From victims to actors:
Mobilising victims to drive transitional justice process
A participatory action research project with families of the disappeared in Nepal

Simon Robins and Ram Kumar Bhandari

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The cover image shows a woman taking part in a lamp lighting event as a part of the August 30th 2011 Day of the Disappeared in Kathmandu.

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1. Executive Summary

Nepal’s transitional justice process has emerged almost exclusively from elites, with a negligible engagement with the victims who are most impacted by the violations that the process purports to address. From a Comprehensive Peace Agreement assembled by the political parties with international input, to the series of ‘relief’ payments that successive governments equate to reparation, victims of the conflict, largely in rural areas, have been marginalised by the process. The transitional justice debate in Kathmandu over the last 6 years has been between a government advocating impunity and a human rights community advancing a global discourse of ‘truth, justice and reparation’ that is not informed by the everyday lives and suffering of victims. Victims, who over represent the disempowered and the marginalised – women, Dalits, Madheshis and Janajati – have been excluded from this process as effectively as they have always been excluded from social and political life.

This study has been conducted by a researcher in collaboration with NEFAD, the national network of families of the missing and disappeared and its constituent district associations, which represent victims of a violation that has come to define the conflict. It aims to ask how victims of the conflict can challenge the status of being passive observers of Nepal’s transition, and gain the agency that allows them to be actors in it. NEFAD is attempting to create a network - of victims and for victims – that can link an impoverished wife in a rural village whose husband is missing, with the processes and resources in Kathmandu that exist to address the legacies of the conflict. It seeks to use elements of social movement theory to explore these issues.

Whilst victims are still awaiting a Truth and Reconciliation Commission and a Commission on Disappearances, if and when they are created it is not clear what access they will have to them. Mobilising victims to represent themselves – and to challenge ethnic and caste elites in the capital who claim to speak for them – is the only way to allows victims’ voices to be heard in a way that can influence the ongoing transitional justice process. The aim of this exercise is not only to understand the process of victim mobilisation, but to advance it, by assisting NEFAD to draw up a Plan of Action and presenting this to potential donors.

NEFAD currently represents district Family Associations in 17 districts of Nepal, and is continuing to grow, bringing together families of the missing and disappeared to both offer support and solidarity in their communities and to provide a route to national advocacy. Family Associations in three districts, Bardiya, Lamjung and Sunsari, took part in this study. In each district a small group of those close to the Association leadership was trained in qualitative research methods and recorded semi-structured interviews with their membership to understand victims’ goals of mobilisation and the constraints on it. These 80 interviews were analysed to show what families seek from the victims’ network, why and how victims mobilise, and allowing strategies to be developed to move NEFAD forward. The study supported district meetings where a NEFAD Plan of Action was produced, and this has since been discussed in three regional meetings, where more than a hundred representatives from 25 districts produced the version that constitutes the final section of this report.

The impact of disappearance

The results of the study reveal the need for victims to resist the representation of others and speak for themselves. The issues of greatest priority to families of the disappeared are those of livelihood and knowing the truth about the missing. The loss of breadwinners from families that were already poor leaves them struggling to feed and educate children. Many families, and in particular women heading households, see an addressing of their livelihood needs as a prerequisite to their fighting for their rights: often going to a meeting means giving up a daily wage that can feed one’s family. Whilst rights agencies invite families to meetings to discuss their civil and political rights, they
are unwilling to offer practical support or to discuss the violations of social and economic rights that both led to violations and that exacerbate their impact. For victims to mobilise demands that they can first look after their families.

The ambiguity of families’ loss, not knowing if loved ones are dead or alive, has many impacts. Wives of the Missing are stigmatised in their families and communities, as neither wives nor widows; they are considered sexually available for failing to have an identity that coincides with traditional understandings. Local mobilisation is most valuable for such women for creating solidarity and empowerment in spaces where women can themselves define what and who they are. A local presence can also serve to assist families in administrative issues, such as accessing interim relief.

Families seek accountability for the crimes committed against them and their missing, but because they face so many acute impacts, judicial process is not their first priority. The judicially-driven agenda of human rights NGOs fails to resonate with victims because it is violation and perpetrator centred, rather than victim centred: families seek an approach rooted in the impacts that disappearance has on families and communities.

The goals of mobilisation

Families see mobilisation as something that can both advocate for the addressing of their needs – at a Kathmandu level – but also provide support and solidarity in their communities. This drives the need for an organisation that is locally based but nationally active. In Bardiya, where the Conflict Victims’ Committee (CVC) has been active for 5 years, the association is both trusted and perceived to have been of concrete benefit to families; almost all families interviewed were involved, demonstrating the mobilising power of a strong active local association. In some cases, those who were active in Family Associations, particularly women, had seen their traditional passivity replaced with a commitment to fight for their rights: there is ample evidence of the empowerment potential of such activity.

Mobilisation must be based on victims’ narratives: the interviews with elites made here demonstrate that those in government and NGOs fail to understand or share victims’ priorities. Whilst NGOs seek to act on behalf of victims, their action continues to be driven by an abstract global discourse remote from victims’ understandings: victims themselves must claim the rights they are due. Family associations are perceived as being able to give ordinary rural families the tools to themselves become agents in processes to address their needs.

The concrete activities families sought from the network were made clear:

- Creation of a ‘livelihood profile’ of victim families, such that the depth and scale of their needs can be made clear to the authorities;
- Documentation of disappearance and of suspected grave sites;
- A central structure that can engage with a Disappearance Commission and other bodies, and advocate on a national stage;
- Use of the media nationally and locally to advance victims’ message;
- Education and information about the ongoing transitional justice process: most families knew little of discussions in Kathmandu;

The events around the Day of the Disappeared (August 30th) 2011, at both Kathmandu and district level are an example of the solidarity and advocacy activities families seek.

Families of the disappeared almost universally identify as victims, and perceive it as an identity that allows them to make claims of the authorities. Almost half of all women interviewed however believe that their gender worsened the impacts of the violation. Mobilisation must thus be not only around their victimhood, but also around
gender and disempowerment, which magnify its impacts. Families share an understanding that they are victims of injustice that the state must address: the target of their mobilisation is clear. Representation remains an issue for all district Associations, with women and others from disempowered groups less present in the leadership.

**Approaches to mobilisation**

The conclusion of this study is that mobilisation of families of the disappeared can only address their needs if it proceeds from a local base to build a national organisation: this is what is proposed here. NEFAD is building a structure that links district Family Associations through representative regional structures to build a secretariat that can lead them nationally. NEFAD will lead a rights-based campaign, and will educate and empower family members in their districts so that victims can represent themselves. It will build the broadest possible coalition with others working for transitional justice and seek to create political opportunity through an engagement with political parties. To make such action will require support from donors, and the NEFAD Plan of Action seeks to engage with those who could fund the network’s future work.

The challenges are clear. Mobilisation will demand building the capacity of the poor and ill-educated women who constitute most district members (one woman talked of ‘education for participation’), to ensure that in a majority of Nepal’s districts there is a core of advocates to drive activities. Accessing resources will demand that donors work harder than they do in funding Kathmandu based NGOs, who are experts at grant application and activity reports; district Family Associations will need long-term support and capacity development. Ideally, NEFAD will have access to human resources that understand elite networks in Kathmandu, in order to challenge the role of NGOs as gatekeepers to victims.

In summary, the only way to address the fact that in an exclusionary society human rights practice is also exclusionary, is to engage with the disempowered to aid them in maximising their agency. Nepal’s history, including following the signing of the CPA in 2006, is one of a narrow elite making decisions about the lives of others; the practice of transitional justice has been no different. Ensuring that victims have agency in a transitional justice process is the only way of guaranteeing that process has the aim not of returning victims to the poverty and exclusion of the past, but that it is transformative, seeking to challenge exclusion through empowerment. Mobilising victims to represent themselves is a radical approach towards a different way of doing things, and one on which sustainable peacebuilding in Nepal is likely to be dependent.
2. INTRODUCTION

In the very beginning every one of us was alone. [...] Before meeting friends who were facing the same sort of problem, I was in despair and nobody would listen to my problem. Other people did not like to talk about our problems since they were scared that they could also be arrested if we talked with them. But it was only when we met other families of those disappeared, we felt that we had common problems; we knew that we had the same pain. For this reason, we could share our sorrows. We wept and cried together and that helped us ventilate our sorrows. Then we formed this association. It helped us to meet friends having similar problems. Then we organised the sit-ins. As many friends gathered we felt greatly relieved. From that time onward, we felt courageous to fight for our cause. (Wife of disappeared man, Kathmandu.)

The discourse of transitional justice has emerged as a response to the needs of societies emerging from conflict or political violence and has become one of the preferred lenses through which to examine democratising states. Typically, it describes institutional responses to violations of international humanitarian law, human rights law or domestic law that occurred during a previous regime. Despite a widespread understanding that it is the poor and disempowered who constitute most of the victims of conflict, a sustained engagement with such constituencies has not become part of the mainstream practice of transitional justice. Transitional processes and the mechanisms (such as trials, truth commissions and reparation schemes) through which they work tend to be prescriptive and top-down: they are created by elites, often those who were themselves involved in the conflict that preceded the transition, supported by an international community remote from the context and from indigenous understandings. In many cases processes of consultation with victims and communities are cursory.

The continued marginalisation of evidence based approaches to dealing with the past that engage with victims of conflict in favour of a 'one size fits all' universalism that ignores particularities of culture and context serve to fundamentally compromise peacebuilding processes. Some literature is now emerging to challenge this deficit, but there remains a dearth of praxis that interrogates the idea of a transitional justice driven by the grassroots.

One of the few ways in which the views of those most impacted by the legacies of violence can challenge such prescriptive approaches in a transitional context is through victim mobilisation. This remains particularly true in Nepal where the bulk of victims are poor and socially excluded, live in rural areas far from the capital, lack education and are ignorant of their rights. Social movements of conflict victims constitute one of the few routes to increasing victim agency in transition. Soon after the end of the conflict family associations were established in various parts of the country, organised at the district level by families themselves, trying to represent victims of both sides and often focussed on the issue of disappearance. Such family associations have articulated the demands of victims, seeking livelihood assistance and advocating for

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4 McEvoy and McGregor, supra n. 2.
truth and justice from the authorities and have been a valuable mechanism of solidarity and support.\textsuperscript{5}

This project aims to understand the process of victim mobilisation, and the challenges to it, through a study in Nepal using a participatory action research approach that will support and empower Family Associations (FAs) of victims. It focuses on families of those subject to disappearance, one of the defining violations of the conflict. The project is a collaboration between an academic researcher with extensive experience working with conflict victims in Nepal and the largest independent national victims’ group in the country. It seeks to understand processes of victim mobilisation and ask how best to mobilise such a community of victims in order to maximise their influence on the development of Nepal’s transitional justice process, and understand such processes more deeply. The study builds upon the understanding of the needs of families of the disappeared made by one of the investigators.\textsuperscript{6} Given that many families remain ignorant of legal process and unaware of their rights, mobilisation should result in greater awareness and an empowerment to articulate demands not only in terms of needs but also using the language of rights. Since women are the principle surviving victims of disappearance as a result of the loss of husbands, an emphasis will be placed upon understanding how such victims can be empowered by a process of mobilisation, given the barriers to their participation. The National Network of Families of the Disappeared and Missing\textsuperscript{7} (NEFAD), like the district associations, faces the challenge of finding ways to represent victims marginalised not only by their victimhood but by gender, caste and ethnicity. Whilst the majority of the members of all victims’ groups are women, and the majority of victims are from marginalised groups, the leadership remains largely male and high caste. The study enables the impact of the empowering process of mobilisation, particularly on women and minorities, to be understood both in terms of challenging exclusion and of addressing the often profound psychosocial legacies of disappearance.

The project constitutes a case study of the mobilisation process, conducting qualitative research with families of the disappeared, working with three district based family associations and with the regional and national structures that NEFAD is in the process of establishing. The methodology of this study is participatory action research, aiming to be not just an academic inquiry but a process that impacts on both the community of victims who are its collaborators, and on decision makers. This project aims to understand the challenges of mobilising conflict victims in a low income society, where victims are both marginalised and geographically dispersed, through efforts to advance that mobilisation. For the victims of conflict whose organisations drive the research the study aims to be empowering, providing a route for the agenda of the otherwise marginalised to reach the authorities. It also aims to be emancipatory in the sense that the research provides tools which serve to improve mobilisation. Whilst participatory approaches have become increasingly orthodox in development, in both research and practice, they remain rarely used in conflict or post-conflict contexts. Participatory research is singularly relevant for this study since it aims not only to understand issues from the viewpoint of those most affected but also to develop responses from within affected communities. In this study, the researchers and the researched have worked together for the one year period of the study in a process of mutual learning, the researchers seeking to position themselves as both scholars and activists, directly engaged in the struggles of victims.

\textsuperscript{5} Ibid.
\textsuperscript{6} Robins, supra n. 1.
\textsuperscript{7} The definition of ‘missing’ derives from International Humanitarian Law and can be contrasted with that deriving from Human Rights Law where ‘disappearance’ is confined to those persons taken under the control of states and never seen again, excluding those not explicitly arrested and cases perpetrated by non-state actors. Here both terms will be used and will be assumed to include all those unaccounted for as a result of Nepal’s conflict.
The project combines social activism with ethnographic research to understand what victims seek from such mobilisation and what challenges exist to their participation in such groups and to the creation and sustainability of self-organised victims’ groups. The aim of mobilisation is to both support victims in their communities and to influence national agendas and government policy; the study attempts to empirically evaluate the challenges of mobilisation in these two respects and develop strategies to maximise such impacts. The researchers seek to aid activist victims and their organisations to understand their own members’ needs of mobilisation through the use of qualitative research methods. They will also seek to use the results of the study to increase the visibility of NEFAD to donors and other elite actors in Nepal. More broadly, the study constitutes the first examination of conflict victims’ groups as social movements and builds on the large body of work on such movements to both inform the understanding of victim mobilisation and contextualise theories of social movements in the post-conflict context.

**Aims and objectives**

The principal aims of the project are to:

- Understand how victim mobilisation can best impact upon the transitional justice agenda in the interests of victims;
- Understand processes of mobilisation of victims in a low income and exclusionary post-conflict society.
- Advance the mobilisation of families of the disappeared in Nepal, increasing the effectiveness of their advocacy and mutual support;
- Improve the ability of NEFAD to mobilise victims through accountable and representative structures, and to reach sustainability by securing donor support.

The research is an intrinsic part of the process of support to victims’ organisations and will be carried out largely by victims themselves. The investigators have trained members of victims’ groups in qualitative research methods to enable them to understand the needs of mobilisation and the limitations on participation of their own members; this in turn aids organisational learning. The research agenda operates at several levels, seeking to understand processes of mobilisation within victim communities, the organisational challenges faced by victims’ groups in the Nepal context, and how such groups can impact on the national transitional justice agenda. The research agenda thus encompasses:

- Understanding any gaps in how elites perceive victims’ priorities of transition and how victims themselves perceive them.
- Understanding how predominantly rural and disempowered victims mobilise and what the constraints on such mobilisation are;
- Understanding how victims from the most marginalised communities in a society can be empowered through a process of mobilisation to play a role in addressing the impacts of conflict, including in their own communities: an explicit aim of the project is to encourage the emergence of leaders from within the victim community, with an emphasis on those groups (notably women) that remain under-represented in the leadership;
- Evaluating the effectiveness of family associations in supporting victims and addressing the psychosocial impacts of disappearance;
- Optimising the organisation of families of the disappeared at district, regional and national level, with the aim of ensuring sustainability and visibility to donors.
- Understanding how political and other elites can be impacted by a social movement of conflict victims in a way that increases the probability of an outcome that meets victims’ needs.

The dissemination of the results is an intrinsic part of the project, since donors and rights agencies, as well as the Government of Nepal are the target audiences for its advocacy aims. This will be done through the launching of this public report, together with a NEFAD Plan of Action, in Kathmandu and targeting of Nepali media to highlight the work of the family associations, the results of the study, and NEFAD’s need for support.

**Impact of the project**

The project was conceived to serve to make Nepal’s transitional justice process more sensitive to the needs of victims generally and to families of the disappeared in particular. The long-term hope is that it will ultimately contribute to the creation of mechanisms that will address victims’ needs. The impacts of the project are expected to be:

- A greater understanding among the leadership of FAs of the needs of women, and in particular understanding of the psychosocial challenges they face.
- A greater awareness of the importance of representativeness, in terms both of participation in FAs and in leadership roles; this can lead to an increase in activity of women and ethnic and caste minorities in FAs and their greater presence in the leadership.
- The sustainability of NEFAD nationally and district FAs is increased through a better understanding of the organisational needs of the network and a structured approach to achieving an appropriate and accountable structure.

With the release of this report and the other advocacy elements of the project, it is intended that:

- Elites, in authority and civil society, national and international, will better understand the needs of victims of the transitional justice process and make efforts to ensure those needs are met.
- The sustainability and prospects for NEFAD as a national network and for its constituent district FAs are improved through access to funding from donors.

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8 Whilst these include traditional mechanisms of transitional justice, such as a Truth Commission or the proposed Disappearance Commission, that can give victims the truth about the disappeared, it also includes livelihood support, psychosocial support and any process that addresses any among the range of needs victims discussed from page 28.
3. **NEPAL’S CONFLICT, TRANSITION AND THE FAMILIES OF THE DISAPPEARED**

Nepal’s conflict and transitional justice process

Nepal’s Maoist insurgency was driven by a history of social and economic exclusion that marginalised indigenous people, lower castes and women. The impacts of disappearance on families left behind are a result of the confluence of longstanding marginalisation and the absence of the missing person, most often the breadwinner.

The conflict began in 1996 with the Communist Party of Nepal (Maoist) [CPN-M] declaring a “People’s War” against the regime. It came to a dramatic end ten years later in April 2006, with a “People’s Movement” uniting the Maoists and the constitutional parties against a king who had seized absolute power. As part of an ongoing peace process the monarchy has been abolished and following elections to a constituent assembly the Maoists are now the largest party in the legislature: a Constituent Assembly (CA) tasked with writing a new constitution. The conflict has left a legacy of some 15,000 dead, and almost 1,400 unaccounted for. Many of the agreements that formalised the peace process, including the Comprehensive Peace Accord and the interim constitution committed both parties to the conflict to address the issue of disappearances in the short term. This included commitments to establish a Commission of Inquiry into Disappearances and a Truth and Reconciliation Commission. However, at the time of writing neither body has yet been established. The political landscape in Nepal remains dominated by political parties, now including the CPN-M, who are unable to bridge their differences such that the constitution writing process can be concluded, with the CA having to be extended repeatedly.

Despite the aims of the People’s War and the change in political rhetoric since its end that sees social exclusion now universally acknowledged, rural Nepalis continue to be marginalised by a political elite that sees the future of their country driven by external concepts and ideologies. Empowering ordinary Nepalis to be actors in their own futures remains one of the ways in which the issues and challenges that face them can be highlighted and addressed. Issues of exclusion and poverty continue to fuel conflict in various parts of the country, with no apparent political solutions on the horizon. Empowerment of ordinary people represents one strategy for addressing the deficits in Nepal’s political and social dispensation, and this study is an effort to understand how that could be done, by focusing on a group of Nepalis with greater grievances than most. This study seeks to understand how peacebuilding in a low income and highly unequal state emerging from conflict can engage with those most marginalised from the state by both social exclusion and the extreme impacts of conflict.

**The cultural context**

Nepal is the poorest country in Asia, and the 12th poorest in the world. Income per capita is barely over $400 per year and 30% of the population lives on less than $1 per day. A lack of access to land is the dominant cause of rural poverty. Indeed, in some areas of the Midwest, the Maoist insurgency either encompassed or paralleled a separate

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11 After joining the political mainstream the CPN-M united with smaller parties and is now officially now as the Unified Communist Party of Nepal – Maoist (UCPN-M). Since this study most concerns the Party during the conflict period, the abbreviation CPN-M will be used throughout here.

conflict between indigenous tenant farmers and higher caste landlords. In Bardiya, the district worst affected by disappearances, this as much as the Maoist insurgency drove disappearances. Nepal is a mosaic of ethnicities, languages and castes, having a unique and complex ethnic geography. The kingdom of Nepal was unified in the 18th century, under a dynasty that migrated from India in the centuries before. The many other ethnicities in Nepal, notably the indigenous (Janajati) and more recent immigrants to the plains of the Terai from neighbouring Indian states (Madeshi), have been systematically excluded from the very idea of the Nepali nation, with many traditionally being denied citizenship. The Hindu caste system formalised discrimination against indigenous groups as well as against those who share ethnicity with the ruling Brahmin and Chhetri castes, but are considered of lower standing. The lowest castes (Dalits or untouchables) face mortality, literacy and income far below the nation’s meagre average. The net result is that the majority of the population is excluded from certain parts of the economy and from politics. At the start of the 21st century the Brahmin and Chhetri castes, which constitute some 30% of the population of Nepal made up 87% of civil service staff.

In all communities, and in particular the poorest, women are further excluded. The position of women in Nepali society increases their vulnerability in many ethnic and caste groups. Land and property inheritance is patrilineal, women live with their husband’s family: their status in the family is traditionally subservient and can be precarious. As a result the loss of a husband can have catastrophic consequences. Women consistently fall behind men in educational achievement and skill development, often leaving them with few livelihood opportunities. Whilst when a husband dies in some indigenous groups it is traditional for a woman to marry her husband’s younger brother, in Hindu tradition remarriage brings shame to the family and is thus highly stigmatised. As girls are considered an economic burden for whom a dowry will eventually have to be found, so boys and men are economic assets for a family and the greatest insurance for the future support of the old.

**Transitional Justice in Nepal as an elite discourse**

Social exclusion militates against the engagement of a large fraction of Nepalese in many areas of society; it is unsurprising that it also impacts on the transition from conflict, which remains elite-driven, with prescriptive and top-down approaches characterising efforts to deal with the past. Whilst transitional justice has remained central to the rhetoric of donors, the UN and other international actors active in Nepal, this has been defined exclusively on their terms, echoed by human rights agencies dominated by caste and economic elites, driven by global norms and dominated by a narrow legalism that neglects the priorities of victims. Discussion of transitional justice refers far more to priorities internal to the global human rights discourse than to the local and contingent needs of victims, largely because one is articulated by the powerful and one by the powerless: human rights practice in an exclusionary society remains exclusionary. The result is that the interventions of both national and international agencies make little reference to victims’ needs: analyses are perpetrator and violation centred, rather than victim centred. Those advocating for transitional justice refer far more to priorities internal to the global human rights discourse than to the local and contingent needs of victims, largely because one is articulated by the powerful and one by the powerless: human rights practice in an exclusionary society remains exclusionary. The result is that the interventions of both national and international agencies make little reference to victims’ needs: analyses are perpetrator and violation centred, rather than victim centred. Those advocating for transitional justice refer far more to priorities internal to the global human rights discourse than to the local and contingent needs of victims, largely because one is articulated by the powerful and one by the powerless: human rights practice in an exclusionary society remains exclusionary. The result is that the interventions of both national and international agencies make little reference to victims’ needs: analyses are perpetrator and violation centred, rather than victim centred.

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13 UNDP, Supra n.12 at 12.
justice in Nepal act on behalf of victims, rather than seeking to empower them to act themselves.

Both government and agency consultations with those most affected by conflict have been perfunctory\(^\text{17}\) and as a result transitional justice is seen as almost exclusively concerned with issues of accountability and judicial process. This contrasts with the range of victim needs that have emerged from ethnographic studies with a representative sample of families of the disappeared (see Section\(^6\))\(^\text{18}\). One consequence of a transitional justice advocacy that emphasises prosecution above all else is that all governments that have emerged since the start of the peace process, led by parties that were central to the conduct of the war (on both sides), have rejected transitional justice process in its entirety. Whilst the Comprehensive Peace Agreement that ended Nepal’s conflict contains commitments to create both a Truth and Reconciliation Commission and a Commission for Disappearances, in the five years since that document was drafted neither has been created.

**Needs of families of the disappeared in Nepal**

This study follows a significant project to understand the needs of the families of the disappeared in Nepal conducted by one of the investigators in recent years. This has been published both in Nepal\(^\text{19}\) and in academic journals\(^\text{20}\). The needs of the families of the disappeared cannot be generalised; they will depend upon family circumstances, education and economic situation. However, three types of response to an open question about priorities emerged far more frequently than others as needs:

- An answer about the fate of the Missing, the truth: “Is he dead or alive?”: often phrased as a need to know “the whereabouts” of the missing person (64% of respondents).
- Economic support, often phrased as “compensation”, or a demand for privileges regarding education, medical treatment and jobs for family members (62%).
- Justice, in terms of the punishment of those responsible (29%).

This appears to suggest that for most families the truth regarding the fate of their missing relative and economic support are of the highest priority: only a minority of families, notably the urban and the educated, mention justice as a priority. Other elements emerging from the needs study include:

- Families are reluctant to believe that their loved one is dead; 80% of those met show some degree of ambiguity about the fate of their missing relative. Even though there are culturally appropriate ways to perform rituals in the absence of a body, for most families the only conceivable proof of death is the body itself. The performance of death rituals without this proof is not acceptable: 83% of families require the dead person’s body.
- Having a missing relative makes a family poorer. A minority of households face challenges in feeding their families, and a small number of households with no economically active member have no alternative but to beg for food.

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\(^{19}\) International Committee of the Red Cross (2009) *Families of missing persons in Nepal: A study of their needs*. Kathmandu: ICRC.

\(^{20}\) Robins, Supra n.18 at 14.
- A majority of those met reported symptoms consistent with the impact of trauma, and a small minority were disabled by mental illness.
- A number of wives of the disappeared face extreme stigmatisation in their homes that has led to their being ejected by their in-laws, leaving voluntarily or continuing to live there in terrible conditions. In their communities the problems of the families of the disappeared are poorly understood; wives of the disappeared are often stigmatised for refusing to behave as widows are expected to.
- A minority of families have to contend with administrative issues, notably concerning the transfer of land or property, owing to the ambiguity of the fate of a head of household.
- While justice is not their first priority, families want those responsible for their relatives going missing to be prosecuted. In addition to the direct perpetrators, families hold informers, those who gave the orders and those at the political level responsible and believe they should be punished: any trials should be accessible to victims and should ideally be held in their local area.

Victims’ groups in Nepal

Efforts to engage victims in the transitional justice process have centred on the creation of victims’ groups. These have however to date been dominated by those created either by political parties in which only victims of one party to the conflict are represented or by human rights NGOs who prioritise their understanding of the goals of the transitional process and offer victims little agency. As a result the victims’ movement is fragmented, politicised and instrumentalised to serve the agendas of others.

Families close to the CPN-M first established an association of families of the disappeared in Kathmandu during the conflict, with the support of the Party. This group, known as Sofad (Society for the families of those disappeared by the state)21 brought together families to campaign for the state to inform them of the whereabouts of relatives and to release them where detained. Sofad also acted as a channel for economic support from the CPN-M to victim families.

Soon after the end of the conflict family associations were established in other parts of the country, often independent of any political party and trying to represent the victims of both sides. These were typically established by victims themselves, usually without any political agenda to both provide peer support and to advocate for action to address their demands. A typical example is that of the Conflict Victims’ Committee (CVC), established in Bardiya - the district worst affected by disappearances - in 2006 by a local schoolteacher. With some modest support from international and national NGOs CVC succeeded in mobilising almost all the families of the Missing in the district, organising protests and engaging with civil society in Kathmandu. Whilst all associations emphasise a campaigning agenda one of their most important roles has been to bring families with similar experiences together. In this way family associations offer emotional and psychological support services to families of the disappeared. However, even the largest groups, such as CVC, have failed to impact on the national agenda. This represents the failure of excluded rural people to successfully mobilise on their own terms around their own agenda and gain sufficient financial and other support to make effective advocacy. In contrast, efforts by well funded Kathmandu-based human rights agencies to create a national network of victims’ groups constitute a mobilisation on the terms of elites and marginalise many elements of the victim agenda. Whilst a national NGO, Advocacy Forum, has established a national victims’ group,

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21 It has since been renamed: Rajya Dwara Bepatta Yodhtha Parivar Samaj Nepal (Society of the Warrior Families Disappeared by the State, Nepal).
CVSJ (Conflict Victims' Society for Justice) it is not clear that this has a lot of contact with typical victims, or significance independence of AF: certainly its agenda appears to coincide with the NGO agenda, rather than victims’ broader needs.

The National Network of Families of the Disappeared and Missing (NEFAD), an initiative of families of the disappeared, aims to be an independent family-based association representing victims of enforced disappearance from across Nepal, including victims of both state and Maoists. NEFAD was created to act as a secretariat for the many independent, district-based associations, such as CVC, who individually lacked the ability to work with Kathmandu based donors or impact on policymakers or opinion makers in the capital. NEFAD is associated with 17 district family associations in all five of Nepal’s development regions, having a combined membership in excess of 700 families. RKB, one of the investigators of this project, is the national coordinator of NEFAD. His father was disappeared by the state in 2001, and RKB established a family association, the Committee for Social Justice (CSJ), in his home district of Lamjung in 2007. Both CSJ and NEFAD have been established to document violations and advocate for truth, justice, reparation and peace in Nepal, including revealing the whereabouts of those disappeared during the armed conflict. In contrast to rights agencies however, NEFAD also plans to support families with income generation, psychosocial support, and support with issues of health and children’s education. NEFAD aims to empower communities to create a social justice movement to advocate from the family level. NEFAD was founded in 2009 and has received limited financial and technical support: 2011 - 12 is the crucial period in which to establish itself sustainably. This project aims to support and study this process, constituting a vertical case study from the victim in the village to the impact of advocacy on the national authorities.
4. Victims’ Groups as Social Movements

The greatest challenge to the addressing of the needs of the families of the disappeared in Nepal is victim disempowerment, coming as they do largely from poor, rural and marginalised communities. The long histories of discrimination against the indigenous, lower castes and the poor by authorities who have benefitted from Nepal’s historic stratification and social exclusion, and the assimilation of these structures into an elite human rights practice in the country mitigate against a top-down solution for victim families. A process of mobilisation and collective action, a bottom-up approach, appears to be the only route through which victims of conflict have any hope of advancing their agendas. Such action cannot only impact on political agendas in the capital, but also target local impacts of violations, such as stigmatisation in families and communities. Here, victims’ groups will be discussed in terms of the theory and practice of social movements, to understand if victim mobilisation can be better understood in such terms, in ways which can inform the action of victims.

A brief history of victims’ movements

Victims’ movements, notably those of crime victims, have a long history in the developed world. Paralleling the goals of conflict victims in Nepal and elsewhere, such movements had the aim of ensuring recovery from victimisation, essentially seeking a more victim-centred approach in contrast to traditional understandings of both criminal justice and transitional justice that are perpetrator and violation centred: “A central emphasis [...] is that the emotional consequence of victimization and its aftermath is the most important dimension of the victimization experience.”

There is a modest literature discussing the movements of victims of conflict, but largely restricted to those few contexts where victims’ voices have been heard and where international attention has focussed: few are in low income contexts.

The victims’ movement in Argentina was typified by a campaign by families of the disappeared and a group called Las Madres de Plaza de Mayo, the Mothers of Plaza de Mayo. Their name derived from the public square in which they demonstrated, where they carried out weekly silent marches. Their campaign began during the time of the junta when disappearances were occurring, demanding the truth, and evolved to insist that the guilty be punished. Not only were the mothers a catalyst for broader movements demanding truth and justice for victims of political violence, but they served to challenge the very nature of the authoritarian regime and are thus also credited with playing a significant role in democratisation. Their success as a social movement was due to both their visibility and their networking, forging alliances with other groups, and playing an important role in changing the regime. The advocacy efforts of such groups demonstrate the confidence that can be given to a relatively small group of often disempowered individuals by the solidarity of shared pain and joint action. Bloomfield describes such mobilisation as permitting victims to move from “passive victimhood” to empowerment, as well as providing crucial healing through “suffering together”.

The only significant studies of the mobilisation of victims of conflict or political violence in an environment of social exclusion have been of the Khulumani

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22 Ibid: 328.
group from South Africa. Khulumani calls itself a “self-help survivor support group”, and was started in 1995 in South Africa in anticipation of the Truth and Reconciliation Commission (TRC) with the aim of supporting victims’ access to and interaction with the TRC. It has become a mass membership organisation, which describes itself as a social movement; one of its most significant aims is to give victims agency, exemplified by the slogan: “transforming Apartheid victims into victors”. The group was founded on the premise that encouraging people to “speak out” about the atrocities of the past was psychologically beneficial, but saw its remit far more broadly than this, advocating to keep the TRC process victim-centred and campaigning for reparations for victims. Local groups were encouraged so as to provide support at a local level, and a central office opened to coordinate these activities. Local groups also permitted counselling and support services to victims, with an emphasis on women. Networking was also important to Khulumani, as it forged partnerships with NGOs and others. As the TRC process has become less of a focus Khulumani has worked to ensure that victims become ‘active citizens’, constituting a movement not just for victims’ rights but for social justice more broadly. This most characterises how a victims’ organisation has different priorities from those of professionals engaged with issues of ‘transitional justice’; because a victim self-organisation is rooted in the everyday lives of ordinary people, it will emphasise those issues such as economic hardship with which they are confronted every day.Whilst continuing to be a broadly based social movement, Khulumani has seen its role evolve to meet the needs of its members as they change. One characteristic of the Khulumani approach is to “resist representation”, and to ensure that change is made by empowering and catalysing victims themselves, and not by others acting on their behalf. The nature of its members echoes that of Nepali victims:

The profile of its membership is characteristically that of disempowered individuals. Many do not have a strong history of political activism. They are largely barely literate, with a very limited exposure to political and civic organisational activism.

Khulumani represents the most successful mobilisation of victims of political violence. Most notably it seems to have addressed the issues of ensuring that mobilisation is at the local level, but maintaining both a central organisation and sufficient funding – all major challenges in Nepal.

Social movement theory and victims’ groups

Social movements as a form of group action have become the lens through which a vast range of political and social processes have been understood, credited with achieving progressive change and with being both a catalyst for and impact of democratisation. Interest in social movements has continued to boom and this study aims to use the broad theoretical frameworks that have been developed and the large

27 http://www.khulumani.net/
range of empirical studies to both understand the dynamics of the victims’ movement in Nepal and seek to exploit this understanding to support and invigorate it through an action research approach.

Social movements are generally understood as mechanisms through which those who are marginalised or otherwise disenfranchised can change the dynamics of power in societies where relevant reform or change is not forthcoming.

Tarrow defines social movements as “collective challenges [to elites, authorities, other groups or cultural codes] by people with common purposes and solidarity in sustained interactions with elites, opponents and authorities”.\(^{31}\) Della Porta and Diani have identified social movements as “involved in conflictual relations with clearly identified opponents; [they] are linked by dense informal networks; [and they] share a distinct collective identity”.\(^{32}\) Tilly defines social movements as a series of contentious performances, displays and campaigns by which ordinary people make collective claims on others.\(^{33}\) For Tilly, social movements are a major vehicle for ordinary people’s participation in public politics and he argues that there are three major elements to a social movement:

- Campaigns: a sustained, organized public effort making collective claims of target authorities;
- Repertoire: employment of the following forms of political action: creation of special-purpose associations and coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements to and in public media, and pamphleteering;
- Participants’ concerted public representation of worthiness, unity, numbers, and commitments on the part of themselves and/or their constituencies.

The more comprehensive definition of a social movement made by Tilly can be compared with the aims and activities of the most well organised victims’ group studied here, the Conflict Victims’ Committee (CVC), in Bardiya. It is clear that CVC makes collective claims – for compensation, livelihood support, judicial process and truth, among others – of the Nepali Government; they have also been trying, in the face of a lack of resources of all types, to make these claims in a “sustained, organised public” way. CVC itself constitutes a “special-purpose association” and has used all the tactics of the second point of Tilly’s definition. Public representation of the families of the disappeared is linked to concepts of framing and identity (see below), and will be analysed in some detail here. It is however clear that worthiness is a part of how families seek to represent themselves, notably as ‘innocent victims’ deserving of support, and for CVC, but not for all victims’ groups, united in their demands across the perpetrator divide (i.e. victims of both the state and the CPN-M). The issue of numbers is one of the more problematic constituents of the definition, since the number of families of the disappeared is small, less than 2,000 nationally, relative to Nepal’s population of around 30 million.\(^{34}\)

These definitions and understandings would seem to point to at least the potential for a victims’ movement in Nepal to become a social movement, in particular the idea that such movements aim to challenge elites in a collective cause. Victim


\(^{34}\) It is worth noting however that the total numbers of victims of the conflict is substantial (INSEC, 2007), and the number of families thus affected constitute a significant fraction of the population. There is thus the potential for a very broad based victims’ movement.
identity is central to their self-organisation, and the relationships they share in typically rural communities are close. Whilst the immediate agenda of victims’ groups is to address the impact of their victimisation, they also seek to challenge the structures that marginalise them and facilitated their becoming victims. Whilst such objectives are not prioritised in the short-term, they represent an ever-present subtext that reveals the ultimately political and transformative aims of such advocacy. Such goals coincide with the addressing not just of the impacts of conflict but also its roots in deprivation and social exclusion, and emphasise the links between empowering the marginalised and peacebuilding.

Groups that represent victims’ efforts to mobilise provide avenues for citizens to participate on their own terms in advocating for approaches to legacies of violence that address their needs. This study thus represents an effort to explore the politics of knowledge in transitional societies and ask how non-elite understandings of the priorities of transition can be made to impact on policy. In a society such as that of Nepal, largely defined by exclusion, such mobilisation offers one of the very few routes to citizen engagement with any aspect of governance. The questions the study will address, in the context of social movement theory, include the following:

- Who mobilises and who does not, how and why?
- What are the patterns of experience, profiles and identities of activists?
- How are activist networks constituted, and what diverse forms do they take?
  What forms of identity, representation and processes of inclusion and exclusion are involved?
- What forms of knowledge - including values, perceptions and experiences - frame these public engagements and movements?
- Within what spaces do debates take place, and what resources are drawn upon?
  How do victims and ‘experts’ of various kinds interact in processes of mobilisation?

This represents the first such effort to understand the mechanics of the mobilisation of conflict victims and their relation to the competing epistemologies that drive efforts to deal with the past in post-conflict societies. The study will both expose the connections between knowledge and power that define the shape of transitional justice processes and suggest routes to the empowerment of victims in such processes. It will also investigate the arenas in which these struggles occur, in particular the gap between the legal spaces addressed by the human rights discourse and the social spaces in which violations occur and in which those seeking to recover from conflict live.
5. METHODOLOGY

Participatory Action Research as a tool for change

This study aims not just to understand victim perspectives but also to produce knowledge that can serve victims. It seeks to challenge approaches to victims that emerge from narrow and unrepresentative elites, either national or international. An explicit aim of the research is empowerment through mobilisation and this drives the action research modality. This study thus aims not to be a dispassionate study of a disempowered group in the anthropological tradition, but to actively engage with the ‘subjects’ of the research, placing the research in the young tradition of “critically engaged activist research”. The research seeks to contribute by addressing the politics of knowledge production in post-conflict societies and to “decolonise” the relationship between the researcher and the researched. Rather than seeking to avoid the tensions inherent in ethnographic research on human rights, such collaborative research merges activism and cultural critique, making them a productive part of the process. We begin from the understanding that “non-elites [...] are very often important human rights theorists”.

In the development context participatory approaches have been successful in not only understanding phenomena (and human needs) from a grassroots viewpoint, but in developing solutions to address them:

[Participatory research focuses on a process of sequential reflection and action, carried out with and by local people rather than on them. Local knowledge and perspectives are not only acknowledged but form the basis for research and planning.]

Such approaches have not however been widely used in conflict and post-conflict contexts. This methodology allows the researcher to work with victims to understand their needs for action holistically, contextualised in everyday life and situated in the environment from which such action must come. Participation has been framed as part of ‘rights-based approaches’, where participation itself is seen as a right, and participatory process as restoring agency to the traditionally disempowered. Additionally, it is one of rather few approaches that allow the voices of victims to contribute to the debate about dealing with the past in post-conflict contexts: participation echoes the need for transitional justice process to be more inclusive and can act to initiate such modes of action. Such an approach has been articulated as “transitional justice from the bottom up” and a need to “…explore ways in which [...]”

37 Ibid.
42 e.g. Cornwall, Andrea (2002), Locating citizen participation, IDS Bulletin 33(2).
From victims to actors: Mobilising victims to drive transitional justice practice

Institutions of transitional justice can broaden ownership and encourage the participation of those who have been most directly affected by the conflict.

Ensuring victim agency in the research of this study also serves to begin a process of countering victim exclusion and marginalisation, “forged with, not for, the oppressed (whether individuals or peoples) in the incessant struggle to regain their humanity.”

The participatory methodology used here aims to support mobilisation of victims that can sustain victim input to such process and lead to a victim-centred transitional justice: it thus has the twin goals of researching victims’ mobilisation and actively working to support it through a critical activist engagement. The research is intended wherever possible as an exercise in knowledge production on the terms of the researched, with victims and their organisations determining what was studied, and how, and what was done with the output. As activist collaborators and facilitators, the researchers can enable the research, ensure it is disseminated to decision makers locally and use the data collected for academic purposes. Whilst an unequal power relationship between the researchers and the researched persists, the process aims to serve victims on their own terms and minimise ethical dilemmas. The long-term relationship between the researchers and victims’ groups amounted to a prolonged process of negotiation of the obligations of the researcher, in analogy to the concept of “iterative consent”, ensuring accountability to the researched.

The research exercise has a number of aims, including to:

- Facilitate contact between leaders of victims’ groups and their members, which is often limited by a lack of resources for travel, in ways that allow the leadership to be more responsive to their members;
- Permit ordinary victims to articulate their needs and demands of their local victims’ groups and to articulate any reasons why they are less active with it;
- Understand perceptions of the representativeness of the leadership in the eyes of victims;
- Understand the constraints on victim mobilisation in ways that permit victims’ groups to mobilise more effectively;
- Document the constraints on victim mobilisation in ways that allow their presentation to donors and others in Nepal in a position to support victims’ groups;
- Publish research that addresses general questions as to how victim mobilisation in low income states after conflict can best be facilitated to support peacebuilding.

The methodology outlined here seeks to allow the addressing of both the issues that address the concrete work of the victims’ groups in Nepal and advances the research goals.

Since advocacy is one of the primary aims of both the project and the family association, this was a major component of the project. The participatory analysis of data from the three district based ethnographic studies formed the basis of a media strategy in each district targeting local authorities and civil society, developed by each district association at meetings towards the end of the project. This final report will be


launched nationally with the presence of both family associations from around the
country and those elites who are the target of the project, with the aim of both raising
the profile of NEFAD generally and of disseminating the results of the study. The aim
is to ensure that the limitations of elite-based mobilisation, the challenges faced in
victims’ self-mobilisation, and the needs of victims of mobilisation are understood as
widely as possible. The researchers and family associations will accompany the launch
with journalism in both English and Nepali language media. Additionally regional
launches are planned in three development regions (Mid-west, West and Central).

**A victim-driven ethnography**

The principle research methodology of the study is qualitative, using ethnographic
research methods in a participatory way with conflict victims. Ethnography necessarily
emphasises the local and the particular, revealing the empirical complexity that can
demonstrate the inadequacy of approaches that seek to be global in their scope. The
novelty of this approach is that the victims are themselves ethnographers in this study,
understanding the needs and challenges of mobilisation of other victims from the
perspective of their own lives. This constitutes a participatory ethnography of families
of the disappeared and their organisations: data is collected by victims from their peers
and analysed jointly by the researchers and victims.

Members of victims’ groups, including the leadership and those most active in
the groups, were trained in semi-structured interview methods and the facilitation of
focus group discussions over a period of two days, and invited to prepare their own
research instrument, a semi-structured interview script, based on one prepared by the
researcher (see Appendix I). The aim was to create ‘peer researchers’, with the intention
that this process constitutes an engagement of the leaders of victims’ groups with their
members and local victims in their districts, formalised by the use of research
techniques, such as a semi-structured interview. The exact topic and nature of the
research instrument is determined by the peer researchers, but it is clear that it will
revolve around strengthening the action of the concerned victims’ groups. The content
of the interviews and focus groups is determined, with some guidance from the
researchers, by the peer researchers. The contact between leaders of victims’ groups and
ordinary victims, often constrained by limited resources, is intended to be a route for
victims to articulate their attitude to and demands of the victims’ groups, and their
constraints in being a part of it, in ways that increase the ability of the leadership to
represent victims. It also serves to collect the data will drive the research component.
Following the training, peer researchers were equipped with voice recorders and invited
to develop a sampling frame from which to choose victims to be interviewed
individually and in focus groups.

The qualitative study was conducted with family associations in three districts,
two with established family associations and one where a group has more recently been
formed. These are summarised in Table 1. This selection of victims’ groups aims to
represent the range of such associations that exist, in terms of geography, ethnicity of
victims, and size and capacity of the association.

A group of 4-5 victims, in most cases those involved with the leadership of the
family association but selected to ensure representativeness by gender, caste and
ethnicity, were chosen by the victims’ group to serve as peer researchers. A two day
workshop introduced these researchers to concepts of semi-structured interviews and
discussed in a participatory way the aims of the interview process. The goals of the
study and the nature of the interviews were determined by those victims engaged in the
research, with the support of the association leadership. The peer researchers then
spent several weeks travelling in their district interviewing families of the disappeared.
Sampling was from existing lists held by the associations, including both active
members of the family associations and those who play little or no role: a total of 20-40
families were interviewed in each of the three districts, with others met in focus groups.
Table 1 District family associations where qualitative research was conducted

<table>
<thead>
<tr>
<th>District</th>
<th>Family association</th>
<th>Date founded</th>
<th>No. members</th>
<th>Location</th>
<th>Ethnic / caste status of victims</th>
<th>Status of family association</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bardiya</td>
<td>Conflict Victims’ Committee (CVC)</td>
<td>2006</td>
<td>200+</td>
<td>Mid-west Terai</td>
<td>Tharu(^{46}) (80%)</td>
<td>Strong, but largely unfunded;</td>
</tr>
<tr>
<td>Lamjung</td>
<td>Committee for Social Justice (CSJ)</td>
<td>2007</td>
<td>28</td>
<td>Western hills</td>
<td>High caste; some indigenous</td>
<td>Small but strong</td>
</tr>
<tr>
<td>Sunsari</td>
<td>National Network of Families of the Disappeared and Missing (NEFAD)</td>
<td>2010</td>
<td>23</td>
<td>Eastern Terai</td>
<td>Most Pahadi, some Tharu &amp; Madhesi</td>
<td>Still establishing itself</td>
</tr>
</tbody>
</table>

The topics of discussions in the template interview instrument (Appendix I) included:

- The experience of victims and their perceived identity, both as victims and in terms of ethnic/caste/gender roles: the aim will be to understand the totality of the impact of disappearance on identities that can constitute a basis for mobilisation;
- Attitudes towards the family association, and reasons for participation or non-participation;
- Perceptions towards leadership of associations, understanding of representativeness: who leads such groups, who represents whom, and how?;
- Perceived goals for the family association, needs of mobilisation including solidarity and access to services;
- Constraints on particular victims taking a leading role in the association;
- Victim needs for local intervention at family and community level.

The recorded interviews were transcribed and translated into English by research assistants; in most cases transcriptions were not used by the victims’ groups, who analysed data based on their experience of contact with victims and their own notes.

**Interviews with elites**

Elites control the transitional agenda, including those in Government, and others who have significant influence over it due to their position and resources, such as UN, INGO, NGO and donor agency workers. A group of such individuals drawn from relevant Government departments (notably the Ministry of Peace and Reconstruction), political parties, donor bodies, the UN and from both national and international human rights agencies have been interviewed to understand their views of the priorities of

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\(^{46}\) The Tharu are the largest single indigenous group in Nepal’s Terai plains and constitute a majority in Bardiya.
families of the disappeared, to determine the extent to which they understand what victims seek. In general, the elite interviews took an organic form, with questions building off responses to previous questions. As such, the only question repeated in each interview was “what are your perceptions of victims’ agendas”. At times, responses to this query took a more personal view and at others they were framed within the organisational structure under which that particular interviewee was operating. The interviews would proceed from that response in a number of directions, sometimes leading more towards organisational programming and efforts on the disappearance issue, and sometimes in more of a political direction with discussion concerning political leaders and parliamentary legislation pertaining to the issue of disappearance.

The interview transcriptions were coded by question and topic. Responses were categorised, with particularly indicative quotes being highlighted that show the views and perceptions of both the elites being interviewed and the organisations that they represent. Upon completion of the categorisation of quotes similar categories were combined into clusters that are indicative of a larger set of questions and answers that appeared throughout the interviews. For example, cluster 1 is Agendas; any question pertaining to agendas, be it the agendas of victims, the interviewee or the interviewee’s organisation were combined into this category. This allows us to better compare the perceptions of victims’ agendas within organisations alongside the programming measures that they have in place with regards to disappearances. This process was repeated with the resulting categories “Law and legalistic approaches to Transitional Justice”, “Rights – Social, Cultural, Political, Civil etc”, “Transitional Justice” and “Politics and the politicisation of enforced disappearances”. Overall, 23 interviews were made. The study was hindered by the willingness of organisations to be interviewed – for example the World Bank, DFID, GIZ and the German Embassy were all asked for an interview, but declined.
6. **RESULTS: THE MOBILISATION AGENDA**

**Summarising the peer research**

It is the nature of a study such as this that, because the peer researchers will pursue their own research agenda and can be only guided by the investigators there will be a degree of diversity in the way studies are made, in terms of sampling, interaction with respondents and nature of topics investigated. This is an inevitability of research that seeks to empower victims’ groups and allow them to investigate the agendas that they prioritise. Here the exact approach taken in each of the three districts will be discussed, and the nature of the sampling introduced.

Those met (in terms of ethnicity, gender and relation to the Missing) in each of the three districts are summarised in Table 2. In total 60 of the 80 interviewees were women, predominantly the wives and mothers of the Missing.

<table>
<thead>
<tr>
<th>GENDER</th>
<th>BARDIYA</th>
<th>LAMJUNG</th>
<th>SUNSARI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>33</td>
<td>16</td>
<td>11</td>
<td>60</td>
</tr>
<tr>
<td>Male</td>
<td>7</td>
<td>4</td>
<td>9</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ETHNICITY</th>
<th>BARDIYA</th>
<th>LAMJUNG</th>
<th>SUNSARI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brahmin / Chhetri</td>
<td>8</td>
<td>17</td>
<td>11</td>
<td>36</td>
</tr>
<tr>
<td>Dalit</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Hill Janajati</td>
<td>-</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Terai Janajati (Tharu)</td>
<td>30</td>
<td>-</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>Madheshi</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RELATION OF MISSING</th>
<th>BARDIYA</th>
<th>LAMJUNG</th>
<th>SUNSARI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Husband</td>
<td>27</td>
<td>7</td>
<td>4</td>
<td>38</td>
</tr>
<tr>
<td>Son</td>
<td>8</td>
<td>7</td>
<td>7</td>
<td>22</td>
</tr>
<tr>
<td>Father</td>
<td>-</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Daughter</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>-</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VICTIMS MET</th>
<th>BARDIYA</th>
<th>LAMJUNG</th>
<th>SUNSARI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
<td>20</td>
<td>20</td>
<td>80</td>
</tr>
</tbody>
</table>

Table 2 Family members of the Missing met by peer researchers in the three districts.

This table reveals the variety of ethnic mix in the concerned districts, dominated by the Tharu in Bardiya, by higher castes in the hills of Lamjung, and mixed in the Terai district of Sunsari, where almost all families affected have migrated in the last few generations. The total numbers met in each district reflect both the numbers of victims, their accessibility and the depth of organisation of the concerned Family Association. CVC Bardiya is well organised and established, and has good access to victim families of which there are more than 250; in contrast in Sunsari there are fewer victim families, they are widely dispersed and the Family Association has only recently been formed. In Lamjung there are also fewer families and the hilly geography and lack of roads makes access difficult. In all districts there was an emphasis on meeting the wives and parents, predominantly the mothers, of the Missing, reflecting an understanding of those on whom disappearances most impact.

The year the concerned relative went Missing is shown in Figure 1.

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47 In one case the mother and father of a missing man were interviewed together; they are included here.
The set of questions asked of families during the peer research process was determined during the two day training session that preceded it, with researchers in each of the three districts making their own selection of topics of greatest interest to them. In terms of the focus of the peer interviews, it is clear that interviewers (and perhaps those being interviewed) felt it more important to discuss external challenges and constraints, rather than those that arise internally, within the family association. There is also evidence that the obvious emphasis of victims on their needs was a focus of peer interviews.

![Figure 1 The (Nepali) year in which the concerned person went missing, according to family members.](image)

**Bardiya: CVC**

CVC leaders sought to understand from victims what they wanted from the government, NGOs and from CVC itself, so as to more effectively represent them. They wanted to understand how CVC could be strengthened and what victims’ saw as the goal of mobilisation. The sampling aimed to be representative, with those to be met chosen by committee members from throughout the district, and including a range of relatives. A list was made and then those family members interviewed. Focus groups were made with peer groups, chosen according to their relationship to the missing (i.e. groups of wives, mothers etc.). A team of four active CVC members travelled the district and conducted two interviews per day.

The CVC leadership and the peer researchers also saw the value of the study in aiding the association to ‘reach out’ to families: as long as CVC has few resources or projects that actively engage with families, any opportunity to fund them to travel around the district and meet families is welcomed. This was demonstrated by the great success of the August 30th programme for the ‘Day of the Disappeared’, that was held in Gulariya, the district HQ, following the bulk of the research described here.

**Lamjung: CSJ**

In Lamjung CSJ attempted to meet as many of the 28 families of the Missing in the district as they could. Interviews were conducted by a four-person team. Each interview lasted from one hour to 90 minutes, with only a fraction of the interview recorded since it often took time for the interviewers to understand the nature of the response sought. The interview team asked about the details of the cases of missing persons, and the demands and expectations of the families.
Families still had hope that they could achieve some of their goals, either in terms of the victim returning or of a body being found, or of receiving support. All families knew CSJ and saw it as a body that could report their issues to the authorities. Many families had been close to the Maoist party, but had ceased to trust the party as seeking to address their issues and wanted CSJ to help. They sought that CSJ brought programmes not only to the district headquarters, but to the villages where families live: it was perceived that contact is important among families even if it brings no direct benefit. This confirms the priority given to the psychosocial support of solidarity and sharing. Families suggested that ideally they would seek to meet together on a monthly basis, but this would only be possible with financial support. Families were asked about how this was possible particularly in a hilly district such as Lamjung, where families are spread throughout the district and often far from roads. It was seen that even to arrange a meeting of family members travel is necessary, since most families do not have access to phones. The model of Sunsari, where one person travels to meet all families (see below) was suggested as a substitute for regular meetings, and this was seen as better than nothing, but less useful than all coming together.

It was seen that advocacy that begins with ordinary families was possible through mobilisation at the local level, but that this demanded a link to the central level where advocacy must have its impact. This demanded a regional and national structure, and families demanded that a plan be made to facilitate this. They also wanted to be educated in both the process that was ongoing or proposed in Nepal and their rights as victims of the conflict: they saw this as providing them with a platform from which they could participate in processes to address legacies of disappearance.

**Sunsari**

The district association in Sunsari, calling itself NEFAD, is in the process of developing, and exists largely due to the efforts of one family member, who has worked to meet with as many of the families of the Missing in the district as he can. He led the study with colleagues: one other man and two women, all from rural areas, and including Madeshi, Janajati and Brahmin/Chhetri representatives. Because those leading the district association did not yet know all families in the district, this was an opportunity to be supported to meet them and to understand their needs and goals of mobilisation. This was most importantly however an opportunity to build relations with families who had previously been isolated. The 20 families met came both from Sunsari and neighbouring districts of Morang and Jhapa, serving to potentially create the basis for either a multi-district association or new district groupings. To some extent this was a household survey of 20 families, seeking to understand how they have been impacted by disappearance.

When the peer research was complete, a first regional meeting was held in Sunsari bringing together not only families from Sunsari, Morang and Jhapa, but also from the Terai, hill and mountain districts of Dhankuta, Sankhuwasabha, Bhojpur, Udaypur, and Siraha.

**Priorities of families of the Missing**

Interviews gave ample opportunity for family members to articulate their priorities in terms of action to address the impacts of having a missing relative. Table 3 summarises what families articulated as their goals or the needs to be addressed arising from disappearance.\(^{48}\)

\(^{48}\) Note that families typically mention more than one issue, and as a result this table sums to more than 100%.
Table 3 Issues identified during interviews arising from disappearance, where families typically mentioned more than one issue.

<table>
<thead>
<tr>
<th>Goal / Need</th>
<th>% Mentioning This</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic issues / poverty / livelihood</td>
<td>79</td>
</tr>
<tr>
<td>Truth about their family member</td>
<td>73</td>
</tr>
<tr>
<td>Prosecution of perpetrators</td>
<td>33</td>
</tr>
<tr>
<td>'justice'</td>
<td>25</td>
</tr>
<tr>
<td>Social issues, such as stigma</td>
<td>23</td>
</tr>
<tr>
<td>Emotional pain / trauma</td>
<td>13</td>
</tr>
</tbody>
</table>

Quotations from family members from the peer interviews reinforce these priorities:

When my husband disappeared, I have faced many problems in family life. Being a young woman, I have been facing several problems in family, in society and culturally. The ritual matter, property matters, and other family business are disturbed because of missing. It is hard to maintain children’s education, when family members become sick, face health problems. I used to work on a daily wage basis to survive. Economic problems are the main challenges in everyday life. (BS014)

It is very painful to live without information about a disappeared father. We are victimised everyday through various challenges, economic and social problems that we face in our daily livelihood. We are not politically active; as women we are facing many unwanted problems in the village. Missing a head of family is a big suffering and a big loss in the whole of family life. (BL012)

The status of disappearance should be publicised and I want to know why, where and for what reasons my son has been killed. [...] Martyrs’ families have got information about their members and did funeral rites but the families of the disappeared don’t have any information as to whether their members are alive or dead. (BB016)

These data suggest that issues of livelihood, truth about the missing person and retributive justice are the most important to families, in that order. This confirms previous studies about the range of needs families articulate; social and emotional issues remain important despite being largely absent from the transitional justice agenda: 32% of all women mentioned that they had suffered stigma or discrimination arising from the disappearance, due to their gender. How such agendas are and could be articulated by victims’ groups is discussed in the light of these data in Section 6.

Families’ responses to the study

Families had a range of responses to the study which in themselves served to demonstrate their actual and desired relationship with the family associations. In Bardiya for example they affirmed that CVC was ‘correct’ in its understanding of families’ issues and that families believed that the association did advance their agenda.

49 Robins, supra n.1 at 8.
Families saw the study as an opportunity to learn more about the associations, which in some districts were considered remote and largely confined to the district headquarters. There was however room for the peer researchers, and thus the association leadership, to learn from the study with some raising issues which had not been high on the agenda of FAs previously, including:

- The social context of disappearances and its impacts: including the problems in family and community that it either created or exacerbated;\(^{50}\)
- The socially embedded reasons for disappearances occurring, revolving in Bardiya for example mostly around the relationships between Tharu tenant farmers and caste Hindu landlords;\(^ {51}\)
- The fact that all issues have a personal and emotional component that is often invisible when approached with the discourses typically used to understand disappearances. In Lamjung, this was emphasised with interviewers being confronted with the extreme situations many wives of the Missing found themselves in, alone and with no means to support themselves and their families.

The last of these was a lesson that demonstrably impacted upon those from the family association who had met these women. In one case a woman had been accused of witchcraft and as a result had been “fined” by the local community, 80% of the NRs100,000 she had received from the state as an interim relief payment. In some cases it was precisely such women, often the least empowered and educated, who were suspicious of the study and complaining that while there have been many programmes focussing on the Missing issue, nothing has changed in their situation. This demonstrates the need for education and empowerment at the grassroots to be an integral part of any mobilisation process, such that these women can cease being the objects of study and of government programmes and instead become subjects who can contribute to transitional justice in Nepal.

Those who were aware of the transitional justice process in the country also saw the family association as a budding link to potential mechanisms based largely or wholly in the capital, including the proposed TRC and the Commission on Disappearances. Some family members asked if data collected by family associations can be formally passed in some way to the Disappearance Commission, and this again emphasises the potential importance associations have in communicating information not just from the Commission to families, but also in the other direction, to ensure that the Commission is aware of the situation and demands of families. There was almost no awareness of the ongoing discussion among Kathmandu civil society about the prosecution of those accused of involvement in disappearances and other violations of the conflict.

**Mobilisation and Family Associations**

**The aim of mobilisation**

The primary aim of mobilisation was clearly identified as activities that advance the addressing of the needs of the families of the missing, as outlined in Table 3. These needs were seen to coincide with earlier studies of needs in that they emphasised livelihood and the need for an answer concerning the fate of loved ones: in both cases

\(^{50}\) Whilst the problems of stigmatisation and a highly reduced status, particularly for women, have been investigated in Nepal (Robins, 2010), it is still likely that they have not been taken on board fully by family associations led primarily by men and often with a focus on the fate of the missing and the economic needs of their families.

\(^{51}\) Robins, supra n.15 at 13.
advocacy was considered the path to address these issues, with an additional role for family associations in finding resources to support families, financially and otherwise.

Family organisations should raise their voice to make pressure and work for justice. By the means of interaction, discussion and training, this organisation should develop confidence in the victims. (BB005)

If we can collect resources, we can also help needy families in different ways to support on health, income generation and psychological healing. (BL019)

Families also discussed the value of solidarity and support through contact with other families of the Missing:

The programmes should be organised in villages, also continuing visiting family members in villages to make relations stronger and more active. We have pain, when we share with friends and family members with similar pain, this helps us reduce our pain and exchange experiences. We can help each other at the family level. (BS013)

Families saw the FA as a source of information about the ongoing transitional justice process and a source of concrete advice about potential benefits and services, and saw the FAs as different from other agencies.

FA should visit family members, empower them for their rights, this is also important to understand whole process. Information has important role, without information we do not understand the process, FA can play positive role on this to mobilise families for our own campaign. I have no trust with other organisations, they come and ask some questions, then never come back. We have to make our organisation strong, others cannot represent us all the time. (BL015)

Actions of FAs sought by families and mentioned in interviews are summarised in Table 4.

<table>
<thead>
<tr>
<th>ACTION SOUGHT</th>
<th>% MENTIONING THIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocacy</td>
<td>29</td>
</tr>
<tr>
<td>Information / awareness raising and education</td>
<td>24</td>
</tr>
<tr>
<td>Higher level of activity</td>
<td>23</td>
</tr>
<tr>
<td>Solidarity / Psychosocial support</td>
<td>20</td>
</tr>
<tr>
<td>More interesting meetings</td>
<td>16</td>
</tr>
<tr>
<td>Livelihood support</td>
<td>14</td>
</tr>
<tr>
<td>Regular contact / consultation</td>
<td>11</td>
</tr>
</tbody>
</table>

Table 4 Interviewees demands for action from FAs.

A family member from Sunsari summarised his aims for the local FA and through this the creation of local, regional and national structures that can articulate families’ needs and communicate them to a wider audience:

I believe in this organisation, we need to have our own representative FA to voice our demand. NEFAD is playing a positive role and empowering family members through visiting every household, this is good. NEFAD provided a
chance to meet other family members for the first time, I was very happy to participate in programs and we have to continue this kind of activity in future. I trust that it will represent our agenda and convey this family message to the concerned authority in Kathmandu. Information about process of justice, relief and FAs are important to us, so we can understand more in the campaign. We need to strengthen our campaign ourselves. NEFAD should collaborate with other organisations like ICRC, INSEC and Red Cross who are supportive to us, and frequently visit us in our family. Meetings and discussion are to be organised on a regular basis. I believe NEFAD can help to address our problems through bringing all families together from villages to the national level. (BS020)

Solidarity and peer support

There was also a space for local action for victims to support each other. The solidarity provided by participation in a local victims’ group has been demonstrated in studies of the work done in Bardiya by the ICRC, where wives and mothers of the missing were brought together in support groups with a facilitator, and confirmed here by victims.

There are many families with similar pain, so I share my feelings and suffering to help heal each other, that helps us. (BL010)

We share similar concerns within FAs, it helps to reduce pain and brings solidarity. (BL005)

I share my problems with friends. When I am alone I think that I am the only victim in the world but when I see and meet other victims then I satisfy with myself. All the victims have more or less the same problems and sorrows. (BB028)

The role FAs can play in supporting women in particular and in changing attitudes in the community that lead to stigmatisation emerge clearly from the data.

Issues of identity and collective action also permit an examination of psychosocial benefits of collective action that are neglected in social movement theory. Giving meaning to one’s extreme experience of conflict is a process of affirming identities and meanings that may be understood differently by others (e.g. as wife or widow, mother or childless) as a result of the ambiguity of disappearance. The act of coming together collectively constructs concrete meanings that increase the ability to cope, and so even where the advocacy goals of a movement fail to be met, participants can benefit hugely simply from the solidarity and support it offers. Peer support can empower the most disempowered, particularly women, to make demands of families and communities that they are otherwise unable to. The isolation that political violence creates as it traumatises victims can be countered by the collectivity of social movement action.

Attitudes towards Family Associations

Many families made strong statements about their interest and trust in their district FAs, and their hopes that they could play a major role in addressing the range of their

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needs. Table 5 shows the engagement of families met in peer interviews with their local FA, and their attitude towards its leadership.

<table>
<thead>
<tr>
<th>ENGAGEMENT WITH FA</th>
<th>NUMBER</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active</td>
<td>27</td>
<td>34</td>
</tr>
<tr>
<td>Have contact</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Not aware / not participating</td>
<td>12</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTITUDE TO LEADERSHIP</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership good</td>
<td>44</td>
</tr>
<tr>
<td>Leadership bad</td>
<td>2</td>
</tr>
</tbody>
</table>

Table 5 Engagement with and attitude towards the local FA for all those met in peer interviews.

This reveals that only a third of family members are active in their local FA and that 15% were unaware the FA existed. (Which in itself justifies the outreach work of this study.) Of those who described themselves as ‘active’, all but 4 came from Bardiya, where CVC is well established; of those who were unaware of their local FA, or not participating, the vast majority were from Sunsari, where the FA is establishing itself. Improving mobilisation will depend upon understanding the perspectives of those who are aware of the FA but choose not to be a part of it.

CVC is well perceived by most victims in Bardiya:

- This organisation had made us united and started to make pressure. CVC organisation collects the information on the activities about victims and inform us. This organisation listens to our problems and demands.
- Representatives of this organisation leads us but we people could not involved like this organisation and only weep. They believe that the representatives of this organisation provide good leadership. Their behaviour is very good. They bring information for us and talk about new improvements. Victims are happy with the family association CVC. (BB001)

In Lamjung and Sunsari, many family members expressed their support for their FA, but were concerned that it was not active:

- Organisations come and go but do not support us on a regular basis. I believe that our family agenda can only be carried by our people, our capable leaders can lead it well. I believe in the importance of FAs, this will help to find our missing people. However, there are very limited programmes and not much activity these days. (BL001)

Some made the point that as long as poverty is ever present, it is difficult for victims to devote time to participate in FA activities:

- I think FAs are passive at present, without hope. How long can we go on like this? People have daily problems and so cannot participate even if they want to join programmes. However we need FAs to support us and play a role to advocate for our concerns, otherwise other people will not represent us. I have no idea that how we could mobilise meaningfully, we need to come together under the FAs to make our role positive and make our voice strong. We need regular programmes to empower ourselves and I would like to participate in coming programmes. We need small scale assistance to the
family members then we can develop ownership and respect to the FAs. (BL011)

I know CSJ invited us many times in meetings and discussion, but they did not help financially. They discuss about our problems but do not solve them. I don’t understand human rights, I understand my problems and getting support, but I am not getting practical support from FAs. (BL015)

The concept of FAs as a tool of empowerment was repeated by many and is discussed in Section 8, alongside issues of representation and empowerment.

There was concern that many activities were in district HQ and thus difficult to access for those in the villages: 11% of interviewees said that the FA was not present, or not meeting, in their community. There was a desire to see activities decentralised such that they take place where victims live.

**The impact of Family Associations**

That FAs can have an impact, even where their resources and activities are rather limited was made clear, most notably from Bardiya where CVC was perceived by families to have been effective, as seen in Table 6.

<table>
<thead>
<tr>
<th>IMPACT OF CVC</th>
<th>% MENTIONING THIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gave livelihood support</td>
<td>78</td>
</tr>
<tr>
<td>Listens to victims</td>
<td>55</td>
</tr>
<tr>
<td>Provides information / Helps us to understand</td>
<td>53</td>
</tr>
<tr>
<td>Links us to other organisations</td>
<td>38</td>
</tr>
<tr>
<td>Reduces victims’ stigma</td>
<td>20</td>
</tr>
<tr>
<td>Unites victims</td>
<td>18</td>
</tr>
<tr>
<td>Pressures authorities</td>
<td>10</td>
</tr>
</tbody>
</table>

**Table 6 The impacts that the Bardiya FA, CVC, was perceived to have had by victims met in peer interviews.**

That livelihood support is most valued is reflected in the large majority that mentioned this as an impact of CVC’s action. CVC was seen as listening to victims and linking them to other organisations that can address their needs or advocate on their behalf. This reflects a common understanding that other agencies, notably the Kathmandu based human rights organisations do not have significant contact with families and do not represent their agendas (see Section 6)

There is an Advocacy Forum and some other human rights organisations but they are not working satisfactorily. (BB012)

This organisation [CVC] provided four thousand [rupees] to each victim family for vegetable farming; it works as a bridge in the discussion between victims and other big organisations. (BB001)

Some of the livelihood benefits of the FA were not direct but gained by CVC linking with organisations providing assistance to victims.

In their communities FAs can play a very significant role in addressing the social issues to which many victims, especially women, are subject. FAs have successfully addressed issues of isolation and stigma:

NEFAD is visiting now as family representative, to understand our problems; you have to continue this type of activity. This is important to
understand and share problems between family members. NEFAD activities are attractive, it has invited us to interact and share in a group. I am happy to participate and join this campaign. Before I was living in isolation, I used to feel alone, now I feel that I have many friends and families like me and have hope that the network will assist me when I face problems in life. This gives me strength and courage. I want to be an active member of the FA if it works for families of the disappeared. (BS015)

We believe in CVC. This organisation has helped rural people to understand the activities for the victims. In comparison to the past there is decrease in hatred because they understand the problems of the victims. (BB001)

Ongoing work in Bardiya suggests that impacts go beyond the emotional, with women gaining confidence and community attitudes perceived as impacted:

These days' people from the community treat us well, as they used to speak less before. Now, we also speak with them and sometimes they ask where are you going and encourage us that go and you will learn more things. [...] They have understood our problems, behave well and help us when we are in need. [...] We believe that because of the programme the attitudes of community people have changed. (BF011)

CVC has also been remarkably successful in bringing victims together across the perpetrator divide, aiding families to understand that the needs they share can provide a greater connection than their often divergent politics. In one interview it was suggested that the work of organising families in FAs is itself a part of building peace:

The [victims’] network is reconciling us together: it is a peace and reconciliation process. (SS004)

This suggests that FAs can constitute the grassroots complement to any process, such as a Truth and Reconciliation Commission, which will work in the capital and likely remain remote from most rural victims. CVC has explored taking such work further, through what it calls ‘social harmony discussions’, where CVC led community discussions about the legacies of the conflict in communities, with the support of traditional leaders. This work has however remained constrained by limited funding.

In summary, victims have seen that an organisation like CVC can make a real difference in the lives of families of the Missing in their communities, but are less effective at impacting on national agendas through advocacy work. To do this effectively, the district-based FAs need a national structure through which they can raise their voices: advocating for this and for greater support for districts victims’ groups are principle aims of this study.

Mobilising victims

Victim identity and collective action

[A] strong identification with a collectivity makes participation on behalf of that collectivity more likely.53

Victimhood does not emerge naturally from the experience of being harmed, but is constructed socially and subjectively, with a range of factors determining who will be

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 accorded victim status. In the traditional societies in which most of the families live, these are necessarily local processes that reflect the social worlds of victims. It is hoped that the data of this study can serve to underline how victims are never only victims, and that the families of the disappeared live with both legacies of other impacts, potentially as severe as that of the conflict, and with resources within themselves, their families and communities that can aid resilience and recovery. Efforts will be made to understand how victims perceive their identity and how it can be harnessed in support of the mobilisation project.

In peer interviews, family members were asked how they perceived themselves (see questionnaire in Appendix I); the results of this are shown in Table 7.

<table>
<thead>
<tr>
<th>PERCEIVED IDENTITY</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim</td>
<td>79</td>
</tr>
<tr>
<td>Woman</td>
<td>35</td>
</tr>
<tr>
<td>Political identity /</td>
<td></td>
</tr>
<tr>
<td>Family of martyr</td>
<td>10</td>
</tr>
<tr>
<td>Ethnic / caste</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 7 Identity expressed by family members in peer interviews.

An overwhelming majority identified themselves as victims; none considered themselves a survivor. The identity of victim is valued as allowing claims on authority. However, a significant fraction qualified this identity, with almost half (47%) of all women saying that they were victimised because they were a woman, or that impacts of disappearance arose as a result of their gender. This was particularly acute for wives of the Missing (see Box 1).

After my husband’s disappearance, I have no other support, I am a landless and helpless person. I am also victimised being a woman without support in this society. Attitude towards a woman without a husband in our society is negative, so I am depressed in everyday life, suffering psychologically. [...] I am compelled to live in pain, without hope. (BS020)

Disappearance of my husband had made me victimized. Being a woman I feel more victimised as I could not go outside and could not go to India for work. (BB017)

10% saw their identity in political terms, as Maoists whose victimhood was a direct result of a struggle for a certain set of values. A similar fraction saw their victimhood as arising from or deepened by their ethnic or caste identity, notably as indigenous Tharu, Dalits, or Madehis.

I feel more victimised being a Dalit woman, nobody listens to my voice. It is very hard to continue this life, facing livelihood problems. We have economic problems and there is no other support for our family. (BS015)

The lessons of these data is clear: whilst the victim identity is indeed broadly shared enough to constitute a collective identity around which to mobilise, mobilisation must include at its heart the gender and other issues that are crucial for many family members.

54 The lack of such a reference may also be due to the absence of a common word in Nepali that can be understood as such.
BOX 1: Identity of wives of the Missing

In our social structure, being without a husband involves much suffering and pain in practical life. There are also family and ritual problems; I am feeling more pains because I am a woman without a husband. My whole identity and understanding has shifted with this incident; I am also fighting for an identity and a role in family and society. (BL001)

The strongest interaction between victimhood and identity is seen in the wives of the Missing. The traditional Nepali family is patrilocal, with wives moving to their husband’s home on marriage. In such a household there are power relationships, dominated by older men and with younger wives at the bottom of the hierarchy, expected to be subservient to their mother-in-law, with their identity - and ultimately their status – defined by their relationship with men, either their husband or their sons: disappearance challenges these identities. When a man is missing, his wife’s identity becomes ambiguous: she is neither wife nor widow. This has direct impacts on her status and on her relationship to the family, particularly where she has no sons. As a result, within the family the wife of a son who is missing will often be perceived as in search of an opportunity to leave, typically through elopement with another man. This often leads to the stigmatisation of wives of the disappeared. If mobilisation is to aid such women, it has to be able to impact on perceived identities in a positive way.

Women’s identity is further defined by community attitudes that reflect similar expectations, with many insisting that the missing are dead, and that the wife of a disappeared man should behave as a widow: her refusal to do so is perceived as highly inappropriate. Whilst communities assume those missing for many years must be dead, families and in particular wives and mothers refuse to give up the small hope that they might yet return, this representing a coping mechanism in the light of ambiguity: ‘I haven’t made any rituals. I still wear the symbols of marriage. I wear them because I haven’t seen him dead: maybe he is alive somewhere.’ (Wife of disappeared man, Bardiya.) Most Nepali cultures have a great respect for widows; the wives of the disappeared are stigmatised because they are women without men who do not adopt the identity of widows, in terms of removing the very visible symbols of marriage. The ambiguity over a woman’s marital status and her persistence in wearing the symbols of marriage permit a perception that the wives of the disappeared are somehow predatory in their search for a new husband, particularly those that have left their husband’s family.

Mobilisation has the explicit aim of both advancing the demands for an identity that resonates with family and community expectations, and to serve to construct new social identities that can address stigma. This demonstrates how mobilisation gives coherence and meaning to extreme experiences that are otherwise difficult to make sense of. The most obvious demonstration of this is women’s insistence in the light of community perceptions that they are not widows, but wives of the missing: mobilisation can serve to create a social space where family members can themselves construct such identities and give them value, and which can serve as a platform for the broader community to accept the validity of such identities.

Identity and mobilisation

Many victims demonstrate multiple identities, and their resistant understandings can readily contain both a victim identity and that of an additional marginalised group, with complex lines of solidarity and opposition. It was seen that association with a victims’
group did not imply a systematic and coherent sharing of a vision of the world: even small groups were seen to accommodate a range of perspectives, including for example both Maoists challenging all forms of social exclusion, and those with an investment in the social status quo.

Social identities emerge at a variety of levels, most notably in the family and community, by which most family members’ lives are largely circumscribed. There is also a contribution at a political level, mediated by political parties, and at a national level where rights discourse and the priorities of the authorities have greatest weight. Additionally, there will be formal institutional processes that bestow victim status and in Nepal families have received this as part of the process of distribution of interim relief by the Government. This process was however entirely politicised, with political parties providing names of ‘their’ victims to the authorities, and no engagement with victims’ organisations. In principle, at some point bodies established to deal with victims, such as the Disappearance Commission or prosecutorial bodies, will officially determine who is considered a victim. In the absence of such processes however, victim identity is still dominated by local social processes.

In Bardiya it was said explicitly that victimhood was an identity that had both positive and negative elements. Victims were seeking respect and dignity, and possessing the identity of victim serves to both potentially advance such an agenda, by providing access to resources from the authorities for example, and to perpetuate stigma at a local level. It was emphasised that the identity of victim was linked to, and emerged from, the activities and roles of everyday life, and was thus constructed in and of social interaction. This demonstrates the role that mobilisation can play in creating spaces in which such construction of meaning and identity can occur on victims’ terms, rather than subject to broader pre-existing power relations.

It was clear in the data that many of the needs victims articulate arise directly from identities such as that of ‘woman’, or ‘Tharu’, independent of the conflict and disappearance, that have defined histories of exclusion from which many needs emerge. This drives demands for transformative approaches to the impact of the conflict that address not only the issue of disappearance but also the exclusion and marginalisation by gender that deepens its impact. The construction of a positive victim identity corresponds to the emergence of new networks of relationships of trust among those building victims’ groups. In building the ‘victim’ identity, possibilities for solidarity and action are created: identity is the process through which collective action attributes meaning to the social systems in which people’s lives are embedded. It was clear for example that belonging to a group was not a prerequisite to share definitions of strategy and goals: even those who took part in a rally on the day of the disappeared but were otherwise uninvolved were able to both benefit from and contribute to the solidarity of mobilisation. This emphasises the importance of outreach to those who are not highly active but exist at the periphery of mobilisation, even if only for an annual event. The challenge is to create understandings of ‘victim’ that can contain the diversity of the families of the disappeared whilst advancing a broader victims’ agenda.

Social movements are not just a place to share identity but a source of it, a space where identity is constructed through the sharing of meanings. This understanding resonates with the researchers’ experience in Nepal, where families of the disappeared have a range of identities beyond ‘victim’ that arise from caste, ethnicity, class, gender, economic position, political perspective and so on. The solidarity of a victims’ group is thus always contingent and negotiated in ways that are highly dynamic and themselves impacted by collective actions. Action constitutes identity through conflict, where boundaries are sharpened: during conflict between victim and perpetrator, and after conflict between needy victim and uncaring authority. This leads naturally to an examination of movement identity,\(^55\) examining the sources and

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processes through which common identities are formed, reinforced and potentially dissolved, through mobilisation processes, which link to ideas of framing. A successful social movement will have rituals, practices and symbols that serve to enhance its identity. The demonstrations on the day of the disappeared, combined with the strong imagery of the photographs of the missing (see Figure 2) is one such: the victims’ movement however mostly lacks such rituals and symbols. To be successful the movement of families must seek to create these wherever possible. Other identity reinforcing elements are encounters with an unjust authority, such as that experienced by women marching in Kathmandu in a CPN-M organised demonstration by families. This serves to reinforce the identity of innocent victims, fighting injustice and perhaps demonstrates the need for the national association to actively generate encounters with those in authority.

Figure 2 Attendees at the event in Kathmandu to make the day of the disappeared (August 30th) 2011, in which NEFAD played a leading role. The banner contains photographs of the disappeared.

An important component of membership of the victims’ groups was the rewards it offered. Not only the potential material incentives of a successful movement that will access reparation, but the highly contingent support of one’s peers in solidarity, that serves to address some of the most serious impacts of ambiguous loss. Solidarity was, in effect, its own reward for many and is the most effective generator of a shared identity.

Identity and agency
The identity of victim remains potentially problematic, implying “an imbalance of strength and disequilibrium in the position of power: the strong, powerful victimizer and the weak, helpless victim.” Indeed, it is a driving aim of this study to ensure that victims have the greatest agency in addressing the needs that arise from their victimhood. The passive implications of the term ‘victim’ have been increasingly challenged through the use of terms perceived as positive and empowering, such as ‘survivor’, although this appears to have rarely been done on the terms of those being so renamed, implying that being a victim and being an agent are mutually exclusive, reinforcing the lack of agency of the victim. Victims themselves find that victimhood serves as a basis for making claims on the state and others, and value that status. This also prompted discussion about the role of reparation and rehabilitation, by understanding what victims see as the end point of this process: is it to stop being a ‘victim’ and to become a ‘survivor’? Families of the disappeared largely rejected this,

claiming that the impact of their experience of conflict was something that marked them as a victim forever; what they sought was an addressing of the needs that could be addressed and an acknowledgement of - and reparation for - the impacts that could not. Defining themselves as always victims, serves to confirm how this is an identity that is valued as an enduring description of their status and emphasising their need for support indefinitely.

Some families met reported that victims drove the revolution of the People’s War, seeing the identity of victim as positive and heroic, and necessarily empowering since victimhood was a direct result of a desire to transform society. Such victims however feel they have had “ownership taken away from them” with the transfer of struggle to political forums in the capital: one suggested antidote to this was a greater contact with politicians who could potentially advance victims’ agendas. There is a perception among most families of the disappeared that they have no agency in the transitional justice process or broader approaches that could address their needs; they are objects of this process, rather than subjects. This drives one of the fundamental demands of victims that they have a role and agency in any process that purports to address their needs. They perceive all existing efforts as being instrumentalising in one or more ways, with interim relief (the only concrete assistance they have received) politicised by local and national actors, and the large amounts of funding to ‘transitional justice’ largely spent in Kathmandu by civil servants and NGO workers who enjoy salaries and lifestyles of which most victim families can only dream.

**Representation, participation and empowerment**

Representation remains an issue in family associations, with women, lower castes and other minorities poorly represented among the leadership at all levels. This is a result of their lack of education, need to work that limits the time they can give, and general disempowerment. The lack of representation occurs despite these groups, most notably women, being the most active at the grassroots and the most impacted by disappearance. The peer research permitted some of these issues of representation to be raised and they are likely to continue to be part of the ongoing NEFAD agenda.

When asked in peer interviews about the degree of representivity within the FA, a large majority of those in Bardiya said they were happy with the gender representation in CVC, despite their being few women in leadership roles. In Lamjung, almost half of those interviewed, and a majority of women, said they sought that women be more active in CSJ, and believed that men were not able to effectively represent women. In Sunsari the issue was not discussed.

Women’s representation is weak, there is also the reason that we cannot give time because of our family work and that it is difficult to go out. But we have to empower women and Dalits in the leadership. (BL001)

Mainly, our FAs should be strong, but it does not seem that FAs are active and mobilising members for campaign. There are many female members but few leadership from this group, we should empower them to lead FAs. We have to motivate ourselves that this is our agenda and this our concern, so we have to active, we need to raise this awareness in every family, then we can increase participation. I want to participate in every programme whenever I get information. (BL006)

Ensuring women and other excluded groups participate both in the general work of the FA and in the leadership is one of the greatest challenges in communities

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57 Whilst CVC has women active in organising roles, CSJ Lamjung and NEFAD Sunsari are in each case led by an individual man.
From victims to actors: Mobilising victims to drive transitional justice practice

where general levels of education and empowerment are low. This is unlikely to be possible without both great efforts by the existing leadership and, ideally, external support to raise skill levels. Fundamental challenges remain for women who are often single, illiterate and expected to look after homes and children as a priority. This appears well understood by the families:

Leadership is an important component in the campaign, so we have to promote leadership skills and to represent all members for a cause. From a campaign point of view, participation is an important mater, so we have to increase everyone’s participation in every program, so we can empower ourselves and the programme can be effective. (BL007)

We need FAs which can represent our concerns. We are part of the movement so participation is important. We have to include all members. They are passive at present. (BL012)

However, in Lamjung, where representation was most discussed, efforts to invite women to take a greater role were almost always rebuffed, with justifications about their domestic obligations and a lack of confidence in their capacities. This demonstrates that participation is not simply a technical matter, but must be driven by empowerment. Approaches to these challenges are discussed in Section 8

The most obvious practical constraint on participation, particularly of women who head households is simple poverty. Women who do daily labour to feed and support children cannot take time off to attend meetings and programmes, and cannot afford transport, and this emphasises the need for the issue of livelihood to be addressed, as a prerequisite to participation

Victims as agents

Whilst the victim identity can be seen as empowering, it was clear from the study that passivity remains a defining feature of a majority of those family members met. Victims themselves insisted that their participation was contingent upon their being assisted to understand both their rights as victims and the transitional justice process that purported to address the violations to which they were subject as it was unfolding in Kathmandu. A component of this loss of agency is the use of discourses and language, which is alien to victims, using a technical and legal vocabulary of human rights, which appear disconnected from the lives of those it seeks to aid.

But other countries like Nepal which exercised the state of emergency, which had civil war, if you like to listen the name of the countries like: Peru, South Africa, Sierra Leone, the victims of these countries have not yet received justice even after 10 or 20 years. (Advocacy Forum representative, at a meeting with families in rural Bardiya.)

I don’t know anything about Peru, we are Nepali. (Wife of missing man, Bardiya, commenting on a presentation from a human rights organisation)

Such abstraction contrasts with the very real needs with which victims are confronted daily in the highly unequal societies studied here. The subject of human rights has lost her real identity, with its class, gender and ethnic/caste characteristics, even though these lead directly to many of her needs. One result of the human rights discourse as it is articulated in Nepal is that rights have become something claimed on behalf of victims by experts largely based in Kathmandu, with agency lying only with those who have access to the discourses that are used.

Victims’ goals were to transform the understanding of victim identity from a passive, negative one to something that can become a route for positive transformation,
providing not just a means to make claims of the state, but to demand the social respect that is denied them both as victims of conflict and as victims of broader, longstanding discrimination. One victim described being “transformed by action” that mobilisation made possible: being perceived as a victim but ensuring that the identity has a positive aspect that she described as “psychological healing”. This puts the role of mobilisation in constructing socially defined identities and meaning at the heart of the work of family associations. We see from the data that the collective identity that enables mobilisation is related to but distinct from the contributions to identity such as ethnicity, caste, ideology and gender, and yet is (or at least can be) constructed in a way that creates solidarity.

Perhaps the most dramatic impact of mobilisation was seen in women who demonstrated a radical personal transformation as a result of challenging the roles that are defined by their traditional identities: the victim identity can be deeply empowering. This shows how such new identities can demand a breaking with the past, and permit the agendas that emerge from mobilisation to not only confront the issue around which mobilisation has occurred but others, such as the position of women in their communities.

When they first joined the Family Association they used to weep all day. But they understood that it was not only their problem but that of the many who have come to join this organisation. [...] Now they don’t worry about only their own case but for the collective. They concern themselves with all the missing and share their sorrows. Now they don’t feel weak. [...] Lets talk about this mother: even while walking on her way, she could not help weeping. But after joining this association, her voice has become loud – she doesn’t need a speaker. She knows that she has to fight for her rights; she won’t get them by asking. Therefore, instead of tears falling from her eyes, her voice is coming through her mouth. She has a loud voice. She says, ‘Either give my son back or I will destroy you, exploding like a bomb’. The families of the missing have become so brave. (Leader of Family Association, Kathmandu)

Where the experience of collective action is truly novel, mobilisation can be more broadly socially transformative, challenging the traditional position of women and the excluded more generally, even where the nominal objectives of that mobilisation are unsuccessful.

**Injustice as the basis of victims’ claims**

It has been claimed that all social movements mobilise around ‘injustice frames’, that is interpretive schemes that identify the victims of an injustice and those responsible for addressing it. The data of the peer interviews has been used to understand how victims themselves perceive the claims they are making, and of whom they are making them.

Families used a lack of justice as the basic way of expressing the problems they faced and the action they sought. Justice was used in a broad sense, including the livelihood challenges and the demand for truth, as well as with reference to a need for accountability.

I am the victim of injustice. That I don’t have the information as to whether my son is alive or dead is the greatest injustice for me. The government is responsible for the disappearance of my son. The status of disappearance should be publicised and we want to know why, where, and the reason for which my husband has been murdered. The future of our children and medical treatment should be guaranteed. The guilty should be punished. (BB008)
How can I explain the level of injustice I face everyday living in a pain? Mainly we have economic problems to continue our family life; I can’t support my children’s education, when we get sick there is no support for health services. (BL014)

There is evidence that some families have been helped in understanding their rights in the years since the disappearance, thanks both to the work of rights agencies and the Family Associations. Some families have moved from an understanding that their family members ‘should not have been involved in these things’, to one where they know a crime has been committed and that they have rights to justice and redress.

Table 8 shows who family members identified as responsible for disappearance and who is perceived as responsible for addressing its legacy (where more than one actor can be identified). Whilst in many cases, interviewees did not discuss perpetrators (they were not asked directly), almost all identified the Nepali government as responsible for addressing the impacts of violations. One in seven of the family members met assigns some responsibility for the disappearance to the community (particularly in Bardiya), understanding that local informers passed information to perpetrators that led directly to the violation.

Some community members and neighbours are involved in the disappearance of my son and the government arrested him on the basis of secret information provided by community members. (BB005)

This is an important dimension of the legacy of conflict that is largely ignored in transitional justice discourse in Nepal and is an area where FAs are peculiarly well placed to bring about grassroots reconciliation.

<table>
<thead>
<tr>
<th>RESPONSIBLE FOR VIOLATION</th>
<th>%</th>
<th>RESPONSIBLE FOR ADDRESSING IMPACTS</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Government</td>
<td>80</td>
</tr>
<tr>
<td>Community</td>
<td>14</td>
<td>Political parties</td>
<td>10</td>
</tr>
<tr>
<td>Maoists</td>
<td>9</td>
<td>Maoists</td>
<td>4</td>
</tr>
<tr>
<td>Political parties</td>
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<td>16</td>
</tr>
<tr>
<td>Not mentioned</td>
<td>38</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8a. Who family members believe is responsible for violations, and b. for addressing their impacts.

The identification of the Nepali authorities as responsible for addressing the impact of the violations provides a demonstration of the extent to which the target of mobilisation is understood by victims: they seek to ensure that the government takes its responsibilities. Those who seek that political parties, including the CPN-M, take responsibility are likely to do so on the understanding that governmental action is dependent upon leading parties consenting. It is also likely to reflect a frustration at politicisation of the issue, and the transitional justice agenda more broadly. In many cases, responsibility for the disappearance was conflated with responsibility to address the needs arising.

Government never responded to our demands. After five years of peace process, they could not form a commission. They did not give us an answer, did not provide justice or livelihood support. The perpetrators are openly active, government never sees them. Government should be responsible and should address our concerns. Perpetrators should be punished. They should
provide necessary assistance to the families and should help with economic, child education and health support. Many family members are facing similar pain and suffer every day. Who bears the cost of our suffering and loss of our family members? (BS014)

Discussion about expectations of the authorities was accompanied by comments about the action to date, largely restricted to the delivery of ‘interim relief’ in terms of cash payments to families. These have provoked much distaste:

We do not understand much about the relief system, who made this without consultation with family members; the government provided a little money without acknowledgement. We cannot sustain our livelihood with government relief and cannot be satisfied to take this money without truth and justice. This is an insult to the families of the disappeared. (BS002)

The implications of not addressing the issues were laid out by families, including not only their further alienation from the authorities, but potential threats to peace.

For many years, we have been demanding truth and justice. Why are we not getting support from government? They are not serious about our concerns. Government should take responsibility to solve this problem. How could they envision making peace in the country without addressing this serious problem? (BS019)

If this continues, our society can never become peaceful and people will not get justice, where criminals remain in power. (BL016)

I think this situation will create another conflict. (BL014)

The consensus victims demonstrate around the understanding of their demands of the authorities serves as a solid basis upon which to mobilise. This will be discussed in terms of theoretical approaches to mobilisation, and how NEFAD could learn from them, in Section 7.
7. Victims’ narratives as the basis of mobilisation

The point of departure for Nepal’s transitional justice process was a global discourse of human rights after conflict: the fact that the Comprehensive Peace Agreement signed by the parties to the conflict in 2006 contained a commitment to a Truth and Reconciliation Commission came not from victims, or even from those engaged in negotiations (who seemed not to understand exactly what a TRC was), but was externally input. The suggestion of a Commission to investigate disappearances appears to have been an initiative of the CPN-M to create a body that would have a particular focus on violations of the state (and thus be politically expedient for them), but again came not from victims but from elites leading the transition. Despite transitional justice often referencing ‘victim-centred process’, Nepal’s efforts to address legacies of conflict have largely ignored those most directly affected by them. The discussions that have raged over the last 6 years have been between political parties advocating for a commitment to broad impunity and a human rights community, largely based in Kathmandu and elite in ethnic, caste and class terms, advocating for a global agenda in which accountability for the crimes of the conflict is the dominant demand. Here, victims’ narratives are considered as the basis for mobilisation and are contrasted with discourses that emerge from elites, including from human rights agencies. The concept of collective action frames is used to formalise this understanding, considering how victims understand their needs and the action they seek, and how this compares with the frames of others.

Discourses of victimhood

Whilst there have been efforts to consult victims about their priorities for the transition, these have been few and poorly executed. The state implemented a consultation in 2009, with the support of international rights agencies, where officers of the Ministry for Peace and Reconstruction met representative victims in a handful of public meetings in regional centres. Such perfunctory consultation does however fail to allow victims to articulate their vision for transition and reinforces the relationship between victims and authorities as one of supplicants seeking favours. Human rights agencies, both international and national, have long claimed to represent victims. In practice however it can be seen that the priorities of such agencies do not coincide with the broad agendas articulated by victims. A study of publications of Nepali human rights agencies concerning disappearance and the transition confirms this emphasis: in one, the eight “key recommendations” all revolve around prosecution, criminalization, and ending impunity; of the ten recommendations in a second, while some engage with the mechanics of preventing disappearance, most concern prosecutions and none concern the families of those who have disappeared. Both documents understand justice in a narrow prosecutorial way; the analyses are perpetrator and violation centred, rather than victim and needs centred.

Given the inability of elites and a politicised establishment to articulate the needs of victims there is a desperate need for victims themselves to be given a space to make themselves heard. This is not only a prerequisite to ensuring that the ongoing

58 Statement about the development of the CPA from someone involved in the process.
transition addresses their needs but can also address the larger agenda of ensuring that the most marginalised voices are heard in that transition. One effort has been made by a human rights agency, Advocacy Forum, to mobilise victims, through the creation of a national victims’ group CVSJ (Conflict Victims’ Society for Justice). This appears however to have been an effort to create a victims’ movement from the top down. In Bardiya for example, where CVC had since 2006 represented the largest and most successful victims’ group in the country, CVSJ initially insisted on being a direct competitor to CVC, succeeding in taking funding from CVC and ultimately inciting an ugly fight for the right to represent victims. CVSJ has also demonstrated some of the great challenges in building a victims’ movement: whilst it has a room in Advocacy Forum offices in many districts, it has little contact with the majority of victims in rural areas and its officers appear to be appointed by AF, rather than elected as representatives of victims. Despite this CVSJ has been a favoured recipient of donor funds precisely because it is both linked with Advocacy Forum, whom donors know and trust, and because – in contrast to district level FAs – its officers can speak English and fill in the forms that foreign donors insist on. The net result has been an organisation that articulates the same agenda as the NGO that created it, and that remains largely disconnected from victims. NEFAD must learn lessons from CVSJ’s experience, as well as seeking to build the largest possible coalition by working alongside CVSJ, as it has done in recent years.

The narratives that victims use in articulating their needs arising from the impact of disappearance and their demands for action to address them come from their everyday lives, and the social worlds they occupy. Largely unaware of the discourse of human rights, families articulate needs that emerge from violations that have occurred in poor and often marginalised communities where traditional gender relations hold sway. As a result, their demands include not only truth and accountability, but an addressing of the poverty and powerlessness – in all its forms - that constituted the context in which violations occurred and in which their impacts play out today. This is what ultimately defines the victims’ experience as something unique that must be incorporated into transitional discourse, both to address victims’ needs, but also to enrich a discussion that has become a tired dichotomy that is irrelevant to victims’ lives. Mobilising victims can challenge a transitional justice process driven by global prescription with forms of knowledge and values that come from typical Nepalis in largely rural areas. That is the true radicalism of such a process, that it permits perceptions and experiences that are far more representative than elite political perspectives to frame a social movement and public engagements around disappearance.

It is clear from the peer interview data that families of the missing share grievances, generalised beliefs and the concept of a victim identity: this presents a solid foundation for building a victims’ movement. There are very clear gender aspects to both identity and the needs presented, demanding women’s participation and that they be represented in the leadership of the movement. There are also weaker elements of identity related to ethnicity (notably from Tharu victims) and caste (from Dalits): these must also be accommodated to ensure the most inclusive organisation. The process of mobilisation is likely to both reinforce these shared understandings and create new shared perceptions, as the experience of activity as part of the FA creates new collectivities:

When they first joined the family association they used to weep all day. But they understood that it was not only their problem but that of the many who have come to join this organisation. […] Now they don’t worry about only their own case but for the collective. They concern themselves with all the missing and share their sorrows. Now they don’t feel weak. (Brother of missing man, Kathmandu)
Some of the families have experienced the solidarity of meeting with others in their community, and benefited from the experience of sharing; the challenge for NEFAD is to create a community of activists who see the benefits of doing the same across the nationwide community of victims. This involves extrapolating from coming together for solidarity, to a mobilisation for advocacy.

Attitudes of elites to victims and their needs

This analysis considers a series of interviews with Kathmandu based ‘elites’ over the course of a month and a half, in late 2011. The purpose of the interviews was to better understand the perceptions of “victims’ agendas” around the issue of enforced disappearances. One criticism levied against those working in the NGO and human rights sectors, centred in Nepal’s capital, Kathmandu, is that they are detached from the true needs and desires of the victims, usually people in the rural countryside. While the interviews conducted covered a range of topics including transitional justice, the role of politics and the legalistic focus that much of the NGO sector pursues, the following analysis reflects primarily on the insights concerning agendas. As such we hope to shed some light on the approach and thinking of the organisations that form the central nexus of Nepal’s transitional justice framework and the people that lead them.

Agendas

This study begins from the apparent disconnect between the agendas of victims (the families that have suffered enforced disappearances during the conflict period) and the agendas pursued by human rights and transitional justice NGOs, as well as government bodies based in Kathmandu. This analysis recognises that disconnect while simultaneously presenting the issue from the perspective of those organisations that claim to be working on behalf of victims, with the aim of a better understanding of how those working on transitional justice issues can better serve victims.

Of the 23 completed interviews, 18 interviewees stated a definitive position on the agendas of victims with regards to the missing. Of those 18 there were two distinct groupings of responses that emerged. The first group (10 of the 18) detailed a perception of victims’ agendas that was aligned with the traditional tenets of transitional justice: truth, justice and reconciliation. In the Nepali context, truth concerns the whereabouts of the missing, what happened to them, who took them and why, and, if they are deceased, the location of their body. Justice refers to the legal prosecution and punishment of those responsible for the disappearances. Reconciliation refers to reparation and in particular to monetary compensation to the families for the loss of their loved ones. For these 18 interviewees, the second most frequent response to the question regarding victims’ agendas, accounting for 5 responses, suggested that victims were largely concerned with truth about their family members as well a livelihood support, including efforts for psychosocial support. This group placed less emphasis on judicial process. The final three respondents gave answers that didn’t align with the other 15; for instance one interviewee stated that it is difficult to know the true agendas of victims because:

The political parties only considered the cadres as the victims of disappearances and the victims of conflict. They never dig out the issue, they never look into the real issues of real survivors and victims which is one of the issues. At the same time HR agencies are also politically mobilized so they only bring the issues of their cadres either directly or indirectly…

(International organisation staff member)

Another interviewee stated that, having not worked at the grassroots level with victims in any extensive capacity, he could not comment on victims agendas.

Whilst these responses are not representative of all agencies working on transitional justice, it does give a sense of the level of priority placed on the traditional transitional justice goals of truth, justice and reconciliation. The importance or perceived importance of these agendas often arises as a result of how the issue of disappearance is presented and approached by NGOs and victims alike.

The remainder of this section will consider this reality from several perspectives. First we will consider the importance of framing and how organisational rhetoric and mandates influence Nepal’s transitional justice discussion. Secondly, we will consider a cognitive dissonance that presented itself throughout the course of these interviews with respect to the agendas of victims as opposed to the agendas of human rights organisations. Finally we will consider how this framing and cognitive dissonance presents itself with regards to organisational efforts at victim mobilization and consultation regarding needs.

Within the notion of agendas there exists a pattern of framing, such that when interviewees were asked “What is your understanding of victims’ agendas?” answers were given that reflected a number of viewpoints. For instance, some interviewees gave responses indicative of personal opinion or experience in the field, while others provided responses more closely aligned to their organisation’s mandate. For example:

- It’s my experience from attending events that the major voice of the victims is information – they would first of all like to know about their loved one….Secondly they would like to see a trial against the perpetrators. Thirdly…there is a need for economic compensation. First is information, second is justice and third relief and compensation (International NGO staff member)

- However through the discussions I’ve had with some families they do actually dig deep and want justice (Foreign government official)

Such comments can be contrasted with views of victims’ agendas that promote a very specific framing of victims’ agendas. Examples include:

- Some victims are involving and advocating that ‘we don’t need such types of economic package and facilities, we need justice, we want to know about truth’ (National NGO staff member)

- In our experience maximum victims want to know first about truth, this is the cause of they didn’t know what is transitional justice, what is prosecution what is institutional reform basically ‘what is our right’ (National NGO staff member)

When asked, “What is your understanding of victims’ agendas” the majority of those interviewed, whether they were speaking from personal perception or from an organisational standpoint gave very similar answers. Victims agendas’ were, for the most part, seen as threefold, first was always truth – families want the truth about what happened to their loved one and they want to see the body; second was justice – families want to see those responsible for the disappearances held accountable, put on trial and punished; and finally was reparation – families want some sort of economic compensation for their suffering. For example:

- If you ask the victims, the first thing they will say is that they want to know about their loved one – they want to know the whereabouts. After that, if
they know what happened, what do they want after that? Most of the victims, still now want prosecution. (National NGO staff member)

Yes, and third is the need to provide the reparation package to them due to their economic condition. (National NGO staff member)

This view of victims’ agendas is representative of a very traditional, very static notion of transitional justice, represented by the three main pillars of truth, justice and reconciliation. By presenting victims and their agendas as represented by this static set of goals, organisations run the risk of misinterpreting events on the ground, and overlooking the potential for change among victim communities: this approach denies any desire for transformation among the excluded who were the principle victims of violence. Some interviewees, when asked about victims’ agendas, noted a more dynamic composition of factors that allow for the perception and interpretation of these agendas to be expanded. For instance, one interviewee noted that:

The day I started working, they were kind of, they had old grievances – they thought this was their fate. Two years back I went to the same village and talked to the same person – he said “I need to know the truth, I need to know this, I should get reparation according to SC ruling, I need to know where my son or daughter is”. If you see it from this point of view the level of awareness has been raised, that’s one achievement for me. People now know their rights and entitlements. On the other hand, we were pretty successful in sensitizing victims (Lawyer based in Kathmandu)

Here the interviewee suggests that some level of education or sensitisation has been brought to people afflicted by disappearances. For organisations like Advocacy Forum and INSEC, this sort of human rights education has been a key component of their programming. However, within this framework our perceptions of ‘victims’ agendas’ are actually victims’ agendas within the parameters established for them both by global transitional justice discourse and those in the human rights community who seek to speak for victims. Another interviewee pointed out that victims are likely to couch their responses regarding agendas in terms of ‘what they want in the world of what they think they can get’. 62

Therefore, as people’s perceptions of the transitional justice landscape changes, their agendas and demands are bound to change as well. As such, the perception of victims’ agendas currently (framed within the traditional transitional justice framework) can be seen as an agenda that has risen out of the specific educational efforts put forth by the very organisations that aim to help these people. And yet, as was shown in previous studies63 these transitional justice agendas are in no way comprehensive or fully representative of the agendas most often advanced by victims of disappearance. Instead, studies of victims’ needs, and consultations with victims have shown that livelihood issues – those pertaining to income generation, education, healthcare and safety - are often of greatest importance. More than this there is an understanding among victims that both the impacts of violations and the violations themselves are a result of social exclusion, by gender, ethnicity and caste, which is also part of their agenda for transition and a likely prerequisite for peacebuilding.

In addition to understanding how elites and those working in NGO’s and government bodies in Kathmandu perceive the agendas of victims this study sought to understand the efforts being made by these organisations and in many instances on

62 Personal communication, Lawyer, Kathmandu Nepal.

63 Robins, supra n.1 at 8.
behalf of victims, and as such the agendas of organisations. Interviewees were eager to show that they are in fact working on behalf of victims and that their organisations are making efforts to bring victims into the discussion with government agencies.

So basically now we are working with victims’ groups on one side and government officials on the other side. In the government sector we are empowering to the local level stakeholders like local level peace committees and political parties. (National NGO staff member)

In the disappearance issue, our main work has been to support and empower the victims, provide psychosocial support, particular to the wives of the disappeared. We provided these trainings to them. From tomorrow 6 disappeared wives are here in KTM to train as a basic trainer from here, they are from different districts and will return to their homes and promote themselves as trainers at the local level. Second we have a program to proceed their cases, file the cases, in the time of conflict we filed many cases in the courts. (National NGO staff member)

[International Organization] has policy that is geared towards working with rights holders, this is the theory, term that we work with and apply as opposed to ‘working for’. In that regard, AI since the very beginning has been working on ED since the conflict time (International NGO staff member)

This last quote is indicative that victims’ agendas, or at least the cognisance of victims’ agendas has reached those involved with national and international organisations who on a daily basis work on these issues in the name of victims. If we approach this from a framing perspective, the shift in language noted here from “working for” victims to “working with” victims suggests deeper understanding, acknowledgement and effort to achieve the ends that those afflicted by disappearance truly desire. However, as previous studies, and further interviews will show, this may be a simple white-washing of the issues at hand.

Cognitive Dissonance

As we have already seen, there is penchant among NGOs and human rights agencies in Nepal to view and present victims’ agendas as a static entity. Those agendas are generally moulded to fit traditional perceptions of transitional justice and the pillars and goals involved in aiding a country’s successful transition from a period of war to one of sustainable peace. Often these agendas are in line with the mandates of various organisations. For example, INSEC espouses an educational mandate, Advocacy Forum puts forth a human rights mandate and the International Commission of Jurists operates on a legalistic, institutional reform mandate. As a result, the dynamic and shifting agendas that are often more representative of victims’ perceptions go unaccounted for. In a previous study of victim needs, it has been shown quite conclusively that families are often more concerned with livelihood issues, factors that are better represented by social, cultural and economic rights than they are by civil and political rights.64 Additionally, the research undertaken for this study reaches similar conclusions.

Throughout the interview process it became obvious that while some organisations espouse these stringent views on transitional justice and stick to their somewhat narrow mandates, there is a recognition, be it conscious or unconscious that a disconnect exists between the work of NGOs and the concerns of victims ‘on the

64 Robins, supra n.1 at 8.
ground’. One interviewee who asked to remain anonymous pointed out that the goals of his organisation are strictly legal, and are thus considerably divergent from the agendas held by many victims. Other interviewees, when asked about their or their organisation’s efforts with regards to livelihood issues or their engagement on social and economic rights stated that their organisation chose not to focus on those issues. However, at the same time, when asked about victims’ agendas, as discussed above, these same organisations sought to align victims’ agendas with their organisational mandates.

We are not engaged on education, we are a group of lawyers working for human rights and rule of law. We concentrate on the cases of human rights violations. We provide trainings and orientations on human rights and transitional justice mechanisms. We share the information and provide information on the part of reparation. Sometimes we provide very small assistance for the education of their children (National NGO staff member)

In response to whether economic and social rights fit into the Organization’s approach and constitution [Organization] is a national NGO, and we work in the field of rule of law and human rights. Our objectives, mission and vision that are given in the constitution of AF is, we are bound by the constitution of AF (National NGO staff member)

Livelihood Issues

Within the broad category of “agendas” one continually reoccurring theme, especially with regards to agendas championed by victims, was livelihood issues. For the purposes of this analysis “livelihood issues” are considered herein to be anything loosely associated with social, cultural and economic rights – including but not limited to income generation, healthcare, education and security. When asked, elite interviewees noted the important role that livelihood issues play for many victims of disappearance.

I think both [awareness and livelihood issues] are equally important, awareness is also important and similarly for the purpose of the day to day life, their family, children’s education, development and training also. How they will earn money or economic resources, so that is also important. Advocacy Forum has no knowledge concerning skill development so we link to such types of organisations (National NGO staff member)

However, despite the recognition of their importance, organisations often stated that they did not work directly on livelihood issues for one reason or another.

[With response to whether AI works directly with organisations targeting livelihood issues]
Not directly no, AI has not worked with those organisations working on livelihood or relief. (International NGO staff member)

We don’t have a concrete policy to provide these activities to victims like a livelihood program, but at district meetings we supported to them to receive the money from local government, for example the government provided the money for education, money for interim relief and many families could not receive even this money because of the paper, because of their need for the letter to show that this person was disappeared or not disappeared (National NGO staff member)
While these organisations do not work directly on issues of livelihood in terms of victims of disappearance they will on occasions coordinate with other organisations that provide these services. However, coordination seems to be ad hoc at best.

[Do you refer families to other organisations?] Sometimes we provide scholarships; we are in the process of selecting 5 children that are actually needy to provide a scholarship (National NGO staff member)

[In response to the statement that victims are concerned with livelihood issues] Other organisations like USAID, RRN, UNICEF there are so many organisations, if such types of problems arise, especially for the livelihood, we are not working on that but there are so many organisations that are working on that issue and we refer to those organisations. We have an understanding with those organisations and we have a human rights network here to deal with those issues. All such organisations are involved in that network. There is a regular meeting of that network, every 10th of the month and we put all the issues regarding views, violations, livelihood, security etc – we discuss in that forum and try to solve(National NGO staff member)

Of the NGO’s and governmental bodies interviewed in Kathmandu with regards to issues of disappearance only two discussed direct engagement on livelihood issues with regards to victim of disappearance – CAHURAST and UNDP.

[With regards to CAHURAST’s upcoming programming initiatives] Whatever the issue is we’ll be able to do for them, we’re trying to find out how to help them, how to bring their children, provide school’s request for free education etc – but not in the plan form, we’ll do this much to provide education, training, jobs and we have also facilities to provide children of the disappeared people’s to join some services in different part of the country in different sectors but it’s not in the proper plan, so that’s what we’ve been trying to find out from the victims in the districts. (CAHURAST founder)

One more thing is that we have livelihood programs in 3 districts of Terai and they are working with women and many of them are conflict affected, livelihood related, income generating providing trainings. So we are directly and indirectly involved in this issue (UNDP staff member)

With regard to livelihood issues the organisations interviewed displayed a general lack of consistency in their approach. Some at Advocacy Forum for instance stated that they did not engage with livelihood issues as they did not fit with their mandate, while others suggested that some aid was given with regards to education and scholarship. This is not to suggest that all organisations in the capital should be focused on livelihood issues, however there needs to be greater coordination and understanding between those that do focus on these issues and what might be achieved with stronger coordination.

Mobilisation

Another point of discussion with regard to agendas was the mobilisation of victims. This study seeks broadly to understand ways that the rights community might help

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65 It is worth noting that the CPN-M aligned CAHURAST is the only rights NGO that appears to consider social and economic rights as equal to or greater in priority than civil and political rights. This can be perceived as a result of the respective political positions of CAHURAST, and other rights agencies that are perceived to be UML aligned.
victims of disappearance mobilize to bring their concerns to the national level. It has become clear through this research that mobilisation and the capacity to meet and keep their movement alive is important to victims. However, mobilisation is often prevented not by poor organisation or lack of desire, but by livelihood issues and the need for families to stay home and tend their fields and look after their children.

When mobilization was discussed in interviews, organisations often cited lack of engagement or programme attendance as the prohibiting factor in terms of victims organizing properly. For example:

...we are behind you to support all the way, so sometimes it is shame that they [victims] don’t want to speak or join the programmes, but all the time we try to motivate them. No, you should come, you should speak, you should demand, you should fight and pressurize the government. (National NGO staff member)

[How to build and sustain the campaign?] We try to make them understand that it is not our movement, it is your movement, you have to lead it. Anyhow you have to lead it. And that feeling comes out from your inner side, we try to convince in this way. So always we keep the victims organisations in front. (National NGO staff member)

Organisations often, as noted above, portrayed mobilisation as a responsibility of the victims. However, organisations were often willing to take credit for the genesis of mobilisation if not the results or lack thereof. For instance:

From this beginning right now we have a lot of experience in organising the victims themselves. (National NGO staff member)

We are trying to generate hope in the victims. You must not be frustrated; we provide other examples from other countries by showing documentation and telling stories, what was the situation there — often more terrible situations that in Nepal. There are so many countries that it will take time and is not easy. Sometimes it will take a half-century also. (National NGO staff member)

Such an attitude speaks to a startling truth within the NGO and human rights community with regards to the difference between principles and advocacy that exists among victims’ groups. One interviewee noted that as a result victims’ groups are largely ‘compartmentalized’ with many existing campaigns, but no wide reaching victims’ movement to speak of.66

**Victim consultation**

The final point of consideration in this analysis of elite perceptions of victims’ agendas is the ways in which elites and their organisations seek to consult victims to better understand their needs. The suggestion on behalf of many organisations that they work for, with, or on behalf of victims of disappearance comes with the inherent assumption that these organisations have engaged in some level of research, consultation or data collection that allows them to better understand and thus engage with victims’ groups and victims’ agendas. During the interview process questions were asked to better understand the ways in which elites and their organisations consult victims. When asked about their approach to victim consultation, interviewees stated the following:

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66 Personal communication, Lawyer, Kathmandu Nepal
We try our best in the name of victims always, even we try to solve their personal problems, despite all these things. Despite all these things we try to solve their personal problems, sometimes when we consult with the families of victims they discuss many problems and we work with them patiently and first we try to solve their personal problems. After that we try to put our things, why we came here, what is our aim for coming, etc. Of course it is very difficult, because they are facing economic crisis. (National NGO staff member)

We gather the victims in the districts every month, listen to their problems and try to support them. At that time most of the victims reflect their problems, what they need, what they want and their daily troubles. We collect this information and try to do these issues in our regular lobbying.

We have a lot of consultations with victims groups; we have collected the information from consultations. (National NGO staff member)

Many organisations in Nepal engage in what has already been described as Nepal’s “meeting culture”. This meeting culture can be seen as a manifestation of the marginal progress achieved by the victims’ movement over the past 6 years, particularly at the national level. Ultimately, organisations and those that seek to help victims of the disappeared need to consult with them at the local level, recognizing their needs and frustrations which we have shown here to be livelihood focused in addition to concerns for truth and justice. With a greater focus on livelihood issues victims will be better able to express their agendas and bring new clarity to a constantly shifting landscape that suffers from divergent agendas, cognitive dissonance, poor mobilization and inefficient consultation with victims groups.

Collective action frames and the families of the Missing

The theoretical perspectives introduced here are not intended to test theory as an academic exercise, but to understand if they can contribute concretely to making victim mobilisation in Nepal more effective. Using the concept of framing, the data of the study is here used to examine how the collective action of victims in Nepal is mediated by understandings of victim identity and their individual and collective interpretations of their needs and aims for such action. These will be compared with the concepts around which mobilisation occurs, with the aim of both analysing how framing has impacted upon mobilisation to date and to draw lessons for future mobilisation. It has been seen (above) that the frames used by human rights agencies in Nepal are not well aligned with those of typical victims: here we seek to understand what is needed to move from an elite-centric frame to one that emerges from the daily lives of the victims of violations. Moving towards frames that are advanced by victims, permits a victim-centred approach to transitional justice to emerge.

A ‘frame’ in social movement theory is simply a frame of reference to which individuals and movements refer, helping to render events meaningful and to guide action. A ‘collective action frame’ seeks to interpret the external world by simplifying and condensing it in ways that are ‘intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists’. Here, the frames with which families of the missing perceive and present their grievances will be compared and contrasted with frames used by those trying to mobilise them, as well as by other actors, such as human rights activists. In addition to understanding how

families understand the impacts of disappearance with which they are confronted, it is hoped that this theoretical picture can aid the development of victims’ organisations in which collective action frames are better aligned with those of victims, and thus are more effective at mobilising them.

**Diagnostic framing**

To appreciate the impacts of disappearance as families of the missing perceive them is to understand how they articulate their needs: such a process identifies victims’ problems and the responsibility for them. As a result this discussion is motivated by both a previous study of the needs of families of the Missing in Nepal, and by the peer research made by the district associations. These needs have been summarised in Table 3 and are dominated by the need to know the fate of the disappeared, the need for economic support, and the need to see retributive justice done.

The priority of economic support and livelihood was made clear during both the peer interviews: extreme poverty is something that many families have long lived with, but is perceived to have been exacerbated by the loss of male breadwinners who constitute the vast majority of those missing. Families constantly talked of the challenges they face to ensure they can afford to educate their children and pay for health care.

> After my father’s disappearance, my mother passed way without knowing the information. It added more pain to us and we are suffering continuously. We have no income sources and couldn’t continue education. Without having guardian at home, it’s hard to manage family life. We are not associated with any political party, so nobody supports us. (BS002)

Whilst this articulation of the injustice to which they have been subject (an ‘injustice frame’, see Section 7) is shared with many of Nepal’s poor, it is perceived as something that can readily be addressed by the authorities, even in the absence of an answer concerning the fate of the disappeared. This element of victims’ framing emphasises the authorities as those primarily responsible for addressing families’ economic needs, and feeds into an antagonism and opposition to the Government. The fact that this demand is fundamentally needs, rather than rights, based (notwithstanding victims’ social and economic rights) makes it fail to resonate with the agendas articulated by rights activists and international agencies in the country.

> They discuss about our problems but do not solve them. I don’t understand human rights, I understand my problems and getting support, but I am not getting practical support. (BL015)

A similar fraction (73%) prioritise knowing the truth about the fate of missing loved ones, an answer to the question ‘is he dead or alive?’, that can address the ambiguity they face. It is clear that the answer they seek can best, and perhaps only, be given by the perpetrators of disappearances and so this frame naturally creates an antagonism to perpetrators in victims’ discourse.

> I don’t have the information whether my son is alive or dead; this is the greatest injustice for me. The government is responsible for the disappearance of my son. The status of disappearance should be publicised and we want to know why, where and the reason for which my husband has been murdered. (BB008)

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68 Robins, supra n.1 at 8.

This element of victims’ framing is also seen to be that which most impacts on their everyday lives, with a large fraction of the families suffering various impacts of ambiguous loss, including emotional and somatic symptoms, stigma and exclusion in family and community, problems in defining their own identities within families, and a stasis in their lives. In the most extreme cases individuals are obsessed by the search for their missing loved ones, with normal functioning disrupted entirely. The need to know is thus seen as the one element that most defines both their everyday lives and the meaning they give to their experiences.

The need for justice is the frame most often used in post-conflict contexts by those seeking to address legacies of violations, representing a rights frame that is largely constructed in spaces beyond the experience of victims in Nepal. Whilst victims seek justice, they do not see justice exclusively in the largely judicial terms that many human rights actors in Nepal do but more broadly, in terms of ensuring that children are fed and educated and using vocabularies of social justice. The gap between the frames of victims, through which they perceive the impacts of victimhood and construct their demands, and the frames of rights activists, demonstrates how and why rights agencies have failed to mobilise victims.

Government and human rights agencies have not understood our concerns and feelings, so NEFAD should carry our feelings and demands clearly and put it to the concerned authority. (BS011)

I have heard of a few human rights organisations, but their activities are not effective. (BL017)

**Prognostic framing: Demands and activities of Family Associations**

Prognostic framing proceeds from the diagnosis to articulate proposed solutions and strategies: it seeks to develop a ‘plan of attack’. In many social movements whilst these may be practical and rational goals, they may also have a utopian component, opening new spaces and prospects for action. Particularly for the highly disempowered population discussed here, one of the most important steps forward may be developments in what victims can conceive of as a result of their collective action, challenging precisely the static model of demands presented by rights agencies. Prognostic framing is more challenging than simply identifying the goals and adversary of action, and this was acknowledged by a victim who said that ‘demands are clear, but activities less so’.

The peer research provoked a very rich reflection by families of what should constitute their collective action. The livelihood needs drove a desire to list what they sought, in terms of scholarships and education assistance for children, employment and training and access to free health services. However, on many occasions families understood that such demands were insufficient and sought to qualify and quantify the needs they faced as a collective, through something they called a ‘livelihood profile’ or ‘family profile’: essentially an individualised needs assessment that would provide a measure of the extent of their suffering. Families saw such an exercise as a concretisation of the needs they are all aware of in ways that the elites and authorities they are targeting can understand. More than that, it provides a frame for action by explicitly defining those needs, and was something that they could do – with modest support - in their own communities. The more active district associations (such as CVC Bardiya) had already embarked upon such a task, and proposed that a form be

71 Robins, supra n.15 at 13.
developed that could be used nationally, giving a homogenous character to the demands of victims throughout the country. Such prognostic framing is thus seen as a tool to advance a national mobilisation.

Victims also sought to document not only their economic needs, but to begin to address the need for an answer about the missing by ensuring adequate documentation of the phenomenon. This involved the integration of the many lists of missing persons that exist, not subject to the political agendas that have driven much data collection to date, but also the collection of new data about the circumstances of disappearance and potential grave sites that are known in some communities. (The fact that no organisation appears to see the collection of grave site data as of importance, emphasises how truth about the disappeared is linked in the current discourse to judicial process, rather than to the concrete mechanisms that will ultimately provide answers to families.) In many cases families had chosen to register their loved one as dead rather than missing, since this facilitated access to interim relief, but also potentially closes a route to the truth. It has been understood that only those cases officially recognised as missing will be referred to the Disappearance Commission. This demonstrates the need for a national victims’ organisation that can interact with institutional processes (including those yet to be established, such as the Commission on Disappearances) as a tool to drive collective action. A national structure was also seen as a way to ensure that victims can be represented in such bodies, through NEFAD being part of such a Commission, for example, and providing a link between institutional transitional justice processes and families in their communities. On several occasions, family members demanded that if and when a Disappearance Commission is established a representative of the families should be a member of it.

For the typical victim whose life is circumscribed by the village in which they live, the ability of a local association to address negative impacts of having a missing relative is one of the most important, and often overlooked, benefits of mobilisation (see page 32). This is an element of the frames that victims use that is entirely absent from any other: national NGOs, and government, have no apparent understanding of such issues in the lives of families. Having an informed and sympathetic actor, like a family association, active in the community also permits administrative issues to be addressed. Illiterate families know little of the procedures of accessing the interim relief provided by the authorities: the association can act as an important advisor and support in ensuring that families receive that to which they are entitled and addressing other administrative issues.

Advocacy was seen as the route to addressing the entire range of families’ needs, with the authorities framed as those responsible for this. Most notably, this included addressing the preeminent demand for the truth about the fate of the missing and access to human remains: the fact that perpetrators, largely from state security forces, are perceived to have access to such information is also used to construct the adversarial frame of the authorities as responsible for both violations and addressing victims’ demands: ‘the government is not listening’. Advocacy was perceived as something that could work on several levels, being both a local and a national activity, but was necessarily collective, aiming to ‘create pressure in a group’. At the local level in recent years on 30th August, the international day of the disappeared, district associations have held events that both commemorate the missing and articulate their demands of the authorities. An example was the march in August 2011 of families in Bardiya through Gulariya, the district HQ, behind a banner with the photos of more than 200 of the missing that was 30m long. In addition to the effort to impact on local officials and the population, this type of event demonstrates the link between meaning construction and collective action. Bringing families together in this way reinforces their own identity as families of the missing, and articulates the same to the community in a direct way. Such advocacy thus has a benefit beyond its target, both to support families and advance mobilisation. The 30th August model has also been used at national level in Kathmandu in recent years: in 2011 this was coordinated by NEFAD in collaboration
with a very wide range of civil society organisations and gained significant media coverage. This action also demonstrated the need victims articulated to see a link between a local agenda and action in the capital that is clearly most effective in targeting the elites upon whom policy ultimately depends. Such demands not only provide a way forward in terms of the demands made, but also organisationally: if leaders are to represent victims in the capital that implies a need for a structure that ensures their representativeness and so prompts the need for a regional and national organisation (see page 63) and what was called a 'single voice to government'.

Figure 3 Family members and others at the August 30th 2011 event in Kathmandu (Photo courtesy of Amnesty International, Nepal).

There was also a clear vision of using media to advance the advocacy message, and NEFAD has attempted to drive this with regular columns in national Nepali and English language media and a website that can target elite audiences both in Nepal and the international community. There was also the perception that direct contact with senior political figures can aid their campaign, and this has led to the idea that the Prime Minister could be invited to the first national NEFAD meeting that represents the culmination of this research exercise that is scheduled for June 2012. It was also seen that mobilisation and advocacy could be linked, with a march in Kathmandu for example accompanying the first national meeting.

The limits of victims’ abilities to advocate was made clear by many families who confessed they knew little about their rights or about the transitional process ongoing in their country. What little they know about the planned transitional justice mechanisms has come from the family associations, the only informed actor with which most families have regular contact. There was an enthusiasm to be educated about rights and this was linked to the need to overcome histories of marginalisation through a process of empowerment. Family associations are perceived as being able to give ordinary rural families the tools to themselves become agents in the process to address their needs. Where rights agencies have failed to access the vast majority of victims, family associations know victims and share circumstances and perspectives with them, giving them a unique opportunity to educate, empower and mobilise. The frames that families of the missing use derive from their environment and the frames of any organisation that seeks to represent them must be rooted in the social and symbolic worlds they come from: a family association can do this, while elite actors based in the

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73 e.g. Time magazine: The Disappeared: No Peace for Victims of Nepal’s War. http://www.time.com/time/world/article/0,8599,2063536,00.html#ixzz1uHfhTE
74 nefad.wordpress.com
From victims to actors: Mobilising victims to drive transitional justice practice

capital will always struggle to. The language of framing reveals how large the failure of those other actors has been and NEFAD holds the prospect of a mobilisation that can be both effective and representatives as a result of the framings with which it works.

**Motivational framing**

The final core framing task of a social movement is *motivational framing*, a rationale for engaging in collective action and the construction of vocabularies of motive and incentive for action. This represents a ‘call to arms’, and what Gamson refers to as the *agency element* of collective action frames. Whilst the injustice of disappearance unambiguously drives both the diagnosis and prognosis for all families of the missing, motivations for action reveal some of the challenges that the diversity of the victim community creates, representing perhaps the greatest barrier to mobilisation.

Whilst all families of the missing are victims, and this is broadly understood, their circumstances vary dramatically, from members of the Constituent Assembly to single women in rural areas who must beg in order to eat. The indigenous Tharu of Bardiya and Madeshis from the central and eastern Terai link their victimhood to a long history of exclusion, and as a result their agenda will often include not just an addressing of the issue of disappearance but explicit guarantees of their future place in the Nepali state, not least to guarantee non repetition. Rural wives of the missing see stigma and discrimination in family and community as the greatest impact of the violation to be addressed, whilst Maoist activists see their demands as linked to a transformation of the state that underpinned the People’s War. Thus, whilst there is a consensus around the goals and form of mobilisation, motivational framing reveals the disparate understandings of broader goals.

There was a consensus amongst victims that their pains and problems are the same, but there was evidence from the peer interviews of the range of agendas – and thus motivations – that drove families. The drivers of this included political affiliation, educational level, geographical location (urban / rural) and membership of ethnic or caste groups (e.g. Janajati, Madeshis and Dalits), as seen from the quotations from page 37 and beyond.

When asked explicitly if diversity was a threat to effective mobilisation, almost everyone said it was not, with the only possible impact arising as a result of concerns that the family associations may not fully understand all the problems associated with membership of a particular group. This leads directly to the challenges of representing the range of identities that victims display, particularly when the leadership at local and national level tends to be dominated by better educated men and, to a lesser extent, by higher castes. One Dalit woman whose husband is missing in Bardiya demanded that the victims’ movement be as inclusive as possible, including a women’s section and representation for the Dalit community. She accepted that men could effectively represent women, but sought an explicit empowerment agenda for women and all others where literacy and broader capacities are lesser. In many districts, despite these concerns, the marginalised expressed their enthusiasm for the current NEFAD leader (RBK, a high-caste man) to represent them, demonstrating the constraints on their engagement and involvement, even at a local level.

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76 Robins, supra n.1 at 8.
8. **APPROACHES TO MOBILISATION**

The aim of this study is very practical: to understand the challenges facing activists and families in creating and building NEFAD into a national network, and to support them in creating a national movement. The empirical data collected by district FAs demonstrates both the need for action and the fact that families of the missing share both fundamental understandings of their identity and of their demands of the authorities. Here, the data will be used in conjunction with some approaches from social movement theory to understand the possibilities for building NEFAD. A range of theoretical approaches are used to better understand both victims’ needs of mobilisation and how that mobilisation can best be supported. These use the following concepts:

- **Organisational dynamics**: How the structure of NEFAD can best be constructed in the light of other examples and the data of this study.
- **Constraints and opportunities for action**, understood in terms of the range of resources available and required for action and the political opportunity in the Nepali context.

Section 9 then uses these understandings to present a Plan of Action for the network to move ahead. The discussion here and in the Plan of Action have emerged from both the engagement with victims during the study and through the presentation and discussion of a draft Plan of Action at regional meetings in the Mid-west, West and East, where it was updated.

**Organisational dynamics**

Perhaps the greatest challenge to mobilisation is creating an organisation that can sustain itself, and ensure sufficient contact with victims, giving the existing highly limited capacity for travel. Victims emphasised that they sought a FA that was active in their communities - which demands a presence in principle in thousands of villages - as well as able to advocate on a national stage.

> The programme must be decentralised, not only in district headquarters, so many women (mothers, wives and daughters) can participate in programs. I want to participate in future program, this is our campaign and we have to empower all members. This is important for everyone. (BL001)

In Bardiya, two approaches were typically taken by CVC. One was to call meetings in the HQ and in VDC centres to which people could come, either on foot or paying for their own transport. The second was for CVC officers to travel, usually on a motorbike, to visit families in their communities. The number and density of victims in Bardiya however made this straightforward. The experience in Lamjung and Sunsari is very different. Lamjung is a hill district with few roads, for families to come to the HQ often requires a full day or more of travel, much of it on foot for many. In such a district the possibility of regular district-wide meetings seems remote. The CSJ coordinator travels around the district to meet families, but is dependent upon external finance (such as that offered by this study) to support people to travel to the HQ. Similarly, in Sunsari, since there are few victims scattered throughout the district, bringing people together is challenging, both in terms of their time and the cost. The solution found by the NEFAD coordinator in Sunsari has been to travel by motorbike throughout the district meeting the families of the missing. This satisfies the demand that families are kept informed of both NEFAD activity and of developments in Kathmandu. It is likely that such an approach combined with district FAs meeting...
several times a year, which will also require financial resources, is the most effective in such districts.

**The form of victims’ networks**

The victims’ network proposed here is one in which all victims are met regularly by a NEFAD representative, and these meetings are used to sustain whatever local solidarity is possible given financial and logistical constraints on families coming together. This contact is then complemented by several meetings annually in the district HQ at which as many families as possible can be represented.

In a rural and highly dispersed society such as Nepal, in most communities local concerns drive attitudes and behaviour. This is as true of the conflict, when local politics and score settling led to disappearances as much as ideological and national politics, as the peace. For most family members their understanding of solidarity around victimhood has initially come from contacts with neighbours and those from nearby communities; this has then been complemented by potential contact with victims’ organisation or human rights agencies. The only experience most people have of mobilisation linked to national issues is that of political parties, and this remains a very negative example for most victims, who see the parties both as highly undemocratic and as responsible for the failure to address their issues. To some extent then, victim mobilisation is proposing a novel process of empowering ordinary Nepalis for which there are few precedents. One relevant example is the campaign to free the Kamaiya, bonded labourers of Tharu origin, led by the NGO BASE (see Box 2). Whilst the victims’ campaign is not exactly analogous, there are lessons to be learned. Some relevant points for NEFAD include:

- Whilst welfare is important, a campaign should be *rights-based*.
- Education and empowerment of the marginalised is an important part of mobilisation.
- The marginalised should represent themselves and not expect elites to lead their movement.
- A broad coalition of interested parties is more likely to succeed than a dedicated campaign that ignores other actors.
- Financial resources will be needed, and foreign donors are one of the few sources of these.
- Broader political support, including among the political parties, is a powerful tool for change.

When asking the question: who mobilises and who does not?, some clear answers emerge from the data. Women who prioritise domestic work and potentially casual day labour that supports their families will always be challenged in becoming activists for a victims’ movement. The typical activist in contrast is male, more educated than most victims and often with an independent income source, such as a business. In many districts, including Lamjung and Sunsari, a single activist largely sustains the entire FA. An aim of NEFAD’s networking must be to ensure that in each district there exists a core of committed individuals, prepared to devote a significant fraction of their time to the network. This need be only 2 or 3 people in each district, but efforts should be made to ensure that this group is as diverse as possible and truly representative of families in the district, most notably in gender terms.

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77 ActionAid (2005), *Liberation is not enough: The Kamaiya movement in Nepal*. Kathmandu: ActionAid
BOX 2: A grassroots social movement in Nepal: BASE and the Kamaiya freedom struggle

The Kamaiya were Tharu families kept in conditions approaching slavery through a corrupted traditional process that led to modest debts forcing generations to work indefinitely without salary for landlords. It is a phenomenon of rural Western and Mid-western Nepal that persisted until legislation outlawing the practice was passed in 2000.

The movement represents one of the few in recent Nepali history that was built from the grassroots, with little initial involvement from political parties and elite civil society. Backward Society Education (BASE) was established in 1986 and was unique in being a membership organisation, growing from just 34 members at its initiation to 85,000 at the time of liberation. In their struggle with landlords, BASE organised both education and literacy programmes and strikes, withholding their labour to demand wages. BASE served as a centre for Tharu unity and to challenge the economic and political hegemony of the Hindu caste groups that had usurped land in the regions they traditionally occupied. In 1991, against strong pressure, BASE managed to register itself as an NGO and thus open itself up to foreign donor support.

BASE was rooted in small groups in Tharu communities, and encouraged saving groups and family support programmes to help alternative income generation. Literacy classes formed a mainstay of BASE’s work. Many programmes were threatened by the need for Kamaiya to work, meaning they could only attend in the evenings. It became clear, due to such constraints, that an education and welfare approach could not solve the Kamaiyas’ problems. In response to this a rights-based approach was taken, driven by human rights awareness training. Kamaiya groups were formed in every VDC of affected districts to organise them and strengthen their solidarity and livelihoods. Youth in particular who passed through the training became a vanguard for the Kamaiya, spreading the ideas of human rights and democratic values. Following the arrival of democracy in the 1990s additional funds and publicity flowed, and advocacy increased. It was clear however that the Kamaiya movement must remain led by Kamaiya, although supported by an alliance of NGOs that became a loose network. This represented the creation of a broad alliance to advance the issue of Kamaiya liberation that gave connections to organisations in Kathmandu that facilitated national level lobbying.

A turning point for the movement came in 1999 following a rally in Dhangadi, Kailali, when 5,000 Kamaiya marched, that led to a meeting of all VDC officers, together with district officials that produced the Kanchanpur Declaration on Kamaiya Liberation. In response to this, District officials began to fix minimum wages, and the Kamaiya collected petitions to lobby central government. In early January 2000, the General Secretary of CPN–UML issued a party directive to expel members from any position in the party if they were found keeping Kamaiya. Following the failure of the CDO to consider a petition in Kailali, a massive demonstration was called in May 2000 and with NGO support that high profile case was solved and Kamaiya released. Demonstrations increased in size and media interest was high, as more political leaders voiced their support. In July 2000 Kamaiya from the region went on hunger strike in Kathmandu, coordinated with sit-ins in the districts. As tensions grew and negotiations dragged on, on 17 July the cabinet declared the Kamaiya free by decree.
Mobilisation is thus seen to have the following goals:

**Local mobilisation** through a coming together at district or VDC level, allows families to share their experiences and provide:

- **Solidarity and peer support:**
  - Construct or reconstruct their identity through the affirmation of their loved ones as missing and not dead; this impacts upon the identity of the families of the missing, confirming women as neither widows nor wives, and neither mothers nor childless, but as wives and mothers of the missing.
  - Challenge stigma that emerges within families and communities, as a result of a perceived link to the Maoists, or through a perception that family members, and in particular wives of the Missing, have identities that fail to coincide with traditional shared understandings (see Box 1, p. 37).

- **Educate family members in terms of their rights as victims of the conflict and as citizens of Nepal, and act as a local node of a national structure that can pass information concerning the transitional justice process in Nepal to and from families, including through communication with the promised TRC and Commission on Disappearances.** One interviewee talked of ‘education for participation’, suggesting that education is a pre-requisite for mobilisation.

- **Act as a point of contact for, and/or delivery of, leadership training and capacity building to representative family members, with an emphasis on women and other marginalised members of the FA.**

**National mobilisation** is sought to create a national voice for the families of the Missing that can influence the authorities, donors, NGOs and others engaged with transitional justice. Families want their needs to be known and acknowledged, and this to serve as the basis upon which they are addressed. Most are unaware of ongoing discussions in Kathmandu: the transitional justice process and related discussions are remote and disconnected from victims and driven by elites in the capital who advance a different agenda. Those among victims who had trusted political actors, notably the CPN-M, are increasingly losing that trust and seeking others to represent them. A number of families saw the need for FA programmes to take place in Kathmandu where they can target those with the power to address families’ needs.

- **NEFAD** is perceived as a trusted representative of the families that can speak on their behalf in Kathmandu and represent them in the various forums in which relevant issues are discussed.

- **NFEAD** can organise national advocacy and campaigning activities, including demonstrations and activities which target the media and engage victims from around the country.

**Regional mobilisation** is required as a bridge between victims who can gather at a local level and the national level where action is required. Whilst victims expressed trust in their chosen representatives, a democratic structure is most likely to ensure effective representation of victims. A regional structure can permit district level organisations to have a direct link to the national level and to a central office in Kathmandu through regional representatives with whom they can meet at least occasionally.

**Mobilisation: Creating regional and national structures**

Mobilisation is the process of bringing victims together in ways that both provide support locally and permits their voices and an articulation of their needs to reach those leading the transition. In practice this is done through the organisation of victims at
district, regional and ultimately national level to give victims in remote areas a route to address their concerns to the authorities (see Figure 4).

![Diagram of mobilisation process]

At the heart of this work is the development of strategies to strengthen district associations and ensure that regional and national levels (which were largely inactive at the initiation of the project) remain both effective and representative. Whilst the modes of inclusion of those associations created by political parties and rights agencies can best be characterised as instrumentalisation or cooptation, NEFAD aims to ensure that it operates not just in a consultative capacity but in a transformative way, empowering families of the disappeared to challenge marginalisation through participation.

**Constraints and opportunities**

Throughout the peer interviews victims emphasised how few resources they had – in particular no money to fund the work of the network and little time to attend meetings. Indeed this resource inequality is itself a symbol of the exclusion that fuelled Nepal’s conflict. Here the range of resources such a movement is likely to require will be surveyed, and whilst there remain many challenges, there also exist resources - such as the social – which are under-exploited. Also examined here is the political opportunity that a victims’ movement has, given an environment that – despite the pledges of the CPA – remains apparently resistant not just to accountability for crimes of the conflict but any discussion of them beyond the payment of ‘relief’ to victims.

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As part of this study, three regional meetings were supported (Eastern, Mid-west & Far-west & Western), that brought district associations together to discuss and identify families’ priorities for FA activities, use this as a basis to seek future support for the NEFAD plan of action (see Section 9), and review existing advocacy strategies.

In total 117 family representatives participated, representing 25 districts where FAs either exist or are being created:

- Eastern region: Dhankuta, Sankhuwasaba, Bhojpur, Udaypur, Siraha, Saptari, Jhapa, Morang, Sunsari
- Mid-west & Far-west: Dadeldhura, Kanchanpur, Kailali, Surkhet, Banke, Dang, Bardiya
- Western: Kaski, Tanahu, Syangja, Baglung, Gorkha, Nawalparasi, Kapilvastu, Rupandehi, Lamjung

These meetings represent the genesis of a regional structure for NEFAD and the creation of representative leadership that can take victims’ voices to the national level.

A total of 35 FAs are linked to NEFAD, of which 17 are currently active (shown in **bold**):

**Far/Mid Western:** CVC Bardiya, Banke, Kailali, Kanchanpur, Dadeldhura, Surkhet, Dang, Rolpa

**Western:** CSJ Lamjung, Nawalparasi, Tanahu, Syangja, Kaski, Gorkha, Baglung, Kapilvastu, Rupandehi

**Eastern:** NEFAD Sunsari, Jhapa, Morang, Dhankuta, Sankhuwasaba, Udayapur, Bhojpur, Siraha, Saptari

**Central:** Dhading, Dhanusha (Conflict Victims’ Society for Peace and Justice), Nuwakot, Ramechhap, Kavre, Sindhupalchwok, Kathmandu, Bhaktapur, Chitwan.
Mobilising resources for the network

Whilst families have shared understandings of what is needed of the movement, it is clear that they lack resources of all types – financial, social and human – to build a movement. One analytical tool used here is the idea of resource mobilisation: what resources are potentially available that have not yet been used, and how can activists better use the resources that are available? Resource mobilisation approaches emphasise several points:

- Resources (notably money and labour) must be aggregated, and this requires organisation: that is one motivation for a formal structure, including something with a legal status.
- Experience shows that in accounting for the success or failure of a movement one finds an explicit recognition of the importance of the involvement of individuals and organisations from outside the collectivity of the movement (as seen in the BASE case).
- There is a need to understand the costs and rewards of involvement in social movement activity: what do victims get from mobilisation?

Whilst resources alone are not sufficient to ensure the success of a movement they would appear to be a prerequisite to achieve the impact that NEFAD is seeking. Here we will discuss a range of resources: moral, cultural, social/organisational, human, and material. It is worth noting that collective action itself can serve to generate additional resources.

Families of the missing have a degree of moral resources - legitimacy, solidary support, and sympathetic support – but in the context of Nepal, where there are many ‘deserving’ causes, it is not clear how valuable this is. Cultural resources refer to tools and knowledge that can sustain mobilisation, such as how to accomplish specific tasks like enacting a protest event, holding a news conference, running a meeting, forming an

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80 Ibid: 152.
81 Edwards and McCarthy, supra n. 79: 118.
organisation: groups like CVC and the NEFAD leadership are beginning to develop such skills, but ordinary victims lack them entirely.

**Social resources**

Social resources typically comprise infrastructures, social networks and organisations; they include those created specifically for the social movement, such as the district FAs, and external resources to which movement actors are able to gain access. The social resources the movement needs are not only those of the networks of families, but the many other networks to which the NEFAD leadership and families themselves have access.

Many of the priorities in building NEFAD and its district constituents are clear:

- District FAs are membership organisations, with membership of an affiliated FA leading to membership of the NEFAD national network; a national NEFAD office acts as a secretariat coordinating the work of district FAs.
- Constituent FAs and the NEFAD secretariat will have a democratic structure: district FAs will elect a district committee at an annual meeting, and these will represent the FA at regional and national levels. Regional and national committees will be elected at their respective annual meetings. District representatives will be tasked with ensuring that members are well informed of activities at all levels.

In post-conflict Nepal the public space very visibly contains political parties and NGOs, who have dominated all discussion of the transitional agenda. It is useful to understand how such organisations interact with victims and their organisations. The political parties, notably the CPN-M and Nepali Congress, have long had affiliated victims’ groups for whom membership is restricted to victims of the ‘other side’ who are Party supporters, and which appear to instrumentalise victims for their own political advantage. An example is that of Sofad, the CPN-M affiliated organisation for families of the disappeared: whilst this has done excellent work in Kathmandu in supporting and showing solidarity with victims, it appears to reflect the Maoist Party’s perspective concerning violations and seeks to advocate for amnesia rather than accountability; it is also largely inactive elsewhere. NEFAD should not exclude collaboration with Sofad, but should be aware that the agenda of its leaders, all senior CPN-M members, will diverge from the agenda of the broad range of victims. Many long time Party members are torn between their loyalty to the CPN-M as the sole route to action to address their victimhood, and supporting NEFAD. Such activists, with experience and commitment, are potentially extremely valuable to NEFAD and efforts to date indicate that they can indeed play an important role at district and higher levels of the network.

Relations of the district victims’ groups to NGOs, in particular rights agencies, have not been unproblematic. This is a result of a perception that they are in some sense competing both for funds and for the trust of victims, and the widely held view among the families that the rights agencies do not have their best interests at heart. As NEFAD has become more active however, it has forged better relations with a range of Kathmandu based organisations and has cooperated in joint activities with them. It is clear that NEFAD must live with and work alongside such actors, and work not to simply critique them but to advocate for an approach that supports victim mobilisation and advancement of the broader victim agenda. A similar relationship must be built with international organisations, most importantly the International Committee of the Red Cross (ICRC), which has funded victims’ groups since 2006 and supported NEFAD more recently. Both ICRC and NGOs represent not just a source of support of all types to NEFAD on the ground, but also a voice in Kathmandu that is listened to by a range of important actors, including government.
Debates in Kathmandu around transitional justice have traditionally taken place both in elite spaces and subject to elite agendas, but over the last two years the voices of victims, including NEFAD’s leader, have increasingly been heard in the media. Such access is an important resource that should be exploited wherever possible. As district and regional groups strengthen they should seek to ensure they have regular access to local media, both in print and FM radio. Use of such channels can both disseminate victims’ perspectives as well as serving as a source of solidarity with those who cannot regularly attend meetings.

A substantial social resource is the respect with which victims’ leaders and representatives are held in their local communities. In a district such as Bardiya CVC is well enough known that meetings with local officials are commonplace: such contacts should be cultivated and used to maximise their advocacy impact. Directly relevant office holders, such as the local Peace Committees or the District Development Officer can be targets for FA officers and members to address their needs. More generally, there is a need to universalise the message that victims communicate. Many victim demands do not only impact on victims, but also on the broader society; the need for accountability and rule of law, and for truth-telling and acknowledgement about the violations of the conflict for example, serve to build a society that is better for all. Such a message can explicitly address ‘bystander publics’ not directly linked to victims who can support the campaign.

**Financial resources**

The victims’ movement needs access to financial and physical capital to achieve any of its basic aims: even facilitating contact between low income victims beyond their immediate communities demands financial support for travel. Monetary resources received an inordinate amount of attention in the peer interviews, both because it is seen as an essential resource and because families are aware how little of it they and their peers have. Whilst one interviewee suggested that families could themselves collect money to support their activities, this is unlikely to sustain a significant level of activities.82

NEFAD will need access to external financial resources or other material support. This can come directly from donors, most likely foreign agencies, or from working with other relatively well funded agencies in Nepal, such as the human rights NGOs or ICRC. The collective nature of the movement for justice for victims makes collaboration inevitable but to date, because funding has been indirect, this has largely been on the terms of others, rather than victims themselves. As long as there is no well funded agency whose general aims and mandate coincide with those of victims, NEFAD will be force to seek its own funding, while simultaneously being a part of a larger rights movement.

Support for NEFAD and its district constituent associations is likely to demand that donors work a little harder: the easiest way to support rights work in Nepal is through funding those based in Kathmandu that speak donors’ language (both literally and metaphorically) and have the capacity to write grant requests and funding reports. What NEFAD and the district FAs need in terms of support is not only money, but real capacity building that is far more challenging than typical NGO activities that are dominated by the calling of meetings and disseminating the rights discourse. The substantial support given to a small number of rights agencies demonstrates how a small Kathmandu NGO community has become not only the recipient of the vast majority of human rights funding in Nepal but has done so in the name of victims: constituting an unrepresentative gate-keeper that serves to prevent donors from reaching most victims. In addition to changing the targets of their funding donors who wish to support victims must also broaden their aims, beyond traditional

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82 BASE did however sustain a savings scheme that was beneficial to its members (see p. 61).
advocacy (which has been spectacularly unsuccessful in Nepal) to include empowerment and support of the social and livelihood agendas of victims.

**Human resources**

The number of families affected by disappearance suggests that human resources are plentiful. However, this category includes those available to build the movement and participate, and – as the peer data shows – rather few are able to give much of their time. For inclusive participation, especially of those who are most socially excluded from activities in both their communities and the wider polity, requires an explicit commitment to capacity building. Human resources also refers to skills, expertise and leadership, and these are all in short supply among victim families. A limited leadership of a handful of people now exists that can lead the movement in the districts where they are found and nationally, but the priority for NEFAD is to broaden the base and representivity of such leaders, so that the movement is no longer dependent upon a very small number of people, but has a range of individuals who can fill the required roles. The family members who must step into these roles are mostly women of limited educational background and as such this process is likely to require explicit action to build leadership expertise. This is understood by family members:

I argue for women’s leadership and support them to be leaders, to change their role in the community and in the missing campaign. Whatever the problems, we have to initiate our issue by ourselves, so we have to fight and unite for a common agenda as we are crying for similar cause. (BL002)

We have very limited leadership skills, we need to work on this to promote leadership, and women’s leadership in particular. We also have to increase programmes and interactions, then many members can participate, understand and empower them in the campaign. (BL005)

Whilst this is hugely challenging, it an integral part of the empowerment strategy of NEFAD, which not only seeks support for victims from the authorities but to allow victims to claim agency in the process around addressing legacies of violations.

CVC, despite its great success, has demonstrated the challenges of rural victims running their own organisation – not least in their inability to manage accounts and effectively refute malicious allegations of financial wrongdoing.83 The capacity building approach that FAs need demands the opportunity to access expertise that can build leadership skills in all aspects, organisational, financial and political (in terms of understanding how Kathmandu networks operate). Whilst one donor suggested a foreign volunteer to support CVC, what NEFAD and district associations need is the part-time support of someone who knows the ways and means of Nepali civil society, who is part of elite networks that provide access to both knowledge and funding. This would be an affordable way to support capacity-building of the FAs and challenge certain NGOs privileged access to donor funds.

**Political opportunity**

In peer interviews many family members linked the lack of success in their advocacy to the ‘political environment’, pointing to the unfavourable situation of having a set of political parties in power all of whom have a degree of interest in ensuring that violations of the conflict are not subject to judicial process or redress.

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83 This was linked to the initial struggle between CVC and CVSJ, with allegations linked to those who sought to remove CVC as the dominant victims’ group in Bardiya. Whilst these allegations disabled CVC entirely for almost one year, including losing them access to significant promised foreign funding, they have since been found baseless and CVC’s registration restored by the CDO.
The current government has if anything increased the commitment to impunity through a general amnesty concerning violations of the conflict, for political expediency. This demonstrates the extent to which the success of any social movement is dependent upon the political opportunity it has to advance its goals. This will be discussed in the light of understandings from other contexts and the frankly difficult political situation for a victims’ agenda in contemporary Nepal. Understandings of ‘political process’ focus on the relationship between institutional political actors and protest. Political opportunity refers to the potential within the political structure for allies or tolerance for a social movement agenda to emerge: in the Nepali context we seek to understand how the ‘new’ actor a victims’ movement represents can interact with traditional political actors at a range of levels. The concept also encompasses the dissemination of norms and values, such as respect for human rights, among political actors. The task in Nepal would seem straightforward: the parties have committed themselves to a comprehensive approach to addressing past violations, to creation of a TRC and a Disappearance Commission. A victims’ movement must seek to hold political leaders to their commitments:

The most relevant actors to discuss are the principle political parties. Since these are universally undemocratic, with policy and authority defined in a strictly ‘top-down’ fashion, there would seem little hope in attempting to influence party cadres at the grassroots. This can however be a part of a broader strategy to gain support for the victims’ agenda, by targeting all actors who may have influence. It is clear for example that within the CPN-M there are many individuals who are victims or whose families are victims of violations of the conflict: can NEFAD and its district affiliates play a role in supporting them to advocate within the Party for change? Within the NC there are younger leaders who remain appalled by their leadership’s commitment to impunity: can NEFAD work with them to build support for an alternative? The CPN-UML has long been close to human rights actors and would seem the most amenable to articulating the needs of conflict victims: is there space for NEFAD to encourage them to advance the broad agenda that victims seek? Whilst none of these routes is guaranteed to bring change, it should become a part of NEFAD’s work to build relations with political actors and educate them on the victims’ agenda.

The politics around the general amnesty has emphasised reconciliation in contrast to prosecution, and in terms of victims’ needs, political actors appear to have understood this in terms of compensation payments to victims. Whilst such payments are very much welcomed, victims understand that an effort is being made to see such financial support replace truth, justice and reparation, and this is hugely resented:

I am not happy with government relief that devalues our agenda and undermines the truth issue with a little money which is big neglect to us. Can money value my father! What is the price of a person and his dignity? (BL002)

We do not understand much about the relief system, who made this without consultation with family members; the Government provided a little money without acknowledgement. We cannot sustain our livelihood with government relief and cannot be satisfied to take this money without truth and justice. This is an insult to the families of disappeared. (BS002)

A political challenge for NEFAD is to emphasise the importance of such payments, and indeed of additional support to families, but always to demand a rights-based approach to addressing violations that includes truth, justice and reparation.

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84 e.g. ‘Transitional justice: Parties go for blanket amnesty’, Kantipur, Dec. 17th 2011.
An important actor in Nepal is the international community, including embassies, donors and international agencies, as well as the UN. All have rhetorically supported transitional justice process, with an emphasis on issues of accountability, echoing the domestic rights agencies. They are likely to continue their important role of putting pressure on the authorities, but have a limited ability (and perhaps desire) to force change. Perhaps what NEFAD can best contribute is to ensure that the international community is aware of the true agenda of victims, and the extent to which elite NGOs are not entirely representative. This can seek to broaden the role such actors play and potentially lead to routes to funding for NEFAD.
9. ADVANCING VICTIM AGENDAS: NEFAD’S PLAN OF ACTION

An important part of the process of meeting families and of engaging with the three Family Associations was to assist the evolution of a plan of action for NEFAD that would serve as the basis of the national association defining concrete ways forward and activities, and approaching donors to fund them. The plan of action presented here is that resulting from the researchers’ engagement with the family associations and victims throughout this study, which was then presented and discussed at regional NEFAD meetings; this will be further iterated at the national meeting in Kathmandu, planned for June 2012. NEFAD has successfully achieved the first task it set itself, to connect associations of families of the disappeared from all around the country and to act as a catalyst to create new groups where victims sought to come together. It is now in the process of strengthening its regional structures, and this document is the product of consultations in three regional meetings (Mid-west & Far West, Western & Central, and Eastern). The next step in NEFAD’s development is to establish its structures and activities, so that it can not only support victim mobilisation but act to ensure that it impacts positively on families of the disappeared, by addressing some of their many needs.

This plan of action represents an agenda for NEFAD to both increase its representativeness, through bringing victims together at regional and national level, but also a planned programme of activities that aims to directly impact on the lives of the families of the disappeared.

Support and solidarity

The five years of experience that family associations in Nepal now have contain many lessons that demonstrate the value to families of coming together to share their pain, advocate for action to address the issue of disappearance and campaign for concrete benefits. Activities at the district level will include:

- **Sharing and solidarity**: ensuring that families, particularly the wives and mothers of the disappeared, are able to meet regularly at either district or community level, as appropriate, to share their experiences. This serves to challenge isolation and address the stigma and discrimination that many women face, and provides a platform for families to sensitise community leaders to their issues to ensure fairer treatment.

- **Livelihood**: loss of breadwinners has plunged families that were always poor into destitution; family associations seek to help families find ways to ensure that families can be fed and children educated. This will include making links to organisations running livelihood and micro-credit projects, to ensure that they include the families of the disappeared in their projects. Where possible, family associations will seek to run livelihood programmes themselves with technical support from relevant experts, including micro-economic and livestock projects. This will be supported by efforts at the national level to engage with relevant agencies to support all of NEFAD’s constituent associations.

- **Legal and administrative issues**: district associations will act as conduits to the authorities to address families’ issues. They will support families to ensure they have access to entitlements, such as interim relief, and to address issues around inheritance and property ownership, where the ambiguity over the status of the disappeared creates difficulties.

- **Empowerment**: a majority of the victims of disappearance came from excluded groups, such as the Janajati, the lower castes and the Madeshi; in all communities women are disempowered. Bringing victims together at a local
level allows such groups, and in particular women who are disempowered in all communities, to become more empowered to challenge discriminatory structures in their communities. This is linked to NEFAD’s aim to support, educate and encourage women and minorities to take up leadership positions in the family associations.

Advocacy: From the family to the policy level

NEFAD is founded on the understanding that it is the families themselves who must set the agenda for advocacy to address the issue of disappearance: one of NEFAD’s founding aims is to connect families with the transitional justice process at national level. This requires a strong and representative network, but also families that are familiar with the issues at stake, and updated about developments at the Kathmandu level. NEFAD aims to ensure that its advocacy work is by and for families, focussing on the issues that they prioritise. As such there is a need for a constant contact between NEFAD representatives at the district level and the families, with opinions and information exchanged in both directions.

District association representatives will be tasked with maintaining a regular contact with all members of their district association. In most cases this will be done through regular meetings (bimonthly, for example) in a district centre; in some cases where victims are dispersed it will require a representative to travel to meet families in their homes. The agenda of these meetings will be to:

- **Understand** what difficulties families are facing and how the district family association, or NEFAD nationally, can address them, and how this can drive advocacy.
- **Educate** families about their rights as victims
- **Inform** families of the status of the transitional justice process in Nepal, of any benefits to which families are entitled and of NEFAD plans at district, regional and national level.
- **Share** problems and try to find common solutions/self help approach

This highly decentralised approach aims to ensure that NEFAD’s action at all time remains relevant to families and reflects their needs. At the national level, NEFAD policy, action and advocacy will be steered by district and regional representatives who, benefitting from a close relationship with families on the ground, will enable the NEFAD leadership to always be sensitive to families’ demands.

Structures and organisation

NEFAD is a network of district associations, and seeks to be a national secretariat that can coordinate district associations, as well as offer technical and other support to grassroots activities. Coordination will be achieved through both a representative structure of regional level groups, and a national office that will be both responsive to needs of the districts and initiate action that the districts can be a part of.

The structures through which NEFAD will work can thus be summarised as:

- District level associations, meeting approximately bimonthly; in some cases with sub-district structures to ensure a community level engagement. In those districts where there are significant numbers of victims but as yet no family association, efforts will be made to contact families and offer support with organisation.
- Regional structures that will meet twice annually; this permits the region to select representatives to a national structure and to engage with other associations in their area. Three regional associations currently exist,
coordinated by strong district associations in each area (CVC Bardiya in Mid & Far West, CSJ Lamjung in Western & Central, Conflict Victims’ Society for Peace and Justice, Dhanusa in Eastern and NEFAD Sunsari).

- A national committee that will be elected annually by the regional meetings; there will be a national meeting annually that will bring together representatives and other families to exchange experience.

Participation and representation will characterise all levels of the structure, with a philosophy of encouraging representation of all, and in particular the most disempowered. This demands a structured process of identifying leaders, at the district and regional levels, and in particular women and those from groups over-represented among victims but under-represented at the leadership level in all sections of society. Training and support needs will be identified and a representative leadership at all levels built with the skills to drive the network forward.

NEFAD and its constituent district associations will work at all levels with any agency or group that is seeking to advance the aims of victims of conflict. It will advocate for an approach that seeks to aid all victims without prejudice, independent of who they are or who was responsible for their victimisation; NEFAD will remain strictly neutral politically.

Activities

In summary, planned activities will include:

- Support and solidarity to families: psycho-social support will be provided through regular meetings at the district level, and the training of district leaders and others in the provision of psycho-social support, with an emphasis on the wives and mothers of the disappeared. Livelihood projects will be developed in cooperation with other actors, to raise the economic level of the families.

- Education and information will be provided to families through district level meetings to ensure that they are aware of the ongoing transitional justice process in Nepal and how this affects them, and that their opinions are considered in the network's activities. A programme of training will seek to build leaders from among the families of the disappeared.

- Advocacy work: campaigning to ensure the addressing of the broad range of needs of the families will be conducted at district, regional and national levels. This includes truth and retributive justice, but also the restoration the economic and social rights of victims that have been eroded by their victimhood. This work will be supported by:
  - Family profile: a standard form to understand the needs of all the families of the Missing will be prepared for FAs to fill for as many victims as possible in their district. This will permit the mapping of the needs of the families of the disappeared, for presentation to government and other interested parties.
  - Charter for Redress: The national family profile data and other experience of FAs will be used to prepare a Charter for Redress that will be presented to the highest authorities in the country, and be accompanied by a broader advocacy campaign.
A participatory documentation project will seek to provide families with the skills and tools to write their own stories, of conflict, victimisation and their efforts to overcome its impact. This will represent a 'history from below' that will both seek to ensure that the victims' viewpoint is presented, and that can serve as input to transitional justice processes, such as a truth or disappearance commission.

Need for support
NEFAD has no resources other than the time and energy of the family members who have created and sustained it, and the external support it has received to date that has permitted its work over the last two years. NEFAD has received support from ICRC, ICTJ, OHCHR, ICJ, INSEC, Advocacy Forum, Amnesty Nepal, the Berghof Foundation and this has permitted the creation of the existing network and a range of ongoing activities. For NEFAD to engage in its planned activities over the medium and long terms, and for these and the network to be sustainable, it seeks long-term support. This will be both financial, to fund activities, and technical, to build the capacity of the network at a range of levels.

Technical support is required to ensure that NEFAD can succeed administratively and financially: at the district level victim families lack the technical skills that permit them to manage projects and funding. NEFAD seeks to be an active component of civil society at all levels at which the network operates, but is highly constrained by the fact that – with a few exceptions – the families who are active in the network lack the skills and connections to effectively access and collaborate with civil society. Ideally, NEFAD will benefit from civil society 'insiders', who are well connected but sympathetic to the idea that victims can be actors in a post-conflict society, who could be supported to work with them on a part-time basis. This could be most effective at the regional and district levels, where capacity is at its lowest and victims often feel excluded by civil society.

This plan is intended to be a point of departure for discussion with potential donors over aspects of NEFAD's activities that they would be interested in supporting.

Immediate Plan
1. Campaign:
   - National consultation meeting in Kathmandu (family representatives’ consultation and meeting with other stakeholders (donors, embassies, NGOs, Media) Submission of Memorandum, attention letters to PM, Peace Ministry etc.
   - Policy lobby and debate in Kathmandu and linking into the districts/regional levels (bottom up approach)
   - Awareness programmes and Radio programmes (Regular Advocacy works)

2. Leadership and Training
   - Capacity building of FAs to do advocacy
   - Strategic leadership training
   - Women Leadership training
     - Leadership training for women (Representatives from Regional networks and district FAs), who will organise National Women Conference after the training – including mothers and wives of the missing.
   - Networking, linkages and coordination with various stakeholders
   - Advocacy, lobbying and campaign

nefad.wordpress.com
The training will comprise leadership skills, advocacy and lobby skill to present the issues at the public forefront, media, policy forums which will enhance their skills on professionally and effectively dealing with the policy makers, become better leader, understand the roles and responsibilities; the training will also cover professional writing, emails, public speaking, how to make power point presentation, interpersonal communication skills, discipline, lifestyle appraisal and self performance evaluation etc. The ultimate goal of this program component is to make the leaders effective to advocate and lobby about issues with the stakeholders in the transformation process to introduce policies and programs at the government and the non-government level.

3. Support
   
   a. Secretariat support
      • Administration/coordination support:
         o Secretariat in Kathmandu (covers central and western region),
         o Itahari (Eastern region) and
         o Gulariya (Midwest and Farwest region)
      • NEFAD Brochure in English and Nepali
      • Newsletter publication (proposed name: The Survivors)
   
   b. Psychosocial and livelihood support for surviving families
      The Activity aims at enabling people who have lost their livelihood and social compassion to the conflict to get back into their trade and livelihoods, to restart their income-earning activities and to become independent from trauma.
   
   c. Improved access to psychosocial support services (PSS)
      Aimed at enhancing capacities for improved access to better psychosocial support services for victims include the establishment of 3 counselling centres and the recruitment and training of three region based facilitators with 12 District facilitators. The counselling issues will be related to trauma/fear counselling also it will include support to victims of Gender-Based Violence (GBV), child neglect, and mental illness. If the cases cannot be handled at the counselling centres, they are referred to relevant service providers.
      These support services will also provide emotional and physical support i.e. family visits/sharing meetings.
   
   d. Livelihood support
      Support livelihoods through vocational training, job creation, and start-up assistance to small business and agriculture.
      • Training to the family members – (Radio Journalist Training, Computer Training, banking and financial, cooperative management training)
      • Micro finance, Micro-economic initiatives, small cooperatives
   
4. Victims’ Fund – Family Emergency Fund (health, educational and other support)
   Assist efforts to protect the most vulnerable groups in society, in particular, through improved access to education to reintegrate in society children and adolescents affected. The emergency fund also mobilises to protect lives and emergency causes on case basis.
   
5. Pilot projects on Livelihood and campaigning
Income generation activities/livestock, vegetable farming and mobilisation programmes based on the following considerations of the Human rights based approach (HRBA), People’s expectations, Diversity of livelihoods- pilot projects will be initiated to gain experience in the implementation of livelihood restoration in view of a larger livelihood support programme, including a better understanding of people’s livelihood and coping strategies. Subsequently, as a campaign based intervention and capacity building initiative, intervention of the pilot project will be designed and implemented.

6. **Participatory Documentation and Memory work**

Training and support to district associations to document disappearances, potential grave sites, and other information that can ultimately aid in the solving of disappearance cases. Ideally, a participatory documentation process can unfold nationally, coordinated with as many district associations as can contribute. Such work can be linked to local memorialisation activities that can ensure the disappeared are valued and the position of their families understood in their communities.
APPENDIX I: SEMI-STRUCTURED RESEARCH INSTRUMENT USED BY FAMILY ASSOCIATIONS

1. Introduction
Wish to understand what victims want from a Family Association.
Have they been involved with the FA? If not, why not?
What would they like to see the FA doing?
Tell people that we want them to be honest, even if they are critical of the Family Association.

2. General Information
The Interviewee
Name
Relation to the missing person
Ethnicity / caste

The Missing person
Name
Age:
Married?
Children? (number of):
Responsibilities within the family / employment
(income generation?)
civilian / political activist / PLA / security forces

Date / Circumstances of disappearance (if known)

3. How does the victim think about themselves?
Aim to understand family members’ identity as victims
Why do you think of yourself as a victim?
How is victimhood most demonstrated in your everyday life?
Are your problems all because of your missing relative, or are there other reasons?
If so what are they? Poverty, family, ethnicity, etc?
Are you also a victim of other things? What?
Are you victimised because you are a woman, or a Tharu/Madeshi/Dalit?
Are there other issues which have a similar impact in your life to that of the disappearance? If so, what?

Are you active politically? How? [Which party?]

If not, do you support a political party? Why

4. Attitude to injustice

Are you a victim of injustice? Does this only relate to the disappearance or are there other sources of injustice?

What or who is responsible for the problems caused by the disappearance?

The direct perpetrators only, or also others, such as the Government?

What about the family and community, are they considered to have made things worse?

What is the solution to the injustice?

Who has to take action?

Who shares your understanding of this problem and can help you?

The Family Association? Political parties? Friends and neighbours? Relatives?

Do victims of other violations face the same problems as you?

How does their experience differ?

Do victims of the ‘other side’ face the same problems as you? Do they deserve the same support and action as you?

What do you understand by human rights?

What are your rights?

Whose obligation is it to ensure your rights?

How are your rights being violated?

5. Attitude towards the Family Association

Do you know about the Family Association?

Do you think that the Family Association is trying to help people like you?

Does the FA understand your problems?

Does the FA listen to you?

Do you think the people running the FA represent you?

If not, why not? Who could better represent you?

Do you trust the individuals involved in the FA? If so, why; if not, why not?

Have the FA people asked you what you think about their work?

Are women well represented in the FA?

If not, why not?

Are minorities (Dalits, Madeshis - depending on what is relevant) well represented?

If not, why not?
Do you think that the Family Association can address your problems?
How should it do this?

Has the FA helped at all so far? How?
Providing support, or the chance to meet with other victims?
Helping to get interim relief?

Where do the FA activities take place?
Where should they take place?

What should the FA be doing? Are they doing it?

Have you taken part in any FA activities?
What was it? What did you have to do?
Do you think it was useful?
Will you take part in the future? If not, why not?

What would make you more likely to take part in FA activities?

Are there any other organisations that you trust to help?
Who? Why

6. Feedback
Are there any issues that have not been discussed that are important to you?
Does the family have any questions or comments?
NEFAD is an independent national level organisation working on enforced disappearances and missing persons in Nepal consisting of families of the missing persons and led by the families of the missing. It is representative of a diverse range of ethnic groups, and social backgrounds; NEFAD is politically independent and includes as members those of various political affiliations and of none. Each of the district-based Family Associations that constitute NEFAD has an established track record that demonstrates its independence, integrity and legitimacy.

NEFAD is a non-profit humanitarian organisation formed by associations of families of the disappeared and missing in the country. NEFAD was founded in November of 2009 and its work depends on the efforts of its association members and the support of individuals and organisations in Nepal and abroad. The founding members of NEFAD are the Conflict Victims Committee - CVC Bardya and CSJ Lamjung, comprising district and regional associations associated after post-conflict environment to advance surviving families’ right to truth, justice, reparation and peaceful transformation. NEFAD is closely working on missing persons issues with ICRC and ICTJ Nepal and working on policy lobbying with the Transitional Justice Advocacy Group.