

Civil society and ceasefire monitoring: Evidence from Nepal

Margaux Pinaud

In the midst of civil wars, conflict parties commonly sign ceasefires to open spaces for peace talks and include provisions to appoint ceasefire monitoring mechanisms. Scholars, analysts and practitioners often promote these mechanisms as relevant tools to provide restraint on the parties (Chounet-Cambas 2012; Clayton and Sticher 2021; Haysom and Hottinger 2010). However, so far, we know little about how they support ceasefire compliance and broader peace processes. Research in this area has also focused on international monitors (Findlay 2001; Grist 2007; Höglund 2011; Höglund and Wennerström 2015; Samset 2004; Verjee 2019), often overlooking the role of domestic stakeholders, including civil society. One reason for this gap is the focus on the historical involvement of the United Nations (UN) in ceasefire monitoring and on the perceived military nature of such tasks, which dismisses the possibility of a role for civilians. Yet, ceasefire monitoring is neither international nor military in nature. It is the process of gathering information about ceasefires (possibly alongside other tasks, such as verification, reporting and information dissemination) (Boulden 2000; Findlay 2001). It can involve different combinations of actors among the conflict parties, international actors and/or civil society. In several contexts, most visibly in Myanmar and the Philippines, civil society has also engaged informally in ceasefire monitoring activities (NVPF 2016; Colletta 2006).

The lack of focus on the role of civil society in ceasefire monitoring mechanisms is an important gap for at least two reasons. First, civil society contributes relevant strengths in these mechanisms, thanks to its broad networks and knowledge of the local context and conflict dynamics (Pinaud 2021). Clarifying its advantages and constraints would help better assess how to combine domestic and international resources in ceasefire monitoring efforts. Second, there are path dependencies in peace processes in the sense that developments in the early phases influence subsequent interactions between conflict parties. From this perspective, involving civil society in ceasefire monitoring mechanisms is likely to shape its space and capacity to act later, around political negotiations (AGIPP 2018; Barsa, Holt-Ivry, and Muehlenbeck 2016; Forster and Bell 2019).

To address this knowledge gap, I examined in my research the role of civil society in three ceasefire monitoring mechanisms appointed during the conflict between Maoist insurgents and the government of Nepal. The insurgency began in February 1996, as the Maoists decried the failure of the recent transition to parliamentary democracy in Nepal to redress the oppressive practices inherited from the old political systems (e.g. Hutt 2004; Lawoti 2010). The conflict lasted ten years, until the parties signed a Comprehensive Peace Agreement (CPA) in November 2006. The parties declared four key ceasefires during the conflict to open negotiations: three bilateral ceasefires in July 2001, January 2003 and May 2006, and one unilateral Maoist ceasefire in September 2005. For the parties, the ceasefires were a necessary pre-condition to the negotiations as they helped appease tensions and allow the Maoist leaders to travel to the capital, Kathmandu, without being arrested.

The parties invited civil society to formally monitor the implementation of the last three ceasefires. The mechanisms involved civil society leaders with high legitimacy and broad networks, who undertook relevant activities and involved a lot of people in the process. In interviews conducted in Nepal in 2019, participants underlined that the monitors' presence effectively deterred the parties from major ceasefire violations by threatening to affect their reputation domestically at times when they were looking to access political power and helped mobilise broad constituencies for peace.¹ However, as I

¹ Interviews with former Maoists, Kathmandu, 11.06.2019 and 16.06.2019. Interview with ceasefire monitor, 17.06.2019. Interviews with civil society, Kathmandu, 28.05.2019, 06.06.2019, 12.06.2019, 17.06.2019.

describe in more detail below, the three mechanisms faced important constraints that reduced their effectiveness.

In 2003, the Monitoring Committee (MC) involved 13 civil society leaders among human rights organisations and activists. It was coordinated by the National Human Rights Commission, a law-appointed independent human rights body, and received technical support from the UNDP in the background. The MC monitored events during the implementation of the ceasefire in ten districts. It deployed fact-finding missions after incidents with civil society leaders and journalists inside and outside the formal monitoring structure to clarify the facts and prevent escalations. Lastly, it published press briefings about ceasefire violations it investigated and engaged with the parties about its findings to urge them to commit to the process (Adhikari 2004, 56-57; NHRC 2003, 23). A key constraint, however, was that the MC was formed only four months after the first ceasefire declaration. By the time it became operational, the parties had undergone two failed rounds of peace negotiations and lost faith in the process. This significantly reduced the MC's leverage and thus, its ability to prevent the Maoists and the government from returning to fighting.

In 2005, the Civic Ceasefire Monitoring Committee (CCMC) involved 22 civil society leaders among human rights organisations and activists, facilitators of prior peace talks and influential professional associations of lawyers, doctors, teachers and journalists. It was led by the Nepal Bar Association (NBA) and received funding from Norway. The CCMC mobilised broad networks across the country to monitor potential ceasefire violations by the Maoists and violence from the government, which had not reciprocated the ceasefire. It conducted dozens of fact-finding missions to verify the information collected and prevent escalations after incidents. It reported about its findings to the parties directly and through the media. Finally, the CCMC held consultations with a range of stakeholders in the capital and in conflict-affected areas to support the resolution of the conflict (NBA 2009). Still, the CCMC lacked credibility among the government, which made its work risky and prevented it from bringing the government into the peace process. First, the CCMC did not have jurisdiction from the government since it was a unilateral ceasefire. Second, it was perceived as biased. As interviewees among the monitors themselves explained, many members refused to engage with the high political level directly at the time as they condemned the unconstitutionality of the monarchy-led government and were closely affiliated to the democratic movement.² Ultimately, as the Maoists were unable to resolve their conflict with the government, they discontinued their ceasefire and returned to fighting.

In 2006, the National Monitoring Committee for the Ceasefire (NMCC) involved 24 civil society leaders (including 18 who had participated in the CCMC in 2005), among human rights activists and NGOs, professional associations and ethnic and religious groups. It received detailed terms of reference³ and international financial and technical backing, including from the United Kingdom, the United States and Switzerland (Farasat and Hayner 2009, 12; B. P. Mishra 2009, 18, 113-114). The NMCC mobilised broad networks to comprehensively monitor and investigate potential ceasefire violations. It shared three comprehensive reports about the implementation with the parties' peace talk teams and stakeholders closely connected to the peace negotiations, as well as through the media. The NMCC also used its formal jurisdiction to actively engage with combatants, political parties and the population across the country and urge them to share information about issues hampering the implementation of the ceasefire and the peace process locally (see NMCC 2009a, 2009b, 2009c). Still, the NMCC lacked authority to deter minor violations of the ceasefire by the parties to gain leverage in the peace negotiations. In addition, despite its active involvement throughout the peace process, the parties largely excluded civil society from the formal peace negotiations and implementation mechanisms. Interviewees gave different reasons for the move, including the parties' search to increase the legitimacy of the peace transition by prioritising a role for the UN and the monitors' perceived pro-

² Interviews with ceasefire monitors, Kathmandu, 12.06.2019 and 17.06.2019. The democratic movement emerged after the King dismissed the elected government in February 2005 and formed a new Cabinet under his own Chairmanship. It campaigned to bring the Maoists and the political parties together around the shared goal of a democratic republic, in which the power of the monarchy would be significantly reduced. The Maoists and the political parties reached a 12-point Understanding during the Maoist ceasefire, largely as a result of the work of the democratic movement and the supportive role of the CCMC. The democratic movement launched large popular protests early 2006 that pressured the King to transfer power back to the political parties (e.g. Subedi and Bhattarai 2017). This paved the way for the May 2006 ceasefires between the Maoists and the new government.

³ Terms of Reference and Power of the NMCC, 26.06.2006.

Maoist bias and lack of resources to monitor the CPA.⁴ The lack of gender and ethnic diversity among the NMCC monitors (2/24 members were women and most members were part of a Kathmandu-based English-speaking elite) was another important constraint, as it limited the mechanism's ability to report comprehensively on the needs of all groups for the ceasefire and peace process.

Despite the specificities of the Nepalese conflict context, the experience of the three monitoring mechanisms provides useful general lessons about civil society's role in ceasefire monitoring in civil wars. It shows that civil society has capacity and leverage to act in the early phases of peace processes, including in ceasefire monitoring. Yet, improving its effectiveness requires attention to three key issues, notably the parties' political will for the process, the monitors' ability to remain detached from their political affiliations and ambitions and the design of the mechanisms.

Margaux Pinaud is PhD Candidate at the Humanitarianism and Conflict Response Institute, Manchester University, UK

⁴ Interview with a close government advisor at the time, Kathmandu, 12.06.2019. Interviews with ceasefire monitors, Kathmandu, 17.06.2019 and 20.06.2019. Interview with civil society, Kathmandu, 18.06.2019. Interview with a journalist, Kathmandu, 07.06.2019.

References

- (AGIPP), Alliance for Gender Inclusion in the Peace Process. 2018. *If Half of the Population Mattered: A Critique of the Myanmar Nationwide Ceasefire Agreement and Joint Monitoring Committee Framework from a Gender Perspective*. Yangon: AGIPP.
- (NBA), Nepal Bar Association. 2009. "A Narrative Report by the Ceasefire Civil Monitoring Committee, 14 February 2006." In *The Nepalese Peace Process*, ed. Birendra P. Mishra. Kathmandu: Fineprint Books, 81–106.
- (NHRC), National Human Rights Commission. 2003. *Annual Report (July 17, 2002 to July 16, 2003)*. Kathmandu: NHRC.
- (NMCC), National Monitoring Committee for the Ceasefire Code of Conduct. 2009a. "Report 1." In *The Nepalese Peace Process*, ed. Birendra P. Mishra. Fineprint Books, 111–23.
- . 2009b. "Report 2." In *The Nepalese Peace Process*, ed. Birendra P. Mishra. Fineprint Books, 123–49.
- . 2009c. "Report 3." In *The Nepalese Peace Process*, ed. Birendra P. Mishra. Fineprint Books, 150–62.
- (NVPF), Non-Violent Peace Force. 2016. *Civilians Protecting Civilians through Ceasefire Monitoring. Civilian Ceasefire Monitoring in Myanmar: 2012-2016*. Yangon: NVPF.
- Adhikari, Bipin. 2004. *Building Capacity of National Human Rights Institutions: The Case of Nepal*. Kathmandu: Right to Education Foundation.
- Barsa, Michelle, Olivia Holt-Ivry, and Allison Muehlenbeck. 2016. *Inclusive Ceasefires: Women, Gender, and a Sustainable End to Violence*. Washington D.C., DC: Inclusive Security.
- Boulden, Jane. 2000. *3 Peacekeeping: evolution or extinction? The Verification and Monitoring of Peace Accords*. Disarmament Forum.
- Chounet-Cambas, Luc. 2012. *Negotiating Ceasefires: Dilemmas & Options for Mediators*. Geneva: Centre for Humanitarian Dialogue.
- Clayton, Govinda, and Valerie Sticher. 2021. "The Logic of Ceasefires in Civil War." *International Studies Quarterly* (Submitted): 1–47.
- Colletta, Nat J. 2006. "Citizen Security-the Role of NGOs and Broader Civil Society in Ceasefire Monitoring: Lessons from Mindanao." *Journal of Peacebuilding and Development* 2(3): 21–34.
- Farasat, Warisha, and Priscilla Hayner. 2009. *Negotiating Peace in Nepal: Implications for Justice*. Brussels: International Alert.
- Findlay, Trevor. 2001. "The Role of Monitoring and Verification." *Contemporary Security Policy* 22(3): 169–82.
- Forster, Robert A., and Christine Bell. 2019. *Gender Mainstreaming in Ceasefires: Comparative Data and Examples*. Edinburgh: Political Settlements Research Programme (PSRP).
- Grist, Ryan. 2007. "More than Eunuchs at the Orgy: Observation and Monitoring Reconsidered." *International Peacekeeping* 8(3): 59–78.
- Haysom, Nicholas, and Julian Hottinger. 2010. *Do's and Don'ts of Sustainable Ceasefire Agreements*.
- Höglund, Kristine. 2011. "Obstacles to Monitoring: Perceptions of the Sri Lanka Monitoring Mission and the Dual Role of Norway." *International Peacekeeping* 18(2): 210–25.
- Höglund, Kristine, and Marcus Wennerström. 2015. "When the Going Gets Tough... Monitoring Missions and a Changing Conflict Environment in Sri Lanka, 2002–2008." *Small Wars and Insurgencies* 26(5): 836–60.
- Hutt, Michael. 2004. "Introduction: Monarchy, Democracy and Maoism in Nepal." In *Himalayan "People's War": Nepal's Maoist Rebellion*, ed. Michael Hutt. London: Hurst & Co, 1–20.

Lawoti, Mahendra. 2010. "Evolution and Growth of the Maoist Insurgency in Nepal." In *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century*, eds. Mahendra Lawoti and Anup K. Pahari. New York City, NY: Routledge, 3–30.

Mishra, Birendra P. 2009. *The Nepalese Peace Process*. Kathmandu: Fineprint Books.

Pinaud, Margaux. 2021. "Home-Grown Peace: Civil Society Roles in Ceasefire Monitoring." *International Peacekeeping* 28(3): 470–95.

Samset, Ingrid. 2004. *Occasional Paper Series of the Working Group on Peace Support Operations Trapped in the Peace Process: Ceasefire Monitoring in Sri Lanka*.

Subedi, D. B., and Prakash Bhattarai. 2017. "The April Uprising: How a Nonviolent Struggle Explains the Transformation of Armed Conflict in Nepal." *Journal of Peacebuilding and Development* 12(3): 85–97.

Verjee, Aly. 2019. *Ceasefire Monitoring in South Sudan. 2014-2019: A Very Ugly Mission*. Washington D.C., DC: United States Institute of Peace.

Disclaimer

The views and opinions expressed in this article are those of the author and do not necessarily reflect the beliefs and positions of the Regional Program of the Gulf States at Konrad- Adenauer-Stiftung.

Contact Konrad-Adenauer-Stiftung e.V.

Regional Programme Gulf States

Fabian Blumberg
Representative to the Gulf States
Email: fabian.blumberg@kas.de

Dr. Mohammad Yaghi
Research Fellow and Programme Manager
Email: mohammad.yaghi@kas.de



The text of this publication is published under a Creative Commons license: "Creative Commons Attribution- Share Alike 4.0 international" (CC BY-SA 4.0), <https://creativecommons.org/licenses/by-sa/4.0/legalcode>