A participatory approach to ethnographic research with victims of gross human rights violations: Studying families of the disappeared in post-conflict Nepal

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Abstract

Approaches to addressing needs arising from gross violations of human rights are largely constrained by a human rights model that prioritises the judicial over a more holistic attempt to understand and address all needs of victims. Only a comprehensive approach can allow social reconstruction and recovery from the impact of conflict.

This paper describes research into the needs of families of persons disappeared during the decade long Maoist “People’s War” in Nepal. The research aims to allow a deeper understanding of the effect of the conflict on communities, families and individuals through an empirical study of the impact of disappearance. The study attempts to show that through the use of a participatory approach to ethnographic methods an understanding can be developed that allows efforts to address violent pasts to be made that go beyond the currently favoured prescriptive approaches.

Since a majority of those disappeared were men, the typical research subject was an indigenous rural woman from a peasant background of little formal education, disempowered both within her family and community and in the broader society, and potentially traumatised. A solution to the significant ethical and practical issues that arose was found by taking a participatory approach to the research design and conceptualisation, through a relationship with associations of families of the disappeared. Giving victims agency over the research design and involving them beyond being merely generators of data gave them ownership of the entire research process. In addition to choosing and steering the research goals and methodologies, the community of victims was able to provide counselling and support to families around the research process.

This methodology represents an effort to go beyond the purely consultative to a research concept in which conflict victims participate in research planning and implementation in a way that both uses and strengthens their own organisations, providing a platform for a mobilisation of victims to advance their own agendas.

1. Introduction

Responses to gross violations of human rights have typically been motivated by a desire to either "build peace" following conflict or institute a legal response to crimes committed. In both cases, efforts to understand the needs of victims are traditionally minimal: international peace builders are concerned largely with re-establishing institutions, whilst the human rights and transitional justice discourses emerge from a legalist analysis and prioritise justice, restricting their interest to the minority of victims whose cases will be brought before some formal mechanism. Such prescriptive approaches, premised on Western models, are unlikely to succeed in dealing with the past or achieve successful social reconstruction in societies emerging from the experience of gross violations.

Approaches that emphasise institutions have been challenged by those who assert that recovery from conflict must be rooted in an understanding of how mass violations have impacted and transformed affected populations (e.g. Pouligny et al., 2007; Breen Smyth, 2007). In many post-conflict interventions both the individual and collective consequences of violations remain largely unexamined. To go beyond a prescriptive approach, studies are required that engage with those who have experienced violations, understanding the meaning that populations give to such events and the symbolic and social worlds people occupy:

> "It is not possible to respond to the different needs of the victims and survivors of mass crime if one does not understand the local forms and logic of social ties, their transformations and the manner in which local actors have tried to survive and understand mass violence: their cultural strategies of dealing with death, mourning and suffering." (Pouligny et al., 2007: 2-3).

To root a response to gross violations in the experience of those most affected demands an empirical and an ethnographic approach to reach a holistic understanding of the transformations wrought by conflict. Such an approach necessitates empirical work of a highly interdisciplinary nature and an understanding of the role of the so-called "primary" institutions of the family and community that hold the key to recovery from such extreme events.

One constraint on the emergence of such studies has been the lack of methodologies that permit such empirical research in societies emerging from extended periods of conflict, usually of a civil or ethnic nature. The human rights community interprets responses to gross violations through a legal lens, and so has developed methodologies for collecting victim and witness testimony (OHCHR, 2006), but has neglected ways of understanding the broader impact on and needs of affected communities and individual victims. Indeed, in post-conflict contexts the assertion of a rights-based agenda has often taken precedence over needs that victims may articulate that fall outside the typical remit of a human rights response. In the development context participatory approaches have been successful in not only learning about problems (and needs) from a grassroots viewpoint, but in developing solutions to address them. These approaches do not however translate well into work with conflict victims.

Here, a methodology is presented that allows a comprehensive approach to needs and through them an understanding of the global impact of conflict on a population or particular subset of a population. Here, that subset is a group of victims of a particular violation, disappearance, but it could equally be used with any other group. This methodology allows the researcher to work with victims to understand their needs holistically, whether or not those needs are a direct consequence of their

victimhood. This methodology also allows for an understanding of issues arising in families and communities that can have a huge impact on victims, but fall beyond the remit of a transitional justice approach.

Above all we aim to allow the voices of victims to contribute to the debate about dealing with the past in post-conflict contexts, and this drives the research methodology. The research is necessarily consultative, but aims more than this to be *participatory*: to allow victims to play a role in the research beyond acting only as research subjects. Whilst the methodology presented here certainly does not replace the mobilisation of victims to represent themselves, it does allow for a process that engages victims and their organisations in a way that not only allows their voices to be heard and identifies local resources, but gives those organisations a concrete advocacy tool to increase their effectiveness. Here we will describe the application of this methodology with a set of victims of one of the most serious violations of human rights, that of disappearance. The context described here is that of Nepal, but the approach used could be applied in any post-conflict context, with particular relevance for those in developing societies, where widespread poverty and traditional, unequal social relations sharpen many of the issues victims face.

2. Existing approaches to research with victims of conflict

Research with conflict victims occurs across a range of disciplines, and these are reviewed here, with an emphasis on the role of participatory approaches.

Development and post-conflict reconstruction

In development, both in research and practice, participatory approaches have become increasingly orthodox. They aim not only to understand development issues from the viewpoint of those most affected but also to develop responses from within affected communities.

> […] participatory research focuses on a process of sequential reflection and action, carried out with and by local people rather than on them. Local knowledge and perspectives are not only acknowledged but form the basis for research and planning. (Cornwall and Jewkes, 1995: 1667)

Participatory research aims to shift the locus of power from the researcher towards the researched. Whilst participatory research can be merely consultative, in its deeper form it involves the researcher and the researched working together in a process of mutual learning. Such developmental approaches aim to confront inequalities by acknowledging that all concerned should contribute to the learning process: in this case the researcher becomes a facilitator or catalyst. One of the most widely used collaborative participatory techniques is Participatory Rural Appraisal (PRA): "..a growing family of approaches and methods to enable local people to share, enhance and analyze their knowledge of life and conditions, to plan and to act." (Chambers, 1994: 953) Whilst standard qualitative techniques such as focus group discussions are used, there is often an emphasis on visualisation processes, such as mapping. PRA emphasises communities, and is typically used to address problems on a community, rather than individual, level, with an emphasis on the rural poverty that characterises many development contexts. More recently, participation has been framed as part of "rights-based approaches", where participation itself is seen as a right, and participatory process as restoring agency to the traditionally disempowered (e.g. DFID, 2002; Cornwall, 2002). Such thinking, about rights rather than needs, demands that one consider who is included and excluded from such participatory processes and can challenge traditional hierarchies within communities to tackle social exclusion. These participatory processes

however tend to confine the role of the research subjects to the generation of data, following the research design with which they are presented: the extent of the agency of the research subjects in the research project is highly constrained. Action research approaches can address this issue, by allowing the researcher to be a facilitator, rather than a director of the research, but in communities with less capacity or organisational limitations this is often not possible.

In post-conflict contexts, there are many barriers to effective research: potential research subjects are traumatised, physical access can be compromised, and sampling strategies more complicated. Fear and suspicion make the gaining of the trust of respondents potentially problematic. Divided societies complicate "emotional access", that is "...the ability of the researcher to gain social acceptance within the community and gain access to the rich data that the respondents themselves hold." (Bowd, 2008). One way to address these challenges is through a "composite approach" (Barakat et al., 2006): using a combination of methods including the ethnographic, PRA, observation and surveys to overcome the constraints of research in a conflict or post-conflict environment. However, using participatory methods such as PRA in a highly divided society is problematic: "community" can often be held together by the weakest of ties and subject to the divisions of the conflict, and social structures damaged by the conflict. Where explicit research with conflict victims is being done, the community, although also conflict affected, may not be the appropriate unit of analysis, and hence new participatory techniques have to be found.

Human rights and transitional justice

The legalist origins of the human rights discourse leads human rights practice in conflict and post-conflict environments to place an emphasis on the collection of testimony and the investigation of the facts of violations. Human rights fieldwork emphasises the monitoring of situations in which human rights have been or may be violated, in particular the investigation of violations with the aim of reporting for intervention and advocacy to prevent violations and seek redress where they have occurred. The frame for such investigations is principally legal, and emphasises outcome over the process of engagement with victims. In Nepal, as in other conflict contexts, a number of international and national agencies have made detailed investigations into violations committed by both sides during the conflict (e.g. OHCHR Nepal, 2006a; OHCHR Nepal, 2006b). As an example, a recent report on violations committed during the conflict in Nepal (Advocacy Forum & Human Rights Watch, 2008) refers at no point to needs: in the report's 116 pages, the needs of victim families are not mentioned. The analysis is perpetrator and violation centred, rather than victim centred.

In contrast to the development context, participatory methods are problematic in an environment where rights are being violated, since this can create security risks for those victims seen to speak out. As such human rights work in conflict has largely remained something that is done by specialists with and for victims. In contexts where security issues are less salient, a strategy of *mobilisation* is often employed where victims themselves organise, or are organised, for advocacy. This mobilisation however is invariably around a human rights agenda that emphasises a judicial approach to violations.

Significant empirical work has been done with populations affected by conflict and violations, including the exploration of relevant methodologies, from a transitional justice viewpoint. Pham and Vinck have proposed an "evidence based transitional justice" (2007: 231). They have developed what aims to be a comprehensive approach to empirical research with populations emerging from conflict, with the

express intention of impacting the development and assessment of transitional justice mechanisms, derived from the significant practical experience of the Human Rights Centre at the University of California, Berkeley. Pham and Vinck have identified participation of the community being researched as essential. In the field of transitional justice, a need for participatory approaches has been identified, both in order to challenge the international tendency towards an "off the shelf" approach to post-conflict societies and to ensure that voices from the grassroots are heard in the development of process to respond to violent pasts. This has been articulated as "transitional justice from the bottom up" (McEvoy and McGregor, 2008) and a need to "…explore ways in which those same institutions of transitional justice can broaden *ownership* and encourage the *participation* of those who have been most directly affected by the conflict". (McEvoy and McGregor, 2008: 5, emphasis in original) Pham and Vinck conclude however that: "At a basic level, participation can be achieved through consultation." (Pham and Vinck, 2007: 232) This reduces participation to the population becoming subjects of research, with no agency concerning the research agenda.

A truly participatory approach has been taken by the Associations of Families of the Disappeared that have been formed by and for victims in Nepal. Whilst the leadership of the family associations understand the language of rights, they also understand the needs of victims and have been critical of the human rights agenda:

> I disagree with them in only raising the issues of making public the whereabouts [of the disappeared] and punishment of the guilty. I think that along with these, the livelihood of the families of the disappeared should be guaranteed. (Leader of Association of Families of the Missing, Mid-western Nepal)

In the language of rights, the associations would say that the human rights perspective emphasises civil and political rights at the expense of social and economic rights. This highlights the contrast between the typical transitional justice methodology and the participatory approach taken here. The frame for most studies that have emerged from the transitional justice discourse is set by a vision of transitional justice as a predominantly legal enterprise, where justice and accountability are the principle interests of the research, rather than broader recovery. Such studies aim to understand how a society can address the crimes of the past, rather than asking victims what their needs are of a transitional process. Recovery from conflict and social reconstruction is only possible if the transformative impact of conflict on those most affected can be understood: this demands a far broader approach than that which emerges from the human rights and transitional justice discourse. Here, in contrast, we aim to avoid imposing any external agenda on the research, but to let those most affected by conflict and violations define their own needs as individuals and as communities. This can also be thought of as taking a "thicker" definition of transitional justice than the narrow legalistic one. (McEvoy, 2007)

3. Nepal's conflict and the disappeared

Nepal's Maoist insurgency was driven by a legacy of centuries of feudalism in a Hindu kingdom built on a codified framework of social and economic exclusion that marginalised indigenous people, lower castes and women. The vast majority of the nation's 25 million people live in rural areas, working in agriculture and living lives of desperate poverty. Within families and communities traditional culture relegates women to a subservient role, and women have been largely absent from decision making at all levels.

In 1996 a small party from among Nepal's fractious Marxist left, the Communist Party of Nepal (Maoist) [CPN-M], declared a "People's War" against the newly democratic regime. The insurgency grew rapidly from its initial base in the hills of the impoverished Mid-west with the Maoists conducting military operations throughout the country. They propounded a politics that explicitly encompassed an end to exclusion on the basis of ethnicity, caste and gender and as a result a significant fraction of their cadres were drawn from these marginalised groups (Hangen, 2007). Whilst disappearances had occurred from the start of the conflict, and even before it, the introduction of the Royal Nepal Army into the conflict in 2001 dramatically increased human rights violations of all kinds. (INSEC, 2007) Between 2000 and 2003 Nepal was responsible for a greater number of cases of disappearance reported to the UN's Working Group on Enforced Disappearances than any other state (Human Rights Watch, 2003). Whilst disappearances[1] were also perpetrated by the Maoists, the vast majority were the responsibility of the forces of the state. Because of the ethnic profile of the insurgent forces, many of those disappeared belonged to indigenous minorities.

The conflict came to a dramatic end in April 2006, with a second "People's Movement" uniting the Maoists and the constitutional parties against a king who had again seized absolute power. As part of an ongoing peace process the monarchy has been abolished and following elections to a constituent assembly the Maoists are now the largest party in the legislature, and their leader Prime Minister. The conflict has left a legacy of some 15,000 dead (INSEC, 2007), and more than 1,200 unaccounted for (ICRC, 2008). Many of the agreements that formalised the peace process, including the Comprehensive Peace Accord and the interim constitution committed both parties to the conflict to address the issue of disappearances in the short term. This included commitments to establish a Commission of Inquiry into Disappearances and a Truth and Reconciliation Commission. However, neither body has yet been established.

The disappeared are victims but so too are their families for whom the suffering of war continues. Whilst a minority of the disappeared are educated and urban (a significant number of students are among those missing) most come from rural peasant backgrounds. As a result, most families of the disappeared are illiterate and poor. The disappeared are predominantly younger males with the result that families have been deprived of breadwinners and women of husbands, often with young children to support, further reducing economic security. Within communities, families of the disappeared are often stigmatised due to their association with the Maoists, and wives of the disappeared excluded due to their failure to behave according to their perceived status as widows. Families of those disappeared by the Maoists are very often displaced from their homes due to fear of the Maoists, and their problems compounded by a lack of access to land, property and community. Within families, the loss of a husband often reduces a woman's status, increasing vulnerability.

Families close to the CPN-M first established an association of families of the disappeared in Kathmandu during the conflict. This group, known as Sofad (Society for the families of those disappeared by the state) brought together families to campaign for the state to inform them of the whereabouts of relatives and to release

[1] According to the definitions of international human rights law only forces linked to a state can perpetrate disappearance (UN Convention on Enforced Disappearance, 2004), whilst arrest and resulting disappearance by a non-state actor, such as the CPN-M, is referred to as abduction. Here, disappearance will be assumed to refer to cases perpetrated by both parties to the conflict in Nepal.

them. Sofad also acted as a channel for economic support from the CPN-M to victim families. Soon after the end of the conflict family associations were established in other parts of the country, organised at the district level, often independent of any political party and trying to represent all victims, of both sides. Whilst all emphasise a campaigning agenda one of their most important roles has been to bring families with similar experiences together. In this way the family associations offered emotional and psychological support services to families of the disappeared.

4. The research concept

The role of the researcher

The researcher has worked with victims, and in particular with families of the disappeared, in several contexts. The research agenda articulated here emerged from years of direct contact with victims, and a desire to see victims contribute to the transitional agenda. In many transitional contexts there is a disconnect between the agenda of victims and that articulated by those working on their behalf. Whilst the victims' agenda includes demands for justice it also embraces needs around livelihood issues and social problems caused by victimisation, which are rooted in the cultural context.

In Nepal, the researcher worked during and after the conflict with families of the disappeared, and played a key role in catalysing one of the earliest Associations of Families of the Disappeared. Since the end of the conflict victims, often from marginalised ethnic communities in rural areas, have become increasingly frustrated both at their inability to influence the transitional agenda and at being represented by elites from the capital remote from their own lives. This research aims to exploit the mutuality of the research agenda and the desire of victims for dissemination of their needs. This co-dependence allows a deep understanding of both the problems victims face, and their resources and strengths.

Participatory research design

The research agenda is driven by the concept that victims know their needs better than anyone and how they should be articulated. As such, the research design and conceptualisation process was executed in a participatory way with the family associations. The associations, together with individual families who are their members, determined the goals of the research process and the methodology. This was done over a period of about two months through a process of continuous interaction with two family associations, one in the capital and one in the rural Mid-west. The association leadership led the process but involved ordinary members of the association, both in their offices and through trips to field made by the researcher with association leaders. The researcher provided expertise and facilitated decision making through the presentation of options and discussion of possibilities. This was essentially an emancipatory approach to participation, with the research driven by the researched.

The output of this process was that the research would be rooted in an advocacy effort, would be ethnographic, and that the family would be the unit of analysis. Families wanted their needs to be communicated and advocacy can attempt address this; the advocacy approach allows the addressing of many of the ethical challenges by ensuring that families are supportive of the research and can potentially benefit from it. The final research report, produced together with the associations, allowed the dissemination of the results as a tool of advocacy. The family associations benefited from the expertise of the researcher whilst gaining a degree of ownership over the research results. The research must be ethnographic: the issues being investigated are subtle and sensitive and only an ethnographic approach can offer

the cultural insights needed to understand the lives of victims and the impact their victimhood has had on them. The family is the unit of analysis: the nature of disappearance is such that it impacts families, rather than communities or individuals alone. In the Nepali context the family is the principle unit of social organisation and is the most natural way to approach the issue. The range of victim families reflected the huge variety of Nepal's population, ethnically, by caste, geography and economic status. It was decided that whilst a qualitative methodology would be used, efforts would be made to ensure that the sampling would be such as to represent all victims to validate the advocacy component and as such, the sampling technique used was more typical of a quantitative approach.

The study emphasised the *goals* of transition, rather than the specific *mechanisms*. This was motivated largely by the lack of knowledge of potential mechanisms (such as trials, Truth Commissions etc.) by victims, as well as the lack of any concrete proposal from the authorities that could be put to families. It also coincided with the philosophy of the study that individual families would determine their own priorities in terms of needs. It was however possible to test attitudes to particular approaches, such as compensation, prosecutions and amnesty.

The associations participate in the research as a community of victims and following finalisation of the research design were partners in its implementation with the associations, their leadership and members acting as gatekeepers and mediators with families. They briefed family members on the nature of the research and assisted in the building of trust between the researcher and the researched. Ethically, this engagement with family associations helped to address many issues (see Section 7) and facilitated access to families, through the construction of an ethical relationship with research subjects.

Sampling

Different perceived needs exist in rural and urban, rich and poor families, and between families with significant contact with human rights agencies and those without. As such a sampling procedure was developed to reduce biases from preferential selection of certain types of victim. To achieve an unbiased sampling it was clear that families must be visited, rather than allowing some self-selection by research subjects through an invitation to a meeting.

The sampling frame used for the study is the list of 1227 persons missing[2] as a result of the conflict drawn up by an international agency, the International Committee of the Red Cross (ICRC), and published immediately prior to the start of data collection (ICRC, 2008). This list has been ordered by the address of the enquirer, i.e. the family member who has approached ICRC to inform about the missing person.

A selection of 10 districts from among Nepal's 75 was made that permitted the worst affected districts to be included, whilst also ensuring that a spread by region, geography (plains, hills, mountains), ethnicity and perpetrator (state, Maoist) was achieved. These 10 districts account for 43% of those missing in Nepal. Four of five regions are represented[3]. The ethnic mix represented by this selection also reproduces well that of the sample as a whole while the ratio of state to Maoist

[2] The International Committee of the Red Cross (ICRC) use of the term "missing" aims to include those disappeared by both parties to the conflict, as well as all others whose fate is unknown as a result of the conflict. In practice almost all of the missing in Nepal are those arrested by the parties to the conflict.

[3] The Far-west region is excluded: there are relatively few disappeared in the region, and their profile mirrors that in the Mid-western region.

perpetrated cases is relatively constant throughout affected districts. Within these districts a random selection was made, using a random number generator to choose entries in the district wise lists. These families were then visited and interviewed.

The concerned family associations selected focus group participants, independent of those interviewed in a family group. Whilst this does not yield a representative sample, it does allow peer groups to be constructed. These included: victims of the CPN-M or victims of the state from a particular district, wives of the disappeared from a particular ethnic group, etc.

The total number of families met for interview was 87, constituting 7.1% of all victim families listed, with a further 6.0% (74 individuals) met in focus group discussions.

5. Research methods

The research methods used in this investigation were chosen to optimise the utility of the data collected, and in particular to mix methods to increase the possibility of effective triangulation, given the various challenges to reliability and validity that may be present. As a result a range of different methods were used. These comprise:

- Semi-structured interviews
- Focus groups discussions
- Participant observation

Semi-structured interviews

Interviews provide the opportunity for subjects to present information on their own terms: an interview combines structure with flexibility. For a study such as this one it is an ideal technique to allow families of the disappeared to tell their own stories and articulate their own needs. The interview is semi-structured, following a format prepared with family associations. The “script” for this interview was used as a guideline: the course of questioning was determined by the responses of the interviewee, and this used as a framework upon which a discussion with the families was hung, with the family determining the issues of greatest interest to them. A typical interview lasted around 90 minutes. The interview began with a general discussion of the circumstances of the family, the role of the disappeared person within it, and the nature of the disappearance. Families were then asked an open question: “What action you like to see taken in response to the disappearance?” This allowed families to identify what they saw as their priorities, whether that be an answer concerning the fate, economic support, prosecution or something else. More detailed questioning concerning the various potential needs of families then followed this.

Traditional hierarchies would often mean that a certain member of the family (typically the father or the eldest son) would be presented as the principal interviewee. Usually the entire family would be met as a group, with the result that all members of the family would have an opportunity to contribute to the discussion, much as in a focus group. This can be positive, not only for the support it offers during what might be an upsetting discussion, but also because it gives an insight into family dynamics: within a “family focus group” these dynamics can be explicitly probed. Since wives, particularly younger ones, were most likely to be impacted by social stigma where possible they were spoken to in private or with other wives of the disappeared, so as to best understand the social and family pressures to which they may be subject.

Focus group discussions

A focus group is essentially a group interview, with each participant given the chance to express himself or herself, but with the additional dynamic of inter-group

discussion. The questions used to initiate discussion were very open, inviting participants to choose, and then discuss, the greatest problems they were facing as a result of the disappearance of their relative, with the ensuing discussion permitting detailed attitudes to emerge. For individuals who may feel vulnerable a focus group can create an environment that is more secure for the expression of feelings, particularly where all members feel some solidarity. The most striking success of this technique was when wives of the disappeared were invited to discuss their problems, and chose issues in the family and community that have not previously been widely articulated by conflict victims in Nepal, and that were not heard in mixed or family groups. The different peer groups for which focus group discussions were held included wives of the disappeared from the Tharu ethnic group, family members from a single village where many disappeared, family members of a single incident of disappearance by the state, families from indigenous ethnicities as well as groups defined by the perpetrator of the disappearance (state, Maoists).

Participant observation

The traditional ethnographic method of participant observation was also used throughout the contact the researcher had with families of the disappeared. Given that the researcher met more than 160 families over a period of 6 months, as well as leaders of family associations repeatedly, there was an opportunity to collect a large volume of data. In particular, participant observation was an additional tool for triangulation, since it allowed the possibility to confirm or refute the verbal data gathered in interviews and focus groups discussions. During interviews, focus groups and throughout field visits field notes were taken of observations of participants and their environment that formed part of the data analysed.

6. Implementation

Following the 2-month participatory research design phase, data collection took place over a 4-month period. The vast majority of families were visited in their homes, and some (in Kathmandu) at their work places. The logistical challenges were considerable: in some areas families could only be reached by walking for days, or by travelling by motorbike or bicycle.

The researcher led all interviews and focus groups. A research assistant, whose role was to interpret both linguistically and culturally, accompanied the researcher in almost all interviews. Interviews were conducted in Nepali, Tharu and Maithili[4] languages, and so assistants were drawn from the appropriate communities, women used where possible. All focus groups contained or were accompanied by a member of the family association that had assisted in its organisation, and a minority of interviews with families also included a family association representative.

The aim of the research, and in particular its advocacy goal, was explained to families, with the assistance of the family association members, and their consent sought for participation in and recording of the interview and focus groups, subject to the maintenance of the confidentiality of the participants. Consent to record was refused on two occasions, where notes were taken by hand. No family member declined to be interviewed. The recording of the interview or focus group discussion was then translated into English from the original language by a research assistant and transcribed for analysis. The texts emerging from the translation and transcription process were analysed together with the researcher's field notes of all interviews and focus groups, by the researcher himself. These texts were iteratively

[4] Tharu is the language of the indigenous Tharu people who constitute the largest single indigenous group in the plains of Nepal; Maithili is one of the languages of the Madeshi community of the plains, people considered to be of recent Indian origin.

coded for analysis by both frequency of topic data and for selection of relevant text segments.

7. Response of subjects to the research and ethical issues

The response of families to the research was largely positive. A large number reported that the interview had allowed them to raise issues that troubled them, in an appropriate environment. One thread that ran through comments was gratitude that an outsider was taking an interest in their issues, and that this was the first time anyone had consulted them on their opinion of their needs and the action they sought. A minority reported that many representatives of human rights agencies had asked them to detail the circumstances of the disappearance, with no apparent result, which was seen to be highly frustrating.

> "We have met many researchers who claim that they would advocate in favour of us. […] Now we are with you in course of the interaction. In other words we are really tired of participating in this type of interactions." (Focus Group Participant, Gorkha.)

The advocacy approach was readily understood by almost all interviewees, who saw the researcher as a conduit for the transmission of their needs and problems to the authorities, exactly the aim of the publishing of the results: "Through you our voice reaches the Government and the work starts as soon as possible" (Wife of man disappeared from Kathmandu.) The fact that the researcher offered a route (through the published research results) to authorities, who are perceived to be able to address their needs was seen as empowering by victims owing to the remoteness and inaccessibility of the Kathmandu Government to many. The importance to victims of the family associations was also underlined by their expression of the value they saw in them:

> When they first joined the family association they used to weep all day. But they understood that it was not only their problem but that of the many who have come to join this organisation. […] Now they don't worry about only their own case but for the collective. They concern themselves with all the missing and share their sorrows. Now they don't feel weak. (Brother of disappeared man, Kathmandu)

This reaction vindicates the decision to work with and through the family associations and this engagement addresses many potential ethical issues. Despite populations in regions affected by conflict having increasingly been the subject of social science research there exits a perception that ethical considerations of such research remain under explored (Jacobsen and Landau, 2002). A suggestion has been made that research into others' suffering can only be justified if alleviating that suffering is an explicit objective (Turton, 1996). This study has the production of an advocacy tool as an explicit aim, and thus *does* aim to positively impact the subjects of the research, albeit indirectly.

The data collection of this research involved interviews and group discussions with members of families of the disappeared. In most cases the individuals and families concerned were poor, of low formal educational attainment, often women and very often from socially marginalised ethnic or caste groups. They are also people who have survived the traumatising effect of conflict, live in an environment that may still be highly divided and are being questioned about the issue of a disappeared relative that is potentially traumatising. Such research subjects are highly vulnerable in many ways, and there are significant ethical issues to be addressed. The ethical approach is driven by the principle of *non-maleficence* (Beauchamp and Childress, 2008), an

obligation to avoid exposing others to harm, but beyond this aims to achieve reciprocity with participants that promotes agency and builds capacity, through an ethical relationship with the researcher.

Security and access

Security issues arise largely from an ignorance of local circumstances and thus could be understood through the family associations who were aware not only of local conditions, but knew the individual families concerned. Since most families were victims of the state, and the state remained largely absent in rural areas, there were few such issues. When dealing with victims of the Maoists however there remained potential security issues, and in some cases families were met away from their homes for their security:

> "I wish to leave this house and go elsewhere otherwise my son may be killed. […] We are now living in the village in our family house with our enemies living around our residence. […] The perpetrators are still threatening us, saying they will kidnap and kill us." (Terai woman whose husband and father-in-law were abducted and reportedly killed by local Maoists.)

Access to victims is not just a matter of physical access, but also "emotional access", to ensure that research subjects feel able to talk. The volume and quality of data collected was a direct result of the victims talking freely and openly about their experiences and problems. This was most in evidence when the environment of the discussion lent itself to frankness. For example women would only mention problems within their families and issues such as remarriage when absent from them, for example:

> The relationship with my relatives and in-laws has been ruined. They see me as someone else's daughter, so I am an outsider and relations continue to get worse. They see the other sons [of the family] bringing money home and they see my children and me as just a financial drain: money is important to them. […] Sometimes I feel like leaving the house, but because of the love I have for my children, I cannot go. (Wife of disappeared man, Dhading.)

A true understanding of the ambiguity families feel about the fate of the disappeared could be seen best when wives and mothers refused to admit they were dead, despite male relatives believing they were. Indeed, discussions between family members were often the most revealing. An interview with the young wife of a missing man, in the presence of her father-in-law, had been unsuccessful; she was reluctant to say anything. Later, during a focus group, a loud argument erupted between them in which they discussed which of them would benefit from compensation since she had left the family home. Accessing such personal discussions demonstrates the trust with which the researcher was received; the participation of the family associations was essential in this.

Consent and power relations

Social science research demands that subjects understand the terms in which they participate in research and that they give informed consent to those terms. However, in conflictual contexts in developing states, relationships between the researcher and the researched are likely to be asymmetric. To find what have been called "routes to accountability" (Petesch et al., 2004), the consideration of ethics thus has to go beyond the terrain of confidentiality, consent, and risk/benefit considerations: in these cases, ethics is as much about being attentive to a collective morality that resonates in the context as to do with respect for the individual rights of the subject. As such, the best approach is one that prioritises an understanding of the context and its local

mores, and one which attempts to be as participatory as possible, in the sense that local people, and the peers of those being researched wherever possible, provide the logic for the form of contact with subjects. In this research the main tool to promote this is the participation of the associations of families of the disappeared. Those leading family associations share culture and status, in almost all its forms (economic, ethnic, caste, social) with their members, but are often somewhat better educated. They are thus able to both understand the nature of the research and the demands made on the researched in a way that places them well to explain it to other families. The long-term relationship between the researcher and the family associations amounted to a prolonged process of negotiation of the obligations of the researcher, in analogy to the concept of "iterative consent" (Mackenize et al., 2007).

Through the adoption of an advocacy approach, families could readily appreciate that the research could potentially offer them indirect benefit. Giving research subjects a stake in the research and its results, with a goal that could be understood by all, thus provided a route to accountability, in which the researcher is seen as a conduit for victim needs:

> Thank you very much for coming here and understanding our feelings. We just request you to give them [the authorities] pressure from our side. (Mother of disappeared man from Bardiya.)

Social science research has traditionally adopted a very Northern 'primacy of the individual' approach and considered the individual as the most appropriate unit of study. This focus has practical implications for researchers when seeking informed consent from individuals located in highly deferential communities (Nuffield Council, 2002: 43). In this study these problems are reduced by the fact that the *family* is the unit of study, itself a more natural approach in a Nepali context. Whilst many families deferred to the researcher, families appeared content to see the researcher working *for* them from his perceived position of authority. There was however a significant number of families, notably those involved in the associations, where the researcher's long-term engagement with the research allowed a much more equitable relationship to develop, and where there was a perception that the researcher and families were working *together* towards a common goal. In turn, these families served as mediators with other families. It remains a concern that the researcher's academic agenda, beyond the advocacy aim, was well understood by only a minority of families met: whilst families participated willingly in an advocacy effort, they were mostly unable to understand the academic agenda, despite efforts to explain it.

The concrete issues to be understood and consented to by all subjects included confidentiality and the anonymous transmission of statements. Once the general aims of the research were understood, the nature of recording and anonymous transmission was explained to the families at the time of the interview or focus group. This was justified by the need to "take the words of the families to the authorities", an accurate shorthand for the process of transcription and reporting, and was mostly well understood. Consent was then the result of a discussion within the family and involving the researcher. One potential problem with the family making the decision is the resulting dependence on traditional power relations within it: women for example will generally have less input to such decisions. Some families expressed concern that the recording was being made for radio broadcast, and had to be reassured this was not the case.

Psychological issues

Interviewing those who have lived through conflict about their experiences is necessarily highly invasive. This is particularly true where, as in this study, the psychological impact of events is under explicit investigation. Whilst there is a literature on working with traumatised victims of conflict from a therapeutic viewpoint, there is little written on how researchers without an agenda to intervene therapeutically should proceed.

Some researchers "believe that with skilful and sensitive interviewing, subjects actually benefit from talking openly about their experiences" (Bell, 2001: 185), and there is some quantitative data to support this (Newman and Kaloupek, 2004), largely regarding the emergence of new insights as a result of subjects' participation. Negative effects of trauma victims participating in research have also been found: there is a danger that having reopened the trauma, the researcher can cause emotional distress and then leave the subject in an environment that is unsympathetic (Bell, 2001; Newman and Kaloupek, 2004):

> "This second injury occurs when the victim perceives rejection or a lack of anticipated support from his/her family or society which leads to the sense of helplessness. Another component of second traumatisation is the failure to allow the telling of the story, the giving of testimony, which leads to the failure to recognise one's own strengths and restore a sense of control over one's own life." (Ilic, 2004:380)

However, most literature emphasizes the retraumatisation potential of *public* truth telling (e.g. Broneus, 2008; Ilic, 2004), particularly in judicial settings, a very different experience from this research. Retraumatisation is most likely to occur in those persons showing symptoms of post-traumatic stress disorder (PTSD) (Kammerer and Mazelis, 2006). It is important to understand however that having a disappeared relative is not a pathology (Boss, 2004), and that the vast majority of families live with no clinical symptoms of PTSD, which may anyway not be a relevant approach outside a Northern culture (Bracken et al., 1995).

Smyth (2001) draws attention to the timing of interventions with the traumatised: meeting subjects too soon after traumatic experience may report early shock and denial, in contrast to the true impact of trauma. In this study the most recent violations have occurred at least 2 years previously, and the majority significantly before this. Bell (2001) suggests that interviews should be made in the company of peers and that efforts should be made to provide support for subjects following interviews. In the context of this research however essentially no professional therapeutic service is available and peer support must be relied on. Efforts were therefore made to create the most supportive environment possible for those telling their stories. Wherever possible interviews were made either in a family context or in a group of peers. Those individuals and families being interviewed were met only after confirming with the family association that they were not considered to be psychologically vulnerable. The research protocols followed allowed the study to be implemented on the understanding that there was "minimal risk"[5] to those participating.

[5] Minimal risk is defined as the probability that harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations and tests (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1978).

Many subjects became distressed during interviews, at which point the family was asked if they wanted to terminate the interview, but this offer was never accepted. On occasions when a wife or mother became distressed, a son or other family member took the role as the principle discussant, another advantage of the family based approach. The environment of discussion within a family or peer group appeared to be extremely supportive, and sustainable beyond the presence of the researcher. No interviewee was met where the upset caused by the interview lasted beyond the end of the interview, and no reports were received from the family associations of family members suffering any ill effects of interviews following the departure of the researcher. In the case of three families, it was reported that family members had experienced extreme and disabling mental illness as a result of the disappearance. In all these cases the families themselves suggested that it was not appropriate to meet these individuals, suggesting that families had a good idea of which individuals could be negatively impacted by such discussion.

A handful of subjects made negative statements about the impact of the research:

> We had almost forgotten our pain; you came and reminded us of these things. The wound was healing and you scratched it again. We who have lost our husbands and our sons have been gradually forgetting the pain in our hearts, now you called us to gather and share these things. Why did you do this? We firmly believe that what has happened has happened and cannot be undone. (Focus group participant from Rolpa)

This prompted a discussion within the focus group about the nature of remembering the disappeared and the incidents that led to disappearance. Other members of the same group disagreed, saying that they did not seek to forget, and could not forget: “I have lost my son, how can I forget him.”, “This thing cannot be completely forgotten.” This goes to the heart of the nature of healing following such trauma, and the experience of the research very much confirmed the literature that suggests the most healing approach is indeed that of remembrance within a supportive environment. None of these statements challenged the “minimal risk” hypothesis. At the end of the interview or focus group all subjects were asked if they had any questions or comments on what had been said. This opportunity was not used by any subject (even those who had made negative comments) to mention a problem experienced during the research process.

Some of the symptoms described by respondents coincide with those of PTSD, including anxiety, nightmares, obsession and sleeping problems. However another symptom of PTSD is difficulty in the verbalisation of a traumatic experience, which was almost never seen in this study. Indeed, perhaps the greatest evidence in favour of interpreting the research experience as minimal risk for the vast majority of families was the enthusiasm with which interviewees talked: in almost every case there was an apparent determination to “tell the story” of the disappearance and its impact. Whilst it is probable that some respondents had been impacted by the trauma of disappearance, and it cannot be claimed that no respondent was suffering from PTSD, there was no evidence of any harm being sustained by any interviewee, beyond the perhaps natural upset of discussing the disappearance. As such, the modalities of the research were at worst neutral and in some cases beneficial to victims in psychological and emotional terms. Hamber points out that “The psychologically healing process of testifying or telling one’s story is not dependent upon the content of the story (as lawyers tend to assert) but rather on the environment and the process of the actual re-telling.” (Hamber, 1996) The modalities

of the research resemble to such an extent the approaches to dealing with and addressing such trauma, in particular disempowerment and disconnection[6], that it can be said that the assumption of minimal risk is confirmed. This is further confirmed by the enthusiasm of respondents to talk, no adverse affects observed during interviews, and none being raised by the family associations in the weeks and months following the interviews.

8. Limitations of the methodology

The most obvious source of bias in this study is the possibility that families perceive the researcher as someone who can deliver assistance to them: such a perception will lead to the potential for exaggeration of the impact of disappearance on the family. The greatest protection against this is the presence of the family association who are both aware of the nature of the research and of the true condition of the family. In practice very few people claimed extreme economic issues (i.e. a lack of food), and in those cases that did this could be explicitly checked with both the local community and the family association.

More general issues emerge concerning the generalisability of this approach. It demands that the group being researched has an organisation or organisations that do truly represent it, and forces the researcher to hand a significant control of the research to those organisations. Where there is insufficient mutuality between the research agenda and that of the organisation, the research becomes impossible. If partner organisations are led by those with an agenda that diverges from that of its members then the research will be biased, and could potentially damage research subjects.

Unreasonable expectations can be raised by the research but the long-term engagement with family associations and the resulting negotiation of responsibility is an effective tool in addressing this, as seen from the very appropriate understanding most families met for this study had.

This methodology demands a significant investment of time by the researcher: the research described here took some 6 months, including 2 months for the participatory research design phase. Thus, this methodology is not appropriate for short term investigations or rapid assessments.

9. Conclusions and reflections

This paper has argued that the participatory research philosophy that has become routine in development work must be used in transitional contexts to fully understand the needs of populations emerging from conflict and so ensure that interventions and transitional processes are tailored to meet them. The participation of victims in particular in such recovery processes can best be ensured by both mobilising those concerned to advocate for their own needs and ensuring that research engages with them. In many contexts victims come largely from those marginalised both within the state and within their own communities, and include the indigenous, the poor and women. With such populations traditional research presents significant issues of access and ethics.

Here a participatory engagement with victims' associations has been presented that takes on board the participatory development approach and refigures it for a

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[6] Herman (1992: 135), writes that "[t]he core experiences of . . . trauma are disempowerment and disconnection from others."

enhanced degree of participation. By ensuring that victims' groups are engaged in the research design as well as the implementation, a higher level of participation is ensured. This participatory engagement with family associations permitted a level of access and acceptance by the research subjects that would not have otherwise permitted the ethnographic approach that was sought. More than this it has served to build capacity within the victims' organisations. This engagement was predicated on the victims' own agenda and resulted in an advocacy approach that concretised the mutuality of interests of the researcher and the researched. By addressing the very problematic issues of access and trust in post-conflict environments, this methodology lends itself particularly to transitional justice research.

The methodology has resulted in insights into research approaches that can only emerge when the researched play a role in directing the research process. Here, the fact that it is the family as a unit that is impacted by disappearance, particularly in traditional cultures such as those of Nepal, determined the family as the unit of analysis in the study. This has further aided the addressing of some of the ethical dilemmas of studies with potentially vulnerable victims. Issues of consent and potential retraumatisation are lessened by making interviews in either a family group or in small peer groups, where support is available to those telling their stories and will continue to be available in the family or community once the interview is complete. Ensuring that the form and aims of the study are understood and that informed consent can be given was made easier both through the advocacy aim of the study and by the presence of well informed family association members who could mediate between the researcher and research subjects.

The complexity, sensitivity and cultural dependence of many of the needs expressed by families in this study confirms that an ethnographic and even anthropological approach is most likely to allow insights to emerge that can lead to a holistic understanding of such needs, and how to address them. This study demonstrates the disservice that is done to victims by those who attempt to speak on their behalf, by generalising or summarising needs and by making presumptions about their needs, driven by limited understandings of both the experience of conflict and of the cultural basis of their lives. The results of this study will be published at a later date.

Here, the aim is to understand needs in order to influence the development of the transitional process, but the methodology could serve equally as a tool to monitor and evaluate the performance of transitional justice mechanisms in delivering what victims need while mechanisms are in operation or after they are complete. This would thus constitute a participatory evaluation tool of transitional process as a victim-centred exercise.

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