Rendering Reconciliation and Reconstruction Technical: Engineering, the Rule of Law, and Depoliticizing Effects on Disaster Recovery and Transitional Justice in Nepal

by

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A thesis submitted in conformity with the requirements for the degree of Master of Arts
Department of Geography and Planning
University of Toronto

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Abstract

The year 2015 saw the convergence of several nationally significant events in Nepal, including the formation of a Truth and Reconciliation Commission (TRC), two devastating earthquakes, and the creation of a National Reconstruction Authority (NRA) to coordinate post-earthquake reconstruction. In this thesis, I discuss reconciliation and reconstruction as they are conceptualized through Nepal’s TRC and NRA, respectively. Drawing on data from qualitative interviews and document analysis, I consider how discourses of development and national unity are embedded in state projects of reconstruction and reconciliation and what sorts of knowledge and expertise are prioritized in these processes. Using a critical development framework, I argue that by narrowly focussing on specialized domains of engineering and law, respectively, the NRA’s housing grant program and the TRC’s reconciliation processes are rendered technical and enact individualized, depoliticized, “development”-oriented approaches that leave intact ongoing structural violence, national exclusion, and inequalities.
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<tbody>
<tr>
<td>BBB</td>
<td>Building back better/build back better</td>
</tr>
<tr>
<td>CIEPD</td>
<td>Commission of Investigation on Enforced Disappeared Persons</td>
</tr>
<tr>
<td>CPA</td>
<td>Comprehensive Peace Accord/Comprehensive Peace Agreement</td>
</tr>
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<td>CVCP</td>
<td>Conflict Victims' Common Platform</td>
</tr>
<tr>
<td>DFID</td>
<td>Department for International Development (UK)</td>
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<td>DRR</td>
<td>Disaster risk reduction</td>
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<td>GDP</td>
<td>Gross domestic product</td>
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<td>GESI</td>
<td>Gender equality and social inclusion</td>
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<td>ICJ</td>
<td>International Commission of Jurists</td>
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<td>ICTJ</td>
<td>International Center for Transitional Justice</td>
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<tr>
<td>IDNDR</td>
<td>International Decade for Natural Disaster Reduction</td>
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<td>INGO</td>
<td>International non-governmental organization</td>
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<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<td>NRA</td>
<td>National Reconstruction Authority</td>
</tr>
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<td>NSET</td>
<td>National Society for Earthquake Technology–Nepal</td>
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<tr>
<td>OHCHR</td>
<td>United Nations Office of the High Commissioner for Human Rights</td>
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<tr>
<td>PDRF</td>
<td>Post-Disaster Recovery Framework</td>
</tr>
<tr>
<td>TJ</td>
<td>Transitional justice</td>
</tr>
<tr>
<td>TRC</td>
<td>Truth and Reconciliation Commission</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>UNDRR</td>
<td>United Nations Office for Disaster Risk Reduction (previously UNISDR)</td>
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<tr>
<td>UNISDR</td>
<td>United Nations Office for Disaster Risk Reduction (now UNDRR)</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<td>WB</td>
<td>World Bank</td>
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1 Introduction

In 2015, the Government of Nepal formed two government bodies to address issues of national upheaval: the Truth and Reconciliation Commission (TRC) and the National Reconstruction Authority (NRA). These two government agencies are each intended to address traumatic events that caused large-scale loss of life, human rights violations, and other forms of destruction and deprivation. During the ten-year civil war between Maoist insurgents and state forces (1996-2006), an estimated 13,000 people were killed, 2,500 tortured, at least 1,300 forcibly “disappeared”, and thousands sexually assaulted (OHCHR, 2012). The Truth and Reconciliation Commission (TRC) was established to receive and investigate complaints and provide compensation to victims’ families for human rights abuses perpetrated during the conflict. Meanwhile, the 2015 earthquakes are estimated to have caused the deaths of approximately 9,000 people and injured 22,000 more; the earthquakes also destroyed nearly 500,000 homes, damaged over 250,000 more, and caused total losses and damages estimated at over 7 billion US dollars (National Planning Commission, 2015). The National Reconstruction Authority (NRA) was formed to coordinate reconstruction processes and manage the large volume of aid funds, including distributing grants to households to rebuild and repair their damaged homes. However, both institutions have been fraught with controversy. Survivors, advocates, and human rights NGOs have accused the TRC of deliberate inefficiency and failing to advance meaningful justice (Billingsley, 2016; Human Rights Watch, 2016; OHCHR, 2012). Today, over a decade after the conflict ended, victims and their families still struggle for recognition and justice (CVCP, 2018). Meanwhile, four years on from the earthquake, the NRA’s programs have been accused of inefficiency, inequity, and ineffectiveness by various actors (e.g. Amnesty International, 2017; Daly, Ninglekhu, Hollenbach, Duyne Barenstein, & Nguyen, 2017; Manandhar, 2018). Despite the years that have passed since the events that triggered the formation of these two government agencies, the policy and implementation of their programs remains the subject of debate.

Research in other contexts has argued that post-disaster and post-conflict processes are linked in various ways and can represent an opening for reshaping conceptions of a nation’s future (Choi, 2015; Hyndman, 2009). In the context of Nepal, several scholars have investigated the politics of transitional justice and the TRC (e.g. Sajjad, 2013; Selim, 2018) and of
reconstruction and the NRA (e.g. Limbu, Rawal, Suji, Subedi, & Baniya, 2019; Paudel & Le Billon, 2018; Watson, 2017). However, few have analyzed the two processes alongside one another (see Harrowell & Özerdem, 2018). Furthermore, the NRA and TRC have not been widely studied from a critical development perspective. Nepal is one of the poorest countries in the world, and the force of international development has had a powerful influence on ideological and infrastructural conditions in the country (Pigg, 1992). This ongoing dynamic, in addition to the large amount of donor money involved in earthquake reconstruction and the ideological force of international human rights organizations in transitional justice discourse, means that “development” is an important lens through which to consider both post-disaster reconstruction and post-conflict transitional justice. Thus, despite the differences between the two programs, in this thesis I aim to explore how these two projects nonetheless share many of the same characteristics as “development” projects. Given the contested (ongoing) history of development and nation-building projects in Nepal, it would be valuable to gain deeper understandings of how “the will to improve” (Li, 2007) is perceived and enacted through projects of reconciliation and reconstruction, and to situate these processes in the context of Nepal’s wider ongoing social and political transformation (Shneiderman, Wagner, Rinck, Johnson, & Lord, 2016).

I situate this thesis within critical development studies and political geography. From this disciplinary orientation, I seek to understand the national specificities of reconciliation and reconstruction in Nepal, with critical attention to normative prescriptions around development, disaster management and transitional justice promoted by policy elites both in-country and in the Global North. The focus of this thesis is not to produce universalized understandings of reconstruction, reconciliation, or “development”; rather, my objective is to understand how these forces are understood and represented in Nepal, and to what effect. However, analyzing the processes of reconstruction and reconciliation in the context of Nepal also offers an opportunity to engage with the growing body of work on the nexus of post-conflict and post-disaster conditions (e.g. Harrowell & Özerdem, 2018; Siddiqi, 2018). The strong impetus for “development” in Nepal emanating from both internal and external bodies prompts a consideration of the relationship between development, disaster risk reduction, and transitional justice. Through an examination of the discursive framings surrounding reconstruction and
reconciliation in Nepal, I consider how these two state projects draw on similar narratives of progress and expertise that reinforce depoliticized conceptions of their respective processes.

1.1 Overview of Research

This thesis investigates post-earthquake reconstruction and post-conflict reconciliation in Nepal through a dual focus on the institutions of the Truth and Reconciliation Commission and the National Reconstruction Authority, and the concepts of “reconstruction” and “reconciliation” as they are represented in relation to those institutions. My research is animated by the following questions:

- What does a conjunctive analysis reveal about the discourses of development/destruction and national unity/disunity that are embedded in expert discourses around Nepal’s state-led projects of reconstruction and reconciliation?
- How does international discourse and practice of disaster risk reduction and transitional justice relate to national conversations around these fields in Nepal?
- What sorts of knowledge, expertise, and values are prioritized in relation to “reconstruction” and “reconciliation”, and how can these dynamics be understood in the context the ongoing, contested history of development and nation-building in Nepal?

To investigate these questions, I interviewed fifteen individuals who are professionally involved in either earthquake reconstruction or transitional justice in Kathmandu, Nepal and reviewed a selection of research and policy reports by national stakeholder organizations and international donor agencies. Drawing on analytical frameworks of critical development scholars and critical discourse analysis, I analyze reconstruction and reconciliation in the context of their ties to prescriptive international disaster risk reduction (DRR) and human rights discourse, as well as the national political context in Nepal. Rather than taking a strictly comparative approach, my analysis is informed by the method of “juxtaposition” developed by Juliet Hooker (2017). Juxtaposition “places two disparate objects side by side, and it is by being viewed simultaneously that the viewer’s understanding of each object is transformed” (Hooker, 2017, p. 13). Following this approach, the arguments in this thesis suggest how an analysis of reconciliation informs and re-politicizes understandings of reconstruction, and vice versa.
In this thesis, I argue that by narrowly focusing on specialized domains of engineering (in reconstruction) and law (in reconciliation), deeper political questions of systemic inequality and marginalization that contributed to the disasters have been implicitly placed outside of societal conversations surrounding the TRC and NRA. Although inequalities and marginalization are central to the concepts of vulnerability and structural violence that lie at the heart of both disaster risk reduction and transitional justice, the technical framings of the NRA’s housing grant program and the TRC’s version of reconciliation take individualized, depoliticized, “development”-oriented approaches. In reconstruction, individual housing grants are seen as a way to enforce building codes, which may strengthen the structural integrity of individual buildings but leaves unchanged the poverty and marginality of many rural residents. In reconciliation, individualized “mediation” events aim to resolve/absolve discrete instances of human rights violations but fail to address the chasm of distrust between victims and government and the need for long-term reparations identified by victims. Thus, reconstruction and reconciliation address only narrowly defined technical problems, while leaving ongoing structural violence, national exclusion, and inequalities intact.

However, these state projects play out in a context in which dominant discourses of reconstruction and reconciliation are regularly contested by various actors. For instance, affected groups and their advocates challenge their exclusion from state decision-making mechanisms, NGOs and academics publish reports that may become regularly referenced within civil society discourse, and international donors and commentators including the World Bank and United Nations attempt to leverage their financial and moral authority to enforce adherence to their norms and standards of disaster risk reduction and transitional justice. These discursive interventions may be variously resisted and mobilized by others, such as state officials who resist ideological pressure from international donors and commentators in order to defend Nepal’s autonomy, and local human rights NGOs that engage international legal mechanisms in attempts to hold government actors to account. Therefore, the arguments presented in this thesis should not be interpreted as commentary on the perspectives expressed by individual interlocutors, nor as wholesale condemnation of state programs or the ascription of malicious intent to state policy-makers and administrators. Rather, this thesis aims to approach interviews as windows to understanding the relationships between various discursive constructions and their wider political context.
1.2 Points of Comparison between Reconstruction and Reconciliation

A common question that arose throughout the research process was, how did I intend to connect two seemingly unrelated government programs—reconstruction and reconciliation—in a single research project? I believe that these two fields can be compared through four lines of reasoning: the conceptual parallels between reconstruction and reconciliation, the shared context in which the NRA and TRC operate, parallels in implementation between their programs, and existing scholarship that emphasizes the interconnectedness of post-disaster and post-conflict processes. I will discuss each of these points in detail.

Firstly, my initial interest was based on the abstract meanings of the (English) words themselves: reconstruction and reconciliation. “Reconstruction” and “reconciliation” offer similar temporal orientations. Etymologically, both terms suggest a process of change that involves returning to a previous state – the “re-” prefix that means “back” or “again” (“Re-, prefix,” n.d.). Further, both terms suggest that a change is accomplished by bringing people and things together in particular arrangements. In short, reconciliation and reconstruction are about changing configurations of relationships and materials, where the change is happening in relation to an assumed prior state. I therefore understand reconstruction and reconciliation as conceptually comparable types of processes. However, this line of reasoning is irrelevant to the etymological and linguistic characteristics of the Nepali terms for these processes—punarnirman (पुनरनिर्माण – reconstruction) and melamilap (मेलमलाप – reconciliation). Nonetheless, in light of the influence of international norms and policies on implementation in these fields in Nepal, I believe that the English terms used in international discourse are a critical point of consideration.

However, such abstract reasoning does not necessarily indicate whether reconstruction and reconciliation are comparable as actually occurring projects in a given context. As discussed above, 2015 saw the convergence of several nationally significant events in Nepal, including the formation of the TRC, two devastating earthquakes, the promulgation of a controversial new constitution, and the creation of the NRA and its reconstruction programs. During and leading up to that time, international observers including the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the World Bank (WB), as well as a host of
INGOs, have been involved in both transitional justice (Selim, 2018) and disaster recovery (Interviews 1, 5, and 13) as observers, donors, consultants, and critics, influencing the direction of both reconstruction and reconciliation in Nepal. Additionally, the TRC and NRA have both been met with skepticism and critique by domestic (e.g. Ghale, 2015; Sharma, 2017) and international (e.g. Amnesty International, 2017; Human Rights Watch, 2019) actors and academics (e.g. Billingsley, 2016; Reck & Paudel, 2016; S. Tamang, 2015) who perceive them as moving too slowly, failing to carry out their mandates, and, in the case of the TRC, failing to align with international standards, among other critiques. These shared national-political contextual features suggest that similar questions can be asked to contextualize both reconstruction and reconciliation within historical processes, Nepal’s ongoing political transformation (Shneiderman et al., 2016), and future imaginaries of the nation.

Thirdly, there are also several parallels in the institutions and implementation of the NRA’s and TRC’s programs. Both the NRA and TRC are new, centrally coordinated government agencies that were set up specifically to respond to traumatic events of national scale. Further, both operate through programs that provide redress and compensation for these national events at the scale of individuals and households. Although the TRC and NRA work in different arenas of government practice, they both work to bring about a particular vision of Nepal’s future. They share a temporal orientation that seeks to resolve acutely traumatic events of the past in the spirit of moving towards a better shared future. In the case of reconstruction, the imagined future is one of resilience, standardized building codes, and protection from disaster through “building back better” (NRA, 2016). In the case of reconciliation, the imagined future holds peace, healing, and accountability (TRC, 2015). The TRC and NRA can therefore be analyzed alongside one another in terms of the conceptualization and implementation of their mandates.

Finally, on a theoretical level, research in other contexts has demonstrated the importance of conditions of conflict and post-conflict as a context for disaster recovery and disaster risk reduction, and vice versa (Hyndman, 2009; Le Billon & Waizenegger, 2007; Siddiqi, 2018). Disasters can also serve as a catalyst for political changes, and conflict and violence play a role in producing vulnerabilities that can contribute to disasters (Choi, 2015; Pelling & Dill, 2006, 2010; Simpson, 2013). However, global disaster frameworks such as the Sendai Framework for Disaster Risk Reduction (UNISDR, 2015b) tend to depoliticize disasters by removing references to conflict and violence, a move that generates its own political effects (Siddiqi, 2018). Disaster
scholars therefore argue that it is essential to include politics in analyses of disasters beyond cause-and-effect arguments (for instance, a special issue of *Disasters* seeks to analyze disasters in the context of conflicts (“Disasters in Conflict Areas [Special Issue],” 2018). Despite these points of connection, post-disaster and post-conflict processes are generally not overtly linked by practitioners and policy-makers, including in Nepal (Harrowell & Özerdem, 2018). This research therefore aims to explore how juxtaposing (Hooker, 2017) reconstruction and reconciliation in analysis might reveal insights about the symbolic meanings and unacknowledged political operations of both projects.

1.3 Organization of Thesis

This thesis is organized into the following chapters. The first five chapters introduce and provide context to the research. Chapter 1 introduces the research topic and questions. Chapter 2 discusses select literature from critical development scholars that provides the theoretical framework for this thesis. In Chapter 3, I review geography and related scholarship on reconciliation, truth and reconciliation commissions, post-disaster recovery, and disaster risk reduction in order to provide an analytical terrain in which to situate this research. Chapter 4 contains an overview of Nepal’s current context and historical background relevant to the research topics. Chapter 5 provides details of methodology, including data collection methods, research site, participants, and methods of analysis. Chapters 6 through 9 contain the original analysis, arguments, and conclusions of this thesis. In Chapter 6, I discuss findings related to reconciliation and draw on the theoretical framework presented in Chapter 2 to discuss how the discourse of reconciliation presented through the TRC is rendered technical and ignores fundamental social and political questions. In Chapter 7, I discuss findings related to reconstruction and make a related argument about the ways that the depoliticized framings of the NRA’s housing grant program omit political and economic aspects of reconstruction and risk reduction. Chapter 8 contains a discussion of the reconstruction and reconciliation in relation to one another, and I consider the significance of the findings from Chapters 6 and 7. Finally, in Chapter 9, I conclude the thesis by considering the results of juxtaposing reconciliation and reconstruction, contributions of the research to scholarship, and the scope and significance of the work.
2 Theoretical Framework

2.1 Development as Discourse

Critical development scholars aim to investigate “development” as a phenomenon in itself, apart from the conditions of so-called “underdevelopment” that “development” seeks to address. Critical development approaches rest on the premise that development activities produce a multitude of intended and unintended effects apart from their ostensible formal objectives (Ferguson, 1990). The by-products of development are political in nature, producing new categories of governable people (“the poor”) and places (“the Third World”) (Escobar, 1995), and altering the relationship between people and the state (Ferguson, 1990). Ferguson (1990) describes two distinct discourses of development that operate internationally. The first is development as a “historical trajectory”, in which it is assumed that countries progress through a series of stages, becoming more “developed” as their economies grow. The second is development as a “moral trajectory”, in which the central concern is to improve the conditions of life by alleviating poverty. He notes that the two discourses are frequently conflated within the development industry, where it may be assumed that the latter can be achieved through the former, or that moral improvements through “good governance” and the like are necessary to achieve capitalist economic development.

Many have emphasized the importance of discourse to understanding the effects of development in the world (e.g. Escobar, 1984; Ferguson, 1990; Fujikura, 2001; Said, 1979). Arturo Escobar (1984, 1995) draws on Foucault’s theories of power, discourse, and subjectivity to argue that development is not the implementation of programs based on scientific principles, but an operation of power that sustains the domination of the “developed” over the “underdeveloped”. He sees development discourse as constituted by a particular arrangement of relationships which can adapt and evolve over time to incorporate the different “development strategies” of different eras. In this perspective, development is centrally about the operation of power as it discursively reproduces entire categories of people, hierarchies, and the condition of “underdevelopment”.

As mentioned in Chapter 1, a critical development framework provides interesting and relevant avenues through which to approach the topics of reconstruction and reconciliation. First,
the spectre of development looms large over wide-ranging areas of government in Nepal. Currently classified as a “least developed country” within United Nations development frameworks, the current government aims to “graduate” to “developing country” status by 2022, achieve the Sustainable Development Goals, and become a “middle income” country by 2030 (National Planning Commission, 2016). The ideological conditions of development have also been historically important in shaping conceptions of Nepali identities and geographies (Pigg, 1992, 1993), as will be discussed in more detail in Chapter 4. Development can thus be considered an animating concern within both government and public consciousness. Second, disaster risk reduction (DRR) and international development are increasingly associated within powerful international paradigms including the Sustainable Development Goals, the Sendai Framework for Disaster Risk Reduction, and UN conventions on climate change (Kelman, 2017). Similarly, transitional justice and reconciliation programs are frequently tied to progress towards liberal democracy and development by INGOs and United Nations agencies (Hayner, 2010). These points will be elaborated in detail in Chapter 3. Thus, this research takes place in a context in which development, DRR, and transitional justice are entangled at the level of international discourse and practice, and in which development is a motivating objective of many other state projects in Nepal. Applying similar analytical approaches to post-disaster reconstruction and post-conflict reconciliation that have been used to critically interrogate development ideology and development projects may yield insights about discourses of progress and unity, the role of international donors norms and practices, and the kinds of knowledge valued within national projects of reconstruction and reconciliation in Nepal.

Below, I review four topics in critical development theory that underpin the arguments presented in this thesis: first, “problematization”, or the delineation of problems in need of development interventions; second, “rendering technical”, or the ways development discourse frames itself, its field of intervention, and its programs as non-political; third, the significance of scale in the institutional “apparatus of development” (Escobar, 1984, p. 388); and fourth, the iterative relationship between critical resistance to development and the adaptive nature of development discourse. I then briefly discuss how these theories are employed in the thesis, and finally I discuss Tania Li’s (2003) analytical framework of projects, practices, processes, and positionings.
2.1.1 Problematization

An important characteristic of development discourse is “progressive incorporation of problems” (Escobar, 1984, p. 387) which establishes a “field of intervention” that is ever-expanding and that is amenable to particular kinds of solutions. In order for development to be “deployed”, it requires the creation of “abnormalities” in need of treatment and reform (Escobar, 1984). This process through which a deficiency is identified and defined as a target for a development intervention has been termed “problematization” (Escobar, 1995; Li, 2007). The types of problems that are identified then predetermine the types of solutions that are proposed, as discussed in the next section.

Another effect of problematization is the maintenance of a boundary between the producers and the recipients of development: “Characterizations of villagers as ignorant, superstitious, and unaware of the advantages of bikas [development] persist because development discourse serves a social imperative: that the difference between the people who deliver development and the people who receive it be clear” (Pigg, 1993, p. 54). Development is thus tied to notions of expertise and social hierarchies. It is by definition something enacted by people other than those who are to undergo it. By maintaining this boundary, development discourse reproduces the poor, the villager, the “Third World”, and other categories, thus creating the “underdeveloped”: groups of people categorically in need of development (Escobar, 1995; Pigg, 1992). Through this circular process, development reproduces the need for itself.

2.1.2 Rendering Technical

Several scholars have drawn attention to development’s depoliticizing force (e.g. Ferguson, 1990; Li, 2007). The creation of development as a professional field—its “professionalization” or “technification”—further entrenches uneven power relations and the technical types of interventions proposed (Escobar, 1984, p. 387). Escobar notes the establishment of a plethora of disciplines and subdisciplines of “development”, which produce their own development strategies guided by normative assumptions and, typically, economic logics. The professionalization of development produces “a field of control of knowledge, through which “truth” (and, so, power) [is] produced.” (p. 388). Professional and institutional norms become the means through which development discourse is reproduced.
Relatedly, Ferguson (1990) argues that development discourse “creates a particular kind of structure of knowledge” (p. xiv) around the target of development so that “political and structural causes of poverty […] are systematically erased and replaced with technical ones” (p. 66). As problems come to be defined in technical terms, technical solutions are proposed to address them. Ferguson characterizes development as an “anti-politics machine” that operates by “depoliticizing everything it touches, everywhere whisking political realities out of sight, all the while performing, almost unnoticed, its own pre-eminently political operation of expanding bureaucratic state power” (p. xv). In other words, development positions itself, the problem it seeks to address, and its intervention as non-political, yet at the same time, the effects of this operation are themselves deeply political.

Following Ferguson, Li (2007) similarly argues that “development” or “improvement” programs “repos[e] political-economic causes of poverty and injustice in terms amenable to a technical solution” (p. 126), a process Li terms “rendering technical”. Central to Li’s analysis is “the will to improve”, which Li approaches as an imperative genuinely felt (if problematically implemented) by development implementors, or “trustees”. The “will to improve” is operationalized through two processes: “problematization” and “rendering technical”. As discussed above, “problematization” involves defining that a problem exists to be addressed, and “rendering technical” involves “reposing” the terms of the problem and its solution into technical projects that elide political-economic aspects of the situation. Problems are defined in ways that allow technical solutions, and likewise only problems for which technical solutions can be suggested are identified. This in turn maintains the boundary between “trustees” (experts and overseers who have “the capacity to diagnose deficiencies” (Li, 2007, p. 7)) and the object of improvement (deficient subjects themselves who are stripped of critical awareness and political agency in the visions of technical schemes). Thus, both the content and method of an “improvement scheme” are discursively depoliticized.

2.1.3 Scale in Development

The power relations of development are produced and reproduced at multiple sites and scales. Escobar (1984, p. 388) describes the “institutionalization” of development at multiple levels (local, national, international) which constitute the “apparatus of development”. This apparatus thus establishes “a multiplicity of sites of power which made possible the disciplinary
system of development” (Escobar, 1984, p. 388). The discursive force of development emanates from multiple sources that reinforce each other.

The significance of scale is also discussed by Ferguson (1990), who argues that development tends to take the country as a natural unit of analysis. He argues that asking questions about a country tends to generate different—more technical—answers than asking questions about the lives of people who live in that country. This is another way that development can be rendered technical. Furthermore, in its focus on the country as the unit of implementation, the development industry presupposes the apolitical and benevolent intentions of states towards their citizens, imagining that state governments are oriented towards development as their primary interest. He critiques this naïve vision, arguing that this too serves as a strategic discursive strategy to represent “state machinery [that] has policies, but no politics” (p. 66) and is thus a ready recipient for the technical interventions development agencies are in the business of selling.

2.1.4 Development and Resistance as Iterative

Ferguson’s analysis discussed above assumes that development is something that arrives in a country from the outside. However, these ideas have been critiqued by others for allocating too much power and authority to western thought and the hegemony of development discourse (Paudel, 2016). Paudel (2016) argues that development can create “fissures” that serve as “portals for the emergence of rebellious possibilities” (p. 1025). Development regimes are never hegemonic because they can never fully deliver their promises, and thus creating the conditions for resistance and rebellion. Li (2007) similarly argues that governmental projects open up spaces for politicization in which people can challenge the truths underpinning a project. Development and nationalist projects, while aiming to produce apolitical subjects, in fact create the condition of possibility for resistance and contestation.

However, development discourse is flexible and thus can expand and reshape to subsume critiques and adapt to changing conditions (Escobar, 1984). Li explores how rendering technical can be an iterative process. Framed as “collaborative management” or “participation”, a development project may adopt a compromise position when faced with contestation, in hopes of gaining acceptance for its program. However, Li notes that the invitation to participate may not be genuine, as projects tend to view the beneficiaries of its programs not as political agents but as
“targets of governmental strategies” and “problem[s] to be contained” (228). Thus, what is presented as a collaborative approach may in reality serve to further strengthen a technocratic program by quietening political challenges. Furthermore, even in the case that projects do genuinely attempt to learn from local knowledge and approaches, project administrators continued to position themselves as experts, able to identify the best forms of participation and empowerment.

Yet political-economic questions excluded from the technical framings of development programs persist and give rise to alternative critical analyses within grassroots opposition. “Critical communities” may form around their opposition to projects, challenging depoliticized understandings and heightening public controversy around “technical” projects (Li, 2007; Paudel, 2016). As exclusion of such questions leads to the practice of politics, critical challenges to the status quo, and then further improvement schemes designed to mitigate those challenges. In this way, the design of development interventions can be a “deliberate measure to contain a challenge to the status quo” (Li, 2007, p. 6; see also Ferguson 1990). In this way, development/improvement programs are iteratively shaped by their exclusion of politics. Development discourse is neither hegemonic nor static, but persists through its responsiveness to opposition and critique.

2.1.5 Applications in this Research

I draw on the analytical tools described above to analyze government projects of reconstruction and reconciliation in the following ways:

Development as a moral trajectory

In this thesis, I am primarily interested in how the moral imperatives of “development” are manifest in government programs for both post-disaster reconstruction and post-conflict transitional justice. In reconstruction, this manifests as a concern for safety and increased “awareness” among the population. In transitional justice, I understand the concern over state accountability and transparency on the one hand and creating the conditions for democracy on the other as tied to a “good governance” and “rule of law” discourse that permeates international development. I also discuss the ways these moral imperatives are overtly tied to discourses of economic growth and prosperity.
Problematization

I discuss how global disaster risk reduction (DRR) discourse and policy increasingly frames DRR as a matter of development, both in terms of protecting development “achievements” and in terms of an ongoing “modernization” imperative. I also consider how global transitional justice discourse can be understood as yet another “field of intervention” for development. I adopt Li’s terminology of “improvement” projects to refer to these areas of intervention that fall outside of “international development” as conventionally defined but that nonetheless share many of the same characteristics. I consider the ways that the two seemingly unrelated fields of DRR and transitional justice are tied together through their shared relationship to “development” norms at both national and international scales. Finally, I analyze in detail how the transitional justice and disaster risk reduction projects in Nepal each frame their targeted “problem” in particular ways that render it amenable to technical solutions.

Rendering technical

The bulk of my analysis investigates how the fields of professional engineering and human rights have become central to post-earthquake reconstruction and post-conflict reconciliation, respectively, and how these and other professional discourses may broaden and constrain what is considered relevant and important in those processes. I employ the language of “rendering technical” to consider how the centering of particular kinds of expertise delineates the sorts of depoliticized interventions and priorities pursued by the Truth and Reconciliation Commission and National Reconstruction Authority.

Resistance and contestation

Throughout the analysis, I try to emphasize the non-hegemonic nature of the discourses in question, and I discuss the multiple perspectives that challenge and resist dominant understandings. Finally, I discuss the ways that various forms of contestation actively aim to repoliticize conversations rendered technical.

2.2 Projects, Practices, Processes, and Positionings

To structure my analysis, I also draw on Tania Li’s (2003) framework for analyzing conflicts in terms of projects, practices, processes and positionings. Li identifies three types of
projects: governmental projects, which aim to control and arrange “landscapes, livelihoods and identities according to technical criteria and the logic of improvement;” (5120) economic projects, which aim to gain access to or control of resources for economic benefit; and political projects, which contest the operation of power. Positions are not fixed, but fluctuating, and are located in fields of power, culture and history. Positions may be either deliberately taken or assigned by others, and occupying a position is dependent on its recognition by others. Practices are the methods through which projects are carried out and positions communicated. They are concrete and observable. Finally, processes are “the unplanned effects of numerous, uncoordinated projects and practices as they unfold across time and space” (Li, 2003). Analyzing conflicts in terms of projects, practices, positions, and processes reveals a complexity of actors, interests, and outcomes that are continually negotiated and contested, and avoids totalizing and essentializing representations of state power and peasant resistance.

While Li locates her framework in the context of resource conflicts, I take up core concepts as useful tools for analyzing conflicts involving multiple actors in other political arenas. I understand reconciliation and reconstruction as governmental projects that aim to address issues of national significance and produce some form of “improvement” over the past or existing situation. My research aims to consider how different positions are taken or assigned in discourses of “improvement” and deepen understandings of the processes that flow from the particular forms of improvement that are asserted and contested through the TRC and NRA. Furthermore, it is significant that Li’s framework is suggested for analyzing conflicts in particular. I approach the ongoing negotiation and debates over reconstruction and reconciliation in Nepal as material and discursive conflicts (that is, conflicts over material processes and conditions as well as conflicts surrounding Conversations1 and discourse models about reconciliation and reconstruction, or the sets of language, meanings, values, identities and relationships considered significant to these projects). In this way, my research begins with the

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1 “Conversations” (with a capital “C”) is a term used in discourse analysis to refer to societal debates, arguments, motifs, issues, and themes, that involve the interaction of various discourses and with which people in a society are widely familiar (Gee, 2004). My use terminology and methods of discourse analysis is further discussed in Chapter 5.
premise that both reconciliation and reconstruction are not neutral, but contested operations with political motivations and impacts.

In this thesis, I apply the theories of critical development scholarship discussed above to transitional justice and disaster risk reduction discourse in Nepal. I also draw from work by geographers and other social scientists working in these areas to nuance and contextualize the analysis in these specific fields of research and practice. Relevant literature on reconciliation and post-disaster reconstruction are discussed in Chapter 3.
3 Conceptual Approaches to and International Frameworks for Reconciliation and Reconstruction

In this chapter I review scholarship around reconciliation and reconstruction. In the first section, I discuss approaches to reconciliation as a concept and to its implementation through Truth and Reconciliation Commissions (TRCs). I also discuss the international frameworks and norms around transitional justice and human rights that play into national approaches to post-conflict reconciliation. The second section focusses on scholarship related to post-disaster reconstruction, with an emphasis on global disaster risk reduction (DRR) frameworks. Finally, I consider how transitional justice, DRR, and development have been linked in practice and in scholarship and situate my research in relation to this work. I argue that there are clear linkages between international development discourse and both DRR and TRCs, and that therefore analytical approaches from critical development scholarship can provide useful avenues into understanding the operation of these projects in Nepal.

This chapter discusses both academic, peer-reviewed literature and “grey literature” produced by multilateral agencies and NGOs. In the fields of transitional justice and disaster studies, there is significant overlap between the two areas, as many scholar-practitioners who bridge the divide (e.g. Hayner, 2010) are frequently cited by other scholars.

3.1 Reconciliation

The meaning of “reconciliation” is contested, and authors across disciplines agree that there is no clear, consistent definition for the term (Avruch, 2010; Comtassel & Holder, 2008; Hayner, 2010). Despite the ambiguity, reconciliation is perceived by academics and practitioners alike as an essential component of peacebuilding after periods of violent conflict (e.g. International IDEA, 2003; Jenkins, Subedi, & Jenkins, 2018). The concept of “national reconciliation” emerged in the 1970s and 1980s as countries such as Argentina, Chile, and Guatemala transitioned from authoritarian rule to democratic government and grappled with questions of how to address the violence and human rights violations under the past regime (Wilson, 2003). Human rights organizations and the United Nations advocate for accountability and prosecution of those found to have committed crimes, and truth-telling is seen as an important process to counter repression experienced under authoritarianism (Wilson, 2003). However, the slipperiness of the term “reconciliation” is evident in the way it can refer to
processes occurring at multiple scales. Representations of reconciliation refer to reconciliation between individuals, between social groups within a nation, and at the level of the nation as a whole, where the nation seeks to become reconciled with itself (Wilson, 2003). In its idealized form, reconciliation brings together a fractured community by providing justice and healing for past injustices in a process that is empathetic to the trauma of the past, motivated by the conditions of the present, and optimistic about the potential of the future (Gordon, 2008; Wilson, 2003). In other words, reconciliation can be a community- or nation-building process that seeks to expand the reach of the nation to include previously excluded members.

3.1.1 Truth and Reconciliation Commissions

One way that reconciliation is pursued is through Truth and Reconciliation Commissions (TRCs). To discuss this category of organization, scholars commonly take Patricia Hayner’s\(^2\) (2010) definition of “truth commissions” as a starting point: “official bodies set up to investigate and report on a pattern of past human rights abuses” (p. 4). Today, TRCs are a standard and expected component of transitional justice promoted by the United Nations and international human rights organizations (Avruch, 2010; Lundy & McGovern, 2008). Over forty such commissions have existed in recent decades (Hayner, 2010). TRCs typically operate at the national scale and are context specific, developed around the interests, needs and desires of actors within a particular context. Common objectives of TRCs include to investigate and publish a historical record of events (the “truth”), to promote healing and reconciliation between adversarial groups, to pay reparations to victims, and to recommend institutional reforms and other actions to prevent recurrence in the future (Hayner, 2010).

However, TRCs face a number of challenges to meeting these objectives: the politics of assembling a narrative of “truth” (Radcliffe, 1996), the difficulty of gathering testimony on sensitive topics, the limited period of time in which commissions operate, and the difference between expected and actual outcomes (Hayner, 2010). In addition, the objectives of a given

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\(^2\) Hayner writes from an institutional, rights-based perspective; the author co-founded the International Centre for Transitional Justice (ICTJ) and has provided technical assistance to a number of commissions, and her book has been used as a reference in designing and implementing commissions (Hayner, 2010). Her work provides a useful comparative overview of TRCs that have been implemented around the world and insight into the guiding principles of their implementation.
TRC can vary depending on how justice is conceptualized. Commissions may prioritize either retributive or restorative justice, with the former emphasizing punishing perpetrators, and the latter emphasizing the needs of victims and rebuilding relationships (Avruch, 2010). Those who advocate for “victim-centric” transitional justice typically highlight the importance of restorative justice (e.g. Sajjad, 2016; Selim, 2017) while those who advocate for accountability and prosecution of crimes typically focus on retributive justice (e.g. Human Rights Watch, 2016; International Commission of Jurists, 2014). Importantly, while there are significant overlaps, “reconciliation” as a process cannot be considered synonymous with the institutions set up to bring it into being.

3.1.2 Objectives and Challenges of Reconciliation

While some scholars emphasize “truth” as a pathway to “reconciliation” (Hayner, 2010; Ross, 2004), others emphasize the rebuilding of relationships within a society (Avruch, 2010; Nagy, 2012), and still others insist reconciliation must involve substantial changes to socio-economic hierarchies (Aguirre & Pietropaoli, 2008; Corntassel & Holder, 2008; Pasipanodya, 2008). Reconciliation as an institutionalized project, such as TRCs, may reinforce existing marginalizations and produce new exclusions. For instance, TRC processes that address superficial causes of exclusion but fail to change deeper structural oppression are likely to contribute more to national exclusion than inclusion. Social scientists have argued that in attempting to popularize a unifying narrative of events, TRC processes may overwrite other perspectives, proclaiming a false universality that produces new spaces of exclusion and marginalization (Andrews, 2003; Radcliffe, 1996; Robins, 2012; Wilson, 2001). TRC processes also risk compounding present injustices by framing violence and injustice as “past” and justice and unity as “future”, erasing victims’ needs and demands in the present (Klep, 2012; Loveman & Lira, 2007). Furthermore, superficial engagement with the rhetoric of “reconciliation” may actually augment national traumas. Denying the truths of marginalized groups is one way these communities may be “unimagined” (Nixon, 2011), as their experience is delegitimized and removed from official national narratives of history and commemoration. In contrast, others argue that TRCs that effectively “reckon” with past and present traumas may promote healing and a sense of community among members of previously fractured communities (Gordon, 2008; Klep, 2012). TRCs are contested processes that can contribute to both inclusive and exclusive nation-building.
Case studies of reconciliation processes find multiple dynamics occurring simultaneously, as different individuals and communities have different experiences of the process. For example, in Chile, multiple commissions were established in the aftermath of Pinochet’s authoritarian regime (Klep, 2012). Katrien Klep (2012) argues that the commissions functioned as a political strategy intended to fix past events in the past and produce a master historical narrative. Dissenting groups contested the singular “truth” of the commissions. Yet, while patterns of dominance and marginalization were reproduced in the activities of the TRC, Klep also observes that a degree of healing did occur for some individuals. Additionally, in a study of South Africa’s TRC, which is popularly regarded as one of the most “successful” TRCs (Hayner, 2010), Deborah Posel (2008) argues that there was tension between truth-telling and truth-silencing. She argues that the process in South Africa strongly emphasized national unity, and participants felt pressured to “forgive” their oppressors in the very public, confessional format of TRC events. Posel argues that the commission prioritized the performance of reconciliation over the substance of it, to the point that some participants felt alienated from the process. However, like in Chile, some individuals did feel the TRC activities contributed to healing and reunification of the nation (Posel, 2008). TRCs can thus simultaneously produce a range of outcomes for individuals and communities.

In addition to social inclusion and exclusion, reconciliation may involve structural change at the scale of society. Corntassel and Holder (2008) contend that in colonized contexts, restitution and decolonization are essential elements of reconciliation. This may involve instituting self-determination and sovereignty over land and resources. In their view, most state-led reconciliation programs fail to significantly transform group relations because they do not address the underlying dispossession of Indigenous peoples, and instead ask Indigenous populations to become reconciled to loss, while the state avoids holding itself accountable. In other words, accountability between the state and the people is avoided, while horizontal reconciliation among the populace is put forward as a solution to colonial violence. Furthermore, institutional forms of reconciliation such as TRCs can function as a “politics of distraction” that shifts the discourse away from Indigenous claims to land and sovereignty towards a rights-based discourse. Corntassel and Holder (2008) argue that in Guatemala and Peru, while the commissions’ finding of state “genocide” was hailed as ground-breaking by observers, the finding did not produce a substantive reorganization of state-Indigenous relations. Similarly, in
Chile, Klep (2012) found that the commission functioned as a political strategy for putting aside past injustices after a superficial engagement that did not lead to significant social transformation. Thus, simply the presence and functioning of a TRC does not necessarily indicate that power relations in a society are changing or that meaningful justice is being advanced.

### 3.1.3 Legitimacy

In addition to their role in social transformation, institutional reconciliation processes such as TRCs also function to legitimize the moral and political authority of governments by performing the nation-state in accordance with international norms (Robins, 2012; Wilson, 2001, 2003). Because reconciliation tends to be a vague concept, it is well suited to both nation-building and legitimizing state institutions. Akinwumi (2013) draws on Foucault’s (1984) conception of *techné*, a government strategy motivated by a “practical rationality” to achieve a particular goal, to argue that reconciliation can be understood as a governance strategy that aims to produce particular outcomes seen as favourable to social harmony and stable governance (Akinwumi, 2013). Yet, as Richards and Wilson put it (2018, p. 7), “in practice, political elites often extol reconciliation to present a façade for impunity as much as to chart a path to co-existence.” By coordinating reconciliation activities, governments may attempt to position their offices as agents of healing and redressal instead of as the source of the injustice that created the need for reconciliation in the first place (Edkins, 2003). Furthermore, TRCs may present a version of reconciliation based on repairing relationships between community members, but omit issues related to state-society relationships. Transitional justice scholars Kathy Jenkins, D.B. Subedi, and Bert Jenkins discuss this distinction as horizontal reconciliation (among community members) and vertical reconciliation (between state and society). Horizontal reconciliation presupposes that the violence that occurred was enacted by members of society against each other, while in contrast, vertical reconciliation supposes that state systems or dominant groups within the system are implicated in having inflicted violence on other individuals or groups in society (K. Jenkins et al., 2018). Depending on which violence is identified as significant for truth and reconciliation and which actors are seen as responsible, TRCs may pursue different lines of investigation and different forms of healing and redressal.
However, a superficial engagement with TRC processes as a way to bolster state legitimacy is less likely to be successful if citizens perceive the process as unfair. In a quantitative survey of citizen perceptions of institutional legitimacy in Nepal, Fisk and Cherney (2017) find that institutional legitimacy is not achieved by service delivery or outcomes alone. Rather, legitimacy is evaluated more based on fair decision-making and respectful treatment by the government, suggesting that just procedures in reconciliation is of equal or greater importance than outcomes, at least in terms of state-society relations. TRCs are thus strategic institutions with multiple goals, including truth-telling, reconciliation, reparations, and prosecutions, the relative priority of which depends on the political context of each individual commission.

3.1.4 International Norms and Law

3.1.4.1 Transitional Justice

Often, TRCs form part of a broader transitional justice project that follows a period of war, conflict, or other violence/violations. According to the International Center for Transitional Justice (ICTJ), a prominent INGO involved in transitional justice, “Transitional justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response” (ICTJ, 2019, para. 1). The idea behind transitional justice is that intensive periods of violence and human rights violations may be so severe that they threaten to rupture the fabric of a society. Therefore it is seen that as a country “transitions” out of such a period, a special, dedicated process is needed to provide justice and dignity to victims, restore confidence in political and legal institutions, and strengthen community bonds (ICTJ, 2019).

However, transitional justice has been critiqued on several points. First, some question the built-in assumption that the end point of the “transition” is liberal democracy. Critics argue that transitional justice can function as an ideological intervention based on liberal peacebuilding templates (Sajjad, 2013). Others also highlight that transitional justice is not a neutral mechanism, but operates according to a particular normative framework that tends to valorize the expertise of international elites and exclude agency at the local level (Lundy & McGovern, 2008). Meanwhile, critiques from within human geography have highlighted the ways that
transitional justice “operates through distance”, as it tends to take place in legal spaces that are removed from the context in which acts occurred, and at a point in time that is relatively removed from when crimes occurred (Jeffrey, 2011, p. 347). Critics see transitional justice as a legalistic process that impedes access of ordinary people to justice processes. Many have advocated for more community-led, participatory, socially-embedded approaches to justice than the dominant frameworks of transitional justice (e.g. Jeffrey, 2011; Lundy & McGovern, 2008; Robins, 2011).

Nevertheless, transitional justice has become a standard and expected component of peacebuilding processes. Governments may pursue these objectives in various ways. As defined by the United Nations Office of the High Commissioner for Human Rights (OHCHR), “Transitional justice consists of both judicial and non-judicial mechanisms, including prosecution initiatives, reparations, truth-seeking, institutional reform, or a combination thereof). Whatever combination is chosen must be in conformity with international legal standards and obligations” (OHCHR, n.d.-a, para. 1). The United Nations is involved in transitional justice as part of their “Rule of Law” mandate, with OHCHR providing on-the-ground “technical expertise and capacity-development” for human rights (OHCHR, 2019, para. 1). In addition, multiple INGOs exist that promote reconciliation as a component of transitional justice and provide implementation assistance. For instance, the International Institute for Democracy and Electoral Assistance (International IDEA, 2003) conceives of reconciliation after violent conflict as a necessary component of democracy. Attempting to define “reconciliation”, the organization distinguishes between “politics”, which is about resolving “issues”, and “reconciliation”, which is about rebuilding relationships (International IDEA, 2003). TRIAL International, International Centre for Transitional Justice (ICTJ), and International Commission of Jurists (ICJ) have all been involved in transitional justice in Nepal to some degree (Selim, 2018). International organizations have a significant role in shaping norms and practices around transitional justice.

3.1.4.2 Human Rights

Human rights are central to the discourse of transitional justice. A primary objective of commissions for truth and/or reconciliation is to promote social healing by investigating, prosecuting, and compensating human rights violations. Several prominent human rights INGOs
including Human Rights Watch (2009, 2016), Amnesty International (2015), and the International Commission of Jurists (2015) have commented on and advocated for transitional justice mechanisms to address widespread human rights violations. Within academic work, geographers insist on the socially-embedded, spatial nature of rights (Blomley & Pratt, 2001; Carmalt, 2018; Kobayashi & Ray, 2000). In liberal democracies, rights are rooted in ideas of public and private space and the state as a territorial unit (Blomley & Pratt, 2001). Further, when rights are contested or violated, struggles play out in space, and are often related to access to space by marginalized groups. Rights are contested and rooted in particular contexts, and particular rights may come to partially define the meaning of places and nations. However, rights also have the ability to scale-jump as those subjected to local injustices may appeal to national or international human rights bodies (Blomley & Pratt, 2001). Thus, human rights are not neutral concepts.

Furthermore, global human rights and transitional justice discourses are bound up in ideals of liberal democratic governance and development. Human rights present a challenge to state sovereignty, as international actors may selectively intervene in the internal events of another state in the name of protecting human rights (Blomley & Pratt, 2001; Laliberté, 2015). Human rights are inherently normative, as they are depictions of what ought to be, not descriptive of real conditions anywhere in the world (Carmalt, 2018). Thus, "the meanings and politics of rights, therefore, cannot be divorced from the spatial contexts that shape their meanings, and the spatialized politics that reveal their contestation" (Blomley & Pratt, 2001, p. 156). Human rights are therefore at once generic, in their normative, scale-jumping forms, and specific, in the place-based manifestations of justice and injustice in which they are invoked.

Scholars disagree on the extent to which they see human rights as useful drivers of justice and freedom. Some argue that because rights are formed around the interests of dominant group, marginalized groups remain outside the domain of justice and morality produced by purportedly universal human rights (Kobayashi & Ray, 2000). Because rights are unable to take into account “the geographic and historical circumstances through which particular conditions of risk have been socially constructed,” social difference becomes an aberration to be eliminated in the quest to create “equal” recipients of human rights (Kobayashi & Ray, 2000, p. 406). Furthermore, continuities between the discourse of human rights, human security and the justification for
armed invasions suggests the ease with which “rights” are appropriated to justify their own violation (Marhia, 2013). These perspectives see rights as ineffective drivers of social justice.

Others challenge this analysis, arguing that while promoting human rights does not automatically promote social justice, rights can be a powerful tool in emancipatory politics (Carmalt, 2018; Laliberté, 2015). Because human rights have developed a strong moral force, they can be invoked to hold the powerful to account and contribute to the moral weight of social movements (Carmalt, 2018). Human rights can be mobilized to hold perpetrators to account for rights violations and reveal relations of responsibility (Laliberté, 2015). Furthermore, rights represent codified ethics that may function as reference points for judicial decisions that demand social change (Carmalt, 2018). However, scholars also caution that the accountability mechanisms of human rights (including transitional justice mechanisms) can be implicated in a devolution of responsibility from the state to individual actors. For instance, rights-based development discourse tends to focus more on individual empowerment and capacity-building and less on state services (Laliberté, 2015). Further, although human rights can be useful in fighting against injustice and for emancipatory politics, advocating human rights is not synonymous with advocating social or economic justice (Laliberté, 2015).

Finally, while the geographers discussed above have focused their attention on the “rights” component of “human rights”, critical race scholars have troubled the “human” component. Writing about human security discourse, Marhia distinguishes between “human” as a noun for a member of the human species, and “Human” as an adjective denoting a normative condition of being based on the rational, liberal, masculine individual. Groups are excluded from the category of “human” by failing to inhabit the traits of the Human, which both justifies and produces their oppression and marginalization. "In order to claim entitlements as ‘human’, although their marginalization is mutually constitutive of the ‘morally relevant’ status of their ‘difference’, the marginalized must assert their commonality with – rather than difference from – those in power, to win respect for their claims to inclusion." (Marhia, 2013, p. 27) This line of thinking argues that in contrast the universal language of “human rights”, a large proportion of the human population (the racialized, the non-masculine, the poor, the inhabitants of the global South, etc.) has been systematically excluded from the category of “human” and thus denied “human” rights (Mollett, 2017). Scholarly engagements with “human rights” must therefore engage with the idea of “human” itself, and the ways that this seemingly universal category has
in fact represented a limited, Western vision of humanity that functioned to uphold hierarchies of power and dominance (Mollett, 2017). Human rights are not neutral mechanisms; they are implicated in multiple scales of power relations.

3.1.4.3 Development and International Policy Prescriptions

Transitional justice is tied to international development through the discourse of powerful international organizations like the United Nations that promote legal and political mechanisms as prerequisites for economic development. The United Nations (UN) sees “rule of law” as a cross-cutting theme that is essential to further its “three pillars”: peace and security, development, and human rights (United Nations, 2014). For the UN, human rights provide an essential “normative underpinning” to legal systems in order to “secure substantial justice” (p. 4): “A strong rule of law which promotes and protects human rights standards is essential for sustainable and inclusive development and for bringing durable peace and security” (p. 15). Furthermore, in post-conflict situations, upholding the rule of law through prosecuting perpetrators and respecting human rights through legal institutions is thought to “encourage the peaceful resolution of disputes and restore trust and social cohesion based on equal rights” (p. 9). Transitional justice is also noted as an important “non-judicial” mechanism to address gross human rights violations: “transitional justice measures have the potential to lay the necessary foundations for peace and security and for sustainable development.” (p. 7). In this document, transitional justice is presented as a separate but related process to judicial mechanisms designed to ensure accountability and fight impunity for gross human rights violations. Rule of law is also seen as an important premise for economic growth, sustainable development, and the eradication of poverty.

The ways development, human rights, and justice are entangled in global transitional justice discourse is illustrated by a 2013 report by the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence. The report seeks to “emphasize […] the relevance of justice and rights considerations to sustainable development” (United Nations, 2013, p. 2). The author argues that human rights violations hamper both economic and human development by creating “a weak sense of entitlement and deep social mistrust” as well as by “undermining basic capacities” (p. 2). It argues that comprehensive transitional justice processes are important to reducing or eliminating these barriers to development, but notes that
transitional justice processes pursued should be appropriate to the context of each country. Indeed, as noted in this report, the relationship between transitional justice and development has been highlighted as an important part of this Special Rapporteur’s mandate. Although the report is careful to note that justice and rights are not justified primarily by their contribution to development, but by “moral arguments”, it is nonetheless important to consider this relationship in order to avoid “reductionism” in development approaches that focus too much on the economic (p. 4). The author critiques the position that development, justice, and rights can be independently pursued, arguing that they are intrinsically entangled. Thus, he attempts to rebut the argument sometimes presented by critics of transitional justice that victims of gross human rights abuses want development, not justice; in his view, the two cannot be separated. In fact he argues that rights are so central to transitional justice that “Transitional justice measures can be seen as a set of judicial and non-judicial measures that serve to signal the significance of the status of persons as rights bearers” (p. 13) The prosecutions, truth-telling, and reparations, and guarantees of non-recurrence that are commonly part of transitional justice programs all serve to improve the conditions for development by enhancing trust, changing institutional functioning, and redistributing goods. He concludes that justice should not be “reduced” to developmental programs, and development should not be used as an “excuse” for delaying transitional justice (p. 21). Indeed, writing in the context of Nepal, Aguirre and Pietropaoli (2008) argue that the relationship between transitional justice and development deserves more scholarly attention. The authors posit that deep transitional justice processes that consider social inequalities can facilitate rights-based development. Such a process can potentially reduce the likelihood of future conflict while also reducing marginalization and inequality, they argue.

3.1.5 Conclusion

This section has discussed perspectives from scholars and practitioners on topics relating to reconciliation. Reconciliation is a complex and controversial concept that can be leveraged for both repressive and justice-oriented motives. Often, reconciliation is enacted through truth and reconciliation commissions (TRCs), where it forms part of a larger transitional justice agenda. Powerful international actors including UN agencies and various INGOs enact a discursive force on the shape of transitional justice and TRCs, where it is tied to powerful norms around human rights, peacebuilding, and sustainable development. In light of the significance of international development actors and discourse to transitional justice, the analytical tools of critical
development scholarship prove useful in untangling the dynamics of power, language, and ideology surrounding truth and reconciliation commissions.

### 3.2 Reconstruction

This section looks at the evolution of global disaster risk reduction policy and discourse through the institutional history of disaster risk reduction and the Sendai Framework for Disaster Risk Reduction (hereafter “Sendai Framework”) with a focus on the discursive underpinnings, and current debates surrounding the Sendai Framework. I discuss how the United Nations (UN) disaster management frameworks evolved historically, and how disaster risk reduction has been linked, formally or informally, to other international agreements or frameworks such as development goals. Based on a review of relevant UN documents and academic scholarship, I argue that as disaster risk reduction (DRR) has taken on an increasingly broad scope and begun to incorporate and be incorporated into more general “development” paradigms, it has begun to shift away from humanitarian logics to economic logics. Through this discursive shift, and compounded by geopolitical imbalances in the negotiations leading to the Sendai Framework, politics has been removed from the global disaster risk reduction framework, rendering it less sensitive to the context-specific realities that should form the basis for effective risk reduction.

The first section draws primarily on literature produced by disaster studies scholars and United Nations organizations to provide an overview of disaster risk reduction as a sector and its evolution at the international scale from the 1960s to present. Narrowing my focus to the current framework agreement, the Sendai Framework for Disaster Risk Reduction (“the Sendai Framework”), I then consider how the framework was developed and the discursive shifts it represents. Finally, I consider a range of critical academic perspectives on the Sendai Framework and DRR, with a particular emphasis on capitalist logics and the absence of politics in global DRR. In Chapter 4, the incorporation of DRR into the earthquake reconstruction process in Nepal will be discussed. However, in this section, I focus on the international framework (with less emphasis on its implementation) with the objective to tease out some of the ways that institutionally endorsed DRR discourse has facilitated and constrained relationships between institutions, policy, and power.
3.2.1 Natural and Unnatural Disasters: Changing Perspectives on Hazards, Vulnerability, and Resilience

Over recent decades, disaster studies scholars have come to consensus that disasters are not “natural” events, but are caused by a convergence of hazards and vulnerability (Alexander, 2013; Kelman, Gaillard, Lewis, & Mercer, 2016; Pearson & Pelling, 2015). “Natural hazards” are hazards stemming from the environment such as volcanos, bacteria, rainfall, and so forth, while vulnerability is the “propensity to be harmed” and can include “decisions, values, governance, attitudes, and behaviour forming situations in which disasters could potentially cause harm” (Kelman et al., 2016, p. S130). In other words, disasters are not caused by an environmental event, but by human activities that render people vulnerable to harm by such a hazard. Furthermore, both vulnerabilities and hazards can be relative, context-specific and socially produced (Kelman et al., 2016). As this relational understanding of what constitutes a “disaster” has become more prominent, international approaches to disasters have also shifted, from post-disaster “assistance” and “relief” in the 1970s and 1980s, to “natural disaster reduction” in the 1990s, to “disaster risk reduction” in the current Sendai Framework (UNISDR, n.d.). The shift in terminology of disasters from “natural” events outside of human control to social and political events caused by human-produced vulnerabilities has been accompanied by a shift in policy from post-disaster assistance to pre-disaster prevention and risk reduction activities (Schipper & Pelling, 2006). However, in practice, the majority of disaster-related funding is still provided in the form of post-disaster humanitarian relief, so in some ways the shift has been more rhetorical than practical (Kellett & Caravani, 2013).

3.2.1.1 Resilience

Nonetheless, with recent attention focussed on prevention and mitigation of disasters before they occur, the language of “resilience” has proliferated in both research and policy settings (Alexander, 2013; Kelman et al., 2016; Roberts, Andrei, Huq, & Flint, 2015). In relation to disaster risk reduction, efforts to reduce vulnerabilities or “build resilience” are “choices and processes of ensuring that society can deal with hazards and hazard drivers” and can include either technical or social initiatives, or frequently a combination of both (for instance, seismic engineering technology combined with systems to enforce and monitor their implementation) (Kelman et al., 2016, p. S131). The Intergovernmental Panel on Climate Change (IPCC) and United Nations Office for Disaster Risk Reduction (UNDRR; previously UNISDR) use
ecosystem-based understandings of resilience and vulnerability that focus on the maintenance of
the existing state or “essential function” of a system (Folke et al., 2010; Kelman et al., 2016).
Kelman et al (2016) argue that this is a relatively narrow definition that disregards
interdisciplinary views that take a wider perspective of the concepts. With respect to disasters in
particular, scholars question the emphasis on preserving the existing system when it may be the
existing system (under capitalist extraction regimes, neocolonial political arrangement, for
example) that supports vulnerabilities in the first place (such as poverty, unplanned urbanization,
water pollution, etcetera) (Alexander, 2013; Kelman et al., 2016).

Even within the field of disaster risk reduction (DRR), varying definitions of resilience
are deployed, and there is little consensus on the meaning of the term. Alexander (2013) notes
that the term may function usefully as an adjective to describe a particular object or situation, but
becomes problematic and contradictory when deployed as an all-encompassing “paradigm” for
action or analysis. Like Kelman, he argues that definitions based in ecology or systems analysis
are inadequate for disaster risk reduction, “which involves transformation rather than
preservation of the ‘state of the system’.” (Alexander, 2013, p. 2707). Thus, in DRR, a
“resilience” paradigm may actually promote the maintenance of a status quo in which
dispossession and exploitation actively produce vulnerabilities to disasters (Hornborg, 2009,
cited in Alexander, 2013). Ideally resilience would result in a disaster being averted, so that the
ecosystem-based language of “return to normal” is beside the point: “The ‘normal’ situation
would aim for so-called hazards not being so hazardous and not being separated from other
decisions, but instead being integrated into development processes.” (Kelman et al., 2016, p.
S138). In order for “resilience” to be a desirable state in DRR, it is essential to conceptualize it in
broader and more flexible ways than the dominant ecological framings. An in-depth analysis of
the debates around resilience in both the academy and civil society are beyond the scope of this
thesis (for a historical discussion of the multiple uses of the term in the context of DRR see
Alexander, 2013), but it is important to note that both “resilience” and “vulnerability” are
ambiguous, abstract terms that have different meanings across disciplines and cultures
(Alexander, 2013).
3.2.2 History of Disaster Risk Reduction/Disaster Risk Management at the Global Scale

The field of disaster management is typically understood to refer to two distinct areas of practice: disaster risk reduction (disaster prevention, preparedness, mitigation) and post-disaster emergency response and reconstruction (Schipper & Pelling, 2006). Since the 1960s, when the United Nations began asking member countries to contribute emergency assistance to disaster recovery, international disaster management paradigms have undergone several significant shifts leading to closer association between disaster risk reduction and development. UN involvement became more formalized with the creation of The United Nations Disaster Relief Office in 1971, which would provide information and advice to member states on pre-disaster planning and promote early warning systems (UNISDR, n.d.). An emphasis on early warning systems and planning for disaster response continued throughout the 1970s and early 1980s (UNISDR, n.d.). Gradually disaster preparedness began to shift more towards disaster prevention. In the 1980s and 1990s, there was increasing concern about the human and economic “costs” of disasters and the “inappropriate development” that contributed to them (Schipper & Pelling, 2006, p. 31). The United Nations Development Program (UNDP) began to consider disaster preparedness and prevention in development programs (UNISDR, n.d.). Disaster and development became increasingly associated from this point forward.

During the United Nations International Decade for Natural Disaster Reduction 1990-1999, an integrated, international approach to disaster reduction began to take off with the adoption of the International Framework of Action (UNISDR, n.d.) and eventual Yokohama Strategy and Plan of Action for a Safer World (IDNDR, 1994). These frameworks focussed more on human actions and vulnerabilities in disasters than previous hazard-based approaches (Schipper & Pelling, 2006). In 1995 and 1996, further efforts were made to strengthen an integrated, global approach to disaster reduction, with resolutions that called for integration with sustainable development and environmental protection paradigms and a international improvements to early warning systems (UNISDR, n.d.). However, during this decade, the language of “natural” disasters continued to be used and was reflected in the emphasis on early warnings and planning for recovery from “natural” disasters. Indeed, academic critiques at the time argued that the frameworks focussed too much on natural hazards and not enough on the
production of vulnerabilities (Blaikie et al (1994), cited in Schipper & Pelling (2006)). However, this would soon change in the 2000s and beyond.

In the 2000s, disaster reduction became more closely linked to the question of global “sustainable development”. In 2000, the UN General Assembly established an Inter-Agency Task Force for Disaster Reduction and the United Nations International Strategy for Disaster Reduction (UNISDR, now known as the United Nations Office for Disaster Risk Reduction or UNDRR), which would be housed under the Under-Secretary-General for Humanitarian Affairs (UNISDR, n.d.). The word “natural” was omitted from its title, signalling a shift in thinking about the nature of disasters, but the positioning of UNISDR within Humanitarian Affairs suggests that a reactive approach to disasters continued to dominate. The same year, the UN Millennium Declaration noted the importance of “cooperation to reduce the number and effects of natural and man-made disasters” (UN, 2000, para. 23), bringing disaster reduction firmly within the ambit of “sustainable development” at the highest level (Schipper & Pelling, 2006). In 2002, the World Summit on Sustainable Development was held and the link between disaster reduction and sustainable development was further solidified, with one key outcome of the summit being an objective to integrate disaster reduction into development initiatives. Finally, in 2004, UNISDR formally adopted “disaster risk reduction” as their framework for approaching disasters with an aim to reduce vulnerabilities as root causes of disasters, which would be done in the framework of sustainable development (UNISDR, 2004). This move to focus on vulnerabilities and root causes (reducing the “risk” of disasters), rather than “natural hazards” broadened the scope of risk reduction activities beyond disaster preparedness and brought the agency more in line with dominant academic approaches to the topic (Oliver-Smith, 2016).

3.2.2.1 The Hyogo Framework for Action 2005-2015

The year 2005 saw the successful creation of the first multilateral framework for action on disasters. The Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (HFA) was adopted at the World Conference on Disaster Reduction was held in Kobe, Japan (UNISDR, n.d.). The framework brought the idea of “building resilience” to the centre of disaster reduction. The introduction of “risk reduction” also shifted the focus to changing the conditions that enable disaster to occur, as opposed to reducing the impact of disasters that would inevitably occur. This shift is significant because it alludes to
disasters as something produced at least partially by through human decisions (and of which risk can therefore be reduced through human decisions), rather than as externally-occurring phenomena that require human adaption, mitigation, and recovery. The HFA’s Five Priorities for Action also indicate the importance of establishing DRR as an integral element of political and educational institutions at multiple scales, with an emphasis on prevention and preparedness.

One critique to emerge from academia was that through the HFA, disaster risk reduction was largely positioned as separate from both climate change mitigation and adaptation and sustainable development frameworks, despite the well-established links between development, climate change, and weather-related hazards (Kelman, 2015; Kelman et al., 2016; Schipper & Pelling, 2006). Such a divide between climate and hazard approaches meant that disaster risk reduction mainly focussed on an immediate time frame and local and national scales (missing global political economic dynamics); while climate change policy focussed on long term impacts and mitigation at global scale, with little dialogue between them (Kelman, 2017; Schipper & Pelling, 2006). Notably, in 2012 the IPCC produced a report titled Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (IPCC, 2012), which linked mitigation and adaptation to climate change-related extreme weather events with sustainable development practices under disaster risk reduction (DRR) (Aitsi-Selmi, Egawa, Sasaki, Wannous, & Murray, 2015). This discursive shift generated anticipation for more integration between the UN development goals, the UN Framework Convention on Climate Change, and disaster risk reduction during renegotiations in these three sectors in 2015 (Kelman, 2015, 2017; Pearson & Pelling, 2015). However, the outcome in 2015 fell somewhat short of the expectations.

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3 The Five Priorities for Action are: “1. Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation. 2. Identify, assess and monitor disaster risks and enhance early warning. 3. Use knowledge, innovation and education to build a culture of safety and resilience at all levels. 4. Reduce the underlying risk factors. 5. Strengthen disaster preparedness for effective response at all levels.” (UNISDR, 2005, para. 14).
3.2.2.2 The Sendai Framework for Disaster Risk Reduction as the Successor to the Hyogo Framework for Action

On March 18, 2015, the Sendai Framework for Disaster Risk Reduction 2015-2030 (“the Sendai Framework”) was adopted by 187 UN member states. The resulting framework represents a more expansive and integrated approach to disaster risk reduction with a “clearer mandate emphasizing the need for a more integrative DRR process that incorporates bottom-up as well as top-down actions, local scientific and technical knowledge, and [drawing] attention to synergies with health, climate change, and sustainable development.” (Aitsi-Selmi et al., 2015, p. 171). Four priorities for action are identified:

- Priority 1: Understanding disaster risk.
- Priority 2: Strengthening disaster risk governance to manage disaster risk.
- Priority 3: Investing in disaster risk reduction for resilience.

The Sendai Framework maintains the centrality of resilience and understanding disaster risk found in the HFA, and introduces new language including “building back better” and “investing” in risk reduction. However, it is unclear to what degree the Sendai Framework substantially departs from the HFA. Glantz (2015) notes that the HFA and the Sendai Framework contain many of the same keywords in similar proportions (climate change, prevention, disaster risk reduction, collaboration). There is a shift in the Sendai Framework to nearly twice as many mentions of “disaster risk”, a 50 percent increase in the use of “resilience”, and almost four times as many mentions of “technology” (perhaps related to the focus on technical elements of building in “building back better” (see World Bank, 2018) (Glantz, 2015).

As mentioned above, there has been considerable critique from disaster scholars around the artificial separation between disaster management, development goals, and the UN Framework Convention on Climate Change in international policy and practice, and it was hoped that 2015 would present an opportunity for the three sectors to align and integrate (e.g. Aitsi-Selmi et al., 2015; Kelman, 2015; Schipper & Pelling, 2006). Although connections between climate change, development, and DRR are noted in the Sendai Framework, according to those who were present during negotiations, there was strong resistance from the USA to embedding
climate change too deeply in DRR (Pearson & Pelling, 2015). During negotiations, explicit references to the other 2015 frameworks (the Sustainable Development Goals and the Paris Agreement) were removed from the Priorities for Action section of the Sendai Framework (Pearson & Pelling, 2015). The authors speculate that this was motivated by fears among Global North countries that they would be required to be financially responsible for climate-related disasters, and thus “the global ambition of the Sendai Framework was hampered by national interests” (p. 1571001-10). Though the framework now contains clear references to health, development, and climate change, the synergies are mostly rhetorical, and in reality the different communities of practice remain siloed at the international level (Kelman et al., 2016).

The Sendai Framework also does not depart substantially from the HFA in terms of its engagement and impact at the local level. The HFA failed to engage with local knowledge and experience, and thus had little impact at the local level, but it was hoped that the Sendai Framework would be more successful in integrating bottom-up and top-down knowledges and experiences (Aitsi-Selmi et al., 2015; Pearson & Pelling, 2015). As Maskrey (2011) notes, successful disaster risk reduction combines initiatives driven by communities at risk themselves with existing cultural and ecological practices with the support of national or regional governments (Maskrey, 2011). In spite of the clear evidence for the success of this type of approach, the Sendai Framework remains vague as to how such DRR programs might be established in practice, and the Sendai Framework still largely focusses on top-down governance mechanisms.

3.2.3 Critical Perspectives on the Sendai Framework for Disaster Risk Reduction

Several scholars question the absence of politics from global DRR frameworks. Research has shown the conditions of conflict and post-conflict to be significant in local manifestations of disaster and post-disaster processes (Harrowell & Özerdem, 2018; Hyndman, 2009; Le Billon & Waizenegger, 2007). In a 2018 special issue of Disasters, authors discussed the complex interplay of disaster and conflict, arguing that analyses must go beyond cause and effect to consider the context-specific ways the nexus of disaster and conflict is experienced at the local and national level (e.g. Siddiqi, 2018; Siddiqi & Canuday, 2018; Walch, 2018). However, conflict is not mentioned in the Sendai Framework as a factor in DRR. Pearson & Pelling (2015)
argue that this absence was produced through the process of negotiating the document, when all mentions of conflict as a compounding factor were removed in a political compromise during negotiations:

Whilst many northern states including the European Union members and the United States also recognized the interlinkages between conflict and disasters and wanted conflict kept in, they appeared to feel more strongly about the removal of territorial occupation as an underlying driver of risk, something many Arab state countries fought strongly for. (Pearson & Pelling, 2015, p. 1571008)

Thus, the uneven geopolitical power of different member states and their conflicting interests led to the removal of relevant knowledge to protect the self-interest of the powerful. These high-level negotiations among political representatives diminished the potential for politically-informed, locally-specific analysis in DRR. This omission is significant because it upholds a foundational premise in DRR of a benevolent state providing assistance to citizens, when in reality for many residents the state may produce hazards or itself be a hazard: “De-colonising ‘the state’ as a category of analysis is necessary for a more grounded and political understanding of disaster” (Siddiqi, 2018, p. S167; see also Walch, 2018). The removal of conflict from the framework helped depoliticize DRR, positioning disaster as primarily a humanitarian and economic issue, separate from issues of power and violence.

The Sendai Framework has also been critiqued for its weak incorporation of women and gender. Bradshaw (2015) argues that gender, even at the level of “rhetoric” remains absent from international DRR discourse. The author points out that although both HFA and the Sendai Framework state that “gender sensitive” approaches should be integrated in DRR, the content of the frameworks does not substantively integrate gender. For instance, the framework makes no mention of women’s rights, sexual or reproductive rights, or violence against women and girls. As Bradshaw points out, the only right mentioned in the Sendai Framework is the “right to development”, which is contextualized in terms of an affirmation of “human rights” in the same line (UNISDR, 2015b, para. 19). Thus, the framework takes an approach to gender that positions women as a resource to DRR, not as equal agents, in which it is understood that women can contribute to DRR, but it is less clear how DRR can address gender-related issues (Bradshaw, 2015, p. 64) As well, both the Sendai Framework and Bradshaw assume a conflation of “gender”
with “women”, ignoring the possibilities of a broader “gender-sensitive” analysis that considers multiple aspects of gender. Similarly, any kind of intersectional (Crenshaw, 1989) approach that considers the significance of multiple hierarchies of social difference is absent. This is despite the evident fact that vulnerability is recognized to be socially produced (as discussed above), and it therefore impacted by an individual or group’s positionality in relation to various social hierarchies. This is another example of the ways DRR presents itself as apolitical, and mirrors other findings of economic logics present in the Sendai Framework and international DRR discourse.

In spite of these failings, many scholars in disaster studies consider the potential for the Sendai Framework to foster a more holistic approach to disaster risk management (e.g. Aitsi-Selmi et al., 2015; Kelman, 2017; Roberts et al., 2015). Yet significant gaps and challenges remain. One significant challenge identified is that the framework does not provide guidance as to how individual governments might work towards the four priorities in pursuit of the Sendai Framework’s targets. Some scholars have pointed to the mere inclusion of defined targets as a positive change over the HFA (Pearson & Pelling, 2015). However, the language used to define the targets omits specific figures, instead simply calling for “substantial” increases or decreases in indicators, making it uncertain how meaningful the targets can be (Glantz, 2015). Furthermore, other scholars have argued that goal-driven development can create an artificial emphasis on measurable targets and produce neoliberal forms of governance where “the goals are seen as techniques and rationalities of governmentality that measure lives, bodies, and spaces by creating categories of persons and managing them through social engineering of money and policies to meet the targets.” (Liverman, 2018, p. 172). The very concept of global framework for disaster risk reduction is called into question.

3.2.3.1 Building Back Better

Other elements of the Sendai Framework are similarly vague, such as the concept of “build back better” highlighted in Priority 4. “Build back better” has commonly circulated in DRR discourse since 2006 when the UN Special Envoy for Tsunami Recovery (Clinton, 2006) called for “building back better” in the recovery of the 2004 Indian Ocean tsunami (Maly, 2018). At that time, disaster studies scholars critiqued the multiple ambiguities in the term and suggested that “build back safer” would potentially be a more useful concept, as it identified a
clear objective, as opposed to a vague notion of “better” (Kennedy, Ashmore, Babister, & Kelman, 2008). However, “build back better” has remained dominant in disaster planning at national and international scales, manifesting itself in technocratic interpretations that focus on engineering and infrastructure over socioeconomic questions (Maly, 2018). In 2015, BBB was included in Priority 4 of the Sendai Framework. Related publications by the World Bank (Hallegatte et al., 2018) and the United Nations Office for Disaster Risk Reduction (UNISDR, 2017) further position disaster recovery as an opportunity to improve resilience and risk reduction for future disasters through BBB.

As described in the Sendai Framework, BBB is not only about literal “building”, but about preparedness and risk reduction, and creating resilient communities. The Framework promotes social inclusion and women’s empowerment in reconstruction processes, as well as disaster preparedness in governance and communications infrastructure. According to a World Bank report (Hallegatte et al., 2018), “building back better” should have three components: “building back stronger”, “building back faster”, and “building back more inclusively”. Successful BBB promotes “sustainable development”, including more resilient structures, better quality of life, and higher economic productivity. In other words, “building” is understood beyond a literal engineering sense to include a broad range of social, cultural, and economic aspects of rebuilding, and “better” is understood in terms of liberal democratic values (participation, inclusion, well-being) and economic productivity under capitalism (reducing income loss, maintaining consumption levels). The World Bank and influential INGOs take a broad interpretation of this imperative, where “building” damaged infrastructure is only one aspect, and stress the need for approaches that are inclusive of vulnerable/marginalized groups, communications and early warning systems, mental health supports for victims, and integrated communities, as well as building disaster-resilient structures (Hallegatte et al., 2018).

However, some question the benefit of “build back better” as a central concept in disaster risk reduction. Maly (2018) argues that that BBB remains a vague term that lacks a shared definition, and has typically been overly narrowly interpreted in terms of “building and land use regulations” (p. 84) to the neglect of its human development aspects. Building back better is “both too broad a term to offer meaningful direction in relation to housing reconstruction, and also used too narrowly to describe safer construction without holistic consideration of what is “better” for people's lives” (Maly, 2018, p. 84). Despite the language of inclusivity and
participation in the Sendai Framework, these aspects may be neglected in implementation. Other arguments against “building back better” paradigms assert that reconstruction should be “people-centred”, putting the needs of the affected population at the centre of decision-making in a genuinely participatory process (Maly, 2018). Yet this type of process can be difficult to achieve under broad frameworks like the Sendai Framework, where the nature of state-level funding might lend itself to top-down centralized approaches (Daly et al., 2017). Still others critique “build back better” as a geopolitically-motived economic intervention that engenders forms of disaster capitalism that can have wide-ranging impacts on an already disaster-affected area (Paudel & Le Billon, 2018). Despite representations by proponents of “build back better” as a fairly straightforward guiding principle, it is clear that building back better can be implicated in controversial economic and political dynamics.

3.2.4 Development Ideology and Capitalist Logics

Economic language of “risks”, “losses”, and “investment” have come to pervade discussions of DRR. According to the World Bank, disasters present two kinds of risks: “economic risks”, or percentage of GDP loss due to a disaster, and “human risks”, or percentage of population at risk in a disaster, with the acknowledgement that the two overlap and impact each other (Kellett & Caravani, 2013). Correspondingly, “losses” can be “human” or “economic” (or indeed, even “losses in well-being” (Hallegatte et al., 2018)). The preceding discussions in this section identify several other points at which economically-motivated reasoning for disaster reduction became clear as “protecting development” has always been a motivator for reducing disasters and DRR is increasingly associated with “sustainable development” as a producer, not just protector of economic growth. These processes all point to capitalist GDP-oriented logics within DRR. Indeed, such understandings are also revealed in academic and grey literature on the topic, where assertions that disasters can “reverse” “development work” underpin some academic calls for greater integration of DRR, development, and climate change agendas (see Kellett & Caravani, 2013; Schipper & Pelling, 2006). Likewise, in 2004, the UK Department for International Development published a report titled, Adaptation to Climate Change: Making Development Disaster-Proof, in which similar arguments were made about the need to build resilience to climate change and natural hazards among the poor in order to protect progress in development and poverty reduction (DFID, 2004). These types of arguments are also made in the dominant disasters studies scholarship reviewed for this section (e.g. Kelman, 2015, 2017;
Pearson & Pelling, 2015; Schipper & Pelling, 2006). It is also evident that GDP-oriented reasoning extends beyond discourse into practice, as Kellet and Caravani (2013) note in their comprehensive study of DRR financing that, “where the economy is at risk, volumes of financing tend to be high; where predominantly populations are at risk, volumes are often low” (p. vi). Such a statement reveals a shallowness to state expressions of sorrow and tragedy that accompany human deaths during disasters.

The 2015 policy moment that been depicted as “a unique opportunity to ensure that disaster risk reduction (DRR) becomes a truly fundamental component of development and poverty reduction,” (Kellett & Caravani, 2013, p. vi) can also be seen as a moment in which disaster risk reduction was consolidated as a component of growth-oriented development. Mawdsley (2017) argues that in the time since the 1990s move to centre “poverty reduction” as the ultimate development goal, there has been a gradual return to a focus on economic growth (through the lens of entrepreneurship) that repositions poverty reduction, health, and other human development objectives as in the service of a wider agenda of economic development. As the historical evolution described above has demonstrated, DRR has followed a parallel trajectory. The Sendai Framework positions disaster risk reduction as a means to protect economic growth early on, stating in paragraph 3, “Reducing disaster risk is a cost-effective investment in preventing future losses. Effective disaster risk management contributes to sustainable development.” Given that activities undertaken in the name of “development” have been responsible for creating many of the vulnerabilities that produce disasters worldwide (Oliver-Smith, 2016; UNISDR, 2015a), such a framing seems paradoxical.

Furthermore, the term “sustainable development” that has been chosen to define the 2015-2030 United Nations development agenda is itself a controversial term that relies on the paradoxical assumption that sustainability and growth can be simultaneously achieved (Blythe et al., 2018; Sultana, 2018). This contradiction is also present in the heart of the Sendai Framework’s stated objectives, whose guiding principles include a commitment that:

the development, strengthening and implementation of relevant policies, plans, practices and mechanisms need to aim at coherence, as appropriate, across sustainable development and growth, food security, health and safety, climate change and variability,
environmental management and disaster risk reduction agendas. (UNISDR, 2015b, para. 19)

The framework is also premised on the assertion that “disaster risk reduction is essential to achieve sustainable development” (para. 19). The Sendai Framework further reveals its economic/growth-driven logic in the statement that, “Addressing underlying disaster risk factors through disaster risk-informed public and private investments is more cost-effective than primary reliance on post-disaster response and recovery, and contributes to sustainable development” (para. 19). The heavy emphasis on pre-disaster risk reduction and post-disaster “building back better” are thus heavily motivated by economic logic of what is “cost-effective”. Put another way, the statement suggests that the reason DRR should aim to prevent disaster-related death and destruction because it is more “cost-effective” than dealing with post-disaster recovery.

3.2.5 Conclusion: Power and Disaster Risk Reduction

Donovan (2017) argues that there needs to be more focus on power relations in analyses of disaster risk reduction at multiple scales. The fundamentally political nexus of DRR and development becomes depoliticized in the technical framings of the Sendai Framework through emphasis on concepts like adaptation, building back better, and resilience (Siddiqi, 2018), as well as the deliberate omission of context-specific political factors such as conflict from the document, as discussed earlier. As Oliver-Smith (2016, p. 81) puts it, in order to meaningfully address deep-rooted disaster risks, “we need to address the inconsistencies and contradictions in current neoliberal policies and models of development as well as the huge imbalances in power.” However, as Pearson and Pelling (2015) reveal in discussing the negotiation “compromises” at the World Conference in 2015, geopolitical power imbalances that favour powerful Global North countries remain firmly entrenched in international forums. There is a significant disconnect in scale between the globalized political and economic order driving capitalist development and the national or local political contexts in which the Sendai Framework advocates DRR be implemented. By UNDRR’s own reckoning, “twenty-five years after UN Member States adopted the International Decade for Natural Disaster Reduction (IDNDR) and ten years after the adoption of the HFA, global disaster risk has not been reduced significantly” (UNISDR, 2015a, p. xiv, my emphasis). Meanwhile, DRR is now being promoted under the banner of “sustainable
development”, as unsustainable development practices continue to produce risks more intensively than they can be mitigated (Oliver-Smith, 2016; UNISDR, 2015a).

Several geographers have recently called for increased scholarly engagement with the post-2015 international development landscape (Liverman, 2018; Mawdsley, 2017; Sultana, 2018). Farhana Sultana recently argued that:

International development, aid monies, and all development goals are effectively about power. Thus, deconstructing and demonstrating the ways power relations operate, the kinds of powers that exist, and asking questions of what, who, why, and where, become critical in assessing these large international interventions that impact peoples and places. (Sultana, 2018, p. 189)

Through analyzing the historical evolution of global DRR discourse, I have argued that DRR has become strongly associated with economic growth-oriented development that underpinned the historical “development” activities that produced vulnerabilities to disasters in the first place. Furthermore, the emphasis on economic and technical elements in DRR conceals the deeply political nature of the process of negotiating such multilateral frameworks, and the ideological underpinnings of their fundamental premises. As global DRR discourse is increasingly aligned with “sustainable development” discourse, critical development scholarship could have much to contribute to thinking about the kinds of actions taken (or not taken) in the name of risk reduction and resilience.

3.3 Nexus of Development, Reconstruction, and Reconciliation

Although post-disaster reconstruction and post-conflict peace processes have typically been approached as separate in both research and practice, research by human geographers on disaster reconstruction in other conflict-affected areas has found that post-disaster and post-conflict reconstruction interact in various ways. Previous research in Sri Lanka and Indonesia has shown how disasters can provoke feelings of national solidarity and the political will for peace, but uneven distribution of destruction and aid can also strengthen senses of inequality and suffering driving a conflict (Hyndman, 2009; Le Billon & Waizenegger, 2007). The disaster recovery period can be seized by political leaders as a way to enhance their legitimacy, while at the same time, the post-disaster period provides an opening for contestation and renegotiation of
political power at subnational, national and international scales (Choi, 2015; Pelling & Dill, 2006, 2010). Furthermore, the interplay of post-disaster and post-conflict processes in discourse can converge to produce and contest new forms of state power and nation-building (Choi, 2015). Recent scholarship specific to Nepal has shown that despite these theoretical connections and political overlaps between post-disaster reconstruction and post-conflict reconstruction, the two processes remain separated in the discourse and practice of implementors on the ground (Harrowell & Özerdem, 2018).

Taking this as my point of departure, my research aims to further investigate the relationship between these two areas of government practice by investigating the reconstruction and reconciliation projects of the National Reconstruction Authority and the Truth and Reconciliation Commission in Nepal. I argue that a comparative analysis reveals points of convergence and divergence in expert discourse and can denaturalize assumed relationships and re-politicize processes that have been rendered technical. Finally, I stress the importance of contextualizing the analysis within the ongoing history of developmentalism in Nepal and the recent influence of international norms of disaster risk reduction and transitional justice.
4 Nepal: Current and Historical Context

4.1 Introduction

Nepal is located in South Asia and shares borders with India to the south and China/Tibet to the north. The small country holds a population of roughly 29 million people (UNDP, n.d.-a) of diverse languages and cultures. A heterogenous population resides in Nepal, and groups marginalized on the basis of caste, class, and gender have experienced a long history of oppression and exploitation, as well as of grassroots resistance and social movements. The country is also geographically diverse, with the plains of the Tarai in the south gradually rising to the Himalayas in the north. The country is ranked 149th out of 168 on the United Nations Human Development Index (UNDP, n.d.-a) and has a per capita gross national income of US$745 (United Nations, 2018). The United Nations lists Nepal as a “least developed country” (United Nations, 2018).

To understand the current cultural and political context in Nepal, it is necessary to briefly review political events of the twentieth century. Following Shneiderman et al (2016), I situate Nepal’s 1996-2006 civil conflict and subsequent post-conflict political transition as components of a broader social transformation that has been ongoing over the past century.

4.2 Development and Exclusionary Nation-building

The issues of national inclusion and exclusion have featured significantly in the past century of Nepal’s political history. In 1930, the language of the hill region that became known as Nepali was designated the official language of the kingdom. Here, the state began to assert hill (pahadi) culture as representative of a universal and homogenous “Nepali” nation (Burghart, 1984). In 1962, Nepali language, Hinduism, and the monarchy were codified within the Constitution as normative national ideals (von Einsiedel, Malone, & Pradhan, 2012). All citizens were represented as equally and homogenously “Nepali” and distinctive cultural “Nepaliness” was asserted to be coterminous with the administrative state, fulfilling the appearance of a unified nation-state (Burghart, 1984). Thus the nation came to be defined in ethnocultural terms that privileges hill elites and excludes the diversity of the population (Malagodi, 2013). These norms, in conjunction with development discourse and practice in Nepal, produced material and symbolic exclusion of minority residents (Shneiderman et al., 2016; S. Tamang, 2002) and form
the basis of an exclusionary national imaginary that continues to be upheld today (Ramnarain, 2015; S. Tamang, 2011).

As a small, relatively poor country, an imperative toward “development” has been a driving force in Nepal’s political and social imaginaries for the past half century and remains so today (Pigg, 1993; S. Tamang, 2002). During the twentieth century, the monarchy and political parties struggled over governing control over the country. In the panchayat era ("guided democracy" in which local representatives were elected at various levels, but ultimate power rested in the monarchy), the state increasingly pursued the project of nation-building through national development and national service by citizens (Burghart, 1984; S. Tamang, 2002). Governmental projects were carried out that aimed to solidify the nation-state and cultivate a generalized Nepali citizen that was allied with state development projects and practices. During this time, elite interpretations of Hindu ideology and generalized development discourse functioned to produce a normative, exclusionary representations of the Nepali nation that motivated particular territorializations and tenurial arrangements (Sijapati, 2013). Under the panchayat government, development, or bikas, became “the term through which Nepalis understand their relationship to other parts of the world” (Pigg, 1992, p. 497). Bikas projects aimed to foster an “imagined community” (Anderson, 2006) of Nepalis united in striving for progress towards a shared future. However, the ideal of “development” became an important producer of social difference itself. The normative ideals of “progress” implies a dichotomy between urban, affluent elites who are developed (bikasi) and embody national ideals and “backwards” villagers in need of modernization. Government and development workers, generally urban, high caste Hindu men, understand “the village” in relation to Hindu norms, and representations of backwards, generic villagers living in the generic village were conceptually separated from national society. Thus the village became a social category and target for development, and villagers were “spatially incarcerated” (Appadurai, 1988) outside the Nepali nation; this positioning is essential to the narrative of progress and development of Nepal.

To the extent that nation-building projects have attempted to manufacture a shared sense of universal Nepaliness (Pigg, 1992; S. Tamang, 2011), they can be collectively understood a long-term attempt to institute an imagined community of the nation through top-down processes. However, the practices deployed had the outcome of producing vast “unimagined” communities (Nixon, 2011) of people (who include, for example, both territorially-associated communities
such as Madhes and non-territorially-based people such as Dalits who reside throughout Nepal) who do not align with normative national ideals. The dominant Nepali nation defines itself against these others, while exploiting their land and labour for the “progress” of the nation. However, while these administrative and governmental changes created the appearance of a unified “nation-state”, they did not necessarily produce a sense of fellowship. Despite deliberate efforts by the state to foster a homogenous nation, some argue that the opposite has occurred, and internal identity-based positions that were previously flexible have solidified (S. Tamang, 2011). Today, regions of the country are still marked by semi-feudal agrarian relations, political oppression of minorities, and deep socioeconomic inequality (Shneiderman et al., 2016). These conditions have fueled a variety of ongoing social movements, including Janajati (Indigenous) movements for land rights, political representation, and self-determination; Madhesi (an ethnic group along the south border) movements for political representation, full citizenship rights, and regional autonomy; Dalit (traditionally “untouchable” caste) movements for socioeconomic rights and the end of untouchability; and women’s movements for political representation, citizenship rights, and socioeconomic equality (M. S. Tamang, 2017).

Furthermore, development and aid funding has historically been an avenue for international actors (traditionally Western donors, and today increasingly neighbouring India and China) to assert their political and economic interests in the country (Paudel & Le Billon, 2018; S. Tamang, 2002). Critics argue that these interventions have not only eroded the sovereignty of the Nepali state, but have operated on limited and depoliticized imaginations of what is possible and desirable for rural residents perceived as in need of “developing” (Pigg, 1992; S. Tamang, 2002). As others have similarly argued (e.g. Escobar, 1984) such interventions have primarily served the interests of the national and international elites who promote them (S. Tamang, 2002). As Tamang (2002, p. 321) puts it:

The potential for the Nepali state to even respond to the demands of the people have been greatly diminished as many of the decisions which affect the lives of people in Nepal are no longer in the hands of the state, but in ‘development’ decisions made by various international agencies and institutions.

Today, the ideals of “development” remain influential in the discourse of national progress in Nepal. For instance, the Government of Nepal increasingly pursues its goal of “graduating” from
a “least developed country” to a “developing country” through infrastructure projects and strategic funding arrangements with multilateral and bilateral donors (including India and increasingly China) (Paudel & Le Billon, 2018; Rankin, Nightingale, Hamal, & Sigdel, 2016). It is in this historical and ongoing context that the two governmental projects of transitional justice and post-earthquake reconstruction must be situated.

4.3 Conflict and Post-Conflict

In the 1990s, issues of identity-based exclusion, uneven development, economic marginalization rose to the forefront of politics. Civic unrest eventually culminated in a mass People’s Movement, or jana andolan I in 1990, in which widespread rallies and protests eventually led to the reinstatement of multiparty democracy and the end of the panchayat regime (Neelakantan, Ramsbotham, & Thapa, 2016). Constitutional changes recognized Nepal’s multi-ethnic, multi-linguistic nature, but the overarching norms of Hinduism, monarchy and Nepali-language remained in place (von Einsiedel et al., 2012). During the 1990s, ethnic movements and identity-based politics gained traction in various parts of Nepal, calling for more substantial inclusion and equality.

A strong critic of the 1990s government was the Communist Party of Nepal-Maoist (hereafter “Maoists”). When the government in power failed to respond to their critiques, the party launched what would become a decade-long civil conflict in 1996, demanding agrarian reform, land redistribution, and political restructuring (Neelakantan et al., 2016). Many ethnic and indigenous movements (such as Janajati and Madhesi movements) allied with Maoist insurgents against the government. The Maoists’ demands aligned with the movements’ pre-existing goals, and in turn, the Maoists declared their support for those movements’ demands for ethnic self-determination and a secular state (Joshi & Mason, 2010; Shneiderman et al., 2016). After the king seized power from the elected government between 2002 to 2005, multiple political parties entered discussions and eventually reached a 12-point understanding, “which accepted parts of the stated Maoist agenda of social justice and state reform to provide redress for structural and historical discrimination against various social, ethnic, caste and other groups” (Neelakantan et al., 2016, p. 4). Following a second mass People’s Movement (jana andolan II) in 2006, the monarchy was dismantled, Nepal was declared a secular state, and all parties
formally ended the war by signing a Comprehensive Peace Agreement (CPA), which promised political reform and transitional justice (Neelakantan et al., 2016).

Since that time, a number of political changes have occurred and been contested. Questions of identity, exclusion, and inequality remained central to conversations around the 2007 Interim Constitution and talks of transitioning to a federal system. When the new Constitution was promulgated in 2015, “virtually every single major social group – except hill ‘upper-caste’ Bahun and Chhetri men, from the top level of Nepal’s class hierarchy – protested various provisions of the proposed constitution” (Neelakantan et al., 2016, p. 6). For instance, women protested unequal citizenship laws. Madhesi and Janajati communities are not satisfied with the level of inclusion, political representation, and autonomy granted to minority groups (M. S. Tamang, 2017). Meanwhile, transitional justice mechanisms that had been identified in the CPA were not implemented until 2015, nearly a decade after the end of the conflict.

4.4 Transitional Justice and Truth and Reconciliation Commission

One component of Nepal’s transitional justice process is a Truth and Reconciliation Commission, now a standard and expected process among international human rights observers (Avruch, 2010; Lundy & McGovern, 2008). According to the website for Nepal’s Truth and Reconciliation Commission, the objectives of the commission are to discover and publish information about human rights abuses during the armed conflict, facilitate peace-building by bringing about reconciliation, provide reparations to victims, and recommend legal actions against perpetrators (TRC, 2015). As Selim (2018) notes, transitional justice in Nepal cannot be characterized as a simple success or failure. Though a significant amount of resources have been invested in the project, it is unclear whether the TRC has met any of its stated goals. International human rights organizations (Human Rights Watch, 2016; International Commission of Jurists, 2015), local advocates (see Billingsley, 2016; National Human Rights Commission, 2017), and academics (Sajjad, 2016; Selim, 2017) have heavily criticized the TRC for lacking transparency, providing amnesty to alleged perpetrators, and failing to respond to complaints of victims and minority groups. The United Nations has refused to support the TRC until it conforms to international law, and has released a number of calls for reforms to Nepal’s transitional justice processes (OHCHR, 2016). Meanwhile, the TRC has not released a public report on the extent of
human rights abuses or the location of disappeared persons, and limited categories of victims have received only “interim” compensation payments (Billingsley, 2016; National Human Rights Commission, 2017). The overall perception of the TRC among human rights and victims’ communities seems to be that the commission has not been working and has not accomplished its mandate. At the same time, individuals I spoke to in Kathmandu confirmed that they still want transitional justice to be successful. Various actors continue to organize towards better transitional justice processes, demonstrating that they still see potential and value in the project to further their interests (Selim, 2018).

In early 2019, the Government of Nepal extended the term of the TRC for another year. However, the terms of the existing commissioners were not renewed, so a process of appointing new commissioners began, in which various groups jockeyed for influence over the appointment process (Ghimire, 2019a). Meanwhile, it is reported that in 2019 the government sought a review of a 2015 Supreme Court decision that had struck down several elements of the 2014 Transitional Justice Act, including the possibility of amnesty for perpetrators of serious human rights abuses and the discretion of commissioners to grant amnesty to perpetrators (Rai, 2019). An amended bill was drafted in 2018, which was met with mixed responses from victims and human rights organizations, who noted that although the amended bill took a more holistic approach to transitional justice and removed some of the problematic amnesty provisions, it still failed to meet the stipulations of the Supreme Court decision and international standards (Advocacy Forum, n.d.; Amnesty International, ICJ, & TRIAL International, 2018). At the time of writing in July 2019, it is reportedly unlikely that the review will be granted (Ghimire, 2019c). At the same time, new commissioners have yet to be appointed to the TRC (Ghimire, 2019b). International observers are increasingly raising questions about the legitimacy of the transitional justice process, while government officials continue to assert Nepal’s right to follow a “homegrown” model (Giri, 2019). Thus, the future of transitional justice in general and the TRC specifically appears uncertain.

4.5 2015 Earthquakes and Aftermath

During the same period that the events surrounding the TRC were occurring, Nepal was also dealing with the aftermath of another disaster: two earthquakes and multiple aftershocks that struck in April and May of 2015. An estimated 8,800 people were killed and 22,300 injured, and
roughly 500,000 homes destroyed with another 250,000 damaged (NRA, 2016). The financial need for recovery was estimated at nearly 7 billion US dollars (NRA, 2016), an amount equal to approximately one-third of Nepal’s GDP that year (World Bank, 2016). The large-scale destruction triggered an influx of foreign aid from donors who pledged approximately 4 billion US dollars in aid to support Nepal’s recovery. Following the earthquakes and inpouring of international aid, the Government of Nepal established the National Reconstruction Authority (NRA) to coordinate reconstruction programs and funding (Daly et al., 2017; Government of Nepal, 2015).

The purpose of the NRA is to assess damage caused by the earthquake, carry out reconstruction activities (including funding, regulating, coordinating, and inspecting rebuilding processes), and establish programs to distribute funds for rebuilding houses. Through housing grants, the NRA provides funds directly to households to rebuild their homes damaged by the earthquakes and offers training in earthquake-resistant housing construction. Owners then organize the reconstruction of their own houses. The housing grant program aims to empower homeowners to direct the reconstruction of their own house, avoiding mass resettlement and the use of pre-fabricated houses, while respecting local housing designs and construction processes (NRA, 2016). According to the *Post-Disaster Recovery Framework*, published by the NRA in 2016, one of the key elements of Nepal’s reconstruction policy is “integrating principles of disaster risk reduction and building back better” (NRA, 2016, p. 14). Houses must meet particular engineering guidelines in order to qualify for government grants. The design of the program aims to ensure that houses are constructed according to earthquake-resistant designs, and houses must pass inspections by engineers at three stages of construction in order to receive the next installment of the grant. In this way, building back better (BBB) through “modernization” of housing is built into the program design (Paudel & Le Billon, 2018).

However, households reconstructing in rural locations have faced challenges such as limited and expensive construction supplies, high labour costs, and lack of support to achieve government engineering standards, according to reports by INGOs (e.g. Amnesty International, 2017; The Asia Foundation, 2017). Affected persons, advocates, and scholars have argued that the NRA has so far been slow to distribute aid funds (Daly et al., 2017; Manandhar, 2018; Reck & Paudel, 2016). As of July 22, 2019, 826,311 households have been found eligible to receive housing grants, of which 761,513 have received the first tranche, 584,167 have received the
second tranche, and a 435,515 have received the third, final, tranche (NRA, 2019). Poor families and single and widowed women have been affected by this delay, as they may be unable to pay reconstruction costs out of pocket (Sthapit, 2015). Residents without Nepali citizenship have also struggled to access reconstruction supports (Sthapit, 2015). Finally, ethnic minorities and marginalized caste groups have also experienced more intense effects of the earthquake and resulting reconstruction process (Ghale, 2015).

Furthermore, existing social and political dynamics continue to play out through the reconstruction process. Sierra Tamang (2015) argues that as Nepal remains an “exclusionary state” that does not serve the interests of all citizens equally, the activities of government and civil society are heavily politicized and marginalized and excluded groups have little reason to trust the state. The earthquake reconstruction process has followed historically entrenched patterns of unequal service provision across multiple social and political hierarchies (S. Tamang, 2015). In these ways, the experience of the earthquake has been uneven in the different vulnerabilities that were politically produced leading up to the event, and in the aftermath and reconstruction which provided little benefit to the already marginalized (Folmar, Cameron, & Pariyar, 2015; Nelson, 2015). In Nepal, the NRA’s building back better scheme focusses on “building back stronger”, and places relatively less priority on “building back faster” and “building back more inclusively” (Hallegatte et al., 2018). Indeed, INGO and academic critiques of the NRA often highlight the ways that the housing grant scheme further marginalizes already marginalized groups (e.g. Amnesty International, 2017; Asia Foundation, 2017; Oxfam et al, 2016). Maly (2018) argues that in order to operate on a meaningful definition of “better”, BBB needs to be complemented by a people-centred housing recovery strategy and include a holistic assessment of needs, not simply focus on building codes and hazard reduction.

Recent studies of the reconstruction process have found that the housing grant program has had limited benefits to recipients (Limbu et al., 2019). Due to changing rules and misinformation, homeowners have found the requirements of the program confusing and burdensome. In most cases, the regulation around the building process is a significant change from previous practice in which individuals were free to build their homes as they saw fit and were unfamiliar with the concept of building codes. Furthermore, individuals found the guidelines quite strict in light of the relatively small amount of funds provided (300,000 rupees, or about 2800 US dollars). Finally, inflated prices for construction materials and difficulties in
high interest rates on available loans have meant that many households are in more precarious financial positions than before (Limbu et al., 2019). The NRA’s housing reconstruction program has thus had varying effects at the local level.

Furthermore, Paudel and Le Billon (2018) argue that BBB has been implemented to align with and deepen shifts towards building infrastructure as a means of development and modernization in Nepal. Discussing the geopolitical economy of reconstruction in Nepal, the authors argue that donors engaged in disaster capitalism, using the earthquake as an opportunity to pursue their economic interests and win political support from Nepal, “[producing] specific imaginaries and practices of prosperity, sovereignty and growth within Nepal” (Paudel & Le Billon, 2018, p. 24). They further argue that reconstruction deepens the ongoing shift from a western-influenced INGO/donor-based development paradigm to a Chinese “infrastructuralism” paradigm through association with China’s Belt and Road Initiative (BRI) that prioritizes building transportation and energy infrastructure. Therefore, the NRA’s emphasis on building modern, scientifically-approved houses is consistent with a more general government trend towards building bigger and more modern infrastructure such as hydropower plants, highways, and airports, as both a means and end of “development”. The reconstruction process has had significant transformative impacts apart from the earthquake itself.

4.6 Synthesis

This chapter has discussed the complex social and political dynamics that play out in both the transitional justice and disaster recovery fields. Historical patterns of inequality and injustice feed into the inequalities and injustices experienced through the TRC and the NRA’s housing grant program. Furthermore, these two processes have received similar criticisms from both internal and international observers, with a major theme being the lack of consideration for existing patterns of exclusion and marginalization. As well, the benefits of both programs to those affected by the conflict and earthquake have been called into question. However, as both programs carry significant stakes for potential recipients—recognition and redressal of loss and suffering by conflict victims and basic shelter and livelihood needs for earthquake victims—the issues remain current despite the years that have passed since the events that triggered them. In this thesis, I aim to contribute to conversations around these issues through analyzing the two areas of discourse and practice alongside each other.
5 Methodology

5.1 Project Affiliation

This research project was carried out in affiliation with a SSHRC-funded Partnership Development Grant on Nepal’s reconstruction, titled Expertise, Labour and Mobility in Nepal’s Post-Conflict, Post-Disaster Reconstruction: Construction, Finance, and Law as Domains of Social Transformation (hereafter “PDG project”), led by Principal Investigator Sara Schneiderman and Co-Investigators Katharine Rankin and Philippe Le Billon in collaboration with Social Science Baha, a research institute in Kathmandu. During my time in Nepal, I spent time studying at the Social Science Baha office and participated in field visits and research workshops organized by the PDG project. I was also fortunate enough to be invited to attend research workshops and discussions held by another SSHRC-funded project, Infrastructures of Democracy: State Building as Everyday Practice in Nepal’s Agrarian Districts by Co-investigators Katharine Rankin and Sara Schneiderman. In the course of these activities, I became acquainted with several researchers (both Nepali and non-Nepali), who later formed the networks through which I recruited initial research participants. These combined experiences shaped my understandings of research norms and the politics and practice of social science research in Nepal.

5.2 Gathering Data

Data consists of published documents, qualitative interviews, and ethnographic observation.

5.2.1 Research Site

I was present in Kathmandu\textsuperscript{4}, Nepal, for four months from May to September 2018. All interviews took place in Kathmandu and Lalitpur in August and September 2018. Kathmandu was chosen because, as the capital city of Nepal, the Truth and Reconciliation Commission,

\textsuperscript{4} The Kathmandu urban area includes both the city of Kathmandu (north of the Bagmati River) and the Lalitpur Metropolitan City (also known as Patan; south of the Bagmati river), bounded by the Kathmandu Ring Road. The urban agglomeration within the Kathmandu Valley also includes the larger Kathmandu and Lalitpur Districts, as well as Bhaktapur District. I resided in Lalitpur and regularly commuted within the cities of Kathmandu and Lalitpur. For simplicity, I use “Kathmandu” to refer to the Kathmandu agglomeration when discussing the urban area of the capital city in the context of the country as a whole.
National Reconstruction Authority, and most government, I/NGO, and civil society groups are based there. This array of organizations provided a significant pool of key informants with expertise on reconciliation and reconstruction from a variety of institutional perspectives. However, a limitation of this pool of Kathmandu-based respondents is that employees and officials tend to be of higher socioeconomic status, higher-caste, Nepali- and English-speaking elites (Robins, 2012; M. S. Tamang, 2017); the perspectives of rural, marginalized, and minority groups may not be well represented by these participants. To access a broader range of perspectives, I had planned to select a secondary field site in a rural or peri-urban location for additional interviews with key informants involved in local groups, district or local government, and/or local social/political movements. However, this proved to be unfeasible due to time constraints. While I gained limited insight into the rural context through brief periods of non-research travel outside the Kathmandu Valley, the perspectives discussed in this thesis cannot be extrapolated to be representative of a generalized “national” or “Nepali” perspective. In order to provide context and counterpoints to my urban-based research, my analysis engages with existing research that centres on rural and minority perspectives (e.g. Limbu et al., 2019; Robins, 2012; Sajjad, 2013; Selim, 2018).

Prior to beginning interviews, I spent my time attending daily Nepali language lessons with a private tutor, reading news reports and government documents related to the research, and becoming familiar with the institutional and cultural context of Kathmandu and Nepal more broadly. In the course of my everyday life, I had various informal conversations about my research project with vendors, taxi drivers, hospitality workers, and social acquaintances who inquired about my purpose for being in Nepal. These conversations subtly shaped my approach to the research topics in important ways. For instance, these interactions underscored the prominence of foreign NGOs in Nepal, as many people assumed that I was working for an NGO when they heard me speak Nepali or learned that I was staying in Kathmandu for several months. This prompted me to incorporate questions about the role of I/NGOs in the formation and programs of the NRA and TRC. Another way these conversations impacted my research was that I noticed that although almost all people were very familiar with the NRA and reconstruction, most were not familiar with the TRC or reconciliation. This not only prompted me to ask about public awareness of the TRC and reconciliation in interviews, but ultimately helped to shift my
understanding of reconciliation from what I had presumed to be a project of inherent national significance, to a more specialized program for specific subset of the population.

5.2.2 Key Informant Interviews

Fifteen semi-structured interviews were conducted with key informants involved in reconstruction and reconciliation processes in Nepal. Through interviews I gained knowledge of reconciliation and reconstruction activities in practice and how these relate to narratives and representations identified through document analysis. Interviews with individuals from different institutional backgrounds also offered insight into different perspectives on reconciliation and reconstruction and how diverse groups situate these projects (or not) in relation to broader Conversations about transitional justice, disaster risk reduction, nation-building, and development. Interview data also suggested points of debate, tension, and consensus within and between groups.

A short series of open-ended questions was asked, and participants were also invited to bring up other topics they deemed important or relevant. An interview guide was prepared (see Appendices A and B), which included a variety of question types, including descriptive, storytelling, opinion, and devil’s advocate (Dunn, 2005). To understand the context of the NRA and TRC, I asked about the process of their formation, existing procedures for reconstruction and reconciliation, current objectives of the organizations, and the role of international donor organizations. To gain insight into the participants’ perspective on the organizations, I asked questions about the accomplishments and shortcomings of the NRA and TRC and the impacts of their programs both for individuals and the nation. I also attempted to identify wider societal debates, controversies, and tensions around these topics by asking participants about their view of meaning and role of reconstruction and reconciliation in Nepal and their thoughts on the critiques of the NRA and TRC presented in the media and I/NGO reports. At the end of every interview, participants were also invited to bring up any other topics or questions they had in mind.

The interview guide was adjusted prior to each interview to align with the participant’s individual institutional positioning and expertise. Most interviews diverged significantly from the prepared guide, as participants often came prepared with ideas and information they wished to speak about. In these cases, I adopted a position of active listening until the participant had
finished speaking, at which time I would ask follow-up questions prompted by their discussion, or transition to asking questions from the interview guide. This relatively loose interview style allowed the interview to be partially guided by what participants felt was important and relevant, and provided a more genuine insight into their expertise and the various discourses circulating in the everyday work of these professionals.

5.2.2.1 Participants & Recruitment

Interview participants include individuals from the following groups:

- Government officials and bureaucrats involved with the Truth and Reconciliation Commission
- Government officials and bureaucrats involved with the National Reconstruction Authority
- Representatives from Nepali and international NGOs involved in the TRC, reconstruction activities, or advocacy for conflict-affected persons and/or disaster-affected persons
- Victims’ advocates
- Researchers/academics working on related topics

All participants have professional expertise in either the reconstruction domain or the transitional justice domain, and thus interviews can be categorized by topic: eight interviews related primarily to reconstruction, six interviews related primarily to reconciliation/transitional justice, and one interview related about equally to both topics.

Participants were recruited using a combination of convenience, snowball, and purposive sampling. I initially recruited participants through contacts within the research networks with which I had become acquainted (convenience sampling). Some of these participants offered to connect me to their own contacts who they felt would be relevant to the research (snowball sampling). I also sought participants at targeted organizations using cold-calling and recruitment emails in order to speak to participants working in a wider range of organizations or working in particular roles within the TRC and NRA (purposive sampling). Participants were often willing to speak with me and many of these cold calls resulted in interviews. Nonetheless, it was challenging to maintain a balanced sample of interview participants, and the resulting pool of interviews is skewed more heavily to those involved in earthquake reconstruction work rather than transitional justice work. As well, although many individuals working in government and established NGOs were generous enough to meet with me, it was more challenging to connect with participants working in grassroots organizations or victims’ advocacy organizations (I
believe that the different resources and priorities of such organizations played a role in this, as well as the geographic concentration of government and larger NGOs in Kathmandu, with more grassroots organizations being locally-based in areas throughout the country).

Additionally, while I endeavored to speak with individuals operating within a range of professional positions (government employees, NGO workers, human rights activists, victims’ advocates and representatives), the pool of respondents cannot be considered comprehensive or representative of the range of perspectives that may be found within or across these positions. The number of respondents is too small to draw generalized comparisons across different groups (for instance, to compare government perspectives to NGO perspectives). Furthermore, I was only able to speak to a single representative of from a victims’ advocacy group, and while this individual’s insights provide valuable nuance to the perspectives of government and civil society workers, they cannot be construed as representative of victims as a whole. Nonetheless, by triangulating with written publications by various groups and other academic studies, this thesis suggests some potential points of divergence and convergence across different strands of expert discourse.

The absence of perspectives from conflict-affected and earthquake-affected persons themselves significantly limits the types of conclusions that may be drawn from this data. In fact, this absence was overtly challenged by the victims’ advocate I spoke to, who stressed that it was important to speak directly to conflict victims because those who claim to represent their interests but are not victims themselves cannot truly represent their pain and suffering (Interview 12). To partially mitigate this absence, I seek to triangulate my analysis with reference to recent work on transitional justice in Nepal that employs a more victim-centric methodology (e.g. Robins, 2012; Sajjad, 2016; Selim, 2018) as well as documents published by victims’ groups themselves (e.g. Bhandari, Chaudhary, & Chaudhary, 2018; CVCP, 2018). However, my research does not aim or claim to represent the perspectives of the ordinary people affected by these government projects. The primary goal of the research is to identify and critically interrogate expert discourses of reconciliation and reconstruction, so the pool of relatively elite urban professionals is a relevant and appropriate sample, and can be placed in conversation with more victim-centric work by other scholars. In other words, it is not my objective to represent the reality of reconciliation and reconstruction as it plays out on the ground; rather, I aim to discuss
reconstruction and reconciliation as they are understood and represented within formal institutional knowledge.

5.2.2.2 Consent

All interview participants were provided with a written introduction and consent letter approved by the University of Toronto Research Ethics Board in either English or Nepali, according to their preference. Two initial participants (both of whom have research experience in Nepal) suggested to me that signing the long consent letter could come across as intimidating, unnerving and uncomfortable, rather like signing a contract. Based on their feedback, I determined that it was more appropriate to use oral consent methods than written signatures. Therefore, for subsequent interviews, I used oral consent methods, providing the consent letter for the participant’s reference, verbally explaining the contents, and verbally confirming whether the participant wished to participate in an interview.

Thirteen of the fifteen interviews were recorded with the participant’s informed verbal consent. Two participants did not consent to recording, so I took notes by hand during the interview and later elaborated the notes into full interview fieldnotes the same day. Aayush Chitrakar, a research assistant fluent in Nepali and English, attended many of the interviews so that participants could choose to speak in either English or Nepali as they preferred. Thirteen participants chose to speak English. Two chose to speak Nepali, and Aayush translated their responses to English during the interview.

Finally, participant confidentiality has been protected by assigning participant codes in fieldnotes, interview notes, and transcriptions beginning from the first point of contact with an individual. The code key document has been be encrypted in compliance with University of Toronto research ethics guidelines. Within this thesis, participants are referred to by generic descriptors of their institutional positions and interviews are referred to by numbers that are not connected to participants’ names.

5.2.3 Document Analysis

English-language government documents were reviewed to identify state narratives and representations of reconstruction, reconciliation, and nation-building. Such documents include:

- TRC publications available online on the TRC website (http://www.trc.gov.np/)
• “About Commission”, “Members”, “Our Structure”, “News and Events”, “Public Notice” pages on TRC website
• The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014) (“TRC Act”)
• Bill Made for Amending the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act (draft amendment to the TRC Act)
• The Codes of Conduct of the Truth and Reconciliation Commission, 2072 (2015)
• NRA publications available online on the NRA website
  • Act Relating to Reconstruction of the Earthquake Affected Structures, 2015 (2072) (“Reconstruction Act”)
  • Nepal Earthquake 2015: Post-Disaster Recovery Framework 2016-2020
  • Nepal Earthquake 2015: Post-Disaster Needs Assessment
• Reports and other documents published by various non-governmental bodies were also analysed. Such documents include:
  • Commentaries by OHCHR and other United Nations bodies on transitional justice in Nepal and disaster risk reduction
  • The Sendai Framework for Disaster Risk Reduction 2015-2030
  • Reports by the World Bank related to the Sendai Framework
  • INGO research and advocacy reports including reports by Amnesty International, Oxfam International, the Asia Foundation, the International Commission of Jurists
  • Nepali NGO/advocacy groups’ research and advocacy reports, including those by Advocacy Forum, Conflict Victims Common Platform, National Human Rights Commission.

At the time of writing, the TRC has not published a public report, so I was unable to include such a document. I also reviewed a selection of media articles related to TRC and NRA activities in 2018 and 2019 in order to stay up-to-date on current events after I left Nepal.

5.2.3.1 Sampling Strategy for Documents

I primarily reviewed documents that participants referred to in interviews in order to gain a fuller understanding of their discussion. I also sought out documents that I reasoned would be important, such as the TRC Act and the Reconstruction Act, and documents that caught my attention while browsing the NRA and TRC websites. I also prioritized documents that were frequently cited in other academic work on transitional justice and disaster recovery. This sampling method is based on the research objective of discourse analysis. In order to understand the Conversations happening around reconciliation and reconstruction, it is most useful to engage with documents that are referenced by participants of the Conversations. Document sampling was also limited to documents that were available online and translated to English.
5.3 Analyzing and Interpreting Data

All interview recordings were transcribed. The two Nepali language recordings were translated directly to English text. Original transcripts were transcribed as faithfully to the participants’ utterances as possible. However, the quotations included in this thesis have been lightly edited for grammatical clarity and correctness. For instance, in some cases I have edited for subject-verb agreement, incorrect articles and prepositions, or other minor grammatical points that do not affect the meaning of the statement but that make it easier for the reader to parse. These edits have not been marked in the text. Where more significant changes have been made to quotations (for instance, replacing a pronoun with the full name of an organization for clarity) these have been indicated with square brackets.

Interview transcripts, translations, and fieldnotes were then coded using NVivo 11 software. A small number of codes were pre-selected based on research questions and my memory of topics and themes that recurred during interviews. Open coding was also used as new themes and topics emerged throughout the coding process. After an initial pass of coding all transcripts, a second round of coding was done with the new codes that had emerged in the first round. This method was selected to reduce the dominance of my presuppositions (the pre-selected codes) and to identify concepts and themes prioritized by participants (codes that became apparent during coding). Further, open coding is a suitable method to identify and analyze common strains of discourse, which is a central objective of this research.

Open coding also compelled me to be accountable, fair, and generous to the participants’ utterances and reduced the likelihood of only finding meanings that aligned with my prior hypotheses and expectations. Using this method, I became aware of themes and discourse models that I had not expected to find and that at first glance did not make sense to me. By re-reading and re-coding interview data using an evolving list of codes, I came to problematize and eventually rethink my understanding of the meaning of “reconciliation”. Eventually, I was forced to re-frame my research question in order to account for what participants had said in interviews.

5.3.1 Critical Discourse Analysis

Throughout this thesis I employ theory and methods of critical discourse analysis. Critical discourse analysis (CDA) is interested in the relationships between language, social relations,
institutions, and power. Critical discourse analysis rests on a foundational premise that language, social relations, and material reality mutually constitute one another (Foucault, 1977). Through reflecting and constraining what is imaginable, language and discourse have real impacts on policy, implementation, and everyday life (Dittmer, 2010). Discourse analysis foundationally involves the analysis of a piece of language (spoken or written) and the context in which it was produced (interpersonal, social, political, institutional, and other layers of context) (Dittmer, 2010; Gee, 2004; Lees, 2004). When applied to questions of public policy and institutions, where beliefs about what is possible and desirable have direct material impacts in people’s lives, CDA can play a crucial role in denaturalizing power relations, injustice, and inequality (Dittmer, 2010; Gee, 2004).

My analysis is guided in part by Gee’s (2004) framework of discourses, Discourses, Conversations, and Discourse models as analytical tools. Gee (2004) distinguishes between “discourse” (with a small “d”) and “Discourse” (with a capital “D”). Small-d “discourse” refers to “how language is used ‘on-site’ to enact activities and identities” (Gee, 2004, p. 7). It is the meanings expressed within a given piece of speech or text. Big-D Discourse refers to “ways of combining and integrating language, actions, interactions, ways of thinking, believing, valuing, and using various symbols, tools, and objects to enact a particular sort of socially recognizable identity” (p. 21). In other words, it is small-d discourse plus the various other meanings that exist in the context and with which the text or speech interacts. So, discourse is primarily about the use of language to produce particular meanings, and Discourse is primarily about how language is combined with other elements of the wider social context to produce particular recognizable social meanings. Meanwhile, “Conversations” are societal debates, arguments, motifs, issues, and themes, where “the historical interactions of Discourses leads to certain debates (‘Conversations’)[…] being known widely by people in a society or social group, even by people who are not themselves members of those Discourses or even aware of their histories” (p. 51). In this thesis, I use the term “Conversation” to discuss the debates and tensions around reconciliation and reconstruction as they relate to the d/Discourse of experts. I also use the term “discourse” frequently throughout the thesis. For the purposes of this thesis, I do not find it necessary to distinguish between “discourse” and “Discourse”, as it is generally clear from the context, and so simply use small-d “discourse” throughout to avoid distracting the reader with unnecessary capitalization.
Further, “Discourse models” mediate between the micro level of interaction and the macro level of institutions. Gee writes that, “It is part of the function of Discourse models, in fact, to set up what count as central, typical cases, and what count as marginal, non-typical cases” (2004, p. 72). Discourse models are thus implicated in the ideological work of categorization and conceptual boundary-making. Through the concept of a “Discourse model”, I am interested in how particular meanings and relationships are attached to reconciliation and reconstruction, and how these Discourse models are implicated in the NRA’s reconstruction project and the TRC’s reconciliation project. Although I do not use the term “Discourse model”, my analysis is motivated in part by one of Gee’s proposed questions for inquiry: “How are the relevant Discourse models here helping to reproduce, transform, or create social, cultural, institutional, and/or political relationships? What Discourses and Conversations are these Discourse models helping to reproduce, transform, or create?” (Gee, 2004, p. 92-93)

Furthermore, “Discourse models are not just based on our experiences in the world, they “project” onto that world […] certain viewpoints about what is right and wrong, and what can or cannot be done to solve problems in the world.” (Gee, 2004, p. 88) Discourse models are thus a useful tool for analyzing the “problematization” (Ferguson, 1990; Li, 2007) that occurs to identify an opportunity for improvement and define the types of intervention most suited to the task. This point is discussed in more detail in the sections below.

Since critical discourse analysis is interested in both linguistic utterances and the social and political context associated with them, it must be acknowledged that as the interviewer, I had a role in producing the linguistic and social meanings that emerged from interviews. Like everyone, I participate in societal Conversations, bringing unstated values, meanings, and identities to the interview exchange. At times, it was evident that participants were rehearsing well-established lines of discussion in their responses to my questions, while at other times my questions prompted participants to express new ideas or old ideas in new ways. Indeed, from a constructivist perspective in which language, meaning, and relationships are mutually producing, critical discourse analysts insist that a text/utterance and its meanings cannot be delinked from its context, both the immediate context in which the text/utterance is produced and the wider sociocultural context in which it circulates and in which its author resides (Dittmer, 2010; Gee, 2004; van Dijk, 1993). All participants’ utterances were produced in the context of speaking directly to a foreign researcher, me, in an interview. A research assistant was also present at
several of the interviews, and on two occasions, translated the participants’ Nepali speech into English. This additional layer of interpretation and negotiation is also part of the immediate context. My analysis therefore tries to be sensitive to the interview dynamic and does not seek to erase the interview context nor ignore the role of the interviewers in the conversational exchange in which the interview data was produced.

5.4 Issues of Power, Representation, and Positionality

Scholars in postcolonial/anticolonial/decolonial studies and other critical fields further question the role of researchers in the global North in perpetuating colonial structures of global racial subordination and extractive relations with the global South (De Leeuw, Cameron, & Greenwood, 2012; Nash, 2004; Robbins, 2006). While critical development scholars within academia may position themselves as external to and critical of global development institutions, others have illustrated the strong continuities between conventional colonial and developmentalist thinking and ostensibly critical scholarship originating in the West (Escobar, 2016; Sheppard & Leitner, 2010; Sundberg, 2014). Particularly relevant to this research topic is the conventional temporal orientation that sees development as a linear trajectory of progress and modernization, which critical development scholars may critique (Escobar, 1995); however, Western academic writing may frequently reproduce a similar sense of promissory future time (Hetherington, 2016). Particularly given the role of development in shaping exclusionary nationalism in Nepal (Pigg, 1992; S. Tamang, 2002), this research is therefore implicated in a colonial dynamic that produced the same exclusionary nationalism that it might seek to critique. In order to “engage [this] critique” (Robbins, 2006), this research seeks to identify and expose legacies of Western development and colonialism in the discourse and practice of reconciliation and reconstruction in Nepal. Further, it seeks to understand these processes in Nepal on their own terms, rejecting universalizing international discourses of normative transitional justice and disaster recovery.

This research is guided by a commitment to anticolonial praxis and reflexive self-critique. As an outsider with little initial familiarity with Nepal or its people, my interpretations of social and cultural phenomena is limited. On the one hand, it could be suggested that a relative “outsider” might offer a different perspective on the issues at hand and that participants might be willing to share things with an outsider that they would not share with a more “insider” member.
of their community (Kerstetter, 2012; Mohammad, 2001; Mullings, 1999) At the same time, there is a substantial risk of misinterpretation, especially given my lack of contextual insight compared to the culturally- and institutionally-embedded individuals I interviewed. A variety of strategies have been suggested to mitigate the researcher’s dominance and empower participants in the research process, which often centre on the researcher engaging in “reflexivity” throughout the research process, questioning their assumptions and biases and seeking to break down power hierarchies (England, 1994; Katz, 1994; McDowell, 1992). However, researchers also question the ability of an individual to be truly aware of their fluid positionality in the context of multiple, shifting social hierarchies (Mohammad, 2001; Mullings, 1999; Rose, 1997). Furthermore, it is likewise problematic to assume fundamental cultural differences on the basis of socially produced spatial categories and boundaries that freeze the researched in place while the mobile researcher is free to come and go (Gupta & Ferguson, 1992; Hart, 2006). While I remain committed to self-critical acknowledgment of my position and power in relation to participants and the research topic, during fieldwork I also attempted to find common ground and build rapport with research participants through shared attributes or experiences (Hopkins, 2007).

Throughout the research process, I therefore seized every opportunity to embrace the position of a learner or “supplicant” (England, 1994), and this tendency has had an impact on the research output. Although I engaged in continual reflection on research ethics and positionality throughout the research process, the actions I took were the result of situation-by-situation decisions. It is only in hindsight that I can conceive of them as a coherent methodological approach, rather than a series of ad hoc responses to uncertainty. First, as discussed above, I adopted a loose interview style that was often guided by what the participant wanted to talk about. Second, the codes used during analysis were selected and edited in an iterative way throughout the coding process in order to capture themes and ideas that I had not initially been aware of but that became apparent during analysis of interview transcriptions. Finally, the research questions and resulting discussion presented in this thesis diverges fundamentally from the research questions and topics in my proposal. This change occurred post-fieldwork as it seemed that the concept of “nation-building”, which had been the proposed focus on my analysis, was not particularly significant in interviews. I believe that these impacts have improved the quality and relevance of findings.
6 Reconciliation Rendered Technical

6.1 Introduction

This chapter discusses the politics of reconciliation with a focus on how reconciliation is defined and contested in the discourse of experts. I discuss how the Truth and Reconciliation Commission is highly political at the level of party politics, yet rendered relatively depoliticized in the implementation of the “truth and reconciliation” mandate. I make the following arguments: First, I argue that reconciliation discourse is highly politicized, as the process of reconciliation is widely perceived as a tool for political elites to avoid accountability and prosecution for crimes committed during the conflict, and for the Government of Nepal to present the appearance of transitional justice to observers on the international stage. Political party affiliation is perceived as the driving factor in appointments to the TRC, resulting in critiques leveled at both the political processes surrounding the TRC as well as the professional qualifications and suitability of its commissioners. Meanwhile, those working within the TRC argue that they are hindered from carrying out their mandate because they are under-resourced by a higher authority. Second, I argue that reconciliation in the TRC is rendered technical through three processes. Reconciliation is conceived as an individualized one-time event that may be coerced or imposed in order to foreclose future demands on the state by victims. Furthermore, a legalistic focus on human rights dominates discourse around the TRC at an international level. There is a fear among human rights activists that if reconciliation is seen as an alterative to prosecution for human rights abuses, it can promote impunity and run counter to justice, leading to arguments that prosecutions must be an important element of TRC processes. Finally, the TRC approaches “truth and reconciliation” as something to be implemented among the population, evading questions of state/government culpability. Through these arguments, I argue that the “reconciliation” professed under the institutional processes of the TRC is in fact antagonistic to both truth and justice.

However, a few caveats are in order. Although some sections of this chapter discuss “the state” or “the government” as definable entities that are separate from “victims”, “civil society”, or “the people”, this terminology is used for the sake of clarity and to reflect perspectives expressed in interviews. However, I do not wish to reproduce a simple state-society dichotomy, or represent the state as a coherent, monolithic entity. Individual actors may pass between these
worlds, and although institutions may produce their own effects in society, the actions and perspectives of individual employees and officials may or may not reflect those. Specifically, it is not my intention to conflate what I identify as the “discourse” or “approach” of the TRC as an institution with the personal beliefs and intentions of its members. Likewise, the perspectives expressed by individuals I spoke to cannot be assumed to constitute those of the wider communities they represented in those interviews (the human rights community and the victims’ communities, for instance). What I hope to get at in this chapter is the multiple ways reconciliation is strategically mobilized and contested by various actors.

6.2 The Politics of the Truth and Reconciliation Commission

The contestation around reconciliation is illustrated by the following quotes from two different TRC Commissioners. One commissioner stated that, “The commission has the mandate for reconciliation, but in our communities many cases are resolved within the communities, because of which, we do not have to worry about that” (Interview 14). Meanwhile the second said that there has been “not even a single case” of reconciliation to date. Reconciliation is “not started” (Interview 15). This apparent contradiction rooted in the perspectives of leaders in the field—reconciliation is basically resolved, versus reconciliation has not even begun—raises questions that drive this chapter: What meanings of reconciliation surround Nepal’s TRC? How are the meanings contested and how is this contestation significant?

6.3 Reconciliation as Antagonistic to Truth and Justice

In a recent study of transitional justice in Nepal, Yvette Selim (2018) argues that transitional justice is “both a producer and a product of politics” (15), operating in a politically charged context and producing its own political effects. Or in the words of one participant, “In Nepal, reconciliation is always understood in a very political way,” (Interview 11). The TRC is widely perceived as imbued with both party politics and geopolitics. There was a general belief reflected in interviews that high-level political decision makers lacked “will” or motivation to create robust transitional justice mechanisms:

The equation has changed slightly from the conflict years, because a lot of the people who were fighting the state are now part of the state. So they are now in government. And the military police on one side, the security forces, the political parties, and the then-
rebels. Right so it is in their mutual interest to sort of not have a proper truth and reconciliation mechanism. So there is no strong will in the key actors. (Interview 6, Researcher)

This participant observes that some of the people who have been or might be accused of human rights violations or other serious crimes now hold decision-making positions in government. These individuals therefore have a personal incentive to avoid or obstruct justice processes that they may perceive as against their self-interest. This perspective is corroborated by comments from people working within the TRC, who explain that although the commission has been created and has a defined mandate, it faces shortages in funds, human resources, policy clarity, and political support that would enable it to carry out its work (Interview 14; Interview 15):

    Our challenge is resources. The necessary resources that the commission needs are not enough, because of which we have not been able to complete our work. The biggest challenges are human resources. Specialized human resources and money. We only give out money from the government and the government has allocated minimum amount of money. In the past, nothing was implemented properly planned by the commission. It was always late. We always extend the time, but in terms of work, we still have a lot to do. This is the challenge we are facing. In many instances… as this commission is political in nature, the politics gets in through the members, staff… obstruction. That might happen sometimes from the civil society. (Interview 14)

The participant explains that the “political nature” of the commission hinders its operation not only through external decisions that limit its resources, but also through internal disagreements and conflict with actors in civil society. According to this view, it would seem that the TRC Commissioners are well-intended, but that their work is impeded by factors beyond their control.

    However, this perspective was challenged by those who had a more critical opinion of the TRC and its commissioners, such as this human rights defender:

    We are, frankly speaking, quite against these commissions, and we demand that these commissions should be re-constructed. These people didn’t work; we need new fresh people who have no political patronage, no political connections, expert in this area, and
committed towards the human rights and rule of law. We want the reconfiguration of this. 
(Interview 7)

Here the speaker critiques both the commissioners’ perceived lack of qualifications as well as the 
political situation that placed them in the TRC. A similar critique is expressed by a representative 
from a victim’s organization:

So suppose the commissioner in Province Number 2 is from the Maoist party, and this 
person is responsible to select those lawyers [officials for the commission in the 
province], and now the Maoist party commissioner appoints the Maoist party lawyer. Communist party, same thing. […] Then what about their knowledge on transitional 
justice and what about the victims’ relationship and the trust and the collaboration with 
the victims. This is also the question. And we [victims’ groups] invited them [TRC 
commissioners and officers], we had the interaction [program] there, over this 
investigation process. And of the commissions, the commissioner is there and those 
persons, investigation officers, the authority, they say, ‘Oh this is quite learning for us, 
we learned a lot about things.’ This is quite a new thing for them. […] Then, what sort of 
persons are working there, and what is their working procedures or other techniques of 
talking with the victims. (Interview 12)

The speaker calls into question the method through which the commission appoints officials via 
political party affiliations and questions the suitability of the officials in terms of their 
relationship with the victims community and their experience working with victims. After these 
interviews took place, in February 2019 the commission was extended for a fifth year, but new 
commissioners are to be selected; this decision prompted a debate within the media over the 
process of selection, so-called “political wrangling” among political parties to promote their 
preferred candidates, and advocacy from the victims’ community in putting forward their own 
nominations (Ghimire, 2019a). According to these critiques, party politics is deeply embedded in 
the fabric of the TRC, affecting not only the makeup of its members, but its ability to carry out 
its work sensitively and effectively.

In addition to domestic politics, transitional justice is perceived as an avenue for the 
Government of Nepal and political elites to pursue their interests in the international sphere. In
2013, Kumar Lama, an officer in the Nepal Army, was arrested in the United Kingdom for allegedly committing torture during the conflict. He was charged and tried in the UK under universal jurisdiction\(^5\) and was eventually cleared of charges in 2016 (Bowcott, 2016). This event had two important effects: it increased media visibility of the movement for transitional justice both within Nepal and internationally, increasing pressure on the government to be seen to be doing something about it (Shrestha, 2017); and it gave other political and military leaders accused of war crimes a reason to fear personal legal consequences (Massagé & Sharma, 2018). In an article written by two human rights defenders involved in bringing the universal jurisdiction case to trial, the authors note that, “Most political actors in Nepal remain confident of enjoying impunity in Nepal. After the Lama trial, they are very aware of the changing international legal regime and are nervous of travelling abroad” (Massagé & Sharma, 2018, p. 343). This idea was echoed in a number of interviews:

They remain worried to date about potential action from, let’s say, European countries in terms of implicating in extrajudicial killing, war crime kind of things, so some leaders… because one of the military colonels was arrested in UK a couple of years ago. So that sort of sent shivers down everyone’s spines. (Interview 6)

Among the people I spoke to, the TRC is widely perceived as a tool for politicians to avoid prosecution, and for the Government of Nepal to present the appearance of transitional justice to observers on the international stage.

### 6.4 Rendering Reconciliation Technical

However, despite the obvious and ubiquitous politics of the TRC, transitional justice actors often seek to segregate justice from politics (Selim, 2018). One way the TRC does this is by focussing on legal justice systems (dealing with the effects of the conflict), relatively ignoring social and economic justice (dealing with the roots of the conflict) (Selim, 2018). The individuals I spoke to described multiple aspects of transitional justice that were not necessarily well-

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\(^5\) Universal jurisdiction is a component of international law that enables national court systems to prosecute certain crimes that occur in other countries such as torture, war crimes, genocide, and crimes against humanity (International Justice Resource Center, n.d.).
implemented through the TRC. For instance, most participants noted the importance of reparations to victims, acknowledgement of the harm and suffering experienced, and the need for “truth” to be made public. Some participants questioned my focus on reconciliation, or suggested that other aspects of the TRC were more important. It was through this downplaying of reconciliation that I came to question the meanings surrounding reconciliation. In this chapter I argue that as reconciliation is at once deeply political yet rendered depoliticized and technical in the TRC, it has been rendered a superficial process that does not address the possibility of a deeper justice. In the next section I argue that reconciliation is depoliticized and rendered technical through three process: first, reconciliation focuses on legal procedures and human rights; second, reconciliation is individualized; and third, vertical reconciliation is not addressed.

6.4.1 Legalistic Focus on Human Rights Discourse

Human rights have become a central part of the TRC framework. The first paragraph of the TRC Act states that the commission will “investigate the facts about those involved in gross violations of human rights and crimes against humanity during the course of armed conflict, and [create] an environment of reconciliation in the society” (TRC Act, 2014, Preamble). This statement in the TRC framework aligns with the focus on law and prosecutions in international human rights discourse. International norms see truth and reconciliation as components of transitional justice, related to human rights, “rule of law”, and the prosecution of crimes, as discussed in Chapter 3. Many participants emphasized the distinction between reconciliation and prosecution, with the nature of the human rights violation being the determining factor in which process could be undertaken for a given violation.

However, human rights activists fear that if reconciliation is seen as an alternative to prosecution for crimes, it can promote impunity and actually run counter to justice. Thus, individuals working at human rights NGOs placed heavy emphasis on the need for the commission to prosecute and hold perpetrators to account. One NGO worker said that:

Earlier there was no intention of having the title of these commissions as reconciliation, only the truth commissions. You understand? And then later on the politicians deceived and they were like, ‘let’s reconcile all these things.’ […] And now, so even if the commission has that title, and the mindset of the politicians is like this, in different forums the politicians says that, ‘do you know why we are having this commission named
the truth and reconciliation? It’s for reconciliation. There is not any chance or possibility of prosecution.’ They clearly say that. (Interview 7)

This speaker emphasizes the importance of the commission’s “truth” component over its “reconciliation” component. They are suspicious that “reconciliation” is a red herring to divert attention from difficult questions of truth and accountability that potentially implicate government actors, by focussing instead on a relatively amorphous “reconciliation” discourse. There is a concern that the accountability associated with “truth” could be lost if reconciliation becomes the focus of the TRC.

Prosecutions and law are also emphasized in the reports and commentaries produced by local and international human rights organizations. For instance, in a 2017 report, the National Human Rights Commission includes in its recommendations to the Government of Nepal, “To end the condition of impunity by prosecuting the perpetrators of the grievous violations of human rights and stated offenders by the court’s verdict” (National Human Rights Commission, 2017, p. 6). Likewise, OHCHR produced a technical note on the TRC Act that argues, “The Commission must not be used to avoid or delay criminal investigations and prosecutions, which should be reinforced or completed, not replaced, by truth-commissions” (OHCHR, n.d.-b, p. 1). “Law” is also centred by invoking international law and human rights as the standards to which the TRC Act should comply: “OHCHR encourages the Government of Nepal to amend the Act so that it is fully consistent with Nepal’s obligations under international law” (OHCHR, n.d.-b, p. 1). These organization’s critiques and recommendations centre on procedural elements of the TRC and its divergences of from international human rights law, further entrenching these as central components.

Accountability and prosecution are also central to the meaning of reconciliation as understood by some participants. When I asked one individual what reconciliation would mean, they said that they were unsure, but that at least:

I would definitely want every case at least investigated and dealt with in some way. I do understand that not every case will be prosecuted, but it should be accounted for. So at least there would be, I think at least accountability is something that would be essential for me. (Interview 6)
“Reconciliation” can be an ambiguous concept, and it can therefore difficult to imagine its form in implementation. With so much debate around accountability and prosecution in debates about transitional justice to date, these aspects may be easier to point to as identifiable essential elements of reconciliation. Meanwhile other discourses of reconciliation that have been less prominent in societal Conversations to date may be less obvious possibilities when imagining the form reconciliation could or ought to take.

However, this is not to imply that human rights organizations are unaware of other aspects of transitional justice. Indeed, some within the human rights community acknowledge that prosecutions should not be the only focus of transitional justice. For instance, Advocacy Forum, a Nepali human rights NGO that has been involved in transitional justice movements since the conflict period, notes in a 2014 report that, “Transitional justice is not synonymous with prosecutions of past violations but [has] wide-ranging objectives” (Advocacy Forum, 2014, p. 10). Nonetheless, because questions around impunity and accountability have become controversial, much of the debate between various actors has centred on these questions, bringing accountability and prosecutions to the centre of the Conversation about what transitional justice ought to look like.

6.4.1.1 Insufficiency of Human Rights

Without diminishing the critiques of the human rights community, I argue that too heavy a focus on prosecutions and law is also problematic, as it results in a legalistic discourse that is more perpetrator-centric than victim-centric, and that prioritizes legal outcomes over social and economic justice. The human rights community points out how reconciliation is antagonistic to truth and justice if it is seen as an alternative to prosecution and accountability. At the same time, human rights discourse problematically removes social and economic justice from legal justice.

Advocacy papers by victims organizations have shown that victims most desire answers about their missing family members, support for long term survival and flourishing, including education for children, livelihood supports, health services, skills training and so forth, public acknowledgment and apology, and other forms of reparations (CVCP, 2018; Robins, 2012; Selim, 2018). While prosecutions are desired by some, they are typically not the only or the primary desire (Robins, 2012). In other words, victims tend to focus on social and economic justice, while human rights organizations focus on criminal justice (Selim, 2014). Because
human rights organizations have more influence in the transitional justice process while victims have tended to be excluded from decision making (Robins, 2012; Selim, 2014), the resulting conversation is skewed more heavily towards the rights-based, prosecution-oriented goals of human rights discourse. Thus, when put in contrast with needs and demands expressed by victims, the vision of their ostensible allies in the human rights field is revealed to be narrow and insufficient. So while human rights discourse shows how reconciliation can be antagonistic to truth and accountability, the alternative it presents is a version of reconciliation that is rendered technical and legalistic.

Furthermore, human rights frameworks have been critiqued by academics in other fields for operating on the false premise that “human” is a straightforward and universal category; in reality, critical scholars argue, human rights are attributed to some humans, while other humans continue to have their humanity denied on the basis of various markers of social difference (race, caste, gender, etcetera) (Marhia, 2013; Mollett, 2017). Other geographers have pointed out the ways that human rights cannot and do not exist in the abstract, but must be operationalized through processes that take place in particular times and spaces (Carmalt, 2018; Laliberté, 2015). In light of the fact that ostensibly “participatory” processes within transitional justice in Nepal continue to exclude victims on the basis of language, geography, gender, ethnicity, caste, and other social markers (Robins, 2012; Sajjad, 2016; Selim, 2014), it is uncertain whether a human rights framework is sufficient to address the uneven distribution of violence across different groups.

6.4.2 Reconciliation is Individualized

Reconciliation under the TRC is understood as an individualized one-time event that ignores victims’ long-term needs and relationships. Within the TRC, reconciliation is taken up in a narrow sense to mean reconciliation between an individual victim and an individual perpetrator, and it’s enacted as a singular event rather than a process.

This individualized understanding is partly a function of language, as the translation of “reconciliation” in Nepali is “melamilaap”, which means something like “mediation” or “friendship”. So reconciliation is taken by some as an event of mediation. As one victim’s advocate put it, “The government and the political parties, they take reconciliation as the event. They just ask the perpetrator and force the victim to be together and just sign a document. […]"
This is enough, this is reconciliation,” (Interview 12). This speaker critiques the commission for simply going through the motions of so-called reconciliation without actual substance to the process. They suggest that simply signing a document that reconciliation has occurred is in fact not enough, is not reconciliation. Even one TRC Commissioner hinted at reservations about the current procedure, stating that reconciliation should not be a one-time event, but a process (Interview 15). However, according to this commissioner, the problem for the TRC is that there is no mandate or guidance within the TRC Act for process-type reconciliation activities, and the Commission is constrained by the Act. Thus, the attribution of responsibility is bumped up to the policy level, beyond the agency of the TRC or its commissioners.

Another problematic feature of this individualized model of reconciliation is that it assumes there is an identifiable, individual perpetrator and individual victim for each violation. As described by one human rights worker:

So now when it comes to the justice process, they [political leaders] would—rather than think of the command responsibility—would be scapegoating the people that they used to run these wars, basically. Both from the then-state side as well as the Maoist side. So both of them are now at one. (NGO worker)

This individual explains that political leaders are using the transitional justice process to avoid command responsibility by shifting accountability to the individuals who carried out the acts (but did not necessarily make the decision to authorize them). A TRC framework that conceives of “perpetrators” as individuals who are personally and individually responsible for a given violation cannot account for such layers of responsibility.

Some argue that an individual conception of victims is also insufficient to address the collective experience of some of the violence. One TRC Commissioner identified this as a limitation in the commission’s mandate, explaining that in general, it is a duty of truth commissions to find patterns and tendencies in the conflict. However, the TRC Act forces the commission to investigate individual complaints, not patterns. According to the commissioner, there is no chance to study the patterns, which would be the chance to think about marginalized groups (Interview 15).
The individualized version of reconciliation and the human rights focus reinforce each other so that individualization occurs on multiple levels: the event to be addressed (a discrete and identifiable violation of a human right), the relevant parties (a perpetrator who committed the crime and the affected individuals), and the mode of redressal (a discrete instance of interpersonal “reconciliation”). This approach to reconciliation leaves aside questions of more systemic injustices and structural violence, which has been a critique of TRCs in other contexts as well (e.g. Nagy, 2012; Ross, 2004). As a human rights worker explained:

They are forcing it down at the individual level, you know? Individual victims, individual perpetrator, I mean how can this materialize. Ideally, like if you are saying of the situation of the nationalistic reconciliation thing… I mean there should be a gesture, I mean if that was to take place in our part, I mean, in our society, in our country, my observation would be at least there should be gesture from the state. Like for instance the president or the prime minister could come out and apologize with the whole victims community for support with the people as well. And then they should be ready to go and serve people for what happened in the past, for the wrongs done in the past, as somebody exonerating the crimes. (Interview 11)

Here they critique the ways an individual framework for reconciliation omits any possibility of collective recognition or apology. When reconciliation is conceived as between two individuals, then it can be considered something of a private matter. In contrast, a more collective or structural approach to reconciliation might consider the ways that reconciliation is relevant for society, the nation, or the country as a whole.

When I asked how the TRC might function differently, in an ideal situation, the same participant went on to describe the importance of truth:

People would be in a position to know what happened at that time. What were the truths, what were the falsities. So what was the exact thing that happened. So who was the exact guilty person. Who was it that instigated. Was the army doing the wrong. You know? Who was the one commanding. These kind of truths would have come out. So these commissions not working independently or not delivering has betrayed the—or deprived the whole citizenry’s right to truth. Right? They would also be in a position by now to
come up with a sensible report, which would advise the state at large on the measures to be applied so as not to repeat violations of this scale in the future. Like institutional reforms in place. (Interview 11)

Here the speaker links the right to truth to the nation at large, going beyond a single individual who experienced a human rights violation. Furthermore, the “truths” they are interested in relate to a bigger picture of events that occurred and the conditions that enabled them. This individual is interested in human rights violations as a pattern or collective experience, not a sequence of discrete events. And significantly, they see truths of this nature as leading to “institutional reforms”—not one-off instances of mediation. The idea that the state or the government is implicated in truth and reconciliation processes appears frequently throughout interviews and is connected to a fundamental distrust or suspicion of political actors expressed by participants (and which I also encountered in everyday interactions and media during fieldwork).

Furthermore, some participants reported that there were instances where reconciliation had been coerced or imposed on victims by TRC agents. In two previous quotations, speakers used the verb “force” to describe the TRC process: the commission “forces” the victim and perpetrator to come together to reconcile (Interview 12), and the politicians “force” reconciliation down to the individual level (Interview 11). Participants raised questions about unethical practices on the part of TRC staff. A victims’ advocate described it thus:

And then the commission, the staff, they say, ‘So you have already received one million Nepali rupees, then what else do you want? That’s enough, quite enough for you. That’s why you should sign here that I want to reconcile.’ So they have asked serious violation victims to sign ‘want to reconcile’. They have pressured many victims. (Interview 12)

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6 The TRC denies this type of activity, and in interviews TRC employees insisted that victims are at the centre of the process and reconciliation only occurs if they choose it. While this may be the policy and even true belief of the TRC members I spoke to, other research and advocacy has reported that victims in rural locations do not understand the technical nuances of reconciliation processes, and that TRC staff members lack training and qualifications, leading to domination and coercion in the process (Robins, 2012; Sajjad, 2016; Selim, 2018).
This speaker understands reconciliation as an event the government uses to foreclose any further demands on the state by victims. As well, like many of the quotations discussed, it reveals a widespread mistrust of the government, political parties, and the TRC.

6.4.3 Vertical Reconciliation is Omitted

This question of trust leads to the final argument of this chapter: that the TRC imagines a form of reconciliation based on repairing relationships between community members, but omits issues related to state-society relationships (K. Jenkins et al., 2018). As discussed in Chapter 3, this distinction has been characterized as “horizontal” reconciliation (among community members) versus “vertical” reconciliation (between state and society). Indeed, the language of the TRC Act repeatedly frames reconciliation as an event between “victim and perpetrator” and states its objective as to “create an environment of reconciliation in the society” (TRC Act, 2014, Preamble). This language portrays reconciliation as something to be enacted “out there” amongst members of society, not within the TRC or state apparatus itself.

However, for some victims and other critics of the process, their relationship to the TRC and the state more broadly are integral to their experience of reconciliation. Compared to both human rights workers and TRC employees, the victims’ advocate I spoke to repeatedly emphasized the importance of trust in transitional justice processes:

And now during this consultation we have made with different organizations, then the victims also said, ‘with the commissions, we have no trust’. The victims said, ‘we suffer’. So [the commission is] just killing time and resources. And just to frustrate the victims. This is what the main concern about the commission that the other victims have told recently in consultations. (Interview 12)

The speaker here puts more emphasis overall on emotional, relational, and subjective experiences of victims in the process, such as trust in the government, healing, truths being told, and pain being heard. In fact, this individual overtly stated how important it was for transitional justice researchers and implementors to speak to victims, as they have a different perspective than human rights workers. The human rights workers, they argued, cannot really represent victims because they do not “share their pain.” Trust is an important element in the process.
Though the TRC Act does mention trust, it seems to be in the context of horizontal trust: “an environment of sustainable peace and reconciliation by enhancing the spirit of mutual trust and tolerance upon bringing about reconciliation in the society” (p. 2). This phrasing suggests that trust is something outside of the TRC, where the TRC is a neutral facilitator to relations in society—relations in which the commission is not itself implicated. However, in contrast, the victims’ advocate quoted above goes on to argue that the TRC needs to first consider its own relationship with implicated parties:

So we have demanding the commission that we want the commission to be success. But again, we have the right not to trust the commission. Okay? But again, we want the commission to be a success. That’s why the commission should adopt a victim-centric approach. To work—so they should work to win the trust of the victims. (Interview 12)

Gaining the trust of the victims is here framed as central to the “success” of the commission. However, this sort of “vertical” reconciliation between the state and victims, or even between the TRC itself and victims is absent from the discourse of reconciliation reproduced by the TRC.

In interviews, there was a mismatch between the community reconciliation mandated within the TRC and the repeated calls for the state and political leaders to formally acknowledge their role in the conflict and for TRC mechanisms to foster trust between political leaders and victims. According to one TRC Commissioner:

They [victims] rather want reparation from the government [rather than reconciliation]. Victims want respect from the government. They are looking for services and facilities. They are looking for something that would help them re-establish from what they lost during the conflict time. But we do not have a huge gap [conflict] between the perpetrator and a victim in our society. We can see from how the rebels who fought against the government are now running for elections. They are living in the same society. There aren’t kinds of division. (Interview 14)

This participant acknowledges that something about the relationship between the government and victims needs to change in order for victims to have “respect”. However, they see the fact that leaders involved in the conflict are now involved in government as a sign of harmony in society. There is not a “division” between the “rebels” and the “government” any longer. They
further this point by arguing that most cases of reconciliation have already been resolved: “The people who were Maoist during the conflict and the victims are living beside each other. We [the commission] do not have to waste a lot of time in that, as they are living in peace together now.” Throughout the interview, this participant repeated this point many times, emphasizing that except for a few cases, reconciliation had already happened organically in communities. With regards to reconciliation, according to this commissioner, there was not much left for the state to do.

In contrast, as discussed above, for some participants the observation that previous antagonists are now working together in government is taken as an indication that those leaders do not genuinely care about victims or the people they commanded in the conflict. This participant observes that the “state side” and “Maoist side” are working together in government and understands it as a protection of their self-interest. Working in the human rights field, this individual is concerned about how politicians are working together to evade accountability. Likewise, an individual working as a researcher in the field of politics and social inclusion worried about the “precedent” that would be left by a failed transitional justice process:

So if three parties unite, they can get away with anything. That’s the sense of, you know, it might give grounds for impunity. Because we are already seeing indications of that. […] So yeah I just hope that it does not, that’s the precedent that I am worried about. That in this early stage of Nepal’s democracy, to leave out something as important and as major as this will probably not be a good first step. (Interview 6)

Other participants also expressed their concern over how the absence of meaningful justice could impact the future of democracy and economic growth of the country:

Without any justice, without peace, how can you be a prospering country? These are basic foundations for democracy. Basic foundations for prosperity. So Nepal will lose a lot. And it’s believed that who suffers the most are the victims. And the people like us. So, until and unless there is peace, the government or the state can’t progress economically and psychologically, socially, anthropologically, you know, they can’t prosper. Maybe that a small flame can damage a lot of things. (Interview 7)
For this participant, the stakes of transitional justice do not only impact the victims of human rights violations, they also potentially impact the future of the country. The country cannot “progress” to democracy and prosperity without a “foundation” of justice to address the turmoil and violence of the recent past. There is a concern that failure to ensure justice and peace could cause wide ranging “damage” to Nepal’s trajectory.

Others expressed a similar concern about the destruction wrought by the current process:

I don’t see any outcome. Rather we have lost. We have lost four years, four good years. We have lost billions of Nepalese rupees. And we have lost trust. And this is… this is a gradual loss of faith in the state machinery. This is not the loss of faith only in the TRC or CIEDP [Commission of Investigation on Enforced Disappeared Persons]; this means that basically people are losing faith in Nepal’s state institutions. (Interview 11)

This participant expands the distrust and disillusionment expressed by the victims beyond the institution of the TRC to the broader “state machinery” in general. Like the preceding quote, this speaker suggests that the transitional justice process has implications for society at large and the relationship between the people and the state of Nepal. As this participant went on to explain, as quoted above, that the commissions have “deprived the whole citizenry’s right to truth” (Interview 11). This idea reflects the dominant transitional justice paradigm at the international level, where transitional justice practices are seen to “help to establish trust and set the conditions for a peaceful democratic governance” (UNDP, n.d.-b, para. 1). Evidently there is a “development” trajectory implied in transitional justice discourse, where a country’s moral progress is a matter of concern for “the whole citizenry”.

The distinction between horizontal and vertical reconciliation may partially explain why there is such a stark disparity between, on the one hand, the TRC Commissioner who claimed that most cases of reconciliation had already been resolved among people in communities, and on the other hand, the victims and their allies who continue to assert the need for a reformed and effective TRC. It seems that the TRC Commissioner is talking about horizontal reconciliation, and the critics are talking about vertical reconciliation.

The significance of this mismatch is that it allows political decision makers to engage in a relatively depoliticized “nation-building” type of reconciliation discourse that is completely apart
Edkins (2003) has argued that reconciliation can be seized as a way for political leaders or governments to obtain moral absolution for violence without undergoing the challenge to legitimacy involved in acknowledging their role in it. Victims are asked to become reconciled to the violence they experienced, while the perpetrators are absolved of their actions (Corntassel & Holder, 2008). Indeed, many participants expressed the belief that the government is sustaining an ineffectual TRC to appease its critics at the UN Office of the High Commissioner of Human Rights. One advocate described it as “saving face” to the international community while using a strategy of “delay, dilute, deny” with victims (Interview 12). Thus, political leaders accused of war crimes are able to position themselves as facilitating transitional justice through truth and reconciliation among the citizens, while sidestepping questions of command responsibility, institutionalized impunity, and structural violence that are central to what victims are demanding of transitional justice processes.

6.5 Any Future for Reconciliation?

According to various participants, there have been no results from the truth and reconciliation process to date. Participants said that “There are no results at all. [The commission is] just spending time and resources to frustrate the victims. And the commissions continue and the problem remains the same. There is no solution.” (Interview 12, Victims’ advocate) and “Basically, TJ [transitional justice] has failed in Nepal” (Interview 11, human rights worker]. In light of these definitive statements that the TRC and transitional justice have broadly failed, is reconciliation still relevant?

Despite their evaluations of the process to-date, all participants affirmed that they still see reconciliation as valuable, in theory, but that it must have a different form and be fully and fairly implemented. What is needed is “vertical reconciliation” instead of or in addition to the horizontal reconciliation the TRC is currently set up to address. When I asked about any achievements or positive outcomes of the TRC, one human rights defender mused that perhaps there was some benefit to how dysfunctional the commissions have been, as it has prompted debate about transitional justice in Nepal. He wondered whether a clearly non-functional TRC might be preferable to a semi-functional one, as the latter still would not resolve the injustice but might able to pass as effective enough that the same level of activism and scrutiny did not occur:
If they [the commissions] didn’t exist, we would not be able to criticize, you know. Or that would be able to create a kind of discourse you know. They didn’t function, that’s fine. If they function a little bit, the discourse would not be going this way. They didn’t work; that’s the reason that we are able to comment on them. Isn’t it. So the discourse is very pertinent at present. But if they worked a little bit, we won’t be so much reactive as well, maybe. Or we wouldn’t… the concept of compromise might come, and that could lead us nowhere. But at least they didn’t work, that’s fine. We were able to criticize. And we can be more constructive and more critical, you know. […] And if they function a little bit, the discourse, discussions would not be like this. International, UN would also support them somehow. […] And now everyone is focusing, okay we should work. Some better way. So maybe that leads us something positive results. And demands are calling for something very historical, you know. That truth commissions in Nepal, something like that. Let’s hope so. (Interview 7)

In this way, the critical political discourse that emerged in response to the deficiencies of the TRC challenges its depoliticized framings. As Li (2003) argues, depoliticization is a process that can never be fully completed, as government projects create the conditions for their own opposition. Although the above individual did not see any positive results from the TRC process, he expresses the idea that the failure of the TRC is not the final outcome, rather the process continues through the increased discussion and controversy that emerged from its perceived utter failure.

However, the question remains as to how future conversations around reconciliation will unfold and who will have the access and power to influence the terms of the conversation. Victims’ advocates (Bhandari et al., 2018; CVCP, 2018) and their academic collaborators (Billingsley, 2018a; Robins, 2012; Selim, 2014, 2018) have argued that contrary to their rhetoric of “participatory” and “victim-centric” processes, both state processes and human rights-based advocacy tends to sideline the more livelihood-based needs of victims and exclude them from agenda-setting processes that set the terms of the political conversation. This is significant because it means that neither the human rights community nor existing TRC processes actually address the socioeconomic inequalities and regional, ethnic, and other forms of national exclusion that were central to the conflict and remain contentious today in discussions of constitution building and the division of federal boundaries (Malagodi, 2013; S. Tamang, 2011).
In fact, the commissions have been seen as a deliberate strategy to silence victims and dilute calls for meaningful transitional justice (Sharma, 2017). The question of trust again arises:

Victims don’t want to get more victimized. That’s why we want this to be resolved as soon as possible. That’s why the commissions must be credible. Trustworthy. Competent. Independent. All the things that we have been demanding. [...] And now that’s why we have demanded to have reshuffling [inaudible]. We must have the commission. Or we don’t say then, the commission, we don’t need any more commission. There must be commission, but these are not working. (Interview 12)

According to this individual, some of the problems with the commission are potentially solvable if the commission were to be reformed and/or the commissioners re-assigned. They still believe that “we must have the commission” and are not prepared to declare the project futile. However, according to the TRC Commissioner, many of the barriers to effective implementation of the TRC are institutional, not personal, so it is not clear whether assigning new commissioners would resolve those types of problems. Nonetheless, various actors continue to organize towards better transitional justice processes, meaning they still see potential and value in the project to further their interests (see also Selim, 2018).

### 6.6 Conclusion

Several studies have argued that the language of “transitional justice” and “reconciliation” are unfamiliar to victims communities, and thus constitute an “elite” discourse that alienates the very people it is ostensibly intended to help (Robins, 2012; Sajjad, 2016; Selim, 2014). In this chapter I argue that not only are transitional justice and the TRC exclusionary and domineering, they are depoliticized through many of the same processes. The discourse of human rights and prosecutions operates through legalistic language related to particular domains of international and national law that are unfamiliar and incomprehensible to the everyday lives of victims (Robins, 2012; Sajjad, 2016; Selim, 2014). Questions of social and economic justice are sidelined, despite victims’ ongoing advocacy for recognition and reparations. A particular kind of expertise is centred in discussions and debates about the purpose and implementation of the TRC.
Furthermore, an emphasis on legal prosecution compounds the individualized nature of “reconciliation” as understood in the TRC. Where “reconciliation” is taken to mean an individual event that occurs between individual people, the possibility of collective forms of acknowledgement, apology, and memorialization are excluded from common understandings of what the TRC is meant to address. The deeper justice suggested in the Comprehensive Peace Agreement (Neelakantan et al., 2016; Pasipanodya, 2008) fades out of sight as the “reconciliation” project becomes one of resolving individual accusations without legal consequences for perpetrators of prosecutions. This ignites fears among the human rights community that reconciliation may become an avenue for impunity, leading to further calls for legal accountability. However, the potential for impunity is not the only outcome. With its focus on individual events, the TRC lacks a “mandate” or “guidelines” to consider the broader patterns of violence and deeper roots of the conflict (Interview 15). Despite general provisions in the TRC Act for these sorts of activities, in practice, there is “no room” (Interview 15) for the TRC to pursue these questions. Lacking a structural approach, “reconciliation” is unable to consider the ways that the human rights of particular subsections of Nepali society have been consistently violated for decades based on their non-normative identities. Human rights and their violation are thus confined to the narrow time frame of the conflict years and the individualized interpretation of a “violation” (Selim, 2018). The deeper politics of the conflict, its causes, and its outcomes are placed outside the view of “transitional justice” and reconciliation is further depoliticized.

Finally, just as the “small p” politics is removed from reconciliation, the ways that “big P” Politics are entangled is entangled is also downplayed in the TRC. Although the TRC frames reconciliation as something that occurs on a horizontal basis between relatively equal members of society, issues of state-society relations are also in question for some victims and their allies. With accused perpetrators now in government and a deepening mistrust between victims’ communities and state apparatus, many participants highlighted the need for the TRC or the government generally to build trust with victims before transitional justice processes could be effectively implemented. This element of vertical reconciliation would imply publicly acknowledging wrong-doing by state actors (and those who are now state actors but were Maoist leaders during the conflict). This could also involve an institutional self-awareness by the TRC that it is not in fact a neutral third party, but itself part of the state machinery and influenced by party politics. However, in the absence of these types of acknowledgements, in practice the TRC
serves the opposite function. By projecting a performance of transitional justice to critics on the international stage, the TRC can be seen as an attempt to morally legitimize the government, despite an absence of the substance of justice on the ground. Thus, the form of reconciliation imagined in TRC mechanisms to-date is the antithesis of a victim-centric, justice-oriented mechanism of healing and redressal. Rather, it can be understood as an elite project that serves the interests of accused perpetrators and state actors by depoliticizing transitional justice and rendering reconciliation a superficial matter of procedure.

At the same time, however, politics does not disappear from the conversation, as victims and other critics voice their critiques of the TRC through the media, advocacy groups’ publications, commemoration and awareness events, and other public fora. These groups often leverage the moral authority of United Nations and transitional justice INGOs to support their calls for specific reforms to the TRC (such as a transparent selection process for commissioners, more focus on reparations than reconciliation) and alternative approaches to transitional justice (that are motivated by the outcomes defined by victims as important). The role of victims and their agency and interests in Nepal’s transitional justice processes has been discussed in depth by Yvette Selim (2018). Selim argues that although victims have historically had little influence over the transitional justice process due to the absence of substantive participatory mechanisms, transitional justice nonetheless constitutes an arena that can be leveraged to make claims and advance their interests. In light of the removal of the commissioners from the TRC in 2019 and the upcoming end of the commission’s term in 2020, it is uncertain how these dynamics will shape transitional justice in the future.

This chapter has focussed on the politics and anti-politics of the TRC and reconciliation. The next chapter will ask similar questions about the NRA and reconstruction. Then in Chapter 8, I discuss the two projects alongside one another and consider what can be learned by juxtaposing them in analysis.
7 Reconstruction Rendered Technical

7.1 Introduction

This chapter discusses the National Reconstruction Authority’s (NRA) approach to reconstruction, with a focus on how reconstruction is discursively framed as a mechanism of development. In this chapter, I argue that by narrowly focusing on the specialized domain of engineering, deeper political questions of systemic inequality and marginalization that contributed to the disasters have been implicitly placed outside the Conversation. I first show how reconstruction is named as an “opportunity” for particular kinds of development, which mirrors the international disaster risk reduction discourse discussed in Chapter 3. I then argue that the NRA takes a relatively narrow approach to reconstruction that emphasizes the rebuilding of physical structures. Reconstruction is rendered specialized and technical in “expert” discourse through reference to building codes and engineering science. This is reinforced by depicting some of the main achievements of the NRA as “strong” houses and the spread of technical knowledge throughout the population. Rural populations are represented as becoming more “aware” as they become more fluent in the language of reconstruction.

Housing reconstruction is certainly a critical element of disaster reconstruction, and I do not intend this argument to devalue the NRA’s achievements in distributing reconstruction funds to hundreds of thousands of affected homeowners. Similarly, I do not question the motivations of the NRA employees I spoke to who expressed their commitment to helping earthquake-affected communities recover from the disaster. However, despite these caveats and while recognizing the financial and logistical constraints of reconstruction programs, in this chapter I critique elements of the NRA’s reconstruction project as it is discursively framed. I suggest that the overwhelming focus on the “building” aspect of “building back better” is likely insufficient to meet the NRA’s risk reduction goals related to vulnerability reduction, resilience, and capacity building, which demand a more nuanced and relational approach to reconstruction. Further, as reconstruction is rendered technical, important social, political, and economic questions are left out of the official Conversation about reconstruction. “Vulnerable” persons are so-defined based on physical capacity to carry out construction tasks, and housing grant beneficiaries are otherwise undifferentiated in the frameworks of reconstruction. Yet, the depoliticizing force of reconstruction is not total, and the chapter concludes with a discussion of the ways that various
actors within the reconstruction field reflect on and counter the visions of development manifested in the NRA’s reconstruction programs. There are tensions, contradictions, and contestation in the discourse as various actors acknowledge the problematic and incomplete aspects of the current approach to reconstruction.

7.2 An “Opportunity” for Development

The National Reconstruction Authority, or NRA, was established with a mandate to assess damage caused by the earthquake, carry out reconstruction activities and establish programs to distribute funds for rebuilding houses (National Planning Commission, 2015). According to the Post Disaster Recovery Framework, the objectives of the NRA are to:

- Reconstruct, retrofit, and restore damaged infrastructure and houses. Make them disaster resilient and Build Back Better
- Build community resilience
- Develop opportunities for economic growth
- Undertake research and studies on the science of earthquakes and their impact
- Identify appropriate sites to resettle displaced communities (NRA, 2016, p. 20)

In this mandate and throughout the discourse of reconstruction, earthquake reconstruction has been positioned as an “opportunity” for particular kinds of development in Nepal. One way the notion of “opportunity” is implemented is through the idea of “building back better”. As discussed in Chapter 3, “building back better” or “build back better” is a concept promoted in the Sendai Framework for Disaster Risk Reduction (UNISDR, 2015b), which is currently the dominant international framework promoted by UNDRR, the World Bank and other international agencies (e.g. Hallegatte, Rentschler, & Walsh, 2018; Oxfam International, 2016; UNSIDR, 2017). Building back better encapsulates the idea that post-disaster recovery processes can and should be used as an occasion to increase disaster preparedness and reduce vulnerabilities to future disasters. According to the Post-Disaster Recovery Framework published by the NRA in 2016, one of the key elements of Nepal’s reconstruction policy is “integrating principles of disaster risk reduction and building back better” (p. 14). Houses must meet particular engineering guidelines in order to qualify for the government grants. The design of the program aims to ensure that houses are constructed according to earthquake-resistant designs—or are “built back better”.

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The imperative to build back better was crucial to the formation of the NRA, as participants explained that the desire for technical oversight of construction was an important factor in why the NRA was created to coordinate Nepal’s reconstruction process:

That [building back better] was the whole priority actually. I mean the foundation of NRA… foundation of NRA was required for building back better […]. Otherwise, NRA’s formulation would not have been sensible. If distribution of money was only the case, then there were other apparatuses within government which would be more—even faster actually. […] Build back better was the major foundation block on which the whole NRA’s existence relied. Yes. I mean in terms of formulation, in terms of Act, in terms of rules, regulations. […] Building back better is reflected. In all policy guidelines.

(Interview 13, NRA employee)

This participant explains that build back better is embedded in the very “foundation” of the NRA. Building back better is the reason the NRA exists, as it was seen that a mechanism was needed to ensure that reconstructed homes would meet a certain technical standard.

Like the PDRF, many individuals I spoke to also characterized the reconstruction process as an “opportunity” for some kind of progress or improvement. As one NRA employee put it, “This is an opportunity for us to learn and build better houses which would not be affected by similar earthquakes. The government came up with the idea of this grant to encourage people to build better and strong houses” (Interview 4, NRA employee). “Better houses” is considered a key objective of the reconstruction progress and is the underlying justification for the structure of the housing grant program. Through housing grants, the NRA provides funds directly to households to rebuild their homes damaged by the earthquakes. Owners then organize the reconstruction of their own houses. However, houses must be approved by NRA technicians at multiple points throughout the construction process in order to qualify for the subsequent grant installments.

7.2.1 Focus on Physical Structures

The perspective that disaster recovery is an opportunity for some kind of improvement was also expressed by individuals outside of the NRA, including one engineer who works at National Society for Earthquake Technology–Nepal (NSET), a USAID-funded Nepali NGO that has been
centrally involved in the disaster recover process in Nepal: “We [NSET] consider that [housing reconstruction] is also the opportunity for making safer buildings, safer houses” (Interview 8, NSET engineer). There is considerable emphasis on literal “building”—and building correctly—in “building back better”:

   What we wanted to do with that is we wanted to make sure the construction is… the buildings that the victims are reconstructing are earthquake resistant. That is the whole idea. The whole idea. That’s why it is “build back better”. And all government buildings, if you see the government buildings right now, are robust. I mean they can resist earthquake of 8-Richter scale or so. Very strong structures we have erected. (Interview 13, NRA employee)

This quote encapsulates the idea that “building back better” is primarily about literal “building” in a “better” manner or for a “better” structure. Although participants did identify a range of outcomes that they hoped might result from reconstruction towards a “better” future, these outcomes were often still related to the technical planning and construction processes that would go into rebuilding homes and communities. For instance, denser settlements for easier service provision, increased access to and use of formal banking in rural areas, and avoiding building on unstable hills slopes were desired outcomes mentioned in interviews. To be clear, I am not suggesting that rebuilding structures should not be a central priority of the NRA; however, it seems to be taken for granted that rebuilding objects is the main, if not the only, function of reconstruction.

   Engineering standards, building codes, technical training, and “resistant” buildings feature prominently in interviews about the NRA’s reconstruction programs. Describing the NRA’s programs and objectives, an NSET engineer explained:

   We [NSET] [did] advocacy to disburse the tranches in installments. Otherwise people will get money, the construction—controlling the construction is bit challenging. I don’t know, if from your eyes it’s good or bad, but from engineering side, it’s, yes, it works. Because if the government is investing some money, so the government must assure that the construction is resilient, as per current scientific measures. (Interview 8)
This individual explains that the reasoning behind the building codes in the housing grant program is a moral imperative to ensure that houses funded through government programs meet “current scientific measures”. Recognizing that different perspectives may not agree with the reasoning, this individual emphasizes that the scheme is rooted in engineering, and from an engineering perspective, “it works”. The quote highlights the centrality of engineering science in the foundation of the housing grant program.

The language of “earthquake-resistant” and “multi-hazard resistant” houses was also frequently employed to describe the objectives of the housing grant program:

We are just talking about earthquake-resistant houses. Only earthquake resistant, it is not enough. Multi-hazard resistant. Although we are reconstructing after the earthquake, that’s why we are asking to reconstruct the houses earthquake resistant. But it should be multi-hazard resistant. (Interview 5, previous NRA employee)

Again, much emphasis is placed on the qualities and characteristics of the buildings to be produced under the banner of reconstruction. The goals of reconstruction are primarily described in terms of the physical characteristics of reconstructed houses, which will be “strong”, “safe”, and “prepared” for future earthquakes. The primary focus is on physical safety; reducing the probability of bodily harm from damaged buildings in future earthquakes. One engineer working at NSET spoke of the importance of “customizing” engineering techniques to the materials used in Nepal, of using social mobilizers to help homeowners understand the importance of technical specifications in reconstruction, and of blending traditional knowledge of house building with modern science (Interview 8). Clearly this individual may take a nuanced approach to the implementation of engineering; however, the approach is still primarily focussed on the physical structures.

Furthermore, when asked about the priorities of the NRA, one participant explained that housing reconstruction was the formal first priority, though informally, reconstruction of hospitals, schools, and other service providers also occupied first priority (Interview 13). After these two priorities comes heritage buildings, and then other infrastructure such as transportation infrastructure. What is significant is the fact that the priorities are explained in terms of which physical structures to rebuild in which order. Using the framework of “problematization” (Li,
2007) this list of priorities can be interpreted as a particular way of defining the problems that reconstruction needs to address. In this formulation, the main problem for disaster recovery is physical damage that built structures sustained in the earthquake, and the main problem for future risk reduction is vulnerabilities in building construction. Again, I do not argue that rebuilding these structures is not important; it is self-evident that homes and other damaged structures need to be rebuilt. However, as with human rights in the previous chapter, I suggest that the engineering focus on individual homes is insufficient to deal with systemically embedded vulnerabilities that extend beyond the structural characteristics of a given house.

According to NRA employees and the organization’s own publications (NRA, 2016), an important goal of the NRA and reconstruction practitioners is to use the reconstruction process as an opportunity to reduce disaster risk for the future (in addition to simply rebuilding to the pre-disaster state). There therefore seems to be a disconnect between the broad desire for earthquake reconstruction to lead to “better” conditions of life, broadly defined, and the a relatively narrow focus on buildings in terms of how “better” would be achieved.

However, the individuals I spoke to took it for granted that the NRA’s reconstruction is primarily about rebuilding damaged houses and other structures. The emphasis on housing design suggests that the primarily vulnerability that led to the disaster is seen as a weakness in housing construction, and that by improving housing design, vulnerability will consequently be reduced (vulnerability is discussed in more detail below). Further, the quotes discussed in this section all connect reconstruction to a trajectory of progress over time. One former NRA employee explained how “building back better” goes beyond the realm of disaster risk reduction and is part of a broader trajectory of societal progress:

For building back better, you see that was the basic philosophy agreed during the ICNR [International Conference on Nepal’s Reconstruction]. Better, of course, for everyone. We have better lives than our parents, and our parents have better lives than our ancestors. Everyone, because society is moving forward, everyone wants a better life, better living conditions. (Interview 5, previous NRA employee)

They suggest that the reconstruction process is tied to a progress-oriented narrative of building both better houses and better “lives” for the nation. “Building” thus takes on increased significance, as what is at stake is not only the immediate shelter and livelihood needs associated
with an individual family home, but the conditions of life for future generations and the “betterment” of society. This raises a question of how, through rebuilding houses in a particular way, the housing grant program intends to create not only individual disaster-resilient homes, but disaster-resilient homeowners and communities, and eventually, a disaster-resilient nation. As disasters scholars argue:

Quite often it is not the system of production or habitation per se that is vulnerable to environmental hazards, but persons or households within those systems who lack the resources to mobilize the defenses such systems may already have against hazards or who do not possess the resources or bureaucratic access to recover their livelihoods or rebuild following a disaster. (Wisner & Luce, 1993, p. 127).

In other words, enforcing disaster-resistant building designs on its own may not necessarily lead to a reduction of harm to vulnerable individuals in future earthquakes.

## 7.3 Scientific Expertise and “Awareness”

In addition to strong buildings, one of the main outcomes of the NRA is seen as the dissemination of technical knowledge throughout the population. When asked about the achievements of the National Reconstruction Authority, almost all participants mentioned an increased familiarity with earthquake resilient technology among engineers, masons, and homeowners. One NRA employee put it thus:

Another achievement in this process is that we have developed some masons. Local masons are provided the training to build better houses. It’s not only the government, but the NGOs are also providing training and they are contributing. From now, it’s not only the houses of the beneficiaries, but also any houses that will be built are going to be earthquake resistant. New houses are going to be strong. (Interview 4)

This individual sees the training provided as having long-lasting effects on the condition of houses in the future. They emphasize that training has been a key component in reconstruction for various parties, including both government and NGOs. As discussed in earlier sections, the characteristics of structures are centred as an important part of disaster risk reduction.
Another NRA employee also emphasized training as a major achievement of the reconstruction process:

One long-term impact, I think, will be this technology, diffusion of technology what we made. That will remain there. Now all masons are trained, all engineers are inducted, and almost all households are familiar with the earthquake reconstruction technology. So, this initiative, intervention, has created a huge amount of awareness, actually. And I’m very much sure that it will continue [for a long time]. That it will further reinforce. And even future generations will learn actually, how to reconstruct houses that are resilient.
(Interview 13, NRA leadership)

This participant highlights how the training involved in the reconstruction project has created an increase in construction expertise that they perceive will persist throughout future generations, resulting in a long-term change in Nepal. They emphasize the wide-ranging effects of the “diffusion of technology” both in time and throughout the population, in which technological knowledge is associated with an “awareness”, which together are seen as the formula for “resilient” houses. The idea of a new form of “awareness” was mentioned in multiple interviews and is discussed in more depth in the next sub-section.

Related to the perceived increases in construction expertise, another participant also notes how these changes in knowledge can lead to changes in construction behaviour:

Our main achievement is that we give the knowledge to people to do… to people for reconstruction or construction against [future earthquakes] […] There were all those radio programs about this reconstruction, TV programs about this reconstruction, other programs about the good construction behaviour, like this, so many NGOs have been working on it. So all the information has been disseminated to them. They have the knowledge they need to know. So, I feel this is the success. (Interview 3)

For this speaker, the knowledge about reconstruction that has been disseminated through various channels can potentially lead to “good construction behaviour” now that homeowners have “the knowledge they need”. The implication is that a lack of knowledge has been a primary barrier to individuals constructing disaster-resilient housing, and that once this knowledge is available, individuals will naturally choose to use disaster-resistant designs. A study of how reconstruction
plays out in local contexts finds that in reality, some homeowners embrace earthquake-resilient technology, while others find the resulting houses impractical for their daily needs and find ways to work around or adapt the technical specifications (Limbu et al., 2019).

In the quotes noted above, participants emphasize the wide diffusion of technical knowledge through masons, households, engineers, and even future generations. These descriptions depict members of the public as developing their own expertise in disaster risk reduction based on scientific principles of engineering and masonry disseminated by the NRA and NGOs. Although the information is depicted as disseminating throughout the population, the focus on technical expertise can be understood as upholding a divide between institutional expertise and populations to be governed and these quotes depict a one-way flow of knowledge across that divide. As argued by Li (2007), “improvement” schemes often involve processes that maintain the boundary between the expert from the beneficiary. The capacity to determine what knowledge is important or not remains with the experts, who then share their knowledge across to other groups. Despite the expertise amassed by masons and homeowners, the authority to determine whether or not this expertise is properly implemented still rests with the NRA technicians who approve grant-funded houses.

Furthermore, this argument aligns with Li’s (2007) findings that improvement schemes often involve “correcting” the behaviour of the poor according to expert schemes of the day. Having an earthquake-resilient house is re-cast as a personal choice, where individual homeowners have been provided the knowledge, funds, and encouragement to build the right kind of houses. However, the choices made are not normatively neutral, as “good construction behaviour” means taking steps individually to follow NRA-approved building codes and construction processes. The responsibility to protect oneself from future disasters thus falls on the individual once they “have the knowledge they need”. Meanwhile, unevenness in vulnerability due to historical and current patterns of poverty and marginalization are rendered both invisible and irrelevant to the national reconstruction project. For instance, Dalits may face “invisible barriers” to accessing aid and reconstruction resources due to less access to informal caste-based networks that provided relief in the immediate aftermath of the earthquake, relatively lower levels of representation in local political institutions, and more restrictive social norms (Bownas & Bishokarma, 2019). Research in disaster contexts elsewhere suggests that such unevenness is a critical factor in an individual’s ability to mobilize their knowledge into effective
disaster preparedness and recovery (Wisner & Luce, 1993), a finding also reported by INGO research in rural reconstruction contexts in Nepal (Amnesty International, 2017; The Asia Foundation, 2017).

7.3.1 “Thinking Differently”

In addition to receiving new information, beneficiaries are also depicted as undergoing a deeper cognitive shift. A previous NRA employee described a connection between “better” houses and a different way of thinking thus:

The earthquake erupted in Nepal, and it is unfortunate that we have had this problem. But this is also an opportunity that we have to grab to build better. Our housing pattern was unsafe across the rural areas. [...] And we have to think differently and now get prepared for better. (Interview 5)

This individual introduces “thinking differently”, connecting the change in house construction to a change in outlook that focusses on “preparedness” and “safety” for future disasters. In addition to changes in construction methods as a result of information learned about safe building designs, it is suggested that this is accompanied by a deeper shift in how individuals and institutions think about earthquake preparedness and safety. As discussed earlier in this chapter, the disaster recovery period is again seen as an “opportunity” for some kind of progress. In this statement, progress not only material, it is also cognitive.

The idea of a cognitive shift is also suggested in the language of “awareness” and “consciousness” employed when discussing a more general understanding of disaster risk reduction in rural settings:

This NRA created awareness in these 32 districts, earthquake-affected districts. It is tremendous awareness it has created actually. Almost everybody knows what earthquake resistant means now. The technology is diffused up to the end. Everybody knows. Almost actually, 90, 95 percent of people; literate, illiterate, almost everybody knows what it really means. (Interview 13)

Like the quote above, this individual describes a wide-spread shift that includes “almost everybody”. However, there is also an emphasis on “awareness” created in the earthquake-
affected districts. Likewise, the participant from Interview 5 quoted above also suggested that the increased awareness is particularly significant in rural areas:

> In the rural areas you see, even if the house looks very nice, everything, but it is not earthquake-resistant. But now people are conscious of that, if the mason they have employed, whether they have taken training on earthquake resistance or not. “Have you taken or not?” They are very conscious. This way the level of consciousness has gone up. (Interview 5)

These quotes depict rural populations as newly cognizant of the role of housing construction in either causing or preventing death and injury during earthquakes. In this way, it is suggested that not only do people have increased knowledge about how to make their homes earthquake resistant, they are also increasingly conscious of the importance of earthquake resistance. Individuals can use their new “consciousness” to make decisions about their own reconstruction and critically assess the qualifications of those they may employ to help them. This highlights another thread running through these discussions, in which the earthquake reconstruction process is seen as facilitating a more general increase in “awareness” or “consciousness” among rural populations, unrelated to disaster risk reduction:

> Devastating earthquake, yeah. And [it has] also drawn the attention of the whole community, many national and international development partners, agencies, NGOs and INGOs came to Nepal […]. Some brought some new technologies, some brought some new ideas, some new skills, new learnings from across the world; it came to Nepal. And [it has spread] down to the very remote areas as well. (Interview 5)

This speaker notes the introduction of various new ideas and perspectives via the reconstruction process. They see the diffusion of ideas from abroad as a positive development, bringing “new ideas” to remote areas.

However, scholars taking a critical approach to development in Nepal have noted the ways the language of “consciousness” and “awareness” have consistently been tied to ideological notions of modernization and development. Fujikura (2001) argues that in the context of rural development, “underdevelopment” can mean lacking in “consciousness” while having “awareness” or “consciousness” meant accepting and embracing development interventions. On
the other hand, if development interventions are rejected, it is explained as due to a lack of “awareness”. Thus, a discourse of “awareness” in the field of development has historically been used as a self-fulfilling prophecy and as a method of evading critical analysis of development interventions. In this way, the attribution of “increased awareness” to rural residents who embrace the NRA’s technical knowledge can be understood as a form of circular reasoning that affirms the success of the housing grant program: because of the success of the NRA’s DRR interventions, rural residents have gained increased awareness, and because they have gained increased awareness, they have embraced DRR principles.

Other scholars have similarly critiqued the ways development discourse and practice have upheld a distinction between “developed” and “underdeveloped” rural residents that valorizes progress and modernity as the embrace of development ideals (Pigg, 1992; S. Tamang, 2002). If rural residents, with newly acquired awareness and training, are responsible for making individual choices about housing design that will impact the safety of future generations to disasters, as discussed above, there is an implication that the inverse is also true: that if rural residents fail to embrace the principles of DRR and continue to live and construct their homes according to tradition and local knowledge, then death and destruction that results from future disasters could be attributed to a lack of “awareness” about building codes among rural residents. As Pigg (1993) puts it, when villages come to stand in for tradition and backwardness in a hierarchy of modernity imagined by development discourse, “villagers shift from being the people who suffer most from Nepal’s problems of poverty to being the problem.” (Pigg, 1993, p. 54, emphasis in original). This seems to be a line of reasoning embedded in the development discourses invoked in Conversations about disaster risk reduction. Through invoking narratives of “awareness” and rural backwardness, DRR discourses not only ignore politics in reconstruction, they actively reproduce harmful discourses that have historically been used to justify the oppression and marginalization of poor and rural residents of Nepal. Such dynamics of inequalities also play into vulnerabilities to disaster that are distributed unevenly across different groups.

7.4 Vulnerability

Vulnerability is an important concept in international disaster risk reduction frameworks, as disaster scholars emphasize that vulnerability is a key contributor to disaster risk (Kelman et
al., 2016). Disaster risk reduction programs often seek to reduce vulnerability by increasing resilience (Hallegatte et al., 2018; UNISDR, 2015b). As Ferguson (1990) argued in terms of development, how the problem is identified comes to define the solutions that are proposed. Therefore, in reconstruction that is based on “disaster risk reduction”, how vulnerability is defined can significantly shape the sorts of interventions designed to reduce it. The *Post-Disaster Recovery Framework* (PDRF) notes that “it is important to enhance the coping capacity of the most vulnerable” (NRA, 2016, p. 7), but does not overtly define who the “most vulnerable” might be. Indeed, although the Government of Nepal committed to “gender and social inclusion” (GESI) provisions to provide extra support to women and other marginalized social groups, the description of such provisions encompasses a mere half page in the PDRF. The provisions that are described are relatively vague, including “several measures to address the needs of women and other vulnerable groups”, “capacity building” within the NRA, and “monitoring” GESI “indicators” (NRA, 2016, p. 38). Furthermore, research has found that beneficiaries are frequently unaware of the GESI provisions that do exist and that such provisions have often not been implemented on the ground (Limbu et al., 2019). For instance, in some cases women received training in earthquake resistant masonry, but did not end up working as masons due to enduring gender roles and discrimination (Limbu et al., 2019).

When vulnerability came up in interviews, participants explained that the NRA was primarily concerned with “physical vulnerability” (Interview 5, Interview 13). “Physical vulnerability” was described as:

The people of above 70 years. Even if you provide one million rupees, they cannot go here and there and reconstruct the house. Elderly people. And single women above 65 years. Who don’t have any support system. No daughters, no sons, no anyone. And the orphans who lost their parents or elders during the earthquake and they are below 16 years of age. And the blind people and other physically disabled people. Handicapped. These are physically vulnerable people. Even if you provide two million rupees, they cannot do it [reconstruction]. (Interview 5, previous NRA employee)

Here vulnerability is discussed as physical limitations to engaging in construction-related activities. The participant agreed that there were many different types of vulnerabilities, but felt that:
If we [the NRA] go with other vulnerabilities, we’ll get lost. […] First let’s finish the houses of the physically vulnerable people. Then after, even if some [others] are still left out, then we will address economic vulnerability, geographic vulnerability, [other vulnerabilities]. (Interview 5)

Although it was acknowledged that other forms of vulnerability exist—economic vulnerability, geographic vulnerability—because the NRA did not have the resources to provide extra support to all of them, these individuals would be helped later, if there were any people “left out”. This reasoning relies on the premise that reconstruction is simply a process of building houses, where only those individuals physically unable to do building activities would need extra support. Further, the idea of “physical vulnerability” prioritizes vulnerability experienced within the existing reconstruction paradigm, specifically. It does not necessarily reflect vulnerability to future earthquakes, or even vulnerability that contributed to the 2015 disaster. In this way, the notion of vulnerability as physical ability/disability is tied to the housing grant program’s emphasis on rebuilding physical structures to particular specifications. The building comes first, and after that other social and economic factors can perhaps be considered.

A study of vulnerability in Barpak, an earthquake-affected area in Gorkha District, found that vulnerabilities were cumulative over time (He, Aitchison, Hussey, Wei, & Lo, 2018). Prior the earthquake, many household incomes were already insufficient or barely sufficient to provide basic livelihoods, especially among families from “lower” castes who may be restricted to certain low-paid jobs. This reduced their ability to prepare for and respond to disaster. As a result of the earthquake, household resources were lost and destroyed, and income earning activities were forced to end (both locally and abroad, as individuals returned home to help their families), further reducing resources that could be used for recovery. Over the longer term of recovery and reconstruction, vulnerabilities increased with poor living conditions at temporary shelters that led to health and sanitation problems, absence of medical facilities, and prolonged separation from previous sources of livelihood due to relocation away from landslides (He et al., 2018). The authors argue that “if major resources are invested into housing without improving people's ability to re-establish productive lives, they will still remain susceptible to future natural disasters” (p. 74). This suggests that more systemic vulnerabilities call for more systemic reconstruction measures.
Furthermore, “physical vulnerability” takes vulnerability as a characteristic of individuals, not groups. It presumes that any individual has more or less equal access to resources needed to accomplish reconstruction tasks, as long as they have the physical capacity to carry them out. Patterns of poverty and exclusion based on caste, ethnicity, gender, and class that are invisible in this approach to vulnerability. However, it is clear that all beneficiaries do not have equal access to the resources needed to reconstruct their homes, and that further, there is a likely overlap between those who suffered more from the earthquake and those who would have more difficulty reconstructing their homes. For instance, a Dalit advocacy organization argues that Dalits tended to already be more vulnerable prior to the earthquake due to residing at the geographic and social fringes of communities, and remain marginalized in the reconstruction process (BK, 2015). The author notes that, “when it came to response with relief distribution, instead of breaking down social inequalities embedded in the very foundation of Nepalese society, it reafirmed and reproduced these divisions” (BK, 2015, p. 1). The rural poor, Dalits, and women gain relatively less benefit from reconstruction programs, as they tend to be less able to access additional loans and financing that would supplement the NRA grant in order to fully fund their housing reconstruction (Sthapit, 2015). Some authors invoke the United Nations Universal Declaration of Human Rights to argue that placing the most marginalized “at the end of the reconstruction queue” violates their universal right to adequate housing (Amnesty International, 2017, p. 6; BK, 2015). These critiques assert that reconstruction is a political matter, not merely a technical one.

Furthermore, various commenters have observed that the owner-driven nature of the housing reconstruction program presents challenges that are differently experienced by differently positioned individuals. For instance, Limbu et al (2019) note that in rural areas, many families may not possess the formal land ownership papers required to receive the grant, and to obtain them may require a long and cumbersome journey to an administrative centre. Meanwhile, others have highlighted the question of landlessness. In a report produced by the INGO Oxfam International prior to the beginning of most reconstruction programs, the organization notes that “women and landless people are being marginalized and excluded from relief efforts and will likely be excluded from reconstruction and resettlement programmes if specific provisions are not made to address their needs” (Oxfam International, 2016, p. 30). Interestingly, Oxfam also presents their recommendations using the language of “opportunity”, arguing that “there is an
opportunity to ensure that reconstruction and resettlement policies and programmes are inclusive of women and those who are landless—some of the poorest and most marginalized people in the country” (p. 1). Reconstruction is again presented as a pathway to a broader change in society, which is defined differently depending on the priorities of a given organization.

Participants outside of the NRA also noted inequalities in the housing grant program. One researcher described how the housing grant program might actually increase vulnerability in some cases:

I think it [the reconstruction process] would have made some people more vulnerable in the larger idea. In the larger scheme of things. So something like the Tamang community, […] how they would have lost their standing in this larger social order. So some groups probably would have become a little more vulnerable. So you know, a lot of families would have come up with a lot of debt burden after this. (Interview 6)

This individual is using a different definition of vulnerability, explaining that, “It’s more like a social structural idea. In terms of the social structures, their position in the society and their access to both resources and authority. Their access to services and capital.” (Interview 6) The participant draws on findings from NGO research that argues that NRA’s reconstruction programs fail to meet the needs of the “most marginalized” and in some cases may actually make their situation worse (e.g. Amnesty International, 2017; Asia Foundation, 2017; Oxfam International, 2016). Other recent research suggest that while people in some earthquake-affected areas now rate their economic situation as “better” than prior to the earthquake, it is the poor who have benefitted least and may suffer from rising costs of living (Bownas & Bishokarma, 2019). Yet despite the frequent language of “opportunity” in reconstruction discourse, reconstruction is not presented as an opportunity to address such inequities; for critics of the NRA’s reconstruction process like the individual quoted above, this is a serious shortcoming of the housing grant scheme.

The same individual went on to relate the absence of sociopolitical questions in reconstruction to broader trends in national development that focus on infrastructure and economic growth over social sectors:
And so basically, the government is saying, yeah, come with us, work with us, put all the money in our basket and work only when we ask you to work. That is, build roads, build hardwares, they call it. So the entire focus is on the infrastructure development. [...] And this comes at the cost of important social sectors not getting adequate resources and money during the budget allocation. So that would be the issue of extremely marginalized groups. (Interview 6, Researcher)

This issue has been discussed by existing research that characterizes the reconstruction process as driven by “infrastructuralism” that is motivated by geopolitical interests (Paudel & Le Billon, 2018). These authors argue that reconstruction in Nepal is influenced by the currently dominant development paradigm which focusses on economic development through investment in infrastructure. The approach of broader development through building physical structures has parallels to the NRA’s approach to “building back better” as discussed above. However, as the participant above argues, it may come at the expense of resources allocated to marginalized groups and the overall outcome is a downplaying of social and economic inequalities that had dominated political Conversations in the post-conflict era (Interview 6). Thus, the focus on physical buildings in the reconstruction process can be seen as a mirror of a broader development paradigm that seeks to depoliticize issues of inequality and injustice in favour of projects that are seen as implementable through apolitical technical knowledge.

### 7.5 Tensions and Contestation in Discourse

In contrast to the NRA’s framing of the issues, not all participants saw the prominence of technological expertise in a positive light: “Basically people objected to that point [the requirement for NRA inspections between grant installments] because the government is making very strong rules and providing very little money” (Interview 2, Researcher). Furthermore, some doubted whether the positive outcomes ascribed to building back better accurately depicted the reality of housing reconstruction in rural areas:

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7 It is beyond the scope of this project to delve into economic and financial questions related to the “building back better” approach to reconstruction in Nepal.
They are not building back better. Much better. They are not. The whole sort of like this… a lot of lack of clarity and consistency in implementation in any of the NRA policies, quite frankly. It’s not consistently enforced. Especially in terms of the building codes they came up with is restrictive. […] And there was not enough technical capacity. There were not enough technicians out in the field. People have had to wait forever, and if they do not approve, I mean they will… I mean, yeah I don’t think all the houses that have been built are earthquake resistant unfortunately. (Interview 6, Researcher)

This statement challenges the progress narrative of “building back better”, questioning whether the housing grant program is in fact producing something “better”. Studies of the reconstruction process have made similar arguments. For instance, Limbu et al (2019) conclude that, due to multiple barriers to accessing grants, the slow implementation of the program, and inadequacies in technical requirements, among other issues, the housing grant program “did not really benefit homeowners” in their study sites (p. ix). Similarly, Daly et al (2017) argue that the top-down, centralized approach of the NRA has been ineffective, leading communities to make their own efforts, which are then impeded by NRA policies. These challenges all call into question the NRA’s effectiveness in meeting its stated goals.

Nonetheless, the individual quoted above does not object to the overarching idea that earthquake resistant houses are a worthwhile goal or to the underlying objective of “building back better”. Rather, they express disappointment that the housing grant program was not able to produce that outcome, stating, “It could have been an opportunity, I would think. […] if we had a better system, better institutions at place, I think we could actually have built better.” (Interview 6). From this perspective, an opportunity was missed due to institutional weaknesses and the way reconstruction was implemented. This participant went on to muse that reconstruction could have been an opportunity for job creation to reduce labour migration to Persian Gulf countries, and for Nepal to benefit from the many NGOs that wished to help with reconstruction but were not permitted by the government (as officially all reconstruction must go through NRA). Although the desired outcomes identified may differ, reconstruction is again depicted as a process that might facilitate other kinds of “development” goals.

Furthermore, other participants, including NRA employees, acknowledged a different distribution of burdens among differently positioned beneficiaries. For instance, I asked one
NRA employee about balancing the tension between the desire for building codes based on seismic engineering principles and the challenges of implementing these in poor or remote areas. The participant explained that there was tension:

But tension for betterment actually. They will experience a bit of difficulty while constructing. It will entail also some financial resources. But for them also, for beneficiaries as well, they feel happy because their house is more safe. Because I mean their children live there you know, and for risking their entire life. Instead of risking their life, it is always good to invest a few thousand more. (Interview 13)

He went on:

I agree that some additional burden… they [beneficiaries] may have experienced an additional burden. But as, best of my experience, they have also accepted this additional burden as essential requirement. And also they have realized that this is for them. For their welfare. (Interview 13)

This participant is more optimistic about the outcomes of the housing grant program than the critics discussed above. For this participant, the future benefits of building back better are more certain and are seen by some as important enough to justify some difficulty and deprivation in the present. Furthermore, another NRA employee also noted the importance of a holistic approach to reconstruction:

Everyone should have his or her house reconstructed, almost. Nobody is left behind. We have to focus on it and then harmonization of post-disaster reconstruction with other socioeconomic programs. We are reconstructing the houses, but meanwhile some income generating activities and livelihood activities should also be coming together. Coordinating with government agencies or NGOs or private sector, or cooperatives, whatever. We have to harmonize those things, otherwise a house has been given to you, but if you don’t have any option for livelihood, still you will be vulnerable. (Interview 5)

In this quote, the speaker recognizes that more than a physical structure is needed in order to reduce vulnerability. Nonetheless, while the complexity of the situation is acknowledged on a personal level, such an approach does not seem to be represented in the dominant reconstruction
discourse, which continues to focus on a technocratic version of reconstruction. Further, acknowledgements of the tensions surrounding the housing reconstruction program were often couched in an explanation as to why it was not possible for the NRA to address these things. Some also saw the benefits of the new building codes enforced through the housing grant program as justifying or outweighing the criticisms of reconstruction:

So, it will have quite significant impact. Which are not visible so far. People have not appreciated so far. If you would ask the local people and then they will start criticizing NRA now [laughs]. […] Because they feel that NRA should deliver, and in one way that is also correct, because we are not as efficient as we should be. Because we have our own constraint. That’s why they will blame. […] For them, right now, because of this construction technology, it is creating difficulties, a lot of difficulties, what is the need? […] But in the long run they will appreciate all this. (Interview 13)

Participants emphasized the challenges the NRA faces in terms of human resources, budget, instability in NRA leadership due to party politics, and logistics of coordinating technicians and engineers in remote areas. In light of these constraints, many felt that the reconstruction process was going relatively well.

7.5.1 Evaluative References to External Models

In some cases, individuals discussed the policies and programs of the Government of Nepal in reference to international norms and standards. Participants frequently made overt references to and comparisons with earthquake reconstruction in other contexts.

As such, things are moving positively. We are recovering. We are recovering, and in any case, we will not be something like Haiti, and will not claim that we would be something like Gujarat, rather, we will be better than Pakistan, anyway. (Interview 5)

This ex-NRA employee situates Nepal within a hierarchy of good and bad disaster recovery to illustrate that reconstruction is going relatively well. He claims that although the reconstruction process may not be going as well as it did in Gujarat, India (which was frequently cited by participants as an example of earthquake reconstruction to aspire to), at least it is going better than it did in Haiti, and perhaps better than it did in Pakistan. Other actors involved in
reconstruction work made similar arguments, as one NSET engineer stated, “What I can say is that Nepal’s reconstruction is going well. Compared to Haiti, compared to the reconstruction [in other places].” (Interview 8) This engineer also invokes Haiti as a context where reconstruction after the earthquake did not “go well”, as compared to Nepal, where it is “going well”.

Another participant discussed how international models and the post-disaster experiences in other places directly influenced the approach to reconstruction taken in Nepal:

I would say that the institution of NRA was mostly motivated by the fact that it would facilitate the reconstruction—recovery and reconstruction process. And then obviously you can see that the donors maybe did not have the trust on the kind of bureaucratic structure, you know, the kind of maybe… perceptions about bad governance and corruption, things like that was maybe another interest. But you might like to look at some of the case studies elsewhere. A lot of things have been drawn from elsewhere. Mostly Pakistan’s earthquake. […] In designing all these things, the way that reconstruction, recovery process should go, and institutions of NRA and how it should work and things like that. (Interview 2)

This quote reflects the idea that there was a combination of norms around general good governance as well as specific experiences of post-disaster recovery in other parts of the world, like Pakistan. So, not only is it possible to compare the national processes against international standards, but striving towards those same standards was an element of the process through which the NRA and the reconstruction framework were formed.

Some who are critical of NRA also referred to the same examples to demonstrate the shortcomings of the reconstruction process. In this excerpt from an interview with an NGO researcher, the speaker had previously stated his opinion that “building back better” is not actually occurring:

Participant: So, it’s like lack of better policies, and also lack of—inconsistent enforcement of these policies. So probably we’re not building back too much better. Interviewer: And so in your experience, theoretically, building back better, if that were to be actually done, what would it look like? Like, what would be “better”? Participant: I mean we were talking about some of these better examples of post-disaster
response. I think the Gujarat model was something that we were interested in. I mean, they built better. (Interview 6)

This individual also invokes “the Gujarat model” as, more than an instance of earthquake reconstruction to aspire to, something the NRA has failed to achieve. The concept of “building back better” is itself a reference to international disaster risk reduction frameworks that arose frequently in interviews. Respondent often connected building back better to other international mechanisms such as the World Bank and other donors that were informed the NRA reconstruction framework, and the Sendai Framework for Disaster Risk Reduction, which guides disaster risk reduction in the international sphere.

The common thread among all these responses is the appeal to outside reference points as measures of success or failure in reconstruction. Indeed, one participant even suggested that having a “fair” international evaluation of the NRA’s work would be beneficial to the process:

And then third-party evaluation, analysis by sector or activities, you see. NRA perhaps whether it’s doing things rightly. […] There should be a third-party evaluation. Some very fair, or let’s say international evaluator should look into it, how it is working, and how it should its road map look like. (Interview 5)

There is a repeated premise that earthquake reconstruction to some degree operates beyond national borders such that international experiences are relevant and useful as comparative points for Nepal’s own reconstruction framework. That there is an internationally-comprehensible hierarchy of good and bad reconstruction against which Nepal can consider its progress. However, this idea is also challenged by ambivalent perspectives on the influence of international discourse and actors over processes in Nepal.

7.5.2 Tension over Donor Power

Many INGO reports on the post-earthquake reconstruction process in Nepal are critical of the government’s shortcomings in the above-described areas, with particular concern over observations that relief and reconstruction support has seemed to follow historically entrenched patterns of social and political inequalities (e.g. Amnesty International, 2017; Oxfam International, 2016). However, advocacy by international donors on behalf of Nepal’s
marginalized groups has been met with ambivalence, and I/NGO relief and reconstruction programs have also been problematic. In remote areas, a point of contention is the influx of outsider NGOs and INGOs who lack local knowledge and pursue ideologically-motivated aid while producing no visible signs of “reconstruction” (Reck & Paudel, 2016). Researchers report that residents regard these imposters with cynical understanding of the self-interested political economy and geopolitics of humanitarianism (Bownas & Bishokarma, 2019; Reck & Paudel, 2016).

Furthermore, multiple participants noted that the earthquake-resistant building codes that have become central to Conversations around reconstruction were negotiated or imposed during the “donors’ meet” held in Kathmandu in the wake of the disaster and outpouring of international donations (Interview 1, Interview 4). One participant described how, because the need for reconstruction funds was so great, the government was not in a position to “mediate” the conditions of the donors and the realities of the local context (Interview 1). Relatedly, participants also critiqued the faulty assumptions of the donor organizations that led to inefficiencies at the beginning of the reconstruction process. For instance, an NRA employee explained that the agreement set up between the World Bank and the Government of Nepal relied on local governments to administer key parts of the program. However, because local elections had not been held in Nepal for many years at that time, local governments were not operational: “I mean, they relied a lot on the local government, which are not there. They made various assumptions which was not holding true,” (Interview 13). Finally, participants also expressed ambivalence about the central role of USAID-funded organization, the National Society for Earthquake Technology−Nepal or NSET. One participant explained that it was useful to draw on the organizations’ experience in other post-earthquake contexts, “but”, they hedged, “they are funded by USAID. So it [their contribution] was good. I mean, it was positive. But… yeah [laughs]” (Interview 13).

These examples reveal tensions around the power of international interests to influence domestic matters in Nepal. Reconstruction in Nepal is not purely a national process, but is tied to geopolitics and geo-economics of disaster recovery and risk reduction (Paudel & Le Billon, 2018). Many of the conditions built into the housing grant program were influenced by the interests of donor institutions such as the World Bank and USAID, operating according to international norms and standards. Participants referred to these power dynamics ambivalently,
balancing on the one hand, the acute need for funding and resources in the wake of disaster, and on the other hand, a resistance to the imposition of these organizations’ visions that are incompatible with local conditions and national priorities. The NRA attempts to monitor and restrict the work of INGOs working on reconstruction outside of government channels (Bownas & Bishokarma, 2019), and in that sense, can be interpreted as a political assertion of national sovereignty. Thus, to return to the argument made in the first half of this chapter, it is clear that the rendering technical of reconstruction through a focus on building codes and engineering is related to a complex interplay of both national and international discourses which may be highly political in other ways.

There is much more to consider about the tensions and dynamics around ideological and financial influence of international donor organizations and models, and this research project was not able to comprehensively approach these questions. Aspects of the NRA’s approach to reconstruction may be the result of deliberate political decisions to encourage local agency in the reconstruction process and avoid resettlement schemes proposed by donors—these are complicating narratives that I was not able to fully access or comprehend within this project. The way these power relations play out both within Nepal and between actors on the international scale is critically important to understanding the discourse and practice of both transitional justice and disaster risk reduction in Nepal. While this thesis attempts a brief consideration of these dynamics through document analysis and a small sample of interview data around these topics, future research that seeks to comprehensively investigate these issues could contribute to the literature and practice of future reconciliation and reconstruction projects in Nepal and elsewhere.

7.6 Conclusion

In this chapter I have discussed the National Reconstruction Authority’s approach to post-earthquake reconstruction in Nepal, with an emphasis on the ways the housing reconstruction grant program frames reconstruction as an opportunity for particular kinds of development and “progress” in rural settings. It has become common sense in disaster studies that disasters are caused as much by social, political, and economic arrangements as they are by extreme environmental events. Yet by emphasizing certain elements of reconstruction, namely building codes, engineering, mason training, and other aspects related to the rebuilding of
individual houses, alternative approaches aiming to address the systemic inequalities and marginalization in Nepal are not only ignored, they are tacitly positioned as irrelevant, outside the societal Conversation about reconstruction. “Building back better” and reconstruction more broadly are thus framed as primarily a technical exercise—assembling the right materials in the correct way according to current engineering science. While I do not argue against including seismic engineering designs in a reconstruction framework, I do argue that the overwhelming focus on this aspect frames reconstruction as a project in specialized engineering and renders irrelevant other possible ways of imagining reconstruction and the future it aims to produce. Thus, despite its framing as an “opportunity”, the NRA takes up reconstruction as a narrow, individualized, specialized process that bypass the possibility of confronting deeper transformations.

Furthermore, as the NRA approaches both housing reconstruction and vulnerability as individual-scale phenomena, structurally-embedded vulnerability informed by historical patterns of inequalities and exclusion are ignored, and the people most likely to be harmed in future disasters remain in precarious social, economic, and geographic positions. Frameworks that valorize scientific knowledge and discourses of increasing “awareness” amongst rural residents act to further marginalize such communities from normative ideals of “development” and “modernity”. These discourses reinforce the position of Kathmandu-centred expertise to determine the terms of the Conversation around reconstruction and delineate the knowledge, values, and priorities deemed relevant and important. At the same time, a similar dynamic plays out at the international scale. International “expertise” of donor organizations plays a powerful role in enabling and constraining national reconstruction frameworks in Nepal. Thus, disaster risk reduction discourses depoliticize the reconstruction process at multiple nested scales.

The NRA housing grant program focusses on rebuilding and retrofitting buildings. It must be acknowledged that the organization aims to do this in a way that is flexible to the incorporation of local designs and materials and that engages social mobilizers to facilitate the social and cultural aspects of construction processes: “The principle of Building Back Better should guide reconstruction, and people should be provided the necessary means and information to build safely, but according to their own preferences, while avoiding pre-fabricated housing solutions” (NRA, 2016, p. 5). The PDRF also states its aims to avoid relocation, respect local livelihoods and culture, and treat all beneficiaries equally regardless of identity. Although these
aspects of the program may play out unevenly on the ground due to miscommunication and misinformation received by rural residents, uneven distribution of grants along political party lines, and enduring social hierarchies (Limbu et al., 2019), there is nonetheless a recognition by the NRA and NSET that housing reconstruction should be attuned to the everyday needs and practices of beneficiaries.

Nonetheless, whatever the successes and shortcomings of the program may be in terms of housing reconstruction specifically, when assessed holistically against its own stated aims to “build back better” for future disaster risk reduction, it only addresses a part of a larger picture of what may contribute to an environmental hazard like an earthquake becoming a disaster. Indeed, the PDRF states that one “Strategic Recovery Objective” is to “strengthen the capacity of people and communities to reduce their risk and vulnerability and to enhance social cohesion” (NRA, 2016, p. 6); however, it is unclear to what extent this objective is achieved given the primarily housing-based focus of the reconstruction framework and experts interviewed. Whatever the successes of the housing grant program in supporting the construction of earthquake-resilient homes, a reconstruction with broader scope could potentially consider the uneven vulnerabilities to disaster of the people who will live in those homes, the social and political geographies of communities in which disasters manifest at the local level, and the national political dynamics that play into uneven planning and service provision in both pre- and post-disaster conditions. As Watson (2017, p. 483) points out, “the protection of the vulnerable (or of those at risk) from disaster does not necessarily explain why people are vulnerable, nor necessarily guarantee resilience.” It is beyond the scope of this research to speculate in detail about specific factors may contribute to vulnerability of different groups to earthquakes in Nepal; however, this may be an area in which future research could potentially contribute to locally-specific disaster risk reduction measures that extend beyond the domain of literal construction.

This chapter has focussed on reconstruction and the National Reconstruction Authority. In the previous chapter, I discussed related questions in relation to the Truth and Reconciliation Commission. Next, I bring the two analysis together to draw insights through considering the arguments alongside one another.
8 Discussion: Discourse, Politics, and Expertise

8.1 Rendering Reconstruction and Reconciliation Technical

In the previous two chapters, I applied analytical perspectives from critical development studies to ask questions about reconciliation and reconstruction in Nepal using the language of rendering technical. As has been argued in relation to development programs, government improvement schemes tend to define problems to be solved in terms that are amenable to technical solutions (Ferguson, 1990; Li, 2007). I argue that the focus on engineering and law constitute a process through which reconciliation and reconstruction are depoliticized and individualized, to the exclusion of political economic and identity-based dynamics. Within the NRA paradigm, as influenced by broader trends in international disaster risk reduction and donor priorities, the problems identified are building construction style and a lack of seismic engineering expertise at both the national and individual scale. Thus, solutions have been designed that aim to disseminate expertise among engineers, masons, and homeowners. With this new knowledge or “awareness”, incentivized through the housing grant program, it is hoped that grant beneficiaries will make building design and hiring choices to implement what have become national engineering principles at the grassroots level.

Meanwhile in transitional justice, a dominant perspective sees discrete instances of human rights violations as the problem to be solved, which can be addressed through legal frameworks and individual forms of redressal. What is absent from the discourse of transitional justice is a deeper analysis of the ways that reconciliation might or should address issues of systemic inequality, poverty, and political exclusion that both underlay and resulted from the conflict (Pasipanodya, 2008; Tamang, 2015). By emphasizing a certain version of reconciliation as an individualized, legal event between a single perpetrator and a single victim, and by positioning human rights as a defining category in TRC processes, the object of reconciliation is framed as a bounded, observable problem that is solvable through targeted governance strategies. Meanwhile the possibilities of a more transformative politics that aims to address more structural questions are not only ignored, they are tacitly positioned as irrelevant, outside the societal conversation about reconciliation. The TRC process thus excludes other forms of violence and deprivation and the everyday needs and demands of victims (Selim, 2018). Furthermore, by emphasizing community or horizontal reconciliation activities, political leaders and institutions
attempt to position themselves as agents of healing and redress instead of as the source of the
injustice that created the need for reconciliation in the first place.

Previous studies have made similar arguments. For instance, Simon Robins argues that
human rights can function as a “regulatory” discourse, an approach to transitional justice that
imposes a singular understanding onto complex and multiple experiences of victimhood. He
argues that:

Transitional justice as it is practiced in Nepal does nothing to challenge the power
relations that led both to conflict and to the targeting of the most marginalized; as long as
the politics of transition are constrained to those institutions, both governmental and
otherwise, that remain dominated by those who have benefited from the exclusion of the
past, such inequality will be reproduced. (Robins, 2012, p. 25)

Other have raised related questions about reconstruction, arguing that a deep restructuring of
post-disaster processes is necessary because,

[The] issues are about the character of the state-led relief, rehabilitation and
reconstruction programs that has historically reinforced inequality and exclusion in
Nepali society, and not merely about whether the state apparatuses and individuals at
their helm could do their best in the given circumstance. (Raj & Gautam, 2015, p. 6)

This quote highlights a distinction between the effects of state programs and the intentions of the
individuals administering them. Li (2007) makes a similar distinction, arguing that she takes the
“will to improve” as a genuine desire, not as a mask for hidden agendas. Nonetheless, she argues
that, “the benevolence of a program does not excise the element of power,” (p. 267) and the
unintended omissions and failures a technical approach engenders. Thus, the arguments
presented in these chapters are not intended to valorize or demonize the ideas and values of
individual people who were generous enough to share their time and insights with me.
Nonetheless, through this analysis I hope to make explicit some of the implicit assumptions and
values embedded in the wider discourses around these state-led projects and the way that “they
make certain kinds of intervention thinkable and suggest new tactics” (Li, 2007, p. 277).
8.2 Discourse, Power, and Knowledge

The TRC and the NRA have adopted top-down approaches to reconciliation and reconstruction, respectively in which actors have unequal power to influence the discursive terrain in which debates about transitional justice and post-earthquake reconstruction take place. Unequal access to knowledge and decision-making in both projects have contributed to vulnerability and marginalization of victims both leading up the conflict/earthquake and during the recovery periods. In current frameworks, the knowledge of “experts” or “elites” is more powerful than the knowledge of victims, even in ostensibly “participatory” and “victim-centric” processes of transitional justice (Robins, 2012; Selim, 2017). Debates around post-conflict process have taken place between human rights organizations and the government, and “an “international justice project” [has been] privileged over the goals of those most affected by the events of the conflict and indeed over the broader needs of the nation” (Robins, 2012, p. 16).

Meanwhile, in disaster risk reduction, a gap persists between “the dominant top-down, homogenizing DRR strategies utilizing global scientific knowledge on hazards and vulnerability, on the one hand, and the context-specific nature of local knowledge and community-based actions on the other hand” (Gaillard & Mercer, 2013, p. 94). Despite efforts to be inclusive of local construction expertise and housing design, some elements of the NRA’s building back better discourse in housing modernization perpetuates assumptions of backwards villagers in need of development, in this case delivered through the guidance of government engineers. The goals of the reconstruction project are taken as obvious: technically-sound, earthquake-resilient buildings. Possible goals related to social and economic vulnerability are rarely acknowledged, or are discussed as a secondary, future goal to be dealt with once the physical rebuilding has been completed. However, for many people, it may be that their social and economic positions directly influence their experience of the earthquake and its impacts, the reconstruction of their homes and communities, and their vulnerability to harms from future disasters. Not only are the technical specifications of building codes and settlement patterns insufficient to deal with everyday needs of survival and well-being, but uneven access to decision-making between “experts” in charge (at multiple scales) and affected communities can produce and reproduce vulnerabilities to future such disasters (Donovan, 2017). Deeper understandings of locally-specific vulnerabilities and how these might be mitigated through disaster planning could be a potential area for future for research.
However, it must be acknowledged that “experts” also face their own set of political constraints, and decisions are often made under the influence of party politics. Thus, in arguing that reconstruction and reconciliation are “rendered technical” is not to deny their political entanglements, but to assert, following Ferguson (1990), the ways that these projects “[whisk] political realities out of sight, all the while performing, almost unnoticed, [their] own pre-eminently political operation” (p. xv). However, contrary to Ferguson’s implication, the political operations of reconstruction and reconciliation do not go unnoticed in Nepal; on the contrary, they were discussed as a matter of course by nearly all participants. Further, entanglement of these state projects in party politics is part of the distrust and disillusionment many individuals expressed towards the central government and its projects motivated by “the will to improve”. This dynamic suggests potential avenues for future research into how relations of trust and distrust play out in detail in transitional justice and disaster risk reduction. The theme of trust is discussed in more detail below.

8.3 The Continuing Politicization of Reconciliation and Reconstruction

Neither reconciliation nor reconstruction is successfully depoliticized or rendered technical. The politics of the NRA and TRC are subject to ongoing contradiction and contestation. Victims and human rights groups continue to critique the TRC and assert their rights, international observers continue to insist on anti-impunity and accountability mechanisms, and various actors, from the media to the TRC commissioners themselves, continue to reflect on and question the political obstacles facing the TRC. In reconstruction, competing visions of what reconstruction ought to strive for and consist of play out between government, NGOs, academics, and affected communities. The NRA has also demonstrated some flexibility in response to local realities of reconstruction, for instance by loosening the initial technical guidelines to allow more use of local designs and materials by grant recipients (Interview 2). These ongoing debates and conversations continue to re-inject politics to the conversation and assert the importance of what the TRC and NRA leave out of the conversation: admission of wrong-doing by state/political party actors, reparations and services to conflict victims per their stated needs, and the historical and ongoing hierarchies of power and exclusion that contribute to reduced trust between the state and the public.
Critical development scholars have argued that development projects operate on the premise of the state as a neutral, benevolent actor (Ferguson, 1990). For many in Nepal, that premise is patently false. This is particularly evident in the realm of transitional justice, with individuals accused of serious human rights violations filling leadership roles in government. For victims of human rights violations, the state is more than simply apathetic to their needs; it is an active antagonist that has been working to subvert truth and justice for over a decade. The TRC is perceived to provide an inadequate response to the needs of victims while at the same time serving the interests of accused perpetrators and other political actors. Thus, individuals express an increasing distrust of both the TRC specifically and state machinery in general. In this context, the state takes up the project of post-earthquake disaster recovery and risk reduction.

Although DRR appears to be less overtly politicized than transitional justice, similar sentiments of distrust and skepticism were expressed about the government’s motivation and “will” to assist poor and marginalized groups. Groups that have been historically marginalized and excluded by state programs have little reason to trust the state in disaster risk reduction, as similar dynamics persist in the institutions of disaster response (S. Tamang, 2015). Furthermore, as Donovan (2017) points out, the language of disaster response (“vulnerability”, “resilience”) is vague and can “hide political aims” (p. 56). Indeed, the Post-Disaster Recovery Framework (PDRF) identifies “social harmony” as the “basis of resilience”, encouraging its partners to “[align] their actions with government policy” (NRA, 2016, p. 5). However, it has been argued that “social harmony” has historically been a homogenizing discourse that served to erase social differentiation in favour of a normative Nepaliness based on characteristics of the dominant group (Burghart, 1984). Watson (2017) argues further that the PDRF seeks to depoliticize identity by redefining the social through the technical. “Vulnerability” becomes a central defining identity category such that ethnic identity is decentred and positioned as just one of many forms of identity within state categorizations. The PDRF is thus not politically neutral, but actively involved in depoliticizing conversations around both disaster response and identity in Nepal.

8.3.1 International Discourse

A similar mistrust is expressed towards international governance mechanisms. Although some individuals found international frameworks for disaster risk reduction and transitional
justice useful to further their interests in some situations, many also expressed skepticism about their relevance and benefit in local contexts in Nepal. In particular, participants attributed many of the elements of the NRA’s housing grant program that have been critiqued by recent research (Limbu et al., 2019; The Asia Foundation, 2017) to the influence of donor interests in the development of the framework. A tension is built into the language of the Sendai Framework itself, which one the one hand prescribes a particular approach to disaster recovery (which is laid out in an step-by-step implementation guide published by United Nations Office for Disaster Risk Reduction (UNISDR, 2017)) and on the other hand claims to empower recipient countries to determine their own needs.

On the other hand, interviews revealed a general sense that the reconstruction process in Nepal can be related to post-disaster processes elsewhere in the world on a normative spectrum of success to failure. References to “Haiti”, “Pakistan”, and “Gujarat” positions the mechanisms and objectives of recovery and “building back better” firmly within a global discourse of DRR best practices. As Donovan (2017, p. 50) argues, “one characteristic of geophysical disasters is that they force a new future upon a population”. With success defined in terms of the number of houses funded and built and contextualized in relation to generalized international experiences, the significance of on-the-ground specificities of reconstruction and risk reduction may be reduced. This means that the people affected by the earthquake may have little say in what kind of “better” futures are “built” for them through the reconstruction process.

Regarding the TRC, the situation is similarly complex. On the one hand, participants working in human rights and victim advocacy frequently invoked “international standards” to bolster their demands for reform to the existing process. The United Nations has officially refused to support Nepal’s TRC, stating that, “In the absence of steps by the Government of Nepal to ensure that the enabling law and procedures of the […] TRC are in compliance with its international legal obligations, the United Nations is unable to provide support for [this institution]” (OHCHR, 2016, para. 10). Recently, media coverage of the commissions has reported resistance by the state to the United Nations’ pressures to conform to international standards (e.g. Giri, 2019). In these way, international governance frameworks are not neutral and their interventions are perceived to have political effects. However, these issues do not divide cleanly along a national/international binary, as in-country hierarchies and ideologies also play a role in policy formation and implementation. Some in-country organizations and activists
align with international perspectives, or at least draw on them strategically to advance their needs (Interview 7, Interview 11). The UN continues to issue calls for reforms to the TRC, which local advocates draw on to support their own advocacy efforts.

At the same time, however, both a victim’s advocate and a TRC Commissioner expressed the conviction that models of transitional justice imported from elsewhere in the world were unsatisfactory and that Nepal’s process needed to be developed in and customized to the local context. However, Billingsley (2018b) points out that locality is not synonymous with nationality:

‘Local justice’ must include intersectional analyses, and, further, redress entrenched systems of domination and inequality. When oppression, marginalization and deep-seated inequality are recognized as significant factors to an armed conflict, failure to redress such conditions is sure to entrench them. (Billingsley, 2018b, p. 24)

Approaching the context as a national-scale phenomenon, as is common in transitional justice, is insufficient. Rather, a truly “local” approach would need to be sensitive the diversity within the nation and centre on the agency of victims themselves (Billingsley, 2018b). Victims groups in Nepal continue to advocate for compensation, agency within transitional justice processes, livelihood and social supports, and acknowledgement of past wrong-doing by those in power (Bhandari et al., 2018; CVCP, 2018; Sajjad, 2016). Given the widely recognized top-down, elite-driven nature of transitional justice in Nepal to date (e.g. Robins, 2012; Sajjad, 2016; Selim, 2014) it is clear that TRC processes cannot be considered equitable or empowering for victims simply by virtue of being designed in-country. At the same time, the focus on judicial processes and accountability that dominates international transitional justice discourse has been found to be insufficient to meet the needs and desires of victims (Robins, 2012).

8.4 Trust

Trust is a theme that arose in relation to both reconstruction and reconciliation. Chapter 6 discussed the ways that relations of distrust between victims and the government is an important element of victims’ critiques of the TRC. In interviews, a victims advocate highlighted more emotional and relational aspects of the TRC, compared to human rights and government speakers who tended to emphasize legal and political aspects of it. Following from victims’ expressed
desire for political leaders to acknowledge their role in wrong-doing and cultivate relationships of increased trust and respect with victims, I suggested that these objectives could potentially be pursued through an approach to reconciliation that explicitly addressed “vertical reconciliation” or took state-society relations as an object of reconciliation.

Further, it was also expressed that “people are losing faith in Nepal’s state institutions” (Interview 11) in part as a result of the perceived failures of the TRC and its apparent cooption for the self-preservation of political leaders. Distrust and disaffection with the government was a common sentiment expressed in both interviews and my informal interactions in Kathmandu. Trust has also been found to be a factor in disaster risk reduction in other contexts (Pichler & Striessnig, 2013). For instance, a comparative study of disaster vulnerability between Haiti, Cuba, and Dominican Republic found that education and trust are important factors in the relatively lower levels of vulnerability to hurricanes in Cuba, despite the similar exposure to hurricane hazards in the three countries (Pichler & Striessnig, 2013). The authors argue that trust is an important factor at multiple scales. Trust between state and society may mean that residents are more likely to cooperate with state-led mitigation and response efforts such as evacuation orders. Meanwhile trust among community members was found to be related to community-level planning and cooperation for preparedness and recovery. For instance, the authors argue that because topics related to disaster preparedness are included in school curricula in Cuba, children from a young age confidently describe what they must do in the event of an emergency, and express confidence in both the state’s and their community’s disaster plans (Pichler & Striessnig, 2013). In contrast, the authors found that respondents in Dominican Republic were less likely to adhere to things like evacuation orders due to distrust of both state planning and fear that their property would be stolen or damaged by other residents if they left. Trust and confidence are one factor associated with lower causalities from disasters in Cuba, but have less to do with the structural integrity of residents’ dwellings (though this cannot be excluded as another important factor) and more to do with the combination of “bottom-up” and “top-down” planning and preparedness that translate into both concrete plans to be enacted in the event of disaster, widespread awareness of one’s specific individual role in relation those plans, and the knowledge and willingness to enact that role in the event of a hurricane.

It is beyond the scope of this thesis to speculate about the role of trust in disaster recovery and planning in Nepal. However, the prevalence of expressions of distrust in relation to other
areas of government such as transitional justice, suggests that it could be a topic for future research on both pre- and post-disaster processes in Nepal. The role of trust and state-society relations in post-conflict transitional justice may also be an area for deeper inquiry that could contribute to the development of highly context-specific forms of truth and reconciliation processes.

8.5 Synthesis

The process of rendering technical works to section off both reconciliation and reconstruction as areas for intervention by specialized experts, who draw on the technical skills and knowledge of their professions (law, engineering) to implement top-down “solutions”. In reconciliation, the practical needs on the ground of the supposed beneficiaries become less important, in this framing, than adherence to pre-determined rules and regulations of international law. In reconstruction, the NRA’s priority to rebuild structures becomes a point around which risk, vulnerability, and recovery are defined, to the exclusion of possible broader and longer-term understandings of these factors in disaster risk reduction. Furthermore, because affected individuals are excluded from decision-making processes (even those ostensibly designed to be participatory, as previous studies of the transitional justice process have shown), outcomes that are most important as defined by victims are sidelined as outcomes defined by experts are centred. The combination of depoliticization through rendering technical and exclusion of affected individuals through prioritization of institutional expertise narrows the range of possible futures imagined by reconciliation and reconstruction.

However, these discourses are not hegemonic, and counter discourses that challenge the dominant frameworks are put forth by various actors. The critiques of observers and activists inject politics back into Conversations around reconciliation and reconstruction, insisting that the technical framings of the NRA and TRC are insufficient to address the complexity of the issues. These perspectives insist on the importance of overtly political understandings of the roots of both disaster and conflict and argue that politics must likewise be central to the sorts of projects created to address their impacts.

My analysis in the preceding chapters employed a lens of discourse and power to untangle some of the discourses of progress and development that are embedded in expert discourses around Nepal’s state-led projects of reconstruction and reconciliation. I also discussed
the complex and multiple ways international discourse and practice of disaster risk reduction and transitional justice relate to national Conversations around these fields in Nepal. Finally, I argued that particular sorts of knowledge, expertise, and values are prioritized in relation to “reconstruction” and “reconciliation”, and that these perpetuate an ongoing, contested history of development and nation-building.
In this thesis, I made the following arguments:

- That reconciliation and reconstruction can be understood as governmental projects that operate along a narrative of progress and aim to produce some form of “improvement”;
- That therefore the theoretical frameworks of critical development scholars can be usefully engaged to discuss contestations around the forms of “improvement” imagined by these projects, the issues at stake, and the meanings and values considered relevant to these societal Conversations;
- That the Truth and Reconciliation Commission and the National Reconstruction Authority approach reconciliation and reconstruction as technical problems to be addressed through the professional expertise of law and engineering, respectively;
- That due to their technical framings, these projects tacitly uphold structural inequalities and injustices that follow historical lines of exclusion and marginalization in Nepal and that contributed to fuelling the conflict and producing vulnerability to earthquakes. At the same time, these projects carry-out relatively depoliticized forms of redress and compensation that operate on an individual scale and that reaffirm the centrality of elite and institutionalized knowledge;
- That analyzing reconciliation and reconstruction alongside one another helps reveal the continuities between these seemingly unrelated domains of governance and suggests ways they can be contextualized in both national and international politics. This thesis suggests that examining apparently unrelated government policies in relation to one another is a fruitful method of revealing unstated values and assumptions that may be either hidden or so taken-for-granted as to be invisible until thrown into relief through juxtaposition.

9.1 Juxtaposing Reconciliation and Reconstruction

While conducting research for this thesis, many people questioned why and how I planned to bridge the two seemingly unrelated fields of reconstruction and reconciliation. I hope this thesis has made it clear how the two processes not only touch on similar themes of trauma and loss, healing, rebuilding, and societal progress, but are also comparable in terms of what they
conspicuously do not address. The findings in this thesis put the dynamics described into the context of the wider development agenda in Nepal and the pervasive influence of international “donors” as well as national elites. Though the specifics of each program differ, I argue that reconciliation and reconstruction as conceptual governmental projects are rendered similarly technical to the exclusion of deeper political questions.

Furthermore, although it was initially a challenge to see how the two topics, reconciliation and reconstruction, could fit together conceptually, eventually, each came to enrich my analysis of the other, as the juxtaposition of reconstruction and reconciliation serves to highlight less obvious elements of each project. Arguably, reconstruction is rendered “technical” in a more self-evident way, as the language of reconstruction involves “technicians”, “building codes”, “engineers” and so forth. Less obvious, however, might be what is omitted. Through the analysis of reconciliation, where questions of injustice, violence, trust, and inequality are inextricably entangled with the politics of the TRC, ways that similar issues are implicated in the NRA and reconstruction begin to become clear. The stakes of the omission of politics from the technical trappings of reconstruction become evident. At the same time, it is through the process of considering reconstruction through the lens of rendering technical that the relevance of a similar approach to reconciliation becomes clear, as the technical framings of human rights and rule of law in the TRC project are thrown into relief. In this way, the obvious technical elements of reconstruction informed my understanding of reconciliation as technical in its own way, and the overt questions of justice surrounding reconciliation led me to question how similar issues might apply to reconstruction.

Finally, a conjoined analysis of reconstruction and reconciliation through the lens of rendering technical challenges the common-sense belief that reconciliation is a less urgent issue than reconstruction. When this belief was expressed to me, it was often explained in terms of the relatively smaller number of conflict victims than earthquake victims, as well as the long interval of time that has already passed since the time of the conflict. However, as I have argued, both fields are tied to similar historically-produced inequalities and injustices. And while it is not my intention to draw false equivalences between the two events—the earthquake and the conflict are undoubtedly different sorts of occurrences with different causes and effects—I do argue that due to parallels in the way redress programs are framed and implemented, both reconciliation and reconstruction programs therefore fail to incorporate a sensitivity to those inequalities and
injustices. Governance interventions are manifested and upheld through ideas and ideologies re/produced in discourse (Escobar, 1984). Critical discourse analysis is important not only to understand and question these ideologies but to pry open the fissures and contradictions that can make space for alternatives. It is my objective in this thesis to question whether, like in transitional justice, political questions of economic and social justice that ought to be part of the Conversation have been strategically cast outside the realm of what is considered relevant or possible. Analyzing reconstruction alongside reconciliation highlights how these processes are each embedded in contested power relations and development ideologies at national and international scales that defy template solutions.

9.2 Contributions to Scholarship

Throughout this thesis I argue that construction design and human rights are insufficient on their own to address the complexities of transitional justice and disaster recovery that demand a more relational approach. The critique presented in the thesis serves to highlight how, regardless of how earthquake-resilient buildings are or are not, an earthquake, its aftermath, and the reconstruction period will still be experienced unevenly by people, as surviving a falling building is only one part of surviving and recovering from a disaster. As disaster scholars argue, the vulnerabilities and risk associated with disaster are multi-faceted, and are often socially and politically produced rather than based on the material environment (Alexander, 2013; Kelman et al., 2016). This point is not specific to Nepal, but bears increasing importance around the world in the context of the projected increases in frequency and severity of disasters with climate change (IPCC, 2014). This work also contributes to scholarship on the relationship between conditions of post-conflict and post-disaster, an area of study of growing interest to disaster scholars. One theme that arose repeatedly in the course of this research is the role of trust in the relationship between the state and the public(s). There is potential for future research around trust or other emotional geographies of transitional justice and/or disaster risk reduction as a way to focus on relationships between state and public in both of these domains.

Second, this thesis also contributes to research on the state-led reconciliation projects of TRCs around the world. Many of the case studies on truth and reconciliation commissions in geography are based in settler colonial contexts, and the colonial context features prominently in their analyses of TRCs and nation-building (Akinwumi, 2013; Auguste, 2010; Corntassel &
Holder, 2008; Klep, 2012). In contrast, Nepal is among a handful of countries that have never been formally colonized by European forces (although the country has been subject to forces of imperialism and globalization and may arguably still be considered as a “postcolonial” condition (Des Chene, 2007)) and so the country’s TRC presents a slightly different case in that sense. Although this thesis does not present a comprehensive case study on the workings of Nepal’s Truth and Reconciliation Commission, insights drawn from this work add to the body of geography scholarship on truth and reconciliation commissions around the world. This thesis underscores existing arguments that the needs and perspectives of victims must be central to both the design and process of reconciliation mechanisms. In Nepal, these are often expressed as emotional needs (for truth, apology, acknowledgement, trust) and reparative supports for long-term livelihood and well-being. Centring such priorities involves recognizing that sincere reconciliation cannot be apolitical or legalistic. As international human rights organizations increasingly present TRCs and transitional justice as non-optional processes for states emerging from national traumas (Human Rights Watch, 2009; OHCHR, 2012), critically examining the meanings embedded in the term “reconciliation” is important to devising meaningful, context-specific processes.

9.3 Scope and Significance

This research is primarily interested in discursive framings, and in-depth analysis of how reconstruction and reconciliation play out in the everyday lives of people in Nepal is beyond its scope. Methodologically, the data analyzed has focussed on how these processes are understood and expressed by “elite” and “expert” voices in Kathmandu. I therefore do not attempt a detailed analysis of how these discourses relate to the experiences and understanding of conflict-affected and earthquake-affected people and communities. Work by other scholars has shown that certainly in the realm of transitional justice, the perspectives and needs of conflict-affected people are not represented in the current processes, and there have been calls for more participatory and victim-centric processes both by scholars (Billingsley, 2018a; Robins, 2012; Sajjad, 2016; Selim, 2018) and victims organizations (Bhandari et al., 2018; CVCP, 2018). Likewise, both traditional scholarship (He et al., 2018; Limbu et al., 2019) and NGO reports (Amnesty International, 2017; The Asia Foundation, 2017) on the post-earthquake reconstruction process have argued that significant groups of people, including those without landownership, those marginalized on the basis of caste and ethnicity, and the poor, are not well served through
the current housing grant structure. The research presented here has the potential to complement those and future locally-based ethnographic studies of reconstruction and reconciliation processes.

Due to the limited scope of my analysis, I hesitate to make “recommendations” for policy and practice around reconciliation and reconstruction in Nepal, particularly given the complex political context and multiple experiences of the earthquake and the conflict, of which I have only a partial understanding. As one participant put it, “I don’t think there is one understanding of what reconciliation would look like in Nepal. I would struggle to tell you what it looks like to me, for example,” (Interview 6). Rather, throughout this analysis, I have aimed to draw out some of the specific points where underlying premises enable and constrain what is imaginable and desirable in reconstruction and reconciliation projects. In this way, I hope this research contributes to troubling the dominant discourses of reconstruction and transitional justice towards the goal that more bottom-up perspectives can potentially gain traction and further victim-led, more genuinely transformative processes. It is from existing and ongoing victim-centric research and the advocacy work of affected communities themselves that specific recommendations for alternatives might arise.
Works Cited


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Appendix A – Interview Guide: Truth and Reconciliation

- Could you please tell me about your work in relation to reconciliation/the Truth and Reconciliation Commission (TRC)?
  - How did you first get involved with reconciliation/the TRC?
- Could you please describe the current state of reconciliation in Nepal?
- Can you explain what “reconciliation” means in the context of the TRC?
- How widely understood is the idea of reconciliation?
- What are the goals of reconciliation?
  - What are some of the other goals of the TRC?
- How does the TRC try to bring about reconciliation?
- What have been the TRC’s most significant accomplishments?
  - How did it attempt to accomplish that?
  - What were the greatest challenges and how were they overcome?
- What have been the TRC’s most significant shortcomings or failures?
  - What were the challenges that prevented the TRC from achieving its goals?
- Who is reconciliation important for?
  - How is it important/unimportant?
  - Do you think that reconciliation is important for the nation of Nepal?
    - How is it important/unimportant?
- What do you see as some of the key issues or debates around reconciliation in Nepal?
  - Are you aware of any movements or advocacy related to the TRC or reconciliation in general in Nepal?
    - Can you tell me a bit about that?
- I have heard that some groups have criticized the TRC. Can you tell me a bit about the content of the criticism?
- How has the TRC impacted people in Nepal?
  - Have you seen any changes in Nepal as a result of the TRC process?
    - If yes: What changes have you noticed?
    - If no: Do you think the TRC is having any other impacts on people in Nepal?
- How are reconciliation and the TRC talked about in the news?
  - What do you think about this representation of reconciliation/the TRC?
- Is there anything else you would like to bring up about the TRC or reconciliation?
Appendix B – Interview Guide: Earthquake Reconstruction

- Could you please tell me about your work in relation to earthquake reconstruction/the National Reconstruction Authority (NRA)?
  - How did you first get involved with earthquake reconstruction/the NRA?
- Could you please describe the current state of earthquake reconstruction in Nepal?
- Can you explain what “reconstruction” means in the context of the NRA?
- What are the goals of reconstruction?
  - What are some of the other goals of the NRA?
- How does the NRA try to facilitate reconstruction?
  - Can you please tell me about how the NRA helps families reconstruct their houses?
- What have been the NRA’s most significant accomplishments?
  - How did it accomplish this?
  - What were the greatest challenges and how were they overcome?
- What have been the NRA’s most significant shortcomings or failures?
  - What were the challenges that prevented the NRA from achieving its goals?
- Who is earthquake reconstruction important for?
- How does earthquake reconstruction impact the nation of Nepal as a whole?
  - How does the NRA specifically impact the nation of Nepal as a whole?
- In addition to physical reconstruction, does the NRA have any role in psychological recovery from the earthquake?
  - Can you please tell me more about this?
- What do you see as some of the key issues or debates around reconstruction in Nepal?
  - Are you aware of any social movements or advocacy related to the NRA or reconstruction in general?
    - Can you tell me a bit about that?
- I have heard that some groups have criticized the NRA. Can you tell me a bit about the content of the criticism?
- How much do you think the NRA has impacted people’s lives?
  - If yes: What changes have you noticed?
  - If no: Do you think the NRA is having any other impacts on people in Nepal?
- How is earthquake reconstruction and the NRA talked about in the news?
  - What do you think about this representation of reconstruction/the NRA?
- Is there anything else you would like to bring up about the NRA or reconstruction?
Appendix C – Information and Informed Consent Letter

Information and Informed Consent Letter

Introduction
You are invited to participate in a research project about reconciliation and reconstruction in Nepal. I, Courtney Balaz-Munn, am the Principal Investigator on this research, which I am conducting as part of a Master of Arts degree at the University of Toronto in Canada. The research explores how the National Reconstruction Authority and the Truth and Reconciliation Commission perform nation-building in Nepal, and how nation-building is understood in relation to reconstruction and reconciliation more generally. The research is also interested in how marginalized peoples are included or excluded from the nation through reconstruction and reconciliation.

You are being invited to participate because I understand that you have knowledge and experience of reconstruction and/or reconciliation work in Nepal. The interview will last approximately one hour, in which time I will ask questions related to reconciliation processes in Nepal, especially the Truth and Reconciliation Commission, and/or post-earthquake reconstruction processes in Nepal, especially the National Reconstruction Authority. Please feel free to comment on any related topics that are not covered by the interview questions.

Benefits & Risks
You will likely not benefit personally from participating in this research. The objective of this research is to contribute to scholarship on Nepal’s social and political transformation and to scholarship on post-conflict reconciliation and reconstruction processes in Nepal and other contexts. There is not a high risk to you for participating; possible risks include emotional/psychological discomfort in talking about traumatic events of war and natural disaster. Please feel free to skip any question or stop the interview. Other possible risks include potential embarrassment or loss of professional status if your interview responses somehow become known to your employer or other individuals. However, please be assured that your confidentiality and anonymity will be rigorously protected; please see below for details.

Consent
• Participation in this study is voluntary and there will be no negative consequences if you choose not to participate.
• It is likely that you will not get any direct benefit from participating.
• You may withdraw from the study at any time, with no negative consequences.
  o To withdraw, simply contact me by phone or email, or speak to me in person.
  o If you decide to withdraw after the interview has started, I will delete and destroy all copies of your interview responses.
  o However, if you decide to withdraw after the results have been published, it will not be possible to remove information from your responses from the published documents.
• Before the interview, I will ask your permission to record the interview. If you do not consent to have your responses recorded, I will take written notes only.
• During the interview, you may choose to not answer any question, or to stop recording at any time.
Confidentiality

- Only the research team will have access to the information you provide, and the information will only be used for this research project.
- Your identity will be kept confidential and your name will not be connected to your responses. You will be assigned a code number that will be included in the written record of your responses.
- The list of code numbers for each participant will be stored in an encrypted electronic document that will be destroyed at the end of the study.
- No names will be included in the published results; instead I will use generic descriptors.
- The written record of your interview responses will be retained after the end of the study. All recordings will be deleted.

Results & Use of Data

The results of this study will be published in my thesis, which will be publicly available online. Results may also be published in academic journals and presented at conferences. If you wish, a short summary of results will also be sent to you by email at the end of the project in 2019.

Contact Information

If you have any questions about the research or would like further information, please don’t hesitate to contact me at courtney.balazmunn@mail.utoronto.ca or +977 (0)xxxxxxxxxx. My supervisor, Professor Katharine Rankin, may be also contacted at k.rankin@utoronto.ca or +1 [xxx-xxx-xxxx]. If you have any questions about your rights as a participant in this research, you may contact the Office of Research Ethics at the University of Toronto at ethics.review@utoronto.ca or +1 416-946-3273.

Thank you very much for your time and for contributing to this research.

Sincerely,

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Consent to Participate

I confirm that:
- The research project has been explained to me and my questions about it have been answered;
- My participation in this study is voluntary and I understand that I may refuse to participate, withdraw my participation, or decline to answer any question with no negative consequences;
- I consent to be interviewed for this research project.

Consent to record interview: ___ yes ___ no

Name: ________________________________   Signature: _______________________________