

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.

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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 two and a half years. But even though the two parties have refrained from restarting the war, they have continued to commit many of the anti-civilian acts that the agreement identifies as ceasefire violations. In fact, over the first two-year period the agreement was violated nearly two thousand times – and the total amount of violations did not fall, but rose 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 was, however, broader than monitoring only: it was also supposed to deter the parties to the ceasefire agreement from violating this agreement (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?

In this paper I discuss why the monitors seem to end up merely monitoring and not reducing ceasefire violations. I do so in three sections. First, I relate the notion of ceasefire monitoring missions to the literature on peacekeeping, in view of broadening our understanding of the phenomenon. Secondly I assess the case of the SLMM, and assess how this mission has tried to be impartial towards the two parties in question – whose compliance with the ceasefire has widely diverged. 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 monitors in this case have ensured little ceasefire respect.²

¹ I have chosen to withhold details on my informants, such as their names and the time and place of interview, since the subject matter of our conversations often was politically sensitive.

² Other reasons, related to the aspects of human rights monitoring, ownership and accountability of the mission, are explored in Samset (2004).

The paper is based on interview, literary, and statistical data; a bulk of which was collected during fieldwork in Sri Lanka in January 2004.³ It thus draws its conclusions mainly on the basis of the first two years of the SLMM's history.

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, Serbia, 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.

In the following, I identify key characteristics of ceasefire monitoring missions by relating the term to the other notions that have emerged to denote peacekeeping activities. To compensate for the shortage of theoretical understanding of ceasefire monitoring missions, I 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 seem to escape categorisation altogether.

³ During the fieldwork from 7-30 January 2004, 26 persons were interviewed. Informants represented the SLMM itself (12), the peace talk facilitators – the government of Norway (2), the parties to the ceasefire agreement (2), and international and local non-governmental organisations and initiatives (10). As for the SLMM, five out of six district offices were visited (all except Mannar), as well as the mission's headquarters in the capital Colombo.

Traditional Peacekeeping: Ceasefire Monitoring Between States

In the Cold War period, operations termed ‘peacekeeping’ normally involved the deployment of military personnel to help settle a conflict *between* states. Examples include UN monitoring of ceasefires between India and Pakistan (1949-date), between South and North Korea (1950-1953), between Israel and Egypt (1956-1967 and 1974-1979), and between Israel and Lebanon (1978-date) (Bellamy et al. 2004: 72). With a few exceptions, such as the UN operation in the Democratic Republic of Congo in the early 1960s, peacekeepers hardly intervened to monitor settlements of intra-state conflict. Moreover, peacekeeping missions were more or less equivalent with ‘blue helmet’ interventions – few organisations or coalitions beyond the UN deployed soldiers to monitor peace settlements.

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 et al. 2004: 5) or ‘classical’ (Schmidl 2000: 5) peacekeeping. Schmidl defines this type of peacekeeping as ‘the deployment of military observers and/or lightly armed troops to monitor truce and armistice agreements or the withdrawal of troops’ (ibid.). Since ‘troops’ refer to a state’s armed forces, the ‘withdrawal of troops’ refers to the aftermath of an inter-state war. Not only as an indirect message of the definition, but also in a historical perspective, ‘traditional’ or ‘classical’ peacekeeping has tended to refer to the monitoring of ceasefire deals between states. Most ceasefire monitoring missions of today, by contrast, take place within states.⁴ Had it not been for the inter-state aspect, the following description could hence have fitted an operation like 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).

⁴ Since the United Nations still is the organisation which is responsible for the highest number of peacekeeping operations in the world, let us illustrate the point with reference to the UN operations. Per 1 August 2004 the UN was running 16 peacekeeping operations, out of which 11 were set up after the end of the Cold War. Of these 11 missions, only one was related to a ‘classical’ inter-state war (Ethiopia-Eritrea). Two others were related to a process of decolonisation (Western Sahara, East Timor), while the large majority – eight of 11 – were linked to a wars that for the most part fit the ‘civil war’ category: Georgia/Abkhazia, Serbia/Kosovo, Sierra Leone, DRC, Liberia, Ivory Coast, Haiti, and Burundi (UN DPKO 2004).

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 characteristic to 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 ‘classical’ peacekeepers as ‘lightly armed troops’, 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 ceasefires that precede final peace agreements 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-governmental agents, civil and military, 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 it has been broadened to observing such agreements *within* states; later to help *implementing* such deals too. At the current stage, international agents also take up the task of helping to implement agreements in war-torn states *before* a final truce has been reached. In the following I outline how the stages to reach this point have been identified conceptually; and relate these concepts to the term of ceasefire monitoring.

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 had come to an end in these states. Examples include countries in Southern Africa and Central America. The agreements at stake would, however, not only involve military tasks such as maintaining a ceasefire and demobilising soldiers and rebels; but also far more complex issues such as repatriating and resettling displaced persons, rebuilding administrations, police forces and judiciaries, and organising 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.⁵ The typical 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.

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 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.

⁵ Other designations in the literature include ‘(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 apparently involved tasks such as counter-drug operations and purely humanitarian relief operations as well (Schmidl 2000: 18); which go beyond 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.

While it remains contested whether ensuring compliance by using force is likely to promote longer-term peace, the idea is even more difficult to realise 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 even more fragile than peace agreements. Since parties are not likely to trust one another at the outset, they 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, not necessarily involves an immediate downsizing of weaponry or troops, the force that the parties will be able to mobilise if they choose to violate the agreement can be powerful. Ceasefire monitors who would attempt to push a party that violates the ceasefire to comply by using force as punishment would therefore risk facing a possibly massive armed response. As a result, they would either suffer badly or respond back, and in the latter case, contribute to reignite and possibly intensify the war – hence undermining 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 will therefore not have an interest in applying force to enforce a solution.⁶

Beyond force, another factor that sometimes makes 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 monitoring missions 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. Examples include the Sri Lanka Monitoring Mission as well as the Joint Military Commission and the Civilian Protection Monitoring Team in the Sudan (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 and his colleagues thus misguided when restricting the ‘enforcement’ term

⁶ 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).

to UN operations? Not really. They rather seem to have taken the consequences of the debate launched by Lakdhar Brahimi and his team in 2000 (Brahimi et al. 2000). In line with their evaluation of UN peacekeeping, more recent operations have tended to be described in terms not of peace *enforcement* but of peace *support*.

The Brahimi report saw a ‘peace support operation’ as a synthesis of, in fact, peacekeeping – ‘traditional’ or ‘wider’ – 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 to retain 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 the ceasefire monitoring mission is a terminological orphan in the peacekeeping family? Not yet – one point of entry remains.

Peace Operations: Bringing Ceasefire Monitoring Back In

Even before the Brahimi report, it had been suggested simply to use ‘peace operations’ 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, a number of operations have been initiated and conducted without a go-ahead from an international organisation. They may have been implemented by a coalition of states, but in several operations, e.g. in Sudan, Sri Lanka, or Ivory Coast, no international body gave the original mandate or authorisation.⁷ The UN thus no longer has a monopoly on authorisation of peacekeeping; the mandate may instead be formulated by parties to the conflict themselves and/or 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 set to be a purely Norwegian force (interviews).

Therefore, I suggest that we leave out Schmidl’s first three criteria and keep the last triple, namely ‘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; the aim not to conquer territory, but rather to act for the benefit of the local population; and operating under the principle of ‘minimum damage’. Doing so, we have obtained a definition that also covers the category of ceasefire monitoring missions, and hence reflects the real magnitude of today’s peace operations.

⁷ Beyond the Norway-led, Nordic-run SLMM in Sri Lanka, in Sudan I here refer to the Civilian Protection Monitoring Team, led and run by the US (Hutchinson 2004); and the Joint Military Commission which includes the Joint Monitoring Mission, led by Norway and composed of staff from 15 countries (www.jmc.nu). In Ivory Coast I refer to the peacekeeping operation that was deployed by France from late 2002 onwards, which only later got support from the regional organisation ECOWAS and recently was replaced by a UN force (ICG 2003; UN DPKO 2004).

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

A key justification of the deployment of ceasefire monitoring missions is that the 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. Compliance is also instrumental for the success of the parallel process of negotiations towards a final peace agreement: If the negotiating parties open fire against one another again, that process 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.

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 discuss these questions in light of experiences of the ceasefire monitoring mission in Sri Lanka. Given that impartiality has been a guiding principle of this Sri Lanka Monitoring Mission (SLMM), I assess in particular the extent to which monitors have been able to remain impartial while at the same time working to enhance compliance with the ceasefire. I do so in three steps: I first introduce how the mandate of the mission militates against the idea of impartiality; second I assess the extent to which the parties have complied with the ceasefire deal, and finally I outline how the mission has dealt with defiance.

My overall argument is twofold. One, the idea of an impartial ceasefire monitoring mission is unrealistic. Two, even when seen in isolation from the impartiality concern, the idea that the SLMM was to enhance respect for the ceasefire was difficult to realise due to the incentives from the ‘track one’ of the peace process – which fostered what I call a ‘peace process trap’ and a ‘public relations dilemma’. These dynamics I elaborate on in the final section.

Mandate

The mandate of the SLMM is given in the ceasefire agreement of 22 February 2002 (GOSL and LTTE 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), which were ‘facilitated’ by envoys from the government of Norway. At least two aspects of the SLMM’s mandate gave initial blows to the idea, conveyed to the author by representatives of the facilitators and the SLMM alike, that the mission was to be impartial.

First, the ceasefire agreement mandates the SLMM to be deployed only in the eastern and northern parts of Sri Lanka (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). Given that the ceasefire in practice could be violated anywhere on the island, the contradiction is clear: The agreement mandates the mission to achieve an aim while at the same time restricting its ability to do so.

One 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 that were 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.⁸ 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. For the Sri Lankan population, the deployment strategy may thus have signalled that Tamil suffering was more important than Sinhalese suffering.

⁸ I focus on territorial ‘dominance’ is that this seems to be politically more significant in Sri Lanka than nominal territorial ‘control’. A note on the distinction may be useful, still. The LTTE has since its inception in the late 1970s had its stronghold in the north of Sri Lanka, and has over the last decade also anchored a position along the island’s eastern coastline and hinterland. The north and east can therefore be said to be ‘dominated’ by the LTTE. The ceasefire agreement, however, divides Sri Lanka in government- and LTTE-controlled areas, and some of the areas formally controlled by the government have been dominated by the LTTE – notably the towns of Jaffna in the north and Trincomalee and Batticaloa in the east. Yet within government-controlled area, the LTTE is still allowed to conduct political work (Art. 1.13 of the ceasefire agreement). In part for this reason, the LTTE has been able to maintain its dominance over Sri Lanka’s north and east.

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 continue to commit many such acts (Asian Human Rights Commission 2003) – but since the bulk of government-dominated territory is not monitored, the possibly significant number of violations risks escaping the monitors’ view. The deployment strategy has therefore disabled 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. Two questions that have been frequently posed illustrate the difficulties of impartiality in Sri Lanka. One, why was only one representative of the non-government side of the war accepted as party to the negotiations and the agreement? Second, if only one group was to represent the non-government side, why the LTTE? How legitimate is it to designate the LTTE as ‘the sole representative of the Tamil people’?

In the eyes of Sri Lankan people, in particular of the Tamil people, the degree of impartiality of the SLMM is thus not only assessed on the grounds of how the mission relates to the two parties to the ceasefire agreement: It also matters how it relates to the other units on the non-government side. This side of the war was composed of a number of militant movements, political parties and civil society groups – out of whom one, the LTTE, took 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 regard 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.⁹

Tasked with monitoring only LTTE-dominated areas and with disarming non-LTTE rebel units, the SLMM was thus from the start prevented it from realising the idea of impartiality – not because of its performance, but because of its mandate. Out of the two impediments to impartiality, the second is probably most crucial. For by enabling and bringing international legitimacy to the process of incapacitating non-LTTE militias, the SLMM also left Sri Lankans in ‘Tiger’-dominated areas more vulnerable. According to my data, a question along the following lines seemed to recur among the civilian population: ‘How can an agency that takes part in removing our means of self-defence against one of the world’s strongest rebel movements, known for its repression of dissent, at all be impartial?’

Unfortunately, reasons to pose such questions did not disappear since, as I show below, 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.

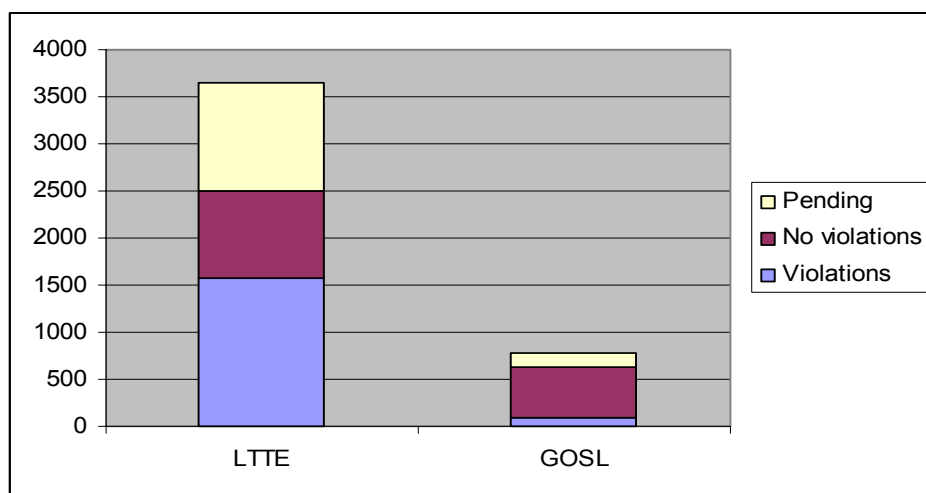
I make this argument due to the sheer magnitude of LTTE violations under the auspices of international monitoring. From 22.02.2002 until 31.01.2004, the SLMM received a total of 4662 complaints of alleged violations of the ceasefire agreement – meaning, on average, 6-7 complaints per day.¹⁰ But out of those complaints that the mission ruled did constitute actual

⁹ The argument is supported by the fact that the agreement did not envisage the reduction in the force of the ‘Sea Tigers’, the LTTE’s marine forces, 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.

¹⁰ Slightly more than one third of the allegations (35, 6 %) did constitute violations of the CFA; another third (31, 5 %) did not, according to the SLMM’s own rulings. But proportions were uncertain since the mission was yet to rule on the remaining one third of complaints.

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 over the two-year period, which corresponds to less than one violation per week. Figure 1 illustrates the diverging patterns of compliance.

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



Note: GOSL refers to the government of Sri Lanka.

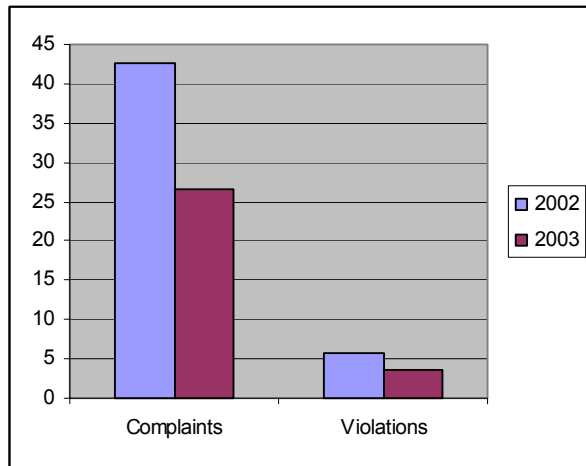
Source: SLMM (2004b).

As Figure 1 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 %).¹¹ 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 complaints against the government, 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.

¹¹ The remaining share of complaints was related to neither of the two parties.

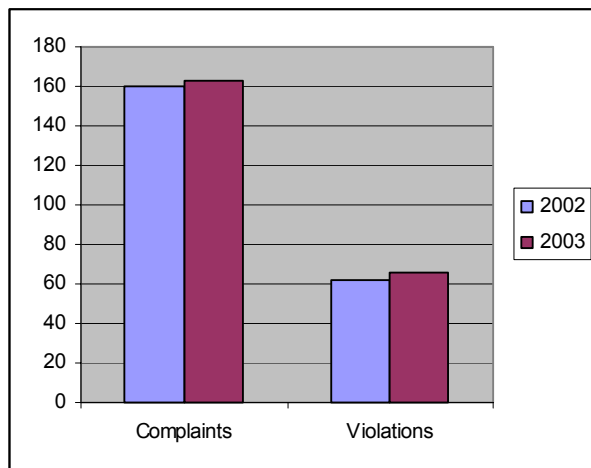
Yet even if SLMM presence does not seem to have countered a high prevalence of ceasefire violations; is there still evidence to suggest that it at least had an effect in reducing the number of violations over time? Not really, as Figures 2a and 2b illustrate.

Figure 2a. Government 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 construed by dividing the total number of complaints and violations by 10,3 and not by 12.
Source: SLMM (2003; 2004a).

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 construed by dividing the total number of complaints and violations by 10,3 and not by 12.
Source: (SLMM (2003; 2004a).

True, Figure 2a reveals that the respect for the ceasefire agreement seems to have improved over time among government representatives, 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 outweighed by a growth in LTTE violations, which was larger in absolute terms than the reduction in government 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 massive as well as growing 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. As it were, the numbers above probably only represent the top of an iceberg. Reasons why many violations unlikely have reached 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 touch briefly 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 suggest, however, widespread lack of knowledge about the SLMM. Many people were not able to distinguish the Nordic monitoring mission from the peace talk facilitators, and instead only talked 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. The practical difficulty in accessing the SLMM is a second reason why information on violations is likely to have gone beyond the monitors' radar screen. Even Sri Lankans who knew about the mission would often not have the capacity to get to its premises to report. And given the poverty of most Sri Lankan people, reporting via email, telephone or fax was an option only for a small minority. 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 were deployed in regular patrols – signs are that even this strategy left many un-reached. One reason is the choice of location, as some SLMM bureaus were found far from areas where most violations were taking place. Another reason is linked to the patrolling activity, which not always improved people's access. Practice varied as to

how often the monitors would get out of their cars and talk with people. One civil society person noted that they were ‘going in their vehicles on the main roads only, they don’t go to meet the people in the villages’. In another district, a monitor admitted that ‘what we could have done more is to stop more often and talk with people. But it’s a question of time’.

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 often 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 have learned from experience the consequences of breaking the silence. 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’. 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 factor that primarily has applied to LTTE-related violations. 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 must therefore be considered 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 spur ceasefire compliance?

Dealing with the Ceasefire Violators

The SLMM can try to deal with the breaches of the ceasefire agreement in three ways: by exposing violations publicly, by meeting with the violators, and by going through the peace talk facilitators. To what extent have these methods succeeded in fuelling greater compliance?

'Naming and Shaming'

The strategy of putting pressure on violating parties by 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 as some of the media distorted 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 the data 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 with both parties, and not to lose face. Hence, it was assumed that putting pressure on a violating party through the media would not make that party refrain from continued violations, and therefore result in the SLMM losing face. In addition, it was assumed that exposure in the media would lead the exposed party to turn its back on the SLMM.

The fact remains, however, that these assumptions have not been tested out systematically. An exception that confirms this rule was the case of an SLMM district office that at one stage chose to condemn an LTTE violation in the media. The construction of a new training camp by the rebels in government-controlled area was termed as a 'permanent violation' and qualified as 'unacceptable' by a district officer. Did this outspoken approach led to different results? Local SLMM relationships with the LTTE may have been affected in the short run, yet it still seems that SLMM-LTTE cooperation continued. While the LTTE thus did not turn its back on the monitors, it did not renege on its violation either: The camp was not removed. But does this mean that the SLMM lost face? Not necessarily: Even though the condemned act was not undone, the fact that it was condemned may have been seen as a sign of force rather than of weakness by the SLMM, by the LTTE and the civilian population alike. It

remains, in other words, uncertain whether public exposure of violations could be an effective way of promoting compliance. Even though the SLMM may want to keep a low public profile given the task at hand and the sensitive environment within which it has operated, such a low public profile is not necessarily the most conducive to promoting respect for the ceasefire.

Beyond this public route, how did the more tested, ‘unofficial’ avenues work for the SLMM?

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 with the author, monitors reported recurrent problems with regards to the LTTE – which they 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 Committees¹² 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 they 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 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

¹² The role of these LMCs is outlined in Articles 3.7 and 3.8 of the ceasefire agreement (GOSL and LTTE 2002). They stipulate that 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’.

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

Even if most SLMM monitors felt that it was not their task, but that of the facilitators of the peace talks 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 leading monitor simply replied ‘I think they use it’. As long as the peace process still is in progress, it is difficult to confirm or reject that possibility. We can, however, try and assess the likelihood that the peace talks channel is being used – by the facilitators of it – to put pressure on parties whenever they violate 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 had been recruited. In addition, the head of the SLMM had regular meetings with the representatives of the government of Norway, the facilitator, to report on the current situation.

There were, however, 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 still clear that if the facilitators would want to use the information to pressurise parties to abide by the ceasefire, they were not hindered 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 could put the country's representatives in a troublesome double role. For while the role of facilitator is one of a making things move ahead smoothly to a formally preset goal, namely the signing of a final peace agreement; 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 can undermine the other, monitors suggested that the leaders of the SLMM should come from another state than the facilitators of the talks.

However, it remains dubious whether such an organisational restructuring would have significantly improved the monitoring mission's 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 mission 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 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.

Impediments to Impartiality – and Transparency

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 pointed to the need to treat each ceasefire violation in an equal manner, 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 only. It is not unlikely that the monitors' reluctance to give normative statements 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, indeed, have alienated that side, and complicated future cooperation with it – for monitors and facilitators alike.

So if the impartiality concern contributed to block the ‘naming and shaming’ avenue to stimulate compliance, how did it 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 risked that the SLMM would be seen as anti-LTTE, the back-door diplomacy method seems to have had the opposite effect. The point here is that if the SLMM were to be seen as impartial in the situation of hugely diverging compliance, clear signals that the mission was trying to make violators change their behaviour would have to come out. They did not. Sri Lankans at large did not notice any major SLMM effort to reduce the scale of violations. Therefore, some asked: ‘Since the monitors don’t seem to try and stop LTTE violations, are they in favour of the LTTE?’

Monitors tended to bear with this popular scepticism against it on grounds that most people were not and could not be informed about actual SLMM efforts to contain the LTTE. Still, beyond the impartiality concern there is the principle of transparency. On the basis of this principle, which also was highlighted by several SLMM informants, one can argue that the mission had a responsibility to inform Sri Lankans about its ways and means. From the SLMM’s point of view, however, the question of whether to inform people not only involved logistics and resources. It was also concern not to lose face. Indeed, loss of face is quite a likely consequence of being open about efforts to change a party that doesn’t seem to change.

Beyond the internal considerations of the mission, however, reasons why a low-key approach have been favoured also relate to the mission’s relationship to the peace talk facilitators. In fact, this relationship is crucial to understand why the ‘naming and shaming’ option is unlikely to be tested out. The structural contradiction is that the mission, that may have something to win on publicly exposing the violations, is organisationally subservient to an actor that stands to lose on such exposure, namely the peace talk facilitators.

III. Elements for a Theory on Ceasefire Monitoring Missions

In this final section I deduce two key political and organisational dynamics from the study of the ceasefire monitoring mission in Sri Lanka; meant 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 monitor, 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 because 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. It thus acts as a guardian of the righteousness of the two opposed parties; it tracks the day-to-day record on whether each of them is to be trusted. Given this moral power, the parties will want to make sure that the mission does not spread information that is detrimental to their interests in the talks. If monitors do not remain attentive to the various ways in which the parties may take advantage of them, they therefore risk ending up as hostages to the peace process itself.

The moral force of the monitoring mission is not only circumscribed by the parties, however. Those who mediate or facilitate the process of negotiations towards a final peace agreement also have an interest in controlling the behaviour of the mission that monitors the ceasefire on which the negotiation process is based. If a party to the ceasefire and to the talks violates the ceasefire at a point in time when facilitators are seeking concessions from it, for instance, confronting that party with its breaches will make those concessions less likely to materialise.

Therefore, it is pivotal for facilitators of peace talks that they influence the choices – that formally reside with the monitors – 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 suggests, ceasefire monitors may assume some degree of self-censorship – simply because they feel and know that the overall aim of their work is to contribute to the ‘peace process’. The problem though is that this ‘process’ tends to be quite an elusive entity, and therefore may inspire more caution than what in reality is needed. If monitors find that one party has committed a major violation, for instance, they may be hesitant to exert pressure on that party to stop new violations – if such pressure is perceived potentially to harm the ‘peace process’, especially if this ‘process’ is considered to be somewhat blocked. 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 continue to occur. For if facilitators and monitors see it as their own interest to soft-peddle on the violating party; that party realises that it succeeds in pushing the limits of what it gets away with. As a consequence, it repeats or even increases 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 peace process may affect the monitors’ freedom of manoeuvre and their fearlessness, a second problem accentuates the effect of the first. For even if a monitoring mission were entirely unbounded, for reasons explained in the theoretical section of this paper it still has no effective 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 promote compliance with a ceasefire agreement. Still, the range of such tools will be relatively narrow if monitors were selected because they came from countries perceived as not having vested interests in the war-torn area. Further, for international ‘light-weights’ the lack of military sticks often combines with a shortage of other ways to put pressure.

On a positive note, the lack of sticks may facilitate cooperation with the parties, as they will regard the monitoring 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 were to be drawn, on the basis of a consideration of what countries or groups would be most trustworthy; the 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 dilemma as for its relations with the public. Like all dilemmas, the public relations dilemma confronts a ceasefire monitoring mission like the SLMM with two equally undesirable options. The one option is to give the impression, in spite of evidence to the contrary; that the mission is able to make the parties comply with the ceasefire. In that case, the mission will face popular expectations far beyond those that it can satisfy. It 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 other way out of this dilemma is equally lacklustre. For if the mission 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 people and parties may start seeing 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 matters 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 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 the public opinion in the country where the mission is deployed is not satisfied with the mission’s symbolic significance, but sheds light on its actual significance or lack of such by highlighting that it is unable to enforce ceasefire compliance, 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 meaningful role.

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 process aimed at working out a final peace agreement.

Strictly speaking though, findings of this study 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: It is also 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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