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Monitoring ceasefires is getting harder:
greater innovation is required

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Monitoring ceasefires is getting harder: greater innovation is required

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Ceasefire Monitoring in Kidal, Northern Mali: A soldier communicates with an approaching vehicle during a visit by a commission to Kidal, northern Mali, to monitor the region's security after the Government of Mali and Tuareg rebels signed a ceasefire agreement on 23 June 2013. © UN Photo/Blagoje Grujic

Far from helping resolve conflict, flawed ceasefires and ceasefire monitoring may well contribute to significantly increased mistrust between the parties to that conflict. The consequences may be even more damaging; as ceasefires are often one of the first objectives a mediator attempts to achieve, in the eyes of the combatants, early failure may more broadly damage the viability, or the perception of viability, of external action to effectively resolve the conflict.

This may reinforce the thinking of some belligerents that the only solution is military. Still, as I saw first-

hand during my involvement in the peace process in South Sudan, the mediator may spend much time, energy and political capital in attempting to achieve an operable ceasefire with little promise of return.

Rather than a milestone on the road to conflict resolution, in complex conflicts that seem apparently irresolvable through peaceful means (e.g. Syria, Yemen, Ukraine), ceasefires and ceasefire monitoring often appear to be, at best, a form of conflict management. As Oliver Richmond notes, such efforts may “not even aim at a [durable] ceasefire

* Awarded by the Centre for Humanitarian Dialogue, the Oslo Forum Peacemaker Prize is an essay competition seeking bold and innovative responses to today's peacemaking challenges. This paper is the second winner of the Peacemaker Prize.

but instead mediate . . . the continuation of violence in order to avoid further escalation.”¹

Several recent such attempts at ceasefires have either collapsed quickly (Syria) or had a very limited geographic and political scope (Yemen), or may likely ‘freeze’ the conflict for years to come (Ukraine).

As the nature of conflict evolves and is increasingly fragmented, incrementally tinkering with conventional ceasefire monitoring may be insufficiently transformative to address its current limitations. While, for example, working to better specify the parameters of a ceasefire agreement, improving the training of international monitors prior to deployment, and improving their performance once deployed may still help in some cases, in many contemporary conflicts, peacemakers may need to consider more unorthodox and radical solutions.

At the outset, mediators who design ceasefire monitoring mechanisms should question the three core normative assumptions of conventional ceasefire monitoring. The first of these is that viable information about truce violations can be reported both accurately and in a timely manner. Second, such information can be used to deter violations and/or to incentivise agreement compliance. Third, the potential political and reputational cost of non-compliance is higher than any benefits of continuing the conflict. In a fragmented conflict, such normative logic may not fully apply, calling for other solutions to be considered.

The fragmentation of conflict has been accompanied by other discernible trends in ceasefire monitoring practice. For example, while UN peacekeeping itself began with the monitoring of ceasefire arrangements, today a regional organisation (such as the Organization for Security and Co-operation in Europe (OSCE) in Ukraine or the Intergovernmental Authority on Development (IGAD) in South Sudan) is as likely as the UN to be overseeing an agreement. There are obvious, possibly negative implications of near-neighbours being involved in monitoring conflicts on their immediate borders.

Further, the cautionary story of Norway’s experience in Sri Lanka has largely gone unheeded: today’s mediators are also often ceasefire monitors, or vice versa. Recall that in 2002, Norway agreed to oversee the ceasefire reached between the Sri Lankan government and the Tamil Tigers, despite “reservations about becoming both the mediator and the implementer of the ceasefire.”² As a result, ceasefire violators were not ‘named and shamed’, in order to avoid the risk of undermining Norway’s role as a mediator.³

Today, almost two decades later, there are numerous examples of the mediator also serving as monitor. In Yemen, the UN is both mediating between the government and the Houthis *and* monitoring the ceasefire arrangements in the vicinity of Hodeidah.

In Ukraine, the OSCE Special Monitoring Mission is mandated “to observe and report in an impartial and objective way on the situation in Ukraine . . . *and to facilitate dialogue* among all parties to the crisis.”⁴ In South Sudan, the regionally led Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) is controlled and led by the same regional body that leads the peace process, IGAD. Repeated interruptions to the disclosure of ceasefire monitoring data have resulted when IGAD leaders deemed disclosure to be inopportune.

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In such multi-party, fragmented conflicts, conflating the roles of mediator and monitor may make attempts to address such conflicts even more difficult. Trying to encourage the coalescing of rival forces that may be fighting each other as well as the government may affect the mediator’s ability and enthusiasm to report on ceasefire violations, particularly in an asymmetric conflict.

Historically, the idealised, neutral third-party monitor was theoretically conceived of as a desirable aide to the exchange of credible information between former combatants, and whose monitoring presence would help reduce uncertainty. The monitor was also traditionally intended to serve as a trusted intermediary between mistrustful parties.⁵

But in many of today's civil-war conflicts, the belligerent parties may well hold more information about the intentions and capacities of their adversaries (with whom they may have once been aligned) than any third parties. Syrian, Yemeni or South Sudanese fighters understand the topography and geography of their countries better than any external actors could ever hope to do, despite the advantage international monitors may now derive from access to satellite imagery or other technologies.

While these trends underline the sometimes problematic investing of agency in outsiders to the conflict, such as the drafters, monitors and enforcers of ceasefire arrangements, is the lower ambition of documenting, and perhaps occasionally deterring, the worst of the violence, the best to which a ceasefire process in an apparently intractable conflict can aspire? My answer is that, while there are no easy solutions, conflict mediators can do better by learning from past experience. And while no single novel approach will overcome all of the problems inherent in ceasefire arrangements, and, more particularly, in the monitoring of such arrangements, monitors can do more to innovate and adapt their practice, so that ceasefire monitoring is fit for purpose in this new era of conflict.

This essay proposes three practical possibilities, relevant to consider at both design and negotiation phases of a peace process, and during its implementation, to reshape, complement and strengthen, existing practice. These are:

- to apply lessons from the evolution of election observation to ceasefire monitoring;
- to widen the focus of ceasefire monitoring to other forms of violations; and,
- to better specify options for corrective or remedial action within a ceasefire framework.

Learn from the evolution of election observation

Much like ceasefire monitoring, election observation began as a largely internationally led, externally directed process. Increasingly, however, the most effective election observers today are found in domestic networks (e.g. the Church-based coalitions formed in the Democratic Republic of the

Congo, or Kenya, or the alliances fostered by secular groups in Nigeria, Afghanistan or Mexico). Domestic observer networks have the scale, personnel and motivation to report comprehensively and deeply on electoral processes, well before and beyond election day. Aided by crowd-sourcing, geolocation technology, quantitative rigour and greater consistency in methodology, domestic election observers cover more ground, and offer findings more statistically authoritative than those of international counterparts, whose sample is comparatively limited.

While there are some examples of broad-based, citizen-led ceasefire monitoring over the years (a recent report cites, as examples, Guatemala and Sierra Leone in 1996 and the Philippines in 2001), the paucity of recent examples suggests the practice has been largely piecemeal, and far from widespread and systematically practised.⁶ Except in the most geographically modest of contexts, scale matters: more than a few plucky, courageous observers or forward-thinking local NGOs are needed for a domestic ceasefire monitoring effort to be transformative. Nor has domestic ceasefire monitoring to date usually attained sufficient sophistication, nor applied consistently robust methods (areas in which election observers have developed their methodology considerably) to make a sizeable difference in most conflicts. Often, domestic monitoring efforts have been subsumed into the more generic monitoring of peace agreement accords, as civil society actors attempt to balance multiple priorities and objectives. While the latter may seem a complementary task, the thematic areas are substantially different, and the particularities of security arrangements may necessitate more tailored methodologies.

Certainly, domestic observation of ceasefires is no panacea. The concept presents its own risks and limitations of observer credibility, consistency and investigative methodology. But, as with election observation, a domestic approach boasts the potential for greater reach, both within complex geographies, across conflict lines, and between combatants and non-combatants. The possibility of a response that may be more timely than international monitors can ever hope to achieve is also alluring. Perhaps of equal importance, at scale, there is the possibility for greater innovation in monitoring, which also offers the potential for mobilising a coalition for peace from below.

Effectively widen the focus of ceasefire monitoring to other forms of violations

Increasingly, ceasefire monitoring mandates have moved beyond mere determinations of who fired at whom, with what weapons, to broader concerns about international humanitarian law, the protection of civilians, and sexual and gender-based violence. But the core of monitoring work remains concerned with what are perceived as first-order violations. Even when other issues are explicitly outlined in a ceasefire agreement, they are often felt to be the purview of human rights investigators, not ceasefire monitors.

While some see dedicating more time, personnel and resources to other ceasefire monitoring priorities as a distraction, such monitoring may not necessarily require more money, equipment and personnel but, more specifically, monitors with more diverse backgrounds, experiences and skills. This is more than a play to political correctness; it could help unlock new paths to conflict resolution. This is because, in some contexts, there may be an opportunity to use a broader understanding of the violation environment to improve relations with the belligerents in a conflict. Conducting an investigation, or building rapport with communities, may not require a sophisticated appreciation of the different forms of arms and ammunition, as important as that knowledge may be. But these are skills that might strengthen the credibility of the mission more broadly.

The point is not to overburden ceasefire monitors with an over-ambitious mandate. Instead, it is to see these additional aspects of the monitoring mandate as both opportunities for confidence-building between the parties and as an additional means to bolster the authority and credibility of monitoring efforts.

Both the parties to an agreement and its monitors must conceptualise that the spectrum of violations is broad. It does not consist only of extremes: at one end, inconsequential technical violations (e.g. 31

rounds of ammunition held by a party instead of the prescribed 30), and, at the other, the most egregious violence and mass atrocities imaginable. In between, there is much space for manoeuvre (in all senses of that word), and therefore opportunity. While it may be impossible for the drafter of an agreement to consider every possible violation at the outset, further elaborating other forms of prohibitive behaviour might reduce the space for future ambiguity.

Beyond punitive measures, better specify options for corrective or remedial action within a ceasefire framework

The international community's options for coercive action in support of a ceasefire agreement are limited. While both unilateral and multilateral sanctions and arms embargoes remain commonly contemplated measures, the likelihood, efficacy and effect of such measures is debatable. In some cases, such measures may be merely symbolic, even when political consensus exists amongst the great powers to impose them. At the same time, most ceasefire agreements leave the messy tasks of corrective and/or disciplinary actions to the parties to the agreement, without much specificity.

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Instead, ceasefire brokers could use their formulation and facilitation functions to improve the spectrum of self-enforcement and internal disciplinary mechanisms within the framework of a ceasefire agreement itself. Further, such agreements could better link the activities of monitoring mechanisms with the power to offer appropriate recommendations.

For example, a ceasefire agreement could provide monitors with the power to recommend that identified offenders, whether as units or individuals, be rotated or removed from the theatre of operations, or from command responsibility. Or, that they be restricted to non-combat duties, or be required to perform public works (e.g. road-building or repairs) as reparation for violations.⁷

Such measures would not supersede the conventionally classical punitive measures of trials, courts-martial and/or dismissal or suspension from the armed party that remain within the internal purview of most armed groups. But they might give a wider menu of more *proportionate* options to ceasefire supporters and enforcers, to bridge the extremes of total inaction and comprehensive sanctions. Such measures may also help in fragmented conflicts, where outright condemnation or the imposition of heavily punitive measures may well risk further fragmentation of the conflict.⁸

Further, in an environment where participation in a ceasefire agreement is itself a demonstration of signalling a desire to cooperate, creative specificity could identify a window for *further* positive signalling. A recommendation that suggests Unit A should be redeployed from Province B is a more tangible area for focus than the more conventional refrain of monitors that “it is recommended that the appropriate action be taken”. In such boilerplate formulations, the who, how, when and why of the recommended action is often left unsaid, with predictable consequences for follow-up.

Widening the spectrum of possible measures might help in fostering parties’ compliance. From the point of view of the parties, implementing a specific recommendation emanating from a neutral body may be more politically palatable, if the optics of the burden of the political costs can be partially shifted to the monitoring institution. Given their internal dynamics, the parties may be unable or unwilling to enforce consequences against their own forces on their own initiative.

However, if the parties are more willing to act at ceasefire monitors’ behest, the disadvantages of monitors being painted as the bad guys may be less consequential, even if some monitors might fear being too prescriptive would risk their neutrality, or see such innovation as moving their mandate from ‘technical’ to ‘political’. Providing the party in non-compliance with the political cover to take corrective action it might not otherwise imagine or devise itself could help in future efforts to resolve the underlying conflict.

Conclusion

The suggestions offered here are not exhaustive. They are intended to demonstrate that, even though

the templates of ceasefires and ceasefire monitoring remain at the mercy of a given conflict’s internal and external political realities, creative additions to the mediator’s arsenal can be made, and could be developed further. Central to these ideas is to look to the citizens beyond the signatories to an agreement to shift the paradigm of conflict. For this to be effective, citizen-led efforts will need support beyond the conventional models. Perhaps paradoxically, the lack of active examples in the practice of many of these ideas suggests there is much latitude for innovation and creative application. Fundamentally, such strategies should be seen as more than just desirable additions to classical practice; the increasingly complicated nature of conflict demands equally meaningful innovation in response.



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2014 to 2015, he was Senior Advisor to the chief mediator of the Intergovernmental Authority on Development (IGAD)-led peace process for South Sudan, the former Foreign Minister of Ethiopia. In that capacity, he helped draft the resulting 2015 peace agreement.

Endnotes

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