From victims to actors:
Mobilising victims to drive transitional justice process

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June 2012

A RESEARCH SUMMARY AND PLAN OF ACTION TO BUILD NEFAD
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The cover image shows women holding a NEFAD poster demanding the truth about the missing family members, taking part in the August 30th 2011 Day of the Disappeared event in Kathmandu.

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**FORWARD**

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.)

This document summarises a piece of research made in collaboration with NEFAD (National Network of Families of the Missing and Disappeared, Nepal) and three district associations of families of the disappeared in Nepal to advance their mobilisation. The research supported district family associations in Bardiya, Lamjung and Sunsari to interview their members to understand their needs and constraints on mobilising to raise their voices as victims. The aim is both to understand the challenges of mobilisation and to concretely advance it. One output of this exercise is a NEFAD Plan of Action (Section 4) prepared in district and regional meetings over the last year that aims to both lay out ways forward for NEFAD and assist an engagement with donors to support the network.

1. **INTRODUCTION**

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

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4 McEvoy and McGregor, supra n. 2.
dearth of praxis that interrogates the idea of a transitional justice driven by the grassroots.

Social exclusion militates against the engagement of a large fraction of Nepalis in many areas of society: it is unsurprising that it also impacts on the transition from conflict. 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 in Nepal act on behalf of victims, rather than seeking to empower them to act themselves.

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 (FAs) 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 truth and justice from the authorities and have been a valuable mechanism of solidarity and support.

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. 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. 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 (NEFAD), like the district

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7 Ibid.

8 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.
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 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 will constitute the first examination of conflict victims’ groups as social movements and will build 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 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 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 the addressing the impacts of conflict, including in their own communities;
- 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.

**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. An explicit aim of the research is empowerment through mobilisation and this drives the action research modality.

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

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. 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 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.

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9 e.g. Cornwall, Andrea (2002), Locating citizen participation, *IDS Bulletin* 33(2).
Table 1 District family associations where peer 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(^{11}) (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; Madeshi</td>
<td>Still establishing itself</td>
</tr>
</tbody>
</table>

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. 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.

2. RESULTS: THE MOBILISATION AGENDA

Those met 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.

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.

\(^{11}\) The Tharu are the largest single indigenous group in Nepal’s Terai plains and constitute a majority in Bardiya.
<table>
<thead>
<tr>
<th></th>
<th>BARDIYA</th>
<th>LAMJUNG</th>
<th>SUNSARI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENDER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<tr>
<td><strong>ETHNICITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>Madeshi</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td><strong>RELATION OF MISSING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
<tr>
<td><strong>VICTIMS MET</strong></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.

**Priorities of families of the Missing**

Whilst there have been efforts to consult victims about their priorities for the transition, these have been few and poorly executed. 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. In addition to denying victims agency in determining the agenda of transition such a narrow approach also denies the transformative demands of victims: this is a transitional justice that returns women and the marginalised to the poverty and exclusion that led to and exacerbated the impact of violations, rather than challenging these conditions that are in themselves rights violations.

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.\textsuperscript{15}

\textsuperscript{12} In one case the mother and father of a missing man were interviewed together; they are included here.


\textsuperscript{14} INSEC. 2008 *Impaired accountability: State of disappearance in Nepal*. Kathmandu: INSEC.

\textsuperscript{15} 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 faced many problems in family life. Being a young woman, I have been facing several problems in family, in society and culturally. The ritual mater, 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)

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.

Mobilisation and Family Associations

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

Families saw the FAs 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.

16 Robins, supra n.1 at 2.
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)

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 needs. Table 4 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 /</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>not participating</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTITUDE TO LEADERSHIP</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership good</td>
<td>44</td>
<td>55</td>
</tr>
<tr>
<td>Leadership bad</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

Table 4 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. 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.

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 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 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 5.

<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 5 The impacts that the Bardiya FA, CVC, was perceived to have had by victims met in peer interviews.

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.

There was also a space for local action for victims to support each other. 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.

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.

Mobilising victims

The data also give insight into elements that support and constrain victim mobilisation. These will be discussed here: in the full report this discussion is informed by social movement theory.

Victim identity and collective action

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 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. 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, and the results of this are shown in Table 6.

<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 / Family of martyr</td>
<td>10</td>
</tr>
<tr>
<td>Ethnic / caste</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 6 Identity expressed by family members in peer interviews.

An overwhelming majority identified themselves as victims: 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.

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 women 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)

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 Madeshis.

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. 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. […] Let’s 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.

**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. The lack of representation occurs despite these groups, most notably women, being the most active at the grassroots and the most impacted by disappearance. 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.

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 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. 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.

**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.

<table>
<thead>
<tr>
<th>RESPONSIBLE FOR VIOLATION</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government / Nepal Army</td>
<td>52</td>
</tr>
<tr>
<td>Community</td>
<td>14</td>
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<tr>
<td>Maoists</td>
<td>9</td>
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<td>Political parties</td>
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</tr>
<tr>
<td>Not mentioned</td>
<td>38</td>
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</table>

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

Table 7a. Who family members believe is responsible for violations, and b. for addressing their impacts.

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17 Whilst CVC has women active in organising roles, CSJ Lamjung and NEFAD Sunsari are in each case led by an individual man.
Table 7 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): almost all identified the Nepali government as responsible for addressing the impacts of violations.

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. 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.

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)

**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 have included:

- 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.
- A better understanding of the organisational needs of NEFAD and of the district FAs, 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.

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18 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 7.
The sustainability and prospects for NEFAD as a national network and for its constituent district FAs are improved through access to funding from donors.

3. **ADVANCING VICTIM AGENDAS: MOBILISING VICTIMS**

The data of the study is used here to understand what the priorities of mobilisation should be and how these can lead to concrete approaches for NEFAD and district associations. 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 transition addresses their needs but can also address the larger agenda of ensuring that the most marginalised voices are heard in that transition.

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. 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. 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)

**Activities of Family Associations**

Proceeding from the diagnosis to the articulation of proposed solutions and strategies is a key process for NEFAD. 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. The peer research provoked a rich reflection by families of what should constitute their collective action. These included:

- A desire to list what they sought, in terms of scholarships and education assistance for children, employment and training and access to free health.

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services. Families 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.

- Victims also sought to collect 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 solely to judicial process, rather than to the concrete mechanisms that will ultimately provide answers to families.)

- A national victims’ organisation that can interact with institutional processes (such as the Commission on Disappearances): NEAFD can serve not only to inform families of the work of the Commission, but ensure that the Commission is aware of families’ needs. Families sought that NEFAD representatives be members of the Commission.

- 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. 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’. 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\(^{20}\) that can target elite audiences both in Nepal and the international community.

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.

### Approaches to mobilisation

Victim mobilisation is proposing a 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, that triumphed in 2000.\(^{21}\) Whilst the victims’ campaign is not exactly analogous, there are lessons to be learned:

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\(^{20}\) nefad.wordpress.com

\(^{21}\) ActionAid (2005), *Liberation is not enough: The Kamaiya movement in Nepal*. Kathmandu: ActionAid
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.

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 the NEFAD network

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. 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:
  - Challenge stigma that emerges within families and communities, confirming women as neither widows nor wives, but as wives of the missing.
- Educate family members in terms of their rights as victims, and as citizens of Nepal; 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 with the Commission on Disappearances.
- 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.

- NEFAD is perceived as a trusted representative of the families that can speak on their behalf in Kathmandu.
- NFEAD can organise national advocacy and campaigning activities.

**Regional mobilisation** is required as a bridge between victims who can gather at a local level and the national level where advocacy 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

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Figure 1 Mobilisation as a means for victims to impact upon national agendas

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Kathmandu through regional representatives with whom they can meet at least occasionally.

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. 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.

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. 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.

- 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.

- 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.

Social resources

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. 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. It is clear that NEFAD must work alongside human rights NGOs, 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.

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.


23 Ibid: 152.
As district and regional groups strengthen they should seek to ensure they have regular access to local media, both in print and FM radio.

**BOX 1: Family Associations linked to NEFAD.**

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, Kashi, 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, Sindupalchowk, Kathmandu, Bhaktapur, Chitwan.

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 role of donors**

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. 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.

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. The substantial donor 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 advocacy (which has been spectacularly unsuccessful in Nepal) to include empowerment and support of the social and livelihood agendas of victims.
**Human resources**

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. 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. 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. 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). NEFAD and district associations need 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.

**4. 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 summarised 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. 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:
o **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.

o **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

   The training will comprise leadership skills, advocacy and lobby skill to present the issues at the public fore front, 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:
        - Secretariat in Kathmandu (covers central and western region),
        - Itahari (Eastern region) and
        - 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 supports (Live-Sup)**
   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.
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 Bardiya 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.