# Participatory Methodologies with Victims: An Emancipatory Approach to Transitional Justice Research

**Simon Robins and Erik Wilson***

**Abstract**

Transitional justice seeks to address legacies of violence around political transition from authoritarianism and armed conflict. It does so in ways driven by a global discourse that is prescriptive and often remote from the contexts in which it is articulated and the populations it claims to serve. Transitional justice is also embedded in teleological liberal approaches to transition, with a perceived endpoint of liberal democracy. Critical approaches to transitional justice have used qualitative methodologies to understand the agendas of those—notably victims of violence—that transitional justice foregrounds, and to demonstrate that transitional justice mechanisms often serve elite agendas, while minimizing the agency of socially excluded populations. An alternative, minimally explored route to victim engagement with such processes has been the mobilization of victims and victim organizations, an emancipatory approach that seeks to provide a space for victims to engage in transitional justice debates on their own terms. Here, a research engagement with a victims' organization through a *Participatory Action Research* modality is described in which researchers support victim engagement in peer research to catalyze a social movement of victims in post-conflict Nepal.

**Keywords:** transitional justice, Participatory Action Research, victims, Nepal, research methods

**Résumé**

La justice transitionnelle vise à résoudre les problèmes passés de violence accompagnant les transitions politiques hors de régimes autoritaires et de conflits armés. Issue d'un discours mondial prescriptif, la justice transitionnelle est souvent étrangère aux contextes dans lesquels elle est appliquée et aux populations qu'elle est censée servir. La justice transitionnelle est souvent ancrée dans une approche libérale téléologique à la transition dont l'aboutissement est censé être une démocratie libérale. Les analyses critiques de la justice transitionnelle ont appliqué des méthodologies qualitatives pour connaître les vraies aspirations de ceux que la

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justice transitionnelle met de l'avant—notamment les victimes de violence—et pour démontrer que les mécanismes de justice transitionnelle servent les visées des élites tout en écartant la participation des populations socialement marginalisées. Une autre méthode, sous-employée, d'obtenir la participation des victimes, est de mobiliser les victimes et organisations de défense des victimes, une approche émancipatoire qui vise à donner aux victimes leur propre champ de participation aux débats de justice transitionnelle. Dans cet article, l'on décrit une initiative de recherche auprès d'une organisation de victimes fondée sur le modèle *Participatory Action Research* (« Recherche d'action participative ») dans laquelle les chercheurs encouragent la participation des victimes dans la recherche auprès de leurs pairs en vue de catalyser le mouvement social des victimes au Népal post-conflictuel.

**Mots clés :** justice transitionnelle, Recherche d'action participative, victimes, Népal, méthodes de recherche

## 1. Introduction

Transitional justice emerged from the campaigns of victims' associations, most notably families of citizens disappeared under Latin America's authoritarian regimes in the 1970s and 80s, and has evolved into a global discourse seen as a preferred response to the needs of societies emerging from conflict or political violence. Typically, transitional justice describes institutional responses to violations of international humanitarian law, human rights law, or domestic law that occurred during a previous regime.[1] Transitional justice and its preferred mechanisms (such as trials and truth commissions) have been widely critiqued for being prescriptive and top-down.[2] They are created by national elites, supported by an international community concerned with an agenda of liberal statebuilding rather than addressing the needs articulated by affected populations, often resulting in institutional approaches defined by a liberal proceduralism that are remote from local context and indigenous understanding. As such, transitional justice mechanisms are the product of an agenda that instrumentalizes the universal values of rights towards an ideological agenda that includes the rule of law, electoral democracy, and free markets. Transitional justice has become "the conscience of transitional globalization without troubling its essential characteristics."[3] Despite widespread recognition that it is the poor and disempowered that constitute the majority of conflict victims, a sustained engagement with such constituencies has not become part of mainstream transitional justice practice.

[1] While transitional justice today takes place largely in countries emerging from conflict, its origins lie in transitions from authoritarianism.

[2] Kieron McEvoy and Lorna McGregor, "Transitional Justice from Below: An Agenda for Research, Policy and Praxis," in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, edited by Kevin McEvoy and Lorna McGregor (Oxford: Hart, 2008).

[3] Paul Gready and Simon Robins, "From Transitional to Transformative Justice: A New Agenda for Practice," *International Journal of Transitional Justice* 8, no. 3 (2014): 339–61.

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Although emergent literature is challenging this understanding,[4] there remains a dearth of research and praxis that engages and promotes the idea of a transitional justice driven by victims and informed by *local knowledge*. A critical research agenda can challenge this narrow purview of transitional justice by placing the marginalized at the heart of knowledge production, ensuring that an understanding of the past is cognizant of the social and political environment in which violations occurred and in which their impacts must be addressed. In what follows, we consider the need for a new transitional justice research paradigm to facilitate democratized knowledge production capable of challenging external, prescriptive understandings of appropriate responses to violence while accounting for the role and influence of existing power relations. We consider a Participatory Action Research (PAR) project conducted with the National Network of Families of the Disappeared and Missing (NEFAD), a Nepali victims' association that represents the implementation of the PAR methodology in a transitional justice context with a victims' organization.[5]

## 2. The Need for Emancipatory Approaches to Transitional Justice Research

Currently, transitional justice practice is normatively driven and rooted in the project of liberal statebuilding. This reality, coupled with the premise that transitional justice aims to help conflict victims, demands empirical research and evidence-based praxis rooted in conflict-affected communities. Transitional justice processes have come to be dominated by the collection, processing, and dissemination of information concerning past violations. In contrast, we explore potential benefits of an active, collaborative engagement with affected communities around processes that preference indigenous knowledge and needs, beginning with an understanding that the powerful—and their values—dominate social life, including transitional justice discourse, practice, and research. Emancipatory research endeavours to side with the powerless and is explicitly political. It produces knowledge exposing the structures and conditions that create victims, and in turn empowers victims to enable social change.

One route to countering traditional hegemonic transitional justice approaches is enabling victim agency through empowerment: challenging exclusionary societal power relations. This resonates with *human rights-based approaches*, in which rights practice seeks to prioritize participation, accountability, inclusion, empowerment, and linkages to the human rights framework;[6] all but the last of these remain inadequately addressed in transitional justice processes. Empowering processes involve shifting the locus of transitional justice from the metropolis,

[4] E.g., Simon Robins, *Families of the Missing: A Test for Contemporary Transitional Justice* (London/New York: Routledge, 2013); P. Lundy and M. McGovern, "Participation, Truth and Partiality," *Sociology* 40, no. 1 (2006): 71–88; Tshepo Madlingozi, "On Transitional Justice Entrepreneurs and the Production of Victims," *Journal of Human Rights Practice* 2, no. 2 (2010): 208–28.

[5] Simon Robins and Ram Kumar Bhandari, *From Victims to Actors: Mobilising Victims to Drive Transitional Justice Process* (Kathmandu: NEFAD, 2012), http://www.simonrobins.com/NEFAD_From%20victims%20to%20actors%20-%20Research%20report.pdf (accessed October 13, 2014).

[6] E.g., The Danish Institute for Human Rights, *The Human Rights Education Toolbox* (Copenhagen: DIHR, 2012), http://www.friskoler.dk/uploads/media/HRE_Eng.pdf.

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where those most able to access a global rights discourse are located, to the communities where violations occur. In development, participation demands a move from the "invited spaces" of institutions, to "new democratic spaces"[7] situated at the interface between the state and society. These are hybrid spaces, potentially linked to formal or informal local governance, or opened up by civil society action, and accessed by citizens and their representatives. The approach taken here allows victims to be heard, with the aim of advancing empowerment and mobilization on victims' terms, through *Participatory Action Research*.[8] It grounds transition in the everyday lives of the marginalized and drives transitional processes away from efforts to enforce a status quo towards a politically transformative practice respondent to human needs. A Participatory Action Research approach advances understanding of atrocity and efforts to address its legacy by challenging knowledge production emerging from a limited range of power centres. In turn, local knowledge emerges from individuals whose disempowerment both led to and was deepened by violations, permitting previously invisible experiences of violence to challenge the appropriateness of current transitional justice processes.

To date, participation in transitional justice has been largely understood as victims serving as witnesses or civil parties in judicial or truth processes, thus limiting potential "ways of knowing." Institutional mechanisms permit victim participation through testimony, offering them little agency in the design and implementation of such mechanisms. We argue that a transitional justice process' engagement with victims directly informs knowledge production around that process and the nature of resulting mechanisms. Literature has emerged examining local process, but with a tendency to characterize local process as more positive than that restricted to centralized institutional approaches.[9] However, we would argue that these contributions do not confront the most fundamental questions of power and agency: Who decides what processes occur, and what role do victims and citizens have in those decisions?

Although scarce in transitional justice, the peacebuilding community has engaged actively with participation.[10] Theoretically, emancipatory approaches to peacebuilding are locally driven hybrid forms combining bottom-up and top-down elements. However, there remains scant discussion of public—particularly victim—participation modalities in such processes.[11] Here, participation is

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7 Sandra Roque and Alex Shankland, "Participation, Mutation and Political Transition: New Democratic Spaces in Peri-Urban Angola," in *Spaces for Change? The Politics of Participation in New Democratic Arenas*, edited by Andrea Cornwall and Vera Schattan P. Coelho (London: Zed Books, 2007).

8 Some argue that action research is necessarily participatory, but here this emphasis seems appropriate.

9 Alexander L. Hinton, *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence* (New Jersey: Rutgers University Press, 2010); Rosalind Shaw and Lars Waldorf, *Localising Transitional Justice: Interventions and Priorities after Mass Violence* (Stanford: Stanford University Press, 2010).

10 See for example Lederach on "elicitive" process. (John P. Lederach, "Building Mediative Capacity in Deep-Rooted Conflict," *Fletcher Forum of World Affairs* 26, no. 1 (2002).

11 See however: Catherine Barnes, "Owning the Process: Public Participation in Peacemaking," *ACCORD* (London: Conciliation Resources, 2002).

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utilized to reconceptualize engagement with affected populations, suggesting that local, hybrid approaches fit poorly within the current institutional, state-centred transitional justice model. Ensuring that research methodologies are able to understand how violations impact and transform affected populations allows for the creation of local approaches to address ongoing legacies of violence that are invisible to national transitional justice processes. For example, the social impacts of violations within communities—such as victim stigmatization[12]—can often be the most negative, but are rarely acknowledged.

### *2.1. Victims' Movements and Their Impact on Transitional Justice*

Despite the claim that victims and their experiences are central to transitional justice practice, there is scant academic research around victims' organizations or their transitional roles. The minimal examples that do exist include work around Jewish claims for reparations from Germany,[13] as well as several studies of the Madres de Plaza de Mayo, Argentinian mothers of the disappeared whose organization catalyzed the democratization process.[14] One of the few victims' groups that have been studied is the Khulumani Support Group of South Africa.[15] Khulumani started with the aim of supporting victims' access to and interaction with the Truth and Reconciliation Commission (TRC), characterizing its approach as "refusing representation"[16] to ensure change by facilitating victim self-representation. As the TRC process has receded, Khulumani has worked to ensure that victims become "active citizens," constituting a social movement for victims' rights and social justice, demonstrating that when conflict victims represent themselves the emergent agenda is qualitatively different from the global "transitional justice agenda." Khulumani is not only representative but *transformative* because it permits victims to engage on their own terms in empowering ways. The local production of knowledge through such an emancipatory process both informs and facilitates grassroots political change.

Positive social change concerns empowerment and mobilization of the excluded to enhance agency and challenge the power relations that maintain exclusion. In the victims' groups studied in Nepal, participation was seen to have a dramatic effect on some of the women involved:

> In the very beginning every one of us was alone. […] Before meeting friends who were facing the same sort of problem, I was in despair and nobody would listen to my problem. Other people did not like to talk about our

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12 Robins, *Families of the Missing*, 2.

13 Nani Sagi, *German Reparations: A History of the Negotiations* (Tel Aviv: Magnes Press, 1980).

14 Marguerite Guzman Bouvard, *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo* (Oxford: SR Books, 1994); Fernando J. Bosco, "The Madres de Plaza de Mayo and Three Decades of Human Rights' Activism: Embeddedness, Emotions, and Social Movements," *Annals of the Association of American Geographers* 96, no. 2 (2006).

15 Oupa Makhalemele, *Southern Africa Reconciliation Project: Khulumani Case Study* (Cape Town: Centre for the Study of Violence and Reconciliation, 2004); Brandon Hamber et al., "Speaking Out: The Role of the Khulumani Victim Support Group in Dealing with the Past in South Africa," 2000, http://www.brandonhamber.com/publications/pap_khulumani.doc.

16 Madlingozi, "On Transitional Justice Entrepreneurs and the Production of Victims," 2.

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> problems since they were scared that they could also be arrested if we talked with them. But it was only when we met other families of those disappeared, we felt that we had common problems; we knew that we had the same pain. For this reason, we could share our sorrows. We wept and cried together and that helped us ventilate our sorrows. Then we formed this association. It helped us to meet friends having similar problems. Then we organised the sit-ins. As many friends gathered we felt greatly relieved. From that time onward, we felt courageous to fight for our cause. (Wife of disappeared man, Kathmandu, May 2008)

Here, victims mobilized in their own organizations are both participants and researchers advancing transitional justice understanding and practice. This extends the role of victims beyond passive participation to active research, as they frame and execute research that extends knowledge production and ways of knowing past the traditional external frame of transitional justice discourse to one that better informs local responses to transitional problems.[17]

## 3. Research Methods in Transitional Justice

Transitional justice research methodologies have often carried similar ideological baggage to the processes they seek to interrogate. They habitually focus on institutions rather than people, evaluating the impact of transitional justice mechanisms on the small number of people they engage, rather than the larger population, resulting in a "tendency to over-attribute [impacts] to mechanisms rather than a complex social reality."[18] Despite rhetorical acknowledgement of the interdependence and indivisibility of rights, transitional justice research prioritizes a legalistic emphasis over the concerns of populations, foregrounding violations of civil and political rights over those of social, cultural, and economic rights, and reproducing a narrow global vision of post-conflict justice.

The human rights community interprets responses to gross violations through a predominantly legal lens, developing methodologies for collecting victim and witness testimony[19] while neglecting the broader impact on and needs of affected communities. Engaging victims solely through testimony ensures that knowledge is produced in a limited fashion on others' terms. For example, illiterate victims cede control and access to testimony once it is recorded. Critics of the rights discourse see it as constructing victims as subjects on the terms of the atrocities committed against them: victims are defined by their experience and its codification in law, which denies them agency over their own identity.[20]

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17 See also Briony Jones's discussion of the need to unsettle "expert knowledge" in her article "Stories of 'Success': Narrative, Expertise, and Claims to Knowledge," in this special issue.

18 Brandon Hamber, "Evaluating Projects and Programs for Reconciliation and Transformation: Experiences from the Field," (Paper presented at the Evaluating Experiences in Transitional Justice and Reconciliation: Challenges and Opportunities for Advancing the Field Workshop, Cape Town, April 2–4, 2007).

19 E.g. OHCHR, *Training Manual on Human Rights Monitoring* (New York and Geneva: UN OHCHR, 2001).

20 Michael Humphrey, "Reconciliation and the Therapeutic State," *Journal of Intercultural Studies* 26, no. 3 (2005): 203–20; Costas Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Oxford: Hart Publishing, 2000).

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### *3.1. Quantitative Methods*

Quantitative methods can provide valuable data from representative samples of affected populations to understand needs, priorities, and perceptions of transitional justice processes.[21] Work has been done to create indicators to concretely measure the most intangible of transitional justice goals and demonstrate how, contextually, quantitative approaches can reflect victim and citizen views.[22] However, quantitative methods have also been used to deliberately limit the breadth of transitional research approaches, as well as to advance liberal and neo-liberal understandings of the world. [23,24] Such positivist transitional justice research methodologies are ideological in that they begin from the assumption that liberal democracy is the principle goal of such processes. They are most visible in the growth of large-N quantitative studies employing data sets that summarize a huge range of contexts, to understand the supposed combinations of transitional justice mechanisms that will ensure positive outcomes.[25] Such studies treat transitional justice mechanisms as independent variables, assessing their impact on dependent variables defined in terms of a normative liberalism of peace, rights, and electoral democracy. A causal relationship is assumed—but rarely understood or explained—between transitional justice processes and the dependent variables, while peace is largely conceptualized as the simple absence of armed conflict rather than as a "positive peace" in which all forms of violence, including the structural violence underpinning most conflict, are addressed. The liberal peace paradigm has thus largely set the parameters for the types of transitional justice interventions pursued and the methods through which their success is measured, defining and confining how knowledge around transitional justice is constructed. Additionally, large-N studies often have hugely divergent findings, a technical shortcoming that appears to be the result of data coding that denies the qualitative differences between both contexts and the mechanisms in place.[26]

### *3.2. Qualitative and Ethnographic Methods*

Qualitative and ethnographic research recognize that transitional justice processes must be informed by local meanings of justice and future aspirations, thus

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[21] Quantitative work is also used to produce knowledge on the occurrence of the violence itself; see for example Price and Ball in this issue.

[22] James L. Gibson, "Taking Stock of Truth and Reconciliation in South Africa: Assessing Citizen Attitudes through Surveys" in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, edited by Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman (Washington, DC: USIP Press, 2009).

[23] On limiting transitional approaches see for example Simon Robins, "Whose Voices? Understanding Victims' Views in Transition," *Journal of Human Rights Practice* 1, no. 2 (2009): 320–33.

[24] On advancing neo-liberal agendas see the following, where the authors seek to measure the quality of transitional justice process in terms of volume of foreign direct investment: Benjamin J. Appel and Cyanne E. Loyle "The Economic Benefits of Justice: Post-Conflict Justice and Foreign Direct Investment," *Journal of Peace Research* 49, no. 5 (2012).

[25] E.g. Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: USIP Press, 2012).

[26] Brandon Stewart and Eric Wibelhaus-Brahm, "Quantitative Approaches to Societal-Level Transitional Justice Impact: What Have We Learned?" (Paper presented at ISA National Conference 2013).

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challenging legalism and positivism in search of a "thicker" transitional justice.[27] While a population's needs may correspond exactly to what is delivered by a legalistic approach mimicking global prescription driven by trials and truth commissions, such an approach ignores the complex social, cultural, and political realities that would inform such a process. Much of the qualitative work that has been done in transitional societies engages populations and victims alike on their preference for externally defined mechanisms rather than understanding the breadth of their needs and particular priorities. Such an approach necessitates interdisciplinary empirical work to understand the role of the "primary" institutions of family and community that are at least as important to recovery from conflict as state institutions. Given its emphasis on the local and particular, ethnography provides the best route to accessing insider perspectives and "permits us to transcend some of the parochialism inherent in our ostensibly universal theories."[28] A number of ethnographic studies have shown that conflict victims' needs are often quite divergent from the institutional and procedural solutions that transitional justice discourse prescribes, and that local social and cultural understandings are crucial in communities overcoming legacies of violence.[29] However, despite this body of evidence and ethnography's potential to guide transitional justice interventions, global transitional justice practice has largely resisted such lessons. Such resistance reinforces global transitional justice's emphasis on the state and institutional reform when trying to understand and address atrocity, which leads to the continued surprises of international actors when previously invisible local fractures erupt to threaten peace on a national scale.

## 4. Participatory and Action Research

In development, participatory approaches have become increasingly orthodox, aiming to generate knowledge informed by affected populations and develop local responses to development needs:

> [P]articipatory 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.[30]

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27 K. McEvoy, "Letting Go of Legalism: Developing a 'Thicker' Version of Transitional Justice," in *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, edited by K. McEvoy and L. McGregor (Oxford: Hart, 2008). This comes from the anthropological approaches of Clifford Geertz, where the concept of "thick description" implies scholarship that is complex, multi-layered and actor-oriented, in contrast to "thin" approaches that are narrowly descriptive and positivistic.

28 Michael G. Schatzberg, "Ethnography and Causality: Sorcery and Popular Culture in the Congo," in *Political Ethnography: What Immersion Contributes to the Study of Power* edited by Edward Schatz, (Chicago: University of Chicago Press, 2009).

29 E.g. Robins, *Families of the Missing*, 2; Gearoid Millar, "Between Western Theory and Local Practice: Cultural Impediments to Truth-Telling in Sierra Leone," *Conflict Resolution Quarterly* 29, no. 2 (2011); James L. Gibson, "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process," *American Journal of Political Science*, 48, no. 2 (2004): 201–17.

30 Andrea Cornwall and Rachel Jewkes, "What is Participatory Research?," *Social Science and Medicine* 41, no. 12 (1995): 1667.

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Participatory research aims to shift the locus of power from researcher to subject, and though typically consultative, in its deeper form it involves the researcher and the researched working together in a process of mutual learning. Framed as part of "rights-based approaches," participation is seen as a tool to restore agency to the disempowered[31] and challenge exclusionary social hierarchies.

Since the 1980s, one of the strongest proponents of participatory research has been Robert Chambers, who through his Participatory Rural Appraisal (PRA) approach has shown the power of consulting with those people most affected by development work, particularly at the local level.[32] By engaging local populations and recognizing the capacity and potential of local knowledge and ownership, Chambers' Participatory Rural Appraisal[33] demonstrated the power of a bottom-up versus a top-down approach to development work. Within the development world, participation reached its pinnacle in 2000 with the World Bank's World Development Report and subsequent "Voices of the Poor" project.[34] Critics focus on the difficulty of establishing a causal relationship between participation and positive development outcomes along with the unequal power structures participation creates and the potential for elite capture at the local level.[35]

Despite their popularity and presentation as a corrective to the inequalities of development work, PAR methodologies have not come without critique. Though employed by the World Bank, establishing a causal relationship between participation and positive development outcomes has proved difficult. Additionally, there is a question concerning the unequal power structures of participation and the potential for considerable influence of elites at the local level.[36] Additionally, participatory research often confines the role of the research subjects to the generation of data in accordance with the research design, thus limiting agency. Alternatively, *action research* offers the potential for social scientists to catalyze change by working in collaboration with marginalized constituencies through PAR,[37] rejecting the testing of hypotheses in favour of a research approach that works within a specific social situation, driven by the following elements:[38]

- a collaborative process between researchers and people in the situation
- a process of critical inquiry
- a focus on social practice
- a deliberate process of reflective learning

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31 E.g. Andrea Cornwall, "Locating Citizen Participation," *IDS Bulletin* 33, no. 2 (2002).

32 Robert Chambers, "The Origins and Practice of Participatory Rural Appraisal," *World Development*, 22, no. 7 (1994): 953–69.

33 Ibid.

34 Glynn Williams, "Evaluating Participatory Development: Tyranny, Power and (Re)politicization," *Third World Quarterly* 25, no. 3 (2004): 557–78.

35 Ghazala Mansuri, and Vijayendra Rao, *Evaluating Community-Based and Community-Driven Development: A Critical Review of the Evidence* (Washington, DC: Development Research Group, The World, 2003).

36 Ibid.

37 Robert N. Rappaport, "Tavistock Experience Three Dilemmas in Action Research," *Human Relations* 23 (1970): 499.

38 Peter Checkland and Sue Holwell, "Action Research: Its Nature and Validity," *Systemic Practice and Action Research*, 11, no. 1 (1998).

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PAR rejects the liberal value of neutrality in social research and aims to explicitly advance the goals of a particular community that has a voice in how that research is conducted.[39] Participatory research resonates with the normative goal of democracy claimed by transitional justice, challenging the persistently undemocratic practice of transitional justice by imbuing knowledge production with a politics that represents the interests of those groups driving the research, catalyzing an emancipatory approach to addressing legacies of violence. PAR also seeks to mobilize victims around transitional justice processes and ensure that agency lies with the researched. As a result, predictability of research outputs is sacrificed for the potential of social impact, in terms of attitudinal change and the perceptions of participants, emphasizing that PAR is a social process with social goals beyond knowledge production:

> PAR is a philosophy and style of work to promote people's empowerment. [This includes] the formation of new people's organizations if none suitable exist or the strengthening of existing popular organizations and promotion of a self-reliant, assertive culture within them.[40]

Indeed, as noted by Davydd J. Greenwood, William Foote Whyte, and Ira Harkavy, PAR should be considered as an emergent process, one that cannot be imposed on a community, but must be implemented with intent and evaluated within the context of the problems confronted by it, conditions of the research, and aims of the research team.[41] PAR approaches carry the potential to change power dynamics around transitional justice research and dramatically improve the *quality* of that research. PAR permits the perspective of a particular group, defined by victimhood, ethnicity, or any other criterion, to be understood; it challenges the use of externally driven proxy indicators after violence that may be irrelevant for the concerned community. Such externally generated proxy indicators can produce a homogenous view of victim communities that are likely false. PAR provides an avenue—as indicated by Heather Blakely, Jenny Pearce, and Graeme Chesters in their research among South Asian minority communities—to understand and account for such diversity.[42] While the centrality of non-experts in PAR challenges ideas of rigor in social research, it has become clear in many contexts that post-conflict approaches that are methodologically robust are often wrong for understanding the views of conflict-affected populations.[43]

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39 Michael Root, *Philosophy of Social Science: The Methods, Ideals, and Politics of Social Inquiry* (London: Blackwell, 1993).

40 M.A. Rahman, "*The Theoretical Standpoint of PAR*," in *Action and Knowledge*, edited by O. Fals-Borda and M. A. Rahman (New York: Apex Press, 1991), 13–23.

41 Davydd J. Greenwood, William Foote Whyte, and Ira Harkavy, "Participatory Action Research as a Process and a Goal," *Human Relations* 46, no. 2 (1993): 175–92.

42 Heather Blakely, Jenny Pearce, and Graeme Chesters. *Minorities within Minorities: Beneath the Surface of South Asian Participation* (York, UK: Joseph Rowntree Foundation, December 2006), http://www.jrf.org.uk/publications/minorities-within-minorities-beneath-surface-community-participation.

43 Roger Mac Ginty, "Everyday Peace Indicators: An Alternative Form of Assessment," in *Innovation in Operations Assessment: Recent Developments in Measuring Results in Conflict Environments*, edited by Andrew Williams et al. (Norfolk, Virginia: NATO, 2013).

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### *4.1. Participatory Action Research with a Victims' Group in Nepal*

Nepal is the second poorest country in Asia with a unique and complex ethnic geography. The country's People's War (1996–2006), in which Maoists sought to overthrow the monarchy, was driven by a history of social, economic, and political exclusion and resulted in 15,000 dead and almost 1,400 disappeared. The Comprehensive Peace Accord (CPA) of 2006 formalized the peace process, but today, conflict legacies, including enforced disappearance, remain unaddressed. NEFAD is an association of families of the disappeared that arose from Nepal's stalled transitional justice landscape and aims to be an independent, family-based association representing victims of enforced disappearance perpetrated by both state and Maoist forces. NEFAD is currently allied with seventeen district-level family associations in all five of Nepal's regions, and it has been established to document violations and to advocate for truth, justice, reparation, and peace in Nepal.[44] NEFAD aims to empower communities to create a national social justice movement to advocate at the family level by mobilising victims.

### *4.2. Elements of Participatory Action Research*

In what follows, we lay out a number of PAR elements that form the basis for an effective engagement in a transitional justice context. These are followed by examples of their implementation in the NEFAD PAR project. The research partner is presumed to be—like NEFAD—a victims' organization. Given the very particular relationship of transitional justice to victims—and the marginalization that characterizes victimhood—this would appear to provide the most fruitful route for participatory research around a transitional justice process, but it is also possible that other constituencies could be engaged, further extending the generation of knowledge about the experience of violence and the resultant transition processes. Concrete steps are suggested for practitioners; however, a loose interpretation is encouraged, as addressing the causes and impacts of rights violations is a circular rather than linear process. Participation should not be fetishized; indeed, degrees of participation in any PAR project will depend upon a range of conditions. Participant-managed research should not be a matter of imposed dogma, but a process that can be shaped by complex local conditions and a dynamic, emancipatory approach to knowledge production.

### *4.3. Community Engagement*

A successful PAR engagement should begin from the understanding that "non-elites [...] are often important human rights theorists."[45] Issues of importance to victims must be emphasized, even where they fail to resonate with the normative frameworks of rights or law, or with the researcher's agenda that may have initiated their entry point into the work. Identification of the goals and nature of PAR is a joint project of the community and the researcher. Implicit in PAR is the reality

[44] Accessed at www.nefad.wordpress.com

[45] Mark Goodale, "Introduction: Locating Rights, Envisioning Law Between the Global and the Local," in *The Practice of Human Rights: Tracking Law Between the Global and the Local*, edited by Mark Goodale and Sally Anne Merry, (Cambridge: Cambridge University Press, 2007).

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that all knowledge produced is subject to existing power relations that serve a particular agenda. As such, researchers must work as partners to the community and accept that the research "subjects" will drive the larger research agenda. The researcher's role is facilitative, to provide advice and expertise as required; the relationship between researcher and community is likely to be in a process of constant negotiation over the duration of the project.

PAR is concerned with changing individuals, as well as organizational and community culture and larger society. However, PAR differs from simple involvement in that researchers and a community agree to work together to achieve that change. This demonstrates the benefit of working with a pre-existing victims' group, a collective with a shared identity and goals as opposed to a group of individuals representing a more fragmented community of partners.

### *4.4. Project goals: Social Impact and Knowledge Production*

Within the PAR framework, the victim community must determine the goals and methods for desired social impacts and knowledge production. Effective engagement and goal setting in a transitional justice context demands an understanding and a challenging of power relations within the transitional justice paradigm including who determines what process occurs, and how victims can achieve increased influence. Dominant discourses and institutional cultures that preserve existing social relations and forms of knowledge must be challenged. Focus should rest not solely on the authorities, but also on a potentially unrepresentative civil society. PAR is also an excellent platform for interrogating power relations *within* victims' organizations and communities, demonstrating that marginalizing hierarchies of gender, caste, and ethnicity are present and often intimately entwined with local conceptions of victimhood.

Ideally, PAR will change the researchers, the engaged community, and the individuals within it, and illuminate underpinning power relations in the production of local knowledge. In designing a PAR project, a victim community may set goals in advance (e.g., education, empowerment, or the challenging of organisational culture). Whilst a desire to impact the national agendas that drive transitional justice will likely inform a PAR project, in the low income states in which many contemporary transitional justice processes unfold, victims may be far more aware of local impacts and priorities; PAR permits victims to define goals at whatever levels they choose.

Knowledge-production goals are likely to be linked to ensuring that victims' agendas are known and disseminated, and to disclosing facts—often denied or disputed—about violations and their impacts. One research approach is a comprehensive community-led assessment of the needs of the group or community. This approach provides an understanding of the victims' everyday situation and struggles; indeed, such understanding is inseparable from the structural violence that facilitates victimization in conflict and heightens its impacts. This naturally leads to gender issues, poverty, marginalization, and social exclusion of all forms being integrated into victims' approaches to transition. Consequently, a PAR approach cannot be constrained by an external lens that seeks to define strict limits on transitional justice.

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In the Nepal study, the researcher and the NEFAD leadership jointly developed the research goals and methodology, with input from NEFAD members. With the membership dispersed around the country, often in remote rural areas, it was impossible to conduct a broad consultation, revealing the limits of participation. NEFAD intended that the work raise their profile, increase access to funding, and give the group the capacity to impact the national transitional justice agenda, as well as inform the leadership of members' views, perceptions of representativeness, and constraints on individual victim participation in the organization. The NEFAD leadership saw education and empowerment of marginalized rural women who constitute the bulk of its membership as an explicit goal of the research, allowing them to more effectively advocate for their needs and to address the many local impacts of disappearance on survivors, such as stigmatization in family and community.[46] NEFAD also sought to build its capacity to address the psychosocial and emotional needs of its members by better supporting families of the disappeared in their communities.

### *4.5. Research Methods*

PAR must privilege *process* over the research output itself, allowing engaged communities to use whatever research methods resonate with their social goals. However, qualitative approaches are most likely to leverage PAR's unique benefits and are most consistent with the epistemological assumption that the subjective perspective of the community must drive both understanding and action. In particular, ethnographic methods and oral history exploit the proximity and overlap of researchers and subjects.

Within a successful PAR framework, data collection must be collaborative, prioritizing collection by members of the engaged community as co-researchers.[47] Whilst such participation is consistent with PAR's emancipatory goals, it is also driven by the need for an insider's understanding of context and culture for the research to prove meaningful to community members. Moreover, knowledge produced by PAR must be grounded in explanations that can drive the action that achieves social impact. The researcher's role will generally be to facilitate and support the community's research through the provision of training and expertise.

The principle research methodology in Nepal was a facilitative approach, using ethnographic research methods, with victims and their organizations. Following researcher-led training, "peer researchers" from district associations prepared their own research instrument and collected and recorded data from semi-structured interviews and focus groups in their regions. The district victims' groups that collected the data decided they did not need transcripts, but used the audio data to increase their understanding of victims in their own area whom they seek to represent. In contrast, the researcher and NEFAD made transcripts of interviews, which were analyzed more formally to facilitate the final published report.

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[46] Robins, *Families of the Missing*, 2.

[47] In the Nepal study, victims involved in data collection were called "peer researchers," as they principally researched their peers in the victims' group.

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### *4.6. Disseminating Knowledge and Learning*

The cyclical and reflective nature of action research leads many of its practitioners to highlight the learning element involved, not just of researchers but of the community who use the learning offered by PAR to improve their social practice. In this context, social practice includes how both communities and authorities behave towards victims, and the way in which the victims' organization works and conducts its advocacy. In a transitional justice context with a victims' organization, such learning will likely impact how the group organizes and operates and aid the evolution of advocacy work and support to victims, as well as enlarge the perspectives of individual victims. PAR can enable participants to envisage a future they previously had not considered and take action to achieve it—a process of conscientization.[48] Given the marginalization of many victim communities—as seen in Nepal—this understanding is integral to the empowerment potential of action research. Strategies will also be required to maximize the breadth of learning within any victims' organization, particularly where victims are widely dispersed. Such approaches are likely to be linked to advancing mobilization, to strengthen victims' groups and ensure that they bring victims together regularly and have representative leadership.

There will often be a tension between the researcher's academic aims and the community that seeks to use the knowledge produced during research. For example, academic publication may prove irrelevant to a community that has no access to—and little interest in—the academic world. The researcher can, however, play a key role in supporting victims to present information to elite constituencies to which they would otherwise have little access, notably around the publication of victims' priorities that can challenge external and decontextualized agendas.

The participatory approach through the district victims' groups facilitated a dissemination through the structure of NEFAD, with outputs presented to district-level representatives at a national meeting and then "taken back" to the membership throughout the country. This included a report from the most active and effective district group containing "lessons learned" from their years of organization, intended to support less well developed district groups.[49] Nationally, research findings were launched in Kathmandu in front of the national human rights community, government representatives, civil society, foreign donors, and some sixty NEFAD members. The aim was to critique ongoing transitional justice practice and the failure of both authorities and elite civil society to acknowledge victims' needs, or to engage victims in addressing legacies of violence.

### *4.7. Sustainable Disengagement*

Upon completion, researchers will disengage from the community. Ideally, significant social change will have been achieved and sustainable processes established that allow for the community's continued advancement. Capacity and skills may

[48] P. Freire., *Pedagogy of the Oppressed* (New York: Continuum, 1970).
[49] Conflict Victims' Committee, *Building a Family Association: Lessons Learned* (Bardiya: CVC, 2012) (Nepali).

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have been enhanced sufficiently to allow the research to continue, led by the concerned community. However, in practice, withdrawal of resources (financial and intellectual) will often lead to a decline in the community's capacity to do research and to produce knowledge.

The one-year PAR engagement with NEFAD sought to bolster national and local capacity while impacting national-level discussions around Nepal's stalled transitional justice process. Within NEFAD, the research supported district-level associations in meeting and engaging more effectively with their membership, ensuring that district- and national-level leaders understood members' needs and agendas. At the local level, many members expressed their frustration at being unable to participate nationally with NEFAD, as they were largely constrained by economic demands to work and support families; this revealed the intimate connection between victimhood and poverty and the need to add social and economic issues to the transitional justice agenda. Nationally, the study sought to impact discussion of transitional justice processes by ensuring key actors' awareness of victims' needs. This drove the national launch of the study report and its widespread dissemination in both English and Nepali.[50] A principle output of the work was a NEFAD Plan of Action that used the results of the PAR exercise to create a comprehensive agenda for future work, as well as a detailed budget to engage potential donor support. The research successfully raised interest in NEFAD and generated modest funding. Despite this, and some engagement with international donors, NEFAD's sustainability remains in question. Those funding transitional justice in Nepal remain most comfortable supporting Kathmandu-based NGOs with high capacities to deliver programmes and to prepare proposals and reports, despite their remoteness from most victims.[51] For grassroots victims' organisations such as NEFAD to become transitional justice actors will require those funding advocacy to provide long-term support and capacity building, not just programme funding, and for most donors, this demands more effort than they are prepared to invest.

## 5. Challenges to PAR in Transitional Justice

In post-conflict contexts, there are many barriers to effective research: research subjects are often traumatized, physical access can be compromised and sampling strategies complicated, thereby impacting the process of knowledge production. Fear, suspicion, and security concerns make gaining the trust of respondents problematic. Employing participatory methods can address many of these issues but does not come without its own challenges, especially in highly divided societies where communities are often held together by weak ties and are subject to the divisions of the conflict. As a result, human rights work in conflict zones remains largely something practiced by specialists on behalf of victims. In contexts where security issues are less salient, a strategy of *mobilization* is often employed where victims themselves organize towards a goal of advocacy. PAR has the potential to

[50] Robins and Bhandari, *From Victims to Actors*, 3.

[51] Simon Robins, "Transitional Justice as an Elite Discourse: Human Rights Practice Where the Global Meets the Local in Post-Conflict Nepal," *Critical Asian Studies* 44, no. 1 (2011): 3–30.

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support such mobilization strategies, though this comes with its own set of challenges, including issues of funding and ethics.

At a basic level, it may prove difficult for a PAR exercise to determine who should be accorded victim status. In principle, a victim is defined by what has been done to them, codified in the violations defined by various bodies of law. In practice, victimhood does not emerge naturally from the experience of being harmed, but is constructed socially and subjectively, with a range of factors determining who is understood as a victim. The Nepal exercise saw victims largely self-defined, with other victims and broader communities sharing understandings that ensured a consensus over who could participate in NEFAD. One dilemma of initiating a post-conflict PAR project will be the breadth and number of victims and the impossibility of working with all of them. As in many other areas, a researcher must work with the victim communities that offer the greatest possibilities, and trust that a successful project will have positive effects on the broader victim community.

In practical terms, the dearth of funding for PAR studies, particularly in post-conflict situations, represents a genuine challenge to the emergence of a participatory practice in transitional justice research. Donors are not only resistant to funding projects where the exact nature of the study is ill-defined, but they are often without the mechanisms to do so. Until a source of support emerges that understands both the promise of such research and the need for projects of a timescale beyond the short timelines of many funders, the potential of participatory transitional justice research will remain unfulfilled.

Ethics are central to participatory research; as a social process, PAR privileges its impact on the disadvantaged over knowledge production. Ethical issues around a research engagement with mobilized victims are mitigated because the traditional power relationship between the researcher and the researched is upset. Doing research not just with a victims' organization, but with victims themselves undertaking research, ensures that issues of security and consent are negotiated locally. For example, rather than a signed consent form being used that discusses alien protocols, the terms in which a subject participates in peer research are subject to the "iterative consent" of a long-term engagement with the victims' group.[52] Similarly, the expectations of respondents, in contrast to the explanations of a foreign researcher prior to an interview, are the product of a continuous engagement with the victims' group and its members in daily activities, minimizing raised expectations that cannot be met.

Interviewing conflict victims about their experiences is necessarily highly invasive. There is a danger of re-traumatization, although some data suggests that openly discussing the past can be beneficial.[53] Pam Bell suggests that interviews

[52] Catriona Mackenzie, Christopher McDowell, and Eileen Pittaway, "Beyond 'Do No Harm': The Challenge of Constructing Ethical Relationships in Refugee Research," *Journal of Refugee Studies* 20, no. 2 (2007): 299–319.

[53] Pam Bell, "The Ethics of Conducting Psychiatric Research in War-Torn Contexts," in Researching Violently Divided Societies: Ethical and Methodological Issues, edited by Marie Smyth and Gillian Robinson (London: Pluto Press, 2001); Warren G. Bennis, 1966. "Changing Organizations," *Journal of Applied Behavioral Science* 2, no. 3 (2001): 247–63.

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should be made in the company of peers and that post-interview support should be provided. Ideally, professional support will be available to victims around any interview process, but in many contexts, this will not be possible. In Nepal, for example, B. Kohrt and I. Harper report 1 clinical psychologist for every 4.5 million Nepalis.[54] Most Nepalis rely on traditional healers, who are the most accessible of therapists and work according to local spiritual traditions. Furthermore, in traditional contexts there is evidence that the trauma of conflict is best addressed non-discursively, through ritual process and "starting afresh," and by consciously avoiding the verbal or other recalling of traumatic experience,[55] suggesting that in many parts of the world, a cathartic Western counselling approach is inappropriate. Where little professional therapeutic service is available, a peer support mechanism emerges naturally from a participatory research modality with local victims' groups and is likely to provide a sustainable, long-term, culturally and socially relevant support approach.

The primacy of community engagement can offer ethical dilemmas to a researcher, where, for example, a victim community retains racist attitudes towards the "other" of the conflict, or perpetuates traditional discriminatory practices against women. Should researchers work only with communities that satisfy externally defined criteria of non-discrimination, or should local mores be respected and interrogated by the research? This question highlights the risk inherent in an emergent research process that seeks to satisfy an emancipatory agenda. Ethical dilemmas can also arise from the apparent promise of a PAR process of "action" when, as seen in the Nepal context, results that prove positive to victims will be difficult to achieve.

An additional challenge to PAR is presented by ethics committees and human subject review processes. It has been argued that actions or interventions do not constitute research and thus should not require such ethical approval.[56] Ideally, the development of institutional review board (IRB) proposals and consent processes should be incorporated into the action research process itself, becoming an iterative process of engagement with an IRB that mirrors that with the community.

The local nature of participatory research can challenge its ability to meaningfully influence national and international practice, echoing the tension between transitional justice policy makers seeking globally relevant lessons and ethnographic approaches that resist generalization. A radical interpretation of this disconnect suggests that a global approach to addressing legacies of violence that exceeds very broad principles will always fail precisely because of contextual particularities. However, is it likely that even the most focused study, emphasizing

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54 B. Kohrt and I. Harper, "Navigating Diagnoses: Understanding Mind–Body Relations, Mental Health, and Stigma in Nepal," *Culture, Medicine, and Psychiatry* 32 (2008): 462–91.

55 J. Marrato, "Superando os Efeitos Sociais da Guerra em Mocambique: mecanismos e Estrategias Locais." (Paper presented at the fourth Congress of Lusophone Social Sciences, Rio de Janeiro, September 1996.)

56 Mary Brydon-Miller and Davydd Greenwood, "A Re-Examination of the Relationship Between Action Research and Human Subjects Review Processes," *Action Research* 4, no. 1 (2006): 117–128.

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a particular class of victim or locality, will have broader lessons for transitional justice practice. The challenge for researchers is presenting such qualitative data in ways that are accessible and relevant to practitioners, while practitioners must use such research to challenge the normative assumptions brought to the global discourse and contextualized practice of transitional justice.

## 6. Conclusion: Towards Emancipatory Research Methods After Violence

Participatory Action Research can challenge existing ways of researching transitional justice processes as well as the epistemologies associated with these processes. PAR represents a route to investigating legacies of conflict and violence that grounds knowledge production in the everyday lives of those most affected. Moreover, PAR highlights the politics that permeate liberal approaches to transition and the possibility of emancipatory alternatives that challenge underlying power relations of contemporary conflict and hegemonic approaches to dealing with the past.

Many disappointments of transitional justice arise from the failure of institutionalized, procedural mechanisms that resonate with the goals of liberal statebuilding but not with the priorities of those affected by conflict. Research methodologies that focus exclusively on such mechanisms and their narrow impacts on limited constituencies contribute to a failure of transitional justice processes to consider and utilize the possibilities for transformation that exist in conflict-affected communities. PAR offers the possibility of an engagement with conflict victims that not only produces otherwise inaccessible knowledge, but also exposes and challenges the power relations that produce transitional justice discourse. The quality of data produced in a PAR process is radically different from that privileged in orthodox transitional justice mechanisms. PAR has the potential to add knowledge around transitional justice processes and empower traditionally excluded actors to play a role in determining their development and implementation.

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