

Simon Robins. 2013. *Families of the Missing: A Test for Contemporary Approaches to Transitional Justice*. New York: Routledge.

When the notion of “justice” is equated with that of law, right or punishment, the actual stakeholders of justice (victims, offenders and their community) are thrown to the margins. This stage is then taken over by the “professional thieves,” who as the noted sociologist Nils Christie (1977) put it, steal justice from its real owners. Justice then becomes an outcome of games that professionals play, leading to disempowering victims, dishonoring the community, and dislodging justice from its roots.

If this traditional top-down dominant model of justice disregards its core—the victims, the human beings—it indisputably begs a shift from this approach. The book under review, *Families of the Missing* by Simon Ribons is a fitting response to this call. Against Western liberalist frameworks of justice or human rights, which tend to run on universalizing and didactic impulses, the book uses participant ethnographic methods in two post-conflict countries of Nepal and Timor-Leste and advocates for a more context-specific victim-centric approach.

Four key themes run through *Families of the Missing*. One, in order to find out how transitional justice really works in the lives of victims (here, families of the missing persons), ethnographic research is required which can only provide evidence. Two, it is vital to localize transitional justice in socio-cultural and politico-economic settings which are specific to each society

or country in transition. Third, rather than a handful of elites determining the needs of justice *for* victims, the victims themselves must be given the main say in deciding over these matters; their experiences and expectations ought to count the foremost. Four, and what follows from the earlier themes, victims are not passive onlookers of transitional justice processes, with no voice to raise or role to play. Instead, they are, and should be, active agents in shaping both the course and discourse of these justice processes. “The victim subject, particularly in a developing world contexts such as discussed here, has been essentialized as a disempowered brown (and often female) person dependent upon Western discourses, such as feminism and human rights, for their emancipation” (p. 43), Robins notes. The book is against this essentialism specifically in relation to families of the missing.

The book has eight chapters, most of them centered on backing locally-informed victim-centric justice processes. Chapters One and Two lay out the meaning of the missing people or the notion of disappearance in post-conflict contexts, and scan through a wide range of transitional justice literatures. The missing, according to the author are “all those whose families are unaware of their fate as a result of conflict or political violence and those killed in conflict whose bodies have not been retrieved by their families” (p. 4). For the author, the bodies of the missing represent the “best truth” (p. 48), and therefore, unless the fate of the missing persons is known, their families live in a state of perpetual ambiguity and trauma. The body of the missing, or the knowledge thereof, is so key for the families to undertake necessary rituals of mourning, to grieve, to say “goodbye,” to detach and to start their lives anew. Equally, the phenomenon of disappearance is strongly linked with social and cultural stigmas attached to the victims or family of the missing. For instance, in a patriarchal society of Nepal, women whose husbands are missing remain in limbo of widowhood and wifehood, and are stuck to move ahead. So, contrary to the dominant grand narratives of truth and reconciliation, the needs of the victims are more everyday and immediate.

Chapter Three is a background to conflicts in Timor-Leste and Nepal. While the political histories of these two countries are dissimilar, poverty and marginalization of victims are common. In both of them, families are the centers of individual lives, and the phenomenon of missing becomes more than an individual’s concern. In Nepal and Timor-Leste alike, there are deep, culturally-rooted rituals of death and mourning, that are often incongruent with the scientific-objective practices of exhumations and truth-telling.

However, these local socio-cultural realities were not taken into account by the Timor-Leste Commission for Welcome, Truth and Reconciliation, a United Nations initiative which was mandated to “search for truth, reconciliation and the return from Indonesia of those displaced following the violence of 1999” (p. 86). Nepal’s case was not much different in this either. Donors and external agencies have largely shaped Nepal’s transitional justice discourses, and have also fed local elites with their languages of truth, impunity, and universality of rights and justice. Because of this, although victims have their own experiences and meanings of post-conflict justice and truth, they do not necessarily define the course or content of the dominant national narratives. Even years after Robins’ fieldwork in 2008 and publication of this book in 2013, this reality still holds true in Nepal. In 2015, two commissions (the Commission of Investigation on Enforced Disappearances and the Truth and Reconciliation Commission) were set up by Nepal’s government to address conflict-era issues. But neither of these commissions include victims as members nor has the law governing Nepal’s transitional justice (the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014) given room for local socio-cultural realities to enter into the prevailing realms to discourses and practices.

Chapters Four and Five of the book include findings of the research, which many readers might find unanticipated. For the families of the missing, the meaning of justice is prosecution (54%), compensation (45%), truth/an answer (31%), and acknowledgement (7%). Compensation turns out to be a big factor here (reflecting their immediate economic needs), but this should come along with “truth-telling”: “74 percent of families said they would not accept compensation if it preceded the truth, in the spirit of reparations” (p. 114).¹ Similarly, the families of the missing prioritized the knowing of the missing persons, and moving on with their lives rather than expecting something loftier from the state. Maybe the state could have done its best by complementing these exact concerns of the victims. The judiciary still remains the main driver of Nepal’s justice processes, including transitional.

¹ The research showed that some respondents even made distinctions of “compensation” and “relief” for the same monetary support given to them by the government soon after the conflict ended. These families of the missing believed that the money could never compensate per se the losses they had suffered due to the conflict. The money, at best was a relief item provided to help them meet immediate economic needs.

Timor-Leste's case is not much different: victims prioritized meeting their socio-economic needs, seeking recognition of the missing, knowing the truth, and moving ahead.

In the remaining two chapters of the book, Robins lays out in detail—often appearing redundant—how the extant mainstream discourses and practices of transitional justice are detached from the ground realities, how they are internationally introduced, and nationally top-down. The author importantly notes that the retribution-heavy notion of truth and reconciliation is actually an “agenda driven by foreigners and national elites and is attempting to impose a narrative on the transition consistent with current global orthodoxy, despite its lack of resonance with victim agenda” (p. 151). Whilst it was clearly an external United Nations process in the Timorese context, Nepal experienced the same fate, the author argues. For instance, when the Comprehensive Peace Accord (CPA) was signed in 2006, “the proposal for truth and reconciliation came directly from foreigners engaged with the process, with some actors tracing its inclusion directly to a highly placed advisor to the process being of South African origin” (p. 151). This is quite a revealing fact for Nepal, and this might draw attention of future researchers to look into this aspect more closely. So, if this was true, and if Nepal's political parties had known what truth and reconciliation commissions (TRCs) elsewhere generally do, i.e., prosecute heavily, would the parties still include this subject in the CPA? Alternatively, does the present dilly-dallying in transitional justice processes hint that the parties had really mistaken TRCs for something else during the CPA?

Robins dedicates the rest of the book to reemphasize the fact that the formal legal processes in transitional contexts do not serve the actual goals of real justice. “For victims in Nepal and Timor-Leste, the law is remote, inaccessible and often perceived as something used against them” (p. 215), and therefore truth and reconciliation processes can, and should be, contextualized and bottom-up. The reiterative call to contextualization of justice process made throughout this book is a substantive contribution in the field of transitional justice. Research-wise, it also demonstrates how methods such as ethnography can be used to better fathom certain abstract notions of justice.

In Nepal, the TRC law and the two commissions formed almost two years ago have been charged with criticisms from international human rights community, especially for not fully adhering to global human rights

standards (ICTJ 2016). The push for “global” standards of human rights or justice in transitional contexts is ongoing (especially from the international donor fronts). In such context, can Nepal craft its own transitional justice processes, given its high donor dependence? The two commissions are running short of resources, and with non-recognition of these efforts by international community, the bodies are destined to be doomed, and the only achievement for the last two years has been the collection of complaints from the victims. But if the government goes by the global standards of punishing the conflict-era crimes, it will lead to implication of almost all top leaders of most political parties, and heads of security agencies. And if that leads to another course of anarchy or uncertainty, is that worth taking the risk? Or, can the government transitional commissions further their justice work any effectively without first responding to questions raised by the donor community?

Questions like these, realistically thinking, demand that Nepal strike a balance between the global and local discourses of justice. Similarly, while it is true that transitional justice is too embossed to “confront the wrongdoings of repressing predecessor regimes” (Teitel 2003: 69), and while only looking at past might not serve all needs of the present time, it is also important to strike a balance between correcting past wrongs and meeting current needs. Again, playing a devil’s advocate against Robins’ claims: what should one do if the victims feel that prosecution of the perpetrators is as important as meeting their immediate socio-economic needs? And since most realms of national life are dependent on and driven by international interests, how can Nepal realistically pursue a fully home-driven model of transitional justice? One can draw little on this from the book. However, the book does prove the point that TRCs have been thought of as too easy answers to too complex and context-specific issues faced by countries in transition (Wachira, Kamungi and Sillah 2014).

All in all, *Families of the Missing* is a comprehensive work on transitional justice in Nepal and Timor-Leste unveiling the much-overlooked needs and roles of victims in the justice processes. The message of the book is clear: formalist, professional-driven and punitive standards of justice does not address the actual concerns or needs of victims who endure various physical or emotional losses owing to conflicts. Furthermore, the methods used in the study and the arguments drawn from these methods have unfailingly created important benchmarks for studies of transitional contexts beyond

Nepal and Timor-Leste. It is a must-read book for everyone interested in Nepal's recent political history and for those seeking a compelling fresh take on justice from bottom-up.

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