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THE ROLE OF TRUTH AND RECONCILIATION COMMISSION IN PEACE BUILDING: NEPAL

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Abstract

The ten-year Maoist insurgency in Nepal ended in 2006 with Comprehensive Peace Accord (CPA). A Truth and Reconciliation Commission (TRC) was established to address the human rights violations including societal impacts which occurred during the insurgency and to bring justice to its victims and perpetrators. Hence, this paper explores the role of the TRC in facilitating and establishing peace by analysing and comparing similar TRCs' operations in South Africa, Liberia, and Sierra Leone. For this, the study utilizes primary information data collection methods and content analysis to critically examine the role of TRCs in the peace process. It identifies the key achievements of these previous TRCs and recommends '6R' measures to Nepali TRC for justice and peace establishment in Nepal.

Keywords

Maoist Insurgency, TRC, Peace Building, '6R'

1. Introduction

A decade long Maoist insurgency in Nepal between 1996 and 2006 was ended with a

comprehensive peace accord (CPA) on 21 November 2006 between the Maoists and the government of Nepal. The conflict engulfed the entire state for a decade (1996-2006), resulting in the loss of more than 13,000 lives, more than 200,000 conflict-related internal displacements, and damage to physical infrastructures costing billions of rupees (Subedi, 2013). Social life was ruined for most Nepalis.

After the CPA's signing, Nepal entered a post conflict era in which a number of major problems remained unresolved. These problems included justice for the victims of the conflict, rehabilitation of displaced and victimized people, the integration and reconciliation of both the victim and perpetrators into the same community and reparations for those scarred by the conflict. To complete all these tasks, the CPA established the Truth and Reconciliation Commission (TRC) (CPA, 2006) as many post conflict countries have done (Liberia, Sierra Leone, South Africa) (TRC, 2009, 2004, 1998).

Because of political and legal direction and the lack of political consensus between the Maoists and other political parties, the TRC was only established in 2015, a decade after the CPA (Subedi, 2013). The TRC in Nepal was to document testimony of human rights violations, reporting these truths and recommend to the Government that provide to war time victims, punish serious war crimes, and promote reconciliation so that the peace would be established (Freeman, 2006; Hayner, 2001). Unfortunately, the Nepali TRC has only collected witnesses' 58,052 testimonies in two years of its tenure (TRC, 2016). It is suggested that peace building in Nepal should be concerned not only with ending armed conflict and (re)building institutions, but also with transforming relationships and promoting 'reconciliation' (Lambourne 2009, 34–35; Lederach 1997).

2. Societal Impacts of Insurgency

The decade long Maoist insurgency created enormous upheaval at the personal, family, societal and national level directly affecting the lives of 23 million people (Thapa, 2015). It caused immense physical and emotional trauma in the Nepali society such as the survivors have nightmares and are haunted by the memory of what happened during the insurgency (Nepali Times, 2014). The violence eroded trust, reciprocal relationships, and social interactions Communal bonds of a cohesive society were torn through fear, distrust and loss of self-confidence (IDA, 2006; Subedi, 2013). Trust level amongst people was shattered. They were suspicious of everybody as they feared of both the rebel armies and Government armies because the Maoist forced for donations, food and shelter whereas the Government security forces tortured mentally and physically for providing the help to rebellions (Shakya,

2009). Nepali society became more fragmented (Subedi, 2013).

The insurgency destabilized Nepal's socio-cultural structures causing widespread terror and insecurity. It affected Nepali livelihoods and the number of widows, orphans and internal refugees multiplied. It was estimated that 16,000 people were killed by Maoist and Nepalese security forces, 5,800 people were left disabled, 71,200 people became internally displaced, 25,000 children were made orphans, 9,000 women were left as widows and 1350 people disappeared (Jha, 2011, p.14). Those killed included children, teachers, students, social workers, civilians, politicians, farmers, lawyers, health workers, laborers, businessmen, soldiers, police officers, civil servants and 341 children (INSEC, 2005). Almost 300,000 to 500,000 people were made homeless (Annapurna Post, 2005; Caritas Nepal, 2005; IDMC, 2010). Between 100,000 to 200,000 people became internally displaced and lived in the slums around Kathmandu (Hada, 2001). Two million Nepalis migrated to the Gulf states and India as workers (NBS, 2005). In 2011, five years after the Maoist insurgency 89,171 internally displaced people (IDP) applied for government relief packages (GoN, 2011).

One of Nepal's cultural traditions was deeply disrupted or ruined. For example; performance of the last tribute ritual (*Kriya*) was banned during the insurgency. Nepalis were arrested for taking part in the ritual. The teaching of Sanskrit was banned because it was spoken in Brahmin (Paudel, 2005).

The armed conflict severely affected the educational system, especially schools and their pupils in rural areas. Nearly 700 schools were closed and 3,000 teachers could not teach during the insurgency period. The teachers were targeted by both sides and forced to donate their salary to the Maoists or to support the Maoists. Nepali state security forces detained and tortured teachers suspected of supporting the Maoists. As the evidence, the Maoists killed 60 teachers and 66 students for not providing physical and economical help caused the 'disappearance' of 151 teachers and abducted 516 students and 62 teachers whereas the government forces killed 44 teachers, 172 students, detained 158 teachers and 115 students; and had 14 teachers 'disappear' (Gyawali, 2009; Himalayan Times, 2005). Often the school became a war zone instead of zone of peace (Shakya, 2009). Children were forced to become soldiers, human shields, scouts, spy servants, porters, housekeepers, cooks, sex slaves or were abducted for ransom (Gyawali, 2009; Shakya, 2009). Some children were traumatized by the killing, torturing, mutilating, hanging, during the insurgency (Shakya, 2009).

The Maoist insurgency created 'the lost generation' of its youth-caught up in a decade long armed conflict. They were forced to join the Maoist army or be tortured or killed. Many never completed their education. After the conflict they crowded into Kathmandu or left for

India or the Gulf states to find work (Shakya, 2009).

The experience of the insurgency affected many Nepali women. They experienced sexual harassment mental torture, social humiliation, death threats, forced prostitution, social isolation and rape. Life for Nepali women became harder, hazardous and unpredictable. Young and unmarried women fled from their homes and villages after losing their husbands, sons and brothers or being raped or sexually exploited (Upreti, 2010, p. 260; York, 23). Many of these women became displaced refugees living in the slums which ring Kathmandu, the capital city. Over 70,000 girls aged between 15 and 30 years left their homes and turned to prostitution to survive (Shakya, 2009; Upreti, 2010). Elderly people tried to protect their young girls/daughters from being recruited in the Maoists through early marriage. Elderly themselves found survival difficult after their young relatives left home (Shakya, 2009).

Different occupational groups were also targeted during the insurgency. Most of the school teachers, private school founders, business persons, and landowners/moneylenders were prone to the Maoist as the human and financial resources where the media persons were targeted for reports of their activities during the insurgency (Wessel & Hirtum, 2013). It is important to note that the cadres of both the State forces and the Maoists were usually the most victimised people because they were isolated from their families for years at time with the risk of death (Shakya, 2009). Indigenous Nepalis and Dalits were the most vulnerable. They were mistreated, abused and trapped by both the government forces and the Maoists. Maoists forced Dalits to make homemade weapons (khukuri) and sew combat wear. The State tortured them for aiding the Maoists and barred them from their caste work as tailors, cobblers, blacksmiths (Shakya, 2006). The Government security forces suspected the indigenous people aided the Maoist rebels. Two-thirds of the 1763 Nepalis killed by the State forces were indigenous people (INSEC, 2004; Shakya, 2009).

However, the insurgency brought some positive changes too. It changed the existing caste and class system. The status of women, indigenous people, Dalits, and oppressed ethnic people has become politically conscious and aware of their rights. The status of women changed profoundly. They assumed leadership roles in the community. The representation of the women in the Constitution Assembly increased from 7% in 2000 to 32.27% in 2008 (CA Secretariat, 2008; Kanel, 2014) and oppressed minorities representatives increased from 56 members in 2000 to 215 members in 2008 (UNDP, 2009). After the insurgency, the oppressed ethnic people, indigenous, marginalized, disadvantaged, minority groups and Dalits gained some position greater social status in the Nepali society. For example, the CA 2008-2012 had the political representation of 34% of Janajati, 35% of Madhesis, 8.32% of

Dalits and some of other minorities (Adhikari & Pyakurel, 2011). Nepal had functioned under the caste system for centuries but the insurgency allowed those of the lower caste Dalits to rise up and claim their social rights. As the result, the high caste domination has been challenged and special quotas for those of lower caste have been provided in every sector by the Government, and the private sector. (Gyawali, 2009). The caste based discrimination against Dalits has significantly decreased since the end of the insurgency (Shakya, 2009).

The insurgency broke traditional Nepali practices of patriarchal society which allowed men to marry another woman if the first one died or did not give birth to children and where widows had to wear a white dress without any ornaments for the rest of their lives. In contemporary Nepal, widows wear colourful dresses and ornaments and re-marry (Gyawali, 2009). The insurgency ended the stereotype of women as passive and defenseless victims of armed violence as many Maoist fighters were young women (Arino, 2008).

Nepalese children and adolescents became conscious and aware of their rights as well as different social, political, economic and cultural issues. They became self-confident and spoke freely in front of the mass crowds (Gyawali, 2009).

3. Role of the TRC from the Case Studies of Liberia, Sierra Leone and South Africa

Basically, the TRC is established to find the truth of human rights violations during the civil war and recommend the recommendations to the government for justice and reconciliation to the victims as well as perpetrators so that they can live together in same community peacefully. Hence, the effective truth commissions are based on certain principles and characteristics. A truth commission (1) is focused on the past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review (Hayner, 2010).

To fulfil above principles and characteristics, the TRC possesses four main goals. They seek to contribute to transitional peace by creating an authoritative record of what happened; providing a platform for the victims to tell their stories and obtain some form of redress; recommending legislative, structural or other changes to avoid a repetition of past abuses; and establishing who was responsible and providing a measure of accountability for the perpetrators (Oelofse & Oosthuysen, 2014; Popkin & Arriaza, 1995).

Usually countries from the Global South have established TRCs for the peace

building process after civil conflicts. This study examines the operations including strengths and weaknesses of TRCs in Liberia, Sierra Leone and South Africa as case studies.

3.1 The TRC in Liberia

Liberia was gripped by civil war and its people faced human rights violations between 1979 and 2003. To address the problem of this conflict, the Government established its TRC in the Accra Peace agreement (Ojielo, 2010). Primarily, it was mandated to identify the accountability of possible persons, authorities, institutions and organisations involved in the civil war (Liberian TRC, 2004). For this, it was empowered to investigate human rights violations such as massacres, sexual violations, murder, extra-judicial killings, economic crimes like exploitation of natural resources, the root causes of the conflict (Jaye, 2009; Liberian TRC Act, 2005). Specifically, it was established 'to provide a forum that would address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences and reconciliation in order to create a clear picture of the past so as to facilitate genuine healing and reconciliation' (GoL, Article III of the Comprehensive Peace Agreement, 18 August 2003). Its objective was to promote national peace, security, unity through the recommendations for the rehabilitation, reconciliation, reparation and national healing (Article IV Section 4, Liberian TRC Act 2003; GoL, 2005).

It gathered information from victims, perpetrators, witnesses and institutions through public and confidential hearings. It provided the opportunities for many to tell their stories (Liberian TRC Act, 2003). Finally, the TRC prepared and compiled a comprehensive report which included findings and recommendations based on the information collected (Ojielo, 2010).

The Liberian TRC achieved mixed results on its tasks. It investigated and determined the gross human rights violation including the root causes of the violent civil war. Importantly, it recommended to the Liberian Government for peace and justice. Unfortunately, it could not address all the causes and consequences for peace building because of the limited budget, personnel and time covering its hearings and the lack of suitable methods of implementing its recommendations.

According to findings of the Liberian TRC, the root causes of the conflict were poverty, greed, corruption, limited access to education, economic, social, civil and political inequities, identity; and inequality in land tenure and distribution to the Indigenous people (TRC, 2009). To address these problems, the commission put forward the reforms of legal and institutional laws and regulations.

Briefly, the TRC recommended each finding (Liberian TRC, 2009). The poverty

could be addressed by compulsory free education which would reduce and control the greed and corruption simultaneously. The economic causes were addressed by economic programs like policy, program and lending to small business (Ycaza, 2013). The justice and reconciliation was addressed by utilizing the traditional mechanism such as ‘National Palava Hut Forums’ at the local level in which the local elders played a role in setting matters (Pajibo, 2008, pp. 16-18). For the reparation, the Reparations Trust Fund could be established for which the Government provided US \$ 500 million over 30 years. The justice to the child combatants was provided through the general amnesty (Liberian TRC, 2009, vol 2, p. 349). It was recommended to establish a criminal court to determine the criminal responsibility of individuals and armed groups for the violations that occurred. The reconciliation process was continued to all individuals admitting their wrongs and speaking truthfully before it as an expression of remorse were granted the amnesty (Liberian TRC, 2009).

The commission could not address some of the problems comprehensively. By studying these shortcomings the Nepali TRC could learn lessons and avoid their repetition so that Nepal’s TRC should focus these failures of Liberian TRC. The Liberian TRC was unsuccessful in determining the minimum condition of truth acceptance when judging the statement made by alleged perpetrators, lacked a measurement of remorse to decide whether it was genuine (Ojielo, 2010). The commission failed to collect information on violations from all the victims and all the parts of the country as it collected only from the easy locations (Ojielo, 2010). The works speed was very slow due to the lack of policies on reparations and prosecutions (Amnesty, 2008). It failed to identify the preliminary beneficiaries as well as absence of criteria for determining who was accountable for the reparation (Steinberg, 2009). It was also failed to capture the scenario and experiences of sexual based violence against women, women combatants, men and boys (Ojielo, 2010; ICTJ, 2010).

3.2 The TRC in Sierra Leone

Sierra Leone suffered of 11 years of civil war from March 1991 to January 2002 in which 70,000 people died, 2.6 million people were displaced, and thousands experienced human rights violations (Gberie, 2005; Kaldor & Vincent, 2006). A peace agreement, the Lome Accord was signed January 2002 which provided the way to establish a Truth Committee sponsored by the Government and a War Crimes Tribunal (the Special Court for Sierra Leone) sponsored by the United Nations (UN) (Migyirka, 2008).

The Sierra Leonean TRC was established to identify human rights violations in the country during the civil war and address these violations (Section 1, Article XXVI). The

TRC was to investigate the causes, nature and extent of the human rights violations as well as the international humanitarian law violations (TRC Act, Sec. 6). It would investigate and report on the role of internal and external factors of the civil war (TRC Act, 2000, Sec. 6, Clause- a). Secondly, it was established to help restore the human rights and dignity of victims, facilitate reconciliation, and promote healing for preventing future violations (TRC Act, 2000, Sec. 6, Clause-b). Lastly, it was established to maintain peace by utilising all available measures (Section 1, Clause 12).

The Sierra Leonean TRC was successful in determining human rights violations and the causes of the civil war. The TRC determined that bad governance, greed, endemic corruption, nepotism and the denial of basic human rights caused the civil war (TRC, 2004, vol. 2). It also concluded that the armed conflict in Liberia, Libya, and the role played by Charles Taylor, the leader of the National Patriotic Front of Liberia were dynamics in Sierra Leone's civil war (Abdullah, 1998; Richard, 1996). However, the Sierra Leonean TRC did not hear all the people affected by the conflict. Its recommendations did not cover ways to address all the problems associated with the conflict. It became lengthy process and took time to establish with a limited budget.

It could recommend only some of the findings for the establishment of peace and reconciliation (TRC, 2004). According to it, the human rights could be fostered through a National Human Rights Commission. A major cause of war, suppression of political expression, was addressed by freedom in expression, equal political representations of youths and women. The Anti-corruption Commission (ACC) was recommended to correct the corruption. The reparation could be completed through a Trust Fund by offering health treatment, free education to all the children of victims, skill training for small business and micro-projects (Stovel, 2006). Symbolic reparation is another method in increasing solidarity among victims and perpetrators such as the public apology by President Ernest Bai Koroma in March 2010, observing a national reconciliation day, a national peace day (Dougherty, 2004; TRC, 2004). The traditional and religious activities, social and recreational activities could be utilized for reconciliation.

However, the Sierra Leonean TRC failed in many of its tasks. The Nepali TRC can learn lesson from these failures to improve its functions. It failed to communicate its purposes and procedures to the local communities (TRC, 2004, p. 161; Sawyer et al., 2007; Miller, 2010). The delays in its establishment, the shortness of time and the limited budget of the TRC, prevented the collection of statements of all victims (Dougherty, 2004, pp. 43, 44). It did not adequately focus on reconciliation due to its greater focus on the truth component (for

example, investigation, details, facts, and so on) than on the reconciliation component (for example, healing, making amends, coming together, and so forth) (Park, 2010). It could not undertake comprehensive fact finding missions to establish accurate and fair accounts of history instead of acknowledged victimization officially and began the healing (Hayner, 1994, p. 607). It also failed to offer any specific and sufficient means for the funding of various schemes like health care, education, skill training, micro grants for small business, pensions, agricultural support and symbolic reparation.

3.3 The TRC in South Africa

The history of South Africa tells that it faced racial conflict from its colonial establishment in the 16th century (Saunders, 2002). During the Apartheid period, between 1960 and 1994 South Africa experienced a civil war (TRC, 1998). The civil war resulted in massive human rights violations including rape, sexual abuses, mutilation, killing by burning and necklacing primarily of black South Africans. The long-term psychological, physical, social and economical problems for black South Africans and the country were caused by the long civil war (TRC, vol.1, 1998).

Massive destruction in the country led to establish a TRC which was legislated by Nelson Mandela's Government on 19 July 1995 (Wilson, 1995). The South African TRC was established with major four tasks to achieve and promote national unity and reconciliation. These tasks were to analyse and describe the causes, nature and extent of gross violations of human rights that occurred between 1 March 1960 and 10 May 1994, including the identification of the individuals and organisations responsible for such violations. Secondly, its task was to make recommendations of reparation and rehabilitation to prevent future violations of human rights. The third was to help restore the human and civil dignity of victims. Finally, to grant amnesty to persons who made full disclosure of facts relating to acts in civil war (TRC Act, Sec.14).

The South African TRC worked for seven years and was successful to find the truth of gross human rights violations, the whereabouts of victims, those responsible for abuses and recommendations to establish peace through reparation, rehabilitation, reconciliation and changes in rules and regulations (TRC, 1998, vol. 5, ch. 8). It recommended the Government to reform the institutions and provides reparation to the victims and punishment to the perpetrators successfully. Unfortunately, it could not cover every location to collect people's testimonies due to time and budget constraints.

Some important and successful recommendations of the TRC did address the causes of the conflict and for the establishment of peace. Such as; the economic causes were

addressed by reducing the economic differences between rich and poor through the creation of job opportunities and business reconciliation fund (TRC, 1998, vol. 5, p. 308). The gap between advantaged and disadvantaged was addressed through justice programs against poverty and to overcome racism against black South Africans. The victims were supported through reparation process by providing the financial support of US\$3,500 each year for six years to each victim or family. The symbolic reparation was recommended such as the apology by the President. To foster the reconciliation, it was recommended to address the rule of law, human rights practice, transparency, accountability and root out of corruption from the society. The business reconciliation fund was another way of reconciliation process to create jobs and skill trainings, resource generating programs, banking services, industrial growth and agricultural expansion. The crimes compensation fund was another recommendation to access the justice for the victims which helps to establish the peace in the country.

The South African TRC was successful in many ways but it could not cover all the sectors for the peace process. It could not record all the information due to insufficient finances (Stanley, 2001). In the absence of sufficient amnesty; the majority of perpetrators did not come forward to tell the stories (Stanley, 2001). It failed to address the problems of crime and the unresolved land issues. The victims did not receive the financial justice promptly. They wait for a long time while the perpetrators were granted immediate freedom with amnesty (Ash, 1997; Sooka, 2003). It was not successful in all areas of its recommendations resulting poverty, lack of good housing, poor education, limited health services and unemployment (Stanley, 2001).

Through these unsuccessful activities in different areas, the Nepali TRC should learn the lesson for its proper functioning in peace process in Nepal.

4. Role of the Nepali TRC in Peace Building and Recommendations

The TRC of Nepal can play a vital role in peace building so the role and recommendations to it are described below:

4.1 The Role of Nepali TRC

Nepal's TRC has some elements which focus on the past for the future. Its aim is to provide a comprehensive picture of the past human rights violations during the insurgency. It will exist for a certain time period and it has power to access information regarding the human rights violations (Hayner, 2001). The reason to focus on the insurgency period is to uncover the mishaps and truths which occurred to help and prevent similar human rights violations occurring in the future. However, the TRC has several goals: to contribute to transitional peace by creating a record of what happened, provide a platform for the victims to tell what had happened and to receive some form of redress, recommend changes to the legislative and social structure to avoid any repetition of human rights abuses, and to identify who was responsible for these past abuses and to providing a measure of accountability for the perpetrators (Christie, 2000).

The TRC is to be a vehicle of social transformation to bring about a peaceful society. The Nepali TRC was established in 2015. It has six major tasks which are defined in the TRC Act 2014 of Nepal. It is to investigate the incidents of gross human rights violations committed between 13 February 1996 and 21 November 2006, identify the victims and perpetrators and promote reconciliation between them, recommend the reparation process, recommend the government of Nepal for legal as well as proper action against the perpetrators who involved in the offence of gross violations of human rights during the civil war if amnesty would not be granted (TRC Act, 2014). However, it has the role to recommend granting amnesty on the basis of conditions and criteria referred to in TRC Act 2014 (Section 25, Sub-section 4, 5, 6).

4.2 The '6R' Recommendations to the Nepali TRC

Nepal is moving into a transitional period of post conflict. As such, it needs the transitional justice. Transitional justice is the full range of processes and mechanisms related to the society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation including both judicial and non-judicial mechanisms with different levels of national and international (or not at all) involvement and individual prosecutions, reparations, truth-seeking, institutional reform (Amin, 2013; UN, 2004, p.4). The Nepali TRC is the special non-judicial mechanism which can provide transitional justice.

Basically, it has to play a major role in fact-finding function of human rights violations during the past civil war to establish an accurate record of the country's history for

recommendations (Bronkhorst, 2006). The victims should be provided an opportunity to tell their stories of their sufferings (Hayner, 2001). Healing the wound of past violence and preventing future conflict/violations is the next stage in the work of the TRC by recording the testimonies of the individuals, community building, political change (Hayner, 2001; Connolly, 2006). A major task of the Nepali TRC is the reconciliation process which could create the condition of the society where there is the absence of bitterness in political and public relationships, and increased dialogue between former enemies (Connolly, 2006; Rausch, 2017). The Nepali TRC should attempt to facilitate social transformation and develop a peaceful society for the future through establishing democracy and the rule of law (Hamber & Kibble, 1999; Rausch, 2017).

As an international procedure, the Nepali TRC should organize the hearings of testimonies of victims and perpetrators and collect evidence from sources such as official documents and newspapers. With the collected information, it should prepare the final report which should include the recommendations for rebuilding the divided society, mainly through the creation of an environment for sustainable peace and reconciliation, institutional and/or legal reforms, providing reparations through financial compensation to the victims and avenues of rehabilitation, as well as recommending any legal actions against persons who were involved in serious offenses against humanity (Hayner, 2001; Connolly, 2006; Rausch, 2017). Most importantly, it should recommend the measures to prevent future human rights violations. It should facilitate the establishment of a social peace in Nepal.

Following the case studies of TRCs in three different countries of the Global South (as above part 3), the TRC of Nepal should play an important role to progressing and completing the peace process. The Nepali TRC should help to reconcile the Nepali divided society addressing the past human rights abuses and advocate justice through social reconciliation, reparations procedures through financial compensation, different income generating training and/or employment, free health and education facilities, official apologies, commemorations, symbolic activities such as constructing statues and monuments in public places (Buckley-Zistel et al, 2014).

To proceed the peace process, the TRC should find the root causes and the consequences of the insurgency to recommend measures in addressing these. The investigation of the causes, nature and extent of the human rights violations of the war will be helpful to restore the human rights and dignity of victims so that reconciliation could be promoted. The available all the measures would be recommended to establish and maintain

the peace in the country.

Apart from these, the Nepali TRC should complete its functions without any influence from political parties, politicians/leaders, military/police or anyone who committed gross human rights violations (Hamber & Kibble, 1999). For example; in Chile, leaders of the former regime instituted an amnesty law to protect themselves and prohibited the publication of the names of specific perpetrators in the final TRC report (Hayner, 2001; Connolly, 2006). If the TRC cannot cover all the past mishaps regarding human rights violations, due to outside influences, the society cannot acknowledge and cannot bring full reconciliation and peace. Incomplete truths may leave the society with open wounds forever. The Nepali TRC should complete peace building through the process of reconstruction, transformation, reconciliation, human rights culture, justice in Nepal.

Importantly, from above case studies, the '6R' recommendations are prescribed for the Nepali TRC which may assist in bringing peace to Nepal as below:

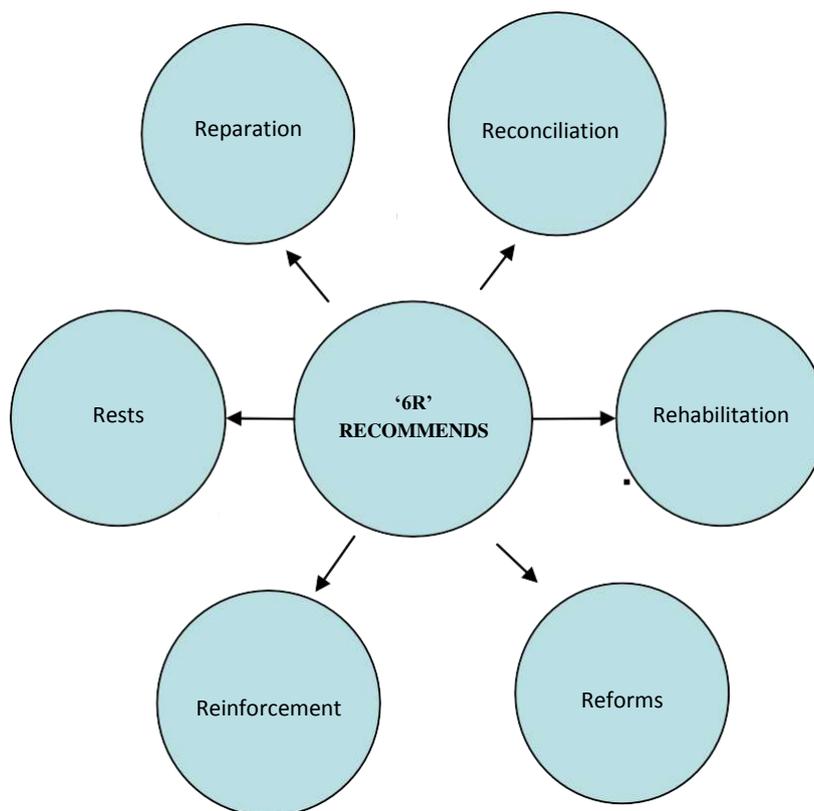


Figure-1: '6R' Recommendations for Nepali TRC

1. (First R) Reparation-

Trust fund can be established to provide skill based training, health, pensions,

education and skills training, micro-credit initiatives, \$15,000.00 once off payment to victims/family as in Liberia as well as community and symbolic reparations, public apology as in Sierra Leone, South Africa.

2. (Second R) Reconciliation-

Utilizing social and cultural system as in Liberia; new social engineering (national vision); announcing the national reconciliation day; distribution and reform of land, economic, social and cultural rights, women's right, child rights for the reconciliation as in Liberia, Sierra Leone and South Africa.

3. (Third R) Rehabilitation-

For the rehabilitation, it is recommended to provide life skills training, job opportunities, education, health for the victims' family. The child and orphan protection laws as well as free education to them are another way of rehabilitation. Allowances, job opportunities, life skills training, women's education, small business management, micro-economic programs, and government guaranteed lending schemes can be provided to widow and women. Providing job, health services and life skill trainings help to provide the justice to internally displaced people (IDPs) / externally displaced people (EDPs).

4. (Fourth R) Reforms in rules and regulations-

Legal and judicial systems, rule of law, and good governance for the country are very important recommendation for the peace process in Nepal.

5. (Fifth R) Reinforcement of recommendations strongly-

Running/implementation of the recommendations efficiently and strongly only can provide the justice to both the perpetrators and victims.

6. (Sixth R) Rests-

Some other sectors are also can be recommend so that the TRC in Nepal can complete its task of helping the Government in peace establishment. New political culture, civil and political rights, decentralization of political powers should be developed in **political parties and politicians**. The **Private organizations** such as business, media and bar association, faith communities should develop programs to help victims. **Every individual** should develop a sense of responsibility towards the nation. **Diasporas** can be asked for cash support of at least \$ 30.00 every month from each of them. Lastly, archiving commission material and public access; follow-up committee for one year, protection for TRC commissioners, and strong punishment for breach of confidentiality in TRC matters are other important recommendations (Thapa, 2017).

5. Conclusion

This research study explored the causes and consequences of the Maoist insurgency in Nepal as well as the procedures to provide justice to the victims and the perpetrators so that they can live together peacefully in same society. Hence, Nepali TRC could learn the lessons and follow the procedures from the TRCs from the case studies to complete its tasks of peace building in Nepal.

Nepal and Nepalis have been suffering a painful social wound since 1995 when the Maoist insurgency began. The Nepali TRC which was finally established is still in a preliminary stage of its functions. It has just completed the collection of complaints from the victims and perpetrators in its two-year tenure without any real achievement. Its tenure was extended for one more year in February 2017 (Republica, 2017).

As the Nepali TRC mandate was to find the truth of human rights violations, recommendation for the punishment of guilty, recommendation for reparation, reconciliation and rehabilitation as well as the recommendations for the reformation of the legal and institutional laws, rules and regulations of the country to avoid the repetition of the human rights violations, it should closely study the workings of the TRCs in Liberia, Sierra Leone and South Africa.

By drawing on the strengths and weaknesses of these TRCs, Nepal should learn the lessons so that it could manage most of the problems to establish the peace in the country. Unless the TRC of Nepal follows the definite and unrestricted functions, it will not provide justice to the victims and perpetrators and nor help to establish peace successfully in Nepal. In such a situation there will not be the peace or the absence of violations, or the presence of coexistence, positive relationships, and intergroup harmony and cooperation (Bloomfield et al, 2006; Mendeloff, 2004); in Nepal.

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