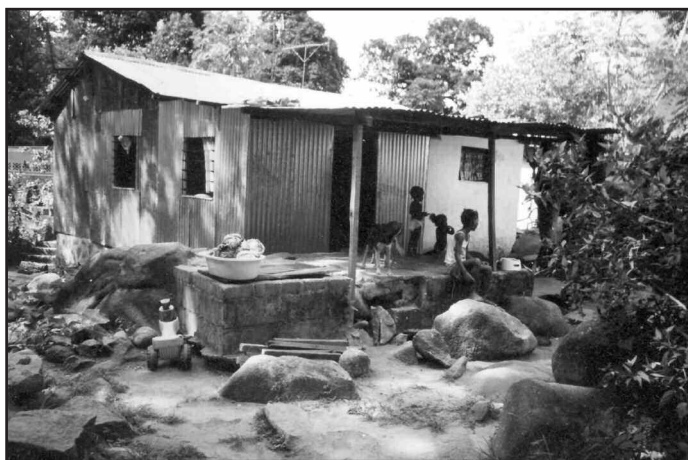
In December 2004 the United States District Court for the District of Columbia dismissed the Chagossians’ suit on the political question doctrine, which strictly limits courts’ ability to overrule the political decisions of the executive and legislative branches. The plaintiffs contend that the suit does not implicate the political question doctrine because the defendants’ illegal actions in removing the Chagossians were an unnecessary component of the executive’s

political decision to build a military base in the Indian Ocean. The suit is now under appeal.

THE EFFECTS OF FORCED DISPLACEMENT: THE IMPOVERISHMENT RISKS AND RECONSTRUCTION MODEL

IN AUGUST 2001 THE LEAD U.S. LAWYER, Michael Tigar, Professor of Law at the American University Washington College of Law, invited a group of researchers to document the effects of the expulsion on the Chagossians. Since that time, more than four years of original quantitative and ethnographic research has been completed, including a survey of 321 Chagossians, participant-observation research in Chagossian communities in Mauritius and Seychelles, and archival research.¹³

This study builds on a significant body of research examining how populations around the world have been affected by forced or involuntary displacement. In particular, the research draws on the work of former World Bank anthropologist/sociologist Michael Cernea and his Impoverishment Risks and Reconstruction (IRR) model, which some consider the dominant model in the field.¹⁴ Initially developed to document the effects of displacement caused by major development projects, researchers have increasingly found the IRR model useful in other dislocation contexts, including displacement caused by war and refugee situations, the mining industry, environmental conservation efforts, and shantytown relocations.



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Chagossian home in Mahé, Seychelles.

Based on findings from hundreds of global cases of involuntary displacement, the IRR model shows that the forced uprooting of individuals has remarkably similar effects no matter the cause of displacement. Involuntary displacement results in “massive loss and destruction of assets, including loss of life; unemployment, sudden drop in welfare and standards of living; prolonged uprooting, alienation and social disarticulation; cultural and identity loss; severe long-term stress and psychological effects; political disempowerment,” and other damage.¹⁵ According to Cernea, there is a direct, causal relationship between involuntary displacement and impoverishment unless preventative measures are taken to combat the displacement’s damaging effects.¹⁶

The strength of Cernea’s IRR model lies in its capacity to explain the process through which involuntary displacement generally causes and puts people at risk of impoverishment. The model identifies eight specific subprocesses: landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, lost access to common property resources, and social disarticulation.¹⁷ These eight basic subprocesses form the core of the model and are the basis of two of its primary functions:

to guide research on involuntary displacement and to diagnose the damage it causes.¹⁸ The IRR model and its eight subprocesses were used in this way to diagnose and document the harm that Chagossians have experienced as a result of their expulsion.

SEVERE AND CHRONIC IMPOVERISHMENT

USING THE IRR DIAGNOSTICALLY, research shows that as a result of their expulsion Chagossians have experienced severe, chronic impoverishment. The impoverishment has extended beyond economic poverty to include material, physical, psychological, social, and cultural impoverishment. The research draws on the IRR model's eight subprocesses to identify what the study characterizes as ten major dimensions of Chagossians' impoverishment: (1) traumatic expulsion, (2) joblessness, (3) economic and social-psychological marginalization, (4) homelessness, (5) landlessness and lost common property, (6) food insecurity and malnutrition, (7) increased morbidity and mortality, (8) sociocultural fragmentation, (9) educational deprivation, and (10)

LAND AND PROPERTY DAMAGES

The model has two methods for estimating the value of lost land and property.²⁰ The first method assumes that because Chagossians were never properly compensated for the taking of their land, they should at least obtain the current value of what their land was worth at the time of their removal. To calculate this value, the first method multiplies the price of land in 1967 by a compounded long-term interest rate.

The second method assumes that because Chagossians were never properly compensated, they still hold title to their land and should have been receiving annual rental payments for its use. This rental price is estimated by starting with 1967 land rents in Chagos and adjusting them on a yearly basis by an appropriate inflation rate. This rate was derived using a compensation agreement between the U.S. government and residents of the Kwajalein Atoll, in the Marshall Islands, who were similarly displaced by the U.S. Army's Kwajalein Missile Range.²¹

“Although the Impoverishment Risks and Reconstruction model builds on both qualitative and quantitative data, its strength is its ability to provide a framework for using ethnographic research to tease out the complexity, emotional fabric, and biographical details behind a group's injuries.”

ethnic discrimination.

Although the *Dérasiné* report documents each of these dimensions in extensive ethnographic detail, a number of examples from a 2002/2003 survey are illustrative here. Nearly 46 percent of working age Chagossians are unemployed; the median income for Chagossians is approximately \$2.15 per day; 40 percent of Chagossian households do not have indoor plumbing; and 26 percent of Chagossian households operate without any running water. Social findings are equally dismal: 54 percent of Chagossians are illiterate; 85 percent of Chagossians surveyed reported they need more adequate health care; and the substance abuse rate is at least one-in-five among the Chagossian generation born in exile.¹⁹

ESTIMATING THE VALUE OF DAMAGES: THE DAMAGE CALCULATION MODEL

TO COMPLEMENT THE IRR MODEL, the researchers working with the Chagossians' lawyers developed a damage calculation model that estimates the value of those injuries that reasonably can be calculated monetarily. These injuries include the Chagossians' loss of land and property, their loss of income since the expulsion, and the loss of social welfare benefits as a result of their leaving Chagos. For each category of injury the model offers multiple methods for estimating damages, which yield a range of reasonable damage estimates. The first method in each category offers a minimum damage assessment based on the simplest of calculations, while the last method in each category offers a more complex and accurate estimate of actual damages.

INCOME DAMAGES

The damage calculation model uses three methods to estimate damages from lost income opportunities. The first method assumes that if the Chagossians had not been removed from Chagos and the British Indian Ocean Territory, their per capita income should be at least approximately equal to that of residents of other UK Overseas Territories (UKOTs). To estimate the value of lost income opportunities, this method calculates the difference between Chagossians' per capita income since their expulsion and the average per capita income in the other UKOTs over the same period. The second method assumes that a more precise calculation needs to account for the presence of the U.S. military base on Diego Garcia and the income-generating opportunities it would have provided Chagossians had they not been removed. This method estimates the effect of a comparable military base (i.e., the U.S. Army base in the Kwajalein Atoll) on the income of a similarly small and isolated population.

The third method to estimate damages from lost income opportunities notes that the UKOT and Kwajalein comparisons underestimate Chagossians' damages because the comparison groups suffered their own human rights violations. Specifically, the income of residents in the UKOTs and in Kwajalein has been depressed by discriminatory practices and by other failures of the sovereign in each location to guarantee residents the full range of economic and social rights protected under guiding international human rights covenants. Kwajalein's main island Ebeye became

known as the “ghetto” of the Pacific under U.S. trusteeship, and standards of living in about half of the UKOTs (St. Helena, Turks and Caicos, Anguilla, Montserrat, and the British Virgin Islands) are considerably lower than those of the British Isles.²²

This method holds that proper reparation requires the use of damage calculation assumptions that uphold the basic standards of human rights law and not standards of discrimination and inequality.²³ It therefore adjusts the income damage figures from the previous two methods by estimating the effect that a government’s compliance with such standards would have on its people’s income. Because Norway and Sweden come closest to this level of human rights compliance, this method measures the effect such compliance has had on their citizens’ income and uses this effect to adjust the Chagossians’ income losses under the other income damage methods.



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Chagossian home in Cassis, Mauritius.

SOCIAL WELFARE BENEFITS DAMAGES

Chagossians have also been denied a range of social welfare benefits provided to other UK citizens that they would have enjoyed had they not been removed from Chagos and had instead remained residents of a UKOT. The value of these lost benefits — health care, education, housing, and other entitlements — can be calculated by determining the difference between the average value of social welfare benefits received across the UKOTs and the average value of social welfare benefits received by Chagossians in Mauritius and Seychelles. It is important to note, however, that even these benefits are less than those received in the rest of the United Kingdom and by citizens whose nations are most fully compliant with international human rights standards. Had they not been removed, the Chagossians should have been able to expect the British government to live up to these higher standards of full human rights compliance. Thus, the most accurate estimate of Chagossians’ social welfare damages comes from the difference between the value of per capita social welfare benefits received by people in the world’s most fully compliant nations and those the Chagossians have received in Mauritius and Seychelles.

CONSEQUENTIAL DAMAGES

In addition to the damages already discussed, Chagossians have suffered both monetary and non-monetary consequential damages, including injuries to their health, education, and psychological well-being. The damage calculation model does not attempt to calculate what would be an imprecise monetary valuation of these consequential damages. Instead, the model calculates total income and social welfare benefit damages by multiplying previously estimated losses

by a “Consequential Damages Factor.” The U.S. Congress has used this method to estimate consequential damages attributable to violations of the United States Fair Labor Standards Act, which are awarded up to an amount equal to an employee’s lost wages. Therefore, total damages under this Act are generally two times the employee’s lost wages. Because the consequential damages suffered by Chagossians are more serious than those suffered by victims of employment discrimination, an appropriate Consequential Damages Factor is likely to be greater than simply doubling the amount of their other damages. Presently, the final calculations of total losses under the damage calculation model are still being completed. They are expected to be presented with a full description of the model in the near future.

CONCLUSION

THE RESEARCH REPORTED IN THIS ARTICLE confirms that the major consequence of the Chagossians’ expulsion from Diego Garcia has been the severe impoverishment of their economic, material, physical, psychological, social, and cultural lives. This impoverishment, as well as the expulsion itself, constitutes a continuing violation of the Chagossians’ human rights.

The two models used to document the injuries experienced by the Chagossians can be used to document human rights abuses suffered by other groups and to assist efforts to hold responsible parties accountable. Importantly, the two models are complementary because they pair a complicated explanation of the impoverishment process with a discrete calculation of monetary damages. Although the IRR model builds on both qualitative and quantitative data, its strength is its ability to provide a framework for using ethnographic research to tease out the complexity, emotional fabric, and biographical details behind a group’s injuries. The efficacy of the damage calculation model, by contrast, lies in the power of quantitative analysis to yield monetary figures.

The applicability of the newly-developed damage calculation model may also extend beyond cases of displacement. The model provides a method for reasonably and accurately calculating damages suffered by numerous groups who have for various reasons lost land and property, income-generating opportunities, or access to social welfare benefits. Depending on the context, any or all of the model’s three damage calculation categories can be used. Each category offers multiple methods for calculating damages, which researchers can apply to other cases. Most importantly, the model insists that damage calculations should reflect the basic standards of equitable treatment demanded under international human rights law rather than histories of discriminatory practice. Proper reparation demands no less.

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ENDNOTES: Impoverishment of Displacement

¹ William J. Aceves, et al., “Declaration of International Law Scholars on Forced Relocation” (Feb. 25, 2000), in *Bancoult v. McNamara*, Motion for Preliminary Injunction and Memorandum of Points and Authorities in Support of Plaintiff’s Motion for a Preliminary Injunction, available at <http://homepage.ntlworld.com/jksonc/docs/bancoult-d3b.html> (accessed Feb. 6, 2006).

² David Vine, S. Wojciech Sokolowski, and Philip Harvey, “*Dérasiné*: The Expulsion and Impoverishment of the Chagossian People [Diego Garcia],” expert report prepared for American University Washington College of Law and Sheridans Solicitors (London Apr. 11, 2005). *Dérasiné* is the word Chagossians use most frequently to describe their expulsion from Chagos. The Mauritian Creole word (pronounced *day-RASS-ee-NAY*) is

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AFRICAN COMMISSION

THE AFRICAN HUMAN RIGHTS System began to take shape under the Organization of African Unity (OAU), which was founded in 1963. The African Union (AU) replaced the OAU in July 2001, following ratification of the AU's Constitutive Act. The African Charter on Human and People's Rights (Charter), entered into force in 1986, established the African Commission on Human and People's Rights (Commission), which is responsible for interpreting all provisions of the Charter. The Commission meets twice annually to consider periodic reports, as well as complaints brought against State Parties to the Charter. At the time of writing, the proposed African Court on Human and People's Rights (ACHPR), established in 2004 as a court to enforce the Charter, was not yet operational (see below).

AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS

The 38th Ordinary Session of the Commission was held from November 21 -

December 5, 2005, in Banjul, Gambia. The Commission adopted a resolution on the operationalization of an independent and effective ACHPR and another on the renewal of the mandate and composition of the ACPHR working group. It also adopted a resolution acknowledging the entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Commission adopted further resolutions on the human rights situations in the Darfur region of Sudan, Eritrea, Ethiopia, the Democratic Republic of Congo, Uganda, and Zimbabwe. Additionally, a resolution was passed on the protection of human rights and the rule of law while countering terrorism. It also passed the "Resolution on Ending Impunity in Africa and on the Domestication and Implementation of the Rome statute of the International Criminal Court."

Commissioners Mumba Malila, Reine Alapini-Gansou, and Faith Pansy Tlakula were nominated as Special Rapporteurs on prisons and conditions of detention, human

rights defenders in Africa, and freedom of expression in Africa, respectively. Additionally, the Commission adopted resolutions on the composition and operationalization of the Working Group on the Death Penalty and on the composition and extension of the mandate of the Working Group on Indigenous Populations/Communities in Africa. The 39th Ordinary Session of the Commission will be held from May 9-23, 2006, in Banjul, Gambia. **HRB**

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ENDNOTES: Impoverishment of Displacement *continued from page 24*

related to the French *déraciner* and the English *deracinate*, and means "to uproot" or "to tear from one's native land."

³ Chalfont, letter to David K. E. Bruce (Dec. 30, 1966). National Archives and Records Administration II, RG 59/150/64-65, Subject-Numeric Files 1964-1966, Box 1552; Vytautas Bandjunis, *Diego Garcia: Creation of the Indian Ocean Base* (Writer's Showcase 2001).

⁴ Marcel Moulinie, statement, *Queen v. Secretary of State for the Foreign & Commonwealth Office, ex parte Bancoult*, ¶ 14; see also CBS News, "Diego Garcia: Exiles Still Barred," <http://www.cbsnews.com/stories/2003/06/12/60minutes/main558378.shtml> (June 13, 2003).

⁵ Larry W. Bowman and Jeffrey A. Lefebvre, "The Indian Ocean: U.S. Military and Strategic Perspectives," n. 28, in William L. Dowdy and Russell B. Trood, eds., *The Indian Ocean: Perspectives on a Strategic Arena* (Duke University Press 1985); Pranay B. Gupte, *New York Times*, "Dispossessed in Mauritius Are Inflamed," A5 (Dec. 14, 1982).

⁶ David Ottaway, *Washington Post*, "Islanders Were Evicted for U.S. Base," A1 (Sept. 9, 1975).

⁷ A. R. G. Prosser, report, "Visit to Mauritius, From 24 January to 2 February: Mauritius-Resettlement of Persons Transferred from Chagos Archipelago" (Sept. 1976).

⁸ Mauritius Legislative Assembly, report, "Report of the Select Committee on the Excision of the Chagos Archipelago," 3-5 (June 1983).

⁹ Tania Dräbel, report, "Evaluation des besoins sociaux de la communauté déplacée de l'Archipel de Chagos, volet un: santé et éducation," 4 (Dec. 1997).

¹⁰ *Queen v. Secretary of State for the Foreign and Commonwealth Office ex parte Bancoult* [2001] Q.B. 1067 (Nov. 3, 2000).

¹¹ BBC News, "Evicted islanders vow to fight on," http://news.bbc.co.uk/2/hi/uk_news/3177260 (Oct. 9, 2003); *Chagos Islanders v. Attorney General and British Indian Ocean Territory Commissioner* [2003] EWHC 2222 (QB) (Oct. 9, 2003).

¹² See *Bancoult v. McNamara*, 370 F. Supp. 2d 1 (D.D.C. 2004).

¹³ The researchers are not and have never been employed or paid for the

work. The U.S. legal team reimbursed most research expenses during August 2001 - December 2002, and some research expenses during 2004.

¹⁴ Michael M. Cernea, "Concept and Method: Applying the IRR Model in Africa to Resettlement and Poverty," 196, in Itaru Ohta and Yntiso Gebre, eds., *Displacement Risk in Africa: Refugees, Resettlers and Their Host Populations* (Kyoto University Press 2005).

¹⁵ Michael M. Cernea, paper for Workshop on Typologies of Relevance to the Study of Forced Migration, U.S. National Academy of Sciences, "The Typology of Development-Induced Displacements: Field of Research, Concepts, Gaps and Bridges," 13 (Sept. 22-23, 2004).

¹⁶ Michael M. Cernea, "The Risks and Reconstruction Model for Resettling Displaced Populations," *World Development* 25(10):1569-87 (1997).

¹⁷ Although these subprocesses are the most common among hundreds of cases of involuntary displacement, each will differ in intensity across cases and among groups within a population; some cases will also feature the absence of some subprocesses or the presence of other less common subprocesses.

¹⁸ Michael M. Cernea, "Risks, Safeguards, and Reconstruction: A Model for Population Displacement and Resettlement," 11-55, in Michael M. Cernea and Christopher McDowell, eds., *Risks and Reconstruction: Experiences of Resettlers and Refugees* (The World Bank 2000).

¹⁹ Vine, et al.

²⁰ Both methods assume that the monetary value of Chagossians' property was minimal and incorporate the value of property into the land calculation.

²¹ U.S. Congress, "Compact of Free Association Act of 1985," P.L. 99-239, 99th Congress (Jan. 14, 1986).

²² Peter Marks, *Newsday Magazine*, "Paradise Lost: The Americanization of the Marshall Islands," 10 (June 12, 1986); UK Foreign and Commonwealth Office, report, "Partnership for Progress and Prosperity" (2002).

²³ A useful comparison is the theoretical case of a student in the Bronx improperly denied a year of public schooling. Proper monetary reparation would not be the yearly per pupil expenditure in a decrepit, substandard Bronx public school, which is roughly half that of a suburban New York City public school. Proper reparation would be the per pupil expenditure in the suburban school.