

FUNDAMENTALS OF GENOCIDE AND MASS ATROCITY PREVENTION

By Scott Straus

UNITED STATES
HOLOCAUST
MEMORIAL
MUSEUM

Cover: Syrian refugees seek safety in February 2014.
Lucian Perkins for the US Holocaust Memorial Museum

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Foreword

AT THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM'S OPENING ceremony in 1993, Elie Wiesel reminded us of the contemporary relevance of the moral lessons of the Holocaust: "A memorial unresponsive to the future would also violate the memory of the past."

Since our founding, those words have animated the basic spirit of the Museum's mission and its programs. To preserve the memory of the Holocaust is to embed its moral lessons in the architecture of our contemporary society. As we have preserved these enduring lessons in our commemoration of and education about the Holocaust, we have also worked to document and confront contemporary cases of genocide and mass atrocities. The Museum's William Levine Family Institute for Holocaust Education and Simon-Skjodt Center for the Prevention of Genocide implement this mandate through education, research, and outreach.

With this mandate in mind, it is only appropriate that the Museum sponsor the publication of *Fundamentals of Genocide and Mass Atrocity Prevention*, a comprehensive overview of the history, policy, and critical debates in the field of genocide and mass atrocity prevention. *Fundamentals*, written by renowned genocide and atrocity prevention scholar, and former Winnick Fellow in the Simon-Skjodt Center, Scott Straus, analyzes the normative, legal, and operational challenges and opportunities in preventing genocide and mass atrocities to date; identifies key open debates in the field; and offers important insights into opportunities going forward to strengthen both our understanding and our ability to implement this much needed agenda.

The institutions and norms crafted in the aftermath of the Holocaust, as well as those genocides since, are ambitious testaments to the power and promise of a burgeoning community of atrocity prevention advocates, scholars, and officials. But the successes are all too few, and the challenges too vast. As is discussed in these pages, programs hailed as successes are often controversial, and their outcomes disputed. But where specific policies may provoke discord, all agree on our moral responsibility to prevent future genocide and mass atrocities. As the international community continues to confront new atrocities, our intent is that this book will bolster the efforts of an expanding community of activists, students, scholars, and policy makers, as well as the civilians these efforts ultimately aim to assist.

We wish to thank all those who participated in this project. We are grateful to the Museum staff who guided this project, and to the advisory board that provided initial guidance on the book and its contents. But most of all, we are grateful to Scott Straus, whose scholarship has advanced our collective efforts to prevent atrocities far and beyond the pages of this work.

Michael Chertoff

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Preface

THIS BOOK IS DESIGNED AS A SHORT, ACCESSIBLE INTRODUCTION to the major concepts, theories, and practices in the field of atrocity prevention. The book aims to summarize existing thinking and scholarship so that nonexperts may efficiently obtain an overview of the field, its central findings, and its central debates. The book is not a how-to guide or a handbook on prevention. Rather, it is a primer, an introductory text that can be used across a variety of institutional settings and for a variety of purposes.

As I detail in this book, there has been a sea change of activity and interest in this subject area. Before the 1990s, despite the promise of “never again” after the Holocaust, the topic was a remote area of research and a distant policy priority. Today, research on genocide and mass atrocities is much more extensive, public interest is growing, and governments such as the United States and international organizations such as the United Nations have established institutions to prioritize atrocity prevention. Those and other changes amount to real, if incremental, progress toward realizing the ideal of “never again.”

Looked at historically, the frequency of state-sponsored atrocity has declined in the past two decades from a peak in the 1990s. According to recent figures compiled by Jay Ulfelder, the average share of countries experiencing an episode of state-led mass killing during the Cold War was about 15 percent, a share that climbed to 25 percent in the early 1990s and dropped to less than 10 percent in the early 2010s.¹

The overall trend of fewer atrocities may not continue. Since 2011, the prevalence of atrocities has increased. In 2014 and 2015, while this book was being written, atrocities raged in Syria, Iraq, Sudan, South Sudan, Central African Republic, and other locations. In testimony before the US Congress in 2014, the director of national intelligence warned that the risk of mass atrocities would increase that year and beyond.²

Still, one of the conclusions of this book is that the world has made progress. In the past two decades, many citizens, nongovernmental organizations (NGOs), and policy makers around the world have expressed shame with the global community's poor record of atrocity prevention. They mobilized for change, and today there is greater awareness as well as more and better institutions dedicated to atrocity prevention.

No one can claim that the battle has been won. A second conclusion of this book is that atrocity prevention is difficult. Precisely predicting atrocities is a challenge. Generating the national and international will necessary to prioritize atrocity prevention is not easy. Atrocity prevention will always compete with other policy agendas. Moreover, the policy options that exist may not be politically palatable or effective in the face of determined perpetrators. Even in the rare cases in which an international consensus exists to mount an intervention and an intervention takes place, the aftermath poses new sets of challenges. In sum, no one should be naïve about the challenges that atrocity prevention entails.

A third conclusion is that, even if much has been learned in the past two decades, there remains a great deal yet to understand in the field of atrocity prevention. Scholars have developed strong explanations for why and how atrocity takes place, but new and different atrocity scenarios arise. Moreover, although the policy tools to mitigate or arrest atrocities have become more numerous and creative, knowledge about what works and what does not—and when—remains in flux.

¹ Jay Ulfelder, "A Multimodel Ensemble for Forecasting Onsets of State-Sponsored Mass Killing" (working paper presented at the annual meeting of the American Political Science Association, Chicago, Illinois, Aug. 29–Sept. 1, 2013). These data concern mass killings led by governments. Mass killings are defined as the deliberate and sustained killing of at least 1,000 noncombatants in a discrete group. I discuss different definitions of atrocity in chapter one.

² *Worldwide Threat Assessment of the US Intelligence Community, Statement Before the Senate Select Committee on Intelligence*, 113th Cong. 12 (Jan. 29, 2014) (statement of James R. Clapper, Director of National Intelligence).

Acknowledging those concerns, this book seeks to move beyond summaries of the field. The text highlights areas of research and policy in which the findings are inconsistent or incomplete and emphasizes the need to be aware of the challenges and potential risks associated with atrocity prevention. In that way, the book aims to develop not only an introduction of the field but also a critical understanding of it, one that distills scholarship and practice in the field while also underlining gaps and problems.

* * *

The origins of the volume are two-fold. First, the book responds to the need for an overview of the field. Interest in genocide and mass atrocity has grown dramatically in recent years, as discussed above. The interest is diverse. Students, concerned citizens, representatives of NGOs, government officials, and personnel in international organizations are engaged with the topic. Although some genocide textbooks exist, the field lacks an updated, short, accessible introduction, one that focuses not only on the drivers and dynamics of atrocity but also on the existing mechanisms to prevent and respond to it.

Second, the volume responds to a specific interest within the US government and the broader policy community. In 2011, US president Barack Obama issued Presidential Study Directive 10, which declares genocide and atrocity prevention to be in the national security interests of the United States. Obama also established the Atrocities Prevention Board (APB) to coordinate US policy. A subsequent report from the APB recommended training for US officials across a variety of agencies, which created a need for substantive training materials.

In October 2012, the United States Holocaust Memorial Museum hosted a day-long seminar to assist US officials in developing a curriculum to train government employees effectively. However, participants in the seminar concluded that no off-the-shelf resource existed that would support training in atrocity prevention. Although there was a great deal of material dispersed in different venues, a basic introduction to key concepts, arguments, and debates regarding atrocity prevention did not exist. The book responds to that need.

Given its origins, the book straddles multiple audiences. At the most general level, the book is for anyone—concerned citizen, student, NGO worker, government official, international organization employee—who would like to learn more about preventing genocide and mass atrocities. The book summarizes scholarship on the topic so that anyone may have a one-stop, accessible introduction to

the field. At a narrower level, the book is a general introduction for anyone in government—or outside it—who is involved in atrocity prevention.

* * *

The United States Holocaust Memorial Museum is uniquely positioned to publish this book. The Museum has an enduring commitment to the memory of the Holocaust but also to honoring that memory through education and a commitment to preventing future genocides and mass atrocities. The two central departments within the Museum that collaborated on this project are the Simon-Skjoldt Center for the Prevention of Genocide and the William Levine Family Institute for Holocaust Education.

The book also benefited from an advisory board composed of scholars, US officials from a variety of agencies, analysts from think tanks, and advocates from the nongovernmental community. The author is responsible for the text, but advisory board members offered essential input on the development and the contents of the chapters. Particular thanks go to Charlie Brown, Beth Van Schaack, and Dwight Raymond, who offered detailed comments on chapter drafts. The author also would like to thank Bec Hamilton for her detailed edits of the manuscript and Allison Perlin for research assistance. Eric Eggleston, Andrea Gittleman, Cameron Hudson, Gretchen Skidmore, Amanda Rooney Stierli, and Daniel Solomon at the Museum shepherded the project from start to finish and were wonderful collaborators throughout.

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INTRODUCTION



The Buhimba refugee camp in Democratic Republic of the Congo in June 2008.
Michael Graham for the US Holocaust Memorial Museum

From the Margins to Global Engagement

A Short History of Atrocity Prevention

THE LONG ARC OF THE 20TH CENTURY WITNESSED AN important change in the way the international community responded to genocide and mass atrocities. Progress has not been linear, steady, or complete. But if the global visibility, norms, policy, and institutions that addressed atrocity prevention at the start of the 20th century are measured against those at the start of the 21st century, the change is real and consequential.

At the start of the 20th century, the international community paid little attention to state-sponsored mass atrocities. The international system was predicated on deference to state sovereignty, including in those colonial territories administered by an imperial power. Governments had the first and final responsibility for their people, even if those governments massacred tens of thousands of civilians. To be sure, some international actors condemned atrocities. The slaughter of the Herero and Nama people in German colonial Southwest Africa (now Namibia) from 1904 to 1905 earned limited international opprobrium,³ as did the Ottoman state's systematic massacres of Armenians in Anatolia during World War I, which received more attention.⁴ But the 20th century's first genocides did not galvanize either a global social movement or a major diplomatic effort to interrupt, stop, or punish the atrocities. The international

norms, policies, and mechanisms to prevent and respond to atrocity were virtually nonexistent.

From World War II to the Cold War

World War II changed the situation—to a degree. The Holocaust, particularly the systematic annihilation of the Jews, demonstrated the devastating potential consequences of *carte blanche* national sovereignty. Taken to the extreme that the Nazis did, state sovereignty meant that governments had the authority to annihilate whole categories of people from the territories that they controlled.

Combined with promises about freedom that the Allied powers made during World War II, the lessons of the Holocaust catalyzed the victorious states to make human rights a pillar of the new world order. The 1945 United Nations (UN) Charter, the writ that laid the foundation for postwar international peace and security, included pledges to promote human rights. Those international commitments were weak, but they were important nonetheless.

After the war, the Allied powers established the International Military Tribunal (IMT) in Nuremberg to try captured Nazi officials. The indictments charged the defendants with conspiracy to commit crimes against peace, war crimes, and crimes against humanity. They also accused the defendants of conducting “deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial or religious groups, particularly Jews, Poles, and Gypsies and others.”⁵ The indictments amounted to the first time that an international court tried individuals for crimes against humanity and the first time that the term *genocide*, which had been coined a year earlier, appeared in a criminal trial. The tribunal found most

³ Great Britain Colonial Office, *European War: Papers Relating to German Atrocities, and Breaches of the Rules of War, in Africa* (London: H. M. Stationery Office, 1916). More than a decade after the violence and during World War I, the British government produced a report on the atrocities in Southwest Africa, but such action should be seen in the light of propaganda between two imperial rivals and wartime enemies.

⁴ Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response* (New York: HarperCollins, 2003).

⁵ Office of the United States Chief of Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression*, vol. 1. (Washington, DC: US Government Printing Office, 1946), 31–32.

of the defendants guilty of crimes against humanity, although the term *genocide* was dropped from the final judgment.⁶

In its first session, the UN General Assembly returned to the issue of the Nuremberg court and genocide. On December 11, 1946, the assembly unanimously affirmed the principles of international law in the IMT's charter and also passed a resolution affirming that genocide was a crime under international law.⁷ Two years later, after long discussions about the contents of a new international law on genocide, the assembly approved the UN Convention on the Prevention and Punishment of Genocide (the Genocide Convention). In short order, the United Nations also approved the Universal Declaration of Human Rights, which remains to this day the principal catalog of human rights in the world.

The Genocide Convention recognized genocide as an international crime that the parties to the convention agreed to “undertake to prevent and punish” (see appendix 1). The Genocide Convention was a landmark human rights treaty. It explicitly and implicitly recognized that international actors had a duty to groups of any country that were at risk of genocide. The Genocide Convention went further than either the UN Charter or the Universal Declaration of Human Rights because it obligated signatories to prevent and punish the crime. That formulation represented a significant challenge to the traditional notion of state sovereignty, which held that states had the ultimate authority to treat citizens as they saw fit. The core human rights principle in the charter and the declaration was that all people were endowed with certain rights and protections no matter where they lived or who they were. But the Genocide Convention explicitly obligated the international actors to prevent and punish crimes committed within states.

Despite the commitments set forth in the Genocide Convention and the ideals in the UN Charter and the Universal Declaration of Human Rights, significant obstacles to making the promise of human rights a reality and to institutionalizing the international commitment to prevent and punish genocide remained.

First, the principle of state sovereignty was alive and well. Even though Article 1 of the UN Charter commits the organization to “promoting” and “encouraging”

⁶ William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2000), 38.

⁷ UN General Assembly, Resolution 95/1, “Affirmation of the Principles of International Law recognized by the Charter of the Nürnberg Tribunal,” Dec. 11, 1946, and UN General Assembly, Resolution 96/1, “The Crime of Genocide,” Dec. 11, 1946, <http://www.un.org/documents/ga/res/1/ares1.htm>.

human rights, Article 2 clearly states, “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state” (see appendix 2). Even the Genocide Convention, with its soaring language about committing states to ending an “odious scourge,” weakly specifies mechanisms for *how* to prevent and punish the crime. In short, those landmark treaties represented important innovations in the history of human rights, but significant discrepancies between the promise and the practice remained. The treaties had a lot of bark but little bite.

Second, the fate of endangered civilians in faraway lands remained largely marginal to the way leaders defined their national interests and set their foreign policy goals. Mass atrocities also galvanized limited social protest. As atrocities raged in Burundi, Nigeria, Indonesia, Bangladesh, Cambodia, and Guatemala in the 1960s, 1970s and 1980s, major powers viewed the events primarily through the frame of the Cold War. The United States and the Soviet Union were locked in a global contest for dominance, with two very different models of government and economy. Even though both superpowers claimed human rights to be on their side (the Soviets championed economic, social, and cultural rights; the Americans, civil and political rights), realism carried the day. Atrocity prevention was a remote priority.

The 1990s

The end of the Cold War promised to herald a new world order. By the time the 1990s ended, the question of atrocity prevention had earned significant international attention, but the policies designed to stop atrocities remained unclear.

At the start of the decade, two cases seemed to galvanize newfound commitments to civilian protection. The first came in the aftermath of the Persian Gulf War. After driving Iraqi troops from Kuwait, Allied forces stopped short of unseating Iraqi president Saddam Hussein. But international actors encouraged Hussein’s opponents to rise up and oppose the regime. That they did, but Iraqi security forces in turn repressed dissenting groups severely, in particular in the Shia- and Kurd-dominated areas of the country. Left with a sense of responsibility for having encouraged the uprising, British and American leaders in particular acted to offer some protection for the Iraqis facing slaughter. With United Nations Security Council approval, they imposed a no-fly zone in southern and northern Iraq, and they concentrated on the delivery of humanitarian assistance. Those were interventions to save civilian lives, and in that way

a precedent but one in which the circumstances were quite unusual given the proximate history of the Persian Gulf War and the large-scale deployment of international forces in neighboring Kuwait.⁸

More consequential for shaping atrocity prevention efforts in the 1990s was the international experience in Somalia.⁹ In the late 1980s and early 1990s, civil war among Somali armed groups, followed by state collapse, rendered a good portion of the Somali population vulnerable to famine and predation. Pressure grew in 1992 for international actors to intervene to deliver humanitarian assistance to stave off mass death among Somalis. Heeding that call, in the final months of his presidency, George H. W. Bush authorized a major military operation to deliver humanitarian aid. The United Nations launched a major effort to do the same, although the United States and the United Nations maintained separate command structures. Initially, the military operation went well. Aid was delivered; many Somalis survived because of the intervention. But the mission ended badly when the United States and other international actors engaged Somali political and military actors in an effort to secure a more durable peace. In an operation made famous by the movie *Blackhawk Down*, American troops were caught, killed, and paraded in downtown Mogadishu. Many Somalis were killed as well. But to the United States and many within the United Nations peacekeeping world, Somalia served as a major warning about the risks of intervening to help populations in distant lands.

Indeed, the experience in Somalia cast a long shadow over the atrocity crises of the mid-1990s. In 1994 in Rwanda, an interim government orchestrated genocide, resulting in the slaughter of between 500,000 and 800,000 mostly Tutsi civilians in three months.¹⁰ The United Nations had deployed a small, ill-equipped, and ill-prepared peacekeeping force to the country in 1993. But given their recent experiences in Somalia, as well as an attack against Belgian peacekeeping troops in the early days of the Rwandan genocide, international actors exercised

⁸ On Iraq, see Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 139–71.

⁹ On Somalia, see Wheeler, *Saving Strangers*, 172–207.

¹⁰ The numbers of Tutsis killed in Rwanda during the genocide is controversial. In a landmark study of the genocide, Alison Des Forges estimates that at least 500,000 were killed. In a follow-up study, Marijke Verpooten estimates that between 600,000 and 800,000 Tutsis were killed. Although the current government in Rwanda estimates a higher figure and other academic studies suggest a lower figure, the Des Forges and Verpooten estimates remain the most persuasive. See Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999) and Marijke Verpooten, “The Death Toll of the Rwandan Genocide: A Detailed Analysis for Gikongoro Province,” *Population* 60, no. 4 (2005): 357.

caution. They opted to draw down the peacekeeping mission to a token force and to avoid any kind of coordinated intervention to save Rwandan civilian lives.¹¹

Similarly, in the former Yugoslavia, international actors largely stood by as the country disintegrated and ethnic cleansing broke out in the wars in Croatia and Bosnia-Herzegovina. The violence against civilians in Bosnia was particularly extensive, claiming more than 100,000 civilian lives from 1992 through 1995. The worst episode of violence took place in July 1995, when Bosnian Serb forces advanced on a declared United Nations “Safe Area” in Srebrenica, neutralized peacekeepers, and proceeded to commit a massacre against Bosnian Muslim boys and men. It was the worst massacre on European soil since the Holocaust, claiming more than 8,000 lives, and was later ruled a genocide by the International Criminal Tribunal for the former Yugoslavia.¹²

Taken together, Rwanda and Bosnia marked a turning point. They were international embarrassments. They laid bare that the world lacked a coherent policy and the will to prevent and respond to genocide and mass atrocity. They dashed dreams of a post-Cold War world in which human rights would be core policy priorities. And they falsified the post-Holocaust pledge of “never again.” Despite the nearly 50-year existence of the Genocide Convention and the end of the Cold War, the international community proved feckless in the face of massive slaughter. Many people—government officials, United Nations officials, staffers at NGOs, religious leaders, journalists, scholars, and ordinary citizens—called for a different approach.

Change began in 1994 when the United Nations established two ad hoc criminal tribunals to prosecute genocide, crimes against humanity, and war crimes in the former Yugoslavia and Rwanda. The tribunals resonated clearly with the International Military Tribunal in Nuremberg, and their decisions made good on the Genocide Convention’s provision that signatories would punish those responsible for the crime of genocide. Yet in contrast to Nuremberg, the

¹¹ On the international response to Rwanda, see Michael Barnett, *Eyewitness to Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2003); Linda Melvern, *A People Betrayed: The Role of the West in Rwanda’s Genocide* (London: Zed Books, 2000); and Roméo Dallaire and Brent Beardsley, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll & Graf, 2005).

¹² Again, death toll estimates in the former Yugoslavia are controversial. The numbers in this paragraph come from the International Criminal Tribunal for the former Yugoslavia (ICTY), the ad hoc tribunal established to try the high-level perpetrators in that case. See <http://www.icty.org/sid/322> for a general description of the Yugoslav wars of the 1990s.

winners of the wars did not establish the courts; this time, the United Nations did—the new courts were designed to avoid the charge of “victor’s justice.”

The mid-1990s also saw a movement to establish a permanent criminal court to try genocide, crimes against humanity, and war crimes. In 1998, a conference of 120 states adopted the Rome Statute, calling for an International Criminal Court (ICC), which came into force several years later. The establishment of the ICC was seen at the time as a triumph for the enforcement of human rights. It was the first permanent international criminal court expressly designed to bring to justice those responsible for war crimes, crimes against humanity, and genocide. In contrast to the ad hoc tribunals for Rwanda and Yugoslavia, the ICC is a permanent, standing court and, as such, thought to be a deterrent to future atrocity crimes.

The genocide at Srebrenica also prompted new international resolve to stop atrocities. Following the killings, the North Atlantic Treaty Organization (NATO) launched a large-scale air offensive against Bosnian Serb positions. The objectives were to force the Serbs to end their siege of Muslim areas and to agree to negotiate an end to the war. Indeed, in November 1995 in Dayton, Ohio, the warring sides agreed to end the fighting, and thousands of NATO troops were deployed in Bosnia to keep the peace.

However, the Dayton Accords did not stop the violence in Yugoslavia. In the southern Kosovo region of Serbia, ethnic Albanians had been mobilizing for independence, much like nationalists had in Croatia, Bosnia, and Slovenia in the early 1990s. Having been left out of the Dayton Accords, Kosovar Albanians began a more militant approach to independence, primarily through the rebel organization, the Kosovo Liberation Army (KLA). The KLA’s violent actions, in turn, prompted Serb authorities to launch bombing and raiding campaigns against Albanian positions. Serb authorities also pursued ethnic cleansing policies that had been used in the Croat and Bosnian wars.

This time, the international response was different. Embarrassed and humiliated by the experiences in Rwanda and Bosnia and with thousands of NATO troops in neighboring Bosnia, the United States, the United Kingdom, and other NATO countries took a hard diplomatic line against the Serb authorities and Yugoslav President Slobodan Milosevic. Neither the Serb forces nor NATO relented, which led NATO to conduct military strikes against Serb positions in

1999. Because the Russian Federation opposed the use of force, the NATO strikes were conducted without explicit United Nations authorization.¹³

Kosovo was not the only international intervention to save human lives during that period. Also in 1999, in East Timor, citizens voted overwhelmingly for independence from Indonesia in a referendum. However, a Timorese anti-independence militia with ties to the Indonesian army began a campaign of violence against civilians in the country. The violence prompted Timorese independence leaders, domestic and international activists, and others to call for international protection. Acting on a United Nations resolution, Australia led a military intervention, contained the violence, and stabilized the situation until United Nations peacekeepers were deployed, and East Timor eventually became independent.¹⁴ Similarly, in 2000, the British launched a small military operation in Sierra Leone to stave off what seemed to be an impending humanitarian disaster in the capital, Freetown, when earlier interventions by the Economic Community of West African States and the United Nations began to fail. Although British troops remained at sea, their presence calmed the situation and led to an eventual ceasefire.¹⁵

To be sure, the preceding examples are short descriptions of complicated cases and complex moments of international diplomacy and policy. Nonetheless, the incidents during the 1990s show both international willingness and ambivalence toward coordinated collective responses to the onset of atrocity. The start of the 1990s witnessed what might be called naïve optimism about the ability to save lives, especially in Somalia. The mid-1990s was a nadir, with Bosnia and Rwanda experiencing horrible violence as the world did little to stop the slaughter. By contrast, the close of the 1990s and the year 2000—with Kosovo, East Timor, and Sierra Leone—marked a high point in international resolve to intervene militarily to stave off impending atrocities and humanitarian catastrophes. But the interventions also raised questions about the legality of such interventions, especially given that the NATO action in Kosovo was taken without the explicit endorsement of the United Nations Security Council. Indeed, compared with the preceding decades, the 1990s was a period of ad hoc policy making and policy action, one that revealed an actual lack of policy and doctrine.

¹³ On Bosnia, Kosovo, and the international response, see Wheeler, *Saving Strangers*, 242–284.

¹⁴ On East Timor, see Geoffrey Robinson, *“If You Leave Us Here, We Will Die”: How Genocide Was Stopped in East Timor* (Princeton, NJ: Princeton University Press, 2010).

¹⁵ On Sierra Leone and the British, see Andrew M. Dorman, *Blair’s Successful War: British Military Intervention in Sierra Leone* (Farnham, Surrey, UK: Ashgate, 2009).

The 2000s

Another important turning point took place at the turn of the century. Kofi Annan, who had been head of the United Nations Department of Peacekeeping during the Rwandan genocide and secretary-general during the Kosovo crisis, acted to clarify the situation. In his Millennium Report, Annan called on the international community to resolve the contradictions between sovereignty protections, on one hand, and the obligation to protect citizens from large-scale violence, on the other.¹⁶

In response to that plea, the government of Canada established a high-level International Commission on Intervention and State Sovereignty (ICISS). That commission released a report in 2001 that presented a novel way to square the circle: the authors proposed that sovereignty be reconceived not as absolute but as conditional.¹⁷ More specifically, the commissioners argued that sovereignty meant that states had a responsibility to care for and protect their populations. If and when a state demonstrated that it was manifestly unable or actively negated its responsibility to protect its populations—as, for example, when states commit atrocities against their populations—then that responsibility to protect should shift to the international community. In such cases, international actors could act with diplomacy or even with coercion to protect populations at risk of imminent danger. It also meant that international actors had an obligation to help states that wanted to prevent atrocities in their own country. The doctrine goes by its acronym, R2P—“responsibility to protect.”¹⁸

In 2005, under Annan’s leadership, countries around the world endorsed the principle at the 2005 World Summit. Governments adopted two key provisions. One held that states had a responsibility to protect populations from genocide and other forms of atrocity. The second stipulated that when states were

¹⁶ Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations, 2000).

¹⁷ Francis M. Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996) and Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, DC: Brookings Institution, 1998). The intellectual origins of the idea stem from Francis Deng and Roberta Cohen’s work on protection of internally displaced populations, in which they conceptualized sovereignty as responsibility.

¹⁸ Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

manifestly failing to do so, international actors could act peacefully or, if necessary, coercively to protect populations (see appendix 3).¹⁹

The resolutions carried no formal obligations. In later years, some countries backed away from the ideas in R2P. Nonetheless, the promulgation and endorsement of R2P represents an important milestone in the evolution of international policy on atrocity prevention. The advancement of R2P represents incremental normative and institutional change within the United Nations system to create a framework for the way to act legitimately to prevent and respond to genocide and mass atrocities. Even if some countries remain reticent about R2P, and even if its power has been limited to date, the doctrine remains a touchstone document in any discussion of atrocity prevention within the United Nations system.

To be sure, the 2000s saw other crucial developments. In the United States and ultimately around the world, the events of September 11, 2001, and the response to them took on tremendous importance. On one hand, the attacks on the United States refocused American foreign policy back to questions of security. Removed from the top of the foreign policy agenda were human rights crises, such as those in Kosovo. Fighting global terrorism and ousting the Taliban in Afghanistan became top priorities.

On the other hand, the response to 9/11 may have indirectly and controversially reinforced the ideas in play regarding atrocity prevention. In the Afghanistan case, al-Qaeda planned, prepared, and orchestrated a major terrorist attack from its base in Afghanistan. In response, the United States led a military campaign—with broad international support—to oust the Taliban regime in Afghanistan and drive al-Qaeda from its base in that country. The war was not a humanitarian one. The war was predicated on establishing international security and based on international law that a state has the right to defend itself against direct attack. Still, the idea that international actors could act collectively and militarily against the wishes of a sovereign state in response to a major attack against civilian targets was consistent with emerging ideas about the legitimacy of intervening to protect civilians from genocide and similar forms of mass violence.

The war in Iraq that started in 2003 was also significant. According to then-US president George W. Bush, the objective of intervention was not only to

¹⁹ UN General Assembly, Resolution 60/1, “2005 World Summit Outcome,” Oct. 24, 2005, <http://www.undocs.org/A/RES/60/1>.

disarm Saddam Hussein's government of weapons of mass destruction but also to liberate the Iraqi people from tyranny.²⁰ The stated reasons for the war were thus on both security and humanitarian grounds.

The relationship between the events of September 11, 2001, and the wars in Afghanistan and Iraq, on one hand, and atrocity prevention, on the other, remains a matter of debate among scholars and practitioners. Some would argue that the wars and aspects of the rationale driving them shared parallels with atrocity prevention objectives; others would assert that the circumstances around the decision to go to war undermined later prevention efforts. In particular, the Iraq war lacked international consensus. Many countries around the world balked at the display of overwhelming military power by the United States in an oil-producing developing country, especially after it became clear that faulty intelligence underlay the claim that Iraq had weapons of mass destruction.²¹ The reaction to the war in Iraq thereby served to undermine efforts to forge a consensus around atrocity prevention. To some, the war in Iraq signaled how humanitarian rationales could cloak the self-interested use of military power.

In addition, the war in Iraq and then the war in Afghanistan took turns for the worse. In Iraq, an insurgency started against the American occupation and later against the Iraqi government that the Americans had helped to establish. In Afghanistan, a resurgent Taliban similarly launched an insurgency against international forces and the Afghan government. Both situations led to thousands of domestic and international casualties and a decade of strife and violence that as of this writing remains unfinished. Both cases in turn became visible warnings about the difficulty of stabilizing and rebuilding states and societies after military intervention, which had implications for atrocity prevention.

Also crucial in this period was the case of Darfur, in western Sudan. Violence began to escalate there in 2003. At first, the widespread attacks against the non-Arab civilian population earned little international attention. But with the tenth anniversary of the Rwandan genocide approaching, attention turned to Darfur. Many asked: Would the world stand by again?

²⁰ George W. Bush, "Address to the Nation on Iraq" of March 17, 2003, *Weekly Compilation of Presidential Documents* vol. 39 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, March 24, 2003), 338–341.

²¹ Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, *Report to the President of the United States*, March 31, 2005, <http://govinfo.library.unt.edu/wmd/report/index.html>.

The African Union moved to deploy a protection force in 2004. Meanwhile, in the United States, students, religious organizations, human rights groups, journalists, museums, foundations, and others started to mobilize around the case. They forced their political leaders to confront the issue. The message was simple: The mistakes of the 1990s should not be repeated.

The United States responded to the civil society pressure. The Bush administration and Congress labeled the case “genocide,” a move that activists thought would prompt a stronger response under the terms of the Genocide Convention. However, after investigating, a United Nations commission found conclusive evidence of crimes against humanity, but not of genocide. Regardless of the definitional debate, the reality was that in the context of deteriorating conditions and heavy troop deployments in Iraq and Afghanistan, the United States and other international actors were reticent to become engaged militarily in another country.

In 2005, the Security Council referred the case to the International Criminal Court, which later indicted Sudanese president Omar al-Bashir and other Sudanese on charges of genocide and crimes against humanity. By 2007, the United Nations had, in concert with the African Union, put together a large peacekeeping operation with a mandate to protect civilians.

The lifesaving effects of these latter actions remain unclear, and for many the responses were too little too late. Still, Darfur showed how genocide and related forms of atrocity could galvanize a social movement—albeit one anchored in the global north—and how states and international institutions could respond. Both were evidence of a growing norm around atrocity prevention, and both marked a departure from the experience in the 1990s.

Within the United States, policy also evolved. Somalia, Rwanda, Bosnia, Kosovo, Darfur, and other key cases demonstrated that the United States did not have a clear policy on atrocity prevention. The response to each case was ad hoc. That began to change in the mid to late 2000s.

Following the crisis in Darfur, the Bush administration took the important step of incorporating genocide prevention into the 2006 National Security Strategy,

asserting that it is “a moral imperative that states take action to prevent and punish genocide.”²²

In 2008, a group of civil society actors that included the United States Holocaust Memorial Museum, the United States Institute of Peace, and the American Academy of Diplomacy organized a bipartisan task force on genocide prevention. Led by Madeleine Albright and William Cohen, the Genocide Prevention Task Force released a report with a set of recommendations. The report remains a touchstone for American policy makers and a critical document in the overall momentum towards better policy on genocide prevention.

Once elected, US president Barack Obama included advocates of greater American resolve on genocide prevention in his administration. They included Samantha Power, who wrote a highly influential book on the history of American failure to stop genocide, and Susan Rice, who had been a member of the Clinton administration during the Rwandan genocide and took to heart the lessons from that case.

Obama implemented a number of the recommendations from the Genocide Prevention Task Force report. The signature measure came in 2011 when he signed Presidential Study Directive 10, which declared that the prevention of genocide and mass atrocities is a “core national security interest and core moral responsibility of the United States” (see Appendix 4). He also established an interagency Atrocities Prevention Board to coordinate United States policy on genocide and mass atrocity prevention.²³

Looking back across the first decade of the 21st century, four developments seem clear. First, both within the United Nations and the United States, leaders took efforts to clarify and develop a policy framework on atrocity prevention. The signatures of these efforts are the Responsibility to Protect and Presidential Study

²² “The National Security Strategy of the United States of America, March 2006,” <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/>, 17.

²³ Barack Obama, “Directive on Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review,” Aug. 4, 2011, *Daily Compilation of Presidential Documents* no. 00549 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2011).

Directive 10. Second, global norms on atrocity prevention deepened. A growing number of people around the world indicated that atrocity prevention was of broad concern. That interest dates at least to the debacles in Rwanda and Bosnia, but Darfur catalyzed broad-based citizen and civil society interest. Third, big questions remained about how atrocity prevention could be put into practice. On the one hand, for some in the international community, there remained confusion about the difference between the humanitarian rationale in atrocity prevention and regime change, an issue that the Iraq war brought to a head and would play out later in the 2010s. On the other hand, while policy frameworks and norms developed, the question of how to prevent and mitigate atrocities—short of regime change—remained elusive. Fourth, the cases of Iraq and Afghanistan also demonstrated how difficult rebuilding countries could be in the aftermath of a major intervention.

The Early 2010s

Some of these trends continued into the 2010s. On one hand, in a number of cases international actors took preventive or coercive action to stave off atrocities. The most significant cases of such action were Libya, Côte d'Ivoire, South Sudan, and Kenya. On the other hand, the international community remained deadlocked over how to respond in other cases. The most visible case of paralysis in the first half of the decade is Syria.

In Libya, the United Nations Security Council, through Resolution 1973, authorized coercive action against the government of Muammar Gaddafi to protect civilians in that country. A broad coalition of states, with active support from the United States, implemented the use of military force. In Côte d'Ivoire, the United Nations authorized the use of force, with French leadership, to protect civilians during the final days of a post-electoral crisis and civil war in that country. In both cases, the international interventions contributed to the unseating of sitting governments. That prompted some international backlash and deepened skepticism about the ways in which protecting civilians from atrocity was becoming a pretext for regime change.

In South Sudan, as that region held a referendum on independence, international actors intensified their diplomacy out of fear that the referendum would prompt significant violence. In Kenya, mass violence followed a disputed election in 2007. International actors brought significant pressure on the leaders of the opposing parties to find a solution. As Kenya prepared for an election in

2013, Kenyan civil society and international donors put significant effort into ensuring that violence did not again follow the election. UN secretary-general Ban Ki-Moon referenced some of those cases (and others) when describing the influence of R2P.²⁴ Similarly, US president Barack Obama has cited those and other cases to demonstrate how his administration's commitment to preventing atrocities was in effect.²⁵

Beyond the initial intervention, the Libyan and South Sudanese cases—like those of Iraq and Afghanistan—offer sobering lessons about the long-term challenges faced by societies in transition. Following the removal of the Gaddafi regime and after a period of relative stability, the situation in Libya as of this writing has continued to deteriorate into open conflict. Similarly, in South Sudan, post-independence hope has faded, as civil war and atrocities have claimed the lives of thousands. Nonetheless, the cases suggest a new, more focused approach to atrocity prevention backed up through clearer policy doctrines—even if both cases also underline the difficulty of maintaining peace even after an initial atrocities crisis has been resolved.

However, Syria offers a counterexample to the preceding narrative. In 2011, the Syrian government began to use violence to crack down on opposition protests. Government forces systematically attacked civilians and on several occasions used chemical weapons. The United Nations and some governments, including that of the United States, have responded with a number of measures short of military action. Those measures include mediation, diplomacy, commissions of inquiry, sanctions, and an arms embargo—all discussed later in the book. But a stronger coercive response was impossible, at least under United Nations auspices. Russia and, to a lesser degree, China, both of which hold veto power on the United Nations Security Council, opposed military action against the Syrian government of Bashar al-Assad. Their reluctance found support among other states who argued that the UN-authorized intervention in Libya went too far. They argued that what should have been limited to atrocity prevention turned into regime change.

²⁴ United Nations Department of Public Information, "'Responsibility to Protect' Came of Age in 2011, Secretary-General Tells Conference, Stressing Need to Prevent Conflict before It Breaks Out," news release, Jan. 18, 2012, <http://www.un.org/press/en/2012/sgsm14068.doc.htm>.

²⁵ Barack Obama, "Remarks by the President at the United States Holocaust Memorial Museum," April 23, 2012, *Daily Compilation of Presidential Documents* no. 00296 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2012).

There were some exceptions to the overall picture of limited international effectiveness in curbing atrocities in Syria. In 2013, Obama threatened to launch a military strike against Syria after multiple reports stated that the Syrian government had used chemical weapons against its own citizens.²⁶ A last-minute, Russia-brokered deal that led to the destruction of Syria's chemical weapons preempted military action.

Events changed again in the summer and fall of 2014, and they may change again by the time this book goes to press. The self-proclaimed Islamic State (IS), a radical jihadist organization, seized swaths of territory in Iraq and Syria. Not only did IS's advance threaten the Iraqi government but also its soldiers committed systematic violence against the religious and ethnic minorities in the areas under its control.²⁷ Obama was again moved to act, authorizing air strikes inside Iraq. He said that the mission was both to defend American personnel in the area and to protect minorities, in particular the Yezidis, from the risk of genocide.²⁸ The administration and Congress also approved supplying weapons to moderate Syrian forces fighting both IS and the Assad government.

By early 2015, a prominent Syrian human rights group had estimated more than 200,000 total deaths.²⁹ The United Nations High Commission for Refugees estimated that nine million people had been displaced because of the war.³⁰ If Libya and the other cases represented examples of swift, coordinated international action to prevent atrocities, Syria offers a different lesson. Determined opposition by members of the Security Council, as well as the general strategic importance of Syria, has hamstrung efforts to respond more effectively.

²⁶ Barack Obama, "Address to the Nation on the Situation in Syria," Sept. 10, 2013, *Daily Compilation of Presidential Documents* no. 00615 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2013).

²⁷ Amnesty International, *Ethnic Cleansing on a Historic Scale: Islamic State's Systematic Targeting of Minorities in Northern Iraq* (London: Amnesty International, 2014).

²⁸ Barack Obama, "Remarks on the Situation in Iraq," Aug. 7, 2014, *Daily Compilation of Presidential Documents* no. 00602 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2014).

²⁹ Kuwait News Agency (KUNA), "Over 200,000 people killed in Syrian conflict so far-SOHR," Syrian Observatory for Human Rights, Feb. 8, 2015, <http://www.syriaahr.com/en/2015/02/over-200000-people-killed-in-syrian-conflict-so-far-sohr/>.

³⁰ UN High Commissioner for Refugees, "Syria tops world list for forcibly displaced after three years of conflict," news release, March 14, 2014, <http://www.unhcr.org/5321cda59.html>.

Conclusions and Plan of the Book

After the Holocaust, after Cambodia, after Rwanda, after Bosnia, and after Darfur, many dreamed of a world without genocide and mass atrocities. That goal has not been achieved. But as this chapter shows, significant change has occurred in the way citizens and policy makers now approach the topic. In a number of cases in the later 1990s, late 2000s, and early 2010s, global actors have responded collectively to the onset of genocide and mass atrocities. The policy framework is more developed than ever before. The norms around atrocity prevention have changed, and citizen awareness is at a higher level than before.

But for every Kosovo, there is a Bosnia; for every Cote d'Ivoire, a Syria. In other words, the global response to the onset of atrocities is still uneven. The response is shaped by geostrategic considerations and by real constraints to what authorities and citizens can do in any given situation. In short, the dream of “never again” is more in sight than ever before, but the reality is still some distance away.

* * *

This book seeks to present the field of atrocity prevention to lay and professional readers. The book aims both to introduce readers to core concepts and to identify problems and gaps in the scholarship and in the practice of atrocity prevention. Indeed, even if the international community has come some distance in those areas, atrocity prevention remains a complicated area of policy and research. In practical terms, *atrocities* are difficult to define precisely. The causes of the phenomena are complex. Perpetrators usually commit atrocities to win wars, stay in power, and defend their vision of society. But why do some perpetrators choose such a path, whereas others do not? What triggers such violence?

On the prevention side, the international community has many tools to counter atrocities. However, much is unknown about what works, what does not, and under what conditions. Military action is possible but presents real risks and negative consequences. Even if there is a growing norm on atrocity prevention, and even if there is progress institutionally—as described in this chapter—the topic competes with many other pressing national and global challenges, and not every actor on the international stage sees atrocity prevention in the same way.

This book does not shy away from those tensions. Each chapter summarizes the literature. Where firm findings and conclusions exist, they are noted, along with areas that are inconclusive. The study of atrocity and atrocity prevention has grown considerably in the past two decades. But the field is still young. Many

questions remain unanswered, and readers should not emerge with a false sense of confidence about what is known.

The book is organized as follows. Part I discusses concepts and definitions. The key questions are: What is genocide? What is an atrocity? The boundaries are fuzzy. But definitions matter.

Part II discusses the causes of genocide and mass atrocity. Chapter 2 focuses on macro-level structural causes, or risk factors. Chapter 3 discusses the process of escalation and the triggers of genocide and mass atrocity. Chapter 4 focuses on perpetrators. The overall argument is that common patterns and common causes exist, which are highlighted, but cases are different, and investing in knowledge of specific situations is as valuable as knowing the overall general predictors of genocide and mass atrocity.

Part III focuses on prevention and response. Chapter 5 elaborates upon some of the points in this introductory chapter, focusing on an emerging norm of atrocity prevention. The chapter also discusses the main difference in approach between atrocity prevention and conflict prevention. Chapter 6 outlines the main tools available to domestic and international actors—from prevention, to diplomacy, to coercive action. Chapter 7 summarizes what the academic literature says about which tools work. Chapter 8 describes the atrocity prevention community beyond states. The overall argument from the section is two-fold. On one hand, norms are growing stronger, the tools are wide ranging, and the atrocity prevention community is broad and diverse; however, again, local knowledge matters—no magic bullet can prevent atrocities, and the atrocity-prevention community can be in conflict.

Part IV deals with the aftermath of atrocities. Chapter 9 is an overview of the different policies and approaches to rebuilding societies after atrocity. Chapter 10 focuses on the specific issues of justice and accountability. Again, the international community is long on approaches and short on clear knowledge about what works and what does not. In the face of general prescriptions, this section highlights some of the problems and emphasizes a case-based approach alongside a general knowledge of the literature.

Part V, the conclusion, returns to the theme of the long arc of genocide and atrocity prevention. Rather than revisit the past, this final chapter speculates about what the future might hold.

APPENDIX I

Text of United Nations Genocide Convention³¹

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 3

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

³¹ UN General Assembly, Resolution 260/III, "Convention on the Prevention and Punishment of the Crime of Genocide," Dec. 9, 1948, <http://legal.un.org/avl/ha/cppcg/cppcg.html>.

Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6

Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment [sic] of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

APPENDIX 2

Text of United Nations Charter, Articles 1 and 2³²

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

³² United Nations Conference on International Organization, "Charter of the United Nations," June 26, 1945, <http://www.un.org/en/documents/charter/index.shtml>.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

APPENDIX 3

Text of World Summit Paragraphs on R2P³³

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.
139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter of the United Nations, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.
140. We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide.

³³ UN General Assembly, Resolution 60/1, “2005 World Summit Outcome,” 30 ¶ 138–140, Oct. 24, 2005, <http://www.undocs.org/A/RES/60/1>.

APPENDIX 4

Text of Presidential Study Directive (PSD) IO³⁴

Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.

Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America's reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide. Unfortunately, history has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.

Governmental engagement on atrocities and genocide too often arrives too late, when opportunities for prevention or low-cost, low-risk action have been missed. By the time these issues have commanded the attention of senior policy makers, the menu of options has shrunk considerably and the costs of action have risen.

In the face of a potential mass atrocity, our options are never limited to either sending in the military or standing by and doing nothing. The actions that can be taken are many—they range from economic to diplomatic interventions, and from non-combat military actions to outright intervention. But ensuring that the full range of options is available requires a level of governmental organization that matches the methodical organization characteristic of mass killings.

Sixty-six years since the Holocaust and 17 years after Rwanda, the United States still lacks a comprehensive policy framework and a corresponding interagency mechanism for preventing and responding to mass atrocities and genocide. This has left us ill prepared to engage early, proactively, and decisively to prevent threats from evolving into large-scale civilian atrocities.

³⁴Barack Obama, "Directive on Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review," Aug. 4, 2011, *Daily Compilation of Presidential Documents* no. 00549 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2011).

Accordingly, I hereby direct the establishment of an interagency Atrocities Prevention Board within 120 days from the date of this Presidential Study Directive. The primary purpose of the Atrocities Prevention Board shall be to coordinate a whole of government approach to preventing mass atrocities and genocide. By institutionalizing the coordination of atrocity prevention, we can ensure: (1) that our national security apparatus recognizes and is responsive to early indicators of potential atrocities; (2) that departments and agencies develop and implement comprehensive atrocity prevention and response strategies in a manner that allows “red flags” and dissent to be raised to decision makers; (3) that we increase the capacity and develop doctrine for our foreign service, armed services, development professionals, and other actors to engage in the full spectrum of smart prevention activities; and (4) that we are optimally positioned to work with our allies in order to ensure that the burdens of atrocity prevention and response are appropriately shared.

PART I
CONCEPTS AND
DEFINITIONS



UN peacekeepers in Dura, Democratic Republic of the Congo, in 2009.
Michael Graham for the US Holocaust Memorial Museum

CHAPTER I

What Is Genocide? What Is Mass Atrocity?

THE PREMISE BEHIND A POLICY ON GENOCIDE and mass atrocity prevention is that a certain class of events is so odious that global, regional, and/or domestic actors should prevent them or respond collectively to inhibit them. Yet what defines that class of events? What is genocide, and what are mass atrocities? How are they different from other forms of political violence or human rights abuse? The questions are simple; the answers, complicated. Yet any discussion of genocide and mass atrocity must wrestle with those foundational questions.

For many years, the policy and prevention discussion focused exclusively on actions referred to as *genocide*. In recent years, policy makers and civil society actors have shifted to the broader rubric of *mass atrocity*. The 2005 United Nations World Summit’s resolutions on the Responsibility to Protect list genocide, war crimes, ethnic cleansing, and crimes against humanity as the core crimes to be prevented. Presidential Study Directive 10 stated that “preventing mass atrocities and genocide is a core national security interest” of the United States and established the Atrocities Prevention Board.³⁵ *Mass atrocity* is now the term of choice among leading voices in the nongovernmental community, as well as in other governmental settings, such as the US military.³⁶

The terminological change is welcome to many; however, the new standard can produce confusion. *Mass atrocity* does not have a formal legal definition. For many who use the term, it refers to the four crimes listed in the World Summit

outcome document: genocide, crimes against humanity, war crimes, and ethnic cleansing.³⁷ The first three terms have legal codifications; ethnic cleansing does not. More to the point, the four categories encompass a wide range of acts of violence, and therefore what counts as a mass atrocity and what does not can be unclear. In short, although the new term is helpful in that it is broader than *genocide*, it lacks clear conceptual boundaries.

Debates about definitions have long plagued the field of atrocity prevention. Scholars and practitioners have disagreed about what the terms *genocide*, *crimes against humanity*, and *war crimes* mean. Some practitioners favor a broad conceptualization so that a wide range of situations may be candidates for preventive action. Others prefer a narrower standard, arguing that in a crowded world of policy problems, reserving a dedicated space for a high and unusual threshold of violence is necessary.

This chapter does not resolve those debates. Good arguments exist for both the broader and the narrower conceptualizations. The chapter also recognizes a risk in focusing too intently on labels, which can detract from more important questions, such as how to prevent or respond to atrocities. All the same, the chapter starts from the premise that definitions do matter. They matter for building an atrocity prevention community at a domestic and global level. They matter for building domestic and international coalitions around specific cases. They also matter for anticipating atrocities before they occur and identifying them when they do. Moreover, in general, citizens, scholars, policy makers, and officials in international and nongovernmental organizations (NGOs) will benefit in the long run from an informed discussion of the definitions of *genocide* and *mass atrocity*.

To that end, this chapter provides background on the main crimes addressed by the atrocity prevention field. The chapter presents the legal definitions of the terms, where they exist, but the discussion moves beyond a strictly legal

³⁵ Barack Obama, "Directive on Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review," Aug. 4, 2011, *Daily Compilation of Presidential Documents* no. 00549 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2011).

³⁶ Dwight Raymond et al., *MAPRO: Mass Atrocity Prevention and Response Options: A Policy Planning Handbook* (Carlisle, PA: US Army Peacekeeping and Stability Operations Institute, 2012); and Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge, MA: Carr Center for Human Rights Policy, Harvard Kennedy School, 2010). Those publications, which are the main military planning books on the topic, refer to mass atrocities as the outcome for which to plan.

³⁷ UN General Assembly, Resolution 60/1, "2005 World Summit Outcome," Oct. 24, 2005, 30, paras. 138–140, <http://www.undocs.org/A/RES/60/1>.

framework to develop a more general understanding of the terms. Moreover, given that mass atrocities encompass a broad range of acts, the chapter looks for a conceptual standard—a common definitional core—that cuts across the main crimes referred to as *mass atrocity*. Reasonable people will disagree on how to specify that common core.

To jump-start discussion, the chapter focuses on “large-scale, systematic violence against civilian populations” as the standard that captures the essence of genocide and mass atrocities. Not every atrocity situation will fit under that rubric, but most will. The advantage of such a standard is that it is specific. Concerned citizens and policy makers can observe patterns of violence that can be labeled as atrocities. The standard also is not overly restrictive, as it remains broad enough to capture most atrocity scenarios that policy makers and citizens will want to prevent. The standard also is derivative of the formal, legal definitions of the main crimes. In that way, the definition provides a concrete, usable standard for identifying the class of events to be prevented.

I. Genocide

Genocide remains the touchstone for discussion and debates about the prevention of mass atrocities. Genocide is the type of atrocity most recognizable to most ordinary citizens, civil society actors, and policy makers. The pioneering treaty in the field is the 1948 United Nations Convention on the Prevention and Punishment of Genocide (the Genocide Convention).

Despite extensive scholarship and scholarly debate about the definition, a general consensus exists that genocide refers to the intentional destruction of groups of people. That conceptualization was central to Raphael Lemkin, who invented the term in 1944 by combining the Greek word for race, nation, or tribe (*genos*) with the Latin word for killing (*cide*). Lemkin wrote that genocide is “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”³⁸ Although his writings contain many nuances, the central meaning of the term he coined is the deliberate destruction of groups of people.

The key legal document that addresses genocide is the Genocide Convention, and the core meaning in that document is the intentional destruction of groups. However, the Genocide Convention is limited to four specific types of groups. In particular, it defines genocide as the “intent to destroy, in whole or in part,

a national, ethnical, racial, or religious group, as such,” which can manifest through a number of acts including “a) killing members of the group; b) causing serious bodily or mental harm to members of the group; c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; d) imposing measures intended to prevent births within the group; and e) forcibly transferring children of the group to another group.”³⁹

Much has been written about how to conceptualize and redefine genocide since the Genocide Convention came into force. Nonetheless, the focus on group destruction remains central to the way most courts and scholars understand genocide’s core meaning.

What sets genocide apart is the idea of a *special intent* to destroy groups. Proving the perpetration of genocide requires finding evidence that shows that organizers of violence specifically and deliberately set out to destroy a certain group of people. That standard is useful and important in the courtroom. But the focus there remains on demonstrating individual criminal accountability rather than on designing a policy for atrocity prevention. To that end, the following paragraphs disaggregate the concept into a set of common properties—three in particular—and then compare those to the component parts of the other core atrocity crimes.

First, genocide—as a coordinated effort to destroy groups—often is *extensive* or *large-scale* violence that usually is widespread and sustained across space and time. Genocide also is deliberate violence: It is an organized, usually systematic effort to destroy groups. The first set of watchwords for genocide is thus *extensive, large-scale, organized, systematic, sustained, and deliberate* violence.

Second, genocide is *group-selective* violence. Genocide is fundamentally about violence in which victims are identified and selected on the basis of their ostensible group membership. In genocide, individuals are attacked, harmed, and killed because of their identity, not because of actions that they take. The focus on *attacks against groups and civilians associated with groups* is thus the second set of watchwords.

³⁸ Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79.

³⁹ UN General Assembly, Resolution 260/III, “Convention on the Prevention and Punishment of the Crime of Genocide,” Dec. 9, 1948, <http://legal.un.org/avl/ha/cppcg/cppcg.html>.

Finally, genocide is *group-destructive* violence. The hallmark of genocide is a concerted effort to take actions to prevent a group from surviving and reproducing in a particular territory under a perpetrator's control. The third set of watchwords is thus *destruction, elimination, and extermination*.

Those analytic distinctions help to approach the empirics of violence in specific cases. Consider, for example, the classic case of the Holocaust. The violence was deliberate and large scale. The Holocaust ultimately was a multicountry campaign of violence against Jews and other targeted groups that claimed millions of civilian lives. The Nazi regime conducted sustained, extensive, and systematic violence against civilians for more than three years, including systematic killing operations in facilities or camps established for that purpose. The violence was group selective. German officials and their collaborators specifically hunted down, identified, and rounded up Jews, as well as Roma and other targeted groups. Lastly, the violence aimed to destroy the Jewish population; the overall Nazi intent was to annihilate the Jewish population.

II. Problems with Focusing Only on Genocide

From a policy and normative perspective, retaining a focus on genocide makes sense. Genocide has widespread recognition and is defined in international law. As of 2014, 146 nations have ratified the Genocide Convention. Why, then, are policy makers, civil society actors, and scholars dissatisfied with the term?

Consider the recent case of Syria. State-sponsored violence there is clearly on a significant scale. As of this writing, state authorities have committed violence against civilians associated with the armed opposition, as well as thousands of unaffiliated civilians, since 2011 over a wide swath of territory. The violence is organized and sustained, with the involvement of a number of different agencies of the state. However, the violence is much less group selective than during the Holocaust. The general targets are those associated with the armed opposition. Many are Sunni Muslims, but the state has, in general, targeted neighborhoods and areas for violence rather than selecting people on the basis of their ethnic or religious group identity. And the violence is not clearly group destructive.

The Syrian example raises what we might label the *narrowness* problem. Genocide is (thankfully) uncommon. It is a very specific type of horrific violence—the deliberate destruction of groups. But there are many instances of atrocities against civilians, such as the Syrian example, in which specific groups are not targeted for

destruction but where the scale of civilian destruction is very high. Any policy designed to prevent atrocities on a large scale should include cases such as Syria, even if the violence is clearly neither group selective nor group destructive.

There is also what we might call the *timing* problem. The idea of intent is central to the legal definition of genocide. Yet ascertaining and substantiating in real time the intent to destroy groups is quite difficult. Moreover, often by the time such intent is clear, the process of violence is significantly advanced, and the time to act preventively has passed.⁴⁰ Consider even the well-known case of the Holocaust. To be sure, when the German SS and police began to establish killing centers in the late autumn of 1941, their intent was clear. But in the early years of the war (1939–summer 1941), in Poland, the Soviet Union, and other occupied territories, their intent was less clear. In sum, an exclusive focus on genocide, which requires a focus on demonstrating the intent to destroy groups, is limiting.

The problem of *measurement* is closely related. What counts as group destruction? Is the destruction of a group’s culture or language genocide? No group is ever completely annihilated. Even the Nazis did not destroy every Jew under their control. The Genocide Convention implicitly acknowledges with its language that genocide may aim at a group’s destruction “in whole” or “in part.” But how much partial destruction must occur for genocide to be in evidence? In a landmark but complex ruling, the appellate court of the International Criminal Court for the former Yugoslavia sustained a claim that genocide meant that a “substantial” part of a group is destroyed.⁴¹ That statement is a useful criterion. Nonetheless, significant disparity remains regarding how to conceptualize the degree of destruction sufficient to constitute genocide.

Another issue is the *group hierarchy* problem. In the legal definition, genocide is restricted to the destruction of only certain kinds of groups. The Genocide Convention lists four protected groups: national, ethnic, religious, and racial. The formulation is partly a product of political negotiations when the Convention was being drafted, notably objections from the Soviet Union, which did not wish to have “political” or “economic” groups included, given that country’s political

⁴⁰ David Scheffer, “Genocide and Atrocity Crimes,” *Genocide Studies and Prevention* 1, no. 3 (2006): 229–50. Scheffer makes this point very well, and the timing problem is a major motivation to move to a different standard for response, such as mass atrocities.

⁴¹ *Prosecutor v. Radislav Krstić*, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, IT-98-33-A, 4 (2004).

history.⁴² But why should political, economic, gender, or some other grouping not be included? In places such as the Soviet Union under Stalin, Indonesia in 1965, and Cambodia under the Khmer Rouge, systematic, large-scale, group-destructive violence against civilians took place, but the main targets were not all ethnic, racial, religious, or national groups. In those cases, the groups were, respectively, based on class, political party, and being urban or educated.

Finally, *genocide* is a loaded term. For many, genocide conjures the Holocaust specifically; yet most contemporary genocides do not look like the Holocaust, which had a number of unique dimensions. For many, genocide is simply the pinnacle of evil, and they employ the term to draw attention to the suffering of their people. In that sense, *genocide* is less an empirical term—a term that conveys specific qualities that can be observed—and more a moral term designed to convey that something terrible is happening.

Those various usages cannot be wished away, thus the term invites disagreement. For those reasons—the narrowness, timing, measurement, group hierarchy, and normative problems with the legal definition of genocide—many in the policy and academic community have looked for a different rubric to unite the field.

III. Mass Atrocities

The leading alternative framework is that of “atrocities.” That concept took off in the mid-2000s when David Scheffer, a former US official in charge of war crimes issues, proposed the idea of “atrocity crimes.”⁴³ Over time, the concept has morphed into a focus on mass atrocities. Although *mass atrocities* has no formal, legal definition, it usually refers to genocide, crimes against humanity, war crimes, and ethnic cleansing.⁴⁴ What, then, do those terms mean?

⁴² Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981), 19–39; and William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2000), 59–116.

⁴³ Scheffer, “Genocide and Atrocity Crimes.”

⁴⁴ For example, see Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: Brookings Institution Press, 2008); and Sewall, Raymond, and Chin, MARO, Annex A, 103–105. See also UN General Assembly, Resolution 60/1, “2005 World Summit Outcome,” Oct. 24, 2005, 30, paras. 138–140, <http://www.undocs.org/A/RES/60/1>.

Crimes against Humanity

Although there is not yet an international treaty defining and prohibiting *crimes against humanity* (CAH), the most common contemporary definition comes from the Rome Statute of the International Criminal Court. Article 7 defines CAH as a set of acts “committed as part of a widespread or systematic attack directed against any civilian population.” The specific acts listed in the Rome Statute include murder, extermination, enslavement, deportation, imprisonment, torture, rape (and other gender-based or sex crimes), group-based persecution, enforced disappearance, apartheid, and “other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”⁴⁵

Like genocide, CAH concerns large-scale or organized violence directed against civilian populations. Acts of violence rise to the level of CAH when they are committed either on a widespread or a systematic basis. CAH also are organized. They are “systematic” and the product of “State or organizational policy,” according to the Rome Statute. And like genocide, with its focus on group destruction, CAH are defined by whom the violence targets—in this case, civilians.

At the same time, CAH is a much broader rubric than genocide. Unlike genocide, CAH are not limited to group-oriented violence. Although some types of CAH are group based (for example, extermination and apartheid), CAH does not require that groups be the targets. Torture, slavery, sexual violence, forced disappearance, and other acts considered CAH are not necessarily group-selective violence. The central idea of CAH is the idea of widespread or systematic attacks against civilians, and groups are not fundamental to that conceptualization.

The Syria example is a good illustration of CAH but not necessarily of genocide. The government has committed both widespread and systematic attacks against civilians. Indeed, a 2014 report from the United Nations Human Rights Council states clearly that:

Government forces and pro-government militia continue to conduct widespread attacks on civilians, systematically committing murder, torture, rape, and enforced disappearance as crimes against humanity.⁴⁶

⁴⁵ International Criminal Court, *Rome Statute of the International Criminal Court*, July 1, 2002, A/CONF.183/9.

⁴⁶ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/25/65 (Feb. 12, 2014), 1.

Ethnic Cleansing

Ethnic cleansing has no formal definition in international law and is not defined as an international crime,⁴⁷ yet many legal practitioners include ethnic cleansing as one of the core crimes that count as mass atrocities. Ethnic cleansing generally refers to the forced removal of an ethnic group from a territory.

Even if not listed as an international crime per se, ethnic cleansing overlaps conceptually and materially with genocide and crimes against humanity. Genocide and ethnic cleansing are both forms of group-selective violence aimed at civilians. Both also imply significant scale: To change the ethnic composition of a territory, the violence is likely to be sustained, extensive, widespread, and systematic. The central difference between the two terms concerns the purpose of the violence. In genocide, the purpose is group destruction; in ethnic cleansing, the purpose is group removal. Cleansing may be part of genocide—that is, terrorizing and removing a group may be a part of a process of group destruction—but the two concepts are not synonymous.

Ethnic cleansing and crimes against humanity also share certain attributes. Like crimes against humanity, ethnic cleansing concerns large-scale, organized violence against civilians. Ethnic cleansing also involves the forced movement of people, as well as (typically) rape and the persecution of a group—all of which are listed as constituent crimes against humanity in Article 7 of the Rome Statute. But the terms are not synonymous. Ethnic cleansing is necessarily group-selective violence, whereas crimes against humanity are not. The idea of ethnic cleansing also implies a specific purpose—the removal of the ethnic group—whereas crimes against humanity have no such implication.

In sum, a commonality among all three terms concerns large-scale, systematic violence against civilians. The central ways in which they differ are the targeting of groups and the purpose of the violence. Crimes against humanity also do not necessarily imply sustained violence, whereas genocide and ethnic cleansing do.

⁴⁷ That said, those acts usually associated with ethnic cleansing—such as deportation or forcible transfer of a population, as well as rape and persecution of a group—are identified in Article 7 (crimes against humanity) of the Rome Statute as constituent crimes. Deportation is listed as a crime in Article 8 (war crimes). See discussion in text.

The clearest contemporary example of ethnic cleansing comes from the former Yugoslavia.⁴⁸ In the wars of the 1990s, armed groups backed by the state attacked, raped, and killed civilians from specific ethnic groups, and the perpetrators burned or occupied their homes and often destroyed symbolically important institutions associated with the target group, such as mosques. Bosnian Serbs carried out such violence against Bosnian Muslims in Bosnia-Herzegovina between 1992 and 1995, as the Bosnian Serbs sought to carve out an ethnically homogenous space in that country. Croatian Croats committed such violence against Croatian Serbs in southern Croatia. Serbs did the same against Albanian Muslims in Kosovo. After the 1999 international war against Serb forces in Kosovo, Albanian Muslims reverse-cleansed Serbs from parts of Kosovo. In each of those cases, the violence led to the loss of thousands of lives and the forced displacement of tens of thousands or hundreds of thousands, depending on the case.

War Crimes

War crimes encompass the greatest number of enumerative acts of the four crimes. The Geneva Conventions and additional protocols established and codified the principles and protections for combatants and civilians during war.⁴⁹ The crimes delineated in the conventions also were incorporated into Article 8 of the Rome Statute, which follows as Appendix 5. The term *war crimes* refers to a large number of different types of acts that are made criminal when they are committed within the context of an armed conflict against a person or persons who should enjoy protection under international law. The Rome Statute lists some 50 separate instances of war crimes. Some are explicitly violations of the Geneva Conventions, such as the improper treatment of prisoners of war and hostage taking. Others are violations of general customs and rules associated with conflict, such as attacks on (a) civilian towns, (b) objects used for humanitarian assistance, or (c) any buildings that do not serve a military purpose.

Taken together, the long list of types of war crimes includes categories of violence of a quite different character from the other three atrocity crimes. War

⁴⁸ In the International Criminal Tribunal for the former Yugoslavia (ICTY) case against Mladić, he was clearly responsible for ethnic cleansing, but the term was not used by the prosecutor in the charging documents. Mladić was charged with genocide (Srebrenica); crimes against humanity (persecution, murder, and extermination); and war crimes (shelling Sarajevo).

⁴⁹ Information about the Geneva Conventions is available on the website of the International Committee of the Red Cross: <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>.

crimes do not imply a large or extensive scale, although they can be committed on such a scale. Moreover, war crimes are specifically committed during war, whereas the other three categories of atrocities may occur in either wartime or peacetime. And unlike genocide and ethnic cleansing, war crimes are not group selective. In short, war crimes stand somewhat apart in terms of scale and character from the other three types of atrocities typically listed as component parts of mass atrocity.

What, then, do war crimes have in common with other forms of mass atrocity, if anything? The premise of protecting civilians or soldiers who have been removed from combat because of injury or capture underlies most war crimes. War crimes are therefore about shielding civilians from deliberate violence against them *in war*. War crimes also can be committed against combatants who are sick, wounded, or prisoners of war. Given that focus, war crimes share an important commonality with the other three types of atrocity. That commonality provides a basis for seeking a common standard upon which to anchor policy on the prevention of mass atrocities.

IV. Large-Scale, Systematic Violence Against Civilian Populations

If the turn away from genocide as the exclusive focus of atrocities prevention solves some problems, it creates others. Taken at face value, the component categories of mass atrocity suggest a large range of violence, one probably beyond the capacity of most policy makers', civil society actors', or ordinary civilians' interest in the subject and intent in calling for a more robust prevention policy. Well-intentioned actors cannot respond to every war crime or crime against humanity. The idea of "mass" atrocities conveys a sense of scale, but that idea remains underdeveloped. In short, the need to think through what unites this policy field remains.

Either a narrow or a broad standard necessitates tradeoffs. A narrow standard suggests something special about the class of events being prevented; when a certain threshold is breached, it justifies a response. That assumption underlies the thinking and much work regarding genocide. But defining too high a threshold means that many instances of grave, horrific violence will not trigger action. Moreover, as the discussion of the legal definition of genocide shows, sometimes the cutoffs are arbitrary: Why are ethnic groups inherently more worthy of protection than, say, political or gender groups?

By the same token, using too low a threshold is bound to dilute any collective and political resolve to take extraordinary action to prevent or stop some class of event. The idea of atrocity prevention implies something special and particularly grave about the type of violence under consideration. In Presidential Study Directive 10, for example, US president Barack Obama referred to a “core moral responsibility,” and in a later address at the United States Holocaust Memorial Museum he spoke about how certain acts “shock our conscience.”⁵⁰ Former US secretary of state Hillary Clinton similarly spoke of atrocities that are “violations of our common humanity.”⁵¹ Those statements imply a high bar; the question remains where that bar should be set.

The preceding conceptual analysis offers a starting point for discussion. The core underlying commonality among the four types of atrocity crimes concerns violence deliberately inflicted against civilians. The question of scale is more complicated. The term *mass* in *mass atrocity* implies significant scale. As I have argued, genocide, crimes against humanity, and ethnic cleansing also all imply a significant scale. For those reasons, a notion of scale is arguably implicit to the idea of mass atrocities: the acts are widespread, sustained, and systematic.

An unresolved question is whether a focus on groups should be prominent. A standard that hews closer to genocide and ethnic cleansing would make violence directed at groups first and foremost. However, the primary policy concern is with the large-scale loss of civilian life at the hands of perpetrators who deliberately inflict such violence. Moreover, a focus on groups will always beg the questions of which groups are protected and what constitutes a group. Those are hard—and potentially unnecessary—questions to answer in a policy context.

In sum, the standard proposed here for isolating mass atrocities is that of large-scale, systematic violence against civilian populations. Why “civilian populations” instead of simply “civilians”? The main reason is that within an international context, the idea of civilian populations is especially resonant. For example,

⁵⁰ Barack Obama, “Directive on Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review;” and Obama, “Remarks by the President at the United States Holocaust Memorial Museum,” April 23, 2012, *Daily Compilation of Presidential Documents* no. 00296 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2012), 2.

⁵¹ Hillary Clinton, “Imagine the Unimaginable: Ending Genocide in the 21st Century,” speech, July 24, 2012, <http://www.ushmm.org/confront-genocide/speakers-and-events/all-speaker-and-events/imagine-the-unimaginable-ending-genocide-in-the-21st-centurykeynote-address-by-secretary-of-state-hillary-rodham-clinton>.

when the heads of state gathered for the 2005 World Summit and agreed to endorse the principle of the Responsibility to Protect, the language did not focus on civilians per se; rather, the focus was on populations. The two key paragraphs of the summit's outcome document are as follows:

138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity....

139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.⁵²

The result is that within the United Nations system, and within the nongovernmental community focused on the United Nations, the notion of protecting “populations” is the central conceptual language that grounds atrocity prevention. Therefore, to achieve a consistent international standard for a robust policy on atrocity prevention—a standard that derives both from a careful conceptual analysis and from common usage in the atrocity prevention community—the addition of “populations” is sensible and appropriate.⁵³

The proposed standard is flexible and sets a high bar. The standard is not limited to group-selective violence and does not require proving intent. Like crimes against humanity and war crimes, the standard focuses attention on actual patterns of violence. At the same time, the threshold is high. The idea is to develop an atrocity prevention policy based on large-scale, systematic violence. *Large-scale* is admittedly subject to interpretation, but the term implies a sense of “mass” (sustained, widespread, systematic) violence that would garner specific and robust international prevention and response efforts.

⁵² UN General Assembly, “2005 World Summit Outcome,” 30.

⁵³ In highlighting the legal definitions, the purpose is not to suggest that actors should wait until a prosecutorial standard is met before taking preventive action. Legal definitions are useful to help policy makers identify risk factors and early warning signs to which states should be alert so that they can take corresponding measures to mitigate the risk of genocide.

APPENDIX 5

Crimes Against Humanity, Rome Statute, Article 7⁵⁴

1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

⁵⁴ International Criminal Court, *Rome Statute of the International Criminal Court*, July 1, 2002, A/CONF.183/9.

- (b) “Extermination” includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
- (c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
- (d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
- (e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
- (f) “Forced pregnancy” means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
- (g) “Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- (h) “The crime of apartheid” means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- (i) “Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term “gender” refers to the two sexes, male and female, within the context of society. The term “gender” does not indicate any meaning different from the above.

APPENDIX 6

War Crimes, Rome Statute, Article 8⁵⁵

2. For the purpose of this Statute, “war crimes” means:

- (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - (i) Wilful [sic] killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully [sic] causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully [sic] depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
- (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

⁵⁵ International Criminal Court, *Rome Statute of the International Criminal Court*, July 1, 2002, A/CONF.183/9.

- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully [sic] impeding relief supplies as provided for under the Geneva Conventions;
- (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgement [sic] pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

- (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- (f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

A black and white photograph of a refugee camp. In the foreground, a paved path leads into the distance. Several people, including children and adults, are walking along the path. On the left, there are makeshift structures made of corrugated metal and fabric. On the right, there are more permanent-looking structures. The sky is filled with large, dramatic clouds. The overall mood is somber and desolate.

PART II
THE CAUSES OF GENOCIDE
AND MASS ATROCITY

Syrians at the Zaatari refugee camp in Jordan in February 2014.
Lucian Perkins for the US Holocaust Memorial Museum

CHAPTER 2

Risk Factors

THIS CHAPTER IS THE FIRST OF THREE CHAPTERS about the causes of genocide and mass atrocity. Understanding determinants is key in the effort to identify places where the risk of genocide and mass atrocity is high. To know where genocide and other mass atrocities are likely to occur, analysts must consider what factors are typically associated with the onset of those phenomena. Understanding determinants also is critical for designing policy responses, both in terms of short-term efforts at mitigation and cessation and long-term efforts at prevention. If the risk factors associated with genocide and other forms of mass atrocity can be addressed, then the likelihood of the phenomena occurring should decrease.

The question of causes typically encompasses three main questions. First, what are the macro-level risk factors associated with genocide and mass atrocity? Macro-causes are generally measured at the country level, such as type of regime, ethnic makeup of the society, national income level, regional environment, size of the military, and so forth. Some factors change over time, such as whether war is occurring or economic conditions are improving or deteriorating. Other factors, such as a country's ethnic composition or its income level, do not change or change very slowly over time.

Second, what are the short-term dynamics and triggers that precede genocide and other forms of mass atrocity? Short-term dynamics concern the periods just

before or during the early stages of genocide or mass atrocity. Those are periods when tensions become exaggerated, when distrust between populations or between states and citizens increases, or when perpetrators take actions or make statements that indicate a hardening of their resolve. They are periods of greater polarization. Triggers are precipitating events that set off a sharp escalation in violence, such as an assassination or a change in battlefield positions. Triggers crystallize tensions and spark a new period of more intense violence.

Third, what are the micro-level drivers and dynamics of violence at the individual and group levels? Who are the perpetrators, and why do they participate in violence? The reasons why individuals commit violence are not necessarily different from the broad risk factors that drive genocide and other forms of mass atrocity. The big picture shapes decision making on the ground. But the questions of what drives atrocity on a macro-scale versus what drives it on a micro-scale are different, and so they merit a separate form of analysis.

The book addresses each of these questions in turn. This chapter focuses on the first question—macro-causes. Chapter 3 examines short-term dynamics and triggers. Chapter 4 looks at perpetrators. In each chapter, the goal is to summarize and synthesize the scholarship on the subject.

At the outset, it is important to recognize that explaining genocide and mass atrocity is an imperfect science and an emerging field. Each case is different to a certain degree, and most scholars would agree that the drivers of genocide and mass atrocity are multifaceted. They result from combinations of factors, not single causes. As with many complex political and social phenomena, it is thus difficult to derive rules that apply uniformly to all cases. Moreover, the scholarship points in different and sometimes contradictory directions, and researchers approach the problem from different scholarly traditions. Some researchers employ statistical analysis and quantitative modeling techniques, analyzing hundreds of cases over time; others use historical analysis and qualitative methods, examining one or a handful of cases.

All that said, research on genocide and mass atrocity has zeroed in on a set of risk factors typically associated with the onset of genocide and mass atrocity. The goal in this chapter is to present those areas of general consensus, including explanations that emerge from both quantitative and qualitative research. Some findings are well established and less contested than others; those are “common findings.” Other findings engender greater scholarly disagreement; those are “disputed findings.” Both are addressed in this chapter. Contested

findings are important to consider, in part because doing so can help dispel myths about the causes and dynamics of genocide and mass atrocity.

Before delving into the substance, a critical caveat is in order. The existing research focuses on genocide and related forms of large-scale killing of civilians, such as “politicide” (the destruction of political and economic groups) and mass killing. Less research exists on the determinants of crimes against humanity, war crimes, and ethnic cleansing.

I. Common Findings

Instability and Conflict

Arguably, the strongest macro-level predictor of the onset of genocide and mass killing is the presence of large-scale instability. Instability can take a number of forms.⁵⁶ The type of instability most consistently associated with genocide and mass atrocity is armed conflict, followed by an “adverse regime change,” such as a coup or revolution.⁵⁷ Most cases of genocide and mass atrocity take place during war or after some major regime change. That is true for historical cases, such as the Armenian genocide, the Holocaust, and the genocide of the Herero in German Southwest Africa. It is also true for contemporary cases of genocide and mass atrocity, such as the events in Bosnia, Rwanda, Darfur, Sri Lanka, Libya, and Syria.

⁵⁶ The Political Instability Task Force, which is a research outfit funded by the United States government and which studies these phenomena, defines an instability event as a revolutionary war, an ethnic war, an adverse regime change, and a genocide and politicide. See Jack A. Goldstone et al., “A Global Model for Forecasting Political Instability,” *American Journal of Political Science* 54, no.1 (2010): 191–92. For papers linking instability to genocide, see Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955,” *American Political Science Review* 97, no. 1 (2003): 57–73; Benjamin Goldsmith et al., “Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988–2003,” *Journal of Peace Research* 50, no. 4 (2013): 437–52; Jay Ulfelder and Benjamin Valentino, “Assessing Risks of State-Sponsored Mass Killing” (Washington, DC: Political Instability Task Force, 2008) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1703426.

⁵⁷ Matthew Krain, “State-Sponsored Mass Murder: The Onset and Severity of Genocides and Politicides,” *Journal of Conflict Resolution* 41, no. 3 (1997): 331–60; Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge University Press, 2005); Robert Melson, *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: University of Chicago Press, 1992); Manus Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge: Cambridge University Press, 2005); Martin Shaw, *War and Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press in association with Blackwell, 2003); Benjamin Valentino, Paul Huth, and Dylan Balch-Lindsay, “Draining the Sea’: Mass Killing and Guerrilla Warfare,” *International Organization* 58, no. 2 (2004): 375–407.

Risk Factors of Mass Atrocities

Common Findings	Disputed Findings
Large-scale instability	Deep-seated hatreds
Armed conflict	Government capacity
Transformative or exclusionary ideology	Authoritarianism
Prior discrimination or violence against a particular group	Economic causes

Instability increases the risk of genocide and mass atrocity for a number of reasons. At the most general level, large-scale violence against civilians is not normal politics. The commission of such violence is risky from the perspective of both political elites and ordinary citizens: (a) it is usually morally objectionable; (b) it is likely unlawful under domestic law; (c) it often invites international criticism; and (d) it diverts resources from other vital projects. Leaders and ordinary civilians must have some compelling rationale (to them) or cover for committing such crimes. Political instability, especially war, provides that context—elites feel more threatened; citizens feel more insecure; the law may be suspended or neglected.

In such environments, leaders and citizens are more willing to entertain and justify acts of violence to protect themselves and what they value. Those observations are not meant to excuse inexcusable behavior but rather to understand why such violence is typically committed during periods of acute instability.

Armed conflict has other effects, as well. One of the conceptual breakthroughs in the study of genocide and mass atrocity has been the recognition that high-level elites commit such violence for strategic reasons.⁵⁸ Leaders want to keep power; they want to defeat their enemies; they want to implement their goals. In war, the strategic incentives to use violence increase. In war, parties to a conflict resort to violence to defeat their enemies. The idea of attacking and killing civilians becomes easier for armed groups to imagine and justify in war rather than in peace, even if such violence is not acceptable within the international laws of war. Also, the capacity to inflict violence increases during war. Genocide and

⁵⁸ Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY: Cornell University Press, 2004), 66–90.

mass atrocity involve a range of different perpetrators. But consistently they involve armed actors—armies, police, paramilitaries, and militias—and war provides a rationale for mobilizing, equipping, empowering, and deploying those armed actors.

Less consensus exists on whether a specific type of armed conflict increases the risk of genocide and mass atrocity. The Armenian genocide and the Holocaust were committed during international wars. Interstate wars are less common in the contemporary world; thus, since World War II, most genocide and mass atrocities have taken place in the context of civil wars.⁵⁹ That has been the case, for example, in Guatemala in the 1980s, Rwanda and Bosnia in the 1990s, Sri Lanka and Darfur in the 2000s, and Syria in the 2010s.

Ideology

Ideology is arguably the next most important risk factor for genocide and mass atrocity. The focus on ideology is especially pronounced in the qualitative literature, given the difficulties associated with quantifying and measuring ideology across multiple states.

The most basic claim is that to understand how and why elite decision makers choose to commit large-scale violence, analysts must know something about the worldviews that guide those elites. As with the discussion of types of armed conflict, less consensus exists on *which type of ideology* prompts elites to commit genocide and mass atrocity. Some scholars lay emphasis on the idea of revolution. The claim is that those leaders committed to fundamentally transforming their states and nations are more willing to use violence to achieve their ends.⁶⁰ Similarly, some scholars argue that revolutionary ideology inevitably creates hierarchies of citizens—revolutionaries and counterrevolutionaries; faced with threats, revolutionary states come to target those they perceive as enemies of the revolution.⁶¹

The same mechanism is operative with nationalist ideologies—especially nationalism in the name of an ethnic, religious, or other group. Nationalism often is based on an identity group defining its members as core citizens and others as

⁵⁹ Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing”; Valentino, Huth, and Balch-Lindsay, “Draining the Sea.”

⁶⁰ Eric Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press, 2003).

⁶¹ Melson, *Revolution and Genocide*.

secondary ones; faced with some threat, leaders are more willing to deploy violence against those citizens defined outside their core political community.⁶² Some scholars point simply to “exclusionary ideology” to capture those various ideas, while other scholars emphasize a handful of ideological variants.⁶³

A quick look at some cases shows the importance of ideology. For example, in Communist states—from Stalin’s Soviet Union, to Mao’s China, to Pol Pot’s Cambodia—it is difficult to explain the mass atrocities without resorting to the ideologies that motivated each regime.⁶⁴ In the Holocaust, the racist Nazi worldview in general and the virulence of antisemitism in particular are central to most explanations of how and why the state committed itself to an annihilation campaign.⁶⁵ In the Armenian genocide, Turkish nationalism was a major factor shaping the Ottoman elites’ response to World War I and the perceived threat posed by the Armenian communities.⁶⁶ Similarly, Serbian, Hutu, and Arab nationalism in the former Yugoslavia, Rwanda, and Sudan, respectively, played crucial roles in shaping the ways that elites interpreted events and how they crafted responses.⁶⁷ In Syria in the 2010s and in Burundi in the 1970s, leaders committed mass atrocities in the name of protecting minorities, whom they claimed to represent, in the face of real and imagined threats from majority communities.⁶⁸

The major limitation of focusing on ideology is its ubiquity. Almost all political leaders claim some political vision—some grander principle that animates their rule. That fact makes pinpointing a specific set of ideological constellations all

⁶² Mann, *The Dark Side of Democracy*; Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Ithaca, NY: Cornell University Press, 2015).

⁶³ See Harff, “No Lessons Learned from the Holocaust?” on exclusionary ideology; and Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale University Press, 2007) on different ideologies, such as those built around race, antiquity, agriculture, and expansion.

⁶⁴ See Weitz, *A Century of Genocide*, 53–101 and 144–89 and Norman Naimark, *Stalin’s Genocides* (Princeton, NJ: Princeton University Press, 2010).

⁶⁵ Peter Longerich, *Holocaust: The Nazi Persecution and Murder of the Jews* (Oxford: Oxford University Press, 2010).

⁶⁶ Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Oxford: Oxford University Press, 2005).

⁶⁷ On Rwanda and Sudan, see Straus, *Making and Unmaking Nations*. On the former Yugoslavia, see Mann, *The Dark Side of Democracy*, 353–427.

⁶⁸ On Syria, see International Crisis Group, “Uncharted Waters: Thinking through Syria’s Dynamics,” Middle East Briefing no. 31, Nov. 24, 2011; on Burundi, see Straus, *Making and Unmaking Nations*.

the more important. To that end, as discussed above, the literature points to ideologies centered on (a) radical social transformation and (b) hierarchy and exclusion, in which some categories of citizenry are considered unworthy of holding political power. The latter set of ideologies would include both majoritarian claims—such as Hutu nationalism in Rwanda—and counter-nationalist claims—such as the idea that the state stands as a bulwark against dangerous nationalism, as in Syria and Burundi.

In sum, the goals and principles that infuse the thinking of a ruling elite are important factors to consider when assessing the risk of genocide and mass atrocity. Knowing who and what political elites stand for can help predict how they will respond when faced with a crisis—in particular an armed challenge. Ideology shapes the interpretation of events and the choice of response. Instability and armed conflict drive escalation. Those processes are dynamic—changes in material threats to regimes will increase the likelihood that elites will use atrocity to maintain power. Ideology helps to explain how elites frame threats, in terms of whom they are protecting and whom they are fighting. By the same token, some ideologies may lead elites to compromise in the face of threat. A strong preexisting political commitment to the principles of pluralism, inclusion, and tolerance may lead political elites to seek to accommodate the opposition rather than repress it.

Previous Discrimination or Violence

The third major macro-level risk factor concerns a history of discrimination and unpunished violence against the would-be targets of genocide and mass atrocity. In leading quantitative studies of genocide and politicide,⁶⁹ a past genocide or politicide is a robust predictor of a future such incident.⁷⁰ Similarly, in studies of genocide and mass killing, the presence of prior discrimination is strongly associated with those outcomes.⁷¹ The two variables are not identical. Discrimination entails excluding people from positions in government, the military, or other sectors; it involves excluding groups from the “moral universe” of perpetrators, a

⁶⁹ *Politicide* generally refers to organized, large-scale violence against civilians associated with a political or economic group (as opposed to an ethnic, racial, or religious group).

⁷⁰ Goldsmith et al., “Forecasting the Onset of Genocide and Politicide”; and Harff, “No Lessons Learned from the Holocaust?”

⁷¹ Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing”; Harff, “No Lessons Learned from the Holocaust?”

condition that one scholar sees as essential for genocide to occur.⁷² Past large-scale violence entails physical harm. But in both cases, one can observe patterns of harmful action against a target group well before a later atrocity takes place. Thus, prior discrimination or violence serves as a risk factor for atrocities.

The reasons why past violence and discrimination matter are less established. Human rights and legal scholars often point to impunity. If serious crimes occurred in the past but were not subject to criminal accountability, then leaders and populations may conclude that such violence is an acceptable and legitimate part of the political repertoire of action against those who could challenge the state or who are considered inferior. Past violence may also simply show that political elites are willing to use violence against civilians. It serves as a predictor that they will use such violence again—especially if the violence remains unpunished. Similarly, past discrimination may condition leaders and citizens to think of a specific category of people as unworthy, as second-class citizens, against whom violence is acceptable in crises. Impunity may also generate grievances and degrade confidence in the state as a fair arbiter. That, in turn, could give rise to acts of revenge or even to armed challenge, which sets off a dynamic elite threat and violence. Finally, scholars have asserted that genocide and mass atrocity are the culmination of a process of escalation, one in which the idea of inflicting large-scale violence becomes imaginable incrementally. Committing past violence or discrimination is thus a step in a process of escalation.⁷³

A look at some major cases shows the utility of the argument that past discrimination and violence are reliable predictors of future atrocities. In the Armenian case, the Ottoman state had episodically committed massacres against Armenian civilians due to real and perceived acts of subversion, and that violence was committed well before the genocide in 1915. In the Holocaust, the Nazi regime escalated violence against Jews and other groups beginning in the 1930s. The Nuremberg Laws of the mid-1930s, which were a classic form of discrimination, built upon precedents of anti-Jewish legislation that aimed at identifying and segregating Jews. Kristallnacht in 1938 was a harbinger of violence to come. In the Rwandan case, large-scale violence was committed against Tutsis in the late

⁷² Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1990).

⁷³ On the idea of a process of escalation, see Bloxham, *The Great Game of Genocide*; Sheri P. Rosenberg, “Genocide Is a Process, Not an Event,” *Genocide Studies and Prevention* 7, no. 1 (2012): 16–23; Scott Straus, “Retreating from the Brink: Theorizing Mass Violence and the Dynamics of Restraint,” *Perspectives on Politics* 10, no. 2 (2012): 343–62.

1950s, 1960s, and early 1970s—all of which went unpunished. Tutsis also played a limited role in government and the military, and they faced restrictive quotas in the education sector. In Darfur, the mass violence of the early 2000s followed earlier murderous clashes between Arabs and non-Arabs. In Syria and Libya, the state committed massacres against armed opponents and civilians decades before the mass atrocities in the 21st century.

At the same time, there are limitations to this argument. First, the factors that drive the first episodes of mass violence may reproduce at a later stage, such that the first episode of violence does not independently cause the second episode. Second, the government that committed the first round of violence may not be the same government that commits the second round. In the Ottoman and Rwandan cases, for example, significant differences existed in governments between the early and later periods of violence—which cuts against the idea that violence becomes part of a routinized repertoire of governments. Third, not all cases reveal preexisting violence or discrimination; for every case that fits the pattern, one exists that does not. In Cambodia, for example, the Khmer Rouge regime unleashed violence against citizens it defined as “new people”—typically city dwellers and educated Cambodians, who had not previously faced discrimination or violence. Finally, past violence does not always lead to greater escalation in the future. In places such as Mali, governments in the 1960s and early 1990s committed significant violence in the north against Tuareg citizens, but in the 1990s and later in the 2010s, governments did not escalate violence against Tuaregs when faced with new or continuing armed threats.⁷⁴

Taken together, those three factors—deep political instability, in particular armed conflict; ideologies of social transformation or ethnic nationalism; and previous violence against the would-be target group and discrimination against that group—are most frequently cited in academic studies as key drivers of genocide and mass atrocities. Looking for those factors goes a long way toward separating out those cases in which genocide and mass atrocity are most likely.

Darfur is a good case to illustrate how those variables work in combination. Between 2003 and 2005, Sudanese military forces and government-backed militias bombed, raided, and laid waste to areas where non-Arab residents lived. Millions of Darfuri non-Arabs fled their homes; more than 100,000 and as many as 400,000 were killed or died as a result of their displacement. The violence was

⁷⁴ Straus, *Making and Unmaking Nations*.

large scale and systematic; it lasted for several years; it took place in a number of locations; and it was coordinated, organized violence. Under the definitional rubric proposed in chapter 1, Darfur is a clear case of mass atrocities.

In terms of the causes, the main short-term driver was the onset of civil war. In 2003, two armed rebel groups challenged the state, and in April of that year in particular, they gained significant ground. The government, in turn, unleashed violence to defend the state against an armed threat. In terms of ideology, the Sudanese state since independence has consistently stood for the interests of Arabs and Muslims over non-Arabs and non-Muslims; Arab-Islamic nationalism is the main doctrine across the country's political history. In Darfur, the targets of the state-sponsored violence were non-Arab, even though they were also Muslim. Ideology plausibly shaped the willingness of state elites to pursue maximum violence against a category of people—non-Arabs—who were not seen as integral to the core national community of the state. In terms of previous violence, in addition to lower-level violence in Darfur, for years the Sudanese government had fought brutal wars in the predominantly Christian, animist, and non-Arab southern area of the country. Although that war was winding down as the Darfur violence surged, the Sudanese state had committed mass atrocities in the south with no criminal accountability. In short, the patterns of violence in Darfur were inscribed in a much longer history of how the state responded to armed challenges—in particular, armed challenges from groups that were defined as being outside the core identity population of the country.⁷⁵

⁷⁵ On those points, see Rebecca Hamilton, *Fighting for Darfur: Public Action and the Struggle to Stop Genocide* (New York: Palgrave MacMillan, 2011), and Straus, *Making and Unmaking Nations*.

II. Disputed Findings

Deep-Seated Hatreds

One of the early theories about genocide and mass atrocities concerns the role of deep, inter-group hatred and distrust.⁷⁶ Indeed, the claim that ethnic hatred drives genocide and mass atrocity is arguably the most recognizable argument to nonspecialists. Most people, when asked why the Holocaust happened or why some other mass atrocity happened, are likely to say that deep-seated and widespread feelings of animosity were the reasons.

However, in recent years, most scholars have cast doubt on the claim that deep-seated hatred in a society is the primary driver of genocide and mass atrocities.⁷⁷ They have four main objections.

First, deep social divisions—ethnic conflict; distrust between ethnic, regional, or religious groups; and the existence of prejudice and stereotypes—are fairly common globally. Many countries experience forms of social division and hatred, yet genocide and mass atrocities are relatively uncommon occurrences.

Second, hatred can be a constant, yet genocides and mass atrocities happen in particular periods. The argument thus does not adequately explain the timing of genocide and mass atrocities.

Third, the argument primarily seeks to explain the micro-level behavior of the public—why citizens participate in violence or why they accept their leaders' decisions to escalate violence. The argument does not explain strategic, deliberate choices that leaders make. Leaders usually are critical in designing, ordering, and unleashing policies of genocide and mass atrocities. As discussed in chapter 4, the main drivers of participation are found elsewhere. At a minimum, many studies show that deep hatred is not necessary for individuals to commit heinous acts.

⁷⁶ Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981).

⁷⁷ An exception is Daniel Goldhagen, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Public Affairs, 2009).

Indeed, the evidence is ambiguous even in those countries where such violence took place. Cambodia showed little evidence of prior hatred against so-called new people, a category the Khmer Rouge invented.⁷⁸ Bosnia was home to the worst violence in the 1990s in the former Yugoslavia, yet that area was the most integrated of any of the former republics.⁷⁹ Even in Rwanda, divisions decreased in the mid-1970s and 1980s prior to the 1994 genocide.⁸⁰

Finally, in the quantitative literature, little evidence suggests that more or less ethnically diverse societies are more or less prone to genocide and mass atrocities.⁸¹ From a statistical point of view, the degree of social divisions does not map onto the likelihood of the onset of genocide and related forms of mass atrocity.

Government Capacity

A second important but disputed finding concerns the role of government capacity. The quantitative literature clearly demonstrates that poor countries, especially those with high infant mortality rates, are more likely to experience episodes of mass killing.⁸² The main explanation is that when fighting insurgencies, the governments that lack bureaucratic and military capacity are more likely to target civilians en masse because they cannot discriminate rebel from civilian and because they lack confidence in their fighting capacity.⁸³ Recent cases lend some support to the theory: During the past three decades, a number of mass atrocities have occurred in very low income countries, such as in Rwanda, Burundi, the Democratic Republic of the Congo, and Sudan. However, the rule is not hard and fast. The former Yugoslavia, Libya, and Syria are middle-income countries.

There are other concerns with the argument. One is empirical. The frequency of the factor is at odds with the infrequency of the outcome. Many countries of the world are poor, and in most places and at most times mass atrocities do not

⁷⁸ Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79* (New Haven, CT: Yale University Press, 1996).

⁷⁹ Tone Bringa, *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village* (Princeton, NJ: Princeton University Press, 1995).

⁸⁰ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca, NY: Cornell University Press, 2009).

⁸¹ Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing”; Goldsmith et al., “Forecasting the Onset of Genocide and Politicide.”

⁸² Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing”; Goldsmith et al., “Forecasting the Onset of Genocide and Politicide.”

⁸³ Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing”; Valentino, Huth, and Balch-Lindsay, “Draining the Sea’.”

occur. Another limitation is that although some forms of mass atrocity involve indiscriminate violence, cases of group-selective violence involve identifying, sorting, and attacking specific categories of people. That process requires information and the ability to find, separate, and attack specific victims, which runs counter to the intuition that weak states lack (a) information about who is a rebel and (b) fighting capacity. In cases of group-selective violence, governments use their knowledge and capacity to find and kill their target groups. A third concern is that even in low-income places where genocide or mass atrocities occurred, it is not clear that poor information and capacity were the mechanisms that drove the violence. Rwanda was a hierarchical state that reached far into the countryside; the state had very high local-level government capacity, which, in turn, facilitated the rapid rate of violence. Even in Sudan, the state had a sophisticated intelligence system, and military forces teamed up with local militias who had ample local information and knowledge.

Authoritarianism

A third disputed finding concerns authoritarianism. Some of the earliest theories of genocide and related forms of mass atrocity posited that the greater the concentration of power—in essence, the greater the levels of autocracy—the greater the likelihood of mass atrocities.⁸⁴ Undoubtedly, the Nazi, Soviet, and Cambodian cases—which are prominent in the literature and where states were highly authoritarian—shaped the thinking on this issue.

The logic of how and why authoritarianism facilitates genocide and mass atrocity is straightforward. Such states impose fewer institutional restrictions on power, which means that should a ruling elite radicalize and choose extremely violent solutions, then the democratic restraints are weak. Rarely do democracies commit genocide and mass atrocity—at least in their domestic spaces. Some quantitative evidence supports the conclusion that higher degrees of autocracy increase the likelihood of genocide and politicicide.⁸⁵ Other quantitative studies find that authoritarianism is sometimes a risk factor or it is a risk factor for

⁸⁴ Irving Louis Horowitz, *Genocide: State Power and Mass Murder* (New Brunswick, NJ: Transaction Books, 1976); Rudolph Rummel, *Death by Government* (New Brunswick, NJ: Transaction Books, 1994).

⁸⁵ Harff, “No Lessons Learned from the Holocaust?”

some types of mass atrocity but not for others.⁸⁶ Yet other studies find that higher degrees of authoritarianism do not increase the likelihood of genocide or mass atrocities.⁸⁷

Some of the differences in the literature are the product of different modeling techniques or different outcome variables (some scholars study mass killing, others genocide). In addition, some qualitative research suggests that the transition toward democracy is particularly dangerous.⁸⁸ All told, it is fair to say that no consensus exists on the predictive utility of this variable in the quantitative literature.

The case evidence is mixed. The Communist and Nazi cases offer examples of large-scale killing by authoritarian regimes. The same is arguably true for recent episodes in Syria and Libya. But in other recent cases, mass atrocities were committed as states democratized or transitioned away from autocracy. That was the case in Rwanda, Burundi, the former Yugoslavia, and East Timor in the 1990s. Each state experienced an instability event—the states shifted from more authoritarian to more democratic rule.

In transition periods, uncertainty is greater, which can lead to more violence. Moreover, in some transitions, elites may be tempted to promote democratic rule in the name of an ethnic or religious majority, thereby invoking the exclusionary and nationalist ideology that could foster genocide and mass atrocity. Empirically, authoritarianism is and has been ubiquitous, whereas cases of genocide and mass atrocity are rare. In short, the variable deserves consideration, but there is not a scholarly consensus about whether, how, and why regime type shapes the onset of genocide and mass atrocities.

⁸⁶ Goldsmith et al., “Forecasting the Onset of Genocide and Politicide;” Frank Whelon Wayman and Atsushi Tago, “Explaining the Onset of Mass Killing, 1949–1987,” *Journal of Peace Research* 47, no. 1 (2010): 3–13. Goldsmith et al. find that when military personnel per capita increase in the context of an “unconstrained executive” (that is, a more authoritarian one), then the risk of genocide and politicide increases. Wayman and Tago find that greater authoritarianism increases the risk of “democide,” or large-scale mass killing, but not of genocide or politicide.

⁸⁷ Ulfelder and Valentino, “Assessing Risks of State-Sponsored Mass Killing.”

⁸⁸ Mann, *The Dark Side of Democracy*.

Economic Crises

The last important variable to consider is the role of economic crises. Theorizing again from the Holocaust, some scholars contend that major economic downturns create the deteriorating living conditions that foster large-scale violence. In particular, when citizens experience significant loss and face an uncertain future, they may be tempted to blame some group in society for their troubles. They scapegoat.⁸⁹ The Holocaust provides powerful case evidence to support the theory: Following an unexpected and humiliating defeat in World War I and with the cumulative effect of inflation, chronic underemployment, and depression, the German public was susceptible to radical solutions and/or to blaming a minority group for their problems.

The argument has some merit. Undoubtedly a sense of economic deprivation and hardship can compound fear, insecurity, and uncertainty in the context of a period of significant instability. But limited evidence links genocide and mass atrocity to specific periods of economic decline. In few of the contemporary genocide and mass atrocity cases was sharp economic decline an apparently important ingredient of escalation. In Rwanda, there had been a decline in export commodity prices for coffee and tea in the late 1980s, but there is little evidence of a sharp economic crisis in the four years prior to the genocide. The same is true for Libya and Syria, among other cases. Equally important is that on a global scale, major economic crises—for example, the 2008 financial crisis—did not trigger an upsurge in organized, large-scale violence against civilians.

An important but underexplored economic argument concerns the role of international integration. Two leading quantitative studies found that greater trade openness leads to a decrease in the likelihood of genocide and mass killing. Why that is the case remains unclear. Some qualitative research has found that certain economies are more sensitive to the onset of genocide and mass atrocity—states and the elites who govern them stand to lose more if the escalation of violence jeopardizes key sources of tax and income revenue. That could be the case, for example, in an economy dependent on certain kinds of manufacturing, agriculture, or tourism. In other places dependent on mineral or petroleum exports, the costs to escalation may be much lower.⁹⁰ These studies alert us to

⁸⁹ Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989); Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian Press, 1998).

⁹⁰ The logic is spelled out in Straus, “Retreating from the Brink.”

the ways in which some economic structures may serve to facilitate or restrain the onset of genocide and mass atrocity.

III. Reflections

The list of causal factors in the previous two sections summarizes much of the current thinking in the scholarly, policy, and NGO communities about the key macro-level drivers of genocide and mass atrocity. The list is a useful introduction to assessing the risks of genocide and mass atrocity in any one place and at any one time. Using those and other variables, scholars are developing increasingly sophisticated forecasting models.⁹¹ However, it is important to recognize that there are limits in our ability to predict genocide and mass atrocity.

First, as a general statement, the existing research has focused almost exclusively on explaining and forecasting the most murderous forms of atrocity, notably genocide, politicide, and mass killing. Less is known about other forms of mass atrocity that would likely be included under a threshold of large-scale, systematic violence against civilian populations.

Second, the majority of existing scholarship focuses on mass atrocities that states and their agents commit. Less is known about the determinants of atrocities that non-state actors, such as insurgent organizations and criminal drug syndicates, commit. Yet in the post-Cold War period in particular, non-state actors often commit significant atrocities. The Lord's Resistance Army, a rebel organization that operates in east and central Africa and that terrorizes citizens, is a good example. So is Boko Haram in Nigeria, an organization that, like the Lord's Resistance Army, has captured and killed civilians, including large numbers of children. Islamist rebel groups in Iraq and Syria similarly have committed atrocity crimes—executions, torture, and other acts—on a systematic scale. The self-proclaimed Islamic State attacked and purged Christians, non-Sunni Muslims, Sunni Muslims, and Yezidis from the areas of Iraq it controlled. To be sure, strong research exists on the causes of terrorism.⁹² But less is known

⁹¹ See, in particular, the work of Jay Ulfelder, who has developed a forecasting model with the United States Holocaust Memorial Museum at www.earlywarningproject.com.

⁹² Robert A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005); Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (New York: Random House, 2006).

about the determinants of large-scale, systematic atrocities committed by insurgents, criminal organizations, or even opposition political parties.

These two areas—the drivers of lower-level mass atrocities and the drivers of atrocities committed by non-state actors—deserve greater research. In time, studies of those phenomena could lead to a different set of macro-level risk factors.

Third, it is important to recognize some general limitations to quantitative modeling—including early warning systems and forecasting—of genocide and mass atrocity. For the purposes of quantitative modeling methods, genocide and mass atrocity are relatively infrequent events. Some of the most influential models in the field are based on sample sizes of approximately one event globally per year.⁹³ By contrast, most of the variables discussed in this chapter are much more common than episodes of mass atrocity. Political instability, armed conflict, nationalist ideologies, previous discrimination, hatred, weak states, and economic decline occur regularly in the world. Hence, any quantitative modeling is likely to produce many “false positives”—cases in which modeling indicates a high probability of a mass atrocity event but where no such event takes place. From a policy point of view, perhaps false positives—places that modeling predicted could experience genocide and mass atrocity but do not—are preferable to false negatives—places for which modeling did not anticipate the genocide and mass atrocity that does occur. Yet the reality is that a great deal of uncertainty in forecasting and predicting remains regarding where and, especially, when the next genocide or mass atrocity will occur.

One problem relates to the data that are the raw material of any cross-country quantitative study. Reliable measures for many variables of interest—such as ideology, forms of nationalism, and prejudice—are in short supply. Whereas some variables—such as instability—have the potential to change quickly, others—such as the ethnic makeup of a society or the economic foundations of a country—change very slowly. Yet the process that leads to the escalation of violence can emerge very rapidly, which suggests that some data that feed a quantitative model are not well suited to predicting when, precisely, a mass atrocity will occur.

⁹³ Goldsmith et al., “Forecasting the Onset of Genocide and Politicide”; Harff, “No Lessons Learned from the Holocaust?” Harff’s study is based on a sample size of 37 cases in a 33-year period. Goldsmith et al. 2013 use the Harff data as a baseline universe of cases. Even the broader category of mass killing includes only 110 cases worldwide since World War II. See Jay Ulfelder, “Forecasting Onsets of Mass Killing” (working paper presented at the annual meeting of the Northeast Political Methodology meeting, New York University, New York, May 4, 2012), http://politics.as.nyu.edu/docs/CP/1293/Forecasting_Onsets_Mass_Killing.pdf.

In sum, assessing broad risk factors and obtaining early warning based on quantitative modeling are very useful tools to separate the trees from the forest—to identify a set of countries that are at risk of genocide and mass atrocity. But it is necessary to know a lot about the individual context of each at-risk situation to have any chance of predicting when and where genocide and mass atrocities will actually take place.

Another problem concerns how to weigh different variables or combinations of variables. Many people who study genocide and mass atrocity recognize that each case has multiple causes. No one variable does all the causal work. The practical implication can be confusion about how to assess the risk of genocide and mass atrocity in a country experiencing a serious crisis but where only some of those variables are present.

Finally, an area that has received comparatively little research is what *restrains* or *inhibits* genocide and mass atrocity.⁹⁴ Most theories focus on what leads elites to choose atrocity as a strategy or what leads citizens to accept it; but the other side of the equation matters as well. Scholars should be asking what macro-level risk factors prompt leaders to moderate violence or to de-escalate. Perhaps some states face strong and independent civil society actors who can interfere in the process of escalation. Perhaps some leaders are ideologically committed to pluralism, so that even when facing an armed threat and even if a history of discrimination exists, those leaders choose to compromise. Perhaps the diplomatic influence of a foreign state or international mediation efforts cause leaders to tamp down the use of atrocities in a crisis. All of those factors deserve greater attention, and if one or another proves to be a consistent de-escalator—even in the face of strong drivers of escalation—then those restraint factors are ones that could serve as the basis for atrocity *prevention*. That is, domestic and international actors should look to strengthen the restraint capacity in any one state. Part III of this book takes up that theme.

To conclude, none of the critical reflections introduced here are meant to diminish the importance of existing research on macro-level risk factors or on quantitative modeling per se. Those tools are essential in any broad anti-atrocity policy. We need to know which countries are at risk of genocide and mass atrocity; the more we can refine the models, the better will be our ability to anticipate where the next genocide or mass atrocity case will occur. At the same

⁹⁴ Straus, “Retreating from the Brink.”

time, as policy makers, those in the NGO community, and citizens take stock of where we are today, they should keep in mind some of the limitations that have been underlined in this concluding section. Those limitations, in turn, point to the need for real-time, fine-grained analysis of unfolding events—a subject that the following chapter addresses.

CHAPTER 3

Triggers and Escalation

SUPPOSE ONE KNOWS THAT A COUNTRY IS AT RISK of genocide and mass atrocity. We might analogize an atrocity to a forest fire. If a country exhibits the risk factors described in the previous chapter, then the danger of a fire is high. The question becomes, will the country catch fire? Do identifiable precipitating events, or triggers, exist that would ignite a fire? How can we know if a little smoke is just a little smoke or the start of a major burn?

Of course, the forest fire analogy is imperfect because elites deliberately plan and orchestrate mass atrocity. Consider, then, a real case: Burma, also known as Myanmar, in the 2010s. The country experienced political instability as it transitioned from a military dictatorship to a nominally civilian-led government, all the while continuing military campaigns against armed groups in several areas of the country. During the national transition, many elites—including politicians and religious leaders—expressed pro-Buddhist nationalist sentiments and hostility toward Muslims, including the Rohingya minority. Although ethnic minorities in Burma have long faced discrimination and violence at the hands of the state, the Rohingya are singled out for policies that prohibit basic freedoms, including the freedom of movement and access to health care. A national law expressly excludes the Rohingya from citizenship in the country, which renders most Rohingya stateless. In certain parts of the country, local policies prohibit Rohingya from marrying without permission or

from having more than two children. Members of other ethnic groups are not subject to the same discriminatory policies.

Rohingya have suffered unpunished violence and discrimination. The overall level of economic development is low, which suggests weak government capacity. Brutal violence erupted in several instances in 2012 and the years following. On several occasions in the 2010s, mobs attacked Rohingya citizens, killing hundreds and driving approximately 140,000 from their homes. Several people in positions of power in the country, including politicians and well-known religious leaders, fanned the flames of hatred and violence rather than investigating crimes and holding perpetrators accountable. In short, in the 2010s, Burma possessed the most critical risk factors of genocide and mass atrocity, and some episodes of violence suggested that the situation was worsening. Writing in the magazine *Foreign Policy* in 2014, two knowledgeable authors claimed that the country was at great risk for experiencing mass atrocities.⁹⁵ Similarly, the atrocities prevention organization Sentinel Project warned that in Burma, “the risk of genocide or related mass atrocities is extremely high.”⁹⁶ The question is, will the situation in Burma escalate to one of genocide or mass atrocity? Were the attacks against Rohingya evidence of the beginning of a campaign of even greater large-scale, systematic violence? What kind of event might precipitate such a campaign?

Those are difficult questions to answer, yet they are vital for any atrocity prevention policy. To be effective at prevention, policy makers should look to mitigate those factors or events that could escalate a situation. To be effective at response, policy makers both inside and outside the country need to anticipate whether a period of sharp escalation is imminent or to anticipate what would likely cause a sharp escalation. Would-be victims who want to seek safety or protect themselves also have an inherent interest in knowing if mass atrocities are likely to take place in the short term.

The reality is that the specific timing of genocide or a related form of mass atrocity is difficult to predict. Study of past genocides and mass atrocities has demonstrated that elites move to commit such violence as part of a process. Rarely do the high-level elites who ultimately organize and unleash heinous acts of violence plan their atrocities years in advance. Rather, they respond to

⁹⁵ Sir Geoffrey Nice and Francis Wade, “Preventing the Next Genocide: Burma’s Rohingya Minority Could Fall Victim to Genocide if the International Community Doesn’t Intervene,” *Foreign Policy*, May 12, 2014, <http://foreignpolicy.com/2014/05/12/preventing-the-next-genocide/>.

⁹⁶ “Burma,” *The Sentinel Project*, <https://thesentinelproject.org/burma-soc/>.

situations; perpetrators take measures in the context of a strategic interaction. They respond to (a) unforeseen events, (b) changes in battlefield dynamics, (c) shocks to a system (such as a political assassination), (d) changes in an international environment, (e) their opponents' actions, or (f) rigged elections. In other words, mass atrocities take place in the context of a dynamic environment, in which escalating violence can be difficult to anticipate.⁹⁷

This chapter addresses the subject through an analysis of three topics: (1) the period just before the onset of a genocide or mass atrocity, (2) triggers that sharply escalate violence, and (3) patterns during the early onset of a genocide or mass atrocity. To return to the forest fire analogy, the first topic is equivalent to heat and dryness; it concerns changes in the air that indicate a greater likelihood of a fire in the short term. The second concerns the spark—the lightning or camp fire that starts the fire. The third concerns evidence that a broad-scale fire is under way rather than a small burn of a few patches of trees.

It is important to recognize that academic research on these topics is thin. We know more about common macro-level risk factors, as well as about individual-level reasons for committing violence (discussed in the next chapter), than we do about the short-term dynamics described in this chapter. Finding the cross-national evidence to quantify short-term dynamics is difficult, and the specifics of different cases often vary considerably. The analysis here is based on a qualitative case comparison primarily by the author or by other authors when specified. Not all of the warning signs correlate to every case, and in some situations, their presence did not prove to be a predictor of atrocities. Yet the discussion should alert readers to some common patterns that may indicate a higher probability or an early stage of a mass atrocity.

⁹⁷ On genocide as a process and part of a strategic interaction, see Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge University Press, 2005); Sheri P. Rosenberg, "Genocide Is a Process, Not an Event," *Genocide Studies and Prevention* 7, no. 1 (2012): 16–23; Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY: Cornell University Press, 2004).

I. Just before the Onset of a Genocide or Mass Atrocity: Polarization, Denigration, and Militarization

Tension and Polarization

In many cases, the period just before the onset of mass atrocity is one of increased tension and polarization.⁹⁸ A widening gulf exists between the parties or groups in conflict. Trust has evaporated. Rumors are rife. Elites from both sides of a conflict express sharply different interpretations of events and developments.

Warning Signs before Mass Atrocities

Tension and polarization	Widening gulf between groups either in social life or in conflict; situation is charged with emotion, anxiety, and fear
Apocalyptic public rhetoric	Leaders claim they face a great danger and in doing so justify violence
Labeling civilian groups as the “enemy”	Descriptions of a particular group as dangerous, homogenous, or worthless
Development/deployment of irregular armed forces	Increased empowerment and arming of irregular armed groups that may be tasked with attacking civilian populations
Stockpiling weapons	Significant accumulation of weapons, especially weapons that could be used against civilian populations
Emergency or discriminatory legislation	Authorities create laws to facilitate or support state-led and/or group-targeted violence
Removing moderates from leadership or public service	Those interested in perpetrating or supporting violent acts remove political opposition to such crimes
Impunity for past crimes	Acts of violence that go unpunished indicate a willingness to condone violence against civilians and may give a green light for more violence in the future

⁹⁸ Donald Horowitz, *The Deadly Ethnic Riot* (Berkeley and Los Angeles: University of California Press, 2001); Stefan Klusemann, “Massacres as Process: A Micro-Sociological Theory of Internal Patterns of Mass Atrocities,” *European Journal of Criminology* 9, no. 5 (2012): 468–80.

In short, the environment is very tense and polarized; the situation is charged with emotion, anxiety, and fear. One study of micro-level dynamics in Bosnia and Rwanda found a period of “emotional momentum” that immediately preceded the onset of genocide and mass atrocities. Elements included rumors of violence, destruction of buildings, setting fire to dwellings, acts of violence against certain individuals, and slaughter of animals. All of those elements contributed to increasing tension and momentum that gave way to the onset of high levels of violence.⁹⁹

Many cases show a period of intensified degradation of relations prior to the onset of large-scale violence. In Rwanda, at the national level in the period just before the onset of violence in 1994, the country overall was in a deep crisis. Political leaders had been assassinated. The national government was barely functioning. Rumors circulated of weapons caches being distributed throughout the country. A sense of great tension, polarization, and distrust was in the air. Sometimes such tension can dissipate, but a period of intense anxiety, polarization, and degradation often precedes the onset of violence.¹⁰⁰

Public Rhetoric

What leaders say and how they describe the nature of the conflict also can indicate whether a situation is likely to escalate. In many cases, prior to the onset of genocide or mass atrocity, leaders express themselves in ways that seem to justify violence or that indicate a frame of mind that suggests a willingness to use violence.

To be clear, scholarly evidence is inconclusive about the *effects* of divisive, incendiary, or otherwise derogatory speech on the escalation of violence. Some scholars contend that hateful speech incites the public to commit violence or otherwise prepares individuals to condone violence that they otherwise would not accept.¹⁰¹ That logic is present in the Genocide Convention, which criminalizes incitement to genocide, as well as in a decision of the International

⁹⁹ Klusemann, “Massacres as Process.”

¹⁰⁰ Roméo Dallaire and Brent Beardsley, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll & Graf, 2005).

¹⁰¹ Susan Benesch, “Countering Dangerous Speech: New Ideas for Genocide Prevention,” Working Paper, United States Holocaust Memorial Museum, <http://www.ushmm.org/m/pdfs/20140212-benesch-countering-dangerous-speech.pdf>.

Criminal Tribunal for Rwanda, which found two journalists guilty of incitement.¹⁰² Other scholars contend that the direct effects of hate speech and incitement on individual participation are more tangential; those scholars would argue that a range of other motivators matters more, as discussed in the next chapter.¹⁰³

In any case, the point being made here is not about the *effects* of such rhetoric. Rather, the claim is that such rhetoric can serve as an *indicator* of strategic thinking and attitudes that elites are preparing or willing to promote violence. Although leaders are not always truthful in their public statements, their rhetoric can be a revealing window into how they approach and conceptualize the crisis at hand.

In these situations elites employ language that justifies extreme measures or even harm to a specific group or set of individuals. For example, a head of state or other leading public officials may frame a conflict in apocalyptic or existential terms. They may say, in effect, *if we do not act soon, all will be lost*. When leaders frame the conflict in question as posing a fundamental threat to a society's existence or way of life, they may suggest a framework that justifies mass atrocities. Similarly, when leaders use rhetoric that implores people to mobilize in the face of a common threat, that, too, is a reason for concern. Speaking about *the need to protect ourselves, not to turn a blind eye, or to act now before it is too late* are all signs of a mindset that lends itself to mobilization to commit mass atrocities.

Labeling the Enemy

In the period before an atrocity, the way leaders frame a conflict and in particular the way they frame whom they are fighting may indicate a willingness to target civilians. For example, leaders sometimes describe their opponents as a homogenous or identifiable group, such as “blacks,” “Muslims,” “Turks,” “Kurds,” and so forth. Sometimes leaders employ derogatory categories to describe

¹⁰² The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze (Appeal Judgment), International Criminal Tribunal for Rwanda, Case No. ICTR-99-52-A (Nov. 28, 2007). The International Criminal Court also has confirmed charges against a Kenyan journalist for contributing to the commission of crimes against humanity by using his radio show to encourage people to commit acts of ethnically driven violence during the post-election violence of 2007–08. Situation in the Republic of Kenya in the case of Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey, and Joshua Arap Sang, International Criminal Court, Case No. ICC-01/09-01/11 (Jan. 23, 2012).

¹⁰³ For Rwanda, see Scott Straus, “What Is the Relationship between Hate Radio and Violence? Rethinking Rwanda’s ‘Radio Machete,’” *Politics & Society* 35, no. 4 (2007): 612–14.

the enemy, especially categories that indicate that the enemy is inherently dangerous, devious, ruthless, or unworthy. Any rhetoric that conveys an immediate danger from a group—such as “they want to destroy us,” “enslave us,” or some equivalent—is cause for concern. Leaders and public media sometimes invoke a specific historical narrative to demonstrate the perfidy, aggression, or worthlessness of a group. As with public rhetoric that frames a conflict in existential terms, such statements indicate a way of conceptualizing the conflict that lends itself to the systematic deployment of large-scale violence against a specific civilian population.

By contrast, leaders are sometimes careful to distinguish between the armed opponents that they may legitimately face and those who may belong to the same identity group or political party but who are noncombatants. Sometimes leaders invoke a past or a national narrative that invites their audience to imagine cooperation and coexistence; they may label their enemy as “brothers and sisters” who have peace in their hearts but have been misled. Such statements suggest an orientation that lends itself more to moderation and compromise than to the sharp escalation of violence. Again, whether or not those statements have a causal effect, they can reveal how key decision makers are thinking or want their followers to think about a specific crisis.

Irregular Armed Forces

A typical development in the run-up to the onset of atrocities concerns the empowerment of irregular armed forces that are tasked with targeting civilian populations. In most cases of genocide and mass atrocity—including the Ottoman Empire, Nazi Germany, Bosnia, Rwanda, Darfur, Indonesia, and East Timor—the authorities that orchestrated large-scale, systematic violence against civilians created and armed paramilitaries or militias in the period before the atrocities started. Again, the creation of such entities does not guarantee that the authorities will launch or condone large-scale violence against civilians, but the presence of those irregular armed actors shows the way leaders are approaching a conflict or crisis.

Although militia and paramilitary groups may have a role to play in countering, or supplementing, regular armed forces, they may be particularly effective if the civilian population is the ultimate target. Militias and paramilitaries are especially valuable in detecting and “neutralizing” threats from other civilians or threats embedded in civilian populations (such as where insurgents are melting into civilian groups). Thus, the creation, arming, and support of irregular armed groups can indicate that the authorities see a threat emanating from the civilian

population. The creation of militias and paramilitaries also may give authorities a degree of plausible deniability; such authorities may claim that those forces committing atrocities are not under the control of the state. Also important to recognize is that, whatever the initial purpose of establishing irregular defense forces, such forces in turn may serve as accelerators of violence, sometimes acting pursuant to their own agenda. They do not typically have training in the laws of war or proper military tactics. As such, if a crisis deepens, they may take matters into their own hands or capitalize on their own grievances, which itself can lead to excessive violence against civilians.

Stockpiling Weapons

In the run-up to atrocity, those who plan to commit atrocities will typically accumulate and distribute weapons. Given that many atrocities take place during armed conflict, the mere fact of an accumulation of weaponry may not necessarily indicate an inclination to target civilians. Still, any significant accumulation may indicate a willingness to escalate conflict or to act defensively in the face of a strongly perceived threat. Moreover, some types of weapons may lend themselves more to civilian targeting than do others. Anti-aircraft missiles, for example, probably are not the tool of choice for attacking civilians. But machetes, rudimentary explosives, handguns, assault rifles, mines, and grenades—or any other weapon that could effectively harm civilians in their homes or where they congregate—are worrisome.

Especially important is the manner in which the weapons are distributed. In the run-up to an atrocity, those parties who are planning attacks often place weapons in areas that facilitate the targeting of civilians. Again, the creation of an armed civilian defense force or of weapons caches that militias could use does not necessarily indicate a plan to commit a mass atrocity. But such a distribution suggests a way of thinking about a conflict that lends itself to the escalation of violence against civilians. If military authorities arm civilian administrators well beyond the frontlines of an armed conflict—as they did, for example, in Rwanda before the genocide—that suggests that the authorities consider the civilian population to be integral to the threat that they face. In any case, whatever the thinking about why such distributions are necessary, that weapons are in close proximity to civilian populations is a sign that the onset of genocide or a mass atrocity is more likely.

Emergency or Discriminatory Legislation

Emergency laws are another indicator that extraordinary acts of violence may be forthcoming. When authorities push through laws that suspend everyday protections designed to blunt the coercive power of the state, that action may reveal that those authorities perceive a significant threat and want the ability to respond unfettered by law or the dictates of due process. If the emergency laws allow for the curtailment of the rights of civilians, such measures again suggest that the authorities view the perceived danger as emanating from civilian populations.

Authorities may also take measures against civilian groups that would be the targets of such violence. Authorities may enact laws that erode the rights of certain civilian groups. They may purge certain categories of civilians from positions of power. Those authorities also may arrest or detain large numbers of civilians. They may impose measures on groups that restrict the movement of certain groups; they may segregate and congregate civilian groups into camps, neighborhoods, or villages; or they may impose other restrictions on civilian groups, such as a requirement to wear certain attire.

As with the other measures described in this section, the predictive value of such actions is subject to debate. Those who conceptualize such mass crimes as highly planned out well in advance of the actual execution of such violence view increasingly discriminatory laws as evidence of such planning. Others take a more gradualist view, arguing that the decision to commit large-scale violence against civilians emerges incrementally over time and is not always planned out well in advance. The question does not require a resolution if those measures are interpreted as indicators of an institutional framework or strategic approach that suggests that atrocities are more likely to occur. If authorities, for example, detain a large number of civilians associated with an opposing camp; if they remove soldiers, officers, and civilian administrators who belong to a particular party or identity group; or if they pass laws that definitely restrict the power and movement of such groups, then those actions reveal that authorities view the threat at hand as emerging from the civilian population.

Such institutional measures are observable in a number of cases. The classic measures are the Nuremberg Laws and subsequent legislation in Nazi Germany, which defined and restricted the movements and activities of Jews and other specific populations. In the Armenian case, before the onset of mass killing of civilians, Armenian soldiers were disarmed and reassigned into labor battalions, and Ottoman authorities systematically conducted searches for weapons and explosives in the Armenian communities of eastern Anatolia. In

Rwanda, from the beginning of the war, Tutsi civilians were arrested; many were later removed from the armed forces.

Removing Moderates

Another indicator of escalation is the removal of moderates or dissenting voices from within a ruling coalition. Many governments include hardliners, who take a hard stand, and moderates, who favor compromise. An indicator that a crisis is escalating and that voices within a ruling coalition are hardening is when moderates are demoted, removed from power, or even killed.

Impunity

A final predictor of future atrocities is if near-term violence against civilians takes place with impunity. In many cases that eventually rose to the level of genocide and mass atrocity, the authorities encouraged or condoned violence before the emergence of the large-scale campaign. Chapter 2 discussed how the previous occurrence of a genocide or mass atrocity episode is a robust predictor of a future one. For that discussion, past violence and impunity are more of a long-term criterion. Here, the argument is more that small-scale acts of violence typically precede and signal an escalation toward a more sustained campaign.

In Rwanda, for example, Tutsi civilians were killed in a series of attacks during the four years before the genocide. The small-scale massacres were not necessarily a “dry run” of violence. Small-scale acts of violence do not always lead to more extensive campaigns of violence. But where they occur, and when they go unpunished, they reveal that the authorities locate danger or problems within a civilian population and are willing to condone or even organize violence against those civilians.

To conclude this section, although predicting when a country is heading down a path toward genocide or other forms of mass atrocity is an imperfect science, a look back at previous cases suggests some common patterns that precede the onset of atrocity. Those indicators include greater polarization and tension, apocalyptic public rhetoric, framing a particular group as the enemy, forming irregular armed forces, stockpiling and distributing weapons in areas where civilians will be targeted, passing emergency and discriminatory laws that justify harmful actions against civilians, removing moderates from positions of power, and committing low-level unpunished violence. The occurrence of such acts does not mean that atrocities will inevitably occur, but examining those variables should give analysts an idea of whether escalation is taking place.

II. Triggers of Genocide and Mass Atrocity

The previous discussion raises the question of triggers. Although the term is commonly used in the policy community, the concept of “triggers” lacks a precise definition, and scholars have not studied in depth what triggers genocide and mass atrocity. In general, triggers are events or sets of events that precipitate a sharp escalation in violence; they are turning points in a crisis that signal a new period of greater violence.

When considering triggers, at least two points are worth noting. The first is that triggers precipitate or crystallize tensions, fears, and other emotions. In other words, triggers cannot be separated from the context in which they occur. The

Triggers of Mass Atrocities

- High-level assassinations
- Coups or attempted coups
- Change in conflict dynamics
- Crackdowns on protest
- Symbolically significant attacks against individuals or physical sites

same event in different contexts typically takes on very different meaning and significance. For example, assassinations are classic triggers, as discussed in the section that follows, but assassinations in some situations lead to a sharp escalation of violence, whereas in other situations they do not. One reason concerns the environment in which the event occurs. In an environment of relative calm, an assassination may not catalyze actors to take a dramatic step in the amount of violence they are willing to commit. But in a highly charged environment full of forebod-

ing, threat, militarization, and the other factors described in the previous section, an event can accelerate change rapidly, leading to the unleashing of atrocities.

Second, an event that precipitates genocide or mass atrocity typically has military, political, or symbolic significance. Triggers typically are conceptualized as having an independent impact on the scale of violence. They cause leaders and citizens to commit a level of violence that they may not have been willing to commit previously. Not all cases of genocide and mass atrocity will have such an event, but for those that do, the event carries great significance.

High-Level Assassinations

What then are some typical examples of triggers? One type of trigger is that of an assassination of a head of state or a leading public figure. In Burundi in 1993, following the country's first democratic, multiparty elections, Tutsi soldiers assassinated the country's first Hutu president, Melchior Ndadaye. The assassination precipitated violence against Tutsis in the countryside, leading to reprisals against Hutu civilians by the Tutsi-dominated army. Eventually, the situation in Burundi turned into a deadly civil war in which more than 100,000 civilians were killed.¹⁰⁴

In neighboring Rwanda, the Hutu-dominated government had fought against Tutsi-dominated rebels since 1990. Following a series of rebel offensives, the government and its armed opponents signed a ceasefire in 1993. However, distrust between the two sides deepened after the agreement, with both sides effectively preparing for war. On April 6, 1994, the airplane carrying Rwanda's Hutu president, Juvénal Habyarimana, was shot down on approach to the capital, Kigali, killing all on board. The individual assassins are not known, but the interim government leaders who took control of the state following the assassination blamed the Tutsi rebels and began attacks on Tutsi civilians. Most observers of the Rwandan case would agree that the killing of the president escalated the crisis, contributing to a shift in the government's position from one of repression and limited violence to one of outright genocide.

Assassinations have precipitated mass violence in other contexts. In India in 1984, large-scale violence against Sikhs followed the assassination of Prime Minister Indira Gandhi by a Sikh bodyguard.¹⁰⁵ In Nigeria in 1966, the attacks against Igbo communities in the northern part of the country followed the assassinations of senior Nigerian politicians in an attempted coup that was blamed on Igbo officers.

Coups or Attempted Coups

A related trigger is that of a coup or attempted coup. Indonesia is a good example. In October 1965, half a dozen generals were killed in a failed coup. Government forces, in particular the military, blamed the failed coup on the Communist Party of Indonesia. In the aftermath, the government organized systematic

¹⁰⁴ On Burundi, see René Lemarchand, *Burundi: Ethnocide as Discourse and Practice* (Washington, DC: Woodrow Wilson Center Press, 1994).

¹⁰⁵ On India, see Stanley Tambiah, *Leveling Crowds: Ethnonationalist Conflicts and Collective Violence in South Asia* (Berkeley: University of California Press, 1996), 103–64.

violence against Communist Party leaders, party members and their families, and civilians sympathetic to the Communist Party. The death toll numbered in the hundreds of thousands. The coup attempt had followed mounting tensions between the Communists, the military, and religious organizations. But, as in other cases, a sharp, sudden change—the coup attempt—triggered an outsized reaction.¹⁰⁶

Change in Conflict Dynamics

Given the importance of armed conflict in shaping the dynamics of genocide and mass atrocity, as discussed in chapter 2, another consistent trigger is a sharp change in conflict dynamics.

That change may take different forms. Typically, the change is that of a sudden, usually unexpected battlefield gain on the part of armed opponents. Enemies in war might seize territory. They might launch an assault on a key city. They might gain the support of a crucial ally. They may commit an atrocity against civilians or a community associated with a particular group. In such cases, armed opponents gain strength and increase the credible threat that they pose, thereby leading the other side to develop strategies and tactics to counter those gains.

Darfur is an example of the first scenario. Before the outbreak of mass atrocities in 2003, tension had been mounting between Sudanese Arabs and non-Arabs—herders and farmers, respectively—for a number of years. In the early 2000s, insurgent organizations formed, with a primary base of support among non-Arab groups resident in the Darfur region. The Sudanese state responded with an increased military presence in Darfur. It also armed and supported primarily Arab militia groups in the area as a tactic to counter the growing threat from the rebellions. The insurgency remained low grade. However, the rebels gathered strength in late 2002 and early 2003, and in April 2003, they launched a major attack on an airstrip in El Fasher. The attack destroyed a number of Sudanese military aircraft, and the rebels captured an important colonel in the process. That event served as a trigger, prompting the Sudanese political and security establishments to focus attention on the Darfuri rebels and to unleash a combination of air, infantry, and militia forces to attack the non-Arab civilian

¹⁰⁶ On Indonesia, see Katharine E. McGregor, “The Indonesian Killings of 1965–1966,” *Online Encyclopedia of Mass Violence*, published on Aug. 4, 2009, <http://www.massviolence.org/The-Indonesian-Killings-of-1965-1966>.

populations of Darfur. The attacks resulted in the death of at least 200,000 people and the displacement of more than two million from 2003 to 2005.¹⁰⁷

Under a second scenario, new territorial gains by would-be perpetrators may initiate a potent change in the level of atrocities. In this case, rather than employing genocide and mass atrocity from a defensive or reactionary position, political and military strategists seek to lock in gains after they have secured territory. This dynamic is especially likely to occur when authorities capture territory that they perceive to be home to a hostile population.

Cambodia under the Khmer Rouge illustrates the second scenario. In the Cambodian example, after the Khmer Rouge seized power in 1975, they evacuated the capital, created work camps in rural areas, and implemented a radical policy of social transformation. The trigger in this case was the capture of the state, a change that initiated a sharp escalation of violence against the civilian population.¹⁰⁸ A similar situation prevailed in Sri Lanka in the late 2000s, when government forces committed atrocity crimes as they successfully led an offensive against Tamil rebels in the northern part of the country.¹⁰⁹

Crackdowns on Protest

Finally, another potential trigger for genocide and mass atrocity is a state or non-state actor's perception of a real or imagined threat from large-scale protest activity. In this scenario, political and security officials respond to organized and typically substantial street protest with a violent crackdown on the opposition. The two main scenarios are (a) protests in response to a disputed election process and (b) protests driven by a social movement.

The first scenario arises when civilians, civil society actors, and political party supporters protest what they perceive to be an unfair electoral process. That situation may arise before a vote takes place when, for example, authorities seek to change a constitution to allow for an incumbent president to seek an additional term. The situation may also arise when protesters contest an announced

¹⁰⁷ On Darfur, see *Darfur in Flames: Atrocities in Western Sudan* (New York: Human Rights Watch, 2004), <http://www.hrw.org/reports/2004/sudano404/sudano404.pdf>.

¹⁰⁸ On Cambodia, see Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79* (New Haven, CT: Yale University Press, 1996).

¹⁰⁹ United Nations, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka (March 31, 2011), http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf.

election result that they find to be fraudulent. In both scenarios, atrocities typically occur when security forces use force or assassinations to repress the demonstrations, which, in turn, lead to spiraling violence between supporters of the incumbents and supporters of the opposition. The Kenyan violence in 2007–2008 is an illustrative example. In that case, electoral officials announced a result that opposition supporters considered fraudulent, prompting protest, repression, and escalating attacks that left more than 1,000 civilians dead.

As with a significant change in conflict dynamics or an assassination, the outcome of a national election has substantial importance. The results typically concern who controls the state. Much is therefore at stake. Less well understood is why some disputed electoral processes provoke a spiral of violence, whereas in others, protest fizzles, never materializes, or does not engender a violent state response.

The second scenario is when political authorities violently repress a social movement that seeks some major change in the polity. The catalysts for protests vary across contexts. During the Arab Spring, in Tunisia, for example, the main precipitating event was the self-immolation of a street vendor whom a municipal authority had abused. The underlying conditions involved high unemployment, allegations of corruption, a rise in food prices, and other stresses on society. Labor unions and political opposition helped to mobilize mass demonstrations against the ruling party, and eventually the sitting president fled the country. The Tunisian protests sparked demonstrations in other Arab states, notably Egypt, Bahrain, Libya, and Syria. In each of those cases, security forces repressed the protests with significant violence, and in Libya and Syria, the violence devolved into civil war.

In sum, the record of past genocides and mass atrocities suggests that certain events or sets of events can precipitate a sharp escalation in violence. We can call those events triggers. Although we do not know exactly why the same event leads to different responses in different situations, the evidence suggests that events of significant political, military, or symbolic magnitude in highly charged contexts will crystallize fears and spark a greater willingness to use large-scale violence. In particular, this section identified assassinations, coups, battlefield changes, and protests that concern who controls the state as some of the common triggers in past atrocities.

III. Patterns during Early Onset

Confusion often reigns in the early stages of the onset of mass atrocity. Analysts may know that the risk of genocide and mass atrocity is high; they may detect the signs of escalation and even triggers, as described in the previous two sections. But the specific picture of what is happening on the ground often is blurry. Journalists and human rights defenders often are restricted in their movement in the early stages of a mass atrocity. The authorities may shut down or restrict communication networks. To be sure, in the information age, controlling information is increasingly difficult. Nonetheless, in the height of an emergency and killing campaign, authorities frequently seek to limit the flow of information, which complicates the process of diagnosing whether genocide or another form of mass atrocity has begun.

Nonetheless, as word of violence begins to emerge, domestic and international observers may search for evidence that a policy of large-scale, systematic violence against civilian populations is under way. This section outlines some patterns that observers may look for.

Victims

The critical questions are: Who is dying? How are they dying? A key criterion for mass atrocity is that civilian populations are being targeted. Thus, outsiders should ask the following questions: Are civilians being killed? Are civilian neighborhoods being shelled, bombed, or raided? Are there consistent and credible reports of large-scale civilian disappearances? Are there mass graves in or near civilian areas? Are large numbers of civilians fleeing a situation? If so, do they report that civilians are being deliberately targeted? In the initial stages of violence, the answers to those questions are likely to come from the firsthand reporting of journalists and human rights defenders on the scene, as well as from diaspora communities in situations where those civilians under attack still have access to communication networks.

Targets of Attack

In addition to determining who the victims are, outsiders should be able to ascertain a pattern of violence by looking at what types of structures are being destroyed. Some key questions to ask include these: Are institutions deliberately designed for civilian or noncombatant use, such as hospitals, schools, or religious structures, being targeted? In addition to hospitals and schools, are the

means of survival of specific groups being targeted? Are food stocks and water sources being destroyed? Are houses and other forms of shelter for civilians being destroyed?

Systematic Violence

In addition to who is being targeted, a related question concerns whether the violence is systematic. The systematic nature of violence can be difficult to determine, but some questions include the following: Does evidence exist of civilian targeting in multiple locations and on multiple days or weeks? Is the violence sustained? Is violence being reported not only in multiple places but also across multiple days? Does a pattern seem to be emerging in the way the violence is executed? Those would be pieces of evidence that support the belief that the violence is systematic.

Multiagency Coordination

Given that mass atrocities typically require the participation of a range of actors—including police, paramilitaries, soldiers, civilian authorities, and others—another key question to ask in the early days is whether evidence exists of collaboration between different agencies to commit violence. Does evidence exist of joint attacks? Does evidence indicate that authorities seem to be condoning the violence? By contrast, are the authorities punishing those who committed violence?

IV. Conclusion

This chapter has addressed questions about the near term. What does the period just before the onset of genocide and mass atrocity look like? What are the common triggers of genocide and other forms of mass atrocity? What patterns may be detected in the early stages of genocide and mass atrocity? The literature that addresses those questions is less extensive than the literature on macro-level risk factors (discussed in chapter 2) and micro-level motivations (discussed in chapter 4). Nonetheless, through an examination of cases and the literature that does exist, some common patterns emerge. With more extensive research on those questions, scholars and practitioners may come to discover other dynamics and criteria with which to examine the short term.

CHAPTER 4

Perpetrators

WHO PERPETRATES GENOCIDE AND OTHER FORMS of mass atrocity, and why? Those questions are the focus of this chapter. Understanding the individual-level dynamics is a critical part of the overall story about why genocide and mass atrocities occur.

This chapter has two main sections. The first section delineates who typically commits genocide and other forms of mass atrocity, isolating major categories of perpetrators and the roles that they typically play in the perpetration of violence. The second section discusses existing findings about what usually motivates perpetrators. The section on motivation is illustrated with reference to the Rwandan case, where the topic has been extensively studied. A concluding section reflects on the implications of individual-level motivation for policy and prevention.

I. Who Perpetrates?

High-Level Authorities

As discussed in chapter 1, genocide and mass atrocities are relatively complex operations that often require deliberate, multiagency coordination to sustain violence over time and space. In most cases, the authorities that control territory, whether they are state or non-state actors, will be involved in authorizing,

Types of Perpetrators

Type of perpetrator	Example	Role in Violence
High-level authorities	Heads of state, military generals, political leaders	Authorize, legitimize, condone violence
Mid-level actors	Government, military, civil society actors	Mobilize and organize violence
Low-level actors	Low-level officials, soldiers, civilians	Identify victims, implement violent attacks

legitimizing, or, at a minimum, condoning the violence because those authorities are the ones who are nominally in charge of security and the security forces. Any sustained use of violence that is against their wishes or intentions would be a direct challenge to their authority. Thus, in general, the most critical strata of decision makers are the top-level political leaders and commanding military officers who make, direct, and authorize policy.

The high-level authorities who perpetrate genocide and mass atrocities may include heads of state, cabinet-level officials, generals in the military, and political party leaders. They may also include influential relatives, usually of heads of state, religious leaders, business leaders, and heads of media.

Not all persons with power, however, control states. In states that are in collapse or where the state is quite weak or decentralized, key decisions may be made at the local level. In those cases, key actors who direct and authorize policies and practices of atrocity are local officials and sometimes heads of armed groups. Those groups may be self-defense militias, predatory bandits, insurgents, or other armed actors who may or may not have an affiliation with the state. In recent years, in places such as the Democratic Republic of the Congo, Somalia, Central African Republic, and Afghanistan—where the reach of the state into the peripheries is at times and in places marginal—local armed actors and local authorities often are responsible for orchestrating violence at a local level.

Non-State Leaders

Another scenario is one in which non-state actors are responsible for mass atrocities. The most common scenario will be a civil war in which rebel organizations gain control of territory or make incursions into territory and, in turn,

commit atrocities against civilians. Again, we should expect that the military and political leaders of the organizations will be those with the most responsibility to direct such practices. Given the typical scale of mass atrocities, the heads of organizations are typically the ones who would order, authorize, or, at a minimum, condone such violence. Without their approval or acquiescence, sustained or repeated policies of atrocity are unlikely.

In general, states have the capacity to commit atrocities of a higher magnitude than do non-state organizations. States typically have greater access to the resources, weaponry, institutions, and personnel necessary to sustain violence over time and to exercise violence across multiple locations. The largest-magnitude cases of the 20th century were all state led, from the Armenian genocide, to the Holocaust, to the killing fields of the Khmer Rouge, to the genocide in Rwanda.¹¹⁰

Nonetheless, non-state actors can and do commit atrocities. In recent years, mass atrocities committed by non-state actors have drawn increasing amounts of attention. In Nigeria, for example, the Islamist organization Boko Haram has captured schoolgirls and laid waste to villages. In Iraq and Syria, the self-proclaimed Islamic State also has committed mass atrocities in areas under its control. Similarly, at different times in different countries, the Lord's Resistance Army, a rebel organization originally from Uganda, has been responsible for atrocities.

Mid-Level Actors

Beyond the core leadership are a range of mid-level government, military, and civil society actors who translate national policy into concrete action on the ground. In the cases in which states are the leading perpetrators, the mid-level officials may be governors, mayors, town councilmen, and other leading authorities in the civil administration or in their local communities. Influential political party leaders, religious leaders, and business leaders at the local level often are actively involved in mobilizing and organizing violence. On the military and paramilitary side, mid-level officials often are important as well. In short, regional and local actors typically are crucial to carrying out the instructions emanating from the national level. Without such mid-level actors, the local organization of violence would not occur.

¹¹⁰ The proposition that state actors orchestrate or condone the highest-magnitude and majority of mass atrocity episodes was tested with reference to African countries between 1960 and 2008 in Scott Straus, *Making and Unmaking Nations: War, Leadership, and Genocide in Modern Africa* (Ithaca, NY: Cornell University Press, 2015), 96–7.

Low-Level Actors

A final group of perpetrators includes individual-level actors, including low-level officials, soldiers, and civilians who comply with instructions from national or local leaders and who often carry out physical violence. The low-level perpetrators are not the ones who typically design the policy or organize others to commit it. They are the ones who identify and separate victims, who shoot or hack victims, or who set fire to victims' homes, destroy their food stocks, and poison their wells. They are the labor and manpower of violence, without whom its execution would not be possible.

The Identities of Perpetrators

Who these perpetrators are within specific societies is the subject of much discussion. For the low-level perpetrators, the scholarly consensus leans toward viewing them as “ordinary men,” a term coined by Christopher Browning in reference to the Holocaust.¹¹¹ Perpetrators are “ordinary” in the sense that they are typically representative of their societies. Before the onset of violence, they are not necessarily more sadistic, more evil, more psychologically harmed, more unemployed, more unmarried, more criminal, and so forth. In some cases, younger men would seem to be overrepresented, and in all cases notorious killers may be former gang leaders or criminals. But taken together, the profile of the perpetrators reflects the demographics of the society.

At the senior levels, little evidence seems to indicate that the leaders in question are deranged or otherwise psychologically abnormal. One's mind immediately goes to Hitler, Stalin, and Pol Pot, who could be characterized as megalomaniacal and paranoid. But taken together, no psychological trait describes the leaders of organizations that commit genocide and mass atrocities. That said, some evidence suggests that those at the senior- and mid-level are especially ideologically committed.¹¹² In the case of heads of state and senior-level officials, they are ideologically committed to a particular vision that leads them to contemplate and legitimize policies of large-scale violence.¹¹³

¹¹¹ Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperPerennial, 1998).

¹¹² Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (New York: Cambridge University Press, 2005), Chapter 8, finds this in a quantitative study of more than 1,500 Nazi perpetrators.

¹¹³ Straus, *Making and Unmaking Nations*.

As for mid-level actors, they often are recruited from political party networks or come from regions that are especially active supporters of certain parties or leaders.¹¹⁴ In general, they are individuals who have a stake—whether ideological or even personal—in defending a state or the vision of a state. The evidence to support these assertions about mid-level actors is sparse and drawn mainly from the case of the Holocaust. More, especially comparative, research is needed to demonstrate whether those patterns hold across different cases of genocide and mass atrocity.

Gender

Gender plays a role here. On balance, the overwhelming majority of perpetrators of genocide and mass atrocities are men.¹¹⁵ Nonetheless, women sometimes play crucial roles—especially at the senior and middle levels. At the senior levels, women may be leaders in their own right or close advisors to leaders. At the middle level, women may be crucial party leaders, local officials, or business leaders. At the lower level, women often are involved in identifying where victims are located, in supporting or encouraging the violence, or in providing administrative assistance.¹¹⁶ But typically, those who commit physical harm during genocides and mass atrocities at the lower level are men.

“Bystanders” and Facilitators

A term often used in reference to genocide and mass atrocities is *bystander*. The Holocaust scholar Raul Hilberg developed the term to refer to people and countries that were neither direct perpetrators nor victims.¹¹⁷ Colloquially, in the atrocity prevention field, the term has come to mean people who did nothing or relatively little to protect victims. They “stood by.” In some cases, the term *bystander* refers to third-party, external actors in the international community, from individuals and institutions to governments that do little or nothing to help stop the violence or protect the victims.¹¹⁸

¹¹⁴ Mann, *The Dark Side of Democracy*.

¹¹⁵ Mann, *The Dark Side of Democracy*, 8–9 and 506; Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006).

¹¹⁶ Nicole Hogg, “Women’s Participation in the Rwandan Genocide: Mothers or Monsters?” *International Review of the Red Cross* 92, no. 877 (2010): 69–102; Mann, *The Dark Side of Democracy*; research for Straus, *The Order of Genocide*.

¹¹⁷ Raul Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe, 1933–1945* (New York: Aaron Asher Books, 1992).

¹¹⁸ Victoria Barnett, *Bystanders: Conscience and Complicity during the Holocaust* (Westport, CT: Greenwood Press, 1999).

Some recent research has called into question how valuable the category is. Scholars of the Holocaust have begun to eschew use of the term because, at least as a term that connotes noninvolvement and inaction, it distorts the reality. In fact, the behaviors of the wider population that witness genocidal events cover a wide spectrum of inactions and actions: from acquiescence to direct assistance in the perpetration of the violence, on one hand, to resistance against the genocide and rescue of the victims, on the other, with many intermediate stages.¹¹⁹ Rather than consider the bystander a passive and unitary category, scholars have argued that the goal should be to rethink the spectrum of action and actors between perpetrator and victim.¹²⁰ Furthermore, the objective should be to develop a better understanding of the dynamic, often incremental process of how people get involved in genocidal events, either as accomplices or perpetrators on one side or as resisters and rescuers on the other.¹²¹ The same insight is applicable to countries. People and powers have a variety of responses to a state that perpetrates mass atrocities, from facilitating the violence through diplomatic or material support to seeking to mitigate or stop the violence through a range of actions. Indeed, the space between perpetrator and victim is precisely that which external actors can occupy to protect would-be victims and deter or stop perpetrators—and it is the subject of the next section of the book.

II. Why Do Perpetrators Perpetrate?

Individuals take part in mass, systematic violence for diverse reasons. Genocide and mass atrocities typically are large-scale processes, involving many perpetrators who have different objectives and often multiple motivations. One individual may commit violence because he wants to protect his job; another to loot; another because he hates members of the victim group; and another because his friend, neighbor, or local official encouraged him to do so. All or some of those motivations may be present in an individual simultaneously, or they may be operative over time.

¹¹⁹ Robert M. Ehrenreich and Tim Cole, “The Perpetrator–Bystander–Victim Constellation: Rethinking Genocidal Relationships,” *Human Organization* 64, no. 3 (2005): 213–24.

¹²⁰ *Ibid.*

¹²¹ On rescuing and resistance in genocide, see Jacques Sémelin, Claire Andrieu, and Sarah Ginsburger, eds., *Resisting Genocide: The Multiple Forms of Rescue*, trans. by Emma Bentley and Cynthia Schoch (New York: Oxford University Press, 2010).

Another important insight is that motivations change. The perpetration of violence often is a process whereby individuals initially take part in the victimization of others and then come to commit greater amounts of violence. Psychologist Ervin Staub writes that all human beings have a capacity for doing evil things. “Becoming evil” occurs in increments as individuals, step by step, cross various moral thresholds. Further, practice makes perfect: routinization facilitates performing harmful acts (just as people doing “good” tend to begin with small acts of kindness). Equally important, Staub explains how perpetrators come to believe that what they are doing is right. Doing one thing and thinking something else causes too much psychological stress for people (cognitive dissonance). Eventually the two must be reconciled, either by coming to believe that what one is doing is right or by stopping doing what one cannot justify.¹²²

This section discusses a set of common explanations and motivations for why individuals commit violence as part of a genocide or mass atrocity. In some cases, the literature has moved beyond some common understandings of perpetrator motivation. In other cases, new literature is pointing to new avenues for further research. It is fair to say that motivation is heterogeneous between and within individuals, as well as over time. One single explanation does not account for why perpetrators commit genocide and mass atrocities.

Psychological Profiles

When first presented with the idea of genocide and mass atrocities, some people think that the killers are somehow psychologically predisposed to violence. However, existing research on the perpetrators of genocide and mass atrocities does not support that intuition. On the whole, perpetrators do not show evidence before the genocide or mass atrocities of having a history of sadism, aggression, recidivism, or some other preexisting psychological or behavioral predisposition to violence. To be sure, given the numbers of individuals who take part in such events, *some* will be sadistic, prone to aggression, or have violent criminal backgrounds. But in general, those qualities do not empirically describe an individual who participates in genocide and mass atrocity events.¹²³ The research also shows that those qualities are not required for individuals to become willing to commit horrific violence.¹²⁴

¹²² Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989).

¹²³ James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002).

¹²⁴ This concept is discussed in subsequent paragraphs, in particular with reference to how circumstances can lead otherwise psychologically normal people to commit violence.

Frustration-Aggression

Another common explanation is that individuals who commit horrific violence have experienced some unusual frustration in their lives. These individuals may have recently lost a job or experienced some other event, such as a business failure, that would have led them to fall on hard times.¹²⁵ The logic of the argument is that those who experience frustration channel their suffering through some preexisting hatred, prejudice, or ideology and then act aggressively. The hypothesized mechanism is frustration leading to aggression, but processed through the prevailing cultural prejudices.¹²⁶ Another way to express the same idea is that of scapegoating, in which people who experience frustration—either because they have objectively experienced loss or because they believe that they should be in a better situation than they are—blame some other individual or group for their problems.

The logic makes a great deal of sense, and again, in some places and at some times, those mechanisms surely will be operative. However, recent research on perpetrators has not borne out that proposition. Neither the demographic nor interview evidence suggests that perpetrators, on the whole, are more deprived than nonperpetrators or that frustration with difficult life circumstances was the principal mechanism driving participation in genocide and mass atrocities for the majority of perpetrators.¹²⁷ The frustration-aggression hypothesis thus will certainly apply to some individuals, but as an overall explanation for why individuals commit genocide and mass atrocities, the theory should be regarded cautiously.

Prior Hatreds

Another commonly held belief is that those who commit horrific acts of violence have high levels of prior hatred. According to this argument, the driver of genocide and mass atrocities is a widespread, deep prejudice or animosity directed against the victim group in a society. Under this assumption, Germans, for example, were deeply antisemitic. Rwandan Hutus were deeply distrustful of Tutsis. Sudanese Arabs considered non-Arabs inferior and slave-like.

¹²⁵ Mann, *The Dark Side of Democracy*; Straus, *The Order of Genocide*. Mann tests this argument on his sample of Nazi perpetrators and finds that his sample does not support those claims (see, for example, p. 223). Straus similarly does not find that this argument has strong analytical purchase for his sample of Rwandan perpetrators.

¹²⁶ Staub, *The Roots of Evil*, 35–50.

¹²⁷ Mann, *The Dark Side of Democracy*; Straus, *The Order of Genocide*. The claim is based on evidence primarily from the Holocaust and the Rwandan genocide.

The argument is hard to test empirically. If prejudice is so ingrained, individuals may have trouble recognizing that the cultural disposition exists. Sometimes perpetrators make viciously derogatory comments about their victims. Many Sudanese Arab perpetrators referred to non-Arabs as “slaves,” just as some Rwandan Hutu perpetrators referred to Tutsis as “serpents” or “cockroaches,”

Perpetrator Motivations

- Power of the situation
- Obedience and identification with leaders
- Role playing
- Indoctrination
- Peer pressure and coercion
- Fear
- Greed and opportunity

and some German perpetrators referred to Jews as “parasites.” But such statements do not necessarily indicate prior prejudice. Perpetrators may be repeating what they think they are supposed to say about victims, or they may come to denigrate or despise their victims as a way of justifying the harm that they are inflicting.

Scholars disagree about the role of prejudice and hatred in a society. In a controversial discussion of the motivations of Holocaust perpetrators, Daniel Goldhagen argues that “eliminationist antisemitism” was rampant in German society, turning German police and others manning the killing fields in eastern occupied territories into “willing executioners.”¹²⁸ But Goldhagen has found little scholarly support for his conclusions. Historians of German public opinion have shown that although most Germans—imbued with antisemitic prejudices—seemed to accept legal measures against Jews, they did not condone violence.¹²⁹

In seeking to explain how “ordinary men” serving in hierarchically organized police units came to kill women and children, scholars such as Christopher Browning invoke a range of explanations, citing the roles of “conformity, peer pressure, and deference to authority [as well as] the legitimizing capacities of government”; ideological indoctrination; the dehumanization of the victims; and the climate of total war.¹³⁰ Both Goldhagen and Browning agree that men

¹²⁸ Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Knopf, 1996); Daniel Goldhagen, *Worse than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Public Affairs, 2009).

¹²⁹ David Bankier, *The Germans and the Final Solution: Public Opinion under Nazism* (Oxford: B. Blackwell, 1992); Ian Kershaw, *Hitler, the Germans, and the Final Solution* (New Haven, CT: Yale University Press, 2008).

¹³⁰ Browning, *Ordinary Men*, 216. The afterword of this later edition directly addresses Goldhagen and goes beyond what Browning said in the 1992 edition.

were not forced to kill—that they were given the opportunity to step out, and that no one was ever killed for that choice. Similarly, scholars of the Rwandan case—another situation in which perpetrators of mass atrocity have been studied extensively—do not find that prior ethnic hatred drove participation.¹³¹

Social Psychology Experiments

A number of scholars draw on classic work in social psychology that points to the power of circumstance and situation—rather than prior hatred, psychological profile, or deep frustration due to poor life conditions—as important to why individuals come to participate in genocide and mass atrocities. Although the precise mechanisms are sometimes disputed, the social psychology is powerful in showing that under certain circumstances, otherwise ordinary individuals will commit harm against others, even in the absence of prior hatred or ill will.

The two most influential studies are those conducted in the 1960s by Stanley Milgram and those conducted in the 1970s by Philip Zimbardo. The Milgram study examined whether or not randomly selected middle-class men from New Haven, Connecticut, would shock another man to the point at which that man no longer responded—a proxy for death. The results were striking. In some versions of the experiment, in particular when the experiment participants were separated physically from the would-be victims, upwards of 60 percent of the randomly selected men proceeded all the way, administering shocks to the point at which the subject was no longer responsive. In other versions of the experiment, when the subject and the victim were placed in the same room, the number who administered the maximum shock declined. Even so, the study was disturbing in the way that otherwise psychologically normal people were willing to commit significant harm to others against whom they had no prior negative attitudes.

In his analysis, Milgram argued that the causal mechanism in play was “obedience to authority.” He claimed that people were willing to commit harm to others if that person saw himself as carrying out the wishes of a legitimate authority and no longer assumed responsibility for his actions. Milgram found that ordinary citizens destroy other people “because they consider it their duty to obey orders.”¹³²

¹³¹ Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda* (Ithaca, NY: Cornell University Press, 2009); Omar McDoom, “The Micro-Politics of Mass Violence: Security, Authority, and Opportunity in Rwanda’s Genocide” (PhD thesis, London School of Economics, 2009); Straus, *The Order of Genocide*.

¹³² Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: Harper & Row, 1974), 2. See also Waller, *Becoming Evil*, 107–15.

Dubbed the “Stanford Prison Experiment,” the Zimbardo experiment tested a different mechanism. Zimbardo converted the basement of a campus building into a mock prison. He randomly recruited psychologically normal Stanford University college students to serve either as prison guards or prisoners, established a few rules, and then let the guards run the show. Within a day, the guards were abusing the prisoners, subjecting them to extensive humiliation and harshness. Zimbardo had to call off the experiment within five days to halt the abuse and sadism that the guards had been heaping on the prisoners.¹³³

Taken together, the two social psychology experiments offer powerful lessons for scholars of atrocity. First, both studies show that prior hatred, prejudice, or frustration was not necessary for ordinary people to commit harm in a short period. Second, both studies show that in particular situations, ordinary people can be encouraged or led to commit harm with little coercion. The studies thus emphasize the circumstances and environments in which individuals come to commit atrocities, as opposed to the characteristics, traits, or prejudices of perpetrators.¹³⁴

The studies also point to specific mechanisms. For Milgram, the key was obedience to an apparently legitimate authority. When individuals believe that a legitimate authority—whether a political, military, or, in this case, scientific authority—instructs them to act, those individuals will comply because they have faith in the authority. Milgram himself explicitly analogized his experiment to the Holocaust, arguing that the conditions under which perpetrators committed violence were even more extreme, given the intensive pressure to commit atrocities and extensive antisemitic propaganda. Indeed, given that mass atrocities are typically the result of top-down policies, in which national-level authorities order, encourage, or condone violence, the experiment resonates. Perpetrators of actual atrocities may not be in a scientific lab, but the study suggests that obedience is likely to shape why ordinary people with no prior history of violence or prejudice commit horrible acts.

The implications of the Zimbardo study are just as significant. In that case, the mechanisms were less about obedience and more about performance, role, and domination. Interviewed after the experiment, the students who played guards

¹³³ Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007).

¹³⁴ On these points and for an excellent introduction to these issues, see Waller, *Becoming Evil*.

claimed that they were fulfilling a role that had been assigned to them. They were trying to act like guards. They also had total, unrestrained control and power over their subjects.

Both mechanisms have disturbing analogies to atrocity situations, in which perpetrators may act to fulfill a certain role. Authorities may cast them as defenders of the nation, or the perpetrators themselves may believe that they have a job to do. They then seek to fulfill that job as best they can, irrespective of the moral implications of committing harm. The study also suggests that some perpetrators will take the initiative in a permissive environment. They will be creative in the way they commit harm. In the Stanford Prison Experiment, the guards were zealous and inventive in a situation in which they had total power. Again, no prior hatred was necessary for the guards to find creative ways to denigrate and humiliate their subjects. Writing years later, Zimbardo somberly noted, “The line between Good and Evil, once thought to be impermeable, proved instead to be quite permeable.”¹³⁵

A lab environment is not identical to the killing fields and centers in genocide and mass atrocity situations. In contrast to a lab, for example, the “legitimate authorities” who order the violence often are at some physical distance from those individuals who carry it out. Still, these studies have proven influential for contemporary thinking about how and why people commit large-scale violence.

Indoctrination

Ideological indoctrination through propaganda, a warped education system, or the media is another way that individuals may come to participate in genocide and mass atrocity. The effect of media on developing attitudes that support violence is difficult to measure, and the psychology experiments show that media exposure is not necessary to produce attitudes that lead to violence. Yet even if media indoctrination is not required, public exposure to racist and derogatory ideas likely reinforces such attitudes or creates dispositions that diminish possible resistance to instructions to commit violence. If people in a society hear again and again that Jews are treacherous, that Tutsis are devious, that Communists will make them poor, that Muslims are vicious, and so forth, then those ideas are likely to be influential when those people are instructed to

¹³⁵ Zimbardo, *The Lucifer Effect*, 195.

commit violence. Indoctrination and other forms of ideological priming through media and educational institutions are thus other potential ways that ordinary civilians can be made into murderers.¹³⁶

Peer Pressure and Coercion

The research of many social scientists highlights the types of pressures that may arise in the context of groups, not only between leaders and underlings in the chain of command but among peers. In his study of a German police battalion, Christopher Browning found that peer pressure and, more specifically, the expectations of one's comrades shaped the decision to harm Jewish civilians in Poland. The battalion members did not want to look bad in front of their colleagues, and they wanted to do their part. In that case, the police battalion members were far from their homes on a mission from the state. In that context, the individual men had trouble dissenting.¹³⁷ They were under significant pressure from their peers to do as others were doing and as they were instructed. In her study of the genocide in Rwanda, Lee Ann Fujii found that preexisting social ties and personal networks were important pathways to mobilization.¹³⁸

Peer pressure and social ties are horizontal—from colleague to colleague, friend to friend, and neighbor to neighbor. In those cases, individuals often feel a need to conform, especially in tense environments. But pressure also may be more vertical, or top down. In those cases, authorities may be coercive. That is, they may rely less on obedience and more on the threat of punitive consequences—the loss of a job, a monetary penalty, even physical harm. In the Rwandan case, many perpetrators claimed that the threat of punishment persuaded them to participate.¹³⁹

¹³⁶ The claims here are based on the research reviewed in Scott Straus, “What Is the Relationship between Hate Radio and Violence? Rethinking Rwanda’s ‘Radio Machete,’” *Politics & Society* 35, no. 4 (2007): 609–37.

¹³⁷ An additional study focusing on a German Wehrmacht unit involved in mass murder on the eastern front examines the unit dynamics and the potential for dissent in the case of three company officers given orders to shoot Jewish civilians in 1941. See <http://www.ushmm.org/m/pdfs/20140830-ordinary-soldiers-case-study.pdf>. See also Waitman Wade Beorn, *Marching into Darkness: The Wehrmacht and the Holocaust in Belarus* (Cambridge, MA: Harvard University Press, 2014).

¹³⁸ Fujii, *Killing Neighbors*.

¹³⁹ Straus, *The Order of Genocide*.

Fear

A quite different—but equally potent—mechanism is fear. As the previous chapters noted, genocide and other forms of mass atrocity frequently are committed in the context of armed conflicts or periods of intensive instability and unrest. The macro political environment is one of uncertainty, and the message of leaders to mid- and low-level perpetrators is often that their lives are at stake. High-level perpetrators claim that the victim group is conspiring to commit massive harm, and they must act before it is too late.

To the ears of outsiders, such claims may seem preposterous. The Jews were obviously not the threat that the German authorities made them out to be. The majority of Tutsis in Rwanda were similarly not dangerous. But in the context of warfare and according to particular ideological frameworks, messages of fear can be quite powerful. Jews were linked to the Bolshevik threat after Germany invaded the Soviet Union, in an ideological battle of annihilation in what the Germans called a “war for survival.” In Rwanda, the government was fighting a war against Tutsi rebels, who had allegedly assassinated a Hutu president. In Bosnia, the Muslims and Croats were said to be plotting to dominate the Serbs, as they had in the past. Analysts appropriately poke holes in these arguments, but to actors on the ground they can be quite salient.

Greed and Opportunity

Fear is a base, but powerful, emotion that can lead people to commit violence. So, too, are greed and other forms of opportunity-seeking. Situations of genocide and mass atrocity create opportunities for individuals to take advantage of others’ misfortune or otherwise advance themselves. Genocide and other forms of mass atrocity almost always entail dispossession. People are killed or driven from their homes. Their property—their personal effects, land, and money—hence become available. Seizing that property can be a powerful motivator for individuals to take part in violence. Although a minority, a number of perpetrators in the Rwandan case indicated that looting was a reason they did what they did.¹⁴⁰

Opportunity also can be subtler. A study of German perpetrators found that careerism was a reason for their participation in violence. They took jobs that allowed them employment, a good salary, and collaboration in special projects,

¹⁴⁰ Ibid.

especially in the absence of countervailing voices in the clergy or judiciary that would stand up for the rights of innocent victims. Perpetrators were “not killers by conviction but by circumstance and opportunity.”¹⁴¹ In the Rwandan case, political rivals sometimes seized on the hesitation of others to claim power and authority and, in turn, to do the bidding of the national authorities.¹⁴² Violent situations, in other words, allow some individuals to leverage the uncertainty, confusion, and insecurity to better their position. The Stanford Prison Experiment lends itself to that interpretation—some “guards” rose up to become leaders.

III. Case Illustration: Perpetrators in the Rwandan Genocide

Beyond the Holocaust, one of the key contemporary situations in which perpetrators have been studied in depth is the 1994 genocide in Rwanda. That case was one of the swiftest mass atrocities in human history. In three months, the Rwandan state orchestrated the massacre of at least 500,000 Tutsi civilians, which amounted to about three-quarters of the resident Tutsi population at that time.¹⁴³ The genocide in Rwanda was also one of the most participatory. The Rwandan government that set the killings in motion deliberately mobilized civilians to carry out the violence. Civilians formed bands that searched homes, neighborhoods, and fields; they manned makeshift roadblocks; they raided churches, schools, government offices, and other locations where Tutsi civilians had congregated; they committed sexual violence against Tutsi girls and women; and they provided information, stole property, and performed a range of nonlethal acts that nonetheless contributed to the overall attempt to destroy the Tutsi community.

¹⁴¹ Dick De Mildt, *In the Name of the People: Perpetrators of Genocide in the Reflection of their Post-War Reconstruction in West Germany: The “Euthanasia” and “Aktion Reinhard” Trial Cases* (The Hague: Martinus Nijhoff, 1996), 311.

¹⁴² Straus, *The Order of Genocide*.

¹⁴³ Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999); Marijke Verpooten, “The Death Toll of the Rwandan Genocide: A Detailed Analysis for Gikongoro Province,” *Population* 60, no. 4 (2005): 357. The “at least 500,000” figure comes from Des Forges and Human Rights Watch, which remains one of the most authoritative accounts of the genocide. That estimate is conservative, as reflected in the term *at least*. Other detailed academic studies suggest that between 600,000 and 800,000 Tutsi civilians were killed (Verpooten). The United Nations and the postgenocide government in Rwanda estimate 800,000 and more than one million, respectively.

To be sure, ordinary civilians constituted only one stratum of perpetrator in the country. The Rwandan case fits the categories delineated earlier in the chapter. At the top of the structure were the top-ranking government officials, military officers, and political party officials; below them were a range of mid-level actors within the regional and local civilian administration, the army and gendarmerie, militia organizations, the business community, and media; and below that were the masses of civilians, some of whom took up local-level leadership positions during the course of the violence. How many civilians took part in violence that directly led to attacks—for example, killing or manning a roadblock where Tutsis were killed—is debated. One academic estimate places the number at 200,000.¹⁴⁴ However, the local judicial process in Rwanda known as *gacaca*, which prosecuted not only lethal violence but also property crimes, put the number much higher, closer to one million.¹⁴⁵ Whatever the final number, the Rwandan case clearly involved very high numbers of perpetrators, the vast majority of whom had no prior record of criminal activity or violence.

Existing research on the profile of the civilian perpetrators shows that they were quite “ordinary” for the most part. Survey research shows that the demographic profile of the perpetrators—in terms of age, paternity, education, and profession—closely matches the overall adult male population of Rwanda at the time. Some evidence suggests that among the perpetrators, those who were younger were more likely to be more violent, and those who were more educated were more likely to be leaders.¹⁴⁶ But by any measure, the perpetrators were “ordinary men.”

Again judging from the existing evidence, the primary pathway to participation took place through face-to-face mobilization. Typically in local communities, a core set of genocide leaders would form, involving a mixture of those in the

¹⁴⁴ Scott Straus, “How Many Perpetrators Were There in the Rwandan Genocide? An Estimate,” *Journal of Genocide Research* 6, no. 1 (2004): 85–98.

¹⁴⁵ The *gacaca* courts pursued more than one million cases. However, some individuals were named in more than one case; thus, the exact number of individuals who were tried is not known at this time. It should be noted that included in these cases were individuals who were charged with property crimes and not necessarily for murder. Furthermore, the *gacaca* procedures were somewhat biased against defendants, and the state had an incentive to inflate the numbers. In sum, any data about the number of perpetrators based on the *gacaca* proceedings should be interpreted cautiously. Indeed, the *gacaca* courts are controversial among scholars of Rwanda. For sympathetic accounts of the process, see in particular Philip Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge: Cambridge University Press, 2010). For more critical accounts, see forthcoming books by Anu Chakravarty, Bert Ingelaere, and Jens Meierhenrich, as well as articles by the same and by Lars Waldorf.

¹⁴⁶ All the claims in this paragraph come from Straus, *The Order of Genocide*.

civilian administration, the political parties, and other influential actors, often in business or education. In some locations with nearby military bases, officers were instrumental, as were paramilitary gendarmes and militia leaders. Around that core were often young men, sometimes party youth leaders or militiamen, who would act as the enforcers and organizers. The leaders and youth, in turn, recruited in their communities. They called meetings. They traveled from house to house, often asking one male from each house to participate. They employed local night-patrol networks, originally set up as part of a government-run self-defense program, to recruit men. For the most part, the recruitment took place in person and through intermediaries, and it relied on preexisting institutions (such as the night-patrol system or other labor programs) and on personal ties.¹⁴⁷

Motivation is more difficult to assess. Interview data with perpetrators are subject to retrospective and other biases—interviewees generally want to paint themselves in the best light possible. Survivors often had to hide to survive, so they rarely witnessed the process of mobilization or spoke directly with perpetrators. The court procedures in the Rwandan national trials for the most part did not probe motivation; they focused on material matters of culpability. Scholars of the Rwanda case typically have handled the challenge using interviews with convicted perpetrators and seeking to corroborate the interview data with other data. Recognizing the biases contained in the data, scholars nonetheless attempt to discover the principal, recurring themes across perpetrators.

Two main motivations have emerged as dominant. First, the dynamics of top-down mobilization played a key role. Rwanda has a well-developed state, especially at the local level, and had extensive preexisting institutions of local-level mobilization. Rwandans variously claim that they complied with orders because of obedience and, more frequently, because they feared the negative consequences if they were perceived to disobey. The state's leaders effectively commanded the population to hunt down the Tutsi enemy and to aid the army. Perpetrators claim that they felt that they had to comply.

Second, perpetrators revealed that they were afraid. Their country was in a war. Rebels were advancing. The president had just been assassinated, followed by the prime minister and a set of prominent Rwandan leaders. Many perpetrators could see smoke on neighboring hills. They said that they feared for their lives, as well as for the safety of their families. In that precarious context—of warfare,

¹⁴⁷ This paragraph is based on Fujii, *Killing Neighbors*, and Straus, *The Order of Genocide*.

violent turmoil, and a state declaring war against Tutsis—they chose to take part in the violence.

Some perpetrators also cited revenge in the context of warfare. The rebels, they claimed, had killed their president, and his death had to be avenged. Beyond those motivations, opportunity mattered, either to loot, grab property, or assume a position of power and responsibility in a fluid environment. Some people claimed that the radio influenced them, but those were a minority.¹⁴⁸

The Rwandan case is exceptional given the number of civilian perpetrators who took part. Yet the case offers powerful lessons about the nature of mobilization and motivation. Anecdotal evidence from cases such as Cambodia suggests similar frameworks of obedience, coercion, fear, and opportunity.¹⁴⁹ Anecdotal evidence from Indonesia suggests that members of militia groups played the part of heroes in Westerns, similar to what Zimbardo found.¹⁵⁰ Future research is likely to shed light on other recent cases, including Darfur, Syria, Bosnia, and East Timor, among others.

IV. Conclusion

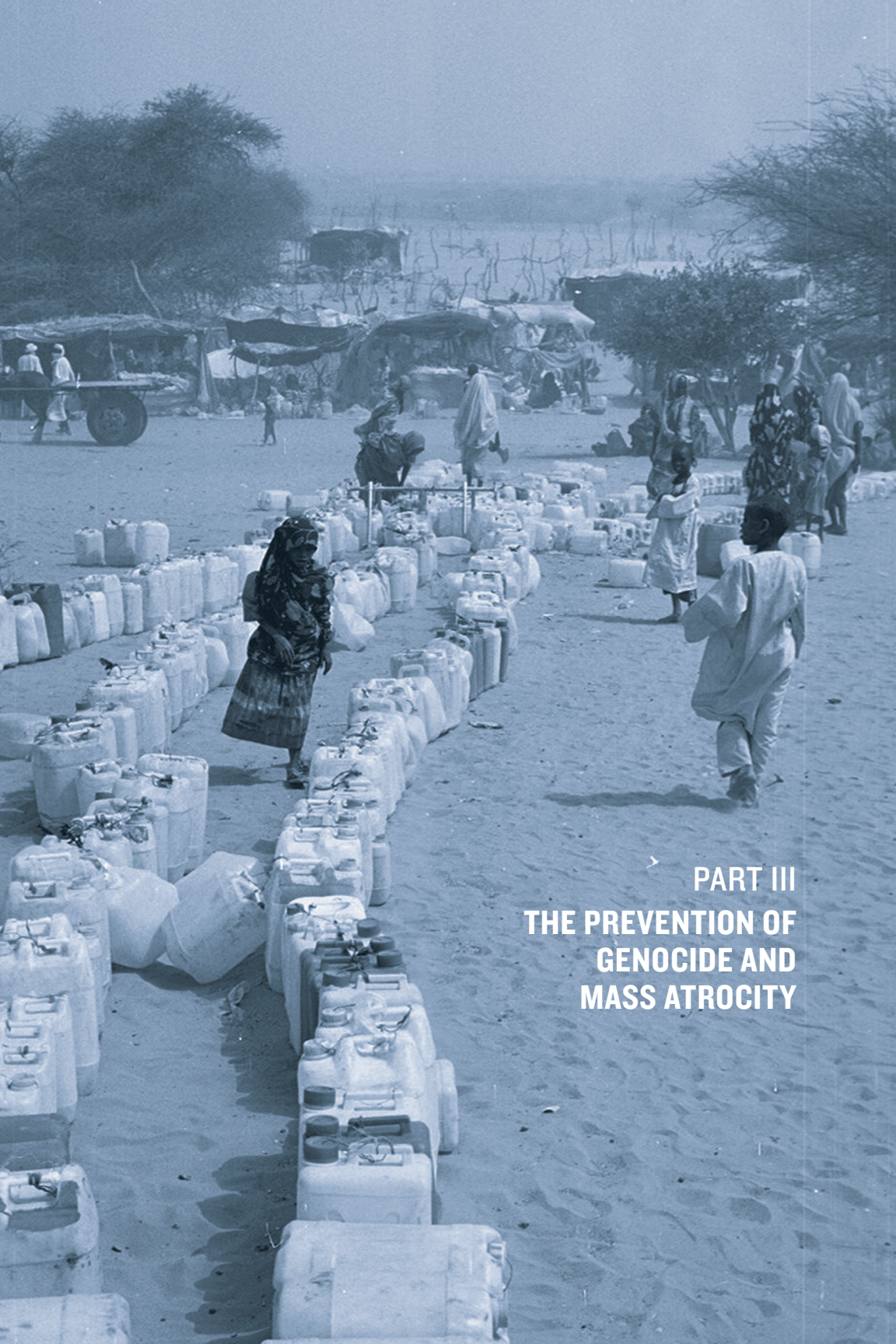
Understanding individual-level motivation does not immediately lend itself to prevention. The dynamics of mobilization are difficult to stop once they are set in motion. In the Rwandan case, for example, authorities and others went house to house, called meetings, and in other ways directly influenced civilians in their communities. Nonetheless, external actors could have signaled that such actions were wrong. They could have jammed the radio to keep perpetrators from organizing, broadcast their own messages, dropped leaflets, created true safe areas, interrupted arms flows, or taken other measures that would have created stronger counterarguments for those individuals who wanted to resist. Such measures might have worked, and several ideas are explored in the second half of this book.

¹⁴⁸ The above paragraphs are based primarily on McDoom, “The Micro-Politics of Mass Violence,” and Straus, *The Order of Genocide*. For excerpts of perpetrator testimony, see Robert Lyons and Scott Straus, *Intimate Enemy: Images and Voices of the Rwandan Genocide* (New York: Zone Books, 2006).

¹⁴⁹ See, for example, the ex-perpetrators interviewed in the film *S-21: The Khmer Rouge Killing Machine* (2003).

¹⁵⁰ That scenario is shown in the film *The Act of Killing* (2012).

In any case, focusing on perpetrators and their reasons for committing genocide and mass atrocities is crucial to obtaining a full picture of how such crimes occur. When learning about genocide and mass atrocity, the minds of most people are quickly drawn to questions such as the following: Who did it? Why did they do it? How did they do it? This chapter helps to answer those questions. Each case is likely to be different. But this chapter provides an analytical vocabulary to help understand who participates in mass atrocity and why.



➤ **PART III**
THE PREVENTION OF
GENOCIDE AND
MASS ATROCITY

A refugee camp in Chad in May 2004.
Jerry Fowler for the US Holocaust Memorial Museum

CHAPTER 5

An Emerging Policy Framework on Atrocity Prevention

PART II EXAMINED THE DETERMINANTS AND DYNAMICS of genocide and mass atrocities. This section turns to the core policy questions, which concern how to prevent, mitigate, or stop those crimes from occurring. For ease of reading, that bundle of objectives is referred to as “atrocity prevention.”

Atrocity prevention is a complicated endeavor. Practitioners often face conceptual ambiguities about what *prevention* means, and many remain uncertain about the range of prevention and response measures that are available to policy makers and domestic actors. Even those who are familiar with the tools that exist face challenging questions about (a) whether prevention measures have their intended effect and (b) how to measure success.

Even in the best of circumstances, policy makers and engaged citizens should remain circumspect about the effectiveness of different prevention and mitigation measures. It is not easy to deter committed perpetrators. It is not easy to mobilize the necessary domestic or international will to make atrocity prevention a policy priority. At any given time, policy makers face a range of crises and challenges, and atrocity prevention is only one of them. Moreover, significant reticence persists at the international level to use force against the wishes of a sovereign government.

That said, the world has come some distance on atrocity prevention. Compared to the Cold War period, awareness today about the importance of preventing atrocities is at a much greater level. Also today, a stronger norm exists about the importance of acting collectively at the international level to prevent and mitigate atrocities. Compared to the Cold War and immediate post-Cold War period, clearer policy frameworks are in place to prioritize, prevent, and respond to atrocities. And a greater number of institutions and resources are available from which to develop a cogent policy response. Those resources include dedicated offices at the United Nations, more attention to civilian protection in peacekeeping missions, the International Criminal Court, nongovernmental organizations focused on atrocities, and a broader epistemic community both within and outside government that has developed expertise on atrocities.

Indeed, one of the conclusions of this book is that an increasingly strong normative and policy framework now exists for international action to prevent and contain large-scale violence against civilians. However, one should not be naïve about how strong, and indeed, progress has not been linear. Firm commitments remain within the international community to the protection of sovereignty and noninterference in the internal affairs of a state. In particular, great reservations remain about the nonconsensual use of force, including great concern that atrocity prevention may be a pretext for regime change. In some countries, including the United States, grave concerns exist about becoming enmeshed in overseas problems and about elevating human rights and humanitarian interests over more traditional national security ones. Still, when viewed across the long arc of the last century and, more specifically, even across the period since the end of the Cold War, there has been significant progress.

At the broadest level, this section of the book is designed to provide an introduction to the core debates and developments that pertain to atrocity prevention. The section has four chapters. Chapter 5 traces core policy developments. The chapter discusses how an atrocity prevention agenda overlaps but is ultimately distinct from existing policy agendas, in particular, conflict prevention and human rights. The chapter then turns to the most significant policy developments in atrocity prevention at an international level, with a focus on the Responsibility to Protect (R2P). Finally, the chapter examines the evolution of atrocity prevention policy within the United States, which has gone further than most countries in its articulation of an atrocity prevention policy framework. Subsequent chapters examine the range of tools available to policy makers, an assessment of the effectiveness of those tools, and the main actors engaged in atrocity prevention—both state and non-state actors.

As readers engage this section, they should keep in mind a couple of caveats that, arguably, apply to the entire book. Atrocity prevention policies sometimes stir controversy. Few question the moral imperative to protect civilian populations from slaughter. But reasonable people disagree about what governments' true intentions are, about what is permissible under international law, and about what works and does not work. Moreover, the summaries in this and subsequent chapters are designed to capture a snapshot of recent developments in the field rather than a comprehensive account of any settled debate in the policy community. Atrocity prevention policies are evolving, and questions of how best to achieve atrocity prevention remain a subject of much debate, as does the overall importance that policy makers should place on the atrocity prevention agenda.

I. Conflict Prevention and Atrocity Prevention

During the past 20 years, a policy agenda on atrocity prevention has emerged, as has increased awareness of atrocities. But this agenda overlaps with older priorities. One of those is conflict prevention, and many people wonder about the difference between conflict prevention and atrocity prevention.

In general, advocates in the atrocity prevention community have argued that, although the two agendas overlap, they diverge in important ways. As Alex Bellamy has influentially written, to be most effective, policy makers should maintain an “atrocity prevention lens” that is distinct from a conflict prevention approach.¹⁵¹

Comparing Conflict Prevention and Atrocity Prevention

	Definition	Intended Targets or Beneficiaries	Goals of Intervention
Conflict Prevention	The effort to prevent, contain, and/or mitigate the outbreak of warfare between two or more armed groups	Armed actors, including state and non-state actors	To mediate between armed groups and encourage them to find a nonviolent solution to a dispute
Atrocity Prevention	The effort to prevent, contain, and/or mitigate violence against non-combatants either in or out of conflict	Civilians	To dissuade or block perpetrators from inflicting harm upon civilians

Several reasons exist to distinguish between the two agendas. First, even though atrocities and conflict correlate strongly, as discussed in chapters 2 and 3, the international norms and laws surrounding the two differ. As articulated in international law—from the Genocide Convention to the Geneva Conventions to the World Summit Outcome Document on the Responsibility to Protect—atrocity crimes are never permissible. They are proscribed in all instances. By contrast, the use of force is permissible in certain contexts, in particular as self-defense.¹⁵²

Second, the policy agendas themselves differ. As discussed in the next chapter and as Lawrence Woocher has noted, the operational goal of atrocity prevention is to protect civilians by dissuading (or taking immediate measures to stop) a perpetrator from committing mass violence against civilians or by protecting civilians directly. By contrast, the goal of conflict prevention is to convince multiple actors that refraining from fighting one another is in their mutual interest.¹⁵³ That distinction leads to different policy practices.

To observe the difference, consider the intended targets and the intended beneficiaries of policy action. In conflict prevention, interventions foster negotiation between two or more armed actors. Such negotiations usually take place between the representatives of different states, if the conflict is international, or between the representatives of states and non-state actors, if the conflict is an internal one. The purpose of prevention is to mediate between the two belligerents and to encourage them to find a political, nonviolent solution to their dispute.

By contrast, in atrocity prevention, interventions focus on the fate of civilian populations who, by definition, are not direct parties to a conflict. Atrocity prevention is therefore not directly about dispute mediation because the civilians are not formally party to a dispute. In general, the central preventive objective is to dissuade or block perpetrators from inflicting harm upon civilians.

For atrocity prevention policy, then, the task is to develop measures that, through punishment or reward, persuade perpetrators to stop committing violence against civilians on a large and systematic scale. Alternatively, in the cases in

¹⁵¹ Alex J. Bellamy, *A Living Reality? The Responsibility to Protect and the Prevention of Genocide and Mass Atrocities* (unpublished manuscript, 2013); Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

¹⁵² Lawrence Woocher, “The Responsibility to Prevent: Toward a Strategy,” in *The Routledge Handbook of the Responsibility to Protect*, eds. W. Andy Knight and Frazer Egerton (New York: Routledge, 2012), 22–35.

¹⁵³ Woocher, “The Responsibility to Prevent.”

which perpetrators cannot be stopped, the objective becomes to protect civilians from harm as much as possible. Persuasion can come in the form of diplomacy or in the form of coercion, such as sanctions. Protection can come in the form of humanitarian or military action. Atrocity prevention is therefore perpetrator-focused and civilian-focused.

Finally, atrocity prevention advocates have argued that, although most atrocities typically occur during armed conflict, not all do. Sometimes atrocities take place in the context of disputed elections or as a function of state repression outside of armed conflict. As such, the conflict prevention agenda does not completely subsume the atrocity prevention agenda.¹⁵⁴

All that said, the two agendas clearly overlap. Because atrocities are correlated with conflict, stopping conflict may be one of the most important ways to prevent atrocities. In other words, those interested in atrocity prevention should not ignore the tools and agenda associated with preventing armed conflicts. By the same token, those in the conflict prevention community should be sensitive to atrocity prevention so as to avoid a risk that mediation or other efforts designed to mitigate conflict could unintentionally spur one of the parties in conflict to commit atrocities.

II. Human Rights, Humanitarianism, and Atrocity Prevention

Atrocity prevention also is connected to two important and interconnected bodies of treaty-based and customary international law. The first is international human rights law, which guarantees individuals specific sets of rights and obligates states to respect them. As a formal body of declarations and international law, international human rights primarily date to the founding of the United Nations in 1945 and to a set of human rights treaties that have been developed since then. Most broadly, international human rights assert that individuals are endowed with rights no matter who they are or where they live; they are endowed with such rights by virtue of being human.

Atrocities are human rights violations on a grand scale; as such, atrocities represent fundamental violations of international human rights law. When atrocities

¹⁵⁴ Alex J. Bellamy, “Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent,” Policy Analysis Brief (Muscatine, IA: Stanley Foundation, February 2011).

take place, international efforts to stop them—and hold accountable those who are responsible—often are justified in the context of international human rights law. Thus the international architecture around human rights—including the set of international and regional human rights treaties, the specialized agencies at the United Nations that focus on human rights, and the various international or regional courts that focus on human rights—are part of the broad structure of atrocity prevention.

The second relevant law is international humanitarian law (IHL), a body of treaty-based and customary international law that outlines the duties and obligations of states, armed groups, and individuals in times of armed conflict. Its primary, although not exclusive, focus is the treatment of civilians and noncombatants. The core reference points are the Geneva Conventions of 1949 and the Conventions' three Optional Protocols. Other important sources are the case law produced by the International Military Tribunal at Nuremberg and the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the elements of crimes outlined in the Rome Statute of the International Criminal Court. Many of the concepts outlined in IHL create the foundation for the theory and practice of atrocity prevention. They establish the fundamental principle that in times of armed conflict, civilians and others should be protected from harm. In addition, IHL principles have helped to develop the meaning of terms such as *war crimes* and *crimes against humanity*, which are two of the four types of atrocity crimes discussed in chapter 1.

In sum, international human rights law primarily describes the rights that all individuals have, whereas international humanitarian law primarily codifies the protections to which civilians, medical personnel, captured and wounded combatants, and others are entitled during wartime. Although those laws and principles overlap with an atrocity prevention agenda, they are not synonymous. Atrocity prevention is both narrower, focusing only on the four crimes discussed in chapter 1 or, more specifically, on the prevention of large-scale violence against civilian populations, as opposed to all human rights. It is also broader, given that IHL covers war crimes, whereas atrocity prevention refers to war crimes as well as crimes against humanity, genocide, and ethnic cleansing.

More important, neither international human rights law nor international humanitarian law constitutes a complete policy framework for how and under what conditions international actors may prevent or stop atrocities. To date, the only framework specific to atrocity prevention at the international level is the Responsibility to Protect, or R2P, which crystalizes themes of human rights and civilian protection in international law but goes beyond those themes.

III. Atrocity Prevention at an International Level: Responsibility to Protect (R2P)

The specific origins of R2P date to the uneven international response to events in Rwanda, the former Yugoslavia, Sierra Leone, and East Timor in the 1990s. As discussed in the introduction to this book, the failures in Rwanda and Bosnia prompted calls from citizens, advocates, and some policy makers for more robust and decisive international action to stop genocide. However, within the international system, great reticence remained about the use of force—even for humanitarian purposes—without the consent of the domestic government where an intervention would take place. Thus, in the late 1990s, some of the most proactive international measures to stop atrocities existed—in Kosovo, East Timor, and Sierra Leone—but they also engendered some significant opposition.

In the case of Kosovo, Russia, China, and other states on the UN Security Council refused to authorize the use of military force to protect civilians. Among other arguments, they said that there was no legal foundation for such an action. With both China and Russia using their veto power to block UN Security Council approval, the United States and the United Kingdom turned to the North Atlantic Treaty Organization (NATO), which eventually launched a major aerial assault on Serb forces.

The gravity of the situation and the depth of international disagreement, revealed in part by the case of Kosovo, prompted UN secretary-general Kofi Annan to address the issue directly. In a speech during the 1999 annual General Assembly meeting, Annan confronted the contradiction between “the legitimacy of an action taken by a regional organization without a United Nations mandate” and a “universally recognized imperative of effectively halting gross and systematic violations of human rights with grave humanitarian consequences.” He continued:

To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask—not in the context of Kosovo—but in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?

To those for whom the Kosovo action heralded a new era when States and groups of States can take military action outside the established mechanisms for enforcing international law, one might ask: Is there not a danger of such interventions undermining the imperfect, yet resilient, security system created after the Second World War, and of setting dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents, and in what circumstances?¹⁵⁵

Following on those comments, the government of Canada established an International Commission on Intervention and State Sovereignty. That commission, in turn, issued a report a year later called *The Responsibility to Protect*. The report sought to resolve the tensions that Annan had spelled out and that the crises of the 1990s had laid bare. The essential innovation in the report is the assertion that sovereignty is not unconditional. Sovereignty means that states have a responsibility to protect their citizens from mass atrocities, and when they either cannot, will not, or actively inflict such crimes on their populations, then the responsibility to protect flows to the international community. The report presents a number of other recommendations, including the conditions under which a military intervention to protect is justifiable (see chapter 7).¹⁵⁶

Kofi Annan—who, before his tenure as secretary-general, had been the head of UN peacekeeping during the Rwandan genocide—endorsed the core ideas of R2P. Following the 2003 international turmoil around the US invasion of Iraq, as well as the international outcry about the violence in Darfur, Annan promoted an international endorsement of R2P at the 2005 World Summit. Ultimately, after negotiating some of the language, the gathered heads of state unanimously approved the idea of an international responsibility to protect.

The World Summit's outcome document called upon the United Nations to use diplomatic, humanitarian, and other means to protect populations from atrocities. In that regard, when the territorial state is unable or, as is more common, unwilling to protect its own populations, the international community should be

¹⁵⁵ UN General Assembly, *Report of the Secretary-General on the Work of the Organization*, UN doc. A/54/PV.4 (Sept. 20, 1999).

¹⁵⁶ Bellamy, *A Living Reality?*; Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

“prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate.”¹⁵⁷

In short, alongside many caveats, heads of state endorsed the principle that the international community should act to protect populations from atrocities when the state itself could or would not protect them, such as when it was “manifestly failing” at discharging its sovereign duties.

Three Pillars of R2P

1. Every state has the responsibility to protect its populations from mass atrocities.
2. The international community has the responsibility to assist states in fulfilling this mandate.
3. If a state is failing to protect its populations, the international community must be prepared to take appropriate and decisive collective action in accordance with the United Nations Charter in order to protect populations.

After the World Summit, some states expressed reservations about precisely what R2P entailed, and in particular, whether R2P meant that traditional protections of sovereignty were no longer in place. That, in part, prompted Annan’s successor, Ban Ki-Moon, to clarify the meaning of R2P.

In a 2009 report titled “Implementing the Responsibility to Protect,” the secretary-general specified that R2P was not antithetical to sovereignty; rather, the doctrine was designed to help states succeed with their responsibilities.¹⁵⁸

To that end, the report specified three specific pillars of R2P. The first pillar concerns the “protection responsibilities of the state,” affirming the state as the “bedrock” for protecting populations from atrocities. The second pillar concerns “international assistance and capacity-building,” and it calls upon the United Nations, Member States, regional organizations, NGOs, and others to help states develop the indigenous capacity to protect their populations from atrocities. The third pillar concerns the need to launch a “timely and decisive response” from the international community if the first two pillars are insufficient—measures that could, but do not necessarily, entail the use of force.

¹⁵⁷ UN General Assembly, Resolution 60/1, “2005 World Summit Outcome Document,” Oct. 24, 2005, <http://www.undocs.org/A/RES/60/1>. See appendix 3.

¹⁵⁸ UN Security Council, *Implementing the Responsibility to Protect*, UN doc. A/63/677 (Jan. 12, 2009).

In short, the United Nations has now developed a clear framework for the prevention of genocide and other forms of mass atrocity. Responsibility for prevention first falls to states. When necessary, international actors should help states to prevent atrocities. If states cannot protect civilians or are actively harming civilians, then the international community—through the United Nations and in accordance with the UN Charter—has a responsibility to act. As of this writing, some countries have introduced proposals to urge permanent members of the Security Council to refrain from using their vetoes on matters relating to mass atrocities, which would help to strengthen the policy and normative framework embodied by R2P.

That a normative and policy doctrine exists does not mean that the world completely accepts it. Any coercive UN action still requires UN Security Council authorization, and the five permanent members of the Security Council, each of which has veto power, have varying interests in authorizing or blocking such action. Moreover, significant hurdles remain to the global acceptance of R2P, a fact that the 2011 UN-authorized NATO intervention in Libya brought to a head.

In the aftermath of Gaddafi's fall, a number of states accused the United States and its NATO allies as having used R2P action in Libya as a pretext for regime change. As the Indian representative to the United Nations explained during the 2013 R2P dialogue with the secretary-general, R2P "must not become a tool in the hands of the powerful to pressurize [*sic*] weaker states and bring about regime change."¹⁵⁹

The Brazilian government, in particular, has drawn attention to the issue by developing the concept of "Responsibility while Protecting." The Brazilian government raised concerns about the use of force specifically and the perception that "the concept of the responsibility to protect might be misused for purposes other than protecting civilians, such as regime change." "Responsibility while Protecting" calls for additional emphasis on (a) making sure that the use of force is truly a last resort and (b) monitoring the use of force if such action has been authorized by the UN Security Council. The government articulated concerns that the use of force not exceed the explicit mandate and objectives established by the United Nations.¹⁶⁰

¹⁵⁹ Permanent Mission of India to the United Nations, "Statement by India at the Informal Interactive Dialogue on the Report of the Secretary-General on Responsibility to Protect: State Responsibility and Prevention," Sept. 11, 2013, [http://responsibilitytoprotect.org/India\(1\).pdf](http://responsibilitytoprotect.org/India(1).pdf).

¹⁶⁰ UN Security Council, "Letter dated 9 November 2011 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General," Nov. 11, 2011, http://www.globalr2p.org/media/files/concept-paper-_rwp.pdf.

R2P represents the latest evolution in the history of the international community's efforts to prevent and stop crimes of atrocity. As discussed in the introduction to this book, the path began in earnest in the aftermath of World War II and the Holocaust; continued through the Cold War, during which a policy on atrocity prevention was nonexistent; and diverged at points during international responses to atrocity crises in the 1990s. R2P remains controversial and contested on the international stage. But the leaders of the world endorsed R2P in 2005, and within the United Nations system, the secretary-general continues to develop and promulgate it. The doctrine is likely to continue to evolve and to be applied unevenly. However, it is the focal point for deepening the international architecture on atrocity prevention. It contributes to a growing norm about the unacceptability of mass atrocity and provides a framework for moving from normative to operational commitment to prevent atrocities. The United Nations system is still subject to many competing and sometimes contradictory political impulses. But the policy framework that would legitimize a more robust approach to atrocity prevention is clearer than ever before.

IV. Atrocities Prevention in the United States after the Cold War

This section briefly addresses some of the major moments in the post-Cold War period that have shaped the development of atrocity prevention policy within the United States. Those policies are still evolving. As at the international level, we can observe competing priorities and enduring controversies alongside growing momentum to establish a clearer policy framework on atrocity prevention.

Until the late 20th century, the policy positions of the United States toward genocide and atrocity prevention were as uneven as in the rest of the world. Samantha Power's influential book, *"A Problem from Hell": America and the Age of Genocide*, demonstrates how in a range of atrocity situations—the Armenian genocide, the Holocaust, Cambodia under the Khmer Rouge, Iraq under Saddam Hussein, Rwanda, and Bosnia—the United States either stood by in the face of mass violence or led a response that was far too late. In each of those cases, different administrations—Republican and Democratic—chose to neglect atrocity prevention in favor of what were perceived then as more traditional national security interests. In a recent book, *The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide*, Gary Bass shows how the Nixon administration prioritized diplomatic relations with Pakistan over the fate of hundreds of thousands of Bengali civilians who were killed in 1971. Indeed, there was not a case between

the end of World War II and the end of the Cold War in which the United States championed an assertive diplomatic role to end mass atrocities.

The experience in the United States in the first decade after the Cold War was different, but it was still ad hoc and lacked a coherent policy framework. Leaders from both political parties showed intermittent enthusiasm for committing American resources to stem civilian suffering, including the prevention of genocide and mass atrocities, and reluctance to become involved in complicated overseas missions. In general, US administrations showed some reluctance to work through the United Nations or at least a willingness to work outside the United Nations when the Security Council proved ineffective. And in all cases, the United States balanced the somewhat diffuse policy commitment to protect human populations from atrocities against competing geopolitical strategic issues.

At the start of the 1990s, although atrocity prevention was not at the center of the US foreign policy agenda, two cases that defined the US approach to those issues under President George H. W. Bush were (a) the fate of the Kurds in northern Iraq after the first Gulf War and (b) the fate of Somalis amid the famine and civil war in Somalia. In the former situation, states that had fought against Saddam Hussein in the Gulf War encouraged the regime's opponents to rise up and resist Hussein's rule. Some Kurds and Shia did, and the Hussein government responded with severe repression, especially against the Kurds. That prompted the UN Security Council, and eventually the United States and the United Kingdom, to intervene militarily to protect Kurds in the north. Having initially claimed that the United States would not become involved in the internal affairs of Iraq, Bush framed eventual US action, dubbed "Operation Provide Comfort," as a humanitarian operation to aid vulnerable civilians.

The situation in Somalia two years later was quite different. Whereas the United States had a clearer strategic interest in Iraq—the United States had just been the lead international actor in the Gulf War and had a continuing interest in marginalizing Hussein—it had fewer interests in Somalia other than the general strategic importance of the Gulf of Aden.

In Somalia, terrible suffering was at hand by the early 1990s. A civil war had devastated the country. A drought had harmed food crops. Armed groups were stealing humanitarian relief supplies or otherwise making delivery difficult. The United Nations initially passed a resolution calling for a peacekeeping mission to help deliver humanitarian assistance and to aid vulnerable populations. However, Bush pushed for a strong US deployment—eventually some 28,000 American troops—who would operate under US command but with UN blessing.

The Somalia operation initially was a success, as the intervention allowed for humanitarian aid delivery, but as the operation began to tackle the root causes of the crisis, one particular mission (the infamous Black Hawk Down incident) cost the lives of 18 Army Rangers. By then, Bill Clinton had assumed the US presidency, and his reaction to American military casualties in a humanitarian operation was to withdraw US troops as quickly as possible.

The casualties in Somalia sparked domestic discontent with US involvement in international peacekeeping efforts. Clinton issued Presidential Decision Directive 25 (PDD 25), an executive order limiting US support for UN peacekeeping missions.¹⁶¹ That restrictive view of the US role in international peacekeeping shaped US decision making regarding the humanitarian crises in the former Yugoslavia and Rwanda. As Yugoslavia began to fracture, large-scale violence emerged in Croatia, followed by Bosnia, starting in 1992. The main international response, beginning under Bush and continuing under Clinton, was to favor negotiations between warring factions and to impose an arms embargo on Bosnia. That embargo disproportionately harmed the Bosniaks, who were the main victims, and strengthened the better-armed Serb forces, who were the main perpetrators.

From the US perspective, the administration deferred to European negotiators, given that the former Yugoslavia lay squarely in the European zone. Eventually, the United Nations, with NATO support, established a network of “safe areas” throughout Bosnia. In reality, the protection was inadequate, and Bosnian Serb forces made a mockery of the stated UN aims to protect civilians from harm.

The tipping point that prompted a different response was the 1995 attack on Srebrenica, which was one of the six UN safe areas. In July, Bosnian Serb forces swept into Srebrenica, held Dutch peacekeepers hostage, and proceeded to massacre more than 8,000 boys and men in what was the largest massacre in Europe since World War II. That brazen atrocity prompted a more forceful international response, including from the United States. NATO led a campaign of aerial bombing against Serb forces, who, in response, retreated. The United States pushed aggressively for a peace deal to end the Bosnian crisis, an effort that resulted in the Dayton Accords.

¹⁶¹ PDD 25 also emphasized the importance of UN peacekeeping as a mechanism for international burden sharing. The document, however, outlined a roadmap for reducing US funding for UN peacekeeping efforts. Tom Ross, “Subject: President Clinton Signs PDD Establishing ‘U.S. Policy on Reforming Multilateral Peace Operations,’” May 6, 1994, <http://fas.org/irp/offdocs/pdd25.htm>.

The story in Rwanda is now one of the most well-known lessons of inaction in the face of atrocity. Following a three-year civil war, the United Nations authorized an observer peacekeeping mission in 1993 to help implement a peace accord between a Hutu-led government and Tutsi-led rebels. Once in place, the UN mission was instructed not to act when it reported evidence of escalation and breaches of the accord. As the genocide began in April 1994, ten Belgian peacekeepers were killed. The UN response was to withdraw troops and to whittle down the force to a token presence. Throughout, the Clinton administration's position was clear: The United States, in an effort to avoid another Somalia, would not get involved. Administration officials initially labeled the killing in Rwanda "acts of genocide" to avoid obligations under their interpretation of the convention.

The situations in Bosnia and Rwanda were major failures to prevent mass atrocities. They forced some soul-searching within the American media and the Clinton administration. Even if the United States did not intervene to protect civilian lives in the two cases, the Clinton administration was instrumental in pushing for the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda, two courts that were designed to have some accountability for the mass atrocities committed in those states. The International Criminal Court also garnered some enthusiasm (although eventually the United States did not ratify the Rome Statute). In the late 1990s, the Clinton administration also created some structures within the government to prevent and appropriately respond to atrocities. The first was the position of ambassador-at-large for war crimes issues, a position created in 1997 and initially filled by David Scheffer.¹⁶² The second was an Atrocities Prevention Interagency Working Group, which operated from 1999 to 2000.¹⁶³

Perhaps the most visible change in approach came during the Kosovo crisis in the former Yugoslavia. After Serbia ignored warnings that the United States would act if Serb forces proceeded against Albanian civilians in Kosovo, the United States strongly favored military action against Serb positions. At the Security Council, Russia, an ally of Serbia, objected to a coercive UN response,

¹⁶² The position is now called the ambassador-at-large for global criminal justice.

¹⁶³ For those measures and, more generally, for the history of the Atrocities Prevention Board, see James P. Finkel, "Atrocity Prevention at the Crossroads: Assessing the President's Atrocity Prevention Board after Two Years," United States Holocaust Memorial Museum, Simon-Skjold Center for the Prevention of Genocide, Occasional paper no. 2, September 2014.

prompting the United States, Britain, and France—the lead actors in this case—to authorize the military action through NATO.¹⁶⁴

In sum, at the outset, the Clinton administration was less inclined than the first Bush administration to commit US military resources for atrocities prevention. However, the Clinton administration's approach evolved to the point that it lobbied for and helped to execute an unambiguous mission to prevent atrocities in Kosovo. Although not in the lead, the United States was also an effective partner and advocate for action in East Timor and Sierra Leone. Speaking at the United States Holocaust Memorial Museum in 1998 to mark the 50th anniversary of the Genocide Convention, David Scheffer said that in the aftermath of Rwanda and Bosnia, the actions in Kosovo were efforts “to establish a new US policy so that we can minimize and, we fervently hope, deter the actual occurrence of genocide and other atrocities.”¹⁶⁵

The progress that had been made in reorienting US foreign policy around atrocity prevention stalled following the attacks of September 11, 2001. Countering terrorism became the central foreign policy concern of US president George W. Bush's administration, a concern that led the United States into major wars in Afghanistan and Iraq.

Nonetheless, despite the clear focus on a traditional security concern, the Bush administration also took measures for atrocity prevention that extended those taken under the Clinton administration. One of the most high-profile atrocity crises under the second Bush administration was in Darfur, a remote western region of Sudan. The crisis began to receive significant public attention in the United States and elsewhere in 2004, and at the same time the United States was investing significant diplomatic capital to end Sudan's civil war. Responding to the call for greater action in Darfur, the United States commissioned a study of the patterns of violence. Upon reviewing the data, then-secretary of state Colin Powell declared that genocide was occurring in Darfur, an assessment that Bush repeated before the UN General Assembly. The US Congress also weighed in,

¹⁶⁴ The summaries for Somalia, Iraq, Rwanda, Bosnia, and Kosovo come from Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), and Samantha Power, *A Problem from Hell?: America and the Age of Genocide* (New York: Basic Books, 2002).

¹⁶⁵ David Scheffer, “The United States: Measures to Prevent Genocide,” speech, <http://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/early-warning-and-prevention/the-united-states-measures-to-prevent-genocide>.

calling the violence in Darfur genocide and encouraging the United States to take unilateral action if necessary. Although the United States did not take direct military action in Darfur, members of the administration, including the president, made statements that indicated a US interest in genocide prevention.¹⁶⁶ In addition, the administration chose to abstain when the United Nations Security Council later referred Darfur to the International Criminal Court.

In 2005, the United States was one of the signatories to the World Summit document that endorsed R2P. The United States also voted in favor of a subsequent resolution at the Security Council that formally accepted the terms spelled out in the World Summit document. In so doing, the Bush administration indicated a general policy principle in support of preventing atrocities. In 2006, President Bush issued *The National Security Strategy*, which established a coordinated interagency mechanism to respond to foreign crises and address the need for prevention.

During the administration of President Barack Obama, a number of situations have been at risk of, or have broken out into, atrocities. They include the separation of South Sudan from Sudan, post-election violence in Côte d'Ivoire, the 2011 civil war in Libya, the 2013 elections in Kenya, the transition away from military rule in Burma, and the ongoing violence in Central African Republic and in Syria. In those cases, the Obama administration made public statements indicating that atrocity prevention was a priority for the United States, but those statements did not always translate into effective policies to prevent or stop mass atrocities.

Perhaps the clearest sign of an effort to enhance a policy on atrocity prevention was President Obama's issuance of Presidential Study Directive 10 (PSD 10) in August 2011, which established atrocity prevention as a core interest of the United States, and the subsequent creation of an interagency Atrocities Prevention Board (APB) to coordinate US policy on atrocity prevention. PSD 10 and the establishment of the APB mirrored recommendations from the Genocide Prevention Task Force, co-chaired by former secretary of state Madeline Albright and former secretary of defense William Cohen and convened by the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace. The task force's 2008 report recommended the creation of an "atrocities prevention committee" to regularly review countries of concern and coordinate prevention efforts.

¹⁶⁶ Scott Straus, "Darfur and the Genocide Debate," *Foreign Affairs* 84, no. 1 (2005): 123–33.

Writing in 2014, Jim Finkel, a former US official with significant experience in atrocity prevention, found that the record during the APB's first two years was mixed. The board exhibited some weaknesses, including an absence of dedicated funding, skepticism in some parts of government, the absence of influential champions, turnover, and limited training, among other concerns. Yet the fact that the APB held regular meetings that brought together a broad range of senior policy makers from across agencies was significant. In sum, he attests, the APB represents an "enormous advance" in the government's ability to develop an atrocity prevention program.¹⁶⁷

The Obama administration elevated atrocity prevention throughout the government additionally by (a) creating the first National Intelligence Estimate on the global risk of mass atrocities, including genocide, and (b) encouraging the director of national intelligence to include an assessment of potential mass atrocities in annual testimony on threat assessments to Congress.

Those efforts to mainstream and coordinate atrocity prevention efforts within the US government build upon previous administrations' efforts to do so. Each of those mechanisms is part of a trajectory toward greater emphasis on atrocity prevention. The policies are likely to continue to evolve in successive administrations.

IV. Conclusion

During the 20th century, atrocity prevention has emerged as a distinctive public and policy concern. Through a series of fitful starts and much bloodshed, the international community, as represented in the United Nations, has developed a framework that outlines the importance of and a commitment to a multilateral approach to atrocity prevention. The same commitment has been made by the United States in the form of Presidential Study Directive 10 and creation of the Atrocities Prevention Board. All told, a concrete normative and policy framework now exists for external diplomatic and coercive action to protect civilians at risk of atrocity.

That said, no one should be naïve about the challenge of genocide and atrocity prevention. Despite the existence of such a framework, the advancement of the

¹⁶⁷ Finkel, "Atrocity Prevention at the Crossroads."

R2P norm and the APB remain fraught with practical and political difficulties. To date, no mechanism exists that permanently institutionalizes the APB and other efforts to mainstream atrocity prevention throughout various US government agencies. The principle of state sovereignty remains strong in the international system. Moreover, mass atrocity takes place in the context of complex domestic and international politics, in which competing interests come into play. The existence of an increasingly clear framework does not make these issues disappear. And finally, the equally difficult question remains of how to achieve prevention and what prevention really means. Those are the topics taken up in the next chapter.

CHAPTER 6

Tools and Approaches

ASSUMING THAT GREATER INTERNATIONAL AWARENESS exists now than ever before of the need to prevent genocide and mass atrocities, the question remains *how* to achieve that goal. Imagine a scenario in which a citizen, a nongovernmental organization (NGO) activist, a legislator, or an intelligence analyst approaches a high-ranking official and says that the risk of atrocity exists in a specific country. Any one of those persons might add that a policy framework now exists that outlines the political and moral responsibility to act in the face of a risk of atrocity. But what should the high-ranking official do? What will make a difference?

Unfortunately, as with many complex policy problems, countries have no fail-safe recipe to follow. Preventing genocide and mass atrocities, or stopping them once they start, is a difficult goal to achieve. Political will is essential to that equation, but political will on its own does not necessarily deter perpetrators or protect civilians who are at risk of atrocities.

Instead of a specific playbook, this chapter presents insights, approaches, and tools that policy makers and scholars have developed in recent years. None guarantee success, but, as suggested in this and the following chapter, experience and logic provide reasons to believe that a concerted and coordinated international effort will make a difference. This chapter is descriptive. The following chapter is more evaluative; it addresses what has been learned so far about the successes and risks associated with genocide and mass atrocity prevention.

As citizens, scholars, and policy makers consider prevention, a point to keep in mind is that every atrocity situation is different. *Perpetrators* differ; sometimes they are state actors, sometimes non-state actors. Sometimes perpetrators are military dictators; sometimes they represent democratically elected governments. The *scale and timing* differ across cases. Sometimes violence escalates very rapidly; sometimes a country experiences a long, slow boil. The *geopolitical environment* differs. Sometimes a strong international consensus to act against a state and to stop atrocities exists; sometimes a powerful country is an ally or strategic partner of the perpetrator. The *operational environment* differs. Sometimes a country is very remote, with few international ties, both of which may make economic sanctions or military operations difficult. Sometimes a country is in the middle of an economic center.

All of those conditions will shape the policy environment. What works in one situation may not work in another. What is politically possible in one situation may not be in another. Each situation requires an assessment of the nature of the atrocities and of what is politically and operationally feasible. Each situation also requires an analysis of the risks and potential unforeseen consequences of different actions. And each situation requires a careful analysis of the goals.

Practitioners sometimes refer to a “toolbox” or “menu” of choices. Those metaphors speak to the ways in which a number of practical options are available to policy makers. However, metaphors also can mislead. Domestic and international responses to the onset of mass atrocities and genocide are not equivalent to reaching into a box of tools, choosing one option, then another, and then a third if the first two do not work. Many options exist simultaneously. Certain conditions will make some options more available but others less available, and the threat of using one option—say, a coercive measure such as sanctions or a military intervention—may make a different option—say, a diplomatic one—more, or less, effective. The most apt metaphor might be a pantry of options, but the exact recipe—in terms of the different ingredients, the amounts, the sequence, and so forth—will vary in each situation.

Also important to note at the outset is that research on what works is limited. Atrocity prevention is a relatively new policy priority. That means there are only a handful of cases in which international actors have actively sought to prevent and respond to the onset of atrocities. Not only does each situation differ, but often the measures that have been tried vary, and new measures are being tried all the time.

I. Prevention and Response: When Is Action Taken, and Who Takes Action?

In the policy field of atrocity prevention, a consistent distinction is made between prevention and response.¹⁶⁸ Prevention refers to actions that decrease the likelihood of atrocities before those atrocities occur. The objective is to take action that eliminates or reduces the intensity of the causes of genocide and other forms of mass atrocity. Typically, such measures take aim at the risk factors identified in chapter 2 or at the processes of escalation described in chapter 3.

By contrast, response refers to actions that aim to stop or limit the scope of atrocities once they are under way. Response measures typically have one of two objectives. They are designed to either (a) persuade a would-be perpetrator not to commit atrocities, using coercive or noncoercive means; or (b) meaningfully limit the ability of a perpetrator to inflict violence against civilians, by protecting those civilians directly or by inhibiting the capacity of perpetrators to harm them.

In general, prevention has a long-range time horizon. Prevention also typically has multiple benefits because the changes are likely to affect the structure of the environment as a whole. Some practitioners refer to such measures as “horizontal” interventions in the sense that, if they work, they should have multiple additional benefits that go beyond atrocity prevention. Ending discrimination, for example, helps not just with atrocity prevention but also with human welfare in general.

By contrast, response generally refers to a more proximate set of actions. Response measures usually are more targeted and selective. They are specifically designed to reduce atrocities, and they typically have fewer additional benefits. In that way, they are more “vertical” interventions, and their benefits are likely to have a shorter time horizon.

Both prevention and response take place at different levels. Some actions are local; they are designed to mitigate tensions between those in conflict at the neighborhood, community, village, or town level. The measures may be grass-roots oriented, as, for example, when neighbors establish mechanisms to resolve disputes over land.

¹⁶⁸ Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); Adam Lupel and Ernesto Verdeja, eds., *Responding to Genocide: The Politics of International Action* (Boulder, CO: Lynne Rienner Publishers, Inc., 2013).

Other actions are national in the sense that they are aimed at governments or some other non-state actor, such as a religious institution, a human rights watchdog group, or an influential media organization. Those actions might entail changes to a state's constitution or domestic efforts to hold human rights violators accountable. They could include efforts to build more responsible media in a country or to appoint a genocide prevention ombudsman. They could be efforts to train a national military in the laws of war and civilian protection.

Some actions are regional in the sense that they are designed to build the capacity of a regional organization to prevent and respond to genocide and mass atrocities. Those actions might include strengthening the capacity of a regional organization to mount peacekeeping operations, share information, develop an atrocity prevention or human rights policy framework, and support mediation.

Finally, some actions are international. Those actions include multilateral efforts to improve how the United Nations anticipates and responds to the onset of genocide and mass atrocity. Efforts could include improving UN peacekeeping or devoting more funding from the World Bank to atrocity prevention. Such measures also may be more unilateral in the sense that one country acts to stem atrocities in another country.

Domestic actions (both national and local) are likely to have the greatest preventive effect. Typically, prevention involves changes in the politics and institutions of a country. To be effective, those measures must be keenly promoted by domestic actors. That said, regional and international actors can play a crucial role in ensuring that domestic actors have the support they need to succeed or in prompting domestic actors to take certain actions.

By contrast, once atrocities are under way, the opportunity for domestic action often diminishes. In many cases, the national government either is the perpetrator of atrocities or is unable to prevent others from committing them; as such, external actors, whether regional or international, will have greater latitude for response than those living in the country. Domestic actors remain important, however, and moderates within a regime or country are often key to changing the dynamics in that country. Sometimes national religious figures or the media help to ease tension during a crisis. Nonetheless, external actors are the most likely to have greater freedom to act in a way to limit or stop atrocities that are under way if the government is implicated in abuses or cannot stop them.

The distinctions in this section are not absolute. Prevention and response measures may take place simultaneously. Local, national, regional, and international

measures are not mutually exclusive; they often occur jointly, and the international community would do well to explore ways to better coordinate action. Indeed, some practitioners reject the distinction between prevention and response, preferring the concept of “structural prevention” (what this book refers to as prevention) and “operational prevention” (which this book refers to as response).¹⁶⁹

Overall, domestic actors generally are more likely to have a greater impact on preventive measures and at the early stages of escalation, whereas external actors have comparatively greater room to maneuver once atrocities are under way. However, those claims are relative because both domestic and external actors can have an impact at any stage. In sum, the distinctions in this section are analytical guidelines to help make sense of the field; they are not distinctions etched in stone.

II. Prevention Measures

Turning to prevention, a wide variety of measures may be deployed. Prevention measures typically are the inverse of the risk factors of genocide and other forms of mass atrocity. For example, because armed conflict is one of the most common drivers of atrocity, conflict prevention is a key form of atrocity prevention. Similarly, if nationalist ideologies that privilege a particular identity category over another are a major risk factor, then a key prevention measure is to develop more inclusive models of politics through dialogue, citizen- or values-based nationalism, and pluralism.

The same kinds of arguments apply to other risk factors of genocide and mass atrocities. If a country has a record of past human rights violations, accountability for those crimes counters the norm of impunity and sends a public signal that such crimes are wrong and will have consequences. Finding measures to end discrimination and to promote the idea that all groups enjoy equal rights of citizenship in the society will, in theory, create resistance to the idea that identity-based violence is legitimate in a society. Such measures could extend to education and how history is taught in a country.¹⁷⁰

¹⁶⁹ See Lawrence Woocher, “The Responsibility to Prevent: Toward a Strategy,” in *The Routledge Handbook of the Responsibility to Protect*, eds. W. Andy Knight and Frazer Egerton (New York: Routledge, 2012), 22–35.

¹⁷⁰ Elisabeth King, *From Classrooms to Conflict in Rwanda* (New York: Cambridge University Press, 2014).

Table I. Domestic Prevention Measures¹⁷¹

Measure	Examples	Risk Factor	Intended Effect
Prevent conflict	<ul style="list-style-type: none"> • Create mechanisms to foster dialogue • Encourage power sharing among rival groups • Foster mechanisms to compete for power in nonviolent ways (see herein) • Decrease economic inequality • Increase economic growth • Increase legitimacy of state institutions (see herein) 	Armed conflict	Reduce the risk of armed conflict
Increase legitimacy of state institutions	<ul style="list-style-type: none"> • Ensure that leaders are accountable and end impunity • Ensure equality under and equal access to the law • Clamp down on corruption 	Armed conflict	Increase confidence in the functioning of government, thereby decreasing alienation and distrust that leads to armed conflict
Deepen democracy	<ul style="list-style-type: none"> • Hold fair, peaceful, multiparty elections • Institutionalize rights to expression and association • Encourage independent and strong civil society • Foster independent media 	Armed conflict Political instability Regime type	Create mechanisms that weaken the authoritarian power of the state and that create restraint against the escalation of atrocities
Increase legitimacy of elections	<ul style="list-style-type: none"> • Establish fair, transparent election management bodies • Encourage dialogue between competing political parties • Allow all parties to compete fairly 	Political instability	Reduce the likelihood that an election will lead to violence
Reduce discrimination	<ul style="list-style-type: none"> • Provide constitutional protection against discrimination • Establish human rights protection • Ensure job protection • Make education available to all people • Hold cultural fairs 	Discrimination	Reduce prejudice, stereotypes, and exclusion, and foster the attitudes that could restrain escalation

¹⁷¹The list in table 1 derives from Genocide Prevention Task Force, *Preventing Genocide*; UN 2013; and the author's extrapolations from arguments in chapters 2 and 3. Genocide Prevention Task Force, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: United States Holocaust Memorial Museum, American Academy of Diplomacy, and United States Institute of Peace, 2008); UN General Assembly/Security Council, *Responsibility to Protect: State Responsibility and Prevention—Report of the Secretary-General*, A/67/929–S/2013/399, July 9, 2013.

Table I. Domestic Prevention Measures *continued*

Measure	Examples	Risk Factor	Intended Effect
Promote ideologies and values of pluralism and tolerance	<ul style="list-style-type: none"> • Promote pluralism and tolerance in presidential speeches • Promote pluralism and tolerance in political party manifestos • Create interfaith dialogues • Establish reconciliation programs 	Ideology	Create an alternative framework of political legitimacy besides exclusionary nationalism
Enhance legal framework for human rights and atrocity prevention	<ul style="list-style-type: none"> • Ratify international human rights treaties • Ratify the Rome Statute • Incorporate concepts from the Universal Declaration of Human Rights into the constitution • Create and empower a national human rights commission • Create an ombudsman for atrocity prevention • Establish mechanisms for early warning 	Regime type	Create legal, political, and normative mechanisms to promote human rights protections and institutionalize atrocity prevention
End impunity and ensure justice for past victims	<ul style="list-style-type: none"> • Establish mechanisms of accountability for officials who commit human rights violations • Create transitional justice mechanisms for past atrocities • Develop mechanisms to remember victims of past violence 	Prior violence	Signal to officials and society that human rights violations and atrocities are neither acceptable nor condoned by the state
Security Sector Reform	<ul style="list-style-type: none"> • Train police on human rights, rules of engagement, and the appropriate use of force • Ensure civilian control over the military • Train the military on rules of engagement, laws of armed conflict (including necessity, distinction, and proportionality) • When necessary, develop and implement disarmament, demobilization, and reintegration of former combatants 	Armed conflict Political instability	Encourage security officials to treat civilians with respect

Domestic Prevention Measures

Tables 1 and 2 are visual guides to the different prevention measures that are available. Table 1 focuses on changes that domestic actors may make, corresponding to “pillar one” in the United Nations’ Responsibility to Protect (R2P) framework. Pillar one corresponds to the idea that states have the first and foremost responsibility to protect populations. Table 2 focuses on changes that external actors, both regional and international, may make, corresponding to “pillar two” of the R2P framework in the sense that external actors can help states to make changes.

Table 1 lists four columns: (1) the general measure, (2) some concrete ways of how that measure might be implemented, (3) the risk factor that the measure is designed to mitigate, and (4) the intended effect.

In and of themselves, many of the measures suggested in table 1 are uncontroversial. Peace is a much-appreciated international value, along with political inclusion, human rights accountability and the rule of law more generally, non-discrimination, economic growth, and democracy.

The problems with implementing those measures are twofold. First, such goals are extremely difficult to achieve. For example, many people want peace, but when two or more factions start the process that leads to armed conflict, stopping that process is difficult. Similarly, where distrust is entrenched, creating ideologies that promote pluralism is a challenge. Democracy is hard to create.

Second, whether such mechanisms will have an appreciable impact on reducing the likelihood of genocide and mass atrocities is unclear. Deepening democracy is a good example. We know that genocide and mass atrocities rarely occur in full-fledged democracies. But often the democratic process—holding elections, ending one-party rule, creating a strong and independent civil society—may threaten rulers in power, leading them to use violence against civilian populations.

Nonetheless, because of their general acceptability and because sound reasons lead us to believe that those measures should work, such forms of structural prevention often represent focal points of consensus within the international community.

Table 2. External Prevention Measures¹⁷²

Measure	Examples	Actor	Intended Effect
Conflict prevention	<ul style="list-style-type: none"> • Provide support for local conflict prevention initiatives • Build inclusive security sector and governance institutions • Equalize economic development • Institutionalize crisis mediation body • Increase training for mediators 	<ul style="list-style-type: none"> • Subregional organizations • Regional organizations • United Nations • States • NGOs 	Establish standing mechanism to encourage dialogue and dispute resolution, and improve institutions so that armed conflict does not occur
Conflict mitigation	<ul style="list-style-type: none"> • Create regional, subregional, or country-specific rapid reaction forces • Increase training for civilian protection for peacekeeping • Devote greater resources to peacekeeping training and missions • Establish common understanding of mission mandate and protection of civilians among peacekeepers 	<ul style="list-style-type: none"> • Subregional organizations • Regional organizations • United Nations 	Enhance the civilian-protection quality and effectiveness of peacekeeping measures
Strengthening human rights and atrocity prevention institutions and bodies	<ul style="list-style-type: none"> • Establish or strengthen regional and subregional human rights courts • Create atrocity prevention ombudsman at national, subregional, and regional levels • Promote better training in atrocity prevention at national, subregional, and regional levels • Increase resources to existing institutions, such as the UN Office on Genocide Prevention and the Responsibility to Protect 	<ul style="list-style-type: none"> • Subregional organizations • Regional organizations • United Nations • States 	Create or strengthen mechanisms for accountability, norm promotion, and capacity for atrocity prevention

Table 2. External Prevention Measures *continued*

Measure	Examples	Actor	Intended Effect
Induce states to make changes	<ul style="list-style-type: none"> • Link foreign aid, debt relief, and favorable trade policies based on a state’s willingness to implement changes that increase capacity for atrocity prevention 	<ul style="list-style-type: none"> • States • International organizations, such as the World Bank and the International Monetary Fund 	Create positive (rewards) and negative (withholding) pressure for states to institutionalize atrocity prevention mechanisms
Military professionalism	<ul style="list-style-type: none"> • Encourage military-to-military dialogue • Encourage military training on professionalism, discipline, laws of armed conflict, and rules of engagement 	<ul style="list-style-type: none"> • States 	Create mechanisms by which foreign states may influence military officials
Military planning and preparedness	<ul style="list-style-type: none"> • Hold training exercises • Implement scenario planning • Encourage and build capacity of partner militaries to serve as peacekeepers • Strengthen military police and justice mechanisms 	<ul style="list-style-type: none"> • States • Regional and international peacekeeping 	Establish better knowledge for interveners should intervention take place

¹⁷² Table 2 is based on Genocide Prevention Task Force, *Preventing Genocide*; Alison Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks against Civilians: A Workshop Report* (Washington, DC: The Stimson Center, 2010); Dwight Raymond et al., *MAPRO: Mass Atrocity Prevention and Response Options: A Policy Planning Handbook* (Carlisle, PA: US Army Peacekeeping and Stability Operations Institute, 2012); Dwight Raymond, William J. Flavin, and Jürgen Prandtner, *Protection of Civilians Military Reference Guide* (Carlisle, PA: United States Peacekeeping and Stability Operations Institute, US Army War College, 2013); Sarah Sewall, Dwight Raymond, and Sally Chin, *MARO: Mass Atrocity Response Operations: A Military Planning Handbook* (Cambridge, MA: Carr Center for Human Rights Policy, Harvard Kennedy School, 2010); United Nations, General Assembly, *Implementing the Responsibility to Protect: Report of the Secretary-General, A/63/677*, Jan. 12, 2009; United Nations General Assembly/ Security Council, *The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect: Report of the Secretary-General, A/65/877-S/2011/393*, June 28, 2011; William I. Zartman, “Mediation and Diplomacy in Preventing Genocide,” in *Responding to Genocide: The Politics of International Action*, eds. Adam Lupel and Ernesto Verdeja, (Boulder, CO: Lynne Rienner Publishers, Inc., 2013), 111–34; and the author’s extrapolations.

External Prevention Measures

Domestic actors may not want to implement such changes. And even if they do, they may lack the capacity to bring them about. Whether the issue is will or ability, external actors have a role to play in encouraging, pressuring, and providing resources to implement those changes. In that way, prevention can revert to external actors—both regional and international—who stimulate the atrocity prevention measures listed in table 1.

Table 2 summarizes the range of actions that external actors may take. The table also has four columns: (1) the measure, (2) examples of the measure, (3) the actor or actors who would take the measure, and (4) the intended effect.

III. Response Measures

Prevention efforts often are not enough to stop atrocities. Some domestic actors are unwilling to implement prevention measures in a serious way. Sometimes prevention simply fails to deter committed perpetrators. The unfortunate reality is that atrocities persist in the world. On a regular basis, policy makers and citizens are faced with difficult choices about how to slow escalation and limit violence. That set of choices falls into the realm of *response*: measures that can be taken if a country seems to be moving toward atrocities or if atrocities are under way.

Again, no easy options exist. The conditions on the ground where atrocities occur or the geopolitical context in which the atrocities happen often constrain what is practically or politically possible. Yet, a range of approaches and tools exist.

The logic behind prevention is to reduce the intensity and mitigate the root causes of genocide and mass atrocity, as well as to strengthen the ability of domestic, regional, and international actors to identify and respond to atrocities. The logic behind response is different.

Lawrence Woocher helpfully divides the objectives of responsive actions into two main categories: (1) *dissuading* perpetrators from violence and (2) *limiting perpetrators' capacity* to commit violence.¹⁷³ Dissuasion is the idea that certain actions will prompt perpetrators to change their course of action. Dissuasion

¹⁷³ Woocher, "The Responsibility to Prevent."

can be pursued through rewards (“carrots”) or costs (“sticks”). Whether carrot or stick, the response is designed to change the perpetrators’ calculus of decision making. A reward could be the promise of foreign assistance, a conditional loan, military aid, or simply a strong international reputation. A cost could be “naming and shaming,” the imposition of sanctions, or the gathering of evidence of any wrongdoing and suggesting appropriate responses, such as international criminal prosecutions. The idea is to persuade perpetrators that committing atrocities is not in their interests.

But some perpetrators cannot be dissuaded. In some cases, perpetrators are resolved to commit violence against civilians to win a war or manage a crisis and stay in power. They are committed to doing whatever it takes to stay in power, and to them the costs imposed by external actors are less severe than would be the costs of losing power. In those circumstances, the main idea becomes to constrain the ability of perpetrators to inflict violence on civilians. Such action might take the form of direct protection for the civilians in danger, such as through the creation of an internationally guarded safe area. Response measures may also aim to limit the capacity of perpetrators through arms embargoes, no-fly zones, disruptions of communications equipment, or direct attacks on the military and paramilitary forces of those units committing atrocities.

The distinction between dissuading perpetrators from committing violence and limiting their ability to do so is not the only way to conceptualize different forms of response. In the *Mass Atrocity Prevention and Response Operations* (MAPRO)¹⁷⁴ handbook, the authors offer a tripartite set of objectives consisting of (a) suasion, (b) compellence, and (c) intervention, in which suasion primarily refers to noncoercive dissuasion, compellence primarily refers to coercive dissuasion, and intervention primarily refers to limiting perpetrators’ capacity to commit violence.

Another common distinction in the literature is between “noncoercive” and “coercive” measures. Although coercion in the context of international action may have different meanings, for our purpose, *coercive measures* refers to the nonconsensual use of threat or force to create change. Such measures impose, or threaten to impose, costs on perpetrators or entail direct armed actions

¹⁷⁴ Dwight Raymond et al., *MAPRO: Mass Atrocity Prevention and Response Options: A Policy Planning Handbook* (Carlisle, PA: U.S. Army Peacekeeping and Stability Operations Institute, 2012), 81–120.

against perpetrators. The actions are financial (for example, sanctions against a government or against individuals); prosecutorial (such as criminal investigations into the commission of mass atrocity crimes); or military (such as armed intervention in which international actors employ military force to protect civilians or to constrain warring parties).

By contrast, noncoercive measures typically are intended to persuade domestic actors to change course, or they may be designed to provide an institutional forum in which disputing actors can resolve differences. Such measures may include positive inducements, such as rewarding nonviolent behavior with aid, loans, or favorable trade agreements.

Yet another way to categorize response mechanisms is by cost, either to those whose behavior is being changed (the target) or to the intervener. Mediation, for example, is relatively low cost to both the perpetrator and the international community; so, too, are many diplomatic measures. By contrast, peacekeeping and armed interventions entail much higher costs. For the target, having foreign troops on one's soil—e.g. peacekeeping—represents some surrender of sovereignty and a reduction of room for maneuver. Peacekeeping also is very expensive for the United Nations. The same is true for armed interventions and, in some cases, sanctions, which can impose direct and indirect costs on both the target of sanctions and the states establishing the sanctions.

Table 3 summarizes the main responsive options that are available, mainly to external actors. The table divides the type of response into five main categories: diplomatic, informational, legal, economic, and military. The table further divides each type of response into noncoercive and coercive measures. The table is organized by cost to the perpetrator, such that the least costly are diplomatic, noncoercive measures and the most costly are military, coercive measures.

The majority of responsive measures are designed to dissuade perpetrators from committing violence. Very few measures constitute direct efforts to contain the perpetrators' capacity to inflict violence against civilians. Such measures are located uniquely in the "military/coercive" category (including arms embargoes, no-fly zones, peacekeeping, safe havens, and intervention) and "informational/coercive" category (disrupting communication networks). The preponderance of nonmilitary measures aimed at dissuasion rather than at armed confrontation runs contrary to at least some popular and policy-making perceptions that the main options entail troop deployment.

Table 3. Response Measures¹⁷⁵

	Noncoercive	Coercive
Diplomatic	<ul style="list-style-type: none"> • Mediation, negotiation, arbitration • Technical assistance • Preventive diplomacy • UN Special Rapporteurs or Working Groups • Chapter VI UN Security Council (UNSC) resolutions • Regional/single-country fact-finding missions and commissions of inquiry 	<ul style="list-style-type: none"> • Withdrawal of diplomatic relations • Suspension from regional or international organizations • Restrictions on access to sporting events and other international events • Travel bans • Chapter VII UNSC resolutions
Informational	<ul style="list-style-type: none"> • Public advocacy by specialized agencies • Warning of risk of genocide and mass atrocity • Observer missions • Naming and shaming • Media monitoring 	<ul style="list-style-type: none"> • Disruption of communication networks of perpetrators • Countering of speech that incites violence
Legal	<ul style="list-style-type: none"> • Fact-finding missions and commissions of inquiry • Preliminary investigation by international or regional court • Support for evidence gathering 	<ul style="list-style-type: none"> • Referral to the International Criminal Court • Investigation by regional or domestic human rights court
Economic	<ul style="list-style-type: none"> • Withdrawal of trade incentives (tariff reductions, licenses, subsidies) • Withdrawal of foreign assistance • Withdrawal of debt relief 	<ul style="list-style-type: none"> • Sanctions on governments or individuals • Financial asset freezes • Divestment • Consumer boycotts
Military	<ul style="list-style-type: none"> • Withdrawal of military security assistance and cooperation • End of planning and training exercises 	<ul style="list-style-type: none"> • Arms embargoes • Peacekeeping missions with mandates to protect civilians • No-fly zones • Safe havens • Military interventions to defeat perpetrators

Nonetheless, a military action to prevent or halt mass atrocities is a necessary option to consider when other policies fail. The threat of a military action also can make nonmilitary threats more effective. Still, military action remains highly controversial.¹⁷⁶ Internationally, strong norms exist against the deployment of force without the consent of the target state. Domestically, political leaders and the public worry about (a) putting troops at risk in faraway lands without a clear national interest and (b) getting bogged down in other countries' quagmires without an exit strategy. At the same time, if prevention and nonmilitary response operations fail, policy makers can be left with the choice to act militarily to protect civilians or watch as civilians are killed in large numbers.

Because of the complexity and sensitivity of military deployment, the question of intervention has received a great deal of study in the existing literature. Some studies focus on the legality and legitimacy of intervention;¹⁷⁷ other studies focus on the effectiveness of intervention;¹⁷⁸ still others focus on the unforeseen consequences of intervention;¹⁷⁹ and yet others look at the issue from a military planning perspective.¹⁸⁰ The International Commission on Intervention and State Sovereignty report, which advanced the concept of the

¹⁷⁵ Table 3 synthesizes ideas from three major policy statements on atrocity prevention: (1) the United Nations secretary-general's 2012 report on "timely and decisive response" when implementing the Responsibility to Protect; (2) the 2008 Genocide Prevention Task Force, which was chaired by Madeleine Albright and William Cohen and which contains a set of policy recommendations for the United States government; and (3) the 2012 *Mass Atrocity Prevention and Response Options* handbook, which was put together by the Peacekeeping and Stability Operations Institute of the United States Army. Genocide Prevention Task Force, *Preventing Genocide*; Raymond et al., *MAPRO*; United Nations General Assembly/Security Council, *Responsibility to Protect: Timely and Decisive Response: Report of the Secretary-General, A/66/874-S/2012/578*, July 25, 2012.

¹⁷⁶ On this point, see Thomas G. Weiss, "Politics, the UN, and Halting Mass Atrocities," in *Responding to Genocide: The Politics of International Action*, eds. Adam Lupel and Ernesto Verdeja (Boulder, CO: Lynne Rienner Publishers, Inc., 2013), 213–39.

¹⁷⁷ J. L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003); Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000).

¹⁷⁸ Alex J. Bellamy, "Military Intervention," in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 597–616; Taylor B. Seybolt, *Humanitarian Military Intervention: The Conditions for Success and Failure* (Oxford: Oxford University Press, 2007).

¹⁷⁹ Timothy W. Crawford and Alan J. Kuperman, eds., *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War* (New York: Routledge, 2006); Alan Kuperman, "The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52, no. 1 (2008): 49–80.

¹⁸⁰ Sewall, Raymond, and Chin, *MARO*; Raymond, Flavin, and Prandtner, *Protection of Civilians Military Reference Guide*.

Table 4. Graduated Military Options for Genocide Prevention and Response¹⁸¹

Prevention		<ul style="list-style-type: none"> • Peacekeeping and monitoring • Increase intelligence collection, surveillance • Build capacity of legitimate security forces
Defense <i>Focus on physical protection for civilian population</i>	Presence <i>Deter violence through military presence or threat</i>	<ul style="list-style-type: none"> • Patrol on land, at sea • Conduct military exercises • Use satellites/unmanned aerial vehicles to gather information on potential atrocities • Position military assets in deterrent posture; for example, offshore or in neighboring territory
	Physical (Static) Protection <i>Defensively protect vulnerable civilians in fixed locations</i>	<ul style="list-style-type: none"> • Protect villages, stadiums, churches, etc. • Protect IDP/refugee camps • Establish interpositionary operations • Protect humanitarian corridors
Offense <i>Focus on halting actions of belligerents</i>	Coerce/Compel <i>Disrupt means and capabilities of perpetrators</i>	<ul style="list-style-type: none"> • Disrupt supply lines • Control borders, roads • Enforce no-fly zone • Impose arms embargo/cut off military assistance • Jam media, hate radio, and other communications • Precision targeting
	Defeat <i>Military defeat perpetrators</i>	<ul style="list-style-type: none"> • Deployment of ground troops • Air campaign
Restore Order, Transition to Sustained Peace		<ul style="list-style-type: none"> • Assist host government/transitional authority in restoring order • Support arrest, detention, and prosecution of war criminals • Support for governance and rule of law • DDR and SSR programs

Note: DDR = Disarmament, Demobilization, and Reintegration; IDP = Internally Displaced Persons; SSR = Security Sector Reform.

¹⁸¹ Genocide Prevention Task Force, *Preventing Genocide: A Blueprint for U.S. Policymakers* (Washington, DC: United States Holocaust Memorial Museum, American Academy of Diplomacy, and United States Institute of Peace, 2008), 83.

Responsibility to Protect, outlines a number of criteria to determine when military intervention would be appropriate and justified, as discussed in the next chapter.¹⁸² Other work focuses on the protection of civilians in operations.

The 2008 Genocide Prevention Task Force report includes a helpful graphic on different types of military action. The graphic distinguishes between four kinds of operations—prevention, defense, offense, and restoring order. The graphic is reproduced in Table 4.

The actions listed as prevention are straightforward; they are designed to prevent the outbreak of atrocities, whether through peacekeeping, intelligence gathering, or military training. Actions listed as defense are measures designed to protect civilians without direct military confrontation between the intervening forces and those perpetrating the atrocities. The actions listed as offense are those that entail degrading the military capacity of the perpetrators or defeating them outright. Those actions listed in the final column concern how to rebuild states after war, which is discussed in greater detail in chapter 10.

One noteworthy aspect of table 4 is the range of options short of a ground deployment of troops or an air campaign. Of the 16 measures that are listed as either defensive or offensive military options, only two measures are forms of direct military intervention against the target state. Again, the preponderance of forms of military action short of war runs against the perception that military intervention is the main option for responding to the onset of genocide and mass atrocities.

IV. Conclusion

This chapter identified the main approaches and options that domestic and international actors may use to prevent or stop mass atrocities. The main distinction is between (a) prevention measures, which either weaken the sources of escalation or build sources of restraint before atrocities break out, and (b) response measures, which aim to *persuade* perpetrators to abandon atrocities as a strategy or to *limit* the ability of perpetrators to inflict violence against civilian targets.

¹⁸² Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

Prevention and response are not dichotomous. In the event that policy makers worry that atrocities are imminent, they may take preventive and responsive actions simultaneously. They may wish to encourage dialogue, deploy peacekeepers, gather intelligence, and denounce any violations that exist. Moreover, the options discussed in this chapter are not mutually exclusive. Policy makers typically employ a bundle of options simultaneously.

It is critical to recall that every situation varies, meaning that policy makers and citizens need to carefully analyze what is politically or militarily possible and what is likely to succeed under those conditions. Practitioners speak of being “context sensitive,” and that is a central principle for any response or prevention measure.

This chapter presents a range of approaches and options. It does not consider what we know about what works or about the risks and pitfalls involved, particularly with response actions. When weighing any possible action, the risks must be considered alongside the benefits. The successes and risks of any course of action are the subject of the next chapter.

CHAPTER 7

Successes, Risks, and Unknowns

CHAPTER 6 OUTLINED VARIOUS OPTIONS TO PREVENT and respond to genocide and other forms of mass atrocities. But that discussion overlooks at least three major questions addressed in this chapter: (1) Which options work best and under what conditions? (2) What are some of the risks and unintended consequences associated with domestic and international efforts to prevent and respond to atrocities? (3) What are the enduring obstacles—despite recent gains—to developing a more effective international system to prevent and stop genocide and mass atrocities?

International diplomats often express confidence that their experiences with specific cases show that international prevention and response measures work. The academic literature, however, is less optimistic. We can safely say that greater international resolve, pressure, and consensus are likely to produce better results than if prevention and response operations are half-hearted, weakly implemented, and riven with internal divisions. However, beyond that general point, the literature does not yet offer a set of “best practices” on atrocity prevention.

One reality—and a continuing challenge, from an impact evaluation perspective—is that each situation is different. Different measures have been tried. Different constraints have existed. Different underlying conditions have led policy makers to choose different responses. In short, international interventions are not random, and multiple factors are at play in any situation. All of

those elements make a law-like conclusion about the effectiveness of a given policy intervention difficult.

In addition, the literature on the effectiveness of different policy tools is not extensive, and in some cases, the evidence is discouraging or mixed. For example, existing studies on the atrocity-reducing potential of diplomatic sanctions, economic sanctions, and arms embargoes does not suggest that those options are effective in achieving the desired goal. Some evidence indicates that “naming and shaming” has the intended effect. On coercive military intervention to stop atrocities, some studies point to real risks associated with intervention, whereas others suggest that those risks can be mitigated. There is a growing consensus that impartial, sizable peacekeeping missions prevent a recurrence of conflict, reduce battlefield deaths, and succeed in protecting civilians. However, peacekeeping missions do not appear very effective at stopping armed conflict once it starts. All that said, the field of study on the effectiveness of atrocity prevention and response remains at an early stage, and policies are in flux. With time, new studies and new policy developments will deepen what we know.

For now, the assessment in this chapter points to three conclusions. First, citizens, advocates, and policy makers should be aware of what is *not* known about the effectiveness of different policy options. That uncertainty should not translate into inaction but rather into an awareness of the continuing need to (a) assess the utility of different approaches and (b) continue to develop new ones. Second, given that uncertainty, citizens, advocates, and policy makers should be aware of, anticipate, and seek to mitigate possible risks associated with different measures. Third, establishing clear policy goals and benchmarks is essential.

More generally, readers should appreciate that genocide and mass atrocities are hard to prevent and stop. Citizens, advocates, governments, and international organizations can improve and tailor their efforts. But a policy frame of all or nothing—atrocity or no atrocity—is likely to disappoint. We are not in the realm of medical cure. There is nothing equivalent to a vaccine. Coercive military intervention may halt a perpetrator, but such actions carry significant risks and in many cases are politically impossible or at a minimum extremely controversial. But even when stopping atrocities outright seems unlikely, advocates and policy makers can and should look for ways to mitigate the scale of the atrocities. In a truism of policy making, the perfect should not become the enemy of the good.

Another way to state the same point is that political will is not the only problem in the realm of genocide and atrocity prevention. Political will is a necessary ingredient. Without commitment and resolve from leaders—and preferably the

broadest range of leaders across states and relevant organizations—the net impact of domestic, regional, and international action is likely to be meager. But political interest and commitment alone will not solve the problem. The causes and dynamics of mass atrocity and genocide are complex, and benevolent actors both inside and outside the country often have to wrestle with real constraints.

I. Successes and Risks with Prevention

Most measures associated with prevention are uncontroversial. As discussed in the previous chapter, such measures may include (a) strengthening constitutional guarantees against discrimination, (b) encouraging intercommunal dialogue, (c) developing a stronger civil society, (d) facilitating economic growth, (e) holding transparent and fair elections, (f) reforming the security sector, and (g) promoting tolerance. Most of those measures are relatively inexpensive compared to peacekeeping or military intervention. In addition, most have added benefits beyond preventing the occurrence of atrocities, such as fostering greater political participation and better engagement with the population. Most prevention measures also carry relatively few risks, again compared to military actions or even trade sanctions. To be sure, efforts to protect minorities, to reform the security sector, and to deepen democratic politics can backfire. To some domestic actors, such measures might trigger fears that some individuals will lose their position of relative power and privilege, which may prompt them to use violence. But in general, the risks associated with prevention are limited.

The difficulty lies first in achieving such goals and second in knowing whether, and under what conditions, such measures have the intended effect. The difficulty of achieving the goal is obvious: Almost everyone wants the benefits that come with the rule of law, democratic governance, strong and independent civil society, economic growth, peace, and other qualities associated with the prevention of genocide and other forms of mass atrocities, but those changes are hard to engineer. The difficulty of assessment requires more explanation, but in short, every situation is different in terms of the nature of the atrocities threatened or conducted, the measures implemented, and the political environment in which all of it occurs. Those factors make assessment across contexts a complex endeavor.

In terms of prevention—addressing the underlying potential for atrocities before they start—the 2013 elections in Kenya provide a useful case study. After the post-electoral violence in 2007 and 2008, Kenyan officials, civil society, and international actors initiated a wide range of actions aimed at addressing the root causes

of violence. Such actions included a commission of inquiry, national dialogue among Kenya's social groups, a domestic transitional justice process, investigation and indictment from the International Criminal Court (ICC), constitutional reform, electoral reform, and other measures. In 2013, Kenya held another national election, and, worried about a repeat, international actors doubled down on their efforts to provide technical assistance and to monitor the elections. That election and its aftermath took place without large-scale violence.¹⁸³

Kenya's nonviolent election in 2013 was a success. The unknown part is, what contributed to that outcome? Was it the range of prevention activities described in the previous paragraph? Was it one or two key policies among those measures? Was the critical factor something else, such as the general will of the Kenyan people to hold nonviolent elections, the nature of the electoral campaign, changes in the electoral commission, political leadership among the competing political parties, or different economic conditions? Was the effectiveness of some of the prevention measures enhanced because of one of those factors, such as political leadership? In sum, with prevention, causality is difficult to determine. We also do not know whether the effects will be lasting. As a report of the United States Institute of Peace noted, many Kenyans believe that the success will not last because the underlying tensions remain unresolved and the potential of future violence remains high.¹⁸⁴

The message herein is not that prevention efforts are not worthwhile. They are. We can plausibly draw a link between those measures and a reduction in the likelihood of violence. But we also cannot yet say that X or Y prevention measure definitively reduces the likelihood of mass atrocities and genocide.

II. Successes and Risks with Noncoercive Responses

When the risk of atrocities is on the rise, a number of short-term response options are available to policy makers. The remainder of this chapter assesses different approaches, which are ordered from least to most costly to perpetrators. Although the existing academic research is inconclusive, the questions that researchers have asked and the findings that researchers have generated will

¹⁸³ Abdullahi Boru Halakhe, "R2P in Practice": Ethnic Violence, Elections and Atrocity Prevention in Kenya," Global Centre for the Responsibility to Protect, Occasional paper no. 4, December 2013.

¹⁸⁴ Claire Elder, Susan Stigant, and Jonas Claes, "Elections and Violent Conflict in Kenya: Making Prevention Stick," *Peaceworks* 101 (United States Institute of Peace, Washington, DC, 2014.)

help readers to think strategically about how to respond to situations in which the risk of atrocities is elevated.

This section considers response measures that are noncoercive, that do not impose heavy costs on would-be perpetrators, and that do not involve a deployment of military personnel.¹⁸⁵ Such measures range from mediation, to public advocacy and statements of concern, to preventive diplomacy, to fact-finding commissions, to observer missions, to “naming and shaming.”

An important mechanism by which noncoercive actions should work is through highlighting international concern and signaling international resolve. In general, noncoercive response measures send a message to parties in conflict or to people committing atrocities that international actors care about the situation. In sending that message, international actors imply that costs, whether reputational or material, could be associated with continuing down a path of atrocity. Some noncoercive measures work differently. In the cases of mediation and preventive diplomacy, international actors can create a forum for dialogue and contribute negotiating skills to enable actors to resolve their disputes peaceably. Mediation often works outside an international spotlight.

In recent years, preventive diplomacy has emerged as a favored tool, in particular within the United Nations system and regional organizations. Preventive diplomacy is applied to cases of conflict as well as situations of potential conflict. As it applies to atrocity prevention, the idea is that in the early stages of a crisis, perhaps even after some atrocities have occurred, a range of international actors—high-level UN officials, regional-level heads of state or other influential actors, and high-ranking government officials, such as the US secretary of state or special envoys—travel to the country in question, meet with leaders, and pressure actors in conflict to resolve differences and to desist from atrocities.

The United Nations secretary-general claims that UN preventive diplomacy helped calm tensions in, for example, Sudan (when the South voted to secede in 2011), Guinea (when the country was experiencing a rocky transition from a military coup to multiparty elections in 2009 and 2010), Sierra Leone (in 2009, when tensions between the government and the opposition risked degenerating into violence), Iraq (between a territorial dispute over Kirkuk and the elections in

¹⁸⁵ United Nations peacekeeping is conditional upon the consent of the target state, therefore technically, the action is not coercive. But because peacekeeping imposes costs on the belligerents in a conflict, and because it is the subject of substantial literature, it is discussed in greater detail in a separate section.

2009 and 2010), Kenya (in 2008, during the post-electoral crisis), Kyrgyzstan (in 2010, after interethnic violence broke out in June), and the Democratic Republic of the Congo (DRC) (in 2008, when tensions between Rwanda and the DRC were escalating).¹⁸⁶

In 2011, Samantha Power, who was then advising the US president as a member of the US National Security Council, also cited the power of diplomacy in managing crises in Sudan, Kyrgyzstan, and Kenya.¹⁸⁷

Unfortunately, preventive diplomacy sometimes fails. In the early stages of the Darfur crisis in 2003 and 2004, UN, European, African Union, and US diplomats sought to calm tensions, encourage dialogue and mediation, and stop the atrocities. However, the atrocities spiked in 2004 and early 2005. The diplomacy likely did not cause the spike, as the violence started before the peace process and continued afterward, and it is difficult to know whether the scale would have been worse in the absence of diplomacy. But at a minimum, the diplomacy did not diminish the intensity of the violence.

Similarly, during the Syrian crisis in the 2010s, the United Nations and the League of Arab States appointed three high-level Joint Special Envoys, including former UN secretary-general Kofi Annan and experienced mediator Lakhdar Brahimi. Yet despite international attention and preventive diplomacy, the atrocities persisted. Again, we do not know the counterfactual of whether the intensity of violence would have been greater in the absence of such diplomacy. But again, the diplomacy did not lead to a breakthrough or a cessation of atrocities.

In Côte d'Ivoire, during 2010 and 2011, international and regional diplomats engaged in significant efforts to negotiate a peaceful pathway out of the post-electoral crisis. The United Nations, the African Union, and the Economic Community of West African States (ECOWAS) dispatched high-ranking diplomats to mediate the dispute and calm tensions. Although those actions may have helped to contain the situation and to limit the scale of violence, the preventive and crisis diplomacy did not break the impasse in the country. Incumbent

¹⁸⁶ UN General Assembly/Security Council, *The Role of Regional and Sub-Regional Arrangements in Implementing the Responsibility to Protect: Report of the Secretary-General, A/65/877-S/2011/393*, June 28, 2011.

¹⁸⁷ Preventive diplomacy also has been a key strategy of atrocity prevention officials in the Obama administration. In December 2013, Samantha Power, then acting as US ambassador to the United Nations, traveled to Central African Republic (CAR) to urge peace between warring parties there. And in early 2015, she traveled to Burundi to encourage military and paramilitary supporters of President Pierre Nkurunziza's ruling CNDD-FDD party to restrain the use of violence against protesters.

president Laurent Gbagbo claimed that he legitimately won the 2010 elections and refused to step down. Meanwhile, Gbagbo's rival, Alassane Ouattara, with broad regional and international support, claimed that Gbagbo had been defeated and should relinquish power. In the end, the crisis subsided only after armed rebels who were aligned with Ouattara advanced militarily and captured Gbagbo, ultimately with French and UN assistance. The military resolution allowed Ouattara to assume the presidency. In that case, although one could argue that the intense diplomacy had an effect in containing the violence, atrocities were committed, and military action was necessary to break the impasse.

In sum, international diplomats have claimed that preventive diplomacy has tamped down tensions in a number of cases. But those claims must be evaluated carefully. The preceding brief discussion suggests that preventive and crisis diplomacy does not always work. One quantitative study found that in the aggregate, neither diplomatic engagement nor diplomatic sanctions decreased the scale of atrocities.¹⁸⁸ In short, we do not know why preventive diplomacy works in some cases but not in others. We do not know if or when preventive diplomacy decreases the intensity or scale of violence. Again, the point is not that preventive diplomacy is a waste of time. The measure is worthwhile. It is less expensive and less controversial than some other measures, such as economic sanctions, peacekeeping, and military intervention, and it reinforces international norms against conflict and atrocity, among other benefits. But its power should not be overestimated.

“Naming and shaming” is another, increasingly common mechanism that focuses attention on a crisis and signals international resolve. “Naming and shaming” involves public denunciations of atrocities. Specific individuals or governments are “named,” and their actions are criticized, usually through reference to existing human rights treaties or norms. The idea is that in naming individuals and criticizing abuses, such individuals will be “shamed” into changing their behavior. Whereas preventive diplomacy typically involves the dispatch of high-ranking diplomats to do the work, a broader band of actors is typically involved with “naming and shaming,” including the nongovernmental sector, the media, international organizations, and individual states.

In terms of effectiveness, a 2008 study found that “naming and shaming” can lead perpetrators to increase violence against civilians because it may increase

¹⁸⁸ Matthew Krain, “The Effects of Diplomatic Sanctions and Engagement on the Severity of Ongoing Genocides or Politicides,” *Journal of Genocide Research* 16, no. 1 (2014): 25–53.

the relative power of the opposition, thereby increasing the perception of threat to incumbents and leading them to use greater violence against their opponents.¹⁸⁹ In addition, the study found that for non-state actors, such as terrorist organizations that use violence to gain publicity, “naming and shaming” perversely plays into their strategic uses of violence. However, a more recent study found that “naming and shaming” does, on average, reduce the severity of genocides and politicides. Specifically, the study concluded that perpetrators reduce their commission of atrocities to move the international spotlight elsewhere and redeem their reputation.¹⁹⁰

Studies on the atrocity-reducing impact of other low-cost, noncoercive measures, such as fact-finding commissions and mediation, are in short supply. Taken together, all of those measures are important tools. Some circumstantial and systematic evidence indicates that such measures have their intended effect, at least in some cases. But additional study of their effectiveness is warranted. We do not know, for example, whether the violence in Kyrgyzstan in 2010 or in Kenya in 2008 ended because of preventive diplomacy or because of some other factor, whether domestic or international. We do not know why preventive diplomacy or “naming and shaming” works in some contexts but not in others. We do not know what qualities of those measures are more effective than others. As tools become increasingly common, attention to these and other questions is worthwhile. In the meantime, it is wise not to oversell the power of those measures or undersell the potential negative consequences, particularly when leaders are committed to holding onto power and using violence to do so.¹⁹¹

¹⁸⁹ Emilie M. Hafner-Burton, “Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem,” *International Organization* 62, no. 4 (2008): 689–716.

¹⁹⁰ Matthew Krain, “*J’Accuse!* Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?” *International Studies Quarterly* 56, no. 3 (2012): 574–89.

¹⁹¹ For a critique of preventive diplomacy and the risk of overselling prevention, see Stephen John Stedman, “Alchemy for a New World Order: Overselling ‘Preventive Diplomacy,’” *Foreign Affairs* 74, no. 3 (1995): 14–20.

III. Between Words and War: Successes and Risks with Embargoes, Sanctions, and International Prosecution

Moving up the ladder of coercion, international actors may take a variety of measures that are, in theory, more painful to perpetrators but are still shy of military deployment. They operate “between words and war.”¹⁹² The measures in question include arms embargoes and restrictions on other desired goods, expulsion of diplomats, suspending financial credits, travel bans, asset freezes on governments or individuals, and referral to the ICC or some other prosecutorial body. Whereas the main goals of noncoercive responses are to (a) facilitate peaceable resolutions, (b) shine a spotlight on a situation, and (c) signal international resolve, the measures discussed in this section impose some direct costs on governments, non-state actors, and, in some cases, on individual perpetrators.

The academic and policy literature that addresses some of those measures is surprisingly thin. For example, little systematic evidence analyzes the effectiveness of travel bans, expelling diplomats, and suspending financial credits. One recent study found that diplomatic sanctions, including downgrading diplomatic relations, did not decrease the severity of ongoing atrocities.¹⁹³ Some advocates claim that travel bans on high-level Kenyan officials during the 2007–2008 crisis had an impact on limiting the violence.¹⁹⁴ But again, we do not know if it was the travel ban per se or the ban in combination with other measures that drove political elites to agree to a power-sharing agreement that paved the way to the cessation of atrocities.

Embargoes

With regard to arms embargoes, one clear difficulty is enforcement. In a world with many arms traders, including criminal networks and operators in black markets, arms embargoes on states and non-state actors may be evaded relatively easily.¹⁹⁵ Indeed, the imposition of arms embargoes, in particular on the light weapons that are most often used to commit atrocities, presents myriad problems. One comprehensive study of three West African nations found that

¹⁹² Peter Wallensteen, Carina Staibano, and Mikael Eriksson, eds., *Making Targeted Sanctions Effective: Guidelines for the Implementation of UN Policy Options* (Uppsala: Department of Peace and Conflict Research, Uppsala University, 2003), iii.

¹⁹³ Krain, “The Effects of Diplomatic Sanctions.”

¹⁹⁴ Communication with author.

¹⁹⁵ Joy Gordon, “Smart Sanctions Revisited,” *Ethics & International Affairs* 25, no. 3 (2011): 315–55.

the implementation of arms embargoes to manage the conflicts did not increase the costs to acquire ammunition, small arms, and light weapons to a level sufficient to force belligerents to pursue peaceful means.¹⁹⁶

One unintended consequence of arms embargoes is that they can penalize the victimized side in a conflict. The classic example is in Bosnia in the early 1990s. In that case, the Bosnian government was in a war against Bosnian Serb forces, which had access to weaponry from the Yugoslav National Army and from armed groups in Serbia. Bosnian Serb forces were the primary source of atrocities in the conflict, but the arms embargo effectively limited the Bosnian government forces from defending themselves and, in some cases, protecting civilians.

Economic Sanctions

More studies exist on the effectiveness of economic sanctions. Such sanctions have been imposed in a variety of cases, including Iraq under Saddam Hussein, the former Yugoslavia, Haiti, Sudan, and Burma. However, the academic literature on the effectiveness of sanctions in producing the intended outcome is cautious.

The main distinction with regard to sanctions is between comprehensive trade sanctions, in which trade to and from a targeted country is heavily restricted, and “smart sanctions” that are designed to impose costs on specific individuals or to restrict specific goods, such as arms or luxury goods.

The move to smart sanctions started in the mid-1990s, as concerns mounted about the use of comprehensive trade sanctions.¹⁹⁷ A major concern about the latter is that those who suffer the most are not those who are responsible for the atrocities. Political leaders who commit atrocities often have more ways to evade economic coercion than do ordinary citizens. As a result, comprehensive economic sanctions may perversely cause humanitarian suffering even if the measures are designed to punish states for committing atrocities against civilians. A critical example is Iraq during the 1990s, when the US-led international sanctions had severe humanitarian consequences on the Iraqi population.¹⁹⁸

¹⁹⁶ Damien Fruchart et al., *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (Uppsala: Uppsala University, 2007), 29.

¹⁹⁷ Daniel W. Drezner, “Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice,” *International Studies Review* 13, no. 1 (2011): 96–108.

¹⁹⁸ Joy Gordon, *Invisible War: The United States and the Iraq Sanctions* (Cambridge, MA: Harvard University Press, 2010).

The move to smart sanctions also reflected a concern that broad economic sanctions were not effective in prodding a change in the behavior of governments, especially in authoritarian states.¹⁹⁹ One study even found that the imposition of sanctions can lead states to increase repression.²⁰⁰ The main claim is that sanctions weaken incumbents, prompting them to increase violence to maintain control.

Targeted or smart sanctions are designed to target political leaders and decision makers, rather than the general population or the state as a whole.²⁰¹ The measures include targeted financial sanctions on individuals and companies, travel bans, trade restrictions on specific high-value commodities, and arms embargoes. When sanctions are imposed, the United Nations now typically creates a sanctions monitoring body to oversee the implementation and to make sure that the sanctions do not unduly harm civilians.²⁰²

An important consideration is that sanctions—whether targeted or comprehensive—vary. They may be unilateral or multilateral, and varying degrees of consensus may exist on the objectives. Sanctions have been imposed on states (some on democratic states and others on authoritarian ones; and some authoritarian states are military dictatorships, whereas others are personalistic dictatorships), terrorist organizations, rebel movements, and individuals. Sanctions have different intended purposes. Some scholars argue that the threat of sanctions matters, not just the actual implementation of them. The meaning of “successful” sanctions varies.²⁰³ Moreover, the research on the effectiveness of targeted sanctions is preliminary, in part because such measures are relatively new.²⁰⁴

¹⁹⁹ Drezner, “Sanctions Sometimes Smart”; Robert A. Pape, “Why Economic Sanctions Do Not Work,” *International Security* 22, no. 2 (1997): 90–136.

²⁰⁰ Reed M. Wood, “A Hand upon the Throat of the Nation: Economic Sanctions and State Repression, 1976–2001,” *International Studies Quarterly* 52, no. 3 (2008): 489–513.

²⁰¹ Wallensteen, Staibano, and Eriksson, eds., *Making Targeted Sanctions Effective*; Gordon, “Smart Sanctions Revisited.”

²⁰² Alexandra dos Reis Stefanopoulos and George A. Lopez, “Getting Smarter about Sanctions? Has Security Council Learning Occurred in Targeted Sanctions, 1993–2013?,” Paper presented at the 2012 Annual Convention of the International Studies Association, San Diego, CA, April 1–4, 2012.

²⁰³ On these and related points, see David A. Baldwin, “The Sanctions Debate and the Logic of Choice,” *International Security* 24, no. 3 (1999): 80–107; Daniel W. Drezner, “How Smart are Smart Sanctions?” *International Studies Review* 5, no. 1 (2003): 107–110; Drezner, “Sanctions Sometimes Smart”; Abel Escribá-Folch and Joseph Wright, “Dealing with Tyranny: International Sanctions and the Survival of Authoritarian Rulers,” *International Studies Quarterly* 54, no. 2 (2010): 335–59; T. Clifton Morgan, Navin Bapat, and Valentin Krustev, “The Threat and Imposition of Economic Sanctions, 1971–2000,” *Conflict Management and Peace Science* 26, no. 1 (2009): 92–110.

²⁰⁴ Drezner, “Sanctions Sometimes Smart.”

Nonetheless, despite the difficulty of assessment, the initial conclusions that scholars have reached about the effectiveness of smart sanctions are cautious. Targeted sanctions do not seem to have the negative humanitarian effects that comprehensive sanctions do. However, in a review of smart sanctions, Daniel Drezner concluded, that “The evidence to date suggests that smart sanctions are no better at generating concessions from the target state [than broad sanctions]” and may even be worse.²⁰⁵ More research on this question is clearly warranted.

International Prosecution

Efforts to promote legal accountability after the commission of atrocities have a variety of objectives. They can (a) strengthen the rule of law, (b) promote reconciliation, (c) establish a historical record, (d) help create a transition to democracy, (e) incapacitate perpetrators, (f) offer redress for victims, and (g) improve the human rights records of states. Many of those objectives are discussed in chapter 10.

Advocates of legal accountability also claim that threats of criminal prosecution can reduce the commission of atrocities. The claims are twofold. First, the threat of being criminally charged may prompt leaders or their allies to abandon plans to employ or escalate violence against civilians. Second, successful prosecutions after atrocities may deter future perpetrators from committing violence. The focus in this chapter is on the first claim; the second claim is more related to peacebuilding and the structural prevention of atrocities, topics discussed in chapter 10.

The logic is similar to that of targeted sanctions: international criminal prosecution for genocide and mass atrocity imposes a real cost on individuals. The cost is both reputational and practical. If international trials take place, defendants may well spend significant time in detention and court, and, if convicted, they could spend the rest of their lives in prison. The only permanent international mechanism is the ICC, which is designed to prosecute individuals for genocide, crimes against humanity, and war crimes.²⁰⁶

²⁰⁵ Drezner, “Sanctions Sometimes Smart,” 104. See also the debate between Gordon and Lopez; the former is more skeptical about smart sanctions, the latter more optimistic: Gordon, “Smart Sanctions Revisited”; George A. Lopez, “In Defense of Smart Sanctions: A Response to Joy Gordon,” *Ethics & International Affairs* 26, no. 1 (2012): 135–146.

²⁰⁶ Other types of justice mechanisms that have been used include ad hoc international tribunals (International Criminal Tribunal for the former Yugoslavia [ICTY], International Criminal Tribunal for Rwanda [ICTR]); special courts (in Sierra Leone and Lebanon); and hybrid domestic-international courts (in Cambodia and Senegal/Chad).

There are varying views on the effectiveness of the ICC as an institution and whether it has the intended effect of deterring future atrocities. On the one hand, the ICC represents the international consensus that those who hold the greatest responsibility for the world's worst crimes should be held accountable. On the other hand, some say that ICC arrest warrants may have the unintended negative effect of encouraging perpetrators, who may otherwise be willing to compromise with their opponents or cease the commission of atrocities, to cling to power and keep fighting. A recent example of that debate was the case of the Lord's Resistance Army (LRA), which was initially based in northern Uganda and is infamous for kidnapping children and forcing them to become soldiers. The Ugandan government referred the situation in Uganda to the ICC, which in turn investigated and issued an arrest warrant for Joseph Kony, the LRA leader, and other LRA officials. However, many Ugandans and some outside observers claimed that the ICC action meant that Kony then had another reason not to stop fighting—because he faced an international indictment.

One major hindrance to the ICC's effectiveness is its reliance on state cooperation to carry out its arrest warrants. The lack of political will from governments harboring or led by indictees leaves the court unable to quickly and effectively carry out its important mandate. Would-be indicted leaders may figure that they will never actually be sent to The Hague to face trial, as is the case for some indictees who have outstanding arrest warrants, which diminishes the court's deterrent effect.

The question remains as to whether externally sourced or even domestic criminal prosecutions deter atrocities. Some cross-national studies of domestic human rights trials suggest that such trials improve the human rights practices in that country and in neighboring ones.²⁰⁷ In terms of the ICC, a key problem in assessing its effectiveness is that it is still a relatively new institution and not enough case studies exist to generate any solid conclusions. Certainly, some are skeptical of its deterrent potential.²⁰⁸ Some examples, such as the arrest warrants for Kony in Uganda and Omar al-Bashir in Sudan, suggest that ICC involvement does not necessarily reduce atrocities. But the counterfactual also remains. We do not know what would have happened in those and other cases had ICC referrals not been made.

²⁰⁷ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W. W. Norton, 2011).

²⁰⁸ For a skeptical take on the atrocity-reducing potential of international criminal justice, see Donald Bloxham and Devin O. Pendas, "Punishment as Prevention?: The Politics of Prosecuting Génocidaires," in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 617–37.

In sum, coercive, nonmilitary measures are important tools; they clearly signal international resolve to address the illegality of committing atrocities, and they may have their intended effect. But citizens, advocates, and policy makers should not be overly confident in the effectiveness of such measures, and continued study of the utility of those measures is warranted.

IV. Successes and Risks Associated with International Peacekeeping

Much has been learned about international peacekeeping since the failures of the early 1990s.²⁰⁹ In Bosnia, Rwanda, and elsewhere in the 1990s, the United Nations deployed missions that had limited troop strength, operated without a clear civilian protection mandate, and were unprepared from the perspective of intelligence, equipment, language, and interoperability. The results were some of the most dramatic failures in United Nations history—peacekeepers were on the ground in Rwanda and Bosnia when atrocities took place.

United Nations officials internalized many of these failures, and starting in the 2000s, the missions were significantly better prepared to stand in the way of atrocities—in Côte d'Ivoire, the Democratic Republic of the Congo, and Liberia, to name a few. In those cases, the UN Security Council authorized missions under a Chapter VII mandate and with a strong civilian protection mandate. The missions also have been larger in size, as well as better prepared logistically and politically. In general, developing the civilian protection capacity of peacekeepers has been an area of focus not only within the United Nations system but also within regional organizations, domestic governments, and the international policy analysis community.²¹⁰

Academic analyses of recent UN peacekeeping missions give reason to believe that recent improvements will result in better outcomes from an atrocities prevention standpoint. One important study found that the greater the number of military and police personnel in the UN missions, the greater the level of civilian

²⁰⁹ For a comprehensive list of reports extracting lessons learned from UN peacekeeping operations since 1995, see United Nations Peacekeeping, "Reports," <http://www.un.org/en/peacekeeping/resources/reports.shtml>.

²¹⁰ On civilian protection in peacekeeping, see Victoria Holt and Glyn Taylor, with Max Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks, and Remaining Challenges* (New York: United Nations Department of Peacekeeping and the Office for the Coordination of Humanitarian Affairs, 2009); Alison Giffen, *Addressing the Doctrinal Deficit: Developing Guidance to Prevent and Respond to Widespread or Systematic Attacks against Civilians: A Workshop Report* (Washington, DC: The Stimson Center, 2010).

protection. The authors of that study argue that civilians are protected when peacekeepers intercede between combatants and when they create physical barriers between combatants and potential civilian targets.²¹¹ Another study similarly reaches the conclusion that international peacekeeping reduces the risk of mass killing, especially if one takes into account that peacekeepers often are sent to the most difficult places to keep the peace and prevent atrocities.²¹²

A number of studies do not focus on mass atrocity and genocide per se, but their findings are nonetheless relevant. The strongest finding in the literature is that peacekeeping is effective at preventing a renewed outbreak of war. In other words, peacekeeping makes peace last longer once a ceasefire exists,²¹³ and once non-state armed factions and the territorial state agree to host peacekeepers.²¹⁴ However, peacekeeping is less successful at ending ongoing wars,²¹⁵ although they do seem to reduce the number of battlefield fatalities if deploying during an ongoing violent conflict.²¹⁶ The reasons why peacekeepers are effective at keeping the peace is that they stabilize fragile situations, provide security guarantees, create incentives for peace, and reduce the uncertainty that can lead to renewed outbreaks of fighting.²¹⁷

A careful, qualitative comparison of different UN peacekeeping missions found that “organizational learning” was central for successful peacekeeping. Such missions developed mechanisms to gather information, engage with the local population, coordinate between the different units on a mission, and provide leadership.²¹⁸ Also important is the interest of the Security Council, where there must be some agreement about the purpose of the mission and engagement with the mission once it is deployed.²¹⁹

²¹¹ Lisa Hultman, Jacob Kathman, and Megan Shannon, “United Nations Peacekeeping and Civilian Protection in Civil War,” *American Journal of Political Science* 57, no. 4 (2013): 875–91.

²¹² Erik Melander, “Selected to Go Where Murderers Lurk? The Preventive Effect of Peacekeeping on Mass Killings of Civilians,” *Conflict Management and Peace Science* 26, no. 4 (2009): 389–406.

²¹³ Michael J. Gilligan and Ernest J. Sergenti, “Do UN Interventions Cause Peace? Using Matching to Improve Causal Inference,” *Quarterly Journal of Political Science* 3, no. 2 (2008): 89–122.

²¹⁴ Lise Morjé Howard, *UN Peacekeeping in Civil Wars* (Cambridge: Cambridge University Press, 2008).

²¹⁵ Virginia Page Fortna, *Does Peacekeeping Work? Shaping Belligerents’ Choices after Civil War* (Princeton, NJ: Princeton University Press, 2008); Virginia Page Fortna and Lise Morjé Howard, “Pitfalls and Prospects in the Peacekeeping Literature,” *Annual Review of Political Science* 11 (2008): 283–301; Gilligan and Sergenti, “Do UN Interventions Cause Peace?”

²¹⁶ Lisa Hultman, Jacob Kathman, and Megan Shannon, “Beyond Keeping Peace: United Nations Effectiveness in the Midst of Fighting,” *American Political Science Review* 108, no. 4 (2014): 737–53.

²¹⁷ On these and other points, see Fortna, *Does Peacekeeping Work?*

²¹⁸ Howard, *UN Peacekeeping in Civil Wars*.

²¹⁹ *Ibid.*

Peacekeeping is not, however, without problems. One influential analysis of the large mission in the Democratic Republic of the Congo (DRC) in the 2000s found a general disconnect between how the peacekeepers interpreted the conflict and the actual dynamics on the ground. The peacekeepers typically saw and understood the DRC from a regional and national perspective, whereas in fact much of the violence was rooted in subnational and local dynamics.²²⁰ Indeed, peacekeepers often remain aloof from local realities; they may not speak the local language, and they may have few connections with influential local actors. Local perceptions also are central.²²¹ The actions of peacekeepers—driving in fancy vehicles, living in posh neighborhoods, patrolling with few connections to local populations, and even committing abuses themselves—can alienate the local population from the peacekeepers. Peacekeepers can also be seen as biased against one party, generating hostility to them, as was the case in Côte d’Ivoire.²²²

In sum, the evidence suggests that robust peacekeeping is an especially effective measure once armed actors have agreed to a ceasefire. Advances in civilian protection, in terms of training, mandates, and size of forces, have meant that fewer civilians have lost their lives once peacekeepers are in place. More training, better engagement with the local population, stronger efforts at political mediation, stronger commitment to fulfilling protection mandates, and other measures are still needed.²²³

Another consideration is that international peacekeeping is expensive, especially for the larger and more complex operations. Most important, in some atrocity situations, belligerents agree neither to ceasefires nor to peacekeeping. Perpetrators may believe that committing atrocities is necessary to protect themselves and stay in power. Under those circumstances, international actors will need to consider other options, including the nonconsensual use of force to protect civilians and to counter perpetrators.

²²⁰ Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacekeeping* (Cambridge: Cambridge University Press, 2010).

²²¹ Alison Giffen, “Community Perceptions as a Priority in Protection and Peacekeeping” (Washington, DC: The Stimson Center, 2013). On the aloofness of international peacekeepers, see also Séverine Autesserre, *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention* (New York: Cambridge University Press, 2015).

²²² Giulia Piccolino, “David against Goliath in Côte d’Ivoire? Laurent Gbagbo’s War against Global Governance,” *African Affairs* 111, no. 442 (2012): 1–23.

²²³ On these and other points, see Max Kelly with Alison Giffen, “Military Planning to Protect Civilians: Proposed Guidance for United Nations Peacekeeping Operations” (Washington, DC: The Stimson Center, 2011); and Michael R. Snyder, “IPI Meeting Brief: Protecting Civilians in Peace Operations: Best Practices and Emerging Issues” (New York: International Peace Institute, 2014).

V. Successes and Risks Associated with Armed Intervention

Military intervention to protect civilians from atrocities without the consent of the target state is fraught with risk. Such action could lead to direct armed confrontation between the armed forces of the atrocity-committing state and those of the interveners, ultimately escalating the conflict.

Moreover, the principle of sovereignty is alive and well in the international community. Alongside a growing norm of the need to protect civilians who are at risk of atrocity is a politically powerful norm, enshrined in the UN Charter itself, against the nonconsensual use of force except in self-defense. In some cases—such as East Timor, Libya, and Côte d’Ivoire—the UN Security Council has been willing to authorize the use of force to protect civilians. In some of those cases, the Security Council has affirmed that peacekeeping missions have the mandate to take all necessary means to protect civilians, including the prevention of the use of heavy weapons, as was the case with Security Council Resolution 1975 in 2011 during the height of the crisis in Côte d’Ivoire. In other cases, the Security Council has delegated Member States operating nationally or through regional organizations to take necessary measures to protect civilians, as was the case in Libya with Security Council Resolution 1973. But in many other circumstances—the current crisis in Syria, Darfur at the height of the violence, and Kosovo in 1999—the Security Council was deadlocked over whether the United Nations should authorize the nonconsensual use of force to protect civilians from harm.

For the purposes of international legitimacy and maintaining international order, most policy makers and scholars agree that the UN Security Council is the optimal institution to authorize force. Under the terms of the UN Charter, the Security Council is the body legally authorized to manage and legitimize the use of force internationally. Although the support of other organizations such as the African Union (AU) or the Arab League may grant a military intervention a measure of public legitimacy, that support bears no formal legal consequence. Likewise, although the 1948 Genocide Convention obligates states to respond to the occurrence of genocide—including with force, if necessary—that justification does not override the legal authority of the UN Security Council. UN Security Council consent thereby minimizes one of the major risks with any military intervention, which is that it can spark a geopolitical crisis that could escalate into a broader conflict between states in the international system.

But what should be done if any of the Permanent Five members of the Security Council, each of which holds the power to veto any resolution, objects to the use

of force for humanitarian purposes? China has a strong commitment to the principle of noninterference. Russia is similarly reluctant to see the UN Security Council interfere in what it sees as the domestic affairs of a state, including when mass atrocities are being committed. In some cases, the United Kingdom, France, or the United States has opposed the use of force, as the United Kingdom and the United States did during the 1994 genocide in Rwanda.

The International Commission on Intervention and State Sovereignty (ICISS) studied those general issues extensively and introduced the Responsibility to Protect concept. The ICISS asserts that, barring Security Council authorization, the next best sources of authorization are the United Nations General Assembly or regional and subregional organizations, such as NATO, the AU, ECOWAS, the Association of Southeast Asian Nations (ASEAN), and the Arab League.²²⁴

Creating agreement in the General Assembly is unlikely, especially in the face of Security Council deadlock. That means that regional organizations could play a crucial role in the absence of Security Council or General Assembly support. That was the case with NATO in Kosovo in 1999, for example. More common in recent years, however, is that regional organizations are instrumental in influencing the Security Council to authorize the use of force to protect civilians, as was the case with the AU and ECOWAS in Côte d'Ivoire in 2011 and with the Arab League in Libya in 2011. But in other cases, regional organizations have been unwilling to recommend or authorize the use of force, especially if the target state is instrumental in the organization or is a key ally to other states in the region.

Lacking the authorization of the Security Council, the General Assembly, or a regional organization, a group of states could band together in a coalition, or a state could take unilateral action. However, the risks associated with the latter options increase dramatically, and each of them has a greater chance of creating a broader international conflict or deepening an existing one even if the initial intention is to halt genocide and mass atrocities.

Authorization is not the only criterion to consider. The ICISS presented five additional criteria to weigh before international actors agree to use force to halt genocide and mass atrocities. Those criteria include (a) the concept of “just cause,” which is that the scale of atrocities or potential atrocities is so large as to justify the external use of force; (b) the idea of “right intention,” meaning that

²²⁴ Gareth Evans, Mohamed Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

the interveners want to deploy force to protect civilians from exceptional harm rather than advance their military or economic objectives; (c) the notion of “last resort,” meaning that nonmilitary measures have been exhausted; (d) a sense of a “reasonable prospect of success,” meaning that from a logistical and operational perspective, any use of force could succeed in protecting civilians as planned and would not exacerbate the problem; and finally (e) “proportional means,” or the idea that the use of force should be proportional to the violence that is being stopped.²²⁵

In general, the academic literature on military interventions gives reason for concern and reflection regarding the use of force.²²⁶ Several empirical studies show that armed interventions increase civilian victimization and prolong conflict. One study found that armed interventions against an atrocity-committing state increased violence against civilians. The authors of that study posit that biased interventions change the dynamics of conflict, decreasing the power of one side and increasing the likelihood that parties will employ even greater violence to win.²²⁷ Another study by two of those same authors found that armed interventions in favor of one party to a conflict increase mass killing in the short run but that neutral interventions in the long run will reduce such atrocities.²²⁸ In a different, influential study, the author found that third-party interventions made conflicts last longer.²²⁹

One note of caution comes from scholars who suggest that increasing international capacity and resolve to prevent atrocities through the use of force will create a “moral hazard.” The logic is that weaker parties in a conflict, generally insurgents, recognize that a third-party intervention against their opponents will create a major strategic advantage. If the weaker side can goad the international community into intervening, then that weaker side has a chance of winning a war that they otherwise could not win. If it exists, that dynamic would

²²⁵ Evans, Sahnoun, and the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*.

²²⁶ Alex J. Bellamy, “Military Intervention,” in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 597–616.

²²⁷ Reed M. Wood, Jacob D. Kathman, and Stephen E. Gent, “Armed Intervention and Civilian Victimization in Intrastate Conflicts,” *Journal of Peace Research* 49, no. 5 (2012): 647–60.

²²⁸ Jacob D. Kathman and Reed M. Wood, “Managing Threat, Cost, and Incentive to Kill: The Short- and Long-Term Effects of Intervention in Mass Killings,” *Journal of Conflict Resolution* 55, no. 5 (2011): 735–60.

²²⁹ Patrick M. Regan, “Third-Party Interventions and the Duration of Intrastate Conflicts,” *Journal of Conflict Resolution* 46, no. 1 (2002): 55–73.

make conflicts more likely and create perverse incentives for rebels to provoke atrocities.²³⁰ However, the claim has been challenged empirically, indicating that the causes of genocide are not affected by moral hazard.²³¹ A 2013 study found some support for the moral hazard claim but countered that the dynamics can be offset by neutral third-party actors and when increased costs are imposed on elite decision makers.²³²

Taken together, those academic studies point to an issue that policy makers and advocates should consider when debating the utility of a military intervention: It has the potential to change the strategic dynamics where the violence is occurring. In such cases, both sides—the side committing the atrocities and the side opposing the parties committing atrocities—are affected. Moreover, atrocity situations often involve multiple “bad” actors. The focus on atrocity response may be to stop one side, such as the state, but in many cases the rebels opposing the state have committed significant human rights violations themselves. Thus, international actors need to be conscious of the risk that interventions can unwittingly abet armed actors that pursue illiberal or otherwise unsavory goals.²³³

Other, possibly negative outcomes require consideration. One of them is that an intervention will create casualties. Those casualties could be civilians in the country where the intervention occurs; combatants collaborating with perpetrators; or interveners. Such developments may erode public support for armed intervention, and that, too, needs to be contemplated alongside any decision to use force.

Finally, the question of an exit strategy is important. Interventions may succeed in stopping atrocities; they may be done with the right intention; the collateral damage may be minimal; and other elements of the operation may have gone as planned. But after the atrocities are over, international actors may be left with a delicate and difficult task of helping to rebuild the country. One of the most

²³⁰ Timothy W. Crawford and Alan J. Kuperman, eds., *Gambling on Humanitarian Intervention: Moral Hazard, Rebellion and Civil War* (New York: Routledge, 2006); Alan Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly* 52, no. 1 (2008): 49–80.

²³¹ Alex J. Bellamy and Paul D. Williams, “On the Limits of Moral Hazard: The Responsibility to Protect, Armed Conflict and Mass Atrocities,” *European Journal of International Relations* 18, no. 3 (2012): 539–571.

²³² Andrew H. Kydd and Scott Straus, “The Road to Hell? Third-Party Intervention to Prevent Atrocities,” *American Journal of Political Science* 57, no. 3 (2013): 673–84.

²³³ Benjamin Valentino, “The Perils of Limited Humanitarian Intervention: Lessons from the 1990s,” *Wisconsin International Law Journal* 24, no. 3 (2006): 723–40.

glaring examples is Libya. Complex challenges clearly remain after the initial objective of the intervention is met. Interveners will understandably not want to get caught in a quagmire. At the same time, they do not want the gains achieved by their intervention to be reversed as soon as they depart.

In sum, armed intervention to stop genocide and mass atrocities is, in some circumstances, an option. The threat of armed intervention may make other measures more credible. But interveners must consider many conditions and risks, including legal, ethical, and political considerations—such as who authorizes the operation, the scale of atrocities, whether interveners have the right intention, proportional means, and so forth. Other considerations include the risk that armed intervention will accelerate violence, encourage some actors to provoke atrocities, aid unsavory armed groups, or generate unintended casualties. Armed intervention is also expensive, and using limited means for military purposes yields opportunity costs in the sense that the resources used for armed intervention might take those resources away from other potential uses.²³⁴ In the extreme, an armed intervention that lacks international consensus or United Nations or regional authorization could lead other states to defend the target state, prompting a broader international conflict. All of those issues deserve careful consideration.

VI. Conclusion

The goal of preventing and reversing mass atrocities and genocide is a noble one. Increasingly, the goal is a public and political priority. Yet citizens, advocates, and policy makers should not underestimate the challenges associated with the task. External actors wield influence, but often they face complex political, logistical, legal, and military barriers to effective action. Perpetrators typically commit atrocities because they believe that doing so is necessary to preserve their power or interests. International actors can seek to change the incentives of perpetrators through signaling attention, imposing costs, or intervening militarily. But each tool has limits, and the greater the coercion, the greater the risks and possible unintended consequences.

²³⁴ Valentino, “The Perils of Limited Humanitarian Intervention”; Benjamin Valentino, “The True Costs of Humanitarian Intervention: The Hard Truth about a Noble Notion,” *Foreign Affairs* 90, no. 6 (2011): 60–73.

The scholarship that exists on the effectiveness of different measures is still in flux. Little data is available on some measures, in part because they have rarely been tried or publicly disclosed. The entire job of assessment is challenging because both military and nonmilitary atrocity reduction interventions have been relatively rare, and the effectiveness of any one measure is difficult to parse. Continued development of measures—and their assessment—is crucial. Equally important is a need for continued innovation in this field. There may well be measures, or changes to existing measures, that prove to be more effective than past efforts. Investing in local knowledge also is crucial. In the end, approaches that are tailored to specific situations may be the best approach, as opposed to general rules about the effectiveness of any one tool or another.

But little will improve in the absence of citizens and policy makers wanting improvement. Officials face many competing demands and crises in the realm of international affairs. In the long run, atrocity prevention will become more effective the more consistency and resolve international actors show. The kind of development and assessment needed to improve global efforts requires resources. Without advocacy and political will, little improvement is likely to occur.

CHAPTER 8

The Atrocity Prevention Community: States and Beyond

TODAY'S INTERNATIONAL POLICY ARENA IS MULTIFACETED. In a bygone era, the major actors in international policy were nation-states and, to a lesser extent, the international organizations that states had created. No one today would deny that states, regional bodies, and international organizations continue to play decisive roles in a range of global policy problems, including atrocity prevention. But they are no longer acting alone. A variety of non-state actors, using multiple forms of media and technology, now have a significant voice. Those non-state actors often keep atrocity situations in the public eye, generate pressure on states and international organizations to act, and contribute to policy debates about how and when to respond to the onset of mass atrocities and genocide.

As vital and important as this range of voices is, the practice of contemporary multilateralism is not without tensions. When different actors converge on a given policy issue, those actors have a variety of priorities, methods, and strategies of communication. In the best circumstances, those differences are complementary. Non-state actors can draw attention to a crisis and create public pressure to act, whereas states and international organizations have the authority and resources to exert pressure on a situation or to respond in specific ways to protect civilians.

In other circumstances, a lack of consensus and significant difference of opinion may exist—within states, among states, between states and international organizations, among nongovernmental organizations (NGOs), between international and domestic NGOs—about everything from the nature of the problem to the best way to respond.

Consider the US government. The priorities of the State Department can differ from those of the Defense or Treasury Departments; those of the executive branch sometimes clash with those of Congress. On a global scale, states have a variety of interests, international organizations aggregate the sometimes conflicting preferences of a variety of state actors, international human rights organizations often are wary of military action whereas victims' rights groups often want more coercive action, and domestic civil society sometimes opposes international criminal prosecution whereas international civil society actors usually promote it. The net result is complex and can be difficult to navigate.

This chapter provides a guide to some of the main categories of state and non-state actors operating in the atrocity prevention realm, including states, international organizations, regional organizations, NGOs, and transnational advocacy networks. In the conclusion, the chapter revisits some of the problems just highlighted. Sometimes different actors work collaboratively, but their actions can be in tension or, at the extreme, in contradiction. Students, citizens, and policy makers should be aware of those potential problems, as well as other concerns with the atrocity prevention community beyond states.

I. States and State Interests

In a crowded field of multiple international actors, states remain the most important actors. Containing and stopping mass atrocities requires sustained commitment and resolve, and states often are the ones to provide the leadership and impetus for that commitment. For atrocity prevention, states typically must champion a situation for it to gain traction within the United Nations, a regional organization, or some other international organization. By the same token, the opposition of a state—in particular a powerful, influential state—can render the United Nations or other international organizations largely impotent. In short, states remain decisive players in international policy, particularly in atrocity prevention.

The importance of state support is especially visible when military action is involved, whether for peacekeeping or intervention.²³⁵ When individual states “own” a peacekeeping mission, that mission receives greater attention and resources within the United Nations. Consider recent cases of states championing fairly successful international military action, including Australia in East Timor, France in Côte d’Ivoire and Mali, the United Kingdom in Sierra Leone, and the United States in Liberia.

Unfortunately, states also can interfere with or prevent successful peacekeeping operations, making concerted international action to stop atrocities difficult or even impossible to take. States have used UN Security Council vetoes to prevent a peacekeeping operation, refused to grant landing or flyover rights, used their troops to pursue activities inconsistent with the stated goals of the peacekeeping operation, and sponsored non-state actors with the express purpose of interfering with a UN mission. Recent examples include Russia in Syria, Rwanda in the Democratic Republic of the Congo, China in Darfur, and the United States in Rwanda.

States also play a vital role in longer-term prevention efforts. States can support broad-based economic and political development, train officials, anticipate upcoming atrocity events, and prepare plans for how to respond. States that are vulnerable to atrocities in their own country play a vital role in steering their countries away from that path.

States cannot be relied upon to respond effectively to every atrocity or at-risk situation. States are always balancing multiple interests and strategic objectives. Any leader must weigh the benefits of atrocity prevention and response against the potential costs of such action. Although atrocity prevention is a moral imperative and often a policy priority, prevention and response efforts exist among many other strategic objectives. Moreover, if a leader cannot persuade his or her constituencies that acting to prevent and stop genocide and mass atrocities is in the state’s interest, then marshaling and sustaining the resources and political will to change the atrocity dynamics on the ground may be difficult. But when powerful states become involved and engaged with atrocity prevention and response, and when powerful states do not oppose each other, then the chances for success increase dramatically.

²³⁵ Lise Morjé Howard, *UN Peacekeeping in Civil Wars* (Cambridge: Cambridge University Press, 2008).

States do not always speak with one voice. Different branches and departments within governments may have conflicting analyses and recommended approaches. Within the US government exist multiple agencies that become involved with atrocity situations.²³⁶ All of those agencies may work collaboratively, but often they have different approaches and priorities.

II. International Organizations

States create international organizations, such as the United Nations, the World Bank, and the World Trade Organization, to solve collective problems. States often do not want to shoulder the burden of a global problem, and given the nature of some global problems, states could not solve the problem alone even if they wanted to. Climate change is the classic example. Even if a state were completely committed to making a positive impact on climate change, the problem would not be solved unless other states also cooperated, given that the atmospheric nature of the problem requires coordination across national borders.

Genocide and mass atrocity prevention is another strong example of an area in need of global cooperation. Leaders of many states see the prevention of genocide and mass atrocities as vital to undergird global order. President Barack Obama has defined genocide and atrocity prevention as a core national security interest of the United States, emphasizing that “security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods.”²³⁷ Yet in reality, as the previous section noted, other national interests often take priority. Genocide and mass atrocities may not directly threaten the national security or the economic vitality of powerful states around the world. In such cases, the leaders of states will look to share the costs of taking action.

The United Nations is the chief institution designed to manage problems of global concern, such as genocide and mass atrocities. The United Nations was the locus of the earliest genocide prevention efforts, in the form of the United

²³⁶ James P. Finkel, “Atrocity Prevention at the Crossroads: Assessing the President’s Atrocity Prevention Board after Two Years,” United States Holocaust Memorial Museum, Simon-Skjoldt Center for the Prevention of Genocide, Occasional Paper no. 2, September 2014.

²³⁷ Barack Obama, “Directive on Creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review,” Aug. 4, 2011, *Daily Compilation of Presidential Documents* no. 00549 (Washington, DC: Office of the Federal Register, National Archives and Records Administration, 2011).

Nations Genocide Convention, and of late the United Nations has been the chief arena in which the Responsibility to Protect concept has been developed.

However, the United Nations is a very complex organization. In many ways, it is many organizations in one. Moreover, it is not an independent organization. Although many of its highest officials, such as the secretary-general, have a degree of autonomy, the United Nations primarily serves Member States. Certain Member States, in turn, hold significant sway and influence over the organization, and that must be recognized when assessing the power of the organization.

In the realm of atrocity prevention, the United Nations has a number of different agencies and divisions that typically come into play. For any decision involving coercive measures, the Security Council is the key institution. The Security Council's principal task is to manage threats to international peace and security. Most major decisions that involve coercion or military deployments—from the imposition of economic sanctions or an arms embargo, to authorization of a peacekeeping force, to a referral to the International Criminal Court, to authorization for coercive military intervention—fall to the Security Council for approval.

The secretary-general is also vital, and his division, known as the Secretariat, is a key institution within the UN system. The power of the secretary-general lies largely in setting agendas and promoting norms. For example, former secretary-general Kofi Annan was critical in pushing a new way of squaring the contradictions between protections of sovereignty and the demands to intervene to stop genocide. The questions he raised spurred the Canadian government's formation of the International Commission on Intervention and State Sovereignty (ICISS), which put forward the idea of the Responsibility to Protect (R2P). Annan, in turn, championed R2P, and his leadership was in large measure how and why the 2005 World Summit Outcome Document embraced the key principles of R2P. Annan's successor, Secretary-General Ban Ki-Moon, subsequently produced and advocated for the set of documents detailing how to implement R2P, which gave rise to the concept of the three pillars of R2P and the set of concrete policy measures discussed in the previous two chapters.

The secretary-general also creates, and oversees, the two key positions within the United Nations that are devoted to addressing areas at risk of genocide and mass atrocities. The first is the special adviser on the prevention of genocide, a position that was created in 2004. The second is the special adviser on the responsibility to protect, a position that was created in 2008. When crises arise

and a risk of atrocities exists, both offices typically issue public statements about the potential danger. The special adviser on the prevention of genocide is additionally tasked with the responsibility of collecting information about atrocities, providing early warning to the secretary-general, making recommendations to the Security Council, and working with other UN agencies on genocide and atrocity prevention.

The Secretariat—either in the person of the secretary-general, a special representative appointed by the secretary-general, or officials within the Department of Political Affairs—often plays a key role in mediation and preventive diplomacy, which are key noncoercive mechanisms (as discussed in the previous chapter). The United Nations Office of the High Commissioner for Human Rights (UNOHCHR), which has the lead on the promotion of human rights, also falls under the Secretariat.

The Human Rights Council in Geneva is another important institution that deals with atrocity prevention. The Human Rights Council consists of 47 Member States elected by the General Assembly. Among other duties, the council conducts periodic reviews of the human rights records of Member States, acting as a forum to draw attention to atrocities. The Human Rights Council also appoints special rapporteurs, who focus either on themes or countries and whose reports and investigations are another mechanism for documentation and fact-finding. The Human Rights Council can also establish commissions of inquiry, which are key fact-finding mechanisms in atrocity situations.

The United Nations also houses treaty committees that monitor compliance with ten major international human rights treaties. Those committees include the Human Rights Committee; the Committee on Economic, Social, and Cultural Rights; the Committee on the Elimination of Racial Discrimination; the Committee on Discrimination against Women; the Committee against Torture; the Committee on the Rights of the Child; and the Committee on Enforced Disappearances.

In addition to those institutions, the United Nations has a number of specialized agencies whose work intersects with that of atrocity prevention. The Department of Peacekeeping Operations (DPKO) is the body that manages United Nations peacekeeping missions. Organizationally within the Secretariat, the DPKO makes key operational decisions once a peacekeeping mission is deployed, and DPKO officials often are instrumental when the Security Council debates the mandate and terms of reference of a peacekeeping mission.

Finally, a broad range of UN agencies focus on humanitarian and development work. Their activities may fall under the categories of prevention (such as helping to assist with development and building the rule of law) or response (such as providing humanitarian assistance to displaced persons and refugees). On the humanitarian side, some of the key agencies are the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations International Children's Emergency Fund (UNICEF), and the Office for the Coordination of Humanitarian Affairs (OCHA). On the development side, in addition to those organizations, the United Nations Development Programme (UNDP) is a lead player, as are the World Bank and the International Monetary Fund (IMF), both of which are specialized agencies within the United Nations system but that operate largely independently, with their own charters and governance structures.

III. Regional Organizations

Beyond the United Nations, regional organizations play an increasingly prominent role in genocide and atrocity prevention. In many of the atrocity crises in the 2000s and 2010s, especially—such as in Kenya, Côte d'Ivoire, Guinea, Central African Republic, Zimbabwe, South Sudan, and Mali—regional and subregional organizations were influential. In each of those crises, the African Union (AU) and/or a subregional organization dispatched mediators to resolve conflicts and calm tensions. Those organizations were instrumental in drawing attention to each crisis, and UN officials and powerful states in the international system often turned to them for recommendations on how to respond.

In addition to mediation, regional organizations have proved increasingly instrumental when the United Nations has considered coercive action to protect civilians. That was the case most prominently during the crises in Côte d'Ivoire, Central African Republic, and Libya. In those cases, a Security Council resolution authorizing the use of force to protect civilians followed support from regional organizations.

In the case of Libya, one study found that support from regional organizations within the Muslim and Arab world—the League of Arab States, the Organization of Islamic Conference, and the Gulf Cooperation Council—was instrumental in undergirding the Security Council decision and ensuring support from the

United States and nonopposition from Russia and China.²³⁸ The study argues that regional organizations in general play a “gatekeeping” role in terms of whether and how civilian protection measures are framed in the Security Council. Similarly, in the case of Côte d’Ivoire, support from ECOWAS and ultimately the AU were instrumental in the United Nations taking a strong stand against Laurent Gbagbo, who refused to cede power after losing an election, and led to the Security Council authorizing the use of force to remove heavy weapons from Abidjan.²³⁹

In both cases, Security Council resolutions ultimately led to the ousting of sitting leaders Gbagbo and, in Libya, Muammar Gaddafi, generating some reticence among regional actors about taking such aggressive positions on the use of force to protect civilians. Still, during the Syrian crisis, the Arab League recommended taking “necessary measures” to punish the government of Bashar al-Assad for its alleged use of chemical weapons against civilians in 2013.²⁴⁰ That statement was important as the United States ramped up its rhetoric against the Syrian regime before the Russian Federation brokered a deal for Syria to give up its chemical weapons in late 2013, a measure that staved off likely air attacks on Syria.

In addition to engaging in mediation and helping to shape debate about how the international community should respond, regional organizations contribute personnel to the management of conflict. Regional organizations send observer missions that collect and distribute information. They also deploy peacekeepers. The African Union has been a major contributor to peacekeeping missions in the 2000s and 2010s in Sudan, Mali, Côte d’Ivoire, Somalia, and Central African Republic, among other locations. Other regional organizations played active roles in crises in their bailiwicks, as well. In the Balkans, for example, NATO was a lead actor.

Regional organizations have their downsides. They sometimes operate as clubs that protect heads of states and governments, rather than take a stand against

²³⁸ Alex Bellamy and Paul D. Williams, “The New Politics of Protection? Côte d’Ivoire, Libya and the Responsibility to Protect,” *International Affairs* 87, no. 4 (2011): 825–50.

²³⁹ Thomas J. Bassett and Scott Straus, “Defending Democracy in Côte d’Ivoire: Africa Takes a Stand,” *Foreign Affairs* 90, no. 4 (2011): 130–40. On regional organizations and atrocity prevention, see also Timothy Murithi, “The Role of Regional Organizations,” in *Responding to Genocide: The Politics of International Action*, eds. Adam Lupel and Ernesto Verdeja (Boulder, CO: Lynne Rienner Publishers, Inc., 2013) 157–80.

²⁴⁰ David D. Kirkpatrick, “Arab League Endorses International Action,” *New York Times*, September 1, 2013, http://www.nytimes.com/2013/09/02/world/middleeast/saudi-arabia-syria-military-action.html?_r=0.

genocide and mass atrocity. States that have been accused of committing or tolerating atrocities may carry significant influence among their peers. During the crisis in Libya, the African Union, for example, was reluctant to take as aggressive a stance as did the League of Arab States. Gaddafi had influence with at least some African heads of state. Similarly, as violence intensified against the Rohingya Muslim minority in Burma in early 2014, Burma assumed chairmanship of ASEAN, which, to date, has shown little interest in drawing attention to atrocities in that country.

Nonetheless, support from regional organizations can provide legitimacy to otherwise controversial and risky international actions that might be undertaken by the Security Council, the Secretariat, or major world powers. Moreover, regional organizations can sometimes exert influence and offer insights in ways that international actors cannot. Given their increased prominence, there is every reason to expect regional organizations to continue to play an important role in the field of genocide and atrocity prevention.

IV. Nongovernmental Organizations: International and Domestic

Nongovernmental organizations (NGOs) play an important role in the field of human rights generally and atrocity prevention in particular.

A wide variety of NGOs are active in the atrocity prevention field. Some NGOs are international in presence and focus, and others are dedicated to domestic or local work. Organizations may be involved in documentation, monitoring, reporting, advocacy, and community building. Rarely do domestic NGOs devote themselves to atrocity prevention per se, but their work often intersects with such efforts. Some domestic NGOs seek the promotion and protection of human rights; some are focused on mediation and conflict resolution; still others are devoted to particularly vulnerable groups. Those groups—alongside other non-state organizations, such as religious institutions, the media, business associations, labor groups, and neighborhood associations—constitute the domestic civil society, whose strength and independence often are seen as key pillars in atrocity prevention efforts.

Across the globe, the work of international and domestic NGOs includes human rights documentation, development, education, environmental protection, health care, and gender equity.

In the field of atrocity prevention, domestic and international NGOs engage in a number of different ways. First, they *document*. If atrocities or other human rights violations are being committed, domestic and international NGOs typically are the first to investigate and publicly report the crimes. Second, they *communicate*. They disseminate information; they write editorial pieces; they create a web presence; they release detailed reports. Third, they *advocate*. They propose specific changes to policy; they lobby officials; they encourage their members to use the political process; they offer their expertise. And finally, they *monitor*. Both domestically and internationally, they hold governments and international organizations to their word. Should different actors not do what they say they will do, often NGOs are the first to make that failure clear, thereby generating pressure on states or international organizations to comply with their commitments.²⁴¹ In some contexts, NGOs may be the only source of information about human rights violations, and they provide valuable insight to governments, international organizations, and other actors who seek information about possible atrocities.

A wide variety of NGOs exist, with vastly different levels of expertise and operating standards. The best NGOs police themselves, understanding that their continued influence depends on (a) their credibility and reputation, (b) their provision of accurate information conveyed in a responsible and respectful fashion, and (c) their advocacy of sensible and effective responses. But some organizations lack internal mechanisms of accountability. Although information from NGOs is important, each group represents its own constituency and potential biases, and not all NGOs are truly representative of the communities for whom they speak. Analysts interested in gaining a well-rounded view of a specific situation should consult with international and local NGOs that represent a variety of communities in a given country. Those analysts should ask questions regarding both the accuracy of information provided and the voices the NGO represents.

Contemporary information and communications technology adds another dimension to the power—and risks—of the NGO sector. Social networking tools (such as Facebook, Tumblr, Twitter, and YouTube), mobile communications technology, and the general saturation of the World Wide Web in the lives of many people around the world provide NGOs with powerful mechanisms to communicate. Those technologies provide easier and cheaper ways to disseminate

²⁴¹ For an excellent study of how NGOs shaped the international response to the crisis in East Timor in 1999, see Geoffrey Robinson, *"If You Leave Us Here, We Will Die": How Genocide Was Stopped in East Timor* (Princeton, NJ: Princeton University Press, 2010).

information and to advocate—in effect, lowering the barriers to entry for NGOs. Hence, NGOs can get their messages out faster, more cheaply, and arguably more effectively than ever before.

The lower barriers to entry also mean that relatively small operations with limited experience and training also can have a quick effect on the course of events. One example is the organization Invisible Children, which unleashed an online campaign to focus on the Lord's Resistance Army (LRA) through a video called "Kony 2012." The video went viral, seen on YouTube more than 100 million times. Although the video raised a great deal of awareness about the violence that the LRA had committed, the video also contained outdated information, and experts and other advocacy groups criticized it for having the wrong priorities.²⁴² In another example, the Twitter hashtag "#BringBackOurGirls" raised instantaneous awareness and pressure to respond after the radical Islamist group Boko Haram captured and detained 200 schoolgirls in northern Nigeria in 2014. Although #BringBackOurGirls is not a formal organization, its effect shows the power that social media brings to activists who wish to draw attention and pressure to an atrocity situation. Still, its ability to enact change on the ground proved to be quite limited.²⁴³

V. Transnational Advocacy Networks

The Nigerian example exemplifies a larger point about the range of non-state actors beyond conventional NGOs that often are involved with atrocity prevention. Some key constituencies include celebrities, students, religious organizations, foundations, museums, victim groups, diaspora members, and academics. In recent years, each of those groups has come to have a voice in shaping policy debates and raising awareness about ongoing atrocities.

In the academic literature, the most common term to refer to how diverse actors collaborate on a specific issue is that of a *transnational advocacy network*.²⁴⁴ Such networks are *transnational*, in that they operate across borders; they include

²⁴² See Amanda Taub, ed., *Beyond Kony 2012: Atrocity, Awareness & Activism in the Internet Age* (Vancouver, BC: Lean Publishing, 2012).

²⁴³ For a thoughtful analysis of the limitations of new media technologies for human rights activism, see Fuyuki Kurasawa, "The Aporias of New Technologies for Human Rights Activism," in *The Human Rights Paradox: Universality and Its Discontents*, eds. Steve J. Stern and Scott Straus (Madison: University of Wisconsin Press, 2014), 177–203.

²⁴⁴ Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

voices and information from the state where the violence occurs, as well as voices from the broader international community. The networks *advocate*, in the sense that they seek to draw attention to a specific problem, generate pressure on policy makers to act, and often propose specific solutions. They are *networks*, in the sense that the groups have porous, loose connections and generally are non-hierarchical. Citizens and organizations join and become part of a campaign for a while, but they may just as easily leave the campaign.

In the atrocity prevention community, one of the most prominent examples is the Save Darfur campaign, which included loosely affiliated student groups, church groups, synagogue groups, African-American groups, human rights organizations, Hollywood celebrities, and others.²⁴⁵ The movement sought to generate pressure—primarily on the United States and secondarily on other governments and the United Nations—to take a more aggressive stance against the atrocities being committed in Darfur in the mid-2000s. The group publicized the atrocities, encouraged the United States and the United Nations to label what happened in Darfur as genocide, and lobbied—at least initially—for some type of military intervention to stop the atrocities. The campaign’s policy positions were not always clear; the main impact that the organization had was to keep the Darfur crisis in the public eye and to generate pressure that would lead to a different course of action.

The Darfur movement came to include other groups and individuals, as well. The *New York Times* opinion writer Nicholas Kristof wrote many compelling stories about the violence in Darfur. Hollywood stars George Clooney and Mia Farrow became leading advocates. The United States Holocaust Memorial Museum issued warnings about genocide in Darfur. Some foundations provided financial support to Save Darfur. Academics operating independently and through organizations such as the International Association of Genocide Scholars advocated on behalf of Darfur. Members of the United States Congress became champions of the cause.

Save Darfur also inspired criticism. Some people challenged the statistics, mortality figures, and images of victims that Save Darfur used in high-profile advertisements. The campaign was accused of having a shallow understanding of the

²⁴⁵ On Save Darfur and transnational advocacy networks, see Rebecca Hamilton, *Fighting for Darfur: Public Action and the Struggle to Stop Genocide* (New York: Palgrave MacMillan, 2011); and Iavor Rangelov, “The Role of Transnational Civil Society,” in *Responding to Genocide: The Politics of International Action*, eds. Adam Lupel and Ernesto Verdeja (Boulder, CO: Lynne Rienner Publishers, Inc., 2013), 135–56.

crisis and for being naive about the benefits of military intervention. Other concerns were levied, as well, including who the movement really represented.²⁴⁶ Even if some criticisms were unfair, the example is illustrative of the good (in terms of raising awareness and generating pressure) and the bad (having inaccurate information or misusing terminology) that may sometimes occur when transnational advocacy networks play a high-profile role in a specific crisis.

VI. Conclusion

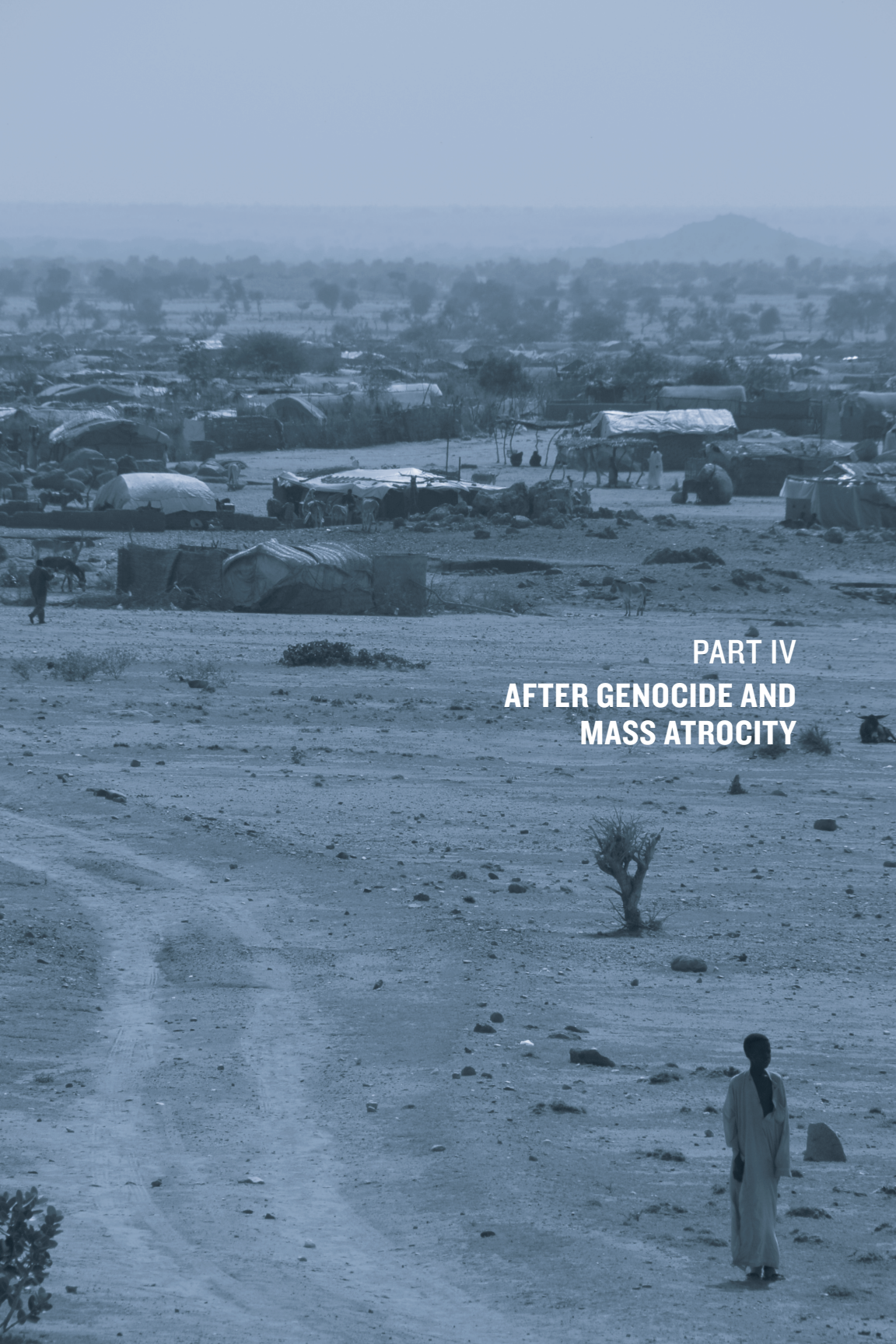
In her influential book *A Problem from Hell* (2002), Samantha Power argued that democratic governments would not likely take interest in genocide prevention unless voters created pressure to act. The insight holds more generally for the non-state sector. In large measure, the public creates the pressure and awareness that are necessary before governments and international organizations will devote their limited resources to atrocity prevention and response. Indeed, Presidential Study Directive 10 and the changes within the United States government are, in some measure, a response to the citizen and nongovernmental interests shown in (a) the Darfur case and (b) the failures in Bosnia and Rwanda in the 1990s. But even the brief discussion here shows the complexity of the involvement of non-state actors. Their voices are usually prominent, but not always coherent.

Anyone seeking knowledge about atrocity prevention should be aware of the range of actors now involved in the international policy arena. The configuration of actors is likely to vary for each situation. Even though the violence in Darfur targeted Muslims, Christian organizations became deeply engaged in advocacy because of the long-standing involvement they had in southern Sudan, which is predominantly Christian and animist. In some cases, regional and sub-regional organizations are the critical actors; in other cases, United Nations organs play the lead role. The same country might champion action in one situation but remain in the background on another. The configuration of these diverse actors will inevitably vary across crises.

Equally important to note is that advances in information and communications technology are likely to make the policy domain increasingly crowded—and

²⁴⁶ Alex De Waal, "Does Save Darfur Feed Darfur?" *African Arguments* (blog), June 29, 2009; Hamilton, *Fighting for Darfur*.

potentially more conflicted. Different actors often have different analyses, approaches, and proposed solutions. In the best of all worlds, advocacy networks and policy makers cohere around a common pool of information and policy recommendations; good things go together. But that often is not the case, and citizens and policy makers should be conscious of that potential outcome as well.



PART IV
AFTER GENOCIDE AND
MASS ATROCITY

The Gaga refugee camp in Chad in July 2007.
Michael Graham for the US Holocaust Memorial Museum

CHAPTER 9

Rebuilding States and Societies after Atrocity

MOST ACADEMIC AND POLICY DISCUSSIONS OF atrocity prevention focus, appropriately, on why such violence occurs and how it can be stopped. However, the unfortunate reality is that atrocities do occur. Afterwards, a different question arises: How can post-atrocity societies and states be stabilized and reconstructed? How can peace be built?

Two overarching questions confront domestic and external actors in those circumstances. First, how can societies and states rebuild so as to prevent new outbreaks of violence? Framed that way, reconstruction after atrocity is a special form of atrocity prevention. Given that past atrocities make future atrocities more likely, as discussed in chapter 2, the challenge of prevention is that much more acute in the case of reconstruction after atrocities.

Second, in cases in which external actors intervened, how can societies and states be stabilized and rebuilt in such a way that external actors may withdraw their personnel without violence restarting? Peacebuilding after atrocity thus raises the downstream issue of exit, which is important for any upstream decision to deploy peacekeepers or to intervene militarily. Many decision makers do not want to make open-ended commitments to deploy troops. Such deployments are financially expensive, as well as potentially politically costly, and decision makers do not want to be stuck in a quagmire from which they cannot exit. At the same time, once external actors have made the decision to intervene

and invest in a country, they do not want their initial actions to be for naught and atrocities to resume once they withdraw.

Peacebuilding after violence, regardless of whether or not external actors have been involved, is a difficult task. Distrust runs high. Security is fragile at best. Many citizens have been displaced or otherwise had their lives significantly disrupted. In many situations, new authorities are in power or now share power. Stabilizing such situations and putting countries on a path toward recovery is difficult. Data since the end of World War II show that about 20 percent of countries experience armed conflict in the first four years after a previous armed conflict ended, and 30–40 percent of countries experience the recurrence of civil war within ten years.²⁴⁷ In recent years, civil wars in general have declined in frequency, although the probability of recidivism has increased. A World Bank study found that 90 percent of all the civil wars that started in the 2000s were in countries that had experienced a civil war in the previous 30 years.²⁴⁸ The same study found that the developmental consequences for any country that experiences civil war are severe—in terms of economic growth, poverty, health, education, malnourishment, access to water, and other indicators of development.²⁴⁹

The challenges after atrocities have been committed are even more severe than the typical post-conflict situation. Not only do domestic and international actors face all the traditional difficulties of postwar peacebuilding—in particular, related to establishing security, restoring confidence, rebuilding trust between groups, fostering economic growth and job opportunities, building an effective justice system, and improving government performance—but such actors also are confronted with the specific legacies of atrocity. Atrocities generally mean that some portion of the population has experienced significant, targeted victimization committed by another portion of the population. Perpetrators and victims must then find a way to work together to remember, render justice, rebuild, and establish confidence.

In short, the situation is one of deeply broken social trust and high levels of trauma. That environment makes the problems of restoring confidence in

²⁴⁷ Paul Collier, Anke Hoefler, and Måns Söderbom, “Post-Conflict Risks,” *Journal of Peace Research* 45, no. 4 (2008): 461–78. For caution about these figures, which are based on an earlier version of the Collier et al. paper, see also Astri Suhrke and Ingrid Samset, “What’s in a Figure? Estimating Recurrence of Civil War,” *International Peacekeeping* 14, no. 2 (2007): 195–203.

²⁴⁸ World Bank, *World Development Report 2011: Conflict, Security, and Development* (Washington, DC: World Bank, 2011), 2.

²⁴⁹ *Ibid.*, 60–63.

government and rebuilding social cohesion especially acute. All postwar states face questions of how politically inclusive to be. However, in post-atrocity situations, the question of inclusivity is much more complicated. What role should political parties, militaries, and citizen groups who may have participated in, or at least supported and enabled, atrocities play? Accountability is a major priority but so, too, is inclusion, lest ousted groups seek to destabilize the new regime.

Consider some recent atrocity cases. After the 1994 genocide in Rwanda, the new government inherited a devastated country, in which between 500,000 and 800,000 Tutsi civilians had been killed and more than two million had fled as refugees.²⁵⁰ The rump genocidal state and army had decamped to neighboring Zaire (now the Democratic Republic of the Congo), numerous buildings had been destroyed, and many of the educated professionals who had staffed key offices had fled the country or were implicated in the genocide. What kinds of justice should Rwanda have contemplated for an atrocity on such a scale with hundreds of thousands of perpetrators? How should victims have achieved restitution? Who should have counted as a victim? How could Rwanda have achieved security, given the threat on its borders? Should the new government have had an inclusionary and democratic political system, given the horrors of the past? What kind of economic model would have put low-income, landlocked Rwanda on a path toward economic growth and greater prosperity? Those are challenging questions to answer.

Leaders in a range of post-atrocity countries—including Afghanistan, Algeria, Bosnia, Burundi, Côte d'Ivoire, East Timor, Liberia, Libya, Sierra Leone, South Sudan, and Sri Lanka—faced similar questions throughout the 1990s and the early part of the 21st century. Even if one of those countries has established a successful path toward peacebuilding, those policies will not necessarily work in other countries.

This chapter focuses on three areas. The first section discusses the consensus priorities for rebuilding states and societies after conflict. Although this section draws on a body of research that is broader than studies focused solely on post-atrocity situations, its lessons seem equally applicable for areas that have experienced genocide and other mass atrocities. Priorities arising from this research are social trust; security; effective, responsive, and legitimate government institutions; a growing economy; and social reconciliation.

²⁵⁰ For sources on the casualty toll during the Rwandan genocide, see footnote 10 in the introduction to this book.

The second section sets forth an analytical framework that serves as a guide to different outcomes among post-atrocity countries. The framework focuses on six variables: (a) the degree and nature of the atrocities, (b) the characteristics of government and who holds power, (c) the history of political institutions in the country, (d) the security environment, (e) the economic environment, and (f) the degree of international engagement. The argument extends one of the central, tripartite claims in this book, which is that atrocity situations vary considerably, outsiders need to take time to investigate and understand the situation at hand, and actions—whether prevention, response, or reconstruction—should be tailored to specific conditions even if they follow some general principles.

The third section returns to the broader literature on post-conflict scenarios, focusing on some of the dilemmas of external support. The main example is the tension that frequently exists between the short-term inclinations of external actors, who want stability, and the long-term need for reconstruction and stabilization, which requires host governments to own the process, become legitimate in the eyes of the population, and develop the capacity to function in a variety of ways.

All told, this chapter points to a set of conclusions. First, building peace after war is very difficult. The expectations of people in the country and those actors outside it should be reasonable. The process may take a generation or more. Second, building peace and restoring social relations after mass atrocities presents a set of unique challenges, given the nature of the violence. We should have every reason to expect that the problem of building peace after war and atrocities will be especially difficult. Third, no one formula exists. Policy makers and domestic actors can keep a variety of objectives in mind. But every situation is likely to be different and to have different constraints and opportunities. Finally, more research is needed. The literature on how to build peace remains at an early stage of development. Policy makers and other readers should be attentive to new developments in the field and new insights from ongoing research.

I. Common Priorities after Conflict and Atrocity

In policy circles, a common agenda exists for the main priorities after conflict. Although packaged in different ways, the priorities include security; political stabilization; the rule of law; the provision of services, such as water and electricity, as well as basic government functions; and economic growth and opportunity.

Three key policy-oriented documents frame debates on stabilization and reconstruction after conflict. The first is *Guiding Principles for Stabilization and Reconstruction*, published in 2009 by the United States Institute of Peace and the US Army Peacekeeping and Stability Operations Institute.²⁵¹ The volume is a handbook that lays out the main priorities, principles, and challenges in any peacebuilding operation after war. It is oriented to US civilian officials but frames an agenda for peacebuilding beyond the United States.

Guiding Principles argues that stabilization and reconstruction should aim for five main “end states,” including a safe and secure environment, the rule of law, stable governance, social well-being, and a sustainable economy. The report also identifies seven “cross-cutting principles” that are central to success in achieving those objectives. They include host-nation ownership and capacity, political primacy, legitimacy, unity of effort, security, conflict transformation, and regional engagement.

Within the United Nations system, one of the main documents of reference is a 2009 report from the secretary-general titled *Peacebuilding in the Immediate Aftermath of Conflict*. Within the United Nations, the central coordinating body is the Peacebuilding Commission, which is designed to coordinate a variety of UN activities.

Peacebuilding stresses post-conflict priorities very similar to the ones in *Guiding Principles*. It also identifies five main priorities:

- Safety and security, including demining, civilian protection, disarmament, demobilization and reintegration, the rule of law, and security sector reform
- Political processes, including elections, dialogue and reconciliation, and conflict management, both national and local
- Provision of basic services, including water and sanitation, health, primary education, and return and reintegration of internally displaced persons and refugees

²⁵¹ United States Institute of Peace and US Army Peacekeeping and Stability Operations Institute, *Guiding Principles for Stabilization and Reconstruction* (Washington, DC: United States Institute of Peace, 2009).

- Restoration of core government functions, including public administration and public finance
- Economic revitalization, including employment, a focus on youth and demobilized combatants, and basic infrastructure²⁵²

As both reports recognize, those categories are interdependent and overlapping. Providing essential services is an example of stable governance, whereas access to and delivery of basic services is an example of social well-being. Stable governance also is clearly related to the rule of law and public order, which is related to security.

The third main agenda-setting document is the 2011 World Development Report (WDR), *Conflict, Security, and Development*, published by the World Bank.²⁵³ The WDR is a broader analysis of violence and insecurity around the globe, rather than in *post*-conflict situations per se. The report focuses on “fragile” situations that either could degenerate into more intense conflict or that follow periods of intense conflict. But in either case, the World Bank’s report offers insight and analysis into post-conflict situations.

Conflict, Security, and Development is more synthetic than the other two documents. The authors contend that the path out of fragile environments consists of two main challenges: restoring confidence and transforming institutions. The topic of confidence turns on the concepts of trust and legitimacy; the central insight is that the various actors who need to collaborate to pull a country from the brink of conflict will not do so without a sense of common purpose. They need to believe in the legitimacy of government, which the World Bank’s report claims is partially achieved through “inclusive enough” coalitions. That is, in a fragile situation, not all political and local actors will be included in the state. Some will have committed previous abuses, for example. But the more inclusive—at the national, local, and civil society levels—the more likely that the widest network of domestic actors will have confidence in the process of recovery. Without that confidence, the report argues, the collective action needed to rebuild institutions is much more difficult.

To bring about institutional transformation, the World Bank focuses on establishing security for citizens, fostering a sense of justice, and generating jobs. Like

²⁵² United Nations General Assembly/Security Council, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict*, A/63/881-S/2009/304, June 11, 2009, 6.

²⁵³ World Bank, *World Development Report 2011*.

the United Nations, the World Bank stresses the importance of early successes in any intervention. The challenge is that in many cases, citizens' expectations outstrip the capacity of government to provide results. That gap between expectations and capacity can, in turn, undermine confidence, leading to a negative, downward, and contracting spiral. By contrast, early successes with jobs, security, and justice will, in turn, help to restore confidence, leading to an upward and expanding spiral of positive change. The World Bank also emphasizes the need for a tailored, "best-fit" approach that is specific to the situation.

Conflict, Security, and Development cautions that the process of restoring confidence and transforming institutions takes time. Many people who work in development assistance or atrocity prevention look for quick changes. But in reality, the World Bank warns, the process takes at least a generation.²⁵⁴

The preceding descriptions are highly condensed summaries of long, detailed reports. But taken together, the documents point to a fairly coherent agenda that focuses on (a) rebuilding trust in institutions and society, (b) taming violence and ensuring security, (c) fostering inclusive politics and the rule of law, and (d) providing access to public resources and employment.²⁵⁵ That agenda was developed with conflict and post-conflict situations in mind, yet many of the same priorities apply to post-atrocity situations. The main difference is that levels of trauma, victimization, and social distrust are likely to be more acute in post-atrocity situations. In addition, perpetrators will likely be at large in the country or in neighboring countries after post-atrocity situations. Those factors make the process of restoring confidence, fostering a legitimate and trustworthy political process, and achieving justice much more difficult.

II. Analyzing Post-Atrocity Situations

Despite common prescriptions, the reports emphasize that local context matters. In other words, the policy environment in which domestic and international leaders are making decisions about how to rebuild and how to stabilize their states will be shaped by factors that are specific to each situation. What is

²⁵⁴ See chapter 3 in particular on the topic of length of time to see positive change.

²⁵⁵ Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations* (Princeton, NJ: Princeton University Press, 2006), 337–42. Another, similar peace-building agenda is Doyle and Sambanis's seven-step plan, which focuses on national security, regional security, quick "wins" in service delivery, rule of law, the right to property, democratic participation, and reconciliation.

desirable and what is possible will vary according to the context in which a reconstruction and stabilization effort takes place.

Consider a few cases. In Cambodia, after the Khmer Rouge was ousted in 1979, a new regime installed by Vietnam set out to stabilize and reconstruct a completely devastated and displaced society. Khmer Rouge fighters moved to another area of the country and continued to threaten the new government. In post-atrocity Côte d'Ivoire in 2011, the violence and displacement were much more limited. The former government of Laurent Gbagbo was ousted with a combination of rebel, UN, and French support. Some Gbagbo supporters relocated to neighboring Ghana, from which they planned some small attacks. Côte d'Ivoire's infrastructure was intact, if degraded. The agricultural base of the economy remained strong. In contrast, after atrocities in Guatemala declined in the 1980s, those people in power represented a continuation of the forces that had committed atrocities against the Mayan populations in the highlands.

The point is that post-atrocity situations vary considerably, and those differences translate into different choices and constraints that leaders will face as they seek to rebuild their states and societies. The question then becomes, what are the most important dimensions of variance? What should analysts look at to determine the kinds of choices and constraints that post-atrocity leaders face?

This section focuses on six variables that will likely shape the post-atrocity environment in significant ways.²⁵⁶ The idea is not to revise the goals discussed in the previous section. Rather, the intention is to demonstrate that certain unique conditions strongly influence processes of rebuilding in post-atrocity contexts.

Scale, Perpetrators, and Causes of the Atrocities

The first variable to consider is the nature of the atrocities. How widespread were the atrocities? Were they committed in multiple parts of a country? For a short period? For a long period? How many people were killed, displaced, or otherwise affected? Furthermore, were atrocities committed on multiple sides? Who were the main perpetrators—were they soldiers, citizens, politicians, armed groups, or some combination? Did the perpetrators claim to represent a particular religious, ethnic, regional, or gender group? Did people in the society identify the perpetrators that way? The same set of questions applies to the victims.

²⁵⁶ The framework draws on the author's ongoing research as well as other studies, especially Doyle and Sambanis, *Making War and Building Peace*; and World Bank, *World Development Report 2011*.

Variables that Impact Post-Atrocity Countries

Variable	Questions to ask
Degree and nature of the atrocities	How widespread or systematic were the atrocities?
	How many people were killed, displaced, or otherwise affected?
	Were atrocities committed on multiple sides? Who were the main perpetrators?
	Did the perpetrators claim to represent a particular social group? Did others identify the perpetrators in that way?
	What caused the atrocities?
Characteristics of government and power-holders	Who holds power and how did they achieve that power?
	Are those in power the same as those who committed the atrocities?
	Does the government represent the victims of atrocities, the perpetrators, both, or neither?
	Has the government committed to a power-sharing agreement?
	Does the government represent all major political parties, or does it exclude certain groups?
	Is the government perceived to represent the interests of a particular group or groups?
Security environment	Is there a general climate of insecurity?
	Does the government face particular security threats?
	Are actors from past atrocities continuing to commit acts of violence?
Economic environment	What was the state of the country's economy before the atrocities?
	What impact did the atrocities have on the country's economy?
Local capacity	What was the level of institutional performance before the crisis?
	How strong is the rule of law?
	What is the level of corruption in public institutions?
	What are the education levels and human capital in terms of civil servants and the general population?
External support	Are external actors (donors, allies, trading partners, neighboring states) interested or invested in rebuilding the government and its institutions?
	What kind of resources are external actors willing and able to contribute?

Finally, what caused the atrocities? Were the atrocities mainly committed because of tensions related to ethnicity, religion, or some other social identity? Were the atrocities committed as part of an effort to win a war, gain control of territory, or contest an election? Were the atrocities ideologically driven?

Answers to those questions are likely to matter for the reconstruction and stabilization process. For example, in a country where both the scale and duration of atrocities was large, the level of social distrust is likely to be great. Hence, the process of restoring that trust is likely to be challenging. Similarly, if the violence had an identity-based character, then that understanding will likely shape the ways in which citizens of that country process information. In addition, when the atrocities were committed by multiple groups, then mechanisms for justice and accountability should be especially attuned to questions about impartiality.

For example, in post-genocide Rwanda, the levels of distrust were deep. The entire resident Tutsi population had been victimized, the atrocities were on a national scale, very large numbers of Hutu civilians had participated, and many Hutu families had suffered as well, primarily at the hands of the then-Tutsi-led rebels in the country. Many Rwandans understood the terms of the conflict through the lens of ethnicity, thus the treatment of ethnicity in post-genocide Rwanda was exceptionally important. Similarly, because the post-genocide government was allied to the victims of the genocide, the genocide crimes were likely to receive the most attention, even though other kinds of violence took place in 1994 and, later, inside Rwanda and inside the Democratic Republic of the Congo. In particular, violence was committed by those in control of the post-genocide government against Rwandan Hutus.²⁵⁷ The wide range of criminal acts and perpetrators created a need for accountability for those crimes in addition to the genocide crimes.

In other cases, however, the nature of atrocities differed. In Guatemala, for example, the violence was more confined to certain regions; the main victims were members of the Mayan populations; and the main perpetrators were the armed forces working alongside informal armed groups. In that case, the atrocities were more one-sided, but those who committed them remained largely in place even after the atrocities subsided and the war ended. Those realities meant that the likelihood of any serious accountability or restitution for victims

²⁵⁷ Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999); Filip Reyntjens, *Political Governance in Post-Genocide Rwanda* (New York: Cambridge University Press, 2013); Scott Straus and Lars Waldorf, eds., *Remaking Rwanda: State Building and Human Rights after Mass Violence* (Madison: University of Wisconsin Press, 2011).

diminished, and the current trials are indicative of the uphill struggle facing accountability efforts in Guatemala. In sum, analyzing the nature of atrocities is a crucial first step to an overall assessment of a post-atrocity situation.

Politics

The second variable of consequence is politics. The key questions are: Who holds power, and how did they achieve that power? Are those in power the same as those who committed the atrocities? Does the government represent the victims, the perpetrators, or neither? Those issues are likely to shape legitimacy and confidence in institutions, which the World Bank has identified as a critical issue in any fragile, post-conflict setting. How power was achieved is also likely to shape how inclusive a government is. In addition, the relationship between who holds power and who committed atrocities is likely to go a long way in explaining what type of accountability will exist.

How rulers come to—and maintain—power is clearly important for domestic legitimacy and for influencing the nature of the polity. Should rulers come to, or stay in, power through a military victory, those rulers are likely to be less inclusive than if they had achieved power through a negotiated settlement. When parties win armed conflicts, they typically will set the rules and exclude those whom they defeated. A military victory also is likely to mean that at least some segment of the population (those who are allied with the losers) is likely to feel that the new government lacks legitimacy. Similarly, if external actors impose or otherwise help new rulers come to power, the domestic legitimacy of the new government will likely be diminished, even if external engagement has actually increased the degree of inclusivity. If rulers come to power through a rigged election, that, too, is likely to undermine the legitimacy of the state. Each of those scenarios will affect the degree of confidence that citizens have in their governing institutions, therefore each scenario presents different post-atrocity challenges.

Related to the issue of how rulers come to power is whom the rulers are seen to represent. Has the government committed to a power-sharing arrangement? Does the government represent all major political parties? Does the government explicitly exclude certain groups? Is the government perceived to represent the interests of one ethnic, religious, regional, or other social identity group? Again, those issues are likely to shape the legitimacy of the state and the confidence that citizens have in the government. If a government is seen to favor one group or region over another, such perceptions of favoritism will undermine the legitimacy of the state in the eyes of the excluded population and will thereby create a source of vulnerability for the post-conflict, post-atrocity state. An example

would be South Sudan, where the post-independence government was perceived to represent and favor the Dinkas, a perception that led to the outbreak of armed hostilities in 2013.²⁵⁸

Finally, a critical question concerns how the nature of the atrocities relates to those people who are in power. In some cases, the main perpetrators of violence, or their allies, remain in power. In other cases, representatives of the main victims of atrocities control the government. In some cases, neither the victim group nor the perpetrator group is in power. This variable will likely shape the kinds of accountability, reconciliation, and victim restitution policies that are chosen in a post-atrocity environment. If perpetrators remain in power—as in Guatemala, as described previously, or as in Sudan after the Darfur crisis—chances are that domestic processes of accountability and victim restitution will be very weak. External pressure on those governments for accountability is likely to be met with significant resistance. By contrast, in a place like post-apartheid South Africa or post-genocide Rwanda, where the new governments are aligned to the main victims of atrocities, such governments will be anxious to showcase the violence of the past.

Taken together, answers to those questions about post-atrocity politics will likely matter for the key issues of restoring confidence, rebuilding trust, building inclusive coalitions, and ending impunity.

Security

A primary variable to consider is that of security. In some places, new authorities face a direct armed challenge to their rule. Indeed, that scenario is common. In postwar Iraq, the authorities formerly associated with Saddam Hussein's party and government were instrumental in starting an insurgency. The same is true for the Taliban in Afghanistan. By contrast, in other cases, although the authorities may not face a direct armed threat, the countryside or some parts of the country may remain insecure. Armed actors may persist in a variety of ways—as, for example, in Mali, when armed jihadi groups continued to launch attacks and Tuareg nationalists controlled the town of Kidal even after the government, with significant support from international forces, seemed to have stabilized the country in 2013.

²⁵⁸ International Crisis Group, "South Sudan: A Civil War by Any Other Name," *Africa Report* 217, April 10, 2014.

Security dynamics typically matter a great deal in any post-atrocity environment. As discussed in chapter 2, armed conflict is one of the main drivers of atrocities. In a post-atrocity situation, the authorities may have only a tentative hold on power. Situations are fragile. Should the government leaders face some type of armed resistance, it is likely to increase their sense of threat and to increase their willingness to use violence or constrain human rights. Similarly, the greater the insecurity, the less likely the new authorities are to take steps to be more inclusive and more democratic. By the same token, the more fragile and compromised the security environment, the harder it will be for international actors to withdraw their forces.

In sum, in the post-atrocity environment, security is a crucial variable. Where insecurity reigns, a post-atrocity government is likely to be focused on potential threats. Where such governments face threats, they are more likely to commit human rights violations and less likely to be democratic and inclusive. The greater the insecurity, the longer the recovery is likely to take, and that might mean greater investment from external actors.

The Economy

The fourth important variable is the economy. After any type of shock, governments look to boost employment, encourage investment, and generally put a country back on a solid economic footing. The ability to stimulate economic growth will likely increase confidence in the state, decrease the risk of a new outbreak of rebellion, and therefore increase the chances of post-atrocity stabilization. Yet post-atrocity economic environments vary a great deal. The two main variables are (a) the degree of devastation during the crisis and (b) the condition of the economy before the crisis. Those variables are likely to shape the kind of economic recovery that takes place after atrocities.

In some places, the atrocity events may not seriously affect employment, job opportunities, infrastructure, or key sectors. In other places, however, the opposite may be true. The state of devastation is therefore likely to influence the pace of economic recovery after the crisis.

Moreover, countries do not all start from the same place. Some have large natural resource endowments, industry, and other sources of growth and employment; other countries were very poor before a crisis started. Where the baseline level of development is higher before the atrocity events, the chance of stabilizing the state after the crisis will be greater.

Local Capacity

The fifth variable relates to local capabilities.²⁵⁹ Any given location has a history of institutions, technical expertise, education levels, infrastructure, and other factors related to capacity. In some locations, the pre-conflict level of institutional performance is very low. The rule of law is weak. The writ of the central state does not extend into the peripheries. Corruption is endemic. Utilities do not function well. Human capital may be low in terms of the quality of the civil service, the general education levels in the society, and the available technical expertise. The opposite may also be true—the institutions before conflict may have been comparatively well performing and education levels fairly high. A country may fall between those two extremes—indeed, we are dealing with a spectrum of cases.

External Support

The sixth and final variable is that of external interest, including among donors, allies, trading partners, and neighboring states. In some post-atrocity scenarios, external actors will be intensely interested and invested in the process. They will commit significant resources and human capital to make the process go smoothly. Iraq in the 2000s is a good example. In some cases, one external actor will take the lead, whereas in others, the external response will be more multilateral. Post-atrocity Sierra Leone is a good example of multilateral engagement. In yet other cases, external interest will be quite limited or the domestic government will seek to minimize external influence, as in postwar Eritrea. In the worst-case scenario, external forces may be antagonistic to the process of stabilization and reconstruction. Syria's role for many years in Lebanon is a good example.

However, in the past decade, humanitarian and development organizations have begun to invest in projects intended to increase the resilience of local communities and institutions against external factors that may further their fragility. Because of the scale and scope of their destruction, mass atrocities are among the gravest threats to the stability and resilience of local communities. Although atrocity prevention-related efforts to build local resilience are less common than their humanitarian and development counterparts, the resilience lens is an active and expanding feature of how members of the atrocity prevention field understand local capacity for preventing and mitigating atrocities.

²⁵⁹ On this point, see, in particular, Doyle and Sambanis, *Making War and Building Peace*.

The discussion in this section has been hypothetical, primarily because a dearth of study exists on why post-atrocity trajectories vary as much as they do. We do not know enough about why confidence is high or low in some situations, why politics are more or less inclusive, or why social reconciliation takes place or does not. This section introduced variables to encourage readers to think analytically about post-atrocity environments. The goals are straightforward: stability, growth, legitimacy, social reconciliation, the end of impunity, the absence of new atrocities, and functioning government institutions. But thinking about how different variables constrain or enhance any post-atrocity government's ability to achieve those goals is critical. In time, new research will answer those questions. For now, the chapter proposes a set of key variables that are likely to influence the recovery process.

III. Dilemmas of External Support for the Reconstruction Process

Typically, external actors will want to assist in reconstruction, particularly those who have already invested resources in the country before the atrocities took place or during the process of stabilization. Beyond the specific challenges of any given situation, external actors who want to help a state and society rebuild face a number of dilemmas and trade-offs. The central challenge is that the long-term success of any reconstruction effort depends on the actions of the post-atrocity government. Ultimately, the choices that the authorities make and their approach to politics, security, and the economy will determine how much confidence they can restore and how invested the population and key domestic actors will be in the new state.

External actors must find ways to assist a country without jeopardizing the essential political and military bargains that a post-atrocity government needs to make with its population. What should external actors do if a government is heading down a dangerous path, and withdrawing external support would increase the risk of instability and possibly atrocities? External actors face similar dilemmas any time they provide development or military aid to a country. Yet the cases of post-atrocity recovery present an especially acute and challenging version of those dilemmas.

The main policy studies of reconstruction efforts do not focus on post-atrocity situations per se, but again the lessons from post-conflict scenarios are broadly applicable. In *Guiding Principles for Stabilization and Reconstruction*, for example,

the authors incisively highlight three “high-level trade-offs” in any stabilization and reconstruction operation:²⁶⁰

- Stability versus host-nation legitimacy
- Expediency versus sustainability
- Meeting needs versus building capacity

The first notion speaks to the essential need to build capacity and legitimacy within the reconstructing country. Although external actors may try to stabilize a country through peacekeeping, military force, and lending support to an allied government, those actions to ensure stability in the short run might undermine the goal of building capacity and legitimacy of the government in the long run.

The trade-off related to stability speaks to the second issue, which concerns short-term versus long-term needs. In a fragile, post-conflict environment, a domestic government and external actors may want to provide or maintain resources—such as employment, security, or access to essential services—to gain the support of the population. Yet those short-term measures may not be sustainable in the long run. What might be needed is an overhaul of the civil service or the economy, for example, or replacement of ineffective police or soldiers with those who are better trained.

The third trade-off pertains to the former two. External actors may have the resources and human capital to meet societal needs in the short run. They might be able to build schools, staff medical clinics, patrol streets, manage finances, import fertilizer, and address a whole host of other issues. For the long-term success of a reconstruction effort, however, the state’s institutions and the population must eventually develop the capacity to perform those functions. External actors will have other priorities; their enduring presence is not guaranteed. By providing resources in the short term, external actors may undermine the ability of domestic institutions and populations to gain the skills and experience needed to become sustainable in the long run.

These dilemmas have no easy answers. As the World Bank report argues, a successful reconstruction effort typically requires domestic leadership, will, and vision, in addition to international resources and support. How can international

²⁶⁰ United States Institute of Peace and US Army Peacekeeping and Stability Operations Institute, *Guiding Principles for Stabilization and Reconstruction* (Washington, DC: United States Institute of Peace, 2009).

actors provide those resources while local actors “own” the process? How can domestic actors set their own priorities and agenda if international actors often have the critical resources to help domestic states realize that vision?

Nor are those the only challenges of peacebuilding. One of the consistent issues across the different studies and policy reports concerns the question of timing and sequencing.²⁶¹ Which measures should come first? Should different initiatives happen simultaneously? The World Bank emphasizes that moving from fragility to stability takes time; restoring confidence and improving institutions is likely to require multiple interventions and innovations.

Another major problem that the reports identify is that of coherence. In many post-conflict, post-atrocity scenarios, multiple external actors are involved. Foreign governments, international organizations, and nongovernmental organizations provide aid, technical assistance, and even personnel. Foreign businesses often are attracted to new opportunities. Those various actors often have different and sometimes competing interests, just as the domestic state will have its own interests and priorities. Such divergences can emerge as impediments to an effective recovery.

IV. Conclusion

Rebuilding states and societies after atrocities is an essential part of any primer on atrocity prevention. As with many other subjects in this volume, the end goals are clear and straightforward. After atrocities, domestic and external actors should work toward building a peaceful and secure country, with a well-functioning infrastructure, growing economy, reconciled population, and effective governing institutions. Unfortunately, as with predicting and preventing atrocities, the process by which to achieve those goals is less straightforward.

Each post-atrocity situation will be different in terms of the constraints that the domestic actors face, the interests of those in power, the nature of the preceding conflict, the raw material in the society and the economy, the security environment, and the degree of engagement among external actors. The existing

²⁶¹ See, for example, Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004), in which the author suggests that economic and political liberalization should not come before institutionalization.

literature suggests that no one formula works for all situations. Domestic and external actors should look to restore confidence and transform institutions, as the World Bank avers, but how to do that is likely to vary and will require creativity, leadership, and commitment. To understand how best to build a reconstruction and stabilization program, domestic and external actors must analyze the specificities of each situation. Investing in analysis and understanding before committing too many resources is essential.

CHAPTER 10

Justice and Accountability after Genocide and Mass Atrocities

POST-ATROCITY STABILIZATION AND RECONSTRUCTION is a special kind of rebuilding after conflict. Most wars involve significant trauma, displacement, and other forms of civilian suffering, but the commission of atrocities intensifies that suffering. Atrocities that occur even in the absence of war still leave deep damage in their wake. Atrocities also serve as a defining marker in any society's history. They loom large in the collective memory of populations who must rebuild their lives.

The distinctiveness of post-atrocity environments typically gives rise to calls for justice and accountability. Survivors often want to know the truth about what happened, and they want those who inflicted pain to be held to account for their crimes. They also may want recompense for the harms that befell them and institutional reform to protect against future abuses. Some new governments want to publicize the past to showcase the horrors of the previous regime. Others want to bury the past on the theory that forgetting prior abuses is the best way to move forward. In either case, the nature of atrocities—and the intensity of civilian suffering—means that reckoning with the past becomes one of the central questions that post-atrocity societies will face.

A wide range of justice and accountability mechanisms may be introduced in the wake of atrocities. Some mechanisms entail legal, criminal accountability,

such as a domestic or international trial for an alleged perpetrator. Some mechanisms focus on establishing a historical record but are less punitive in nature, such as a truth commission. Some mechanisms focus on preserving the memory of the past; in addition to establishing a truth commission, those efforts could include memorializing, commemorating, establishing a museum to preserve the memory, or creating artistic productions. Some mechanisms focus on restitution for victims, such as reparations. Still other mechanisms focus on restricting the political or administrative participation of individuals associated with a former, atrocity-committing regime, such as lustration. That range of mechanisms typically falls under the heading of “transitional justice,” in the sense that the justice and accountability mechanisms help to transition a state and society away from a period of atrocities and repression to a better place.

Advocates and policy makers often pin a range of objectives to the various transitional justice mechanisms. Previous chapters have already discussed one of those mechanisms, deterrence. At least in theory, the threat of trials changes the cost-benefit calculus of the would-be perpetrators of atrocities, and the trials themselves create norms against the commission of such crimes. That is why criminal accountability mechanisms, such as the International Criminal Court or even domestic courts that would investigate human rights abuses, are part of the repertoire of prevention and response described earlier in this book.

But transitional justice has broader aspirations than deterrence. Advocates and policy makers increasingly see such mechanisms as essential for rebuilding the social fabric of a country and ultimately, therefore, for peacebuilding. Such mechanisms can help societies heal and reconcile, and they can offer victims a chance to bear witness, channel retributive impulses into nonviolent processes, and receive recompense for harms they have suffered. They can have added institutional benefits, as well, such as building the rule of law or incapacitating spoilers or others who would disrupt a fragile peace. In those ways, transitional justice also serves the general purpose of prevention.

That, at least, is the theory of justice after atrocity. Few would claim that transitional justice mechanisms alone have the power to reconcile divided societies or develop the rule of law after grave abuses of it, but such mechanisms should help that process. However, as with other subjects in the field of atrocity prevention, aspiration and initiative can outstrip evidence.²⁶² The empirical record

²⁶² Oscar N. T. Thoms, James Ron, and Roland Paris, “State-Level Effects of Transitional Justice: What Do We Know?,” *International Journal of Transitional Justice* 4, no. 3 (2010): 329–54.

is not yet convincing that criminal trials especially, or even transitional justice mechanisms more generally, aid the social healing that leads to a durable peace.²⁶³In some instances, politics mars the process. Rather than assuming pure accountability, leaders in some post-atrocity governments manipulate justice mechanisms for their own ends, which creates the impression that justice is just politics by another name. In other cases, criminal justice can be slow, expensive, remote, legalistic, and even re-traumatizing for victims.²⁶⁴ Despite the drawbacks of some transitional justice mechanisms, efforts to reckon with atrocities after the fact can uncover the truth about what happened, bring about institutional changes to prevent future crimes, and offer essential opportunities for healing on individual and communal levels—or at least that is the goal.

Transitional justice is increasingly a primary policy choice of foreign states, international organizations, nongovernmental organizations, and domestic polities. Recent studies show a growing wave of adoption of justice mechanisms, in particular criminal trials—what one scholar calls a “justice cascade.”²⁶⁵ Although the landmark post–World War II International Military Tribunal proceedings suggested that criminal justice would become a regular feature of any postwar reconstruction effort, momentum to institutionalize accountability mechanisms fizzled as the Cold War took strategic precedence. During the Cold War, international accounting to address past atrocities rarely took place. But following the Cold War, the international community took a strong turn toward demanding accountability, as international interest in understanding and preventing genocide and mass atrocities grew. In the contemporary world, few post-atrocity cases occurred that do *not* have accountability or justice mechanisms, be they trials, truth commissions, memorialization, or some combination thereof. Indeed, a recent study found that in the aftermath of genocide or politicide, 90 percent of countries adopted, or were subjected to, some accountability mechanism.²⁶⁶

²⁶³ Janine N. Clark, *International Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia* (Milton Park, Abingdon, Oxon: Routledge, 2014); David Mendeloff, “Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?,” *International Studies Review* 6, no. 3 (2004): 355–80.

²⁶⁴ For a detailed study on these issues at the ICTR from the perspective of rape survivors, see Binaifer Nowrojee, “Your Justice is Too Slow”: *Will the ICTR Fail Rwanda’s Rape Victims?*, Occasional paper no. 10, United Nations Research Institute for Social Development, November 2005.

²⁶⁵ Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (New York: W. W. Norton, 2011).

²⁶⁶ Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter, *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy* (Washington, DC: United States Institute of Peace, 2010).

Despite its importance in any post-atrocity response, transitional justice cannot substitute for other forms of collective action to prevent genocide and mass atrocities. Accountability may deter future perpetrators and may rebuild societies, but accountability frequently happens *after* the atrocities take place. Even if the growth of such mechanisms represents progress, accountability is second best to preventing or stopping atrocities in the first place.

This chapter provides an introduction to the range of mechanisms for justice and accountability, their strengths and weaknesses, and the challenge of their deployment. The first section discusses a variety of justice and accountability mechanisms. The second section discusses the strengths and weaknesses of different examples. The third section lays out the main objectives of these justice and accountability mechanisms. The fourth section turns to some of the known problems and difficulties with justice and accountability mechanisms.

I. The Variety of Justice and Accountability Mechanisms

The main idea behind most justice and accountability mechanisms is to create a formal, public, and official institution that is devoted to uncovering and publicizing the truth and, in some cases, assigning guilt to perpetrators and providing a remedy to victims. Typically, such mechanisms are introduced after atrocities and violence have taken place and during the transition to a new order established by new authorities. This aspect of using justice and accountability to transition to a new, more peaceful way of governing and living together is captured in the concept of “transitional justice.”²⁶⁷ Others refer to the mechanisms as “transformative justice,” with the theory that justice should be part of a long-term process of peacebuilding.²⁶⁸

Scholars and advocates have devised a number of labels to categorize different accountability and justice mechanisms. Some scholars speak of maximalist, moderate, and minimalist approaches.²⁶⁹ One important distinction is between

²⁶⁷ Transitional justice is the dominant term in the academic literature. See Olsen, Payne, and Reiter, *Transitional Justice in Balance*. One of the main journals on the topic is the *International Journal of Transitional Justice*, and one of the most influential international nongovernmental organizations in this field is the International Center for Transitional Justice.

²⁶⁸ Wendy Lambourne, “Transitional Justice and Peacebuilding after Mass Violence,” *International Journal of Transitional Justice* 3, no. 1 (2009): 28–48.

²⁶⁹ Olsen, Payne, and Reiter, *Transitional Justice in Balance*.

“retributive” and “restorative” justice—the former focuses on punitive mechanisms against those who committed abuses, and the latter focuses on typically nonpenal mechanisms that help victims to heal and a society to repair itself. A trial is an example of retributive justice; reparations and truth commissions are examples of restorative justice.

To help make sense of the variety of mechanisms, this book categorizes them along three dimensions: level, degree of punishment, and scope.

Level: From International to Local

Transitional justice mechanisms can operate at different levels. At one end of the spectrum are international mechanisms—justice processes that are established through international agreement, whether in the form of an international treaty or in the form of action by the United Nations, and that claim to have authority or jurisdiction across borders. The International Criminal Court (ICC) is the most prominent example. The ICC is a permanent international court that, under certain conditions and through treaty accession or referral by the United Nations, may claim jurisdiction over a case anywhere in the world. Other examples of international mechanisms would be the ad hoc international criminal tribunals for Rwanda and the former Yugoslavia, which were established by the United Nations. Another international mechanism for prosecuting atrocity crimes involves cases brought in foreign jurisdictions. States may invoke the principle of universal jurisdiction (UJ), which has as its premise the idea that some crimes are so heinous that any state can prosecute them. The best-known examples of the application of UJ are Israel’s prosecution of Adolf Eichmann in 1961 (which led to his conviction and execution) and a Spanish court’s indictment and subsequent attempt to extradite former Chilean dictator Augusto Pinochet in 1998 (which ended in a British court returning Pinochet to Chile on humanitarian grounds).²⁷⁰ Foreign governments also may exercise other forms of extraterritorial jurisdiction. For example, a government may initiate a case when nationals—either victims or perpetrators—of the country where atrocities took place seek residence or citizenship on the government’s territory.

Other mechanisms are national in the sense that national governments establish a mechanism that applies, typically, to a past atrocity. In those cases, domestic actors operate most often within their borders seeking to uncover the truth or to find individuals criminally responsible for wrongdoing. A prominent example is

²⁷⁰ On universal jurisdiction, see Luc Reydams, *Universal Jurisdiction: International and Municipal Legal Perspectives* (Oxford: Oxford University Press, 2003).

Strategies for Accountability

Type of Accountability Mechanism	Key Role in Promoting Justice
Trials	Targets individual wrongdoing.
Fact-finding or truth-telling bodies	Allows victims and survivors the ability to share and publicly legitimize their experiences. Can reveal previously unknown information about violence and can promote social healing.
Reparations	Makes amends to victims of violence, through restitution, compensation, or other means.
Lustration/Vetting	Removes perpetrators and architects of violence from future governance structures. Creates institutional changes that will prevent future violence.
Memorialization	Recognizes and preserves the memory of past violence. Educates future generations.

a truth commission, such as the South African Truth and Reconciliation Commission (TRC). Other national processes are trials, for which a government will create a special chamber or hold trials in established chambers. Prominent examples include the trials of former members of the junta in Argentina, the revolutionary regime in Ethiopia, and the head of state in Guatemala. In addition, some countries establish days of mourning or national commemoration museums to recognize the crimes of the past. Those are all national processes, which apply and take place within the domestic space of a state.

At the other end of the spectrum are local or even individual-level mechanisms, which might include processes that take place at a village or a community level. For example, a church or another religious organization may organize a process by which the families of perpetrators and victims may come together to seek forgiveness and reconciliation. Sometimes individuals can take the initiative—through paintings, theater, or music, for example—to aid a reconciliation process.

The idea of a level is a heuristic device to help organize the different spaces in which a transitional justice mechanism takes place. In reality, the levels are not

Legal Accountability Mechanisms

International Mechanism	Definition	Examples
Ad Hoc Tribunal	Created to prosecute crimes from a particular period and region; once enough cases are completed, the courts wind down.	International Criminal Tribunal for the Former Yugoslavia; International Criminal Tribunal for Rwanda
Hybrid Court	Have joint domestic and international staff; the courts themselves are located in the country where the atrocities were committed and are embedded to varying degrees in the local justice sector.	Special Court for Sierra Leone; Extraordinary Chambers in the Courts of Cambodia
The International Criminal Court	When states cannot or will not try atrocity crimes, the ICC can assert jurisdiction as a case of last resort, respecting the norm of complementarity.	ICC investigations in Democratic Republic of the Congo, Sudan, Uganda, Kenya, Central African Republic, Côte d'Ivoire, Mali, and Libya
Universal Jurisdiction	States may invoke the principle of universal jurisdiction, which is premised on the idea that some crimes are so heinous that any state can prosecute them, even if the state is not directly connected to the events in question.	Israel's prosecution of Adolf Eichmann in 1961; a Spanish court's indictment and subsequent attempt to extradite former Chilean dictator Augusto Pinochet in 1998
Extraterritorial Jurisdiction	A government may initiate a case when nationals—either victims or perpetrators—of the country where atrocities took place seek residence or citizenship on the government's territory.	The United States, France, Belgium, Canada, and other governments have initiated or completed investigations against Rwandan nationals who resided in those countries and who were accused of committing crimes during the Rwandan genocide

so neatly divided. The ICC, for example, is an international court built on a principle of complementarity, which means that domestic states have the primary responsibility to investigate and prosecute atrocity crimes. The ICC gains jurisdiction when states cannot or will not conduct such investigations. Some mechanisms explicitly cross levels. The Extraordinary Chambers in the Courts of Cambodia (ECCC) is one such example. The ECCC was established to try the remaining leadership of the Khmer Rouge. The court is a “hybrid,” staffed by both international and Cambodian officials and embedded within the local justice system. Another prominent example of a multilevel institution is the *gacaca*

court system in Rwanda. The gacaca system was a government initiative, and it operated throughout the country, but the main hearings took place at the local, community level.

Punishment

Another way to think about the variety of transitional justice mechanisms is by the degree of punishment. Again, these mechanisms span a wide spectrum. At one end of the spectrum, the mechanism may not be punitive. Truth commissions are an example. The purpose of a truth commission is to serve as a fact-finding body that investigates, documents, and publicizes past atrocities. Many truth commissions also develop recommendations for institutional reform to prevent a reprise of abuses. Such commissions may lead to trials, as they did in Guatemala and Peru, and may include measures for the participation of victims, thereby incorporating an explicit healing measure. But in and of themselves, truth commissions do not serve a punitive purpose.

Reparations are another, largely nonpunitive form of justice. After experiencing atrocities, survivors often want material restitution for items stolen or destroyed or as compensation for injuries, lost labor, and income from deceased family members. Sometimes states offer amnesties so as to encourage leaders to put down their arms without fear of retribution. Such amnesties may accompany other truth-telling exercises, or they may act essentially to bury the past. Memorials are similarly non-punitive.

By contrast, criminal trials—whether domestic or international—are clearly punitive. In almost all instances, when defendants are found guilty, courts assign sentences that are designed to punish the offender for his or her crime. At the international level—at which the typical agreement is not to impose the death penalty, given that many states deem capital punishment illegal—the maximum sentence is life in prison. But at the domestic level, in some states, courts will impose capital punishment for past atrocity crimes. Of course, sentences sometimes fall far short of either death or life imprisonment.

Scope

A final dimension by which to analyze the variety of justice mechanisms is scope, or more specifically, how far-reaching the mechanism should be. Consider the case of criminal, punitive mechanisms. In some cases, the justice mechanism focuses on the top—on a handful of decision makers seen as most responsible for the atrocities. Those individuals might include the head of state, government

ministers, governors, generals, colonels, the head of a militia, major businessmen, and the like. That typically has been the focus of the international criminal justice mechanisms, including the ICC but also the ad hoc tribunals for Rwanda, the former Yugoslavia, Cambodia, and Sierra Leone. Sometimes domestic criminal processes similarly focus on a handful of leaders at the top, as was the case in Guatemala and Iraq, among other countries.

In other circumstances, the scope is much wider. In those cases, large swathes of perpetrators may be tried—not only the elite, but the foot soldiers and those who aided in any way. The clearest contemporary example is the gacaca process in Rwanda, in which anyone associated with the 1994 genocide—whether they committed murder or stole property—faced trial. In the end, there were more than one million cases adjudicated in the gacaca community hearings.

The question of scope applies to nonpunitive processes, as well. A truth commission may cast a very wide net, focusing on crimes that were committed over a long period of time. For example, the Canadian government established a Truth and Reconciliation Commission to investigate and document the experience of indigenous populations in the Canadian school system during a more than 100-year period. By contrast, a truth commission may focus on a much shorter period of time, as did the commission in Chad.

Taken together, those three dimensions—level, punishment, and scope—provide insight into the variety of transitional justice mechanisms that exist. Each variation has strengths and weaknesses, as discussed in the next section.

II. The Objectives of Post-Atrocity Justice and Accountability

In the scholarship and policy community, analysts have advanced a number of different objectives for transitional justice and accountability after atrocity. Those objectives are synthesized into seven overlapping objectives in this section.²⁷¹

Deterrence

Deterrence has already been described elsewhere in this book. The main idea is that prosecuting atrocity crimes raises the cost of committing atrocities, thereby deterring future would-be perpetrators. High-level, visible prosecutions also send a signal and thereby build a norm that emphasizes the unacceptability of atrocities, which also could indirectly deter would-be perpetrators.

Ending Impunity

A second, oft-claimed objective is to break a cycle of impunity. Violations persist because people believe they can get away with committing further atrocities. That release from accountability fosters the idea that either perpetrators can get away with violence or the norm against atrocity is really not that strong. By introducing an accountability mechanism, particularly a punitive one, transitional societies signal that the state will act collectively to impose a new norm, that the suffering of victims will be recognized, and that no one is above the law. Such actions send a message to society and leaders that committing atrocities is wrong and will not be tolerated.

Trials as a mechanism to break the cycle of impunity also undermine the rationales that perpetrators often give for committing crimes in the first place. To outsiders, the commission of atrocities may seem like an unequivocal wrong. But within societies, citizens and elites alike may view atrocities as justified in the name of security. Those people may claim that authorities or militias needed to commit violence to protect society from some threat. Atrocities may similarly be rationalized through a discrimination lens, such as that the targets of violence do not deserve to have the same rights as other citizens. Such notions provide a

²⁷¹ For a more detailed discussion of justice mechanisms, see Mendeloff, “Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding”; as well as Miriam J. Aukerman, “Extraordinary Evil, Ordinary Crime: A Framework for Understanding Transitional Justice,” *Harvard Human Rights Journal* 15 (2002): 39–97; Laurel E. Fletcher and Harvey M. Weinstein, “Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation,” *Human Rights Quarterly* 24, no. 3 (2002): 573–639; Lambourne, “Transitional Justice and Peacebuilding after Mass Violence.”

pretext for atrocity. A public—especially a punitive—accountability mechanism challenges those ideas and shows that atrocities are never justified.

Reconciliation and Coexistence

A third objective is that of rebuilding social relations, or what some refer to as “reconciliation.”²⁷¹ Reconciliation implies that perpetrators and victims can return to a form of civility similar to what existed before the atrocities took place. Reconciliation also implies forgiveness on the part of victims (and their relations) toward perpetrators (and their relations). On occasion, such reconciliation does happen. But often the relations between divided groups were not previously positive. Even if they were, victims may be unwilling to forgive perpetrators. Full reconciliation may be too difficult to achieve by way of a policy intervention alone.

That said, peacebuilding depends on reestablishing some sense of trust in the population and restoring social relations. The relations need not be friendly, but they should be cordial and de-intensified. Peaceful coexistence might be the goal, rather than reconciliation per se. Accountability mechanisms can contribute to that process. By formally acknowledging the violence that victims suffered and by airing some of the motivations of perpetrators, the torn relations between victim and perpetrator groups may begin to heal. Once their pain is acknowledged, victims may hold less tightly to their suffering. By hearing what perpetrators did, and why, victims also may gain some understanding about what happened. Those efforts are designed to relieve the psychological burden and trauma, thereby paving the way for improved social relations between populations.

Historical Record

A fourth, related objective is the idea of establishing a historical record of what happened. In many atrocity situations, few people know the full scope of what happened. Sometimes people are tortured in secret. Sometimes people are killed or raped or disappeared to a different region. Atrocities can be hard to believe. Rumors often swirl in any conflict environment, particularly so in the context of atrocities. A public accounting of what happened—whether a truth commission or a trial—creates a public, formal account that can protect against efforts to

²⁷² “Reconciliation” is placed in quotation marks because that may be too strong a term for what most observers mean.

create a revisionist history. That record, in turn, becomes available for present and future generations.

Individuation of Guilt

A fifth objective, in particular for trials, is the idea that accountability criminalizes individuals, not groups, and thereby avoids collective blame. The thinking is that one of the drivers of atrocity is that individuals in a society interpret history and politics through identity categories. They reason that “the Shias,” “the Hindus,” “the Chinese,” or “the Tutsis” committed the violence. That kind of analytical processing, which encourages reasoning around group identities, is a driver of conflict and atrocity. Rather than seeing individuals as people with hopes, families, weaknesses, and personal qualities, they are seen as representatives of their groups. That dehumanizes them and facilitates conflict along group identity lines. By individualizing guilt in a trial, an accountability mechanism makes a person—not the group—responsible for the crime and, in theory, lessens the chance of future communal reprisals.²⁷³

Rule of Law

A sixth objective is to build the rule of law. Accountability shows that no one is above the law. Accountability also emphasizes the power of legal institutions. A court—and judges within it—is responsible for weighing evidence, adjudicating rules, and finding guilt or innocence. Courts are nominally neutral; they are, at least in theory, not political. In that sense, the accountability mechanism elevates the rule of law, rather than partisanship and political power.

Incapacitate Spoilers

Finally, an accountability mechanism may remove spoilers from a fragile, transitional environment. In the aftermath of a peace agreement or even a military victory, leaders displeased with the new political dispensation may try to undermine it through war or sabotage. An accountability mechanism can take that person out of the political arena, forcing him or her to face charges in court. This also can prevent victims from pursuing private vendettas against at-large perpetrators.

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²⁷³ Mark A. Drumbl, “Collective Violence and Individual Punishment: The Criminality of Mass Atrocity,” *Northwestern University Law Review* 99, no. 2 (2005): 539–610.

Taken together, the various objectives demonstrate that justice and accountability are key parts of post-atrocity societies. The objectives all point in the direction of building a durable peace, whether the aim is ending impunity, rebuilding social relations, establishing a historical record, individualizing guilt, developing the rule of law, or removing spoilers. The question becomes the degree to which those justice mechanisms meet the objectives, completely or in some measure.

III. Strengths and Weaknesses of Justice Mechanisms

Deterrence, rebuilding social trust, establishing the rule of law, creating a historical record, and the other objectives outlined in the preceding section are tall orders. No justice mechanism or combination of mechanisms is likely to achieve all of those goals. Even if accountability measures should aim high, seek real justice, and offer hope that major steps begin a modest process of healing and reconciliation, proponents should be careful not to overpromise what transitional justice can achieve.

Also true is that different measures are better suited to certain kinds of objectives than are others. In other words, trade-offs are inherent in any choice of transitional justice mechanism or combination of mechanisms, and this section assesses some of those trade-offs in light of the core objectives for transitional justice.

Punitive Mechanisms

By and large, punitive justice mechanisms are most likely to have the greatest effect on deterrence, ending impunity, the individuation of guilt, and the incapacitation of spoilers. In contrast to restorative mechanisms, retributive mechanisms impose potentially significant costs on individuals who commit heinous crimes. If deterrence is to function as it should, would-be perpetrators would refrain from committing atrocities for fear that they may be subjected to prosecution and major punitive sentences should they be convicted. Similarly, the prospect of ending impunity for past human rights crimes is much stronger if perpetrators are tried in a transparent manner. Ending impunity is about imposing punishments for past crimes, which is achieved more readily with retributive mechanisms than with restorative ones. The individuation of guilt and the incapacitation of spoilers also are achieved most readily through criminal trials, which focus on individuals and remove them from the political or military arena when they are in the dock.

Even if punitive mechanisms are clearly more likely to achieve those objectives than are nonpunitive mechanisms, whether punitive mechanisms in fact achieve those goals is subject to debate. It is difficult to assess, for example, whether the existence of stronger human rights criminal mechanisms deters would-be perpetrators. Deterrence is hard to observe because it concerns an event that does not happen, and many factors may play into why a would-be perpetrator refrains from committing atrocities. Moreover, some processes, such as ending a cycle or culture of impunity, will take time to observe.

More information exists about the effects on building the rule of law. Two large, quantitative studies reached broadly similar conclusions about the effects of transitional justice on the institutionalization of human rights and democracy. The results are positive: countries with trials and other mechanisms in general have better democratic records and are less likely to resort to repression over time. Both studies similarly found that justice mechanisms generally decrease the likelihood that war will recur in a postwar environment. The studies have some minor differences. The Wisconsin-based study advocated a “justice balance” of different mechanisms, finding that the human rights and democracy-improving effects were greatest when multiple mechanisms were in place, from truth commissions to trials. By contrast, the Minnesota study focused on trials, so its findings speak primarily to the ways in which punitive mechanisms contribute to improved human rights and democratic records.²⁷⁴

The reconciliation goals of punitive justice mechanisms are the subject of some debate, as well. On the one hand, trials can satisfy the demands of victims and survivors for justice and retribution. Rather than advocating an eye for an eye, trials quench the thirst for justice through law. That process, in theory, should help victims to relinquish some of the desire for revenge that they may harbor while also contributing to the development of the rule of law in their societies. On the other hand, trials are punitive, and if they are conducted in an unfair or heavily biased fashion, they can contribute to a deepening of identity-based or political divisions in a country. In other words, because trials impose significant costs, they can create resentments if they are seen to be politically biased or otherwise unfair.

²⁷⁴ The “Wisconsin study” is Olsen, Payne, and Reiter, *Transitional Justice in Balance*; the “Minnesota study” is Sikink, *The Justice Cascade*.

International Punitive Mechanisms

International and domestic punitive mechanisms each have strengths and weaknesses, as well. On the one hand, international mechanisms are likely to (a) signal the significance and importance of atrocity crimes; (b) have greater resources available to conduct thorough investigations and to issue in-depth judgments; and (c) be more impartial in the pursuit of justice. As a permanent court, the ICC also has the greatest potential for achieving the goal of deterrence. On the other hand, international criminal trials can be (a) distant, both in terms of proximity and in culture from the populations where the crimes took place; (b) slow, in terms of the time that investigations and trials require; and, in some cases (c) subject to political manipulation.

The strengths and weaknesses of international criminal justice mechanisms are visible in some of the main mechanisms that have been tried at the international level during the past two decades. The process began in the mid-1990s, when the United Nations established two ad hoc international criminal tribunals. The courts were ad hoc in the sense that they existed to prosecute crimes from a particular period and region; once enough cases were completed, the courts would wind down. The first was the International Criminal Tribunal for the former Yugoslavia (ICTY), which the United Nations established in 1994 and is based in The Hague. The second was the International Criminal Tribunal for Rwanda (ICTR), which the United Nations established later that year and was based in Arusha, Tanzania.

In terms of the strengths, both courts achieved a great deal. First, they succeeded in bringing to trial some of the worst alleged perpetrators of the mass atrocities in the former Yugoslavia and in Rwanda. For the Yugoslav court, the tribunal eventually placed leading figures in the dock, including the Bosnia Serb political leader Radovan Karadžić, the Bosnian Serb military leader Ratko Mladić, and the former Serb president Slobodan Milošević (who died while in detention before his trial was completed). In the Rwandan case, the tribunal completed major cases against the leading military architects of the genocide, including Théoneste Bagosora, as well as the leaders of the ruling party in Rwanda, media elites who were found guilty for incitement to genocide, and leaders of the infamous Interahamwe militia group. The courts also generated substantial documentation of the crimes committed, creating a historical record of what happened and to whom. Along the way, the courts' rulings contributed to international jurisprudence on genocide, crimes against humanity, and war crimes, and some of the courts' procedures became best practices in the field of international criminal justice.

However, the courts faced significant criticism. One general concern was the distance of such courts from the site of the crimes. Crimes committed in the former Yugoslavia were tried in the Netherlands; those in Rwanda were tried in Tanzania. Even though the courts and some NGO groups made outreach efforts to communicate the proceedings and rulings to the populations in question, the workings of the tribunals nonetheless remained remote and foreign from the populations of the countries. That was especially true in Rwanda, where the population was rural and had limited familiarity with the details of criminal trials.

Another concern was the length and expense of the trials themselves. In their first 20 years of existence, each tribunal cost about \$2 billion. Most cases took years to try, some close to 10 years. Both the time and expense of the tribunals contributed to a sense of alienation that some nationals from the affected countries experienced.²⁷⁵

In terms of reconciliation, which is difficult to measure and is affected by many factors, time is likely to tell. One in-depth study of the impact of the ICTY in Bosnia-Herzegovina and Croatia reached the sobering conclusion that the “ICTY has not had any positive impact on reconciliation.”²⁷⁶ Even though international courts are designed to be impartial, the experience of the tribunals showed that domestic political interests also shape international justice mechanisms.²⁷⁷ International criminal trials require state cooperations.²⁷⁸ States can (a) allow international investigators to operate on their soil, (b) provide evidence, (c) make arrests, and (d) allow witnesses to testify. International tribunals do not have an international police force at the ready; they have prosecutors, investigators, and staff, but those personnel require the cooperation of states to operate. States, in turn, can foster cooperation or withhold it, and therein lies the politics, which can undermine the impartiality of the courts. That was especially visible with the ICTR when the Rwandan government threatened to suspend cooperation if the ICTR pursued investigations against members of the Rwandan Patriotic Front. In the end, the ICTR only pursued trials of those accused of genocide crimes against the Tutsis, giving rise to criticism that the court was too one-sided.²⁷⁹

²⁷⁵ Ralph Zacklin, “The Failings of Ad Hoc International Tribunals,” *Journal of International Criminal Justice* 2, no. 2 (2004): 541–45.

²⁷⁶ Clark, *International Trials and Reconciliation*, 204.

²⁷⁷ Jelena Subotić, “The Paradox of International Justice Compliance,” *The International Journal of Transitional Justice* 3, no. 3 (2009): 362–83.

²⁷⁸ Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge: Cambridge University Press, 2008).

²⁷⁹ *Ibid.*

In part to address the shortcomings of the original ad hoc international tribunals, the international community developed the concept of a “hybrid” court. Such tribunals have joint domestic and international staff. The courts themselves are located in the country where the atrocities took place and are embedded to varying degrees in the local justice sector. The main advantage is that those courts are much more proximate to the populations that witnessed the crimes. The hybrid courts also pursued more limited numbers of cases. In contrast to the ICTY and the ICTR, which indicted 161 and 90 people, respectively, the hybrid courts indicted a fraction of those sums. The two main examples are the Special Court for Sierra Leone, which had jurisdiction over crimes committed during that country’s civil war between 2003 and 2011, and the ECCC in Cambodia, which had jurisdiction for crimes that were committed while the Khmer Rouge were in power from 1975 to 1979. These courts have to date indicted 13 and 5 defendants, respectively, which has diminished the cost compared to the ICTY and the ICTR, and both hybrid courts have invested significantly in outreach.

A concern about all ad hoc tribunals is that they are weak mechanisms for deterrence. In theory, deterrence works when would-be perpetrators anticipate being prosecuted for atrocities that they commit. Nonpermanent courts do not serve that function well precisely because they are ad hoc and usually have been established after the events in question. Moreover, ad hoc tribunals face steep start-up costs; each time a new court is established, a courthouse, staff, judges, and other relevant resources must be found. Those concerns, in part, galvanized the movement to create a standing, permanent court to handle future genocide and other mass atrocity crimes—the ICC, which has now become one of the important international justice mechanisms for the prosecution of such crimes.

The International Criminal Court was created by way of an international treaty (the Rome Statute), which was open for ratification in 1998 and came into force in 2002. Today, more than 120 countries have ratified the treaty, although several key countries notably have not, including the United States, China, and Russia. That said, some of those countries have informally supported the court in a number of ways—in particular, by not vetoing all Security Council referrals.

The ICC is a court of last resort. It is premised on the principle of complementarity, which means that the court will only take action when a domestic court cannot or will not investigate or prosecute the alleged crimes. The work of the ICC is thus not antithetical to the work of domestic justice, and indeed the ICC has recognized that domestic justice is likely to be more efficient and effective than international justice. One hope is that the existence of the ICC will stimulate

domestic judicial engagement with atrocity crimes.²⁸⁰ But the idea behind the ICC is that instances will arise when domestic states are unwilling or unable to pursue such cases; at those times, the ICC will take direct action.

Specifically, the ICC can assert jurisdiction over cases in one of three ways: (a) a state that ratified the treaty may refer a case to the ICC; (b) the ICC prosecutor may initiate an investigation with respect to crimes committed in a country that has ratified the treaty or crimes committed by nationals of a country that has ratified the treaty; or (c) the UN Security Council may refer a case to the ICC even if the country where the atrocities took place has not ratified the treaty. By 2015, the ICC had formal investigations or actual trials ongoing in the Democratic Republic of the Congo, Sudan, Uganda, Kenya, Central African Republic, Côte d'Ivoire, Mali, and Libya, as well as preliminary investigations under way in nine countries, including Colombia, Georgia, and Ukraine.

Although the ICC is the dream of many in the human rights community and a landmark achievement in its own right, it has also inspired some criticism. One criticism is that despite years of investigations—at some cost—the ICC has, to date, handed down only two convictions—both to leaders of armed groups in the Democratic Republic of the Congo. Given the principle of complementarity, the ICC may claim that *not* having too many cases constitutes a success, but still the court cannot point to many successfully completed trials. Another concern is that, to date, the only trials or full investigations focus on Africa. Although many of those cases resulted from referrals from African leaders, much concern has arisen in Africa about an unfair targeting of the continent. Yet another criticism is that, as with the ad hoc international tribunals, the court still depends on state cooperation, which means that domestic political interests are likely to shape the functioning of the courts.²⁸¹ If the court, for example, indicts a sitting president—as it did in the case of Omar al-Bashir—the prospects of state cooperation are low. By contrast, if the court indicts a member of the political opposition—as it did in the case of former president Laurent Gbagbo in Côte d'Ivoire—the prospects of state cooperation will be higher.

²⁸⁰ International Criminal Court Office of the Prosecutor, “Informal expert paper: The principle of complementarity in practice,” accessed Nov. 6, 2015, <https://www.icc-cpi.int/NR/rdonlyres/20BB4494-70F9-4698-8E30-907F631453ED/281984/complementarity.pdf>.

²⁸¹ Alana Tiemessen, “The International Criminal Court and the Politics of Prosecutions,” *International Journal of Human Rights* 18, nos. 4–5 (2014): 444–61.

Domestic Punitive Mechanisms

Domestic punitive mechanisms can overcome some of the concerns raised about international criminal mechanisms. Domestic justice processes tend to be quicker and less expensive judicial processes than their international equivalents. The trials are more proximate to the populations that suffered—at least compared to the ICC or the ad hoc international tribunals. Domestic governments have greater ownership over the accountability process. In many respects, the more efficient, less expensive, and more accessible domestic trials should aid the reconciliation process, as well as signal the end of impunity, among other goals. But domestic processes are even more vulnerable to political manipulation than are international trials. Therein lies a concern that the domestic punitive processes will be perceived as partisan and biased, thereby detracting from their power to heal and to build the rule of law.

Indeed, a number of cases have generated a perception of “victors’ justice”—that the only ones held accountable were those on the losing side of the war. Such situations can help generate a narrative that perpetrators were railroaded for minor indiscretions and, even decades later, can make moving beyond old wounds more difficult for domestic politics. In other cases, powerful forces in a society may shield certain defendants from guilty verdicts, as was the case in Guatemala when a conviction against former dictator José Efraín Ríos Montt was overturned.

The Rwandan *gacaca* system is a prominent example of a domestic punitive model that shows some of the strengths and weaknesses of such processes. As discussed earlier, the post-genocide government in Rwanda chose to prosecute perpetrators on a large scale. Domestically, the process started with traditional courts and courtrooms. Even if that process was swifter and less expensive than the ICTR process, it was not fast enough to deal with the large number of defendants in detention. Starting in the early 2000s, the Rwandan government pursued an alternative by adapting a traditional dispute mechanism, called “*gacaca*,” for genocide crimes. Ultimately, the national government instituted *gacaca* for the entire country. The process worked by local communities across the country electing judges who, in turn, heard cases in open-air courts on a weekly basis. Attendance was required. The caseload was enormous—more than one million cases were adjudicated in roughly a decade and at a fraction of the cost of the ICTR.

Although *gacaca* had many advantages over its international counterpart, the *gacaca* process was not without problems, and indeed, they are emblematic of the problems with domestic punitive processes. For one, *gacaca* prosecuted only

crimes associated with the genocide against the Tutsi population, ignoring atrocities that were attributed to the ruling Rwandan Patriotic Front party during the country's civil war and thereafter. Such a one-sided focus inspired criticism that gacaca was an example of victor's justice. In addition, gacaca had none of the international standards of justice that were germane to the ICTR. Defendants often stood accused, with limited capacity to defend themselves, for example. Some survivors felt intimidated or worried about negative repercussions to their testimony. In some instances, the quality of the evidence was poor and subject to manipulation. Some of those problems existed on the international level, but they were more acute and visible on the domestic side.

To conclude this section, an important consideration is that the different punitive justice mechanisms are not mutually exclusive. Many countries have both domestic and international mechanisms. That has been the case for Rwanda, Bosnia, and Côte d'Ivoire, for example. The principle of complementarity is designed to make the ICC work in conjunction with domestic judicial processes. Although this section delineates some general strengths and weaknesses of domestic and international approaches, in reality the choice is not always one or the other. Indeed, according to one quantitative study of internal armed conflicts from 1970 to 2007, multiple justice mechanisms—including domestic and international punitive mechanisms as well as nonpunitive ones—were implemented in about one-half of the places where at least one mechanism had been adopted.²⁸² Many people assert that having multiple mechanisms and on different dimensions—punitive and nonpunitive, domestic and local—is important to achieve the varied goals described in the previous section.

Nonpunitive Justice Mechanisms

In contrast to punitive, retributive mechanisms, transitional justice includes a range of measures that more explicitly aim at social healing and reconciliation. Reconciliation can be achieved in a number of ways, principally through restitution for victims, forums to discuss the nature and causes of past atrocities, and official commemoration of atrocities. Given that approach, by and large those restorative justice mechanisms are likely to have the greatest influence on the reconciliation and historical record objectives of transitional justice.

One of the most common and important mechanisms is the formation of a truth commission. A truth commission is an official body that has been tasked

²⁸² Olsen, Payne, and Reiter, *Transitional Justice in Balance*, 123.

with investigating and reporting on a pattern of past human rights abuse.²⁸³ Truth commissions generally establish a mechanism for gathering information, which can include both private and public testimony. They also typically release an official report on their conclusions about the pattern of past abuse, thereby contributing to the production of a historical record. Truth commissions are not necessarily antithetical to trials; in their final reports, the truth commission officials can and often do recommend that punitive measures be taken to punish perpetrators.

Truth commissions have a number of objectives. Among the main objectives are (a) to provide a robust account of past atrocities to counter denial, (b) to recognize the experience of victims, and (c) to restore the dignity of victims. Truth commissions also may shame perpetrators by revealing past offenses.²⁸⁴ In those ways, the main goals of truth commissions are to promote reconciliation. They create a public space where truth will emerge, a divided society can understand the viewpoints of others, victims can tell their stories, and suggestions for reform can be articulated. In those ways, truth can heal, and the process itself can “widen the lens” in ways that trials—with their focus on individual criminal guilt—do not.²⁸⁵ Truth commissions also may contribute to building democracy through the creation of a public space for debate and dialogue.

The most famous example of a truth commission since the Cold War is the South African Truth and Reconciliation Commission (TRC), which was the outcome of a bargain between the old apartheid government and liberation leaders. That truth commission had three separate committees, tasked respectively with investigating human rights violations, reparation and rehabilitation, and amnesty. The final report was a multi-volume public document. Although the South African commission is one of the most well known, dozens of truth commissions have been established in recent years, including in Chile, East Timor, El Salvador, Guatemala, Chad, and Côte d’Ivoire.²⁸⁶

²⁸³ Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd ed. (New York: Routledge, 2011).

²⁸⁴ Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998).

²⁸⁵ Hayner, *Unspeakable Truths*; Minow, *Between Vengeance and Forgiveness*.

²⁸⁶ See United States Institute of Peace, Truth Commission Digital Collection, available at <http://www.usip.org/publications/truth-commission-digital-collection>.

Memorialization is another transitional justice mechanism that domestic states may introduce. The idea is to recognize and preserve the memory of a past atrocity. A number of governments have introduced and maintained official museums in the aftermath of atrocity that are designed to acknowledge the atrocities of the past and educate future citizens. In places as varied as Germany, Rwanda, and Cambodia, governments have introduced such museums. Sometimes governments establish national holidays, or days of mourning, to commemorate the violence. Again, those mechanisms are designed to (a) recognize the experience of victims, (b) counter denial, (c) contribute to a historical record, and, thereby, (d) contribute to reconciliation.

Lustration, or vetting, is imposing restrictions—such as on employment—in the new state for officials who were associated with the former, human rights-abusing state. The idea is to prevent those people who were associated with an atrocity-committing regime from holding positions of power or influence in the new state. Lustration was common in Eastern Europe as countries there transitioned from socialism and communism at the end of the Cold War.²⁸⁷ Lustration can be implemented on a large scale. It is punitive but not to the same extent as domestic trials. That said, lustrations can raise due process concerns when individuals are lustrated en masse without the opportunity to be heard or to contest allegations against them.

Lastly, some scholars consider amnesty a form of transitional justice.²⁸⁸ In the process of negotiating a transition from civil war or authoritarianism, the disputing sides may agree *not* to put former leaders on trial. Some argue that it may serve a broader goal of keeping the peace and promoting reconciliation and that amnesties are a form of acknowledging past wrongs—albeit in a nonprosecutorial fashion.²⁸⁹ Some prominent examples of amnesty in recent years occurred in Algeria, after the end of that country's civil war, and in South Africa, where individuals who testified before a truth commission and took responsibility for their actions could receive amnesty from prosecution.

If those are some of the goals of nonpunitive mechanisms, some scholars raise questions about whether such measures achieve their goals. A careful review found that, in addition to having a weak evidentiary basis, the theoretical

²⁸⁷ On the Eastern European experience, see Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (Cambridge: Cambridge University Press, 2010).

²⁸⁸ Olsen, Payne, and Reiter, *Transitional Justice in Balance*.

²⁸⁹ See the discussion in Olsen, Payne, and Reiter, *Transitional Justice in Balance*, 35–36.

foundations for many claims about how a truth commission can lead to reconciliation are weak. It is not clear, for example, that truth telling leads to psychological healing or that psychological healing on an individual level extends to a group or national level.²⁹⁰

Even the South African TRC, arguably the most internationally celebrated justice mechanism, is the subject of much disagreement. Many South Africans found the truth-seeking exercise to be cathartic and therapeutic, but others found the process of truth telling and truth listening to be traumatic, and some victims were disappointed that perpetrators were granted amnesty after they divulged their criminal acts. Some people distrusted the quality of the “truth” that emerged from the process, and, in general, the commission did not address the highly unequal social and economic conditions in the country. On the other hand, South Africa, to date, has achieved remarkable stability. Although ordinary crime has surged since the end of apartheid, political violence has declined significantly. Those accomplishments are worthy of note, given the explosive conditions in post-apartheid South Africa.

Measurement and causality issues arise in this field, as in others. How is reconciliation measured? Will respondents be honest if they are surveyed? How can one measure whether the truth was told? And how do we know what the specific effect of the justice mechanism is? Is the relative peace in South Africa a product of the TRC, or has it resulted from some other factor? Those are critical questions, yet the academic literature has not reached any general conclusions about (a) whether accountability works for rebuilding social relations, (b) which mechanisms work best (or in what combination), and (c) under what conditions do the mechanisms work.

IV. Conclusions

The justice upturn—or “cascade”—of the past 20 years is a major development, and it is part of the growing development of an international norm against atrocities. Introducing a justice mechanism in the aftermath of atrocity has clear advantages. On a relative scale—compared to peacekeeping, military intervention, or infrastructure rebuilding—accountability mechanisms are less expensive.

²⁹⁰ Mendeloff, “Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding.”

They can complement processes that most people in the international community hold dear, notably the rule of law, democracy, and human rights. International actors can initiate accountability mechanisms, but they can also reinforce and reward domestic steps toward accountability and justice after atrocity.

At the same time, citizens, advocates, and policy makers should not overstate what justice mechanisms can accomplish. As in other areas of atrocity prevention, the research is in progress, and much remains debated about the effectiveness of different justice and accountability mechanisms. New research, for example, insists on the importance of knowing the needs and interests of local populations. Patrick Vinck and Phuong Pham have pioneered the use of population-based surveys in post-conflict environments to understand the preferences of survivors. Survivors should be consulted, and policies designed, in part on their experiences, needs, and preferences, as opposed to imposing solutions from above and from the outside.²⁹¹ Based on some studies, it is clear that material restitution and “socioeconomic justice” are central to what some survivors want from a justice process.²⁹² The importance of knowing places and specific circumstances, rather than applying maxims, thus applies to the field of accountability and justice after atrocity as much as it applies to the other topics in this book.

Outsiders should also recognize that the choice is not simply choosing one “best practice.” Some research suggests that a combination of justice mechanisms is best for democracy and human rights. As discussed in this chapter, different mechanisms are likely to address different goals. It is also important to recognize that power and politics shape the choices that are available. Policy makers cannot reach into a toolbox and choose the best solution. Domestic and international interests often shape which mechanism is adopted.

²⁹¹ Patrick Vinck and Phuong N. Pham, “Consulting Survivors: Evidence from Cambodia, Northern Uganda, and Other Countries Affected by Mass Violence,” in *The Human Rights Paradox: Universality and Its Discontents*, eds. Steve J. Stern and Scott Straus (Madison: University of Wisconsin Press, 2014), 107–24. See also Lambourne, “Transitional Justice and Peacebuilding after Mass Violence,” on the importance of local consultation.

²⁹² Lambourne, “Transitional Justice and Peacebuilding after Mass Violence”; Lars Waldorf, “Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice,” *Temple Law Review* 79, no. 1 (2006): 1–87.



PART V
CONCLUSION

A woman stands in an internally displaced persons camp outside of Sittwe, Rakhine State, Burma, in March 2015. *Paula Bronstein/Getty Images Reportage for the US Holocaust Memorial Museum*

CHAPTER II

The Future of Atrocity Prevention

THIS BOOK PROVIDES AN INTRODUCTION TO THE core debates in atrocity prevention. Previous chapters focused on five major subjects: (a) the history of atrocity prevention, (b) core definitions of genocide and mass atrocity, (c) the causes of genocide and mass atrocity, (d) the question of how to prevent or stop atrocity, and, finally, (e) how to stabilize and rebuild states and societies after atrocities have occurred.

As an introductory guide, the book's main purpose is to provide an accessible, relatively brief summary of the existing academic literature and policy practice for those core subject areas. It encourages readers to think critically and strategically, to ask what we know and what we do not know about what works and what might not work, and to probe how we might improve our approaches to those complex topics.

Much of the analysis to this point has been retrospective, focusing on what scholars and practitioners have learned from the past. This chapter advances a set of different, forward-looking questions. First, how might the dynamics of atrocities change? Second, how might the dynamics of atrocity prevention change?

The answers to those questions are inherently speculative. Instead of certainty, this chapter highlights areas of potential flux and evolution in coming years.

I. The Future of Atrocities

Perpetrators

One key question is whether the agents of large-scale atrocities are likely to change. In the past, states and their agents have been primarily responsible for the largest-scale atrocities. That makes sense, given that the commission of genocide and large-scale atrocities generally requires the capacity to sustain violence over time and space, as well as the ability to find and inflict violence on target populations. In general, state actors possess those capabilities more so than do non-state actors.

State-perpetrated mass atrocities have been on the decline. From a peak in the 1970s and 1980s, the average annual rate of large-scale mass killings decreased in the 2000s and 2010s, as did the average annual rate of civil wars and other forms of organized violence.²⁹³ That is good news, and it arguably speaks to changing international norms, increasing international attention, and stronger international mechanisms for atrocity prevention and response.

However, the world has no guarantee that the trend will continue. As noted at the start of this book, the US director of national intelligence in 2014 warned that the risk of mass atrocities will “probably increase” over time.²⁹⁴ In describing the risk factors and dynamics in the worldwide threat assessment, the director—although not specific about who would commit atrocities in the future—made arguments that were consistent with the possibility that non-state actors would become the agents of atrocity.

If we define mass atrocities as large-scale, systematic violence against civilian populations, then non-state actors have the potential to inflict such violence. In some cases, they may control territory and have the capacity to attack civilians or capture combatants on a large scale and in a systematic fashion. That was the case, for example, as the radical Islamist force that calls itself the Islamic State captured territory in Iraq and Syria in the mid-2010s. In other cases, rebels may commit atrocities against civilians on a large and deliberate scale as they advance

²⁹³ On the decline of armed conflict worldwide, see Joshua Goldstein, *Winning the War on War: The Decline of Armed Conflict Worldwide* (New York: Dutton, 2011).

²⁹⁴ *Worldwide Threat Assessment of the US Intelligence Community, Statement Before the Senate Select Committee on Intelligence*, 113th Cong. 12 (Jan. 29, 2014) (statement of James R. Clapper, Director of National Intelligence).

through a country, as was the case in 2011 in Central African Republic or in Côte d'Ivoire. A more common scenario is that insurgents inflict violence systematically and even on a large scale to sow terror in the population and to goad the government into overreacting. That is a classic terrorist tactic, and recent examples include the radical Islamist organization Boko Haram in Nigeria, the Taliban in Afghanistan, the Lord's Resistance Army in east and central Africa, and al-Qaeda affiliated Al-Shabaab, which committed attacks against civilian targets in Somalia and in Kenya in the mid-2010s.

State Collapse

Another atrocity scenario that could take place is that of state collapse. Rather than a central authority fighting an organized insurgency, with the potential for both sides to commit atrocities, the central state may disintegrate or be completely ineffective because of the depth of its weakness. In that context, local actors may take up arms and commit violence against civilians associated with their rivals. Some local actors may affiliate with the state, side with an insurgency, or organize themselves for self-protection.

Two prominent examples are the extensive violence in the Democratic Republic of the Congo in the 2000s and in Central African Republic in the 2010s. The armed conflict that persisted in the late 1990s and 2000s in the Democratic Republic of the Congo was complex, involving regional, national, and local armed actors. But the exceptionally high civilian death rate can be traced to the collapse of state power and infrastructure, especially in the eastern part of the country. Civilians could not get the medicine, nutrition, or security that they needed, and millions died.²⁹⁵ In Central African Republic, from 2013–14, fighting between mainly Christian anti-Balaka militias and mainly Muslim Seleka militias, as well as atrocities against civilians, took place in the context of a collapsed state.²⁹⁶

²⁹⁵ Benjamin Coghan et al., "Mortality in the Democratic Republic of Congo: A Nationwide Survey," *The Lancet* 367, no. 9504 (January 2006): 44–51; Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa* (New York: PublicAffairs, 2011). In mortality surveys, the major causes of the high rates of death in the DRC are preventable diseases and malnutrition. See Colghan et al. for a detailed discussion of the mortality estimates and Stearns for a broader discussion of the Congo wars.

²⁹⁶ Peter Bouckaert and Human Rights Watch, *They Came to Kill: Escalating Atrocities in the Central African Republic* (New York: Human Rights Watch, 2013); International Crisis Group, "The Central African Crisis: From Predation to Stabilisation," *African Report* 219, June 17, 2014.

Perpetrator Learning

Another scenario is that perpetrators (whether state or non-state) adjust their tactics as international norms against atrocity strengthen. In particular, perpetrators may (a) find new ways to disguise atrocities, (b) develop ways of denying their involvement, or (c) time atrocities in such a way as to escape international attention and focus.

As this book demonstrates, the international community is becoming increasingly aware of, and committed to, atrocity prevention. Over time, international actors will continue to develop better tools to anticipate and respond to genocide and other forms of mass atrocity. But perpetrators will learn, too. Both state and non-state actors will still be tempted to engage in atrocities to pursue their interests—whether strategic, ideological, economic, or some combination thereof. In the future, though, they may fear that committing large-scale, highly visible mass atrocities will invite strong sanctions against them, whether in the form of criminal prosecution, arms embargoes, economic sanctions, or military intervention. They will thus adjust by finding ways to make such violence less visible. They may reduce the scope or scale of atrocities to the point that they kill enough people to advance their interests while not provoking too strong of an international response.

New Potential Drivers of Atrocity: Environmental Change, Migration, and Technology

Another major source of possible change is the drivers of atrocity. In the past, armed conflict, ideology, and other factors have been the main causes of genocide and mass atrocities. In the future, new drivers may matter more—although whether that will happen is speculative.

Environmental stress is a likely candidate. Climate change is creating vulnerability around the world. In some places, climatic change may put pressure on populations to find living space, water, arable land, or other forms of livelihood. Over time, that driver could create or rekindle tension and conflict between civilian populations. Marginalized groups may be at risk of being left to suffer and even perish in the face of a hostile state and degrading conditions. Environmental stress, like economic stress, does not automatically translate into violence. The questions are how such stress is managed and in what political and social context it takes place. Nonetheless, as climatic changes intensify, the effects could well be a driver of future atrocities.

Reactions to migration could be another source of atrocities in years to come. Despite significant economic growth in many parts of the developing world, economic inequality between and within regions remains a persistent feature of the world order. Global inequality and a lack of domestic opportunities generate incentives to migrate internationally. Domestic inequality and the lack of rural opportunities create incentives to migrate domestically. In many developing countries, there exist large populations of youth and there is increasing urbanization. Cities may have difficulty absorbing internal migrants—from housing, economic, and health perspectives. Many citizens and some political parties express resentment toward immigrants. How such resentment will play out is unclear. Whether internal migration in developing countries will create new kinds of resentment is equally unclear. But such dynamics could become a new factor of atrocity escalation.

Finally, advances in technology could lead to different forms of targeting and mobilization. Social media could serve as a mechanism to organize violence in an at-risk country. Advances in surveillance could lead to new ways of finding and identifying victims. In some cases, non-state actors could gain the use of biological, chemical, or even nuclear weapons. Whereas international agreements and mutual deterrence have tended to limit the use of those weapons since World War II, the incentives for restraint may apply less powerfully to non-state actors.

Predicting the future is always difficult. The central point is that what we know about the past may not be the best guide to the future. But each of the scenarios previously described would present additional challenges for prevention and response. For example, many levers that the international community wields are designed to change state behavior. Prevention tools that rely on development assistance, military aid, training, strengthening the anti-atrocity legal framework of states, and building nondiscrimination provisions into constitutions are oriented toward states. As a crisis escalates, international actors rely on diplomatic action, which is typically focused on states in an effort to signal the reputational costs of committing atrocities. International peacekeeping still depends largely on the consent of states for such deployments. If the main perpetrators are non-state actors, those measures can be challenging to implement.

Not all levers are state-centric, however. Criminal prosecutions, arms embargoes, targeted economic sanctions, and coercive military action are measures that can be applied to both state and non-state actors. Still, if non-state actors become the principal perpetrators of atrocity, or if atrocities develop more frequently in the context of state collapse, international prevention and response efforts will have to adjust. Similarly, if states strategically lower the level of atrocities,

international actors will have to modify any approach that inadvertently sends the message that some degree of atrocities is “acceptable.” If the environment or migration becomes a driver of atrocity, prevention measures should focus on those areas. In sum, as the world changes, so should our approach to atrocity prevention.

II. The Future of Atrocity Prevention

Changing Norms

A different question is whether, and how, the nature of atrocity prevention and response will change. One possibility is that the norms will change.

Overall, norms that support atrocity prevention and response have strengthened since the mid-1990s. But even in that period, the degree of policy focus on prevention and mitigation has waxed and waned. It was strong in the late 1990s with Kosovo, East Timor, and Sierra Leone, but dipped after the war in Iraq in 2003, and it has fluctuated since then. In recent years, major policy initiatives have been established, such as the Responsibility to Protect and the US Atrocities Prevention Board; decisive, coercive actions in Côte d’Ivoire, Libya, and Central African Republic; strong diplomatic initiatives in Kenya, Guinea, and Kyrgyzstan; and military assistance against the self-proclaimed Islamic State, Boko Haram, and the Lord’s Resistance Army. Yet other key cases, including most recently in Syria, have seen substantial international disagreement about how to act and, consequently, relatively weak action taken to protect civilians.

Changing geopolitics could also prompt a change in the prevailing norms of atrocity prevention. Large developing countries, such as China, India, Brazil, Indonesia, Vietnam, Mexico, Turkey, South Africa, Nigeria, and others, are on the rise. Russia is a resurgent power. The academic and policy consensus is that the 21st century will experience a global shift in power away from Western Europe, the United States, and Japan to those countries as they grow economically, consolidate their power, and look to play a greater role on the international stage.²⁹⁷ The United States will remain very influential, as will certain Western countries and Japan, but the relative power of those states will diminish as the relative power of developing countries grows.

²⁹⁷ Richard N. Haass, “The Age of Non-Polarity: What Will Follow U.S. Dominance,” *Foreign Affairs* 87, no. 3 (2008): 44–56; Fareed Zakaria, *The Post-American World* (New York: W. W. Norton, 2008).

Whether such countries will embrace atrocity prevention is an open question. To date, China and Russia have had clear policy preferences for noninterference. India and Brazil have similarly been reluctant to authorize the coercive use of force; they are cautious of using international might against developing, weaker countries. Some other countries, however, have embraced the atrocity prevention imperative, including Argentina, Botswana, and Tanzania. How those policy preferences will unfold is difficult to know. But changing geopolitics is likely to matter a great deal as large, mostly developing countries frame global problems in ways that reflect their interests and values. Already, the International Criminal Court is facing growing opposition from some governments in Africa. In the future, international actors may construe genocide and mass atrocity prevention as a form of imperialism or as an extension of Western priorities.

Civil Society Interest

Civil society interest is likely to fluctuate, depending on the crisis. Overall, civil society interest in atrocity prevention has grown considerably since the mid-1990s and following the calamities in Rwanda and Bosnia, in particular. Today, a broader, more sophisticated, and more vocal atrocity prevention community exists. Multiple organizations, foundations, and museums focus specifically on atrocity prevention. Within the academy, more courses on genocide and atrocities are being taught. During the height of the Darfur crisis, an active student movement formed to create domestic and international pressure for more decisive action in that case. Yet a clear limitation of the effort was its US-centric nature, and so a key question going forward will be whether civil society interest in atrocity prevention will extend even more beyond the United States and the Western world and forge more linkages with community-based organizations in the developing countries of the Global South. Unless it does, the endeavor seems likely to be cast as a concern of the West—something that would be particularly problematic in light of the global shifts in power previously discussed.

In addition to the challenge of global spread, new issues could displace the attention that genocide and mass atrocities have received from civil society in any country. Public and civil society interest in humanitarian, environmental, and other causes is not zero sum. Interest in one subject does not necessarily mean a decline of interest in another. Yet neither the civil society gains in the prevention of genocide and mass atrocities nor public awareness and attention are fixed. Should interest wane, then generating the political interest in mustering real pressure and resources will become much more difficult.

Technology and Forecasting

Technology also may reshape the dynamics of atrocity prevention and response. New social networking tools offer a way to mobilize action, for good or bad. On the one hand, perpetrators can use text messaging, e-mail, Facebook, or other such tools to distribute messages and rally violence. New forms of surveillance could help perpetrators locate their targets of violence. On the other hand, technology can play a role in atrocity prevention. Increasingly, human rights, anti-atrocity, and other activist groups are using satellite and crowd-sourcing technology to document and map abuses. Such technologies provide civil society organizations with the capacity to document, in real time, the preparations for and the commission of atrocities. States similarly may develop new ways to anticipate, track, and document atrocities. They may also develop remote ways, such as drones or some other technology, to mitigate the scale of atrocities.

Improvements in data availability, statistical modeling, computer programming, and sheer intellectual engagement could also produce breakthroughs in early warning and forecasting techniques. The Simon-Skjoldt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum is developing a new approach to forecasting mass killings.²⁹⁸ A research team based in Australia also has improved a forecasting model for genocide and politicide.²⁹⁹

All of those efforts—the use of technology to document atrocities and the use of computers and human analysis to improve early warning—should mean that concerned actors will see atrocity clouds gather earlier and with more precision. They will be able to tighten the timeframe for forecasting when atrocities are likely to occur, and they will be better at understanding which circumstances are likely to escalate. All of that will make the job of prevention and response easier. Better detection will not necessarily lead to changes in prevention and response outcomes, but it is impossible to react to something unknown.

²⁹⁸ The Early Warning Project, www.earlywarningproject.com.

²⁹⁹ That forecasting model is called The Atrocity Forecasting Project. See Benjamin Goldsmith et al., “Forecasting the Onset of Genocide and Politicide: Annual Out-of-Sample Forecasts on a Global Dataset, 1988–2003,” *Journal of Peace Research* 50, no. 4 (2013): 437–52.

III. Conclusions

This book is a testament to the growing public and policy interest in preventing genocide and other forms of mass atrocity. But neither that interest nor the policy improvements should be taken for granted. Those people who care about atrocity prevention will need to remain engaged and vigilant if the dream of “never again” is ever to become a reality.

No reader should come away from this book convinced that atrocity prevention is easy. Public and political interest is a prerequisite for a more humane world. But that is not the whole story. Precisely predicting such events is already difficult, and the future may serve up new causes of those phenomena. Knowledge alone will not lead to prevention. When facing the risk or onset of genocide and mass atrocity, international actors who seek a different outcome may be stymied, as we have seen in recent years in Darfur and Syria. Preventing and stopping genocide is difficult. No one should underestimate the challenge.

But for many in the world, the challenge is a noble one. Indeed, for many it is an imperative; preventing genocide and other forms of mass atrocity is something to which we have to dedicate ourselves. The world has made much progress; however, much work remains.

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