



Background Paper Three

Ceasefire Monitoring and Verification

Identifying Best Practice

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1. Introduction

In the absence of effective means for monitoring and verification, ceasefires can rarely be expected to hold. Too often however, international actors scramble to plan and put in place effective ceasefire monitoring. This background summary document represents a brief, non-discursive survey of the key issues, based on the Centre for Humanitarian Dialogue's own experience combined with the broad experience which was represented at the meeting held by the Centre in October 2003 on mechanisms for monitoring ceasefires and peace agreements.

The questions this paper aims to raise for discussion are the following:

ENDNOTES

¹ This paper draws on the work referenced in endnote ii, and the advice and expertise of colleagues at the Centre involved in mediation and policy work, for which I am grateful.

- What key lessons have emerged from recent monitoring experiences?
- What are some of the common obstacles?
- How could we improve monitoring capacity, both within and outside the UN?

The paper will suggest some broad answers to the questions and aims to stimulate discussion as to what others might be. While the issues are drawn primarily from a small range of familiar examples (the Sri Lanka Monitoring Mission, the Kosovo Verification Mission, the Joint Military Commission in the Nuba Mountains of Sudan, UNAMSIL in Sierra Leone, and the monitoring of the Cessation of Hostilities Agreement in Aceh), the paper presents them without illustration as a rough checklist to be reviewed and revised in discussion². It aspires to have relevance to the broad spread of types of mission – United Nations, bilateral, regional and hybrid. Where it makes recommendations or assumes a set of circumstances, it does not aim necessarily to be normative, but to raise factors affecting implementation and to prompt discussion.

After the Retreat, if agreed to be useful, a revised summary of the issues will be completed and made available as a resource document for practitioners involved in monitoring and verification.

2. Broad trends in monitoring missions

The broad premise is that there is no single generic blueprint for a successful ceasefire monitoring mission. But while lessons may be particular, various key principles and issues do reoccur. The general trend has been towards more integrated missions with a much broader array of functions than in previous eras (including for example election monitoring, demobilisation, disarmament and reintegration (DDR) and police training). In many cases monitoring missions grow into, or are absorbed into missions of much broader scope and mandate. A wider range of actors and organisations are getting involved in monitoring, sometimes even those who have worked on negotiating the ceasefire. Additionally, increasing communications technology sophistication has had a marked impact in terms of coverage of remote areas, secure communication capability, and speed of information transmission and thus capacity for quicker, better informed decision-making, but has brought with it new challenges.

The issues, obstacles and lessons are presented in three categories: those relating to the pre-ceasefire period, those relating to the agreement itself, and those relating to the implementation of the ceasefire. The piece ends with a general recommendation for capturing lessons learned and best practices.

3. Planning an agreement

² For a fuller description, the Centre's Synthesis paper based on the four first cases, prepared for the October 2003 meeting, is available on our website www.hdcentre.org.

a. Conduct pre-planning and analysis

Pre-ceasefire analysis and advanced planning should begin as soon as possible, and should even precede negotiations where possible. This facilitates more comprehensive planning and more rapid deployment.

b. Assess the commitment of parties

The cornerstone of a useful analysis is to determine the extent to which both sides are seriously committed to a peaceful resolution of the conflict. A clear-eyed assessment of what the parties have at stake, thus what motivates them and how they may react to certain events will be crucial throughout the process. A handful of monitors can help maintain a ceasefire where the parties are truly willing. Legions of monitors and troops may fail where parties are not committed. In the same way, detailed political and strategic analysis will be crucial to any attempt to run a successful programme of DDR. Both processes should continue throughout a mission's life.

c. Identify enforcement and leverage opportunities and threats

Both mediators and implementers of monitoring arrangements must be able to empathise, or understand the points of view of all parties at all stages in order to devise mechanisms which have the best chance of success.

An important element of pre-ceasefire analysis should be to identify the political and economic considerations behind the calculations of the warring parties. Doing so will highlight what sanctions and rewards have the best chance of helping maintain the ceasefire, or re-establishing it if it runs into difficulty. Governments may depend on the international development assistance that is predicated on a successful outcome of the respective peace processes in which they are engaged. Where non-military carrots and sticks clearly exist, and where monitors' reports on compliance can significantly influence their use, then an unarmed ceasefire mission may well prove effective. It is important, too, to understand the role and power of actors involved in the broad effort who are not undertaking monitoring functions.

Where non-military leverage has either failed to bring about the desired outcome, or is considered ineffective, then an unarmed ceasefire monitoring mission is very much less likely to succeed. In such a situation, a robust and heavily armed peace enforcement mission may be the only option. Deployment of such a force is inevitably subject to a number of variables such as the fact that it is very much harder to authorise and deploy a UN mission of this nature into a country where the 'spoiler' and party committing the bulk of atrocities is the Government. A hybrid option of armed and unarmed monitoring should also be considered as an option. Finally, analysis of the current and potential role of civil society in this regard is also crucial.

d. Involve experts

Involving experts as early as possible from both sides of the conflict, relevant specialisms and from outside the process is clearly beneficial. Such practice greatly increases the chance that the monitoring mission that emerges from the negotiations has a clear mandate, and realistic levels of personnel, equipment, and financing. It can also improve agreements in areas such as the detail they include on human rights protection and access to humanitarian assistance. Specialists may be able to highlight possible problems in advance, such that they can be headed off, and help design more responsive solutions. Including human rights experts is of particular importance to ensure that there is clarity not only on how information will be collected, but how it will be used. External experts may also be used not only for their specialist knowledge, but for the influence they may be able to wield in certain useful places. However, as always, sensitivity must be deployed in assessing how the nationality and other associations of experts will play in the parties' perceptions of their roles and functions.

e. Design missions to be responsive, flexible, cohesive and with strong training components

Missions must be prepared to be flexible: the mandate will not change, but the situation on the ground will, requiring different responses such as increased numbers of monitors, or changed emphasis on parts of the mandate. To achieve this, which is not easy, internal mission cohesion is crucial. Missions which share common languages and cultures, have a significant advantage over multi-lateral missions, if this can be politically achieved. Multilateral missions often suffer from issues arising from non-shared languages, competing agendas or troops from one nation being reluctant to serve under the command of officers from another. Obviously, the experience and leadership skills of the head of mission will be key, along with their willingness and ability to stick with the mission over a period of time. Mission governance structures are important too, and can promote unity. Finally, adequate briefing, training and refresher training for monitors and verifiers are also central, and often neglected. There have been successful experiences with outsourcing this function as with certain key administrative functions (such as insurance).

f. Prepare for information processing and control

Increased sophistication in communications technology (digital cameras, satellite imaging and telephones, GPS) has led to an increase in the amount of information to be processed and controlled. Increasingly, multiple visions of what is happening in the field are being presented to the public and decision-makers. Missions need to be prepared for how they will handle this. In a different dimension, consideration must be given as to how the contents of the agreement and its modes of implementation are to be disseminated (see also below on media context).

g. Analyse and plan for the media context

Media context is by definition situation-specific, but understanding and working with it is critical to achieving the important perception of even-handedness. Missions should plan

for their communications strategy, to cover both the activities of the mission, and more substantively, the key issues of the ceasefire and peace process. The press may be prolific or limited, independent or not, and the members of the press corps may have vast or inadequate experience to be tapped or allowed for. Ability to communicate will be affected by literacy rates and logistical questions like terrain and distribution networks, which always make radio an important option. The prevalence of satellite television ownership and use will be a factor, as will the suitability of the situation to daily or weekly press briefings. Missions should have official websites in appropriate languages, which can be especially beneficial in reaching out to influential Diaspora populations.

4. Drafting the agreement

a. Design clear, comprehensive agreements

Many of the most serious problems experienced by ceasefire monitors relate not to shortcomings in their performance but to omissions or a lack of clarity in the original agreement. These will inevitably emerge, and will often have to be dealt with in ways that are public and infinitely more damaging than if they had been foreseen. Human rights monitoring is often one of the gaps. Again, the involvement of experts will help here. The comprehensiveness of agreements should include non-security issues such as reconstruction, justice, and the design of political fora for dialogue around the mission.

b. Confront sticking points: non-acknowledgement and non-equivalence of parties

Both sides should sign an agreement with as equal a status as possible to contribute towards perception that the mission is even-handed, and to boost the parties' commitment to it. Ceasefire architects may have to confront the non-recognition by some groups of others. While parties may be prepared to concede in some cases, a significant problem remains where seeking to confer equal status in negotiations in which there is a total lack of moral equivalence between the two sides. Specific and ongoing confidence-building measures are imperative.

c. Ensure clarity of parties' obligations for monitoring

If clarity of roles and responsibilities is not enshrined in the document, the mission can be hamstrung from the outset by parties disputing mandates. The better agreements go into considerable detail on the obligations of both sides to the mission and to the ceasefire in general, explicitly stating that the primary responsibility for maintaining it lies with them and not the monitors, and specifying sanctions for violations. Ideally, such a clause could be made a standard feature of future ceasefire agreements.

d. Set clear benchmarks as early as possible

Setting clear benchmarks against which the performance of the parties can subsequently be monitored is difficult but must not be avoided. Civil conflicts where there are not

always clearly demarcated boundaries to the territory under the control of each side present specific difficulties.

The more a mission's mandate is focused on verification, the more important it is for there to be clearly defined benchmarks against which to assess the compliance of parties to commitments they have made. Establishing baselines can be very difficult, when information is not provided voluntarily and missions must resort to unwelcome intrusive verification. Improved communications technology may be instrumental in reducing the need for physically intrusive verification, although ensuring proper usage and limitations of such surveillance remains a challenge. Determination and expertise on the part of the mission staff itself is still a critical factor in gathering appropriate information.

Examples of benchmarks used in past missions for a range of verification objectives would be of undoubted benefit to the designers of new missions, not because they are likely to be the same, but because they will help each mission to think more clearly how to develop indicators appropriate to the situation at hand.

5. Implementation of the Agreement

a. Prepare for escalation of minor violations

One of the first issues to emerge will be the need to prevent the escalation of minor ceasefire violations, which should be expected as inevitable, especially where one or both parties has a weak chain of command and where a security vacuum follows the military stand-down. The presence of international monitors from the earliest possible moment in time is crucial in this regard.

b. Ensure rapid mobilization

It is uncontroversial to state the necessity of rapid mobilization to establish confidence amongst the parties and the population and to avoid a security vacuum. However, this is the most common weakness in such operations, with notable exceptions which suggest that missions run by single or small groups of countries or organisations may have the edge in efficiency of deployment, despite rapid reaction capacity amongst the membership of large bilateral groupings such as the UN and OSCE.

Reasons for slow start up may be related to funding or personnel, but they tend not to be resource issues (in terms of availability) but bureaucratic ones, relating to inappropriate mechanisms for, for example, recruitment or financing. Reliance on voluntary funding for missions should be discouraged, a problem which tends to be specific to UN missions.

One caveat is that if the parties themselves are involved in implementation, time and effort must be invested in ensuring they share an understanding of the provisions before an operational mission is put in place.

c. Aim for perception of even-handedness

Without question, the most important quality for a ceasefire monitoring force is to appear even-handed. Just as humanitarian agencies have learned, being even-handed and appearing even-handed is not always the same thing.

The disadvantage of the praised single-country/small-grouping type of mission can be an association with one side which is exploited by the press or local politicians, and can be damaging if not managed. Sophisticated communications strategies are required to counter this, plus appropriate decision-making processes which demonstrate openness and inclusion and the involvement of civil society groups where possible and appropriate. Equally it may be impossible to avoid some charges of bias: the important thing is to analyse and deal with those that are most potentially damaging to the process.

The major difficulty of even-handedness is when violations on one side are egregious, a dilemma at the heart of the UN's peacekeeping work. The discussion under human rights violations elaborates on this (below). Such examples suggest the limitations of sending an unarmed monitoring mission into a situation that actually required a robust and armed peace enforcement force.

d. Implement ongoing confidence building measures to minimise negative impacts of asymmetry

A ceasefire usually ends up benefiting one side more than the other, however much those involved in the brokering or monitoring of an agreement might wish it were otherwise. This may well have a bearing on whether or not a monitoring mission is perceived as even-handed. Agreements that are successful in preventing the cross-line movement of arms are likely to be more of an advantage to a government than a rebel movement, as military balance and access to arms is unlikely to be equal between the two parties. Normalisation is likely to favour a government side also, and this may well lead to "corrective action" on the other side. Recognising this, and constantly working on confidence-building measures to ameliorate its effects, is a crucial activity for the mission.

e. Address the post-ceasefire security vacuum: how police and DDR issues may affect implementation

A situation of 'neither peace nor war' is a common feature of many post-ceasefire environments. Policing is an obvious response to prevent or mitigate the impact of a security vacuum. Issues to consider in this regard are not only the capacity and current role of existing police, or the capacity to deploy appropriate international police; the extent to which existing police forces are or were parties to conflict must also be considered, and the extent to which there is institutional overlap between armed forces and police forces. In some post-ceasefire situations, the majority of alleged ceasefire violations are in fact criminal cases, for example theft of livestock which creates a natural

requirement for policing functions. But also, violations may be alleged of the police themselves.

It is inevitable that the pace of a monitoring mission will far outstrip any police training and capacity building programme, and recognition of this should be built into planning. Similarly, the pace of DDR programmes is unlikely to match that of the progress of the ceasefire, but will have a direct impact on security especially where there is a vacuum.

f. Monitoring and responding to human rights abuses

The period immediately following a ceasefire will almost certainly witness continued acts of violence and intimidation. Most ceasefire agreements now contain commitments by both parties to reduce the suffering of civilians living in territory they each control. Missions thus need to set up accessible mechanisms for civilian complaints and processes for responding to confirmed human rights violations. Standard interview and report formats have been developed from initially adhoc experiences, and a need to collect data which is useable in tribunals.

The protection of complainants is also crucial, as experience demonstrates that fears of reprisal for reporting violations tend to be well founded, and that inconsistent response to complaints exacerbates existing problems. A major factor is fear of derailing a peace process by being too openly critical of one side or the other, to which the counter argument is that a peace process will not be sustainable if it allows a culture of impunity to take root. The question remains as to why, if parties are sufficiently sensitive to international diplomatic or financial leverage to agree to a ceasefire, this same leverage cannot be applied to encourage them to desist from human rights abuses in the post-ceasefire period. Again, this may point to a need for clearer human rights provisions in agreements themselves.

The most commonly proposed solution is to find an alternative, independent body to monitor human rights, with a clear, explicit mandate in this regard. Experience suggests that independent human rights missions tend to be under-resourced and hard to staff, and may have less access to information and political leadership than integrated missions. Conversely, integrated missions may suffer from perceived or real lack of independence and political influence.

Policies for systematic documentation of human rights abuses, and a related plan for ensuring judicial accountability for the perpetrators of such crimes, are important and are not yet standard features in such missions, often because they have been left to one side in the planning phase. Equally important is an agreed and defensible classification of types of violation which will help the mission to establish which violations of the parties should be publicly dealt with, and which in other ways. Finally the role of civil society should not be neglected, with its existing or potential capacity to monitor human rights violations.

g. Recognise and optimise the value of humanitarian impact

When a ceasefire has been agreed and respected, even for a temporary period, the humanitarian benefits are usually considerable. Nowadays, rarely does a ceasefire document fail to contain an agreement to allow full and unhindered access for humanitarian agencies, which is often a door-opening clause which parties find the easiest to agree upon. The key impact is likely to be the end of restrictions of movement on civilian populations and commercial goods; increased delivery of humanitarian assistance is likely to accompany ceasefire, but not always to the fullest extent possible (or hoped for). Re-opening of markets can have wide-reaching benefits. Thus, an improved humanitarian situation is not only often a key objective and outcome of a ceasefire, but can play a critical role in helping to sustain it, provided the benefits can be clearly linked in people's minds to the ceasefire. Tangible proof of the benefits of a ceasefire is an essential part of building confidence among the civilian population. Desirable in themselves, such benefits also increase the political costs to one or other party of resuming hostilities.

h. Recognise humanitarian challenges: the IDP question

The question of IDPs and their right to return is one that can only partially be addressed by a ceasefire. IDPs are likely to be pawns in the political game. At a certain point, other factors critical to a ceasefire agreement holding may delay or prevent the return of IDPs. Not only, then, is there the still problematic issue of who holds the official mandate to ensure IDP protection and provision of assistance, but there remains the fact that their fate, including their access to assistance, rests in the political resolution of the conflict which may or may not be achieved during ceasefire and may well be the cause of its breakdown.

i. Proactively manage cooperation with humanitarian agencies

Given the prominence given to humanitarian concerns in agreeing ceasefires, there will almost always be a high degree of interaction between monitors and humanitarian agencies. Many of the issues are the usual ones that arise in situations where humanitarian agencies and military forces work alongside one another, and stem from well known differences in approach and culture. Aid agencies often have long history and culture knowledge in particular places, and react badly when missions choose not to avail themselves of advice and local knowledge which they can provide. They also have concerns at what impact the arrival of international monitors or peacekeepers might have on the perception of the impartiality of humanitarian agencies, and their continued ability to work on both sides of the conflict. Finally, the division of labour is pertinent: on the positive side, de-mining has had a massive and recognised impact on the scope and cost-effectiveness of humanitarian programmes; but when monitors or peacekeepers begin to implement their own aid interventions, usually in the form of quick impact projects, it usually leads to criticism by humanitarian agencies. This question of 'distinctive

competence' or 'turf' may well be the main variable that determines working relationships.

6. Capturing lessons learned

Despite all the contextual differences from country to country and conflict to conflict, it is obvious that there are issues, principles and response mechanisms which may have relevance across many or all. Systematic efforts to collect these in a way which makes them amenable for use by present and future missions could be stepped up, whether they belong inside or outside the UN structure. VERTIC³ has suggested the institution of some kind of clearing house, or monitoring and verification centre which could offer standard or example protocols, example documents such as interview forms, benchmark indicators *aide memoires* for the international legal framework and key principles of humanitarian work and human rights monitoring etc., training, procedures and technologies for information flow, a forum and facilitation for debriefing sessions etc. The Department of Peace Keeping Operations would seem a natural home, and would certainly need to endorse such an initiative; however it would be imperative for it, or any other focal point body, to recognise and work with the broad range of actors involved. The question remains as to why such a resource does not already exist within the UN, and what might be the most effective way of addressing that lack.

7. Conclusion

This brief *tour d'horizon* of issues and lessons in ceasefire monitoring is not comprehensive, but provides a useful starting point for developing the kind of resource suggested above. Some points are controversial, and some may not apply in all situations. However, it is hoped that the discussions it will provoke will fill in some of the gaps so that it can provide a working checklist useful to any actor who may find themselves involved in the complex and important activity of ceasefire monitoring and verification.

³ The Verification Research, Training and Information Centre

