

Trapped in the Peace Process: Ceasefire Monitoring in Sri Lanka♦

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Abstract. Ceasefire monitoring missions, although central in many post-war transitions, are weakly reflected in the literature on peace operations. This article brings them into the debate, first by relating the notion of ceasefire monitoring to existing conceptualisations of peacekeeping. Secondly it analyses the case of the Sri Lanka Monitoring Mission, and finds reason to question both the deterrence effect and the impartiality of this operation. Finally, it argues that if monitors are unlikely to enhance ceasefire compliance, reasons are primarily structural – as monitors’ short-term aim of promoting compliance tends to clash with their overall purpose of supporting an ongoing peace process.

♦ Paper prepared for presentation at the WIDER conference ‘Making Peace Work’ in Helsinki, 4-5 June 2004. The author is grateful to the Working Group on Peace Support Operations of the Nordic Research Programme on Security for funding the research and fieldwork for this study. Kristine Höglund and members of the CMI human rights forum have given valuable feedback on earlier drafts of the paper. This version of 17 May 2004 represents work in progress, so please do not quote without checking with the author. Comments remain welcome.

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Introduction

After nearly two decades of war, on 22 February 2002 Sri Lanka's government and main rebel movement, the Liberation Tigers of Tamil Eelam (LTTE) signed a Memorandum of Understanding on a ceasefire. As opposed to previous and more short-lived MoUs, this agreement led to a virtual halt in inter-party fire which, at the time of writing, has lasted for more than two years. But even though the parties refrained from restarting the war, they continued to commit many of the anti-civilian acts that the agreement identifies as ceasefire violations. In fact, over the two-year period the agreement has been violated nearly two thousand times – and the total amount of violations has not fallen, but risen over time.

The source of this information is the Sri Lanka Monitoring Mission (SLMM), a Norwegian-led, Nordic operation tasked with monitoring the ceasefire agreement. The aim of establishing this mission, however, was broader: it was supposed to deter the parties to the ceasefire agreement from violating it (interviews).¹ Yet even though war has not broken out again in Sri Lanka, the recurrence and even increase in ceasefire violations indicates that the deterrence effect has been weak. Why hasn't the monitors' presence contributed to enhance greater compliance?

Reasons why monitors may end up merely monitoring, and not reducing ceasefire violations will in the following be addressed in three sections. First, I will introduce the notion of ceasefire monitoring missions to the conceptual toolbox of peacekeeping literature, in order to enhance our understanding of the phenomenon that such missions represent. Secondly I will assess the case of the SLMM, and discuss how this mission has tried to be impartial towards the two parties in question – whose compliance with the ceasefire has diverged dramatically. Finally, I will elaborate on two dynamics that emerge from the Sri Lankan case – a 'peace process trap' and a 'public relations dilemma' – that help explaining why ceasefire monitoring missions are unlikely to influence the behaviour of violators towards greater respect for the ceasefire.

¹ In this study I allow myself to withhold information about my informants, such as their names and the time and place of interview, since the subject matter of our conversations often was politically sensitive.

I. Ceasefire Monitoring Missions: An Orphan of Peacekeeping Theory?

Over the last decade, missions tasked with monitoring ceasefire agreements have been established in a number of countries emerging from war, including the Sudan, Kosovo, Sierra Leone, and Sri Lanka (Porter 2003). The monitoring of ceasefires is core to the activity called ‘peacekeeping’. Even so, ‘ceasefire monitoring missions’ as a term remains conspicuously absent from the literature on peace operations. Furthermore, within the plethora of umbrella concepts developed to describe peacekeeping activities – peace support operations, (military) operations other than war, traditional/classical peacekeeping, wider/strategic peacekeeping, and peace enforcement – none seem to be fully able to integrate the defining characteristics of intra-state ceasefire monitoring. Why are such missions relegated to a status of theoretical inexistence, whilst proliferating in practice?

In the following, I will identify key characteristics of ceasefire monitoring missions by relating this term to the other notions that have emerged to denote peacekeeping activities. To compensate for the lack of theoretical understanding of ceasefire monitoring missions, I will subsequently explore what we can learn from the case of the monitoring mission in Sri Lanka.

Ceasefire Monitoring Missions: Old and New

Missions tasked with monitoring ceasefires are of two types, which are treated very differently in the literature on peacekeeping. If deployed to monitor a ceasefire *between* states they are called ‘traditional’, if deployed to monitor a ceasefire *within* a state they nearly escape categorisation altogether.

Traditional Peacekeeping: Ceasefire Monitoring Between States

During the Cold War, operations termed ‘peacekeeping’ normally designated deployment of military personnel to help settle a conflict *between* states. With a few exceptions, such as the UN operation in the Congo in the early 1960s, peacekeepers hardly intervened in cases of intra-state conflict. Moreover, peacekeeping missions were more or less equivalent with ‘blue helmet’ interventions – few organisations or coalitions beyond the UN mounted forces with an aim of keeping peace.

Whilst military deployment aimed at maintaining inter-state peace continued after 1989, the Cold War operations have remained a chief influence of current conceptualisations of ‘traditional’ (Bellamy, Williams, and Griffin 2004: 5) or ‘classical’ (Schmidl 2000: 5) peacekeeping, defined by the latter as ‘the deployment of military observers and/or lightly armed troops to monitor truce and armistice agreements or the withdrawal of troops’ (ibid.). Such peacekeeping hence differs from ceasefire monitoring missions of today primarily on one account: it is inter-state. Had it not been for that international nature, the following description could have fitted operations such as the Sri Lanka Monitoring Mission:

‘Traditional peacekeeping takes place in the space between a ceasefire agreement (...) and the conclusion of a political settlement. Traditional peacekeepers do not propose or enforce particular solutions. Rather, they try to build confidence between the belligerents in an attempt to facilitate political dialogue’ (Bellamy et al. 2004: 5).

The timing of the operation in the interregnum between ceasefire and final peace agreement; the lack of enforcement mechanisms; the confidence-building efforts; and a fourth element identified by Schmidl (2000: 5), ‘the support of host countries’: All are key characteristics of ceasefire monitoring missions as well. Still, such missions are not ‘traditional’ since the ceasefire agreements they monitor may be *within* as well as between states. Moreover, ceasefire monitoring missions differ from ‘traditional’ peacekeeping inasmuch as they may be conducted by non-UN agents. Finally, as opposed to Schmidl’s identification of ‘traditional’ peacekeepers, intra-state ceasefire monitors may not necessarily be entitled to use force – even in cases of self-defence.

One reason why intra-state ceasefire monitoring eludes current classifications is probably that as opposed to inter-state ceasefire monitoring, the ‘original’ peacekeeping activity, the deployment of personnel to monitor pre-settlement ceasefires within states is a relatively new phenomenon. The emergence of such missions can be seen as part of a rising tide of interventionism, as inter-governmental, government, and non-government agents over recent years have expanded their efforts to alter the internal affairs of crisis-ridden states. While external military intervention in the name of ‘peace’ first was restricted to monitoring final settlements of conflicts *between* states; after the end of the Cold War ended it has been broadened to observing such agreements *within* states; later to help *implementing* such deals too. At the fourth and current stage, international agents also take up the task of monitoring

and helping to implement agreements in war-torn states *before* a final truce has been reached. In the following I will briefly outline the roads to this stage over the last decade.

Wider Peacekeeping: Ceasefire Monitoring Within States – And More

After the Cold War, the UN was requested to monitor agreements not only between but also within states – after civil wars. Yet these deals would not only involve military matters such as respect of a ceasefire and the pull-back of troops, but also far more complex issues such as the repatriation and resettlement of displaced persons, the rebuilding of administrations, police forces and judiciaries, and the organisation of country-wide elections.

The deployment of not only military, but also of police and civilian contingents to rebuild a society *after* a civil war settlement is what Schmidl (2000: 5f) calls ‘wider’ or ‘strategic’ peacekeeping.² The archetypical ceasefire monitoring mission, on the other hand, operates in the period *before* the signing of a final peace deal. Such a mission may surely be part of the post-settlement operation as well, but then it will normally blend with a larger mission tasked not only with observing the ceasefire. Therefore, ceasefire monitoring missions do not really match the ‘wider peacekeeping’ designation either.

In fact, Bellamy et al. (2004: 6) also use the ‘wider peacekeeping’ term but take it one step further. While for Schmidl ‘wider’ operations take place *after* internal conflicts have been settled, for Bellamy et al. they take place ‘in an environment of *ongoing conflict*’ since they essentially develop ‘as an ad hoc *response to the breakdown* of ceasefires or political agreements’ (ibid.: 6, italics added). However, operations that respond to the collapse of agreements normally involve the use of armed force by the ‘peacekeepers’. Force would then not only be used for purposes of self-defence, but also to impose compliance upon parties. Since use of force therefore becomes a distinctive characteristic of such post-breakdown

² Such broader operations have also been termed ‘(military) operations other than war’ (Schmidl 2000: 18) and ‘managing transition’ operations (Bellamy et al. 2004). In US military parlance, however, ‘(military) operations other than war’ has involved tasks such as counter-drug operations or purely humanitarian relief operations (Schmidl 2000: 18); thus restricting or expanding the activities normally described as ‘wider peacekeeping’. Ambiguities also plague the concept of ‘managing transition’ operations. To Bellamy et al. (2004: 5), such operations aim ‘to facilitate and then implement a settlement agreed by the conflicting parties’, but deploy only *after* the parties have signed a political settlement. However, ‘facilitation’ of a settlement will normally involve activities not only after but also *before* the signing of the political agreement. Given this lack of clarity, I prefer to use the designation of ‘wider’ peacekeeping to denote this kind of peace operation.

operations, I find Schmidl's definition of 'wider peacekeeping' more useful and prefer to call missions in which the use of force goes beyond self-defence 'peace enforcement' operations.

Peace Enforcement and Peace Support Operations: Antitheses to Ceasefire Monitoring

If ceasefire monitoring missions make an uneasy fit with both the traditional and the wider peacekeeping concepts, they are even more distant from the category of peace enforcement. Such operations materialise 'if it is necessary to apply military force to enforce a solution of the conflict' (Schmidl 2000: 6). The concept arose in the mid-1990s as a result of failures of deployed personnel, lightly armed or not armed at all, to keep the peace in areas such as Somalia, Rwanda and Bosnia.

While it remains contested whether ensuring compliance by using force is likely to promote longer-term peace, the idea is even more difficult to implement if the peace deal at stake is not a final agreement, but merely one on a cessation of hostilities. The reason is that ceasefire agreements tend to be more fragile than peace agreements. Parties are not likely to trust one another at the outset, and will not be interested in equipping monitors with 'teeth' – as they may want to retain the option of using military means themselves. And given that a ceasefire agreement, as opposed to a peace deal, will not necessarily involve an immediate downsizing of weaponry or troops either, the force that the parties will be able to mobilise if they choose to violate the agreement may be substantial. Ceasefire monitors who would attempt to push a party that violates the ceasefire to comply with it, by using force as punishment, would therefore risk facing a massive armed response. As a result, they'd either suffer badly or respond back, and in the latter case, contribute to reignite and possibly intensify the war – in complete contradiction to their ostensible aim of ending it.

If it is a ceasefire – and not a final peace deal – which is on the verge of breakdown, a mission monitoring it would therefore not have an interest in 'applying military force to enforce a solution'. The UN seems to have learned this lesson in 2000, when deploying a ceasefire monitoring mission to supervise the border between Ethiopia and Eritrea – a mission conceptualised as 'traditional peacekeeping' since the ceasefire was between states. According to the operation's mandate, should the agreement on cessation of hostilities collapse the mission would simply depart (Bellamy et al. 2004: 90).

Beyond force, another factor that may make ceasefire monitoring diverge from peace enforcement is the authorising body. For Bellamy et al. (2004: 6), the aim of enforcement operations is ‘to impose the will of the Security Council upon the parties to a particular conflict’. Yet even though some ceasefire monitors have been mandated from New York, such as the United Nations Mission in Ethiopia and Eritrea, others are neither authorised nor established by the UN. These include the Sri Lanka Monitoring Mission as well as two missions in the Sudan, the Joint Military Commission and the Civilian Protection Monitoring Team (Hutchinson 2004; Porter 2003).

While this non-UN origin may be seen as another reason why ceasefire monitoring missions do not fit into the ‘peace enforcement’ category; in reality enforcement missions no longer emerge from the UN only either – operations in the Balkans, Afghanistan and Iraq illustrate this. Are Bellamy et al. thus misguided when restricting the ‘enforcement’ term to UN operations? Not really: they rather seem to have taken the consequences of the debate launched by Brahimi and his colleagues in 2000 (Brahimi et al. 2000). In line with their evaluation of UN peacekeeping, more recent operations have often been described in terms not of peace *enforcement* but of peace *support*.

The Brahimi report saw such ‘peace support operations’ as syntheses of, in fact, peacekeeping and peace enforcement. Departing from a premise that local consent to a peace deal and to the deployment of peacekeepers is fluid rather than fixed – that it can vary across groups and across time – the report argues that any peacekeeping mission will need the option of recurring to force, also beyond cases of self-defence. For the Brahimi team, a peace support operation is therefore one that is able to switch from ‘traditional’ or ‘wider’ peacekeeping to peace enforcement – and back, according to whether compliance needs be imposed or not.

As noted above, however, in the case of ceasefire monitoring neither the parties nor the mission itself will have an interest in switching to the use of force in cases of non-compliance. Therefore, ceasefire monitoring missions do not fit into the ‘peace support operations’ category either. Will we therefore have to conclude, towards the end of this *tour d’horizon*, that ceasefire monitoring missions are terminological stepchildren in the peacekeeping family? Not yet: one point of entry remains.

Peace Operations: Bringing Ceasefire Monitoring Back In

Even before the Brahimi report, ‘peace operations’ had been suggested as a catch-all term for both ‘traditional’ and ‘wider’ peacekeeping as well as ‘peace enforcement’. Schmidl (2000: 18) argues that because ‘peace support operations’ may involve the use of force, the term is sometimes misinterpreted as referring only to enforcement. Other scholars (CSDG 2003) also opt for the term ‘peace operations’ as an umbrella concept. Schmidl (2000: 4f) identifies ‘six principle criteria [that] (...) may be used as a definition of ‘peace operations’:

1. An international mandate or authorisation for the mission (ideally, from the UN Security Council),
2. The execution of the mission either by an international organisation, a regional arrangement, or by several states co-operating in an ad hoc coalition,
3. A multinational composition,
4. The aim of restoring or preserving the status quo, or to enable the peaceful transition from the status quo to a different, agreed-on status,
5. The aim not to conquer territory, but rather to act for the benefit of the local population,
6. Operating under the principle of ‘minimum damage’.

Still, if the aim is to reflect the true breadth of peace operations, this definition remains too restrictive in its requirements on the international aspects of operations. First, there is a mismatch between the condition that peace operations must have an ‘international mandate or authorisation’ (criterion 1) and the fact that over recent years, an increasing number of military or civilian-military ‘peace’ operations have been initiated and conducted without a go-ahead from an international organisation such as the UN or NATO. The UN no longer has a monopoly on authorisation of peacekeeping; the mandate may rather be given by the parties to the conflict themselves and/or by the intervening agents. Second, peace operations are not necessarily multinational, neither in their execution nor in their composition (criteria 2 and 3). For instance, the Civilian Protection Monitoring Team in Sudan was initiated by the US and has predominantly featured American nationals (Hutchinson 2004), and the SLMM was envisaged to be a purely Norwegian force (interviews).

Nevertheless, if we leave out Schmidl’s first three criteria and keep the last triple, the real magnitude of today’s peace operations is quite satisfactorily reflected in his definition – as it also covers the brand of ceasefire monitoring missions.

II. Promoting Compliance, Remaining Impartial? The Case of the SLMM

A key justification of the deployment of ceasefire monitoring missions is that the mere presence of monitors will make it less likely that the parties to the agreement will violate the ceasefire. Respect for the ceasefire, in turn, is thought not only to have a value in itself. First and foremost, such respect is instrumental for the success of the parallel process of negotiations towards a final peace agreement. For if the negotiating parties open fire against one another again the process of talks is very likely to break down.

The idea that peace talks success requires not only that the negotiating parties first agree on a ceasefire, but also that this ceasefire is monitored whilst talks towards a final agreement go on, represents a pinnacle of the post-Cold War tide of interventionism. The hypothesis that ceasefire monitoring may increase chances that negotiations bear fruit is thus only being ‘tested’ in our time, for instance in the Sudan and Sri Lanka (Hutchinson 2004; Porter 2003).

The question is, therefore, do ceasefire monitors in actual fact deter people from violating the ceasefire? Does the mere presence of monitors contribute to alter the behaviour of previously warring parties towards reduced violence? And if it does not at the outset, does proactive work by ceasefire monitors succeed in ensuring a greater degree of compliance?

In the following, I will discuss these questions in light of experiences of the ceasefire monitoring mission in Sri Lanka. Given that a guiding principle of this Sri Lanka Monitoring Mission (SLMM) has been that of impartiality (interviews), I will in particular assess the extent to which monitors have been able to remain impartial while at the same time promoting compliance to the ceasefire. The SLMM’s impartiality has been challenged, I will argue, at the level of the mandate, in relation to the parties, and in relation to the peace talk facilitators.

My overall argument will be twofold. One, the idea that the SLMM was supposed to be impartial was unrealistic, yet it may in some cases have prevented an active stance by the monitors to promote respect for the ceasefire. Two, even when seen in isolation from the impartiality considerations, the idea that the SLMM was to enhance respect for the ceasefire remained difficult to realise due to the incentives from the ‘track one’ of the peace process.

Mandate

The mandate of the SLMM is given in the ceasefire agreement of 22 February 2002. This agreement was the result of negotiations between the government of Sri Lanka and the main rebel movement, the Liberation Tigers of Tamil Eelam (LTTE), 'facilitated' by envoys from the government of Norway. At least two aspects of the SLMM's mandate gave initial blows to the idea, conveyed by facilitators and monitors alike, that the mission was to be impartial.

First, the ceasefire agreement holds that the SLMM was to be deployed only in the eastern and northern parts of the island (Art. 3.6). At the same time, it requires the SLMM 'to enquire into *any* instance of violation of the terms and conditions of this agreement (...) through on-site monitoring' (Art. 3, preamble; italics added). The contradiction is clear: the agreement mandates the mission to achieve an aim while at the same time restricting its ability to do so.

A main reason why the SLMM could not monitor all over the country was, of course, resource limitations. However, the choice of using the limited resources to monitor the areas dominated by the one party only, the LTTE, implied a risk that possible violations by the other party, Sri Lanka's government, would go underreported. Instead of deploying some monitors in government-dominated areas and some in LTTE-dominated areas, the SLMM was mandated to focus on the one side only. True, it was in the LTTE-dominated areas that the war had raged most harshly in the past. But by deploying there only, the SLMM sent a signal that abuses in the north and east would matter more than abuses in the south and west. This signal is unfortunate since the line between monitored and non-monitored areas not only distinguishes government- from rebel-dominated territories; it is also an ethnic distinction. The deployment strategy may thus have signalled that Tamil suffering was more important than Sinhalese suffering.

Furthermore, there is little reason to believe that ceasefire violations only have taken place in the north and east. Article 2.1 of the ceasefire agreement identifies 'hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment' as violations. Reportedly, the Sri Lankan government have continued to commit many such acts (ACHR 2003). But since the bulk of government-controlled territory is not monitored, the possibly significant number of such violations escapes the monitors' view. The

deployment strategy therefore incapacitated the SLMM from realising its mandate ‘to enquire into any instance of violation’. If ‘impartiality’ means to treat the two parties in an equal way, the mandate itself therefore worked counter to this aim.

However, while such equal treatment of the two parties is an important aspect of impartiality, the Sri Lankan context complicates matters – since the ‘two parties’ there have a highly diverging history and track record. Impartiality of a body such as the SLMM will therefore not only be evaluated on the grounds of how it relates to the two parties to the ceasefire agreement, but also on its relations to the various units on the non- or anti-government side. This side of the war has been composed of a number of militant movements, political parties and civil society groups – out of whom one, the LTTE, has taken the lead. While many Tamils do give the LTTE credit for having fought for their cause, it is an open secret that the ‘Tigers’ also have actively suppressed other representatives of the anti-government side, often with violent means. It is therefore problematic that the ceasefire agreement of 2002 implicitly recognises the LTTE as the only representative of the anti-government side, as no other group representing that side has been included in the negotiations.

More questionable with regards to the SLMM, however, is the fact that the agreement tasked the mission with overseeing the disarmament of non-LTTE ‘Tamil paramilitary groups’ (Art. 1.8). In other words, the ceasefire agreement helped the LTTE to win: first a symbolic victory of being recognised as sole representative and second, a very real, on-the-ground victory against its internal contenders. This second victory was won with the help of the SLMM, which monitored the implementation of the disarmament exercise in mid-2002 (interviews). It can hence be argued that the SLMM was mandated to strengthen the one side.³

In important ways, therefore, the SLMM’s mandate prevented it from realising the idea of impartiality. Yet in hindsight, the second case of mandate-induced partiality stands out as more important. For by enabling and bringing international legitimacy to the process of undermining non-LTTE militias, the SLMM also left Sri Lankans in LTTE-dominated areas more vulnerable. Sri Lankans may have wondered: Why would an ostensibly ‘impartial’ agency take part in removing people’s means of self-defence against one of the world’s strongest rebel movements – and leave this one intact?

³ The argument is supported by the fact that the agreement did not envisage the reduction in the force of the ‘Sea Tigers’, or an SLMM role in such downsizing. The ceasefire agreement thus enabled the LTTE to keep its navy – a most peculiar asset for any rebel movement worldwide.

Unfortunately, reasons to pose such questions remained after the immediate post-ceasefire agreement period since, as I will show in the following, the SLMM has appeared largely unable to stem LTTE abuse against the civilian population.

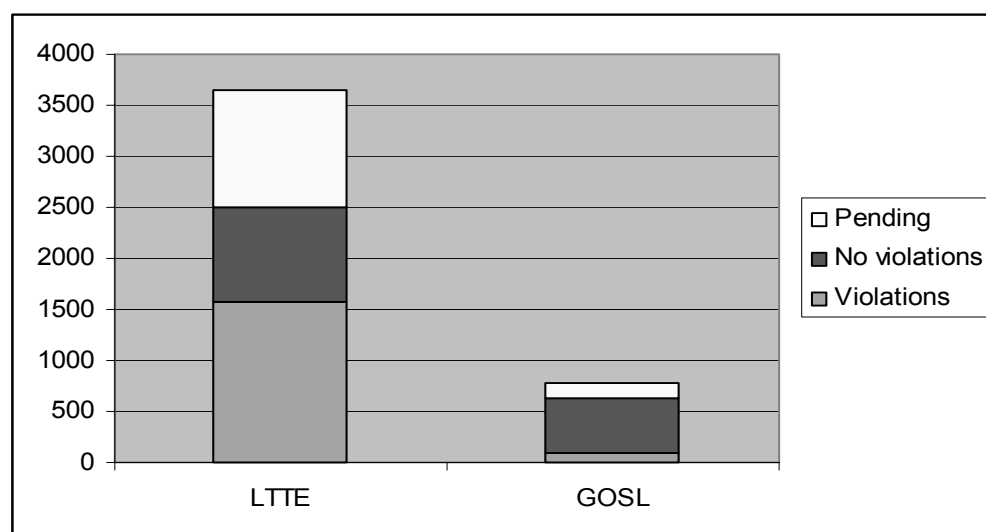
Diverging Compliance by Parties

Any discussion of intervening agents' effects on other agents' behaviour will be a discussion of counterfactuals. It is, of course, impossible to say with certitude whether the ceasefire would have been more or less respected in Sri Lanka's north and east had the SLMM not been deployed. Still, it remains unlikely that the number of violations committed by the one signatory to the ceasefire agreement would have been much higher had the SLMM not been around. In other words, the SLMM does not seem to have deterred the rebel movement.

The reason why I make this argument is the sheer magnitude of LTTE violations under the auspices of SLMM monitoring. From 22.02.2002 until 31.01.2004, the Sri Lanka Monitoring Mission received a total number of 4662 complaints of alleged violations of the ceasefire agreement – meaning, on average, 6-7 complaints per day.⁴ But out of those complaints that were ruled to constitute actual violations, 1659 in total, the LTTE was in charge of an entire 94, 7 %. The LTTE's 1571 violations represent an average of more than two violations every day. This contrasts with the government's 88 recorded violations, which doesn't go beyond one violation per week. Figure 1 illustrates the diverging patterns of compliance.

⁴ Slightly more than one third of the allegations (35, 6 %) did constitute violations of the CFA; another third (31, 5 %) did not. But proportions were uncertain since the mission was yet to make a ruling on the remaining one third of complaints.

Figure 1. Alleged Violations of Sri Lanka's Ceasefire, 22.02.2002-31.01.2004



Source: The Sri Lanka Monitoring Mission. 2004. *Summary of recorded complaints and violations from All Districts. Period listed: 22.02.2002-31.01.2004*. Colombo: SLMM Headquarters.

As the figure shows, compliance patterns differ in at least three respects. One, a far greater share of the *alleged* ceasefire violations are directed against the LTTE (78, 1 % of the total) than the government (16, 7 %).⁵ Two, the share of alleged violations that the SLMM ruled represented *actual* violations of the ceasefire agreement also diverge between parties. 43, 2 % of complaints against the LTTE were ruled as violations, as against only 11, 3 % of complaints against the government side. Most of the latter complaints, in other words, had nothing to do with the ceasefire agreement. Third, rulings have been more difficult to make in cases of complaints against the LTTE, of which nearly one third (31, 4 %) remained pending as opposed to 18, 6 % of complaints against the government. If all pending cases were resolved and all ruled as violations, the share of complaints constituting violations over these two years would thus reach three quarters (74, 6 %) in the case of the LTTE, but less than one third (30, 0 %) for the government side.

Yet even if SLMM presence does not seem to have countered a high prevalence of ceasefire violations is there evidence to suggest that at least it had an effect in reducing the number of violations over time? Not really, as Figure 2a and 2b illustrate.

⁵ The remaining share of complaints was related to neither of the two parties.

Figure 2a. Government Compliance with the Ceasefire Agreement, Monthly Averages

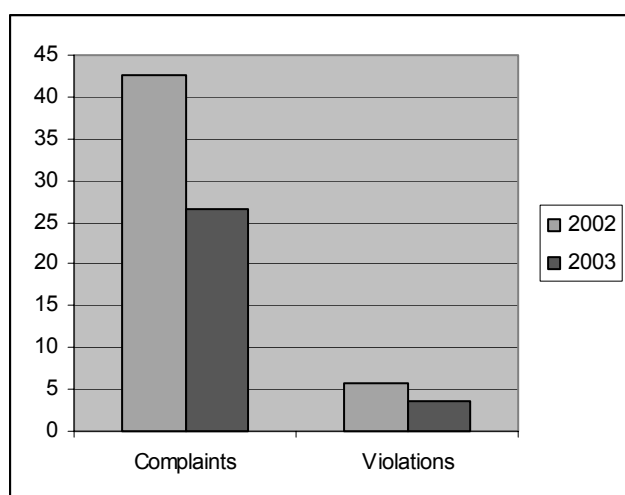
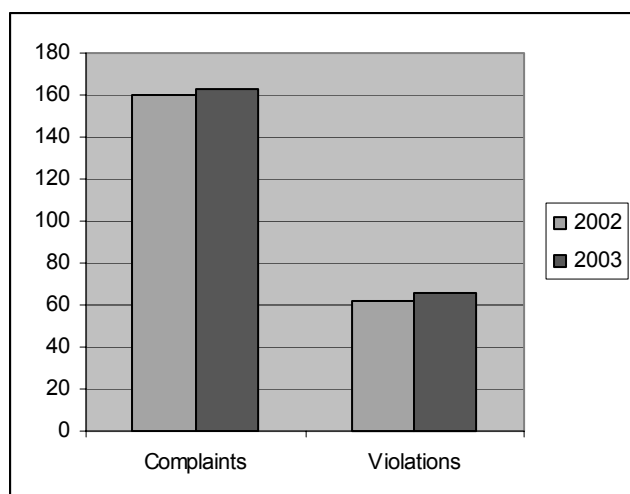


Figure 2b. LTTE Compliance with the Ceasefire Agreement, Monthly Averages



Note: Since data for 2002 only cover the period from 22.02.-31.12., i.e. 10,3 months, the monthly average for 2002 is constructed by dividing the total number of complaints and violations by 10,3 and not by 12.

Source: Sri Lanka Monitoring Mission. 2004. *Summary of recorded complaints and violations from All Districts. Period Listed: 22.02.2002-31.12.2002*, and *Summary of recorded complaints and violations from All Districts. Period Listed: 01.01.2003-31.12.2003*. Colombo: SLMM Headquarters.

True, Figure 2a reveals that the respect for the ceasefire agreement seems to have improved over time among government agents, whose reported violations decreased by 39, 7 % from the first to the second year of SLMM's operation. But while the number of government violations went down from 2002 to 2003, that reduction was in fact outweighed by a *growth* in LTTE violations. Figure 2b also shows that in the case of the LTTE, the numbers not only of violations, but also of complaints has increased during the period of SLMM monitoring.

The poor deterrence effect of the SLMM, given that violations of the one party have been both multiple and mounting over time, becomes even clearer when we consider the extent to which the SLMM's records are likely to reflect the true volume of occurring violations. For in fact, the numbers given above probably only represent the top of an iceberg. Reasons why many violations are unlikely to reach SLMM statistics can be identified both at the practical level of information and accessibility, and at the psychological level of trust and fear. Below I'll briefly touch on each of these points.

Information. The first step if Sri Lankans were to report about possible ceasefire violations is that they know that the SLMM exists and why it exists. My investigations on the island in January 2004 suggest, however, widespread lack of knowledge about the SLMM. Many people would not be able to distinguish the Nordic monitoring mission from the peace talk facilitators, and instead only talk about 'the Norwegians'. More often than not, they would be unaware that a special structure had been set up to receive complaints – from them, for them.

Accessibility. Complaints are also likely to have evaded the SLMM due to weak physical accessibility. Even for people who knew about the mission, they would often not have the capacity to get to its premises to report. And given the poverty of most Sri Lankans, reporting via email, telephone or fax has hardly been an option. In spite of a targeted use by the SLMM of limited resources – approximately 60 staff members were spread on six district offices, related 'points of contact' and mobile units, and deployed in regular patrols – signs are that even this strategy left many un-reached. Part of the reason relates to choice of location, as some district offices and points of contact were found far from sites where many violations were taking place. Another part is linked to the patrolling activity, which not always improved people's access to the monitors. Practice varied as to how often patrolling monitors would get out of their cars and talk with people. In one district, a civil society person noted that monitors were 'going in their vehicles on the main roads only, they don't go to meet the people in the villages'. In another, an SLMM monitor admitted that 'what I think we could have done more is to stop more often and talk with people. But it's a question of time' (interviews).

Trust and Fear. Reasons why many violations are likely not to have been reported to the SLMM, however, go beyond knowledge of and accessibility to the monitors. It is also a

question of confidence, trust – and fear. The monitors would only be able to cultivate the first part of the equation, a task that is difficult enough given the cultural differences, the language barrier, and not the least, the sensitive and personal issues that violations are all about. But beyond such confidence-building measures, the SLMM has been relatively powerless when faced with the strategies of violating parties towards those who would report on the violations. This dynamic of fear in particular applies to the LTTE-dominated areas, where people for long have known the consequences of breaking the silence on LTTE abuses. In one district, LTTE cadres reportedly told people that if they would report on, for instance, child recruitment to the SLMM, they ‘would not get any more help from them’ (interview). This threat is serious, since parents who lose their child to military training within Tiger ranks often will have to use the card of Tiger sympathy or support to get their child back.

Among the reasons why the actual number of violations is likely to exceed that reported by the SLMM, information and accessibility applies to people who may have complaints against both the government and the rebel side. Fear, however, seems to have been a far more forceful factor in relation to the LTTE. It is therefore probable that if the SLMM had been able to detect ‘any instance of violation’, the imbalance in actual violations is likely to have remained – or even to have been reinforced.

It is thus beyond doubt that the mere monitoring by the SLMM did not deter the side that committed most of the breaches from continuing to do so. Yet if presence of monitors did not suffice, what proactive measures were taken to improve respect for the ceasefire agreement?

Dealing with the Ceasefire Violators

There are three main ways in which the SLMM could try to deal with breaches of the ceasefire agreement: by publicly exposing violations, by holding closed-door meetings with the violating parties, and by using the peace talk facilitators. To what extent have these ways of putting pressure on the violators succeeded in promoting greater compliance?

‘Naming and Shaming’

The strategy of putting pressure on parties that have violated the ceasefire agreement by means of exposing their violations in the public sphere has hardly been tried by the SLMM. At first the mission did send out their statistics to the press, but stopped in September 2002 due to the experience that some of the media would distort the information by highlighting the violations by the one side only. Only recently has the avenue reopened for the media to access SLMM statistics, as the mission has started publishing it on its website.

But beyond providing the data, the SLMM has been very reluctant to comment publicly on the seriousness of the violations, and in that way, to put pressure on the parties. Monitors themselves justified this choice with reference to the need to keep a good relationship to both parties and not to lose face (interviews). The assumption therefore seemed to be that pressure in the media would, one, not lead to greater compliance, and two, only have a negative effect of deteriorated relationship with the violating party.

This assumption has been ‘tested’ in one deviant case however, as a district office at one stage chose to condemn strongly an LTTE violation in the press. The rebels’ construction of a new training camp in government-controlled area was termed as a ‘permanent violation’ and qualified as ‘unacceptable’ by the SLMM’s district office. At the central level of the mission, however, it was signalled that their policy was to avoid such powerful wording.

The acid test is, at any rate, whether this more outspoken approach led to different results. Whether the approach affected SLMM relationships to the LTTE at the local level remains uncertain. But at the level of compliance, little changed: the camp was not removed over the following months. The argument that public exposure of violations makes an SLMM loss of face more likely is thereby supported. Moreover, it is understandable that the SLMM may want to keep a low public profile given the task at hand, and the sensitive environment within which it has operated.

Nevertheless, its mission remains to try and make the parties to the ceasefire agreement stick to that agreement. If the public route was seen as unsuitable to realise that, have more unofficial approaches been more useful?

Closed-door Meetings

‘I wonder whether they [the LTTE] are taking us seriously. When we confront them with violations, they will look the other way, pretend that they don’t hear, or simply close their eyes’ (interview with SLMM monitor).

As this quote indicates, the means of eyeball-to-eyeball confrontations did not necessarily reach the desired end of greater compliance either. In interviews monitors reported recurrent problems with regards to the LTTE, which they have had the greatest need to put pressure on. The movement would fail to respond to letters, postpone meetings, and, if accepting to meet, often send junior representatives. True, many district offices had good experiences with LTTE representation in their Local Monitoring Committees⁶ well as in the ad hoc committees set up for purposes of conflict mediation and resolution at the local level. Nevertheless, across districts there was also a frustration, or simply an acknowledgement, that influencing the ‘Tigers’ to abide by the ceasefire was an uphill battle. One monitor put it as follows, when asked whether his office had put pressure on the LTTE concerning a specific violation: ‘In the beginning yes, but we realised that it didn’t lead us anywhere’.

Given that both the first and the second avenues proved to constitute *culs de sac*, the only way left that possibly could ‘lead the mission somewhere’ – that is, to a situation where less violations would take place – was ‘track one’. Indeed, when asked how, most realistically, the monitors could enhance abidance to the agreement most of them would refer to the role of the facilitators of the peace talks.

Indirect Pressure Via Facilitators

‘I’m not the one who’s supposed to put pressure – that’s the peace process’ (SLMM monitor, interview).

‘We are powerless if we cannot report to the peace talk facilitators. We have no stick (...) but the facilitators do’ (SLMM monitor, interview).

⁶ The role of these LMCs is outlined in Articles 3.7 and 3.8 of the ceasefire agreement, according to which each committee ‘shall consist of 5 members, two appointed by the government of Sri Lanka, two by the LTTE and one international monitor [who] shall chair the committee. The government and LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens. The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this agreement at the lowest possible level’.

Even if most SLMM monitors felt that it was not their task, but that of the peace talk facilitators to confront the ceasefire violators with their misdeeds, uncertainty raged as to whether the facilitators actually did do so. When asked how the facilitators should use the information the SLMM produced on the violations, one head of district office simply replied ‘I think they use it’. It goes without saying that as long as the peace process still is in progress, it will be difficult to confirm or reject that possibility. What we can do, however, is to try and assess the likelihood that the peace talks channel is being used – by the facilitators of it – to put pressure on parties who have violated the ceasefire.

When it comes to the information flow from the monitors to the facilitators, no major blockages seemed to prevail. Reports were sent from district offices to the headquarters on a regular basis as well as on the occasion of serious incidents. Information from these reports, in turn, was compiled to constitute monthly reports that went to the facilitators as well as the foreign ministries of the Nordic countries from where monitors have been recruited. In addition to this, the head of the SLMM had regular meetings with the representatives of the government of Norway, the facilitator, to report on the current situation.

Even though there were indications that the mission itself did some self-censorship – in one monitor’s words, ‘the situation should not be one of the monitors not reporting to the facilitators since their information could influence the peace talks’ – it is clear that had the facilitators wanted to use the information to pressurise parties to abide by the ceasefire, they would not have been plagued by a lack of information. The question is, rather, what interest agents whose aim is to make sure that the parties to the ceasefire move forward to strike a final peace deal will have in confronting these parties with their ceasefire violations.

At this point, many monitors were vocal in their critique of the fact that one country, Norway, led both the facilitation and the monitoring. Indeed, in the first instance Norway was itself reluctant to assume the leadership of the SLMM, realising that this may put the country’s representatives in a troublesome double role (interviews). For while the role of facilitator is one of a making things move ahead smoothly to a preset goal, a monitor, on the other hand, is supposed to act as a watchdog – or one who will stop the smooth moves ahead whenever those moves are not as they should be. Since these aims tend to clash, and the one therefore

will undermine the other, many monitors suggested that the leaders of the SLMM should come from another country than the facilitators of the negotiations.

However, it remains dubious whether such an organisational restructuring would have improved the monitoring missions' ability to counter the one party's defiance of the ceasefire agreement. The question remains: How likely is it that a non-Norwegian leadership of the monitoring would have improved chances that the pressure would have been brought to bear upon the violators – either directly by the monitoring mission, or indirectly by the facilitators? Isn't the problem rather of a structural kind, inasmuch as beyond the promotion of respect for a ceasefire, a monitoring mission's less explicit, yet more fundamental mission is to support the intricate process towards a final peace deal?

Before I take this discussion into some tentative conclusions that we may draw from the Sri Lankan case, allow me to share some reflections on what the SLMM's approaches to the violating parties tells us about their scope for impartiality.

The Impossibility of Impartiality

The fact that the vast majority of ceasefire violations were committed by the one party to the ceasefire agreement left the SLMM in a catch-22 situation – if it was to remain impartial. When asked what impartiality meant to them, most monitors would point to the need to treat each violation equally, no matter who would have committed it. But if they were to do so, that would mean that in 95% of the cases, they would have to confront the one side of the equation. It is not unlikely that the reluctance to express dismay with regard to the violations in the media, is related to the fact that had they done so, they would in more than nine out of ten cases have to point the finger at the one side. This could have alienated that side, and made future cooperation with it less seamless – for both the monitors and the facilitators.

A key question is therefore, if impartiality concerns contributed to block the 'naming and shaming' avenue to stimulate compliance, how did the aim of being impartial influence the viability of face-to-face meetings?

Here the connection is less obvious, yet what is clear is that the choice of going about more silently to influence LTTE behaviour did affect people's perception of the SLMM. For if an outspoken strategy may have entailed that the SLMM would be seen as 'anti-LTTE', the back-door diplomacy method has had the opposite effect. Most of the Sri Lankans that I spoke with felt that the SLMM hardly, if at all, had been able to deter or stop the LTTE from violating the ceasefire. If the SLMM was to be seen as impartial in such a situation of hugely diverging compliance, clear signals that the mission was trying to make the violators change their behaviour would have to come out. They did not. People at large did not perceive any major effort by the SLMM to reduce the scale of violations.

From the SLMM's point of view, such ignorance of its efforts may be understandable given the less visible approaches it had chosen. Still, on the basis of the transparency principle, one could argue that the SLMM had a responsibility to inform Sri Lankans about its ways and means. This question of whether to inform people at large about the efforts to influence the violators not only involves logistics and resources, however. As I will elaborate on in the final section, it also involved a concern not to lose face – since such an effect would be likely if the SLMM had been more open about its efforts to change a party that did not change.

Hence, the SLMM was likely to be seen as partial – that is, pro-LTTE – as it did not go out in the media. But while monitors tended to argue that they would also be seen as taking sides had they publicly condemned the violations, there is scant evidence to prove this – as the strategy has not been consistently tried out in practice. And even if it can be argued that the relationship to the LTTE would be adversely affected by public exposure of its violations, the argument can also be made the other way around. For if the monitors had stated that occurring violations were unacceptable, not because the LTTE had committed them but simply because the agreement they were there to monitor was being violated, a plausible effect is that the LTTE would treat the monitors with more respect – not less.

The fact of the matter is, however, that this option of outspokenness is unlikely to be tested out. The reason, which will be elaborated on below, is that the ones that may have most to lose on it, the peace talk facilitators, also are the ones that the mission is supposed to serve.

III. Elements for a Theory on Ceasefire Monitoring Missions

In this section I will deduce two main dynamics from the study of the ceasefire monitoring mission in Sri Lanka – as food for thought for further theorising on this under-researched type of peace operations.

The Peace Process Trap

‘If the [SLMM] information does not serve the interests of the peace process, we have a problem’ (SLMM staff member, interview).

Compared to operations tasked with monitoring an entire post-war restructuring of society, ceasefire monitoring missions require fewer resources. But although ceasefire monitoring may be relatively straightforward technically it is normally trickier in the political sense, since it takes place whilst negotiations towards a final peace deal are going on.

In any negotiations process, parties will use the means available to them to push their own agenda. As the subject matter here is a war and its settlement, a ceasefire monitoring mission will be particularly prone to being used by the parties – since the mission occupies a moral high ground of the conflict over which the outcome is being negotiated. The mission does so as it is in a position to speak authoritatively on whether the parties keep their promises on compliance with the ceasefire or not, that is, on their very reliability and credibility. The parties will therefore be keen to make sure that the mission does not produce or spread information that could be detrimental to their interests in the talks. If monitors do not remain extremely attentive to the various ways in which the parties may take advantage of them, they may therefore risk ending up as hostages to the peace process itself.

The moral force of the monitoring mission is not only likely to be circumscribed by the parties, however. The facilitators of the peace talks also have an interest in controlling the behaviour of the monitoring mission. If a party violates the ceasefire at a point in time when these facilitators are seeking concessions from it, for instance, confronting that party with its breaches will make those concessions less likely. Therefore, it is pivotal for the facilitators of peace talks that they decisively influence the choices of where, when and how to put the pressure to comply.

Beyond such external pressures from parties and facilitators, a third dynamic that risks ‘trapping’ monitoring missions is internal to the missions themselves. As the Sri Lankan case has shown, ceasefire monitors may assume some degree of self-censorship as they feel and know that the overall aim of their work is to contribute to the ‘peace process’. This ‘process’, however, tends to be quite an elusive entity and may therefore inspire more caution than what in reality is needed. If monitors find that one party has committed a major violation, for instance, they may therefore be reluctant to exert pressure on that party to make it stop repeating such violations – if such pressure is perceived potentially to harm the ‘peace process’, or if this process is considered to face major blockages. Such crisis perceptions may lead monitors to assume that pressure will make the party want to stop cooperating with them, or even worse, to withdraw from the peace talks altogether.

The troubling outcome of this combination of external pressure and self-censorship is that violations will continue to occur. For since facilitators and monitors may see it as being in their own interest to soft-peddle on the violator; that party will realise that it succeeds in pushing the limits of what it gets away with. As a consequence, it may therefore repeat or even increase its violations subsequently.

The incentives from the peace process thus work counter to the ceasefire monitoring mission’s task of softly pushing parties to comply with the ceasefire. And unfortunately, this ‘peace process trap’ is difficult for the ceasefire monitoring mission to alter or escape, for one simple reason: the mission was created to serve, rather than to upset, the process of talks towards a final peace agreement. The trap, in other words, is structural.

The Public Relations Dilemma

If a first difficulty of ceasefire monitoring is that the ongoing peace process may affect the mission’s freedom of manoeuvre and its fearlessness, a second problem accentuates the effect of the first. For even if a mission were entirely unbounded, it would still, for reasons explained in the theoretical section, have no means to make sure that parties that violate the ceasefire will refrain from doing so again.

Surely, the lack of military enforcement mechanisms does not preclude the possibility that monitors make use of non-military tools to pressurise the parties. Still, the range of such tools may be relatively narrow if the monitors were selected because they were seen as coming from a country without vested interests in the war-torn area. And for such international lightweights the lack of military ‘sticks’ often combines with a shortage of other ways to add clout to their recommendations.

On a positive note, the lack of sticks may facilitate cooperation with the parties, as they will regard the mission not as a threat but primarily as an opportunity to improve their own image and credibility. Moreover, if it was the parties themselves that identified from where the mission was to be drawn, on the basis of a consideration of what countries or groups would be most trustworthy; that element of trust is a brilliant point of departure for the mission to build confidence. This confidence, in turn, may be used as an entry point for influence – also when it comes to minimising the number of ceasefire violations.

Yet if all enforcement efforts fail to have an effect, inasmuch as ceasefire violations occur and continue to do so, the mission will face a public relations dilemma – with two possible outcomes. The one option is to attempt to give the impression – in spite of evidence to the contrary – that the mission actually is able to make the parties comply with the ceasefire agreement. In that case, however, it may face popular expectations far beyond those that it can satisfy. The mission will also risk losing confidence from people at large, if they realise that violations in fact continue and that the monitors’ claims therefore are hollow.

The mission’s other prospect, however, is bleak as well. For if it makes it clear to the people that it can neither ensure compliance nor sanction the violators, that is, that it actually cannot make much of a difference, both the people and the parties may start regarding it as insignificant. That erosion of trust, in turn, will affect perceptions not only of the mission’s *actual* significance, but also of its *symbolic* significance – which may matter even more. Essentially, the monitoring mission’s significance not only derives from its actions and achievements, but also from its mere presence on the ground. And that presence can, in an almost mystical way, be conveyed as meaning that the ceasefire ‘holds’ – even in the midst of recurring ceasefire violations.

As long as the monitors are able to use their symbolic significance, rooted in their simple presence, to convince the public that the situation of a constantly violated ceasefire is tantamount to one of 'peace' rather than of 'war', they are likely to choose the first option of claiming actual significance. But if people start focussing on the mission's actual more than its symbolic significance, by highlighting that it is unable to make parties abide by the ceasefire, monitors may feel obliged to wash their hands and point to the responsibility of the parties. Yet having revealed once and for all their 'toothlessness', they may be at pains to play a meaningful role in the aftermath.

If the 'peace process trap' shows how difficult it is for ceasefire monitoring missions to influence the behaviour of violating parties, the 'public relations dilemma' illustrates how hard it is for them publicly to portray themselves as playing a effective role. For if a mission chooses to continue to claim actual significance, the danger is that people will lose trust in it as this claim is unlikely to hold when paralleled with evidence on violations. If over time the mission will register less violations of the ceasefire, the main reason will therefore not necessarily be an actual reduction. An equally probable cause is that people will have started to report less frequently to the mission, due to an impression that their reporting contributes little to reducing the level of violations – while the main effect in their own lives may be an increased exposure to retaliation from the violating party.

Concluding Remarks

Ceasefire monitoring missions are intrinsically valuable. Their documentation of whether parties to a ceasefire agreement respect their obligations may be crucial for later efforts to settle the contentious issues in a judicial or less formalised process of conflict resolution. Moreover, the presence of ceasefire monitors sends a precious signal to war-ridden people that they are not forgotten by the outside world.

Nevertheless, the idea that ceasefire monitors will act in an impartial way, and that they will influence parties to respect the ceasefire if they don't, appear seriously misguided when confronted with evidence. Reasons, moreover, seem to relate not only to the specific situation of Sri Lanka assessed here – but to the support function that such missions in general are meant to have in relation to the parallel peace process.

Strictly speaking, however, findings of this analysis only apply to one case of ceasefire monitoring. Since little research has been done on other cases, there is an urgent need to verify whether similar dynamics apply elsewhere, and, on the basis of identified differences, to isolate the idiosyncrasies of Sri Lanka from the generalities of ceasefire monitoring.

Still, the task ahead is not only of an academic nature. In reality it is about the wellbeing of millions of people living in transitions from war to peace, whose human rights monitoring missions possibly can contribute to uphold. What researchers and practitioners alike therefore need to explore, are mechanisms that – in the immediate phase after hostilities have ceased – may contribute to counter rather than consolidate the culture of impunity.

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