GPANet 2012

Guiding Principles of the Emerging Architecture
Aiming at the Prevention of Genocide, War Crimes, and Crimes Against Humanity

Genocide Prevention Advisory Network

Guiding Principles of the Emerging Architecture Aiming At the Prevention of Genocide, War Crimes, and Crimes Against Humanity

Genocide Prevention Advisory Network
Conference Report: March 14-15, 2012
The Hague, The Netherlands

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Ministerie van Buitenlandse Zaken

The organization of the Genocide Prevention Advisory Network was facilitated by the Genocide Prevention Program at George Mason University's School for Conflict Analysis and Resolution.

GEORGE MASON UNIVERSITY | Genocide Prevention Program

GPANet:

The Genocide Prevention Advisory Network (GPANet) is an informal, international network of experts on the causes, consequences, and prevention of genocide and other mass atrocities. Its members provide risk assessments and advice to all interested parties, including the UN, individual governments, regional organizations, non-governmental organizations, and any other international political grouping that designs and promotes policies aimed at preventing and mitigating mass atrocities that have or may acquire genocidal dimensions.

The 2012 Conference of GPANet:

The 2012 conference of GPANet at The Hague, the Netherlands, focused on the emerging global and regional architectures aiming at the prevention of genocide, war crimes, and crimes against humanity. Individual states, regional organizations and the UN system as a whole have recently invested more in genocide prevention. The conference addressed these questions: What guiding principles are emerging to shape the architecture and community of genocide prevention and its relevant fields? What can GPANet offer to articulate those principles and strengthen these emerging capacities? How can GPANet work in partnership to support and facilitate local, national, regional and international prevention networks?

The conference was concluded by the keynote speeches of the three distinguished speakers at the public plenary session:

H.E. Uri Rosenthal, Minister of Foreign Affairs of the Netherlands

Dr. Francis Deng, UN Special Adviser on the Prevention of Genocide

H.E. Ambassador Liberata Mulamula, former Executive Secretary of the International Conference on the Great Lakes Region

The 2012 conference of GPANet was facilitated by Dr. Andrea Bartoli, George Mason University; Ambassador Karel de Beer, the Netherlands; and Special Envoy Mô Bleeker, Switzerland.

The Report:

This report compiles the papers presented at the conference. The report was compiled and edited by Tetsushi Ogata and Andrew Zemlan of the Genocide Prevention Program at George Mason University's School for Conflict Analysis and Resolution.

The ideas expressed in this report are those of the authors and do not necessarily reflect the views of GPANet as a whole, the Ministry of Foreign Affairs of the Netherlands, or George Mason University.

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Foreword

Yehuda Bauer

On March 14-15, a meeting took place in The Hague of a group of academics, under the aegis and with the support and active participation of representatives of governments. The topic was Genocide Prevention. The government of the Netherlands, with the support of the Swiss government, sponsored the meeting. Some other governments sent observers. The purpose was to advance theoretical examination of current genocidal threats and to present ideas of how to face them in the practical world. The title chosen was *Guiding Principles of the Emerging Architecture Aiming at the Prevention of Genocide, War Crimes, and Crimes Against Humanity*. The organization that conducted the seminar was the Genocide Prevention Advisory Network (GPANet), an informal group of academics from a number of countries, who cooperate with each other to advance and discuss theoretical and practical issues of Genocide Prevention. The purpose of GPANet is to advise and collaborate with governments interested in combating genocidal dangers. A list of current members of GPANet is attached here.

The papers presented here are only a part of those delivered and discussed at the meeting, and there is no intention to claim that they are in any way more important or better than the others. It was impossible, for technical reasons, to offer all of them at this time. But they may provide the interested reader with some indication regarding the direction the thinking of the GPANet members goes. General analyses, whether quantitative (Barbara Harff), or historical/qualitative (Yehuda Bauer), and additional contributions not presented here, indicate the problems we face, whether from a theoretical/analytical point of view, or from the point of view of providing the absolutely necessary data about current threats, based on social-scientific methodologies that may form the basis for political action to prevent mass human calamities. Much of the discussion at the meeting was about East Africa, especially about Sudan and Somalia. The two major papers below (by Ted R. Gurr and Ekkehard Strauss) are analyses of the political situation in Somalia, and were presented as a response to the very real questions that interested governments are asking: on what can one base an intelligent humanitarian and humanistic/political policy in an area that has been prone to violent events claiming the lives of many thousands of human beings in the last twenty years? Interestingly, the two papers actually arrive at similar conclusions. Based on sociological and political analyses of that concrete situation, a de-emphasis on top-down solutions aiming at a centralized government is suggested, and a process of building up autonomous administrative

units that take into consideration the clan-based Somali society should be favored. General considerations of analyzing and dealing with processes that lead to genocide (Birger Heldt), based on new research of both quantitative and qualitative nature, and the connection between terrorism and genocide (Alex P. Schmid) are essential contributions to these debates. Regional discussions should by no means be limited to Africa. A paper on South America (Daniel Feierstein), that calls into question accepted ways of dealing with potential genocidal threats, on the basis of a regional perspective, is an example of what we may seek to deal with in the future.

We sincerely hope that these papers, and the discussion that took place in The Hague, will be found to be of value to the policy-making of the participating government. GPANet is not a group that distances itself from the political realities – quite the contrary: it seeks to provide theoretical, scientifically-founded, analyses in the various fields of expertise of its members, in order to provide the background for political action; only such action may ultimately make a differences in the lives of people whose existence and whose very lives are threatened by mass violence. We do not seek any formalization for our group. We have no desire to become an NGO that seeks financial contributions for its work. We want to maintain our informal status as a group of individuals and individualists who may disagree with each other on occasion and yet collectively produce valuable contributions to what essentially is organized protection of human lives.

The meeting in The Hague was built on similar experiences in past years, supported exclusively by the government of Switzerland. We would like these meetings, that have been useful and important on both the theoretical and the practical/political level, to continue in the future. This combination of practical politicians and active academics is, we think, quite unique, and can be very productive.

On Early Warning and Data Gathering & Verification Systems

Countries at Risk of Genocide and Politicide in 2012

Barbara Harff

Let me begin by explaining the accompanying risk assessment. The theoretical model from which this risk assessment is derived was originally developed by testing explanations found in the relevant literature. The explanatory variables used here are derived from analyses reported in my article "No Lessons Learned from the Holocaust? Assessing Risk of Genocide and Political Mass Murder since 1955," *American Political Science Review* (APSR), 97 (No. 1, 2003): 57-73.

The presence of the risk factors here contributed significantly to the occurrence of genocide or politicide during or following internal wars or regime collapses of the last half of the 20th century. Over three quarters of the cases from 1955 to 2001 were correctly "explained" or post-dicted. And most of the exceptions were due to limitations of data or research design. Subsequent analyses highlighted the independence of one additional factor, the presence of state-led political or economic discrimination. The final model was a result of a sorting process.

We tested many more likely explanations—which I thought relevant. We were the members of the State Failure Task Force now known as the Political Instability Task Force founded in the mid-1990s by Vice President Gore. Thus, we tested for possible inclusion in the model political and leadership variables such as the Freedom House political and civil rights index, the State Department and Amnesty Interational terror scale. Of the economic and environmental factors we tested for inclusion: percentage of employment in agriculture, access to safe water, famine indicators, government debt, military expenditures, etc. Of the demographic and societal variables we tested for inclusion: youth bulge, female life expectancy, educational characteristics (literacy rate), religious diversity, calories per capita, ethno-religious diversity, etc. Some variables proved to be significant, others were not. This risk assessment is based on the best fit statistical model.

Briefly about the difference between risk assessment and early warning (EW): Risk assessments are based on structural factors that are not vulnerable to sudden changes unless widespread rebellion usher in unstable regimes. The mass unrest we witness at present in the Middle East includes examples of such situations that can bring about Somali-type instability. In contrast, a functioning early warning system would allow us to track dynamic indicators (vulnerable to sudden changes)

that can tell us whether a high-risk situation is rapidly escalating into situations approaching genocide; or alternatively whether, because of dynamic internal changes and/or international involvement, conflict is diffusing. No such EW system exists at present, not since the demise of FAST International, run by Heinz Krummenacher of the Swiss Peace Foundation. In the past I had developed a genocide-specific model for early warning. More of that later.

The theoretical bases for the variables used in this risk assessment are as follows:

PRIOR GENOCIDES: This dichotomous variable is indicative of whether or not a genocide or politicide occurred in the country since 1945. Empirical findings show that risks of G/P are three times more likely in countries that experienced prior genocides. Thus, if yes, 3 and a half points are added to the index.

MINORITY ETHNIC ELITES: This dichotomous variable indicates whether the ruling elite represents a minority communal group, such as the Alawites in Syria. If yes, 2.5 points are added to the index - once again this weighting is based on empirical evidence.

EXCLUSIONARY IDEOLOGY: This dichotomous variable indicates whether leaders adhere to a belief system that identifies some overriding purpose or principle that justifies efforts to restrict, persecute, or eliminate certain categories of people. If yes, 2.5 points are added to the index.

REGIME TYPE: Autocracies and Democracies are indexed using the Polity global data set's -10 to +10 scales based on coded information on political institutions. Full autocracies have a score of -7 to -10. Partial autocracies have a score of -6 to -1. Full autocracies add 3.5 points to the index, partial autocracies add 2.5. Full and partial democracies do not add to the index. Countries with no effective regimes, such as present-day Somalia and Yemen, receive 2 points.

TRADE OPENNESS: This indicator tracks elites' willingness to maintain the rule of law in the international economic sphere and is measured as the total value of exports plus imports as a percentage of GDP. Risk was highest in countries with low openness scores (2.5 points in the index). Medium scores add 1 point to the index.

TARGETS OF SYSTEMATIC DISCRIMINATION: Not used in the original analysis, this is a dichotomous variable of some significance. If political or economic rights of specific minority groups (including religious groups) are systematically restricted, 2

points are added to the index.

HISTORY OF INSTABILITY: This is an indicator of my original upheaval argument. Both trade openness and political upheaval coefficients were significant in the original analysis. Thus, the greater a country's magnitude of previous internal wars and regime crises over the preceding 15 years, the more likely a new state failure will lead to genocide. If past upheaval is high, 2 points are added to the index; if medium, 1 point is added.

DATA AVAILABILITY AND HOW TO DO YOUR OWN RISK ASESSMENT: As noted in the footnotes to the risk table, **Regime Type** and **Targets of Systematic Discrimination** are available from open sources. Information on the remaining variables is to some degree more problematic. Data for **Past Genocides and Politicides** from 1955 are readily available from my publications; I compiled the case information. The same goes for data on **Exclusionary Ideology** and **Minority Ethnic Elites**, both originally coded by me for the State Failure Task Force (now the Political Instability Task Force) and cross-checked in an independent coding. **Trade Openness** data are reported by the World Bank or better yet the International Monetary Fund. Here we used 2009 data, assuming that the data do not change rapidly. Personal judgment was used to revise codes for several countries, for example Syria, whose trade is now the subject of sanctions imposed by the international community. Updates on the quantitative indicator of **History of Instability** are not available for the last several years so we adjusted the scores upward for countries, especially in the Middle East, that have had major onsets of instability in the last two years.

For methodological purists this risk assessment is imperfect. It is not based on updates of all variables for all countries and no new statistical analysis has been attempted. Instead I have based this assessment on the results of the original theoretically based empirical analysis as described in the APSR article. I know of no new analysis by other researchers using updated or alternative indicators. The fact is that genocide research is underdeveloped when it comes to using systematic analysis.

EARLY WARNING: LESSONS LEARNED

Based on my US government supported efforts I developed a list of early warning indicators for the first UN Special Advisor on the Prevention of Genocide, Juan Mendez. The list (partially still in use) includes indicators that are crucial in assessing escalation or diffusion of potentially genocidal situations. Examples are: dislocation

of peoples, refugee flows across borders, activities that disrupt state capacity, increases in hate propaganda, and types and degree of international involvement. Other escalating conditions include small arms flows, the behavior of kindred groups in neighboring countries, and the emergence, organization and support of militias and other rebellious groups.

These indicators were tested using a complex early warning model, a version of which was published in 1998 in the Journal of Peace Research. The final model consisted of 10 variables operationalized as dynamic events and a number of triggers and de-accelerator that could abruptly change the direction of conflict development. This was a huge effort! Just for example: We tracked daily, for a couple of years, government capacity by monitoring declines in value of currency, increases in elite fragmentation, and sharp increases in prices of basic goods. Simultaneously we monitored the capacity of targeted groups internally and in neighboring countries. Thus we monitored arms transfers, acquisition of resources (through theft, kidnapping, and other methods). For triggers and de-accelerators – one-time events that can defuse or increase tension leading to genocide – we monitored assassinations of political, civil, and religious leaders (these are triggers), and for de-accelerators, expulsion of foreigners, unilateral ceasefires, release of political prisoners etc.

HOW CAN WE USE RISK ASSESSMENT AND EARLY WARNING FOR PREVENTION

In general, the key to effective responses to emerging situations is the development of cost-effective tools that stem the tide of conflicts. These tools need to be tailored to the specifics of both types of conflict and timeframe. Early warning systems have the capacity to lay the groundwork for developing effective responses. Thus if we knew that increases in hate propaganda were the immediate accelerator of increasing violence in volatile situations, as we witnessed in Cote d'Ivoire, then diplomatic efforts to restrain hate propaganda could be effective—as they were in this instance.

SPECIFIC LESSONS LEARNED FROM EARLY WARNING EFFORTS AND FROM THE LITERATURE

1. Peacekeeping works, provided there exists a third party commitment.
2. Post war justice could serve as a powerful deterrent.
3. Support for rebels can be dangerous.

4. The more complex agreements, the less likely security—power sharing resolutions may be meaningless or unrealistic.
5. Post settlement personal security issues are important.
6. High level of youth employment is often key to stability.
7. Timing is key in using both sanctions and inducements.

WHAT DO WE WITNESS IN PRE-GENOCIDAL SITUATIONS

We see the emergence of vigilante groups, increased police brutality, increased military involvement in civil affairs, increases in human rights violations and ideological encroachment on judicial decisions.

WHAT TO DO HERE

Stop hate propaganda, counteract media restrictions on local and international media, increase sanctions, and/or provide incentives, issue declarations against regimes, tie aid to performance, issue enforceable threats

Unless we do better in developing response scenarios by drawing from past failures and successes, decision-makers will continue to muddle through based on incomplete or flawed potentially biased information, or act on special interests, or both.

Briefly about Syria, I warned prior to the situation we witness now. Syria has a track record of politicide—see the attacks on the Muslim Brotherhood and civilians in 1981 and 1982. Despite the socialist draping of the regime it is a close collaborator of theocratic Iran, which provides material support to Hamas and Hezbollah. It also provides a safe haven for all kinds of terrorist groups, meddles in (and/or controls) Lebanon's political landscape and still enjoys the support of Russia. I remind you that many members of the Syrian elite were trained in the former Soviet Union. Iran, despite its constitutional guarantees, has a terrible human rights record, practices religious intolerance against Baha'is, Sufis and Evangelicals, has a track record in genocide (again, Baha'is) and actively discriminates against Baluchis and Dom (Romas).

Country Risks of Genocide and Politicide in 2012

Barbara Harff with Ted Robert Gurr

Countries and 2012 Risk Index Score	*Geno/Politicides since 1955* weights: +3.5 or 0	*Minority Ethnic Elite* weights: +2.5 or 0	*Exclusionary Ideology* weights: +2.5 or 0	*Regime Type 2011*[1] weights: +3.5 to 0	*Trade Openness 2009* weights: +2.5 to 0	*Targets of Systematic Discrimination*[2] weights: +2 or 0	*History of Instability*[3] weights: +2 to 0
Syria 16	Yes: 1981-82 +3.5	Yes: Alawites dominate +2.5	No	Full autocracy +3.5	Low +2.5	Political opponents, Kurds +2	High (current rebellion) +2
Myanmar 15.5	Yes: 1978 + 3.5	Yes: Burmans + 2.5	Yes: Burman nationalism + 2.5	Partial autocracy + 2	Medium +1	Karen, Kachin, Royhinga + 2	High +2
Sudan 14.5	Yes: 1956-72, 1983-present + 3.5	No	Yes: Islamist + 2.5	Partial autocracy + 2	Low + 2.5	Darfuri, Nuba, Korodofan peoples + 2	Medium +1
Ethiopia 13.5	Yes: 1976-79 + 3.5	Yes: Tigreans dominate + 2.5	No	Partial autocracy + 2	Low +2.5	Oromo, Anuak + 2	Medium + 1
Rwanda 13.5	Yes: 1963-65, 1994 + 3.5	Yes: Tutsis dominate + 2.5	No	Partial autocracy + 2	Low + 2.5	Hutus + 2	Medium +1
PR China 12.5	Yes: 1950-51, 1959, 1956-75 + 3.5	No	Yes: Marxist + 2.5	Full autocracy + 3.5	High	Uyghers, Tibetans, Christians + 2	Medium +1
Iran 11.5	Yes: 1981-92 + 3.5	No	Yes: Islamic theocracy + 2.5	Full autocracy + 3.5	High	Bahais, Sufis, Evangelicals, Baluchi, Dom + 2	Low
Pakistan 11.5	Yes: 1971, 1973-77 + 3.5	Yes: Punjabis dominate + 2.5	No	Partial democracy	Low + 2.5	Ahmadis, Baluchi + 2	Medium + 1
Sri Lanka 11	Yes: 1989-90 + 3.5	No	Yes: Sinhalese nationalism + 2.5	Partial democracy	Medium + 1	Tamils + 2	High + 2
Saudi Arabia 10.5	None	*Yes: Sudairi clan dominates + 2.5	Yes: Wahabism + 2.5	Full autocracy + 3.5	High	Shi'is + 2	Low
Somalia 10.5	Yes: 1988-91 + 3.5	No	* Islamists yes + 2.5	No effective regime + 2	Low + 2.5	None	High + 2

Country Risks of Genocide and Politicide in 2012

Zimbabwe 10	Yes: 1983-87 +3.5	Yes: Shona dominate + 2.5	No	Partial autocracy + 2	High	Shona, Europeans + 2	Low
Equatorial Guinea 10	Yes: 1959-79 +3.5	Yes: Esangui clan + 2.5:	No	Partial autocracy +2	High	Bubi +2	Low
DR Congo 10	Yes: 1964-5, 1977, 1999 + 3.5	No	No	Partial democracy	Low +2.5	Tutsis, Batwa/ Bambuti + 2	High + 2
Bahrain 9	None	Yes: Sunni 2.5	No	Full autocracy + 3.5	High	Shi'i + 2	Mass protests + 1
Uganda 8.5	Yes: 1971-79, 1980-86 + 3.5	No	No	Partial autocracy + 2	Medium + 1	Batutsi, Lugbara, Acholi, Twa, Karamajong +2	High + 2
North Korea 8.5	None	No	Communism + 2.5	Full autocracy + 3.5	Low + 2.5	None	Low
Central African Republic 8	None	Yes: + 2.5	No	Partial autocracy + 2	Low + 2.5	None	High +2
Uzbekistan 8	None	No	Yes: Uzbek nationalism +2.5	Full autocracy +3.5	High	Tajiks, Islamists +2	Low
Cameroun 7.5	None	Yes: Christian southerners +2.5	No	Partial autocracy +2	Medium + 1	Westerners, Bamileke, Bakassi + 2	Low
Angola 7.5	Yes: 1998-2002 + 3.5	No	No	Partial Autocracy +2	High	None	High +2
Egypt 7.5	None	No	No	No effective regime +2	Medium +1	Copts +2	Mass protests +2

Country Risks of Genocide and Politicide in 2012

OTHER COUNTRIES OF INTEREST							
Guatemala 7	Yes: 1978-90 + 3.5	Yes: Ladinos + 2.5	No	Full democracy	Medium + 1	Mayans, Afro-Caribbeans, + 2	Low
Nigeria 6.5	Yes: 1967-69 + 3.5	No	No	Partial democracy	Medium + 1	Ogani, Ijaw, Christians in North + 2	Low
Burundi 6.5	Yes: 1965-73, 1993, 1998 +3.5	No	No	Full democracy	Medium +1	None	High +2
Iraq 5.5	Yes: 1961-75, 1988-91 3.5	No	No	Partial democracy	High	None	High + 2
Yemen 5	None	No	No	No effective regime +2	Medium +1		Active rebellion +2

1. From preliminary 2011 data from the Polity project, provided by Monty G. Marshall of the Center for Systemic Peace, http://www.systemicpeace.org/ tab Polity IV. Full autocracies are scored 3.5, partial autocracies = 2, and countries with no effective regime = 2.

2. From Minorities at Risk project codings of groups subject to state-led discrimination (through 2006, http://www.cidcm.umd.edu.mar/) updated using information from the Minorities Rights Group's 2011 report on other groups subject to widespread discrimination.

3. Derived from Political InstabilityTask Force coding of magnitudes of all episodes of state failure, excluding genocide, for the 15 years preceding 2010, based on Harff's "national upheaval" argument. Instability scores for Middle Eastern countries are modified to reflect ongoing rebellions and mass protest.

Mass Atrocities Early Warning Systems: Data Gathering, Data Verification, and Other Challenges

Birger Heldt

1. INTRODUCTION

Just like the magnitude of sexual violence against women as well as men varies across conflicts (Temple 2005; Cohen 2011; Nordås 2011)[1], so does targeted deadly violence against civilians. For instance, Hicks et al (2011) report that 61% of all rebel groups active 2002-2007 did not intentionally target civilians. Among the remaining 39% of rebel groups there was a large degree of variation in the propensity to target civilians. Targeting of civilians is thus not the normal state of affairs in civil wars or for rebel groups. Fewer government actors than rebel groups carried out intentional violence against civilians, but the %-share was actually higher, in that 56% of all governments involved in civil wars targeted civilians to a varying extent (Ibid.). Whereas governments are more prone than rebels to target civilians, this appears partly attributable to the longer duration of involvement of governments in civil conflicts: as time goes by, the larger the probability that civilians will be targeted by government troops (Ibid.).

This brief research note focuses on "atrocities", which refers to deaths due to the targeting of civilians (non-combatants) by governments or rebels, and excludes indirect deaths caused by disease, starvation, and crossfire. As such it includes some elements, such as targeted violence by governments, of standard definitions of genocide and politicide (G/P), but excludes others, namely intentional starvation and other indirect methods. Moreover, and unlike common definitions of genocide (e.g., Harff 2003), it does not require that victims can be distinguished on ethnic or political grounds, or that governments carry out violence.

Atrocities appear to be more challenging than G/P to discover and address. For instance, Eck & Hultman (2007) examine the direct and deliberate killings of civilians by governments as well as rebels during the period 1989-2004. It is reported that the Harff (2003) model that works well for predicting countries at risks for G/P does not work when applied to mass atrocities. This indicates that mass atrocities

[1] Cohen (2011) reports that of the 86 civil wars between 1980-2009, 18 (21%) experienced "widespread or systematic rape", 35 (41%) wars had "many or numerous reports of rape", 18 (21%) wars had "isolated reports", whereas the remaining 15 wars (17%) had no reports.

are phenomena very different from G/P. Moreover, since G/P is intentional and systematic, it should reveal itself in the patterns of killings.[2] If pre-planned for some time, it may in theory also be possible to discover warning signs that are early rather than late. In contrast, mass atrocity events may be systematic but also random, and an expression of planned or unplanned acts by governments, undisciplined government agents, as well as individual units (sometimes poorly disciplined) of non-state actors rather than an expression of a systematic (and sometimes pre-planned) behaviour. This suggests that to the extent that mass atrocity warning signs may be identified, they will in general be spotted at a very late stage, if at all.

It appears in theory easier to also address G/P than mass atrocities. Because G/P involves the identification of victims on the basis of some group feature, potential victims can be identified, located and in theory also protected: the population at risk is broadly identifiable. In contrast, victims of mass atrocities sometimes have no clear identity or location, and may even come from the same region and group as the perpetrators. From this follows that physical protection efforts may have no real focus since the risk population often cannot be well delimited.

Another delimitation of this research note is that it looks at early warning instead of risk assessments. The issue of risk assessments, and findings from such research (e.g., Harff 2006), is thus not discussed. Risk assessments should not be confused with early warning assessments (e.g., Schmeidl & Jenkins 1998; Harff 2006). Risk assessments identify the underlying (and thus slow moving) conditions that put states at risk for G/P (Ibid.), but do not reveal when a genocide takes place, or its expected magnitude. Such assessments can be used for selecting countries that should be put on a "watch list" where events are followed in order to identify (early) warning signs of genocide (Ibid). In contrast, the goal of early warning models is to identify which among countries at risk, that are about to experience violence at a certain moment in time.

In order to clarify the magnitude of atrocities and thus the focus and challenge of early warning systems, section 2 below offers an overview of the historical patterns and character of the interrelated phenomena of civil wars, battle-related deaths, genocides and atrocities. The section highlights the absolute as well as comparative

[2] Mr. Bacre Waly Ndiaye, Special Rapporteur on the Commission on Human Rights, told this author during a dinner in 2010 that the killings in Rwanda during 1993 were claimed to be random and not an expressions of a government campaign. After mapping the location and timing of the killings, he discovered patterns that could not have been generated by random events. This led him to conclude that a genocide was taking place. See United Nations (1993).

magnitude of atrocities over time, and takes a closer look at the Kivu regions in the Democratic Republic of Congo. Section 3 highlights two challenges that early warning systems are exposed to - data gathering and data verification - whereas section 4 presents possible early warning indicators found in recent research as well as avenues and obstacles for the further accumulation of knowledge. Section 5 contains some final reflections and presents policy implications for national, regional and international actors from a select few early warning indicators. It is an attempt to highlight whether early warning indicators may offer implications for not only when violence may occur, but also what to do, and not to do.

2. THE NATURE OF THE CHALLENGE: MAGNITUDE AND PREVALENCE OF ATROCITIES

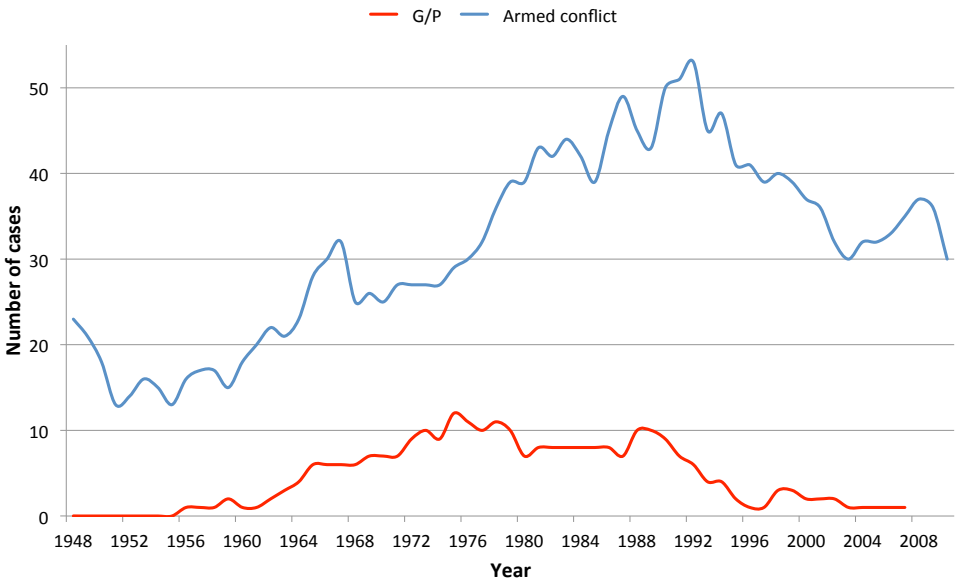
Not only has the annual number of armed conflicts and G/P decreased drastically since the end of the Cold War, but also so has the annual number of direct war casualties.[3] Figure I below covers 1948-2010 and shows a peak in the number of ongoing conflicts and G/Ps in 1991, after which there has been a decrease of about 40% in conflicts and around 90% in G/Ps.[4] While there were fewer conflicts before the 1970s than today, the number of states and thus also the potential number of states exposed to civil and interstate wars, has doubled since second World War.

One insight from figure I is that the historical conflict pattern shows inertia: short-term increases/decreases in absolute (not relative) numbers are limited. Annual changes by some ten conflicts have historically taken at least four years to materialize. If history is a guide to the future, then the number of armed conflicts will continue to not show any major changes in the short-term. As for the medium- to long-term development, a simulation covering 2010-2050 and based on the most recent statistical models of civil wars, offers similar predictions: at worst, the global number of conflicts will stay virtually unchanged, and at best there will be a small global decline (Hegre et al. 2009). Regional variations are predicted, and involve more conflicts in eastern, central and southern Africa, and fewer or unchanged numbers in other regions. Everything else equal, and given that genocides and mass killings

[3] By "armed conflict" is meant organized armed violence between two governments, or one government and one non-governmental party, over the issues of government or territory, which has incurred at least 25 casualties in a single year (Petterson & Themner 2011). Genocides and politicides refer to the "promotion, execution, and/or implied consent of sustained policies by governing elites or their agents – or, in the case of civil wars, either of the contending authorities – that are intended to destroy, in whole or part, communal, political or politicized ethnic groups" (Harff 2003: 58).

[4] Conflict data are from Petterson & Themner (2011), G/P data is from Harff (2007).

Figure I. Armed Conflicts and G/P, 1948-2010

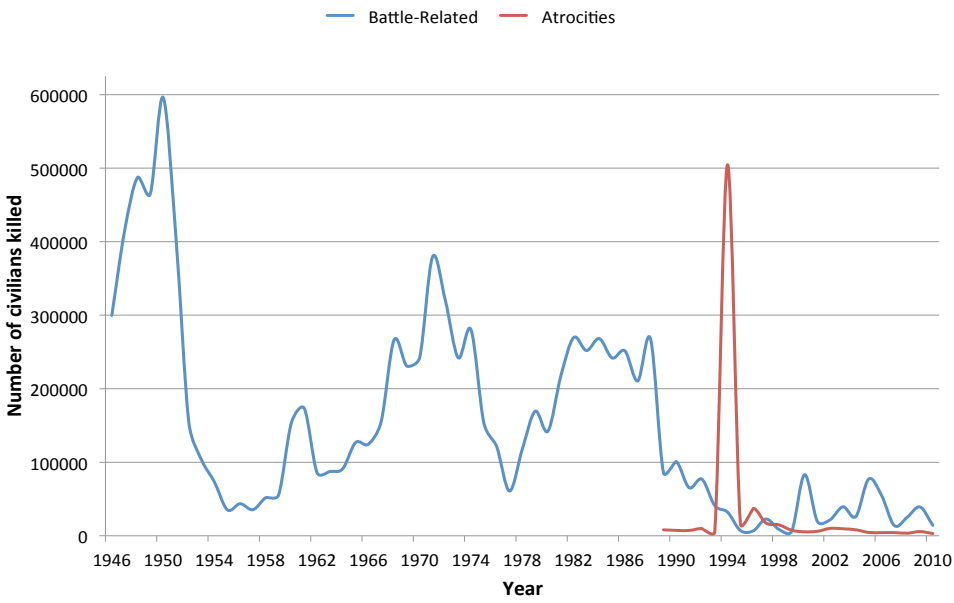


virtually always take place in the context of armed conflict, this means that we should continue to see more instances of genocides and mass killings in Africa as compared to other regions. In essence, Africa is the region expected to be most at risk.

While showing an overall positive development from the early 1990s and onwards, the figure does not reveal the extent of crossfire casualties and atrocities against civilians. Figure II below covers the same time period and shows on the one hand the number of direct war deaths in terms of military and civilian battle-related deaths, and on the other hand the number of civilians wilfully killed by warring parties.[5] It must be stressed that the figure does not include the difficult and often controversial estimates of the number of civilians dying because of disease, starvation, brought along either accidentally by the war, or by the warring parties as part of a war strategy

[5] Battle-death data are from *The Battle-Deaths Dataset* (version 3.0), Lacina & Gleditsch (2005) (1948-1990) and *UCDP Battle-Related Deaths Dataset* (v.5-2011) 1989-2010 (1991-2010). Atrocities data are from the *UCDP One-Sided Violence Dataset* (version 1.3 2011) 1989-2010. In contrast to estimates of armed conflicts, estimates of war casualties are controversial and difficult (cf. Lacina & Gleditsch 2005; Lacina *et al.* 2006; Spagat *et al.* 2009; Human Security Report 2010; Muggah 2011), and depend on whether only direct military and civilian battle deaths, or also indirect civilian deaths, should be included. Whereas the latter kind of direct casualties are very difficult to estimate, it is even more difficult to estimate indirect deaths as due to diseases and intentional/unintentional starvation, displacement, etc.

Figure II. Battle-Related Deaths and Atrocities, 1948-2010



or G/P, and which are often many times larger than the battle-related deaths.[6] For instance, in the case of the Democratic Republic of Congo (DRC), excess deaths have been very conservatively estimated to at least around 1,000,000 during the course of the most recent conflict (Human Security Report 2010).

The annual direct war deaths peaked at around 600,000 during the Korean War in the early 1950s, the Vietnam War and the war in Cambodia during the late 1960s and early 1970s (400,000), and the 1980s (300,000) when the data is dominated by the wars in Ethiopia, Afghanistan and the Iran-Iraq war. During the 1980s the annual number of battle-related deaths was close to 300,000, while from 1992 and onwards it is on average well below 100,000. Since the annual number of battle-related deaths has decreased proportionally (about 2/3) more than the number of armed conflicts (about 2/5) during 1989-2007, this means that conflicts have on average become around 50% less deadly in terms of annual and direct battle-related deaths. For the period 1950-2010, the average annual battle-related deaths per on-

[6] For an overview of the controversies, see http://www.hsrgroup.org/images/stories/Documents/Overview_To_The_Debate.pdf. See also Spagat et al (2009), Human Security Report (2010) available for download at http://www.humansecurityreport.info/2009Report/2009Report_Complete.pdf. A general method discussion is found in Muggah (2011).

going conflict has actually decreased by 90%, although this is mainly due to the statistical impact of a handful of large wars mentioned above (cf. Human Security Report 2010). New wars are on average much less - not more - deadly than old wars.

Concerning deaths caused by atrocities, the peak in 1994 represents the genocide in Rwanda. In general the annual figure is between 5,000 and 10,000, and is showing a downward trend, just like battle-related deaths. An important insight is that the estimated total of 700,000 civilians wilfully killed in civil wars 1989-2010 is in general – but far from always – a fraction of those killed during the course of military battles, which in turn are a fraction of the indirect war deaths or indirect deaths due to G/P.

Important to note is that, and excluding the Rwandan genocide, data show that armed groups were responsible for almost 65% of the very conservatively estimated 200,000 intentional direct killings of civilians in civil conflicts during the period studied.[7] An extreme case is the conflict patterns in Nord and Sud Kivu, the DRC, from 1994 to 2010, where rebel forces have been estimated to be responsible for 90% of all civilian deaths[8]. Not counting the Rwandan genocide, this means that during the past almost 20 years, it is not governments but rebels that carry out the majority of atrocities against civilians in civil conflicts. Nevertheless, some rebel movements are proxies for – or supported by – governments inside or outside the country in question. The role of governments in atrocities is thus larger than the above ratio suggests.

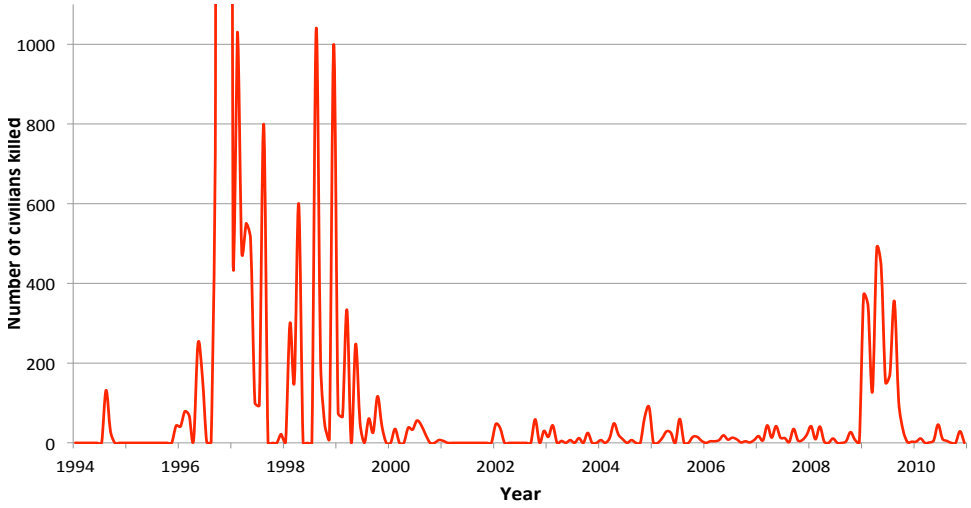
A final insight is that the impact on post-conflict health is more negative and hence necessary to add to final casualty estimates. Hoddie & Smith (2009) report that the magnitude of atrocities (carried out by governments) in terms of G/P is a more robust predictor of post-conflict health (disability and death) than the magnitude of crossfire killings. One alleged reason is that G/P involves the murder of professionals (e.g., health care staff) and the destruction of human capital that serve important functions throughout societies. Another alleged reason is the large displacements of entire populations, which in turn lose access to healthcare and live under difficult conditions (including the spread of diseases, hunger, and lack of access to health care facilities). A third alleged reason is the destruction of social capital (e.g., trust) that in turn decreases the possibility of individuals to receive help through friends and networks. G/Ps and atrocities against civilians will thus continue to cause fatalities and worsened quality of life long after G/Ps have ceased to a larger extent than civil

[7] Data is from *UCDP One-Sided Violence Dataset* (version 1.3 2011) 1989-2010.
[8] Data is from *UCDP GED version 1.0-2011*, 1989-2010.

wars in general.

Figure II provides a pretty smooth line that indicates a stable rate of targeted killings. This is partly caused of the use of annually aggregated data, which smoothens monthly variations. Figure III below, which builds on monthly aggregated data for Nord and Sud Kivu in the DRC from 1994 to 2010, illustrates the extent of the variation.[9] During the period more than 46,000 civilians were targeted, with around 90% of the killings taking place before the year 2000, when the UN deployed the MONUC peacekeeping operation. It should be stressed that the data and graph cover only the Kivu regions (Nord and Sud) of the DRC: in for instance the neighbouring Ituri province an additional 8,500 civilians (conservatively estimated) were murdered by combatants during the same time period.

Figure III. Number of Civilians Killed in Nord and Sud Kivu, 1994-2010



Instead of a stable rate, there are bursts of killings followed by an almost a total absence of killings. The pattern appears to indicate a tit-for-tat pattern, in that that the violence is not easily explained by some simple mass atrocity policy from the parties involved, but rather that they appear to respond to, or are that violence is triggered by, local circumstances or events: if the parties were bent on constantly killing civilians as part of some plan, then the line should have been smoother, more

[9] Note that the figure's maximum value on the Y-axis is 1100 persons killed, to allow for the observation of variations 2000-2010. The extreme peaks in late 1996 involving around 30,000 deaths are thus not visible in the figure. Data is from *UCDP GED version 1.0-2011*, 1989-2010.

consistent, as well as higher. Moreover, data show that the atrocities were not carried out in the same locations, but instead moved from one location to another. This implies that the international community can in theory do something about violence, by influencing local circumstances or deal with local triggers. It also implies that research on the prediction, prevention and management of mass atrocities should focus on local level data. The issue of the causes of atrocities will be returned to later in this paper.

3. BUILDING AN EARLY WARNING SYSTEM

What Prediction Accuracy Should We Expect?

On 2012-03-12, searching online for the expression "conflict early warning system" yielded 192,000 hits, whereas "genocide early warning system" and "mass atrocities early warning system" resulted in 4,500 hits and 102 hits, respectively. Allowing for the possibility that "conflict early warning system" to an unknown extent is meant to cover instances of genocides and mass atrocities, and that "genocide" and "mass atrocities" are often used as synonyms, the statistics is an indicator – although imperfect – of the magnitude of interest in – and discussion of – such early warning systems. The focused interest in early warning of genocides and mass atrocities appears surprisingly limited.[10]

Earthquake risk assessments identify regions at risk for serious earthquakes. It is achieved through a combination of retrospective knowledge of the location of past earthquakes, and the location of tectonic fault lines. Locations at risk are then in practice placed on a watch list where early warning signs are searched for. The earthquake early warning approach involves identifying pre-shocks that may indicate that an earthquake is imminent. Whereas earthquake research is able to identify regions at risk with high precision, it is not yet able to identify *early* warning indicators that very well predict earthquake timing or magnitude. The alleged reason is a knowledge gap concerning deep earth physics.

[10] Perhaps the most advanced *public* genocide early warning work so far was carried out 1998-2008 by the Swisspeace Foundation and involved the careful monitoring of developments in 25 countries that were deemed to be at risk. It combined analysis of quantitative events and trends of conflictual and cooperative events with qualitative assessments of genocide root causes, proximate causes and intervening factors. None of the countries on the watch list experienced genocide. See also O'Brien (2010) for a discussion of early warning models in general, and a US military application in particular. There are also Genocide Watch (www.genocidewatch.org) and the Sentinel Project (www.thesentinelproject.org), both of which issues list of countries at risk for genocide and "situations of concern", respectively. In addition, the Satellite Sentinel Project (www.http://hhi.harvard.edu/programs-and-research/crisis-mapping-and-early-warning/satellite-sentinel-project) monitors areas of concern.

Mass Atrocities Early Warning Systems: Data Gathering, Data Verification, and Other Challenges

The approach to early warning of mass atrocities and genocides is identical to the early warning approach applied to earthquakes. Just like earthquake research has a knowledge gap concerning deep earth physics and for that reason settles with observations of pre-shocks, early warning of mass atrocities focuses on violent precursor events that indicate that large-scale violence is imminent or already on its way. Since there is a knowledge gap concerning the immediate causes or triggers of mass atrocities, there is little choice but to look for violent precursors. While it is a valuable method that has corresponding examples in other scientific fields, at issue are nevertheless whether it offers *early* or *late* warnings, and whether the predictive accuracy of such "pre-shock" indicators of mass atrocities can reach a useful level.

When reflecting on the predictive accuracy of risk and early warning models of mass atrocities, it is valuable to consider achievements in the medical science. It is widely held that the social sciences – for reasons of the alleged complexity of the phenomena studied – will never reach the predictive accuracy of the medical sciences where every illness has an identifiable cause (Stern & Druckman 2000). But as they note (p. 34):

> *In fact, medical science is finding that few diseases follow this model. Smallpox and yellow fever may, but cancer may be a more apt analogy for international conflict. There are many types of cancer, many paths the disease may take through time, and many points at which medical intervention may do some good. As with international conflict, the multifaceted nature of cancer makes it very hard to understand and treat.*

Some diseases are difficult to predict, as their causes are multifaceted and to some extent unknown: we know that smoking entails risks for lung cancer, and thus that all smokers are at risk, but cannot predict when cancer may break out. Almost all cases of lung cancer are due to smoking, but not all smokers develop lung cancer. For some diseases, an increase in prediction accuracy from 25% to 50% may be hailed as a breakthrough. It is important to have this in mind when evaluating models of risk and early warning of mass atrocities, as well as forming expectations of what predictive accuracy scholars may be able to deliver in the future. Another relevant observation is that it was only by the beginning of 20th century that the medical sciences after hundreds of years of research and practice had progressed to the point that it had become more likely that a visit to a doctor in the U.S. would make the patient less ill instead of causing harm (Hardin 2002: 183).

Mass Atrocities Early Warning Systems: Data Gathering, Data Verification, and Other Challenges

Data Gathering Challenges

The challenge of today appears no longer to be lack of data, or that data is difficult to gather. In contrast to just 15 years ago, pictures and movies of violent events are nowadays distributed to wider communities in a matter of minutes or hours. Cases in mind include recent events in Libya, Yemen, Tunisia, Syria, Egypt, DRC, Sudan and Bahrain. The reason partly appears to be the increasing number of smart phones and the improved coverage of mobile phone networks and Internet throughout the third world. In addition, there are many NGOs that provide country information through their websites. Occurrences of atrocities against civilians are now well known for anyone interested in a specific country and reads newspapers, follows the news, or uses news databases such as Factiva.com.[11] Such sources are sufficient for the purpose of in reasonable manner finding and tracking cases. In a sense it appears now in practice to exist a global and public – though not systematized - early warning system consisting of bits of pieces of information from community actors. The challenge is "just" one of systematically using, compiling and interpreting the pieces, and this leads to the data verification issue in terms of accuracy and relevance.

Data Verification Challenges

Quality assurance is crucial, since there are usually large differences between different information sources on individual cases. My personal lesson learned - and probably also the lesson learned of anyone dealing with issues like this - from carrying out detailed tracking of armed conflicts during the early 1990, is to be cautious and conservative when dealing with casualty estimates, and to triangulate data sources. The lowest numbers cited often turned out in the end to be the most accurate ones; intentional and unintentional exaggerations/misrepresentations/misinterpretations/double-count of events and their magnitude are common.[12]

A bigger challenge is to know what data to look for, to identify early warning indicators that do not offer too many false negatives and/or false positives. To quote, (Meyer et al. 2010: 560), "imperfect predictions create a credibility problem" for early warning systems. Early warning models would also be well served by being universal, in that they build on some general principles and indicators. This ensures that different actors and practitioners can apply the models in the same consistent

[11] Dow Jones Factiva news database (www.factiva.com) is based on 20,000 sources (including local news papers and radio broadcasts) from 159 countries and contains powerful search tools.
[12] See Pederman et al (2011) on this problem concerning data in sexual violence in wars.

manner, independently of each other, and across any case, and that conclusions/predictions can be replicated given the use of identical data. Unless this is achieved, early warning falls back to being an art form, without transparency, without a rigorous and systematic character. To exemplify, with the help of Harff's (2003) transparent model and findings, any policy planner can calculate new and replicate old genocide risk scores for any country. For early warning models to become useful for practitioners, it is important to raise the bar to this level.

The detailed knowledge of country and case experts is impressive and valuable, but has in general been found to be an imperfect basis for predictions. Citing findings from a study that covered 27,000 judgements/predictions covering 55 countries over 20 years, Tetlock (2011) reports that 1/3 of the experts did not fare better than a random guess generator, whereas 60% of the experts did not outperform the simple decision rule "tomorrow will be just like today" (i.e., if it is peace this year, then predict there will be peace next year too). Corroborating findings are reported by Green & Armstrong (2007) in that expert forecasts built on the assumption that the case was unique, were not more accurate than forecasts made by novices, and the accuracy was pretty much identical to what could have been expected by chance alone (Ibid.: 12). Interestingly, experts' success rate increased sharply (39%) when they were asked to base forecasts on outcomes from similar cases in the past - or retrospectively based predictions – instead of treating the cases as unique.[13]

These findings do not imply that "unique case assumption" experts do not provide accurate predictions, or that some case experts do not have a very good track record of accurate predictions. What can be inferred is instead that *in general* retrospectively based predictions - and hence predictions that are based on the assumption that there are empirical patterns and general causes - outperform the unique case assumption approach.

Given that retrospectively based predictions based on general patterns are overall superior to the unique case assumption approach, should predictions be based on an inventory of findings from case studies, or on findings from large comparative studies (i.e., statistical studies)? Large comparative studies offer broad retrospective lessons and empirical scope, but at the cost of detailed, case-specific insights and texture that are the hallmark of case studies. The predictions are also far from perfect. But scope, broad and sweeping lessons are valuable in that the "big picture" helps us think more

[13] An analogy is medical doctors that regard every patient as unique, yet approach symptoms, analysis, treatments and predictions on the retrospectively based knowledge and experience of the medical field.

clearly on some issues and puts case specific insights into a broader perspective. In addition, such studies identify the historical average effect of certain factors, and as such contribute to more precise predictions and more fine-tuned policy prescriptions that tend to be general and sweeping. In contrast, case studies offer detail and texture, but lack scope. They are sometimes also not comparable to one another, difficult to compare, or difficult to replicate, because they are not always transparent/explicit on how conclusions were reached. Despite the limitations of large comparative studies, and as a complement to insights from solid case studies, there are sound reasons for relying on findings from such studies when creating early warning systems. In the end, however, only large comparative studies can strictly speaking be used for testing theories and general claims.

Finally, mass atrocities are on the one hand predictable, but are in another sense non-systematic and inconsistent, since they are usually not run by some underlying extermination policy. This makes them difficult to predict as well as address. A useful early warning system needs not only to avoid creating an abundance of false negative and false positive predictions. To become manageable, it should also ideally include only a handful of early warning indicators. Moreover, it is difficult to imagine that rebels use very advanced decision "models" as a basis for decisions to target civilians, and this is especially so since rebel movements prone to kill civilians are poorly organized and supplied: the causes or triggers of violence are unlikely to be more refined than the perpetrators themselves.

4. EARLY WARNING INDICATORS: EVIDENCE FROM RESEARCH

After the path breaking study by Harff (2003), the number of statistical studies trying to account for the onset, occurrence or magnitude of G/P, or the more general phenomenon of mass killings of civilians, has accumulated.[14] Some studies focus on slow-moving or even constant country characteristics that serve as underlying causes or risk factors and are difficult for the international community to address in the short-term. Other studies focus on conflict characteristics that constitute immediate causes or triggers, some of which are in theory possible to influence in the immediate term.

[14] See Valentino, Huth & Lindsay (2004), Besançon (2005), Krain (2005), Easterly, Gatti & Kurlat (2006), Humphreys & Weinstein (2006), Eck & Hultman (2007), Bae & Ott (2008), Colaresi & Carey (2008), Bundervoet (2009), Hoddie & Smith (2009), Querido (2009), Esteban, Morelli & Rohner (2010), Wayman & Tago (2010), Wood (2010), Hicks et al (2011) and Kathman & Wood (2011).

Mass Atrocities Early Warning Systems: Data Gathering, Data Verification, and Other Challenges

In the context of civil wars, atrocities that are not genocidal in their goals are often claimed to be carried out for rational reasons, e.g., promote ethnic cohesion, secure access to resources, deter civilians from supporting the other warring party, forcibly recruit soldiers, or improve bargaining positions and counter military setbacks (Valentino, Huth & Balch-Lindsay 2004; Kathman & Wood 2009; Wood 2010). Atrocities are thus symptoms of military weakness, inability to provide other incentives (such as public services, or security), or lack of public support in militarily contested areas (Ibid.). Meanwhile, when rebels enjoy broad support and/or can provide public services, rebel atrocities serve no rational purpose, and may instead undermine public support and in extension strengthen opposing warring parties. Moreover, whereas government forces usually have some form of logistics and financial resources, rebels are dependent on civilians for, e.g., material resources, food, information and sanctuary (Ibid). This "loot" explanation describes accurately the situation in many of the worst past and present cases of mass atrocities – DRC (Nord and Sud Kivu, Ituri), Liberia, Sierra Leone, Uganda, Mozambique – where civilians were/are "punished" and join rebel groups, or did/do not oppose them, out of fear. In contrast to governments that can offer public services and security to civilians in reward for cooperation, rebels can often only offer a choice between cooperation and death.

Since rebels are more exposed than government forces and more dependent on civilians for resources, they should thus be more prone to resort to the atrocities when their position is weak or weakening. This expectation is born out in the overall pattern of atrocities against civilians reported above, in that rebels are overall responsible for 65% of all civilians murdered in civil wars, and for 90% of all killings in Sud and Nord Kivu. However, when rebels become very weak compared to government forces, atrocities may not increase recruitment, as the risk for retribution from government forces is larger than the risk for atrocities against civilians that refuse to be recruited or cooperate (Ibid.).

These insights are confirmed in recent statistical studies. Wood (2010) covering all civil wars 1989-2004 reports that the smaller the relative rebel capability, the larger the magnitude of atrocities against civilians; when governments increase the level of violence against civilians, so do rebels, and in particular weak ones. These findings are consistent with the ones reported in a study of the Vietnam War (Kalyvas & Kocher 2009). In this war, the insurgent side was highly disciplined (but also not militarily weak), and resorted almost only to discriminate and targeted violence against carefully identified individual government (South Vietnam) collaborators.

An interesting qualification of these findings, but exposed to the caveat of building on just one case, can be found in statistical study by Humphreys & Weinstein (2006) that focuses not on killings but on rape, amputations, theft, etc., by rebels in Sierra Leone. It reports that poverty, co-ethnicity, social ties, local military dominance, among other factors, did not prove statistically significant. Meanwhile, unit discipline in terms of punishment for bad behaviour against fellow rebels as well as civilians strongly influenced the risk for abuse: when unit discipline was low, the risk for abuse increased sharply. Hence, and applying to rebels, lack of group discipline makes rebels even more likely to kill civilians.

Similar to this, and concerning government forces, Valentino, Huth & Lindsay (2004) report that rebel support and military threats against governments increase the risk for government atrocities, which are seen as a government strategy: when the government is losing ground, the risk increases. A similar finding is reported in a study of the Spanish Civil War (Herreros & Criado 2009). Parallel to this, and referring to the Vietnam War, Kalyvas & Kocher (2009) report that indiscriminate bombings and shelling by government forces took place mainly in contested areas, that is, where the parties were under pressure from opposing forces.

To move early warning models of atrocities to the next step of predictive accuracy and early warning, it is important to search for indicators with the help of retrospective research based on local level data. This would allow for an improved understanding of the causal processes, and in extension identify early warning indicators as well as suitable intervention strategies. For this reason it is also important to assess the impact of different types of interventions with local - instead of national - level data. For instance, a peacekeeping mission may be deployed in the west of a country, while mass atrocities occurr in the east. If national level data is used in that it is only considered whether, and not where, the peacekeeping mission is deployed and/or mass atrocities are carried out, then it may be concluded that the operation was unsuccesful. In contrast, had local level data and analysis been used, such a conclusion would not have been warranted.

This means in turn that a new research agenda needs to be established and new data collection efforts need to be initiated. Research on civil wars in general has already taken this step by increasingly taken into account local conditions for explaining local level violence (e.g., Verwimp et al. 2009; Lidow 2010), and there is no reason why research on mass atrocities cannot develop in a similar direction, not least since

geo-coded data on atrocities are now becoming publicly available.[15] It is often the case that availability of data has a large impact on research. Small strategically placed research grants aimed at financing the creation of new local level datasets - instead of financing expensive research on the subject matter - is probably the most cost-efficient approach for promoting early warning research at this stage.

Even when (not if) research on atrocities starts to develop in earnest in this promising direction, there still remains the file drawer problem (Gerber, Green & Nickerson 2001; Ionnaidis 2005; Young et al. 2008). It refers to the bias of journals to virtually only publish studies that report relationships: to the detriment of science and policy, studies that report zero relationships are not published, and will never be known. Corroborating journal articles is thus the tip of an iceberg that consists of studies that report no relationships. There is no practical solution to this problem beyond carefully assessing published findings in terms of strength (and thus the likelihood they may be false) and the existence of corroborating evidence from additional studies. Findings from single statistical studies should be approached with caution. For this reason it is important that designers of early warning models/systems are skilled in the art of assessing quality and reliability of scientific studies.

5. FINAL THOUGHTS

This paper has discussed some basic issues of a series of early warning issues concerning mass atrocities, and in that respect tried to spell out some challenges and possibilities. Today the largest challenges for the international community do not concern finding data or even to create early warning systems as such: strictly speaking the costs involved should be far from prohibitive since data collection is low-cost and data "easy" to find. The challenge is instead one of knowing what indicators to look for. Research has offered some useful clues, but more work is needed, in particular findings based on local level data. The clues offered by research - escalation of fighting; weak and poorly disciplined rebel movements; rebel movements relying on forced recruitment - help to discriminate among the civil war cases. While there is still a long way to go towards better predictions, these clues work pretty well to delimit the *most severe cases*, the ones that are and have been of greatest humanitarian concern and that third party actors should be constantly on top of. However, these

[15] An example is the *UCDP GED version 1.0-2011*, 1989-2010, which carefully geocodes 21,860 events of violence against civilians in Africa (http://www.ucdp.uu.se/ged/data.php). Another is the *The Political Instability Task Force* (PITF) *Worldwide Atrocities Dataset*, 1995-2008, that has a global coverage and contains 5,400 events (http://web.ku.edu/~keds/data.dir/atrocities.html).

are basically not-so-early "pre-shock" indicators of imminent large-scale violence; they are not indicators that offer *early* warning as just presented. This connects to the larger question of how low levels of violence we want early warning systems to deal with: should they focus on the severe cases, or try to cover low-level cases, and what can be reasonably expected in that regard in terms of predictive accuracy from such systems?

Another side of the coin is the so-called "warning-response gap", i.e., that the problem may not be lack of warning but lack of action (Meyer et al. 2010). The warning-response gap may shrink if early warning systems are at hand, since they may generate action. It is difficult to consider that government organisations/actors that create early warning systems do not start to reflect on also the response issues. The willingness to respond may thus follow - not lead - efforts to create early warning systems. If so, the creation of government/IGO run mass atrocities early warning systems may serve an unintended function.

Given what we know of the causes of mass atrocities, what are the policy implications for national, regional and international actors be, given that early warning indicators suggest that violence is imminent or has already started? In essence, what kind of action does the indicators suggest?

To begin with, even if the option may appear tempting, or appear as the only available option, theory and studdies suggest that the proper strategy is not for third parties or governments to carry out anti-perpetrator interventions that involve siding with one of the warring parties. If rebels are perpetrators, and especially if they are weak, and thus appear "ripe" for a final military blow, data suggest that anti-perpetrator interventions or continued and escalated warfare will motivate them to escalate violence against civilians if they are losing (or fear losing) territory to the other warring party. A prime example is the escalated fighting in Nord and Sud Kivu, and Ituri during 2008-2010 that was meant to deal a final blow to rebels, but ended up leading to mass atrocities. If civilian protection is the first priority, then other tools need to be considered. This conclusion corresponds to those found in studies on genocides. If interventions are directed against governments involved in genocides, data and examples like Kosovo, Rwanda and East Timor indicate that governments tend to escalate violence in order to be "finish the job" before further killings become impossible (Kathman & Wood 2009). Data suggest also that neutral interventions in these kinds of cases have the most beneficial *long-term* prognosis for reducing G/P, whereas anti-perpetrator interventions increase violence. Robust mandates are reported as having no impact.

Regardless of how difficult, frustrating, naive and non-innovative it may appear, data suggest that the goal should be to create robustly defended cease-fires (even localized ones), and in addition provide support to, and protection of, civilians. Historically this has decreased incentives for rebels to commit atrocities, since government forces are no longer considered an acute threat and territory is not being lost or threatened. It may also provide a breathing space for an unavoidable political solution to develop and for third parties to pursue diplomatic options. Options for third parties in terms of robustly enforced safe zones and local cease-fires that may create "humanitarian space" (Thurer 2007) need to be explored further. Just as it is not a viable strategy for third parties to act as neutral bystanders in the face of mass atrocities (Donald 2003; Yamashita 2008), neither does it appear to be a viable strategy to pursue a military solution that involves siding with one of the warring parties (Heldt 2009).

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Data Gathering and Verification Systems and Their Application with International, Regional, National, and Local Arrangements

Raymond Kitevu

Introduction

In preparation, I have reflected upon the lessons learned and experiences drawn from my past experience in working with various conflict prevention and peace-building initiatives at the local, national, and regional levels in the Eastern Africa Region. I do believe that this experience is relevant and can be applied as well to the establishment of early warning systems for the prevention of genocide and mass atrocity crimes in other regions of the world.

The topic of this paper touches on data gathering and verification – two key processes - in information packaging for initiating early warning and response to existing or impending violent crisis. Data gathering (or collection) involves a process that is standardized, systematic, and continuous[1] in order to inform and enable the parties or decision-makers that have an interest to intervene and understand better the conflict and violent crisis being monitored or taking place. In this regard, the way in which data is gathered, analyzed, packaged and disseminated, and the related process of identifying and analyzing the relevant indicators, plays a key role in ensuring that early warning systems and related processes of response are effective at addressing and resolving crisis situations.

Data verification, on the other hand, entails authentication or proof test that the information being gathered and received from crisis areas is genuine, relevant, and accurate, and is obtained from the right and relevant sources including individuals, local authorities, experts, NGO representatives, and the local media. Some of the methods for data verification that can be applied include phone calls, web research, media reporting, and other institutions' periodical field assessments.

Thus, a well coordinated data collection and verification process is crucial, and enables the various institutions involved – both state and non-state – to report on

[1] This process of making the data collection and analysis standardized, systematic, and continuous defines the parameters (such as type and format of reports, number of indicators to be used, time-frames of submission of field data and production of reports etc.) in which early warning indicators, reports, verification, and dissemination of information is to be conducted according to the type of the early warning system in place.

a region as accurately as possible. To be effective, the information being generated and used is comprehensive, unbiased, and drawn from a wide range of sources as mentioned above.

The various principles and practices that have been applied in setting up conflict early warning systems and particularly the aspects of data gathering and verification are highlighted below as well as the roles that the Genocide Prevention Advisory Network (GPANet) – as a network bringing together interested and informed researchers and practitioners in the field of genocide prevention and advocacy - can play to enhance and share best practices in promoting the work of its members and other institutions involved in genocide prevention and mass atrocity crimes.

Principles and Practices applied in Data Gathering and Verification

The principles outlined below are important and define the process of data collection and verification. They include:

1) Appreciation and incorporation of the local knowledge and understanding in developing early warning systems and structures for conflict/crisis prevention, management, and resolution.

The contribution of the local level actors and institutions in conceptualizing and setting-up of any early warning system – due to their familiarity with and the understanding of the dynamics and drivers of the conflict and the most appropriate strategies to be applied in resolving them – is important. For instance, when in late 2002 I was part of the Intergovernmental Authority on Development's (IGAD) team tasked with the responsibility to establish the region's Conflict Early Warning and Early Response Mechanism (CEWARN). Some of the key questions we posed to the local communities, NGOs, experts, and other institutions we had gathered together in the process of indicator development were: how do you know when a violent conflict/crisis is imminent, and/or is happening?; who is best placed to respond and resolve the conflict and with what resources and tools?; what response strategies should be applied to address and resolve the conflict or crisis?

Understanding this local knowledge informed the establishment of a domesticated methodology that could be applied to regularly and systematically gather field data for analysis and the subsequent production of early warning reports. In this case, the local knowledge was utilized and transformed into certain defined parameters, content and procedures that provided insights and understanding on the overall dynamics of

the crisis by highlighting conflict and cooperation analysis, actors involved and their interests and positions, and the appropriate strategies to formulate response options. In addition, this process helped customize and domesticate the various indicators generated according to local realities and settings as well as the most appropriate and applicable means to preventing and resolving the existing conflicts.

2) Determining and Selecting the Model and Methodology to apply in establishing the Data Collection, Analysis and Verification System

There are three common types of data collection models that have been applied by various early warning systems to monitor and/or forecast the development of violent conflict situations. The three models are:

2a) The Database Model

It is based on statistical indicators and often time series data provided on certain set and agreed reporting time-frames and parameters on data submission, analysis, and quality control (on a weekly, monthly, biannual, or annual basis). The model is mostly used by international organizations, regional bodies, NGOs, research and academic institutions. The benefits of this model is that it has locally developed and refined indicators that can be regularly reviewed and then amended to reflect evolving conflict dynamics, and possible escalation and de-escalation trends. Secondly, it can be periodically reinforced and strengthened by information gathered through established networks of knowledgeable experts and research and academic institutions within a given region. Thirdly, it can be stored and retrieved for trends analysis and risk assessments by scholars and researchers for scholarly purposes.

The shortcomings of this model are that it requires the necessary and competent human resources - in terms of personnel or analysts – to gather, analyze, and/or interpret the field data being collected. In addition, the process of data collection, analysis, production of reports, and storage requires effective and reliable information technology infrastructure so that reliable connectivity enables access and linkages with various consumers and connections with other existing databases of like-minded institutions. Lastly, in remote and inaccessible areas where communication options are limited or unreliable the relaying of the information in a timely, frequent, and consistent manner can present a major challenge.

2b) The Expert Model

This model utilizes expert knowledge to analyze and forecast trends in a crisis situation. The expert model bases its information on questionnaires and interviews as a way of creating a separate set of indicators – based on the expert's capabilities – in understanding the crisis under study and setting parameters for analysis and report writing. The information that the expert model utilizes can also be sourced from a wide range of informants including research and academic institutions, embassies/diplomats, NGOs, fact-finding missions, and local networks in a regular, quick, and standardized way.

While this model may yield the desired products more directly through the access and contracting of the competent and relevant personnel and utilization of the expert's knowledge in understanding and resolving the crisis, it can face the challenge of attaining objectiveness on the part of the expert if self-interests, misinterpretation, and misunderstanding of issues do occur. In addition, the exercise of engaging the expert may end up being costly and unsustainable if the experts are engaged on a short-term basis while the crisis persists for a long period of time.

2c) News-Wire Monitoring and Analysis

This model assesses the potential and risk of conflict outbreaks through systematic machine-coded coverage of news events through media services such as Reuters, BBC, AFP, CNN, and others. The benefits of utilizing media outlets to relay information on evolving, impending, or existing crisis are that the information is delivered real-time and packaged for easy understanding and consumption through set standards. The other benefits are that the information is accessible to a wide audience, is searchable and retrievable by date, subject, and time depending on the needs of the consumer.

However, the continued reliance and utilization of this model can be beset by the fact that the media may cease to cover certain crisis regions or areas if the information is perceived as no longer newsworthy. For instance, one major observation made by CEWARN staff when monitoring pastoral and related conflicts in the IGAD region was that local media houses would fail to report violent incidents that had few death counts (such as ranging from one to three) but in certain occasions would highlight those with high death counts ranging from twenty and above. In addition, this model's data collection and verification systems can be hampered by rumors and other unreliable sources if competent sources of information are not clearly identified and the necessary parameters of reporting put in place and strictly adhered to.

Due to the unique and varied benefits that each of the above models have in terms

of enhancing information sourcing, data collection, analysis and verification, many regional conflict prevention and response mechanisms – such as CEWARN of IGAD and ECOWARN of the Economic Community of West African States (ECOWAS) – combine them when setting up their indicators and early warning systems.

3) Adoption of an "Open/Transparent/Soft System" as opposed to a "Closed/Intelligence/Hard System" in the Information Collection, Analysis, and Dissemination Processes

In developing the methodology for data collection, analysis, and information sharing, it is important to note the fine difference between data or information gathered for intelligence and that for early warning purposes. The difference between the two is that an early warning system works with information acquired from the public domain, while the intelligence one collects from classified or state information. In this case the adoption of an "open/transparent/soft system" as opposed to a "closed/intelligence/hard system" will enable the inclusion, involvement, and participation of crucial state and non-state actors that are able to share information available in the public domain within certain agreed parameters and principles. Such an approach promotes the interest and engagement of multi-stakeholders to addressing and resolving human security issues whilst the "closed one" is aimed at serving state or security interests as its process of data gathering, analysis, and sharing is classified, has limited access, and is shrouded in secrecy.

It is notable that in accepting and adopting the features of an "open system" – as opposed to the "closed" one, a consensus must be reached by all stakeholders on how the parameters of the data collection, analysis, sharing, and dissemination will be conducted between the members of the conflict or genocide prevention system so that issues of when should the data be submitted; who gets the information; who initiates or undertakes response; and who does verification and quality control are agreed upon and resolved.

4) Decentralization and Structural Linkages

Related to the above point (3), a conflict or genocide prevention system will require putting in place various structural linkages - from the local/communal to the national/regional levels - for purposes of coordinating decision-making in data collection, analysis, verification, and response. This approach entails pursuing a decentralization strategy (preferably a bottom-up linkage) with clear definition of the roles and responsibilities for all participating entities. This approach will ensure that

there is a high level of interest, commitment, and involvement by all stakeholders in the early warning and response initiatives to any existing or impending crisis and as a result promote the principles of transparency, participation and ownership within the conflict or genocide prevention network.[2]

5) Methodology Development

Linked to (2) above, a cardinal principle is that the indicator model – which entails the specific features and characteristics of the data collection process – has to be clearly defined and set to monitor and assess the course and interaction of both the conflictive (or violent) and the cooperative (or peaceful) dynamics of the crisis. This process therefore has to ensure that the application of certain specified indicators in the data collection process is standardized, systematic and continuous.

Secondly, the methodology development phase must ensure that relations between the key parties involved, and the medium and short-term intervening factors are assessed as well in order to inform and provide the interveners or decision-makers with various scenarios and thus propose viable response options for intervention.

6) Political and Legal Mandate

During the process of establishing the CEWARN-IGAD and ECOWARN-ECOWAS conflict early warning systems in both the Horn and West Africa regions, it was clear from the beginning that setting up such mechanisms required the approval and backing of the highest political authorities in both organizations in the form of a Protocol, Memorandum of Understanding, Agreement, or Contract.[3] Having such a legally binding instrument ensured that all stakeholders (both state and non-state) drawn from the local, national, regional, and international levels subscribed and had shared common goals and understanding on the mandate, scope, functions, structure, roles, and responsibilities of the early warning system. In addition, having the legal and political instrument ensured that the levels of commitment to the system by all members was clearly defined so that any disputes or misunderstandings that may have emerged regarding data collection, analysis, information sharing, and

[2] See S. Schmeidl, C. Mwaura, and H. Adelman, "Principles of the CEWARN Model" in C. Mwaura and S. Schmeidl (eds), *Early Warning and Conflict Management in the Horn of Africa (Asmara: Red Sea Press, 2002) pp. 169-189.*

[3] For instance, visit www.cewarn.org and www.comm.ecowas.int for more information on how the CEWARN and ECOWARN Protocols on conflict prevention underline the collaboration and partnerships between Member States and other institutions on conflict early warning and response.

dissemination were addressed and resolved with due reference and interpretation of the legally binding document in place.

7) Sources of Information and Quality Control

Related to (6) above, it is a clear fact that the ability to report on a region or country as accurately as possible, is determined by the accuracy, reliability, and timeliness of the information being collected, analyzed, verified, and disseminated. In order to achieve this, the information being used to inform on existing and/or impending crisis must be comprehensive and unbiased – sourced from a wide range of competent and reliable entities that have the interest, desire, and commitment to playing a role in contributing to human security and the ideals of the early warning system in place. These sources of information include the media, individuals, experts, local administrations or authorities, and communal institutions such as the youth, women, and elders, business groups, religious/faith-based institutions, research and academic institutions etc.

In situations where the data being collected requires verification to determine accuracy and reliability, the network members (stated above) should adopt a structured system that is able to clearly define some of the issues that dominate quality of data such as precise locations of incidents, dates, numbers of fatalities (i.e. deaths and injuries), and population displacement, and property damage.

8) Capacity-building

The continuous provision of capacity-building and strengthening processes is necessary in order to ensure that various stakeholders involved in data collection and analysis are better equipped to undertake their responsibilities effectively. The capacity-building and strengthening processes can be provided through regular training tailored for specific needed skills including report writing, conflict/crisis analysis, response initiation, program planning, awareness creation and advocacy, monitoring and evaluation, and fundraising amongst others.

The provision of the necessary resources such as information and communication technology (ICT) equipment and funds can be seen in the same line as well.

9) Remoteness and Inaccessibility of Conflict/Crisis Areas or Regions

In remote and inaccessible areas or regions that may be facing civil strife and

conflicts, information collection, analysis, verification, and dissemination poses a major challenge for those interested parties that may want to intervene or advocate for quick action and responses to resolve ongoing or impending crisis. It is thus important to explore the possibilities of pursuing alternative means of acquiring the right information regarding the conflict. This may include drawing on secondary sources or identifying proxies such as notable representatives who are able to speak for minority or marginalized groups that may be targeted by the conflicting parties.

The other option is to adopt innovative means of disseminating information regarding the crisis and apply current technologies including mobile phones, SMS, Twitter, HF-Radios, and others. For instance, IGAD-CEWARN in the mid-2000s initiated the project ICT4Peace for purposes of utilizing ICTs for the timely transmission of early warning information on violent conflicts taking place in remote areas in the region.[4]

An evaluation of the ICT4Peace project in 2010 revealed that it had, in many ways, empowered and enabled local communities and other peace-building institutions collect and relay information through the use of mobile phones and radios to raise awareness about their plight. And in the process they drew the attention and interest of those state and non-state institutions having the capacity, will, and interest to respond.

Concluding Points

What are the roles that GPANet can play in enhancing best practices and principles in data collection, sharing, and verification?

1. Ensure that certain early warning models that have been applied, tested, and succeeded are replicated in other conflict or genocide-prone or vulnerable risk areas: this can be done by ensuring that these models are universal and adhere to certain generally accepted international principles and practices of data collection, indicator development, data analysis and verification. Such general principles include usage of similar indicators that are context-specific (that is focusing and analyzing a particular issue that is being monitored), measurable (by use of certain numbers or figures to ascertain relevance and impact), feasible, relevant and accurate.
2. Initiate the relevant monitoring and evaluation (M&E) systems and tools to

[4] For more information on the CEWARN ICT4 Peace Project visit www.cewarn.org.

enable network members to gauge and measure the impact of their programs and activities in order to overcome challenges, improve on successes achieved and plan effectively;

3. Related to (1) above is to be sure to ask whether the local, national, regional, and international systems on data collection, analysis, and verification being applied by network members are adopting the right approach of combining the necessary political, economic, and social indicators in the understanding of the overall key drivers of conflicts and related human rights violations, genocide, and mass atrocity crimes. Combination of the above categories of indicators in analyzing and understanding conflict dynamics in a given area or region informs the setting up of the necessary parameters of analyzing field data, report production, and response option(s) formulation.
4. Another critical issue to consider is resource mobilization: Do the network members have the necessary resources (both human and financial) to implement their programs and activities? Within their regions or countries, do they know where they can source these resources? If not, then GPANet can utilize its international network of members to lobby and advocate for the disadvantaged members in terms of locating donors and institutions that are willing to support their programs.
5. Continue to hold the regular annual conferences as a way of bringing members together to interact and review activities, deliberate on emerging issues and new ideas/thinking/trends on genocide prevention.

On Application to a Case: Somalia

The Security Challenges of Somalia: Toward a Confederal Solution

Ted Robert Gurr

Somalia is a geocultural region. It is not now, never was, and is very unlikely to become the basis for a stable and unitary state. Africa's 15 million Somalis are distributed across four different internationally recognized states on a continent where the inviolability of colonial-era boundaries is a principle of African Union doctrine. They live in Somalia (9.1 million or 60%), Ethiopia's Ogaden region (4.6 million or 30%), northern Kenya (900,000 or 6%), and Djibouti 465,000 or 3%). Somalis have no history of legitimate, centralized political rule, either democratic or autocratic. On the contrary, the basis of authority in traditional Somali society is the clan and its constituent sub-clans. Cities are relatively small, their populations swollen by rural refugees, and literacy is among the lowest in the world (38%, 176 among 183 countries rated by the UN Development Program). There is scant basis for the emergence of "civil society" or modern political associations with the capacity to supplant clan leadership and authority.

Somalia has been wracked by civil war for a quarter-century. Let me begin with a review of the region's multiple security and humanitarian challenges and then sketch a contrarian approach to establishing a more stable and effective political order. My central point is that the prospects for stability and security in Somalia need to build on Somalis' political culture and practice of authority, which means essentially the clan structure. And if it is to have any chance of success, it needs to be approached from the bottom up, a confederal system built up from existing political entities, rather than a unitary or federal system imposed or promoted from the top down by international actors.

PIRACY: Pirate bases on the Somali coast are a strategic and commercial threat to one of the world's most important shipping lanes. In 2011 Somali pirates hijacked 49 ships. And in the autumn of that year pirates held more than 300 hostages. Recent ransom payments by owners and insurers reportedly have ranged from $500,000 to $5 million per ship. A 2010 UNODC report says the bases extend along the Somali coast from Puntland to Kismayu; the autonomous government of Puntland reportedly expelled some pirates who then relocated to ungoverned areas further south.[1] Pirates

[1] United Nations Office of Drugs and Crime, *The Globalization of Crime: A transnational Organized Crime Threat Assessment* (Vienna, author, 2010), pp. 193-200.

who remain in Puntland are said to contribute substantially to the local economy, with about a third of ransom monies converted into Somali shillings, benefitting local workers and pastoralists and supporting development in regional cities.[2]

FAMINE: In July 2011 the UN declared a famine in Somalia because of a devastating drought that killed livestock and crops. Tens of thousands reportedly died of malnutrition and disease, prompting a major influx of international food assistance. That assistance, plus a bumper harvest, ended the famine by January 2012 but two million Somalis were said to be still in need of emergency rations. Delivery of food aid was hampered by Al-Shabaab fighters, who blocked humanitarian personnel and sought to control the distribution of food aid. The conditions for future famine persist.

HUMANITARIAN CRISIS: Many Somalis are herdsmen whose transhumant quest for water and pastures takes them back and forth across unmarked international borders with Ethiopia and Kenya. In flight from recurring drought and warfare, many escape to familiar havens. Refugees International says there are now 950,000 Somali refugees outside the country's nominal boundaries, 463,000 of them in Daabab, Kenya, the world's largest refugee camp. Another 1.5 million, a sixth of the country's population, are internally displaced, with 300,000 of them in Mogidishu alone where they are both prey and potential recruits for local warlords.

MILITARY INTERVENTION: Somalia has been destabilized by international military involvement since the 1960s. Its early governments were pawns of US-Soviet rivalry. In 1977 dictator Siad Barre, armed by the USSR, launched a disastrous war against Ethiopia in a futile attempt to create a "greater Somalia." He was abandoned by the USSR and adopted by the US. By the 1980s the country was awash with weapons that continue to provide the means for warlordism and banditry. An Ethiopian intervention in 2006-09, aimed at defeating the Islamist Courts movement in south-central Somalia, provoked violent resistance from Somali clans and nationalists that did not necessarily support the Islamist Courts. Since 2007 many African countries, led by Uganda, have contributed troops to the African Union's mission (AMISOM) to prop up the internationally supported Transitional Federal Government (TFG) in Mogadishu. The Ethiopian army returned in late 2011. Al-Shabaab, like the Islamic Courts before it, is under military pressure but none of the interventions, past or

[2] African Programme Paper, AFP PP 2012, "Treasure Mapped Using Satellite Imagery to Track the Developmental Effects of Somali Piracy," Dr. Anja Shortland, Brunel University, January 2012. Thanks to Ekkehard Strauss for calling this study to my attention.

current, have achieved any broad political settlement. Nor are they likely to, given the strong undercurrent of traditional Somali resistance to foreign intervention.

THE KENYAN INTERVENTION: Kenyan forces intervened in southern Somalia in October 2011, nominally in pursuit of jihadists who had kidnapped foreigners in northern Kenya. In fact Kenya is conducting a very successful military campaign against Al-Shabaab-controlled areas, evidently with larger objectives in mind. One is to extend effective Kenyan control over southernmost Somalia – an area once known as Jubaland – as a way to reduce the risks that militant Islam will take root among the Somalis of Kenya's Northern Frontier District. Another is to control Kismayu port on the southern Somali coast. This is the first military intervention of the modern era in which the intervener is thought to have had longer-term territorial objectives. And a third, in quiet cooperation with the US military, is to eliminate the risk that jihadists will establish permanent terrorist training bases in the region. This was the same objective that reportedly prompted US military support for the 2006 military intervention by Ethiopia.[3]

JIHADISTS: The emergence and basing of jihadist movements, the Islamic Courts in the mid-2000s and Al-Shabaab now, is a persisting long-term threat to governments and to Western interests in the Horn of Africa. On 10 February 2012 Al-Shabaab and Al-Qaeda announced a merger, though it is more likely to have a symbolic than substantive effect – not least justifying the escalation of international military pressure on Al-Shabaab. The Islamists are also an unwelcome threat to Somalis themselves, few of whom seem to share the jihadists' preoccupation with imposing strict Shari'a rule or recent resort to suicide bombings. Insofar as the Islamic Courts and Al-Shabaab were able to form alliances with clan leaders, as they did in parts of central and southern Somalia, they have posed a serious security challenge. I suspect, though, that clan support, when given, has been strategic rather than principled. Clans with other resources and allies would have little reason to compromise their traditional authority through a dangerous alliance with a local franchise of international jihadists. An AU official told International Crisis Group on 16 February 2012 that "Defections from Al-Shabaab have reportedly increased because the group can no longer afford to pay all its fighters."[4]

MASS ATROCITIES: The risk of future genocide or politicide in Somalia is of special

[3] With thanks to Helen Purkitt to calling this information and supportive sources to my attention.
[4] International Crisis Group, "Somalia: An Opportunity that Should Not Be Missed," Africa Policy Briefing No. 87 (Nairobi and Brussels: author, 22 February 2012). p. 4, note 21.

concern to the Genocide Prevention Advisory Network (GPANet). The country experienced a major episode of politicide in the late 1980s whose circumstances are worth reviewing. Inter-clan rivalries were the main source of instability in the Horn of Africa from the 1960s onward. The nominally democratic state founded in 1960 by union of former British and Italian colonies was overthrown less than a decade later in a military coup led by Siad Barre and supported by the Soviet Union. Barre's power base was the Darod clan family and more narrowly his Marehan subclan of central Somalia and the Ogaden. The Somali state became an instrument through which Barre and his clan associates monopolized international assistance and marginalized other clans.[5] The northern Isaaq clan, whose Somali National Movement (SNM) was predominant in former British Somaliland, mounted a major rebellion in May 1988. The Barre regime responded with a campaign of indiscriminate violence against the civilian populations of northern settlements that killed tens of thousands and precipitated the flight of several hundred thousand Isaaq refugees to Ethiopia. The Isaaq continued their resistance, joined by clans elsewhere, and civil war ensued elsewhere until January 1991 when Barre fled the country.

A history of past atrocities is one of the most potent risk factors in Barbara Harff's model of the preconditions of genocide.[6] Another is political upheaval, which has characterized Somalia for the two decades since Barre's overthrow. Offsetting these risks, there is little chance of a minority-based ethnic elite taking power in future. Barre's regime rested on a narrow clan basis - the Darod are about one fifth of the Somalis. Relations among Somali clans have historically been characterized by rivalries that led to negotiations and compromise rather than coercive attempts to establish dominance. The fatal weakness of Barre's regime was its violation of these traditional principles.

Another key contributing factor is an exclusionary ideology that justifies marginalization and elimination of alien groups. There are no historical bases for such an ideology in Somali society; any such ideology would have to be an import. And this is precisely the threat posed by exponents of jihadist doctrine. But any concerted efforts by Islamists to eliminate "heretics" en masse would run strongly

[5] The major clan families and their estimated proportions of the Somali population are the Isaaq, 22%, in Somaliland; the Darod, 20%, in Puntland and the Ogaden; the Hawiya, 25%, in south central Somalia; and the Rahawein, 17%, in southwestern Somalia. A CIA map of the clans is at http://i.cfr.org/content/publications/attachments/cia_somalia.pdf

[6] Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risk of Genocide and Political Mass Murder since 1955," *American Political Science Review*, 97 (No. 1, 2003): 57-73. Her 2012 risk list, based on this analysis and presented at these meetings, shows Somalia at present ranks 11th in global risks of genocide and politicide.

contrary to Somalis' cultural traditions and, I speculate, would provoke decisive resistance.

The existence of an autocratic government or political movement capable of implementing mass killing is a *sine qua non* of genocide and politicide. No such political entity has existed in Somalia since 1991. The proliferation of autonomous regional governments, warlordism, and bootless international efforts to reestablish a central government in Mogadishu have in no circumstance led to the establishment of an authoritarian political entity that might, even in extreme circumstances, carry out mass killings. Violent death is an everyday experience in Somalia, but it is the death of anarchic contention not the policy of a murderous state.

TOWARD A CONFEDERAL SOLUTION

Civil war has now wracked Somalia for nearly 25 years. The security challenges sketched above are caused or conditioned by the lack of effective governance among Somalis and misguided international interventions. The most promising and least-explored approach to dealing with Somali security is to establish authorities capable of effective governance and local security. International expectations that this could be done by establishing a central state based in Mogadishu have proven unrealistic. The unitary Somali state under Barre was characterized by analysts as "unsustainable" and "a house of cards."[7]

International efforts to establish stability since 2000 have depended mainly on support for a succession of transitional central governments based in Mogadishu, none of which have been able to transcend clan rivalries or establish authority over significant parts of the country. The current Transitional Federal Government has a full complement of well-staffed and internationally funded ministries – mostly located in Nairobi. As Richard Dowden has recently written, "Somali politicians...are better known for living in luxurious Nairobi hotels, talking at internationally funded conferences and chewing khat. A recent audit of aid money given to them said that 96% was unaccounted for."[8]

On paper there is a comprehensive road map toward constitutional reform and

[7] Kenneth Menkhaus and Louis Ortmayer, "Somalia: Misread Crisis and Missed Opportunities," in Bruce W. Jentleson, ed., *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World* (Lanham, MD: Rowan & Littlefield for the Carnegie Commission on the Prevention of Deadly Conflict, 2000).

[8] Dowden, *op. cit.*

elections, signed in September 2011, and a Somali consultative constitutional conference was held in December 2011. These efforts are widely suspect among Somalis because they envision a unitary state – despite the TFG's nominal commitment to federalism - that lacks sufficient representation of local and regional interests. *Efforts to reestablish a central state in Somalia do not lack structure, but they lack credibility. They are not seen as authentic, they are incapable of providing basic services or security, and they are propped up by external military forces.*

The irony is that authentic and effective authorities have been established in significant parts of Somalia that are largely ignored by international actors. They exist in Somaliland in the north and Puntland in the northeast. Together they claim populations of more than 7 million, well more than half the total population of the shadow Somali state. The SNM movement of Somaliland declared its independence in May 1991. Its democratically elected government has maintained security and functioned effectively for 20 years. It has not been recognized internationally (except by Djibouti) and had little international assistance. Puntland authorities declared their autonomy (not independence) in 1998 and they too have an elected democratic government but like Somaliland have received little international assistance, though its' leaders are represented at conferences and assemblies such as those cited above. The smaller states of Galmadug and Xeeb are more recent and weaker entities declared in the south-central region (southwest of Puntland, northeast of Mogadishu), their autonomy inspired by the success of Puntland to the north and the weakening of warlord and Al-Shabaab influence from the Mogadishu area. The accompanying map shows these and other regional entities.

The contention of this paper is that these autonomous, clan-based entities are the building blocks of a secure Somalia, not a notional central government in Mogadishu. Puntland, Galmadug, and Xeeb nominally accept the authority of the unionist TFG, and their representatives attend regional and international conferences, but are effectively free from any central control.[9] Recent analyses agree with this general assessment:

"The parts of Somalia that work and are safe have evolved their own

[9] The UK government convened an international conference on Somalia on 23, February 2012 to coordinate activities among members of the International Contact Group (ICG) – European, African and Middle East states, the US, the AU, the UN – but there seems to have been no more unity of purpose and policy among the ICG members than among the contending parties in Somalia, some but not all of whom were represented. For background see "Somalia: An Opportunity that Should Not be Missed," *op. cit.*, pp. 5-6.

> structures and agreements with their neighbors and rivals. Somalia's social structure is unique [i.e. the clan basis of Somali society] and still very powerful and the systems [of] Puntland and Somaliland are built on them."[10]
>
> "There is growing agreement that some form of decentralization and direct international support for emerging administrations (sub-national entities) is necessary to stabilize south and central Somalia."[11]

SUGGESTIONS FOR INTERNATIONAL POLICY

So what might be accomplished at the local and regional level, whether or not an effective confederal administration might someday be established? Some issues:

1. The land bases of piracy could be controlled by regional security forces, perhaps with international assistance as has been provided to Puntland authorities. I note that the greatest concentration of piracy incidents recorded in 2008 and 2009 occurred in the Gulf of Aden, close to the Somaliland coast, but none of the pirate bases identified by UNODC are in Somaliland (see note 1).

2. Humanitarian assistance could be provided with greater security and certainty of its delivery by local and regional authorities. At present delivery of aid is imperiled by warlords, or bandits, in Mogadishu and elsewhere who prey on aid at every step from offloading in ports to transport and distribution. Local police under the control of clan authorities could be an effective check on predation, probably conditional on prearranged side payments to the authorities.

3. Reliability of food aid, international provision of essential social services, and marginalization of armed bandits should decrease the flow of internal and trans-border refugees.

4. Potentially violent conflicts among clans could be better managed, and negotiated settlements secured, if regional governments had international

[10] Robert Dowden, "Somalia and the London Conference: The Wrong Route to Peace," ALLAFRICA, 27 February 2012 (URL: http://allafrica.com/stories/201202271222o.html). Robert Dowden is director of the Royal African Society.

[11] International Crisis Group, *op. cit.*, p. 6.

recognition and political support. Serious inter-clan disputes have occurred in the autonomous states as constituent groups have sought greater autonomy (the Awdal in western Somaliland); or a more equitable share of benefits (the Warsangali sub-clan in Puntland). In each instance their demands were accommodated through compromise and with little loss of life. Whether these outcomes would be promoted by international political support, or best left entirely alone, depends on circumstances that cannot be foreseen in advance.

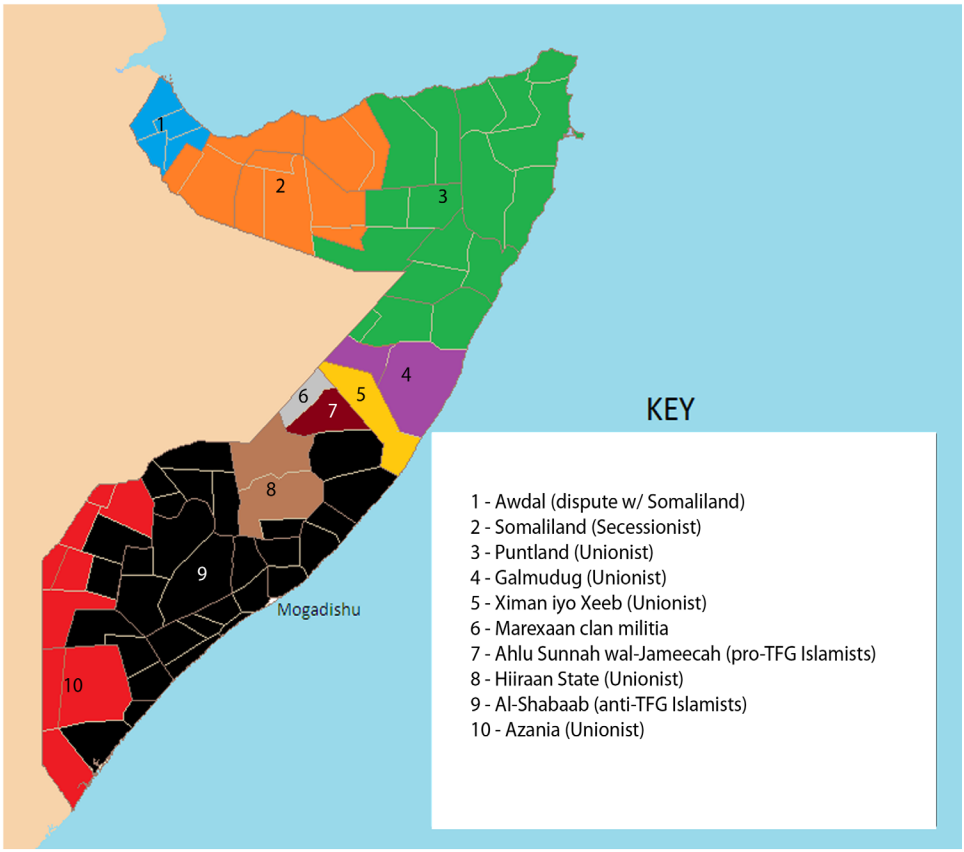
5. International military action among the various parties now involved – AMISOM, Ethiopia, Kenya, and the United States – needs to be coordinated and directed toward common ends. At present different actors are pursuing different strategic interests with only nominal coordination. Efforts to establish enduring spheres of political influence should be explicitly rejected. All military efforts, including those carried out jointly with local militias, should aim at restoring local and regional security, and building up the capacity of local forces to establish and maintain security going forward.

6. Containing Al-Shabaab is now treated mainly as a military project by intervening forces and a number of areas have been "recovered." There is a more political theme in the International Crisis Group's recent recommendations. Clan leaders in south-central Somalia should have incentives to break from the Islamists - more moderate elements in Al-Shabaab should have opportunities to participate in negotiations (with a national central government? Or with newly established regional governments?) - and local clan authorities should be given the means to deal with the security threat posed by residual Al-Shabaab fighters.[12]

What can international actors do in Somalia other than what is being done or proposed at present? One is to recognize and work with existing and emerging regional, clan-based governments. The London Conference on February 22, 2012 proposed establishment of a Local Stability Fund for those governments. Foreign and development ministries should channel as much aid and advice as possible directly to regional entities rather than to empty ministries in Mogadishu. Second, encourage interventionist military forces operating in Somalia to establish cooperative arrangements with clan authorities in the areas in which they operate, and provide local security assistance wherever possible. And other innovative

[12] International Crisis Group, *op. cit.*, pp. 7-10.

The Security Challenges of Somalia: Toward a Confederal Solution



Since July 2011 a number of the Al-Shabaab-aligned districts have been "recovered" and are now nominally Unionist.

Impact of Recent Developments on the Risk Factors for Mass Atrocities in Somalia: Review and Analysis

Ekkehard Strauss

INTRODUCTION

The following discussion aims at complementing the previous paper by Ted Gurr by reviewing recent developments regarding Somalia for their possible impact on ongoing and future mass atrocities. This review is far from exhaustive and based on general methodologies related to early-warning of mass atrocities and limited knowledge of the country mainly acquired since participating in the UN strategic assessment in 2008, which has formed the basis of the current UN approach.

"Mass atrocities" will be understood as exceptionally grave violations of human rights, as included in the definitions of genocide, war crimes, crimes against humanity and ethnic cleansing.[1] Particular attention will be paid to violations, which dominated past instances of mass atrocities, including killings, torture, mutilation, rape and sexual violence, abduction, forced population movement, expropriation, destruction of property, looting, lack of freedom of speech/ press/ assembly/ religion, destruction of subsistence food supply, denial of water or medical attention, man-made famine, redirection of aid supplies', discrimination in access to work and resources, political marginalization, restricted movement, discrimination in education, lack of access to justice and redress.

The gravity of the violations will be assessed in light of the number of potential victims and level of irreparable harm that may be caused to potential victims taking into account the following risk-factors: Identification of the victims based on identity criteria linked to race, color, descent, religion, ethnic, or national origin, gender, sexual orientation or other grounds and their association with a specific political opinion or group; public hate speech, incitement to violence, or humiliation of a group publicly or in the media; exclusionary ideologies that purport to justify discrimination; a past history of violence against perceived groups; and a climate of impunity in which these events unfold.[2]

[1] See art. 6-8 of the Rome Statute on the International Criminal Court.

[2] This approach follows the standards of application for the Responsibility to Protect developed primarily by a project at Cardozo Law School in March 2012.

Impact of Recent Developments on the Risk Factors for Mass Atrocities in Somalia: Review and Analysis

CURRENT SITUATION IN SOMALIA

There is limited information available on the human rights and humanitarian situation in Somalia due to restricted access for the international community. However, the UN Secretary-General concluded in his most recent report that no significant progress has taken place in the area of human rights and humanitarian law, and the military operations in southern Somalia have renewed concerns regarding protection, population displacement and reduced humanitarian access.[3]

Number of Victims

Accurate civilian casualty numbers are hard to obtain due to insecurity and limited political interest in tracking victims. A Somali NGO, which works with volunteer field monitors, Mogadishu hospitals, and the city's voluntary ambulance service, suggested that 1,739 civilians were killed in Mogadishu in 2009, 2,200 in 2010 and around 1,400 in the first half of 2011. Human Rights Watch estimated that the fighting since late 2010 has resulted in around 1,000 civilian deaths and 4,000 civilian casualties. The World Health Organization reported in July 2011 that 6,543 individuals had been admitted to hospitals in Mogadishu with "weapon-related injuries" since the beginning of the year. These numbers place Somalia at the level of casualties reported from Afghanistan.[4]

Civilians are affected by the conflict in several ways, including by indirect fire during artillery duels, being used as human shields, by small arms cross-fire during sudden skirmishes, by direct targeting and assassinations, by imrpovised explosive devices, and by suicide attacks. All parties to the conflict committed human rights violations or abuses, which include unlawful killings, extrajudicial executions, torture and other ill-treatment, including rape, amputations and beatings, arbitrary detention and enforced disappearances. There are numerous documented instances of civilians suspected of having links to the African Union Mission in Somalia (AMISOM) or the Trasntional Federal Government (TFG) being targeted by Al-Shabaab and reports suggest that such attacks are increasing. These attacks are designed to intimidate the wider population and are often carried out in public arenas. There are also reports of executions carried out by militias allied to the TFG although they appear to be less frequent and less organized than those done by Al-Shabaab. Individuals can be

[3] Report of the Secretary-General on Somalia, S/2011/759 of 9 December 2011.
[4] Campaign for Innocent Victims in Conflict (CIVIC), Civilian Harm in Somalia: Creating an Appropriate Response (2011).

singled out as a target for the most arbitrary reasons, ranging from allegations of collusion to a refusal to join ranks with a group as a soldier.[5]

Humanitarian Situation

In February, fighting between Al-Shabaab forces and forces supporting the TFG continued in Lower Juba, Middle Shabelle and Banadir regions. Heavy fighting erupted between Al Shabaab and TFG/AMISOM forces in Afgooye district. Armed clashed between Al Shabaab militias and anti-Al Shabaab forces also intensified in the Lower Juba region, resulting in takeover of Baadhedee district by the Kenyan forces. Throughout February, airstrikes were reported in both locations resulting in an unconfirmed number of civilian casualties, as well as residents fleeing the area seeking protection and food. The fighting that first erupted in January between Sool, Sanag Clan militias (SSC) and Somaliland forces resumed in Togdheer region in February. Continued tensions in the area raises concerns about the probability of Somaliland beginning a conflict with the semi-autonomous region of Puntland, particularly after Puntland's President warned the Somaliland authorities of fomenting disorder.[6]

According to the UNHCR, Somalia is generating the third highest number of refugees in the world, after Afghanistan and Iraq, i.e. close to 1 million. The refugees flee primarily to countries in the region, i.e. Kenya, Yemen and Ethiopia. 1.4 million persons are displaced within the country. Somali people are facing one of the worst humanitarian crises in the world today. One in three Somalis is in urgent need of humanitarian assistance and one in every three children living in the South-Central region is malnourished.[7] The UN warned of a humanitarian crisis in Somalia, despite the announcement indicating the end of the famine. Drought is likely to return to Somalia and other parts of the Horn of Africa over the next three months according to regional climate scientists.[8]

In light of the ongoing armed conflict, humanitarian access is limited, particularly in Al-Shabaab controlled areas.

Human Rights Situaiton

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[5] See e.g. Human Rights Watch, Somalia. Country Summary, January 2012.

[6] Recent information on the humanitarian situation in Somalia is available at www.unhcr.org/pages/49c483ad6.html

[7] UNHCR, Monthly protection report, February 2012.

[8] IRIN, Horn: Fears of a new drought as La Niña returns, February 2012.

Impact of Recent Developments on the Risk Factors for Mass Atrocities in Somalia: Review and Analysis

In his recent report, the independent expert on the situation of human rights in Somalia identified the armed conflicts between Islamist insurgents and the TFG, supported by the troops of AMISOM as the main causes of human rights violations. Violations were caused by indiscriminate shelling and firing in urban areas, suicide and improvised explosive attacks by the insurgent group Al-Shabaab, the collapse of rule of law institutions, interference with the work of journalists and domestic and sexual violence against women.[9]

In February, increased tensions and insecurity in areas of conflict resulted in human rights violations by armed forces, including the arbitrary arrests of suspected Al Shabaab members, extrajudicial killings as well as restrictions of movement of civilian population as a result of curfews, and by alleged Al-Shabaab bombings.[10]

A prominent Somali journalist and the director of Shabelle Media Network was shot outside his home in Mogadishu in February. He is the third Shabelle Media Network director to be murdered since 2007.[11]

Political Situation

Since 2008, the international community has pursued a political strategy in Somalia which aimed at supporting the TFG in completing the tasks needed to end the transition, notably finalization of a constitution; assisting the TFG in outreach and reconciliation; and supporting the development of basic state governance and institutions, especially in the security sector.

The TFG has engaged political actors in areas recovered from Al-Shabaab, based on a detailed policy with key priorities for the first three to six months to normalize the situation, including (a) promoting social reconciliation and setting up local political administrations; (b) restoring law and order and justice; (c) the containment of heavy weapons, followed by comprehensive disarmament, demobilization and reintegration; (d) restoring humanitarian relief distribution and the repatriation of internally displaced persons and refugees; and (e) providing basic services.[12]

In February, armed opposition groups continued deadly attacks on the TFG and

[9] Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari, A/HRC/18/48 of 29 August 2011.
[10] UNHCR, FN. 8.
[11] Amnesty International, Attacks against journalists in Somalia must stop, 29 February 2012.
[12] Special report of the Secretary-General on Somalia, S/2012/74 of 31 January 2012.

African Union peacekeeping forces, and still control large parts of the territory.

Conclusions

The situation in Somalia is atypical to the narrow set of situations considered for mass atrocity prevention during the drafting of the Genocide Convention and the development of the R2P. The exceptional gravity of Rwanda, Srebrenica or Kosovo was characterized by the persecution of large parts of the population based on identities applied by the perpetrators. Based on the information available, with some exceptions, mass atrocities cannot be attributed to a plan or policy to target members of a perceived permanent group, e.g. particular clans, but are caused by armed conflict and absence of state authority. Individuals are at risk of being targeted as perceived opposition to a respective group or simply as bystanders any time and at any place.

RISK FACTORS FOR MASS ATROCITIES

There is broad agreement that the cause of conflict in Somalia is collapse of effective governance, with resulting chronic conflict, lawlessness and poverty as a basis for terrorism, piracy, periodic famine and constant streams of refugees and internally displaced people (IDPs). Consequently, the most effective and durable solution would be building an inclusive, federal government structure.

Given the complexity of the crisis and Somalia's geopolitical importance it is not surprising that there is a divergence of views how to address the situation. There seems to be agreement that security and stability should be achieved, but no joint vision has emerged.[13] Thus, these objectives remain an abstract end in itself rather than a means for a clearly defined peacebuilding strategy. It is evident that the priorities are on addressing piracy and terrorism with military means. There is clearly no strategy for the prevention of mass atrocities; no agreed analysis or approach to address their underlying causes. Respect for human rights and humanitarian law is perceived as an automatic by-product of security and stability.

Looking at the history of Somalia, peace and stability, in the abstract, as objectives towards the prevention of mass atrocities cannot be considered sufficient. For example, it is difficult to prove empirically that rule of law and governance as currently promoted by the international community automatically prevents mass

[13] See e.g. A Shift in Focus: Putting the interests of Somali people first. Oxfam Briefung Note, 22 February 2012.

atrocities, in particular in Somalia. The end of the armed conflict with Al-Shabaab does not mean automatically the end of armed conflict with its impact on the civilian population. Whenever a joint enemy was defeated, Somali clans turned against each other, including instances of mass atrocities.

The causes and risk factors of mass atrocities are not necessarily different from the causes of conflict in Somalia. Nor does the prevention and halting of mass atrocities necessarily require different action from those associated with the protection of civilians, prevention of human rights violations, peacebuilding or conflict prevention. But the objective of these activities is focussed on a particular set of causes and risks resulting in a set of priorities, which are different from the purpose of mass atrocity prevention.

In the following, recent developments in these areas will be reviewed for their potential impact on the causes and risks of mass atrocities.

RECENT DEVELOPMENTS

Roadmap for the end of transition

The comprehensive road map for ending the Somali transition, signed in Mogadishu on 6 September 2011, articulated specific tasks to be completed before August 2012 in the areas of security, constitutional reform and elections, outreach and reconciliation, and good governance. The road map was adopted at a broad-based consultative meeting held in Mogadishu from 4 to 6 September and chaired by the UN Special Representative. The "Garowe Principles", agreed at the Somali National Consultative Constitutional Conference in December 2011, are meant to guide the finalization of the draft federal constitution and the process for ending the transition. The agreement included a timeline to complete the final draft of the constitution no later than 20 April. The participants also agreed on a post-transition parliamentary structure, including a bicameral federal legislature with an upper chamber "comprise[d] of members of federal states and regional administrations". The number of parliamentarians is to be reduced to 225.[14]

Many clans do not support the reestablishment of a strong central government. It has been repeated in many reports on Somalia that since the fall of the Siad Barre's regime in 1991, Somalia fell into the hands of different militias, who divided the country along clan lines. However, Barre's regime was dominated by his own Darood clan and

[14] See Report of the Secretary-General, FN. 4.

other clans took arms to challenge his rule. Numerous massacres of opposition clan members occurred throughout the 1980s. In order to prevent similar instances in the future, a decentralized political framework and local inter-clan reconciliation are required. The country will only be stabilized in a sustainable way if the political framework addresses fears of the regions being dominated by the center and creates incentives for clans to withdraw their support for Al-Shabaab or other armed groups.

In November, the UN, the TFG and civil society set joint priorities for 2012 under the United Nations Somali Assistance Strategy for recovery and development, which promotes a common approach to local governance systems by empowering the Somali people to decide which form of governance works best for them. However, access to support and resources in the areas of social services and livelihoods is not linked to completing elements a defined process of establishing governance. The Principles for international support to local areas of stability in Somalia agreed at the London conference last month lists important factors, but lacks reference to the respect of human rights.

Al-Shabaab withdrawal from Mogadishu

Al-Shabaab insurgents announced their withdrawal from Mogadishu in August 2011.[15] However, the risk for people to fall victim of violence did not decrease necessarily because a quickly shifting, but clearly demarcated front, was replaced by insecurity throughout the city, as evidenced by the targeted killing of a journalist and a bomb blast in the past weeks.

Operation Linda Nchi

In October 2011, Kenya started operation Linda Nchi. The operation's aims have evolved since, from "hot pursuit" of kidnappers identified as Al-Shabaab to the stated goal of destroying or weakening Al-Shabaab and establishing a buffer zone between Kenya and Somalia. The operation had no time limit and would continue until Kenya was safe. Over time, it appeared that another aim is to capture the port city of Kismayo. Al-Shabaab earns substantial revenue there, the loss of which, it is argued, would destroy its economic basis. There are potentially large and unexploited reserves of oil off the coast of Kismayo and possibly inland as well, in both North Eastern Province of Kenya and southern Somalia. Despite the conflict in Somalia, the region is now of major economic interest for Kenya. All this stimulates Somali fears

[15] IRIN Africa, Analysis: Mogadishu after Al-Shabaab, September 2011.

of Kenya's intentions in southern Somalia.[16]

Reports on the situation in South Central Somalia suggest that civilians are suffering from the military operations of Kenyan troops.[17] In addition, as mentioned already, defeat of Al-Shabaab does not automatically end armed violence. The positive impact of the operation will depend on the viability and sustainability of governance structures established for the territory taken from Al-Shabaab.

The London conference

The London Somalia Conference on 23 February brought together 55 delegations from Somalia and the international community, including the UN, African Union (AU), European Union (EU), World Bank, Inter-Governmental Authority for Development (IGAD), Organization of Islamic Conference (OIC) and League of Arab States. Somalia's Transitional Federal Institutions (TFIs) participated, as well as the presidents of Somaliland, Puntland, Galmudug (regional governments) and representatives of the largest armed group, Ahlu Sunnah Wal Jama'a (ASWJ).

In the final communiqué, participants agreed, *inter alia*, that the mandate of the Transitional Federal Institutions should end in August 2012. The document emphasized the urgency of Somalia funding its own public services, and using its assets for the benefit of the people, as well as tackling corruption. Participants agreed to develop a defectors' programme to support those who leave armed groups and called for action to address in particular the grave human rights violations and abuses that women and children face. Delegations agreed that security and justice were essential both to a successful political process and to development.[18]

The Conference was preceded by a separate meeting on humanitarian issues, which agreed a set of conclusions on humanitarian issues and linking relief with longer-term recovery.

Even though the communiqué listed the end of the transition and the TFG's control of Mogadishu as reasons for the meeting, it was clear that piracy and the subsequent cost to the marine insurance business, as well as the fear of terrorism, were the main drivers for the initiative. With a view to the past history of Somalia, it was surprising

[16] ICG, The Kenyan Military Intervention in Somalia, Africa Report N°184, 15 February 2012.
[17] Human Rights Watch, Kenya: Investigate Bombing of Somali Village, December 2011.
[18] London Conference on Somalia: Final Communiqué, 23 February 2012; http://reliefweb.int/node/478681.

to hear participants identifying Islamic extremism as a main cause of the conflict on Somalia. The communiqué claimed that the conference focused on the underlying causes of instability and underlined the "strength in unity and coordinated support". The call for protection of human rights remained general and abstract, without concrete measures to be taken by the TFG. Justice and security remained abstract concepts as well. Thus, positive impact on the situation related to mass atrocities cannot be expected from the agreement.

On 5 March, the Security Council held an open debate as a follow-up to the London conference.[19] A follow-up conference is planned in Istanbul in June.

UNPOS deployment to Mogadishu

The Secretary-General announced that, due to the increased territorial control of AMISOM and TFG forces, his Special Representative, relocated his office to Mogadishu as of 24 January. Following a concept employed by the organization in other non-permissive environments, the United Nations Political Office on Somalia (UNPOS) will operate from a main forward headquarters in Mogadishu, while retaining a rear base in Nairobi, until security and logistical conditions permit the relocation of the entire Office. The Mogadishu headquarters will be comprised of 10 staff with political, security, human rights, public information and administrative functions supporting the Special Representative. Staff fulfilling tasks that can be accomplished from outside the country will remain in Nairobi, rotating into Mogadishu as required based on security and political priorities. Key tasks for the initial deployment will include good offices with the major Somali political and security actors in Mogadishu; support for the implementation of the road map process; and ensuring effective coordination with AMISOM, IGAD, the United Nations country team and the international community in Mogadishu.[20]

The presence of the UN within Somalia is of particular importance for monitoring and reporting on the human rights situation. In addition, the location of the UN outside of Somalia was heavily criticized by Somali public opinion thus undermining the authority of the organization as facilitator and provider of technical support. The relocation of UNPOS is a requirement for preventing mass atrocities in Somalia.

Strategic concept for future AMISOM operations in Somalia

[19] S/PRST/2012/4 of 5 March 2012.
[20] Special Report of the Secretary-General, FN. 13.

Impact of Recent Developments on the Risk Factors for Mass Atrocities in Somalia: Review and Analysis

At the initiative of the African Union Commission, and against the background of the recent progress on the political and security tracks, AU and UN planners jointly developed a strategic concept for future AMISOM operations in Somalia. The concept aims at joining all ongoing separate military operations in Somalia into a coordinated and coherent effort against Al-Shabaab. The AU PSC and the Security Council approved the concept.[21]

While Al-Shabaab creates major risks for mass atrocities, it is difficult to believe that it could be defeated by military means. Increasing pressure will also lead to increasing risks for civilians in areas under its control. The recent announcement that Al-Shabaab has formally joined al-Qaeda may have been a tactic by some of its leaders to acquire greater international financial support, but could also limit the influence of more nationalist Somali factions not interested in jihad or supportive of international terrorism.

The strategic objective of destroying Al-Shabaab risks undermining the appreciation of the underlying social phenomena that need to be addressed. Al-Shabaab put forward a plan for change, which includes an emphasis on youth and a cross-clan ideology. It is a movement indigenous to Somalia, attuned to the history, the desires and the sensibilities of the people. The Union of Islamic Courts (UIC) was able to stabilize South-central Somalia, in 2006, because it tried to transcend clan identity – it projected itself as a broad-based Muslim government – accommodated clan fears by ruling through a *Shura* (council), with representatives from most clans, and devolved most decisions to local authorities. As far as Al-Shabaab promotes the same objectives, it provides a challenge to an international community whose state building efforts seem to be driven more by the self-interest of powerful foreign countries than by the possible benefits for the Somali people. In an abstract view, as a social movement, a political voice and local governance framework, Al-Shabaab could provide viable elements for the solution to the challenges of Somalia.[22]

In addition, the acceptance of the consequences of military intervention by the people will be limited, notwithstanding their resentment of Al-Shabaab. Al-Shabaab was added to the US terrorism list in March 2008, more than 2 years before their first act of violence outside of Somalia (a bombing in Kampala/Uganda in July 2010). In terms of the war on terror, Somalis perceive a double standard in denoting a group

[21] S/RES/2036 (2012) of 22 February 2012.

[22] Any solution could not completely replace the deep-rooted tradition of clans. See Ahren Schaefer/Andrew Black, Clan and Conflict in Somalia: Al-Shabaab and the Myth of "Transcending Clan Politics", Terrorism Monitor, Vol. IX, issue 40, 4 November 2011, p. 7 et seq.

as terrorist, which seems arbitrarily discriminatory to groups not pre-approved by the US. Al-Shabaab labeled "terrorist" for its internal struggle to push Ethiopia out of its country, but the Ethiopian troops and US drone strikes are not reproached for their identical behavior of assassinating opponents and imposing their respective understanding of law and stability. In addition to their deep-rooted opposition to any foreign intervention, many Somalis perceive this as an unfair judgment by the international community.

Progress in the establishment of judicial and security institutions

The London Conference acknowledged "the good work underway in supporting Somali security and justice systems.

Deterrence by means of criminal law has been an important element of mass atrocity prevention. In this regard, the TFG's efforts to establish accountability mechanisms are indispensable. However, besides the TFG's efforts to develop a formal legal system, other secular dispute resolution mechanisms have sprung up in several areas of Southern Somalia. These often take the form of combined court and police hybrid institutions that apply laws imposed by a local administration, in practice often a combination of traditional law principles, sharia, old secular laws, and possibly newly invented codes. Such bodies of dispute resolution tend to be created, funded, and directly controlled by the factions in control of the area in which they operate. This obviously limits the inherent legitimacy they enjoy with anyone beyond the immediate supporters of their backing power. It also means that the procedures followed tend to vary substantially between different courts and regions. The primary uniting characteristics amongst them seems to be the goal of promoting a minimum level of stability and rule of law and the rejection of using strict Islamic law.

A recent report outlined traditional Somali dispute resolution mechanisms and highlighted the role they could play in dealing with civilian casualty incidents.[23] Traditional Somali Xeer law, which operates in the context of the clan-system, is one of the defining features of Somali society. It provides for collective compensation (Diyya, or blood money) and a reconciliation based structure for the resolution of disputes. This is backed by the threat of the use of direct retaliatory force by the victim's clan in the absence of a settlement. Despite its popularity today, it was developed for nomadic communities. Clan elders' traditional authority has been gradually eroded.

[23] Campaign for Innocent Victims in Conflict (CIVIC), Civilian Harm in Somalia: Creating an Appropriate Response (2011).

This makes it difficult to apply to a modern urban environment and in the context of intensive armed conflict. Nevertheless, given the widespread respect for *Xeer*, many of its principles could usefully be applied. Islamic law (*sharia*) has been used widely as a means of resolving disputes in Somalia, especially in the absence of any efficient state run legal system. While there is broad and deeply felt respect for sharia amongst the Somali population, there are significant disagreements as to its proper interpretation and practical application. In particular, Al-Shabaab's enforcement of extreme measures and punishments under the mantle of sharia is increasingly unpopular with many Somalis. To win popular support, however, any mechanism needs to be compliant with the basic principles of sharia. It is encouraging that the Principles for support to security and justice sectors agreed at the London Conference stressed the need to build on existing structures and be Somali-led.

Others proposed ICC involvement or the creation of a special tribunal. However, discussions dating back from the time of the drafting of the Genocide Convention and, again, of the establishment of the special tribunal for the Former Yugoslavia and for Rwanda, failed so far to present conclusive evidence that any prosecution has served to prevent on-going mass atrocities.[24] The individual deterrence of potential perpetrators will depend, *inter alia*, on the ability of the ICC to implement its arrest warrants against high-level government officials. In addition, an international court would have to concentrate on a few alleged perpetrators only. Therefore, the contribution of the ICC or a special tribunal to the prevention of mass atrocities in Somalia would be very limited at this stage.

However, the international community should consider creating a commission of inquiry into war crimes and crimes against humanity, with a view to eventual prosecution. A sanction system is in place for spoilers, who block the peace process,[25] but does not include serious human rights violations as e.g. in the case of Cote d'Ivoire.[26]

Conclusions

Somalia's own capacity

The capacity of the TFG and Somali society to address the main risk factors of mass atrocities is limited.

[24] See e.g. Payam Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?, AJIL, Vol. 95 (2001), p. 7 et seq.
[25] S/RES/1814 (2008), para. 6.
[26] S/RES/1893 (2008), para. 20.

On the one hand, Somalia lacks an institution or mechanism, which represents society and would be able to concentrate discussions. The 4.5 solution of clan participation in the TFG excludes many Somalis and is controversial within Somali society. The formula will be abolished in the new constitution, but its impact on representation through Parliament remains to be seen. The broad Muslim idea of the Umma, open to all believers, remains an attractive concept for many Somalis. Somalis of more than one generation have spent their adult lives in a stateless society, based upon deal brokering and advantage taking. They do not remember the Barre regime. The consequence of this life story of the younger generation in Somalia is a correspondingly disparate voice from the traditional elites and clan elders that needs to be heard. In addition, about 15% of the population belongs to minority groups not represented within the different clans and subject to serious human rights violations.[27]

On the other hand, there is a need for defining a national identity with joint interests. The Somali state institutions have to include various identities, including religion, into a complimentary and stable system of relationships and governance. In the past, Somali nationalism was strongest when fomented by external conflict and weakest when confronting deep-seated feuds between clans.

In this regard, the emerging picture in the areas recovered from Al-Shabaab is concerning. The alliance against Al-Shabaab has practically disintegrated. Common enmity toward Al-Shabaab was the element that helped the clans cooperate, but it is not a strategy from the local to the central level. Once the threat receded, inter clan animosities, rivalries and territorial competition resurfaced. The TFG is deeply distrusted and lacks influence and credibility to mediate. Rather than a grand bargain for all of Somalia, the focus for the next six months should be to stabilize the South and Centre. This should include concentrating on building local police forces rather than national police and army perceived as dominated by one clan. This process would slowly bring local administrations into a quasi-national governmental framework that respects their suspicions Mogadishu will try to assert direct control.

Thus, traditional mechanisms might be less useful for creating sustainable solutions. What is required is a process of discussion and decision-making within society. The prevention of mass atrocities has to be defined as a political interest of the parties, with impact on their negotiation position and access to resources and

[27] Minority Rights Group, No redress: Somalia's forgotten minorities, November 2010.

assistance crucial for civilian support.

Although often a driver of the conflict, the business community locally, in the diaspora, and the surrounding region is also part of the solution. The business community will be needed to create an economy of peace. Presently, the importance of the business community is indicated already by an efficient cash transfer system, telecommunications network, modern and high-technology manufacturing facilities, diaspora investment, and links throughout the Arab world and the West.

Regional capacities

Rivalry among Kenya, Uganda and Ethiopia has prevented a common strategy to address Al-Shabaab. Through Uganda's domination of AMISOM, Ethiopia's activities in the middle regions and Kenya's intervention in the South, the country could be separated in separate spheres of influence.

The TFG relied heavily on Uganda, which has the ambition to be a key international player on Somalia. Therefore, it opposes any clan support by Kenya and Ethiopia that could weaken the TFG further.

Kenya faces increasing radicalization of Muslims in Northern and Eastern Kenya.[28] With a view to create a buffer to its own border called Jubaland, or now, 'Azania', Kenya started operation Linda Nchi. Acceptance of the operation was limited for lack of consultation with the TFG and regional actors. The Kenyan troops will now be 'rehatted' under AMISOM. The TFG mistrusts Kenya's intention to establish a local administration it can control and does not support a Jubaland. It will be critical how cities conquered from Al-Shabaab will be administrated by the alliance of clans. While Kenya mainly cooperates with the dominating Ogaden clan, the composition of the population developed in past years and other clans will claim territory and power. Old links of the region to Kenya raise suspicion of occupation. Somalis are averse of foreign intervention and, in the past, considered Al-Shabaab as less evil, even though it is not liked for its handling of the famine. However, so far, Kenya did not engage beyond military counter terrorism measures to encourage the establishment of trusted local governments.

Initially, Ethiopia's support for Kenya's intervention was limited to rhetoric. Ethiopia opposes the creation of an Oganden-dominated Jubaland with a strong port, for its

[28] ICG, Kenyan Somali Islamist Radicalisation, Africa Briefing N°85 Nairobi/Brussels, 25 January 2012.

own conflict with the OLF. In 2012, it sent troops into Somalia and took the important city of Beledweyne in the centre of the country. Its proxies also hold the significant town of Luuq (Gedo) on the Doolow (Ethiopian border) on the Baidoa-Mogadishu road, and there are indications the Ethiopian National Defense Force (ENDF) and its allied militias advanced to Baidoa at the end of February.[29]

A positive impact of the Ethiopian troops to prevent mass atrocities has to be seen as critical. In reports by Amnesty International and the US Department of State during 2008, the ENDF was singled out as having inflicted large-scale atrocities on the civilian population, including the killing of street children, indiscriminate sniper fire and killings by the slitting of throats. Amnesty International concluded that Ethiopian troops routinely used torture, rape, extra-judicial killings and indiscriminate violence against Somali civilians.[30] This past record also undermined the role of Ethiopia as mediator or facilitator.

Multilateral capacities

As mentioned earlier, there is a lack of joint vision for Somalia among the international community. Thus, the so called strategy regarding Somalia is less a means to an end than an approach to realize short-term goals to fight piracy and terrorism and towards stability understood as mainly negative peace.

A number of high-level meetings have been held, including an AU summit at the end of January, one goal of which was to gain continent-wide consensus on the way forward.[31]

Multilateral discussion is still centered around the International Contact Group on Somalia.[32] The effort to enhance the role of Turkey and other Muslim nations in the renewed stabilization effort is important to restore confidence in international

[29] UNHCR, Baidoa Flash Report, 9 March 2012.
[30] Somalia. Amnesty International Report 2009.
[31] Sudans, Somalia top issues at African Union Summit, AP, 29 January 2012.
[32] The ICG is chaired by the UN SRSG. The 21st meeting from 5-6 February 2012 in Djibouti was attended by African Union, Austria, Belgium, Canada, China, Denmark, Djibouti, East African Community, Egypt, Ethiopia, European Union, Finland, France, Germany, Intergovernmental Authority on Development, Islamic Development Bank, Italy, Japan, Kenya, Korea (Republic), League of Arab States, North Atlantic Treaty Organisation, Netherlands, Norway, Organisation of Islamic Cooperation, Qatar, Saudi Arabia, Somalia (TFG, TFP, Puntland, Galmudug, Ahlu Sunna Wal Jama'a), South Africa, Spain, Sudan, Sweden, Switzerland, Turkey, Uganda, United Arab Emirates, United Kingdom, United Nations, United States of America, Yemen and World Bank.

peacemaking efforts and counter radical narratives and conspiracy theories. Turkey's alleged direct financial support for the TFG and suspected intent to open back channel negotiations with Al-Shabaab and bilateral support by Arab countries do not allow a clear assessment of the Group's leverage.

As apparent from the London Conference, there is increasing pressure to develop land-based approaches to Somali piracy. A recent report based on data analysis complemented by examination of satellite imagery to establish where the beneficiaries are located, found that significant amounts of ransom monies are spent within Somalia based on social norms dictating resource-sharing. Around a third of pirate ransoms are converted into Somali shillings, benefiting casual labor and pastoralists in Puntland. Pirates probably make a significant contribution to economic development in the provincial capitals Garowe and Bosasso. Puntland's political elites are therefore unlikely to move decisively against piracy. The positive economic impacts of piracy are spread widely and a military strategy to eradicate it could seriously undermine local development. However, coastal villages have gained little from hosting pirates and may be open to a negotiated solution, which offers a more attractive alternative.[33]

Notwithstanding the recent relocation of UNPOS, UN operations within Somalia will remain limited, as most of the country continues to be at security level 5 (high), with Mogadishu and other areas at level 6 (extreme) resulting in limited access to populations in need of protection. The reported use of humanitarian support by all parties for political and economic objectives risks perpetuating the conflict if measured only on the basis of humanitarian access. [34]

RECOMMENDATIONS

As suggested earlier by the previous SRSG for Somalia, the R2P, which seeks to improve the application of existing measures in exceptional circumstances, provides a framework to respond to the situation in Somalia.[35] R2P does not prescribe a certain level of gravity that automatically leads to the application of particular measures. Instead, R2P offers an opportunity to discuss risk factors present in particular situations based on a joint concern to prevent the most serious crimes. Based on an

[33] Africa Programme Paper: AFP PP 2012/01, Treasure Mapped: Using Satellite Imagery to Track the Developmental Effects of Somali Piracy, Dr Anja Shortland Brunel University, January 2012.
[34] Mayank Babna, Humanitarian Diplomacy & Failed States: Case Study of WFP Operations in Somalia, IDSA Issue Brief (2010).
[35] S/PV.5858

agreement on the main risks, the response to mitigating the identified risk factors should be broken down into measurable steps, which form the basis of a joint strategy drawing on existing tools and actors available for the protection of civilians, human rights protection, conflict prevention or peacebuilding.

In the case of Somalia, a focus on the prevention of mass atrocities could narrow differences among stakeholders and build consensus incrementally over the outstanding issues and potential solutions.

Measurable steps requested from all parties in Somalia could be based on the London Communiqué, the road map to end the transition and the Somalia Assistance Strategy, but should prioritize mass atrocity prevention. Practical measures should include:

1. Respect for human rights and humanitarian law with a view to prevent mass atrocities must determine the negotiation position and access to economic and political resources of groups;

2. The establishment of cross-clan local governance supported by local police and court functions, based on a *shura* model, must have priority over central structures;

3. Local governments fulfilling a minimum requirement of composition and organization must have immediate access to government administered regional funds and any revenues deriving from the future distribution of wealth from oil in Puntland.[36]

[36] IRIN, SOMALIA: Benefits - and risks - of Puntland oil, 8 March 2012.

On Linkages with Terrorism

Preventing Extremism in the Tactical Resolution of Societal Conflict

Monty G. Marshall

Dulce bellum inexpertis[1] – Erasmus

One day we must come to see that peace is not merely a distant goal that we seek, but that it is a means by which we arrive at that goal. We must pursue peaceful ends by peaceful means. – Martin Luther King, Jr.

I have been monitoring and compiling information on the conditions, characteristics, and qualities of societal conflict, governance, and development for all the world's major countries since starting up the Minorities at Risk Project with Ted Gurr in 1988. Remarkably, this empirical enterprise coincided with the ending of the Cold War and the advent of the informational-computational age that underwrites the emerging era of democratization and globalization. The one question that strikes me most profoundly in my ongoing, systematic observations of the global human condition and the historical expanse of collective action is "how has human civilization managed to progress under the prevailing circumstances?" At its core, this appears to be the question that perplexed Thomas Hobbes and led him to the rather ecclesiastical conclusion that the sovereign state, the "leviathan," stood as the savior of human civilization, offering redemption from the throes of a brutish human nature and "war of everyone against everyone."[2] The systemic pressures placed on human societies during the emerging era of imperialism made the maintenance of social order and preeminence of state power a survival imperative in the 17th century. The natural progression of the era of imperialism and its culmination in the world wars and genocides committed by states, as well as the "failures" of post-imperialist states, in the 20th century has reopened the core question regarding the impetus and impediments of progressive civilization. As both civil society and the state provide impetus and impediments to progressive civilization the key to understanding and unlocking the peace conundrum must be located at the nexus of the state and civil society. Contrary to the Hobbesian proposition, it appears that the failure of societies is conditional rather than inherent, that is, societies are self-actuating, self-organizing, self-regulating, and self-correcting organizations with the state serving as

[1] "War is most attractive to those who know nothing of it."
[2] Thomas Hobbes, *Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*, edited by Michael Oakeshott (New York: Collier Books, 1962).

are their coordination and conflict management apparatus. ***Violence***, then, can best be understood as being symptomatic of a systemic problem whereby the society fails to properly regulate or correct dysfunction and anomie, and ***democratization*** can best be understood as the logical expression of a societal-system's inherent capacity for self-regulation and self-correction. Our research shows that democratization occurs and consolidates in tandem with a general absence of collective violence in societal relations and, once initiated, is likely to recur should there be an onset of collective violence during the transition from autocratic rule.

In the book *Third World War*, I argued that all forms of collective (political) violence are essentially related forms of instrumental behavior that can be differentiated according to the relative capabilities and the nature of the relational goals of the groups involved in the violent conflict interaction.[3] I went on to argue that there is a escalatory "slipstream" steeped in the perceived utility of force that tended to broaden and deepen the use of violence until the conflict reached a resolution, either through a negotiated end to the conflict (settlement), achievement of the political goals of one party to the conflict (victory), or physical/mental exhaustion of the participants (stalemate). What became clear during the Cold War was that the resolution of conflicts was critically hampered by the applications of increasing sophisticated technologies distorted by the overarching vestiges of (post-imperial) "globalism." Settlement was discounted, victory was neutralized, and stalemate was prolonged almost indefinitely under the auspices of the ideological rivalry between proponents of capitalism and communism. Protracted social conflicts became the norm in the recently and newly independent countries of the underdeveloped "third world" and accumulated into protracted conflict regions. The rather sudden and unexpected unraveling of the Cold War order at once exposed pervasive, systemic malaise and insecurity and removed many of the "unnecessary" systemic impediments to conflict resolution. The Center for Systemic Peace has tracked and charted global trends and published its findings in the *Global Report* series: in general, protracted social conflict and autocratic governance have diminished dramatically since the end of the Cold War in 1991 while societal and systemic resilience have rebounded and progressed substantially.[4]

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[3] Monty G. Marshall, *Third World War: System, Process, and Conflict Dynamics* (Lanham MD: Rowman & Littlefield, 1999).

[4] Monty G. Marshall and Benjamin R. Cole, *Global Report 2011: Conflict, Governance, and State Fragility* (Vienna VA: Center for Systemic Peace, 2011); earlier editions appeared in 2007, 2008, and 2009. See also, Monty G. Marshall and Ted Robert Gurr, *Peace and Conflict 2005: A Global Survey of Armed Conflicts, Self-Determination Movements, and Democracy* (College Park MD: Center for International Development and Conflict Management, 2005): earlier editions appeared in 2001 and 2003.

Preventing Extremism in the Tactical Resolution of Societal Conflict

Since 1994, the US Government's Political Instability Task Force (originally, State Failure Task Force) has applied a global, societal-systems empirical approach to better understand the complex, inter- and intra-active dynamics of the world's many states and societies and develop the analytic capacity to identify conflict conditions and drivers (risk assessment) and anticipate the onset of political instability situations within the global system (early warning). Three prescient findings of the Task Force need to be highlighted: 1) political instability is largely characteristic of undeveloped and underdeveloped (poor) societal-systems; 2) qualities of governance matters, both in acts of commission (incompetence and predation) and omission (ignorance and inaction); and 3) although low level violence and extremism are nearly constant properties of complex societal-systems, high levels of violence and extremism (that is, collective violence and organized extremism) are difficult to produce.[5] These findings have profound implications for the prevention of extremism, the control of collective violence, the management of conflict, and the prospects for progressive civilization and critical importance in consideration of the apparent contradiction between the established international legal norm of non-interference and the emerging humanitarian and ethical norm regarding a "responsibility to protect." In general, foreign military interventions in active conflict situations, whether direct or indirect, are far more likely to exacerbate and prolong rather than attenuate collective violence, especially when there are strong and competing interests among foreign powers. In regard to the strong association between collective violence and underdevelopment, armed conflict prevention efforts are seriously hampered by a lack of political will or interest by foreign powers coupled with severely limited access and availability of proximate resources. As regards the second key finding that "governance matters," a critical disconnect between immediate and medium-term economic and strategic interests of global and regional powers and the longer-term and more diffuse interests of global and regional system sustainability often leads these powers to favor and reward political actors who are willing to promote policies that are favorable to or comport with the interests of the foreign donors rather than, or over, the domestic interests of the local society; this has contributed to corruption, the repression of dissent and dismissal of local advocacy, and the persistence of predatory governments. Perhaps most importantly, the finding that organized extremism is the long-term product of unresolved or neglected conflict means that the prevention of extremism is critically tied to the proper management of conflict and, by implication, equitable societal-system development. Avoiding the

[5] See Jack A. Goldstone, Robert H. Bates, David L. Epstein, Ted Robert Gurr, Michael B. Lustik, Monty G. Marshall, Jay Ulfelder, and Mark Woodward, "A Global Model for Forecasting Political Instability," *American Journal of Political Science* 54.1 (January 2010): 190-208. Earlier Task Force reports were issued in 1995, 1998, 2000, 2003, and 2005.

emergence of organized extremism is the only cost-effective way to prevent becoming defined by it.

SITUATING EXTREMIST "TERRORISM" WITHIN THE PANOPOLY OF COLLECTIVE VIOLENCE[6]

The subject of "terrorism" seized the world's attention in late 2001 as a result of one fairly brief, yet highly dramatic and destructive, attack on two of the core symbols of the world's most powerful political actor, the United States of America. The targeting of the World Trade Center in New York City, the symbol of the United States' enormous global economic power, and the Pentagon Building in Washington, DC, the symbol of the United States' overarching military superiority, was well planned, coordinated, and executed. The attack itself attained symbolic stature as an affront to the established global order, a challenge to the world's dominant power, and an announcement that the prevailing US-led global order was not viewed, or valued, equally by all those whose daily lives are increasingly caught in the vortex of post-Cold War change.

Of course, the problem of terrorism was already well-known when the planes struck their targets in full view of a vast, global, tele-connected audience and created their indelible psychic images of sophisticated savagery. The politics of terror, and the overpowering fear that terror produces in its wake, lay at the very foundation of the evolution of social order. And it is the ultimate irony of societal development that modern acts of savagery have attained such high levels of sophistication. In its most simple terms, terror has stood as the stark alternative to civility in social relations from the time of humankind's earliest recorded reflections. As Hobbes explained in his 17th century treatise, "Out of civil states, there is always war of every one against every one...the nature of war, consisteth not in actual fighting; but in the known disposition thereto...and which is worst of all, continual fear and danger of violent death; the life of man [sic], solitary, poor, nasty, brutish, and short."[7] At their roots, terror, force, and violence are integral and, as such, terrorism as a course of action is hardly distinguishable from coercion as a strategy or violence as a tactic.

Contemporary analyses of the problem of terrorism have usually foundered between the perceptual extremes that are inherent in the amorphous ideas of terror:

[6] The main body of this text is taken from a 2002 study titled "Global Terrorism: An Overview and Analysis" that was commissioned by the UNDESA; the original manuscript is posted on the Center for Systemic Peace web site at http://www.systemicpeace.org/CSPpaper3.pdf.

[7] Thomas Hobbes 1962, p. 100.

conceptualizations of terrorism are either too broad to be analytically useful, too narrow to be analytically meaningful, or too complex to be applied systematically. The conceptualizations themselves are all too often politically motivated as the analyst attempts to rationalize a distinction between civil and uncivil applications of violence: (useless) terror and (useful) enforcement, (undisciplined) terrorism and (disciplined) war, and (dishonorable) terrorists and (honorable) "freedom fighters." Conceptual confusion is further exacerbated by the often cavalier usage of the pejorative term "terrorist" to refer to any political opponent, much as "communist" was used for political effect in the West during the Cold War. Hoffman offers an example of a broad definition, "[Terrorism is] the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change."[8] Hoffman attempts to differentiate his definition of terrorism from criminal and lunatic violence by emphasizing the "altruistic" and "intellectual" qualities of terrorist motivation. However, it seems clear that all acts of terrorism are criminalized acts that are made particularly effective because they are unconventional (extralegal or non-rational) applications of violent or coercive behavior. The parallels between terrorism, state repression, organized crime, and war are too great to be discounted. The use of arbitrary and indiscriminate violence in wartime has become increasingly criminalized since the establishment of the Nuremberg trials at the end of the Second World War in 1945. State repression, or "state terror," which finds its most extreme form in totalitarianism has become increasingly scrutinized and criminalized by the international community.[9] In a similarly broad definition, Carr goes so far as to equate terrorism with conventional warfare, with one very important distinction: "[Terrorism is] warfare deliberately waged *against civilians* with the purpose of destroying their will to support either leaders or policies that the agents of such violence find objectionable."[10] For Carr, terror is established through the unrestrained demonstration of violence; it is an induced emotional state intended to disable the will in individuals to resist, or seek rectification for, a perceived injustice through the credible threat (fear) of unspecified, unbearable consequences. While both Hoffman and Carr concentrate on the serious psycho-social affects of terror, their perspectives are separated widely by the perquisites of power: Hoffman's low-power, non-state terrorists using terror

[8] Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), p.43. Hoffman lists three other defining traits that, for some unknown reason, are not incorporated explicitly in his definition: 1) conspiratorial and 2) clandestine agents representing a 3) subnational group or non-state entity. It is this more narrow definition that actually informs his analysis.

[9] Michael Stohl and George A. Lopez, eds., *The State as Terrorist* (Westport, CT: Greenwood Press, 1984).

[10] Caleb Carr, *The Lessons of Terror; A History of Warfare Against Civilians: Why It Has Always Failed and Why It Will Fail Again* (New York: Random House, 2002), p. 6, emphasis added.

to challenge authority and facilitate change, Carr's high-power, state terrorists using terror to establish authority and facilitate conquest.

Schmid and Jongman provide an example of a definition of terrorism which, due ironically to their attempt to increase definitional specificity, is far too complex (and, at once, too broad) to be applied systematically in research. For them, terrorism is

> [a]n anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, or state actors, for idiosyncratic, criminal or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organizations), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily used.[11]

The core qualities of Schmid and Jongman's definition are its inclusion of state actors, as well as non-state actors, as potential agents; its inclusion of wide ranges of power and political intent, and its recognition that acts of violence must be reiterative and somewhat arbitrary in order to induce widespread terror (rather than the more immediate response of revulsion to acts of brutality). Pillar emphasizes this later point in his definition of terrorism, that terror gains its greatest strength from its focus on the possible future rather than the knowable present.[12]

A variant of the "narrow" approach to defining the problem of terrorism has been to identify a special class of terrorist activity, that is, "international," or "transnational," terrorism.[13] This conceptualization has gained currency among policy-makers, particularly in "global powers" of the West, as it appears, on surface, to focus on a

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[11] Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (New Brunswick, NJ: Transaction Books, 1988).

[12] Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington, DC: Brookings Institution Press, 2001), p. 12-18. Pillar agrees with Caleb (n. 3) that the targets of terrorism are necessarily non-combatants.

[13] Enders and Sandler prefer the term "transnational terrorism" as the basis for their quantitative studies of trends in internationalized terrorism; for them, this subset of terrorist acts is distinguished by "ramifications that transcend a national boundary." See, Walter Enders and Todd Sandler, "Transnational Terrorism in the Post-Cold War Era," *International Studies Quarterly* 43 (1999): 145-167, and "Is Transnational Terrorism Becoming More Threatening?" *Journal of Conflict Resolution* 44 (2000): 307-332.

particular subset of terrorist actions with "global scope," thereby inferring that this subset of terrorism stands as a direct threat to the "global social order." The concept is based on two important, implicit, *a priori* assumptions: first, the West, and particularly the US, is the recognized authority leading the establishment of an emerging global order and, second, the actions taken by the leading authorities in establishing and maintaining the emerging global order are either legitimate by definition (an extended form of the classic *raison d'état*) or that the interests of populations affected by the global order are adequately represented within the emerging global political system. This narrow form of terrorism, then, is conducted by those, usually non-state actors who may or may not receive support from dissident states or populations, who are intent on challenging, and changing, the terms of the prevailing social order.[14] The essential qualities of this conceptualization relate to issues of distance and jurisdiction.

The first quality, distance or "reach," may be best viewed as simply a spatial artifact, often made salient by asymmetries of power between contending groups and established authorities. That is, challengers to a particular form of social order take advantage of available technologies and the prevailing vulnerabilities associated with distance by using, or seeking to exploit, available advantages in communication, information, and mobility to identify and attack relatively distant (and comparatively weak) outposts of authority.[15] This spatial component of international terrorism is not unique, however. Opposition always operates near the boundaries of the collective consciousness as it is shaped by central authorities. Most acts of non-international terrorism have similar qualities of combining local, proximate, and distant action. In a strategic interaction between distanced groups, what is considered local to one is necessarily considered distant by the other.[16] Agents of violence find it logistically easier to conduct local attacks but strategically important to demonstrate their capability to mount attacks on relationally distant targets located in their opponent's heartland. The perceived value, and therefore the terror potential, of targets increase with proximity to the heartland (and breach of the security perimeter).

[14] Such "non-state actors" may include agents receiving support from states, as in state-sponsored or state-supported terrorism, or they may involve clandestine state agents engaged in covert operations directed by state authorities where actual state involvement is consequently denied or falsely attributed to "non-state actors."

[15] The media-seeking incentives associated with terrorist actions are well known. Actors often "reach out" in seeking access to media outlets and more receptive audiences or broader bases of support outside their immediate location, particularly when the local value of the conflict has remained largely invisible, stagnated, or stalemated.

[16] Groups in conflict tend to distance themselves, or polarize, whether spatially, socially, politically, or some combination, over the course of a conflict in direct proportion to their evolving valuations of the issues and terms of the conflict.

Two contending groups rarely occupy the exact same political space and, even when they do share competing claims to authority over the same political space, their "heartlands" remain spatially distinct and separated even when their territorial or jurisdictional interests contend and overlap. So, for instance, the Irish Republican Army has operated mainly in the British province of Northern Ireland but has conducted operations in London at the center of the British heartland; the Tamils of Sri Lanka have struck targets both in Colombo (the Sinhalese heartland) and in India, including the May 1991 assassination of Indian Prime Minister Rajiv Gandhi; and Chechen militants have allegedly struck targets as "remote" as Moscow. The relatively recent "internationalization" of anti-authority terrorism may be simply a function of increased popular access to distance or technological reach. Friedman has referred to this phenomenon as the "super-empowered individual."[17] Such strategic behavior is not confined to asymmetric power relationships or non-state actors. The US air raids against Tokyo in April 1942 and NATO air raids against Belgrade during the 1999 Kosovo war are similar demonstrations of the capability to mount "distant" attacks in the opposition's heartland.

The second essential quality of international terrorism, jurisdiction, is particularly important in defining potential remedies to a contestation between groups or individuals. Operating outside of, or across, an established juridical boundary complicates remedial action (ameliorative or coercive) and limits the range and/or effectiveness of institutional options. With the lack of definitive and effective instruments for addressing the problem of terrorist action in international law and institutions, ambiguities and uncertainties of juridical responsibility provide special opportunities and vulnerabilities for exploitation both by terrorist agents and affected authorities. In the absence of established institutional mechanisms, it can be expected that those entities that are most greatly affected and who enjoy the greatest capacity for direct action will act within such a "political vacuum" in terms of their own perspectives and according to their own interests, that is, unilaterally. The unregulated strategic interactions of the most directly affected parties played out in the greater communal space will undoubtedly serve to terrorize the entire system, creating a global imperative to act. But the ability to respond rationally and effectively will be limited by selection biases inherent in our understandings of the problem. Again, selection biases often reflect asymmetries of power. Powerful actors have recourse to a wide array of instrumentalities to promote their parochial interests, whereas weak actors may feel they have very few options to demonstrate their

[17] Thomas L. Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York: Farrar, Straus and Giroux, 1999).

position and the strength of their resolve other than violence. Diffuse and indirect actions often have very direct consequences, as Galtung has argued with his concept of "structural violence."[18] Such structural violence, that is, violence embedded in the underlying structures of social relationships, is necessarily biased toward power and established authority and, thus, makes it particularly difficult to identify the interactive, reciprocal, and alternating qualities of "terrorist" and "terrorized."

The problems of distance and jurisdiction act within a context of immediacy and imperative created by the violent attack and, as such, treatments of the problem of international terrorism tend to favor emotive and reactive responses, focusing on the symptoms and rarely considering the nature of the problems that might have stimulated such extreme or radical actions. While studies of international terrorism usually contain the recognition of the political intent of terrorist acts, the convention of non-negotiation with terrorists often obviates the identification of possible motives and, thus, stifles our ability to avoid or preclude the resort to terrorism (which would, of course, obviate the need to negotiate with terrorists). In addition to ignoring the structural foundations of terrorism, the literature on international terrorism does not usually include reference to comparable attacks on agents and institutions of international organizations such as the UN, international NGOs, and international journalists, thus confounding that concept with "anti-internationalist" or "anti-US" resistance.[19] This is especially confusing in a global environment where the vestiges of "anti-colonialism" often intertwine with emerging strands of "anti-globalism." In systematic studies of international terrorism, the US, Israel, and the former colonial powers of Western Europe account for the vast majority of the targets of international terrorist acts (see below for further discussion). The fact that the US, especially, enjoys an unprecedented extent of "international reach" in global affairs and, therefore, runs an unprecedented level of risk from engendered international contention should not be conflated with, and used as, a measure of the general security of the global system. In this sense, both the United States' proactive policies and reactions to those policies must be included in any objective measure of the affects of such strategic interaction on global security.

Perhaps the most difficult aspect to reconcile in our various attempts to define terrorism has been the almost universal claim that terrorism is necessarily political. Beyond the broadest sense of what is political, that is, the sense in which all actions

[18] Johan Galtung, "Violence, Peace and Peace Research," *Journal of Peace Research* 3 (1969):167-192.

[19] The collected "evidence" of cases of international terrorism do not include covert attacks or seizures by clandestine state agents nor overt acts by state authorities outside their legal jurisdictions, either of which could provide evidence of interactive qualities in the use of violence in international contentions.

taken in a social context are inherently political, the idea that an action is political implies that the action is instrumental in pursuing or achieving some commonly understood goal. (On the surface, action in pursuit of a goal must be considered rational. However, when the evidence strongly suggests that such action is largely ineffective in attaining the desired goal(s), the action, or strategy, must be considered irrational in practice.) This is the "lesson" that Carr argues in *The Lessons of Terror*, that is, that terror is not rational; it is, rather, counter-productive to the general pursuit of political goals. This is the central argument in my earlier examination of the problem of violence in the context of societal and systemic development.[20] This rationality conundrum presents terrorism as an unsolvable problem. The conundrum can only be reconciled by examining the emotive qualities of terrorism: that terrorism is borne of an emotive or psychic impulse in search of a political expression. Perhaps the most powerful emotive impulse is vengeance, whether as a result of a perceived injustice or indignity or an act of humiliation. Such powerful emotive impulses are often individuated, internalized, and personalized by affected individuals leading to acts of self-destruction where the unworthy self becomes the target for retribution of perceived wrongs. The act of externalizing these emotive impulses may be facilitated by political rhetoric that emphasizes the commonality of the aggrieved and a common source of grievances. In this politicization of vengeance and other, lesser forms grievance, the rationalization of externalization and the identification of targets for retribution find expression in a common political perspective and agenda for action. Common emotional impulses provide the impetus for overcoming collective action problems among politically disempowered individuals. The immediate and direct goal of such emotive action is to establish the capacity to "strike back." Although the impetus to "strike back" implies grievance and, thus, a desire for political change, the immediate and realizable goal is to inflict hurt, not to effect change. The politics of terror, in this instance, are imposed from the outside, recast on the inside, and redirected toward an external target. This emotive, relational quality makes (non-repressive) terrorist action less amenable to rational deterrent strategies. Deterrent actions can be viewed as consistent with, and therefore validation of, the structures of perceived injustice and very often widen the scope of persons directly affected by the actions of authorities and, so, can actually stimulate rather than deter further acts of terrorism.

It can be seen that it is the political quality of common experience, the common attribution of causal agent or target, and the collective coordination, or mobilization, of emotive response that differentiates (non-repressive) organized terrorist action

[20] Marshall, *Third World War*, 1999.

from lesser forms of terror, such as psychotic, sociopathic, or criminal violence.[21] Even these lesser (less-politicized) forms of terror can create a climate of terrorism that has serious effects on social relations, especially when those ostensibly random non-organized acts of disturbed individuals attain a sense of regularity and arbitrariness. For example, psychotic and sociopathic terror have become more extreme and regularized in US society such that hardly a week goes by without news of another attack on a school or a multiple murder-suicide. This form of terror is much closer to most Americans and is likely to have produced more diffuse effects than the more dramatic but far less frequent form of political terrorism that has culminated in the September 11, 2001, events and the subsequent "war on terrorism" in Afghanistan. Similarly, terror does not need to be premeditated as is evidenced in the regularity of "spontaneous" Hindu-Muslim riots in India. Such communal pogroms are not unique to this context but have been, and continue to be, a fairly common method used to maintain power asymmetries in situations of communal competition. Purely sociopathic terrorism, such as the anarchist groups that have operated in Western democracies, are particularly difficult to sustain as they lack sufficient emotive strength (they are steeped mainly in malaise, disaffection, and indignation) and, by nature of their ideological perspective, cannot define a common political agenda other than the destruction of the existing order. Organized terror, while it can be orchestrated to a certain extent among "violence sycophants" (i.e., those individuals who are predisposed to value and commit violence), is most problematic when it achieves a broad network of popular support. Even the "super-empowered individual" who ultimately "pulls the trigger" requires a relatively broad base of support in order to ensure secrecy long enough to realize their full capacity for technological empowerment. Although greater and more accessible technologies of destruction make possible greater power to the individual actor, the preparation of such technologies for actual implementation draw greater aversion, publicity, and attention. Terror requires secrecy and secrecy demands silence not only by those who are integral to the conspiracy but, also, all potential witnesses (i.e., the "sea" in which the "fish" must swim). Silence is sometimes a function of ignorance (particularly in the first instance of a new form of terrorist action) but is most often achieved through popular, supportive, and cooperative behavior. As such, most terrorist cells operate in close association with larger, more conventional political associations that are sympathetic with the terrorists' political rhetoric and agenda but uncomfortable with

[21] In *Third World War* I present a conceptual scheme for social organization that opposes "active" (re-pressive) coercion and violence to "reactive" (non-repressive) coercion and violence and counterpoises that interactive (strategic) dynamic to "proactive" sociation, which is an inherently integrative dynamic that eschews violence and coercion. See, chapter 3, "The Societal Dimensions of 'Human Nature' and the Dynamics of Group Conflict" (pp. 59-116).

the terrorists' methods. Equally important to the instrumental and operational aspects of broad, popular support is the creation of a supportive rhetorical environment in which extremist rhetoric may reverberate, amplify, and escalate over time. Terrorism, as a political act, stands at once at the nexus between individual and collective action, the emotional and rational, the conventional and the unconventional. It can be the strongest form of protest or the weakest form of rebellion or a specialized tactic in warfare. Above all else, it is the most personal form of violence.

The nature and quality of the association between the tactical terrorist organization and the larger support network are crucial in defining the scope, efficacy, resilience, and persistence of terrorist activity. Carr makes a particularly strong argument regarding the "galvanizing" effects of terrorist tactics on the strategic interactions between contending groups. Rather than undermining, intimidating, or disabling the will to support contention, the intentional targeting of noncombatant populations, that is the actual, potential, or imagined oppositional support base, further polarizes the contending groups and strengthens and fortifies the affected group's collective resolve to resist and/or strike back. Carr claims this as compelling evidence of the inevitable failure of terror. Like the myth of the Hydra, terrorist organization tends to recreate and regenerate itself in direct response to the strength of coercive attempts to thwart its activities and remove its leaders or operatives: as one head is removed, several others appear to take its place. Even when the organizational structure is broken completely in a mass sweep of operatives, if there is no attendant change in the underlying conditions that gave rise to the original terrorist psyche, the organization of affected individuals will most likely be recreated over a period of time and such activity will reemerge.[22] This is surely the general experience of brutal dictatorships and a large part of the reason why these forms of governance are inherently unstable, giving way eventually to more open and less coercive forms of governance. This is also the lesson of the use of "right-wing death squads" in places such as El Salvador, Colombia, and Algeria that create great death, injury, and mayhem but are ineffective in quelling dissent, even when great care is taken to identify and target the leadership cadres of the opposition. It is surely the lesson of the Israeli-Palestinian terrorist conflict which has continued in various forms for seventy years or more.

[22] The most difficult resistance movements to break are those that are mobilized around a distinct social identity with a defendable territorial base in response to a pattern of gross injustice with clear linkages to dominant elites. Access to external support is often crucial in transforming campaigns of terrorist resistance to full insurgencies. See, Ted Robert Gurr and Monty G. Marshall, "Assessing Risks of Future Ethnic Wars," chapter 7 and appendix B in Ted Robert Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington DC: United States Institute of Peace Press, 2000).

The strong emotive quality of terrorism is at once a powerful motivating and an inherently limiting factor. Terror is a dynamic, transitional quality that rarely exists for long periods of time without transforming to or integrating with more complex forms of instrumental conflict behavior. The strength of our emotional responses tends to wane over time unless transferred to hate. More often, strong emotional responses stimulate the search for rationality; in this application repeated, or re-stimulated, emotional responses can be very important in sustaining levels of activity. The greatest threat of terrorism lay not in its capacity to threaten, and deliver, personalized violence but, rather, in its relation to the more institutionalized forms of violence. Terrorist activity is commonly associated, as Carr argues, with all forms of warfare. It is a common instrument in separatist violence, used both by government authorities and separatist agents.[23] Terrorism's greatest strategic value may lay in its demonstration effects, that is, its capacity for signaling both the group's strength and resolve and the target's complicities and vulnerabilities. Terrorism may not be successful in achieving tangible political goals, but, through its capacity to galvanize public opinion, it may be instrumental in polarizing contending groups and stimulating group members to increase their support for more conventional tactics such as protest or the transformation of protest to open, armed rebellion. These conventional conflict strategies are generally more acceptable alternatives to terrorist activities. Where terrorism exists without ties to these more collective forms of conflict, it is generally due to one of two reasons: 1) terrorism, as a limited form of engagement, more quickly and effectively overcomes collective action problems that may retard or thwart the mobilization of mass conventional action or 2) state repression may prevent the formation of mass movements, in which case terrorism may be the only available avenue for demonstrations of dissent. Terrorist activity is often the prelude to the transformation of non-violent protest movements to armed rebellion. The transformation of protest to armed conflict provides a tactical niche for acts of terrorism.

The emotive content of terrorist motivation makes it compatible with both political, as argued above, and spiritual rationalizations or justifications. Terrorist activity can be doubly emotive as the moral and ethical dimensions of terrorist action have to be reconciled in the mind of the terrorist.[24] Spiritual rationalizations can be particularly effective, and threatening, as they better match the absolution

[23] In fact, Gurr and Marshall found repression to be the single, strongest correlate of separatist rebellion. Ibid.

[24] See, for example, Albert Bandura, "Mechanisms of Moral Disengagement," chapter 9 in Walter Reich, ed., *Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind* (Washington, DC: Woodrow Wilson Center Press, 1990).

of personal responsibility, legitimizing authority, and commonality of cause and perspective. After all, what greater authority exists in the mind of the believer than the "will of God?" What has come to be known as "Islamic fundamentalism" is especially emblematic of the utility of spiritual or theocratic rationalization and mobilization of dissent as it purports a convergence between the spiritual, political, and economic aspects of human social relations. Judaism is very similar in this regard. The sole redeeming quality, so to speak, of the theocratic rationalization is that it is at once empowering and restraining. The appeal to cosmic authorization implies recognition that the contemplated deed is wrong and regretted and that the course of remedial action must be "fit" within the theological parameters of spiritual beliefs in divine benevolence. Purely secular (political) rationalizations of terror may not provide either of these inhibiting qualities: the recognition of transgression and the need for redemption.[25] The recent examples of Nazism and Communism verify this apprehension regarding the qualities of purely human rationalizations of "social engineering."[26] The contemporary predominance of secular government also contributes to the utility of sectarian rationalizations of dissent as accentuating the moral divide between an unjust temporal authority and aspirations for an ideal and just society in its place. This separation of "state and church" may also help to explain the recent claims of analysts, like Hoffman, that "terrorist incidents perpetrated for religious motives result in so many more deaths [than those with purely political motives]."[27] Such claims are based on statistical artifacts generated by selection biases in data collection (i.e., evidence of state terrorism not included; only non-state terrorism is considered).

From this brief discussion of the various conceptualizations of terrorism, a common thread seems to emerge from which the core elements of an operational definition of the terrorist action may be identified. The essential defining quality of terrorism is that it is a direct and intentional violation of the intrinsic vulnerability of the human condition; in the context of the modern state and its structures of collective security this translates into the intentional targeting of civilian, non-combatant populations. As McKeogh explains, "It is because it is a breach of the [principle of non-combatant immunity] that terrorism is forthrightly condemned: its wrongness consists primarily in the fact that it targets, not military installations and personnel, but civilian ones."[28] This essential quality has two fundamental political forms which

[25] This is Dostoevsky's argument in his literary classic, *Crime and Punishment*.
[26] See, Stephen L. Chorover, *From Genesis to Genocide: The Meaning of Human Nature and the Power of Behavioral Control* (Cambridge, MA: MIT Press, 1979).
[27] Hoffman, *Inside Terrorism*, p. 94.
[28] Colm McKeogh, *Innocent Civilians: The Morality of Killing in War* (Basingstoke, UK and New York:

derive from the prevailing structures of authority in societal systems and are part of the same strategic interaction process: repressive (state) and expressive (non-state) terrorism. The underlying assumption of terrorism is that it is a primarily emotive, rather than rational, action in direct pursuit of psychic, rather than, material goals. Factors that contribute to determining the strength and persistence of the "terror" produced by violence against non-combatant populations include the dramatic, shocking (i.e., extraordinary) impact of the attack(s); the intensity of media coverage; the frequency, lethality, and arbitrariness of the attacks; the perceived potential for future attacks, and the recognized connections between individualized acts of contention and collective action. The historical record of terrorism seems to indicate that it is becoming less ordinary, that there is a *strong negative relationship between the scope and frequency of terrorism and the pace of societal development* in specific locations and that the general trend has been a gradual decrease in the scope and frequency of terrorism over the course of evolution of human societies.[29] An important caveat is the positive relationship between the destructive capabilities of terrorism and the general extent and pace of technological development: the "super-empowered terrorist." Think, for example, of the very powerful, subliminal terrorism produced by the growing availability of the technologies of mass destruction and the fear that these weapons may fall into the hands of ill intent.[30]

SUMMARY OF ANALYTIC FINDINGS

In the most general terms, and as was expected, the results of the analyses of the terrorism indicators closely parallel the results reported by the State Failure Task Force in their analyses of state failure events, particularly the three categories of civil warfare events: ethnic war, revolutionary war, and genocide and politicide. They have reported that outbreaks of these major collective political violence events are strongly associated with various measures of 1) **poverty, underdevelopment, and maldistribution of resources** (e.g., higher infant mortality, lower GDP per capita, lower levels of general education, lower health expenditures, lower calories per capita, poorer sanitation); 2) **weak regimes and poor governance** (e.g., weak autoc-

Palgrave, 2002), p. 4.

[29] The relationship between political violence and societal development is examined in detail in Marshall, *Third World War.* This perspective is consistent with the theme of Carr's *The Lessons of Terror*. For a specific examination of the negative effect of terrorism on foreign direct investment, see Walter Enders and Todd Sandler, "Terrorism and Foreign Direct Investment in Spain and Greece," Kyklos49 (1996): 331-352.

[30] See Monty G. Marshall, *The Scientific Study of International Conflict Processes: Postcards at the Edge of the Millennia,* unpublished monograph (National Science Foundation, contract #B22456A-00-0, 1998), available from the Center for Systemic Peace Web site, http://www.systemicpeace.org/CSPpaper1.pdf.

racies, partial democracies, ineffective legislatures, newly constituted regimes); 3) **poor regional integration** (e.g. low openness to trade, low memberships in regional organizations, low trade with neighboring countries); and 4) **bad neighborhoods** (e.g., high number of bordering states with armed civil conflicts, high percentage of autocratic neighbors).[31] These findings are strongly supported in the global analyses of terrorism in the 1990s.

One qualifying finding is that larger countries, in the sense of both territory and population, were somewhat more likely to experience terrorism, as it is defined in this study. Of course, this finding may be largely an artifact of the behavior under study and the ways it has been measured. Larger states are more difficult to govern, especially when undergoing development processes. And, because of the way the problem condition is measured, larger states have a greater probability of reaching an absolute threshold based on numbers of deaths and of having multiple political groups to potentially engage in oppositional activity. A second such finding is that states with a high level of activity in the global system (or that system's several regional subsystems) were somewhat more likely to be targets of international terrorism, although these states were much less likely to be the targets of deadly acts of terrorism.

Taken together, the variables listed in the correlation tables in Appendix C provide a fairly broad profile of circumstances under which civilian populations are at greatest risk of gross violations of human security and integrity:

1. *Demographic factors* include lower life expectancy, higher male "youth bulge," and higher ethnic fractionalization. While higher fertility rates are associated with greater violence against civilians, population growth is not (correlations with birth rates and death rates, not reported, are nearly equal). Religious fractionalization is not linearly related to terrorism, although it is possible that there is a more complex, non-linear relationship that would not be detected in these simple tests.
2. *Human capital factors* include higher infant mortality, lower health expenditures, lower general caloric intake, higher percentage of uneducated adults, and lower rates education of females.
3. *Economic capital factors* include lower income, lower productive efficiency (GDP per unit of energy, lower consumption of electricity, lower access to telecommunications, lower tax revenues, higher technical cooperation

[31] Goldstone et al, "A Global Model for Forecasting Political Instability," 2010.

grants (no strong relationship to non-technical grants), high levels of undistributed debt, lower exports of goods and services, higher proportions of the work force in agriculture, and, while the rate of urbanization appears not to be related to violence and terrorism, the annual growth rate of large urban agglomerations is.

4. *Governmental performance factors* include higher repudiation of contracts, higher risk of expropriation, higher corruption, weaker rule of law, lower bureaucratic quality, lower political rights and civil liberties, more exclusive or parochial leadership (ethnic and ideological), and active economic and/or political discrimination.
5. *Contextual factors* include "bad neighborhood" effects such as prevalence of armed conflict in bordering countries, percentage of autocratic neighbors (despite the doubling of democratic regimes in the 1990s), the presence of large numbers of refugees, and a history of armed conflict and regime instability.

Factors associated specifically with excess targeting of civilian populations in armed conflict situations and terrorism focus more on the qualities of the chief executive: fewer institutional constraints on executive power, the centralization of executive power in military or presidential rule, and, in particular, military regimes. Economic factors indicate revenue extraction through higher trade duties (probably to offset limited ability to extract tax revenues), and a greater dependence on fuelwood energy (indicating lower endowments and foreign exchange). Higher levels of excess civilian targeting appears to contribute to escalating central government debt and higher military and arms expenditures while producing much greater internal population displacements and humanitarian crises (higher numbers of multilateral organizations intervening).

General qualities that appear to differentiate collective political violence events with excessive targeting of civilian populations (CPVCIV) from similar events without excessive targeting of civilians are the following: 1) **exclusionary ideologies** (strong ethnic and ideological character of the ruling elites, political and economic discrimination); 2) **militancy** (military governments, high military expenditures as percent of government expenditures, high numbers of military personnel, high arms as a percentage of imports); 3) **restricted human rights** (Freedom House measures of civil liberties and political rights); 4) **displaced populations** (high numbers of refugees resident, high estimates of displaced populations); and 5) **protracted social violence** (long time periods of sustained violent conflict). There is also evidence

that the targeting of civilians is associated with protracted social conflicts and "over urbanization" (i.e., large numbers of agricultural workers and large cities with fewer middle-size urban areas). The trading patterns of states characterized by armed conflicts with excessive civilian deaths also appear to be distorted by 1) diffuse trading partners (no single, strong trading partner that might influence the state's policies); 2) lower regional integration (lower trade with neighboring countries); and 3) higher levels of trade with autocratic countries. Unique factors that appear to distinguish the excessive targeting of civilian populations during episodes of armed societal conflict display some hints of highly autocratic and/or nationalist regimes ruling with little institutional embeddedness in a general society characterized by weak civic cultures. These more brutal regimes are more susceptible to extralegal changes in leadership (coups) and are poorly integrated in the global liberal trade networks (favoring, instead, trade with other autocratic regimes) and with no major trading partner with substantial influence over their policies. These latter interpretations are much more speculative than the more general profiles described above but are deserving of further investigation, especially of the "British factor" that appears to figure so prominently in the avoidance of excess violence against civilian populations.

An important "non-finding" is that nothing seems to strongly differentiate the TERROR (small-scale terrorist acts) variable from the CPV (collective political violence events) variable, and particularly the CPVCIV variable, except that TERROR is much more likely to occur in the advanced industrial and post-industrial economies than the higher magnitudes of collective political violence. That is, the developed states appear to be much better at managing or dampening the escalation of violence conflict than avoiding violent conflict all together. These economically and politically advantaged states are likely to experience much higher numbers of terrorist incidents but far lower numbers of deaths. They are also more likely to be the targets of terrorist incidents but, still, these incidents are likely to be less deadly, even when perpetrated by actors from less advantaged countries. A related finding is that the deadly conflict profiles of newly democratized states is much more similar to that of the "old" democracies than that of the non-democracies, giving some weight to the proposition that democracy is an advanced function of successful conflict management performance, rather than the other way around. This does not mean that all democracies are non-violent and peaceful. There are several notable examples of violence-plagued democratic societies, for example, Colombia, India, and Israel. What appears to distinguish higher levels of violence in otherwise democratic societies are lower quality of life measures, higher youth unemployment, political and economic discrimination, higher inflows of foreign workers, high government share of GDP, and a higher proportion of autocracies in their immediate region. Unlike any other category of

regime, "old' democracies that have a higher involvement in international violence and wars are likely to experience greater levels of terrorism. In the poorer democracies, violent political conflicts are more likely to escalate to insurrection than in the wealthier "old" democracies. In addition, a larger agricultural sector is associated with higher levels of TERROR in democracies.

A more speculative finding regards the correlation between terrorism and workers' remittances: this may indicate that restricted employment opportunities for a technically trained sector of the population (which may be driven to seek employment in other countries) may contribute to higher levels of frustration and dissent among "alternative elite" populations (i.e., underemployed professionals).Factors that generally distinguish countries that do not excessively target civilian populations in armed conflicts (CPVNOCIV) from those that do (CPVCIV) appear to concentrate on qualities of governance.

Preventing Genocide: Some Possible Lessons from the Prevention of Terrorism

Alex P. Schmid

I would like to contrast genocide and terrorism and discuss some aspects of terrorism prevention that might also be relevant to the prevention of genocide. By prevention I understand the anticipation, recognition, and appraisal of the risk of an attack or atrocity and the initiation of some action to remove or at least reduce its impact.[1]

For a number of years I have been Officer-in-Charge of the Terrorism Prevention Branch of the UN Office on Drugs and Crime in Vienna. There I developed a Toolbox for the Prevention and Suppression of Terrorism containing 140 measures that have been tried by UN member states (see Appendix).

Before I joined the United Nations in 1999, I was in academia, where I was coordinator of PIOOM, a research program exploring the causes of gross human rights violations at Leiden University. I must admit at this point, however, that I am currently much more familiar with terrorism and counter-terrorism than with the fields of gross human rights violations and genocide studies. I hope for your indulgence if I am not aware of some of the more recent developments in the study of genocide. Hence, the "possible lessons" in the title.

Let me start with a paradox: There is a great deal done by the international community to counter non-state terrorism while arguably too little is done too late when it comes to countering genocide and similar mass killings.

Our intelligence services are quite good at preventing acts of terrorism. Of 88 serious jihadist attempts at perpetrating acts of terrorism here in Europe in recent years, all but two (Madrid 2004 and London 2005) could be prevented or failed due to the ineptitude of the terrorists themselves.[2]

In many ways, preventing acts of terrorism has been a success, at least in the

[1] Definition adapted from National Crime Prevention Institute. *Understanding Crime Prevention. 2nd ed.* Boston: Butterworth & Heinemann, 2001, p. 2.

[2] Petter Nesser. Chronology of Jihadism in Western Europe Update 2008 – 2010. Oslo: FFI, 2011.

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European Union. However, the smaller the circle of conspirators, the more difficult prevention becomes. The "lone wolf" massacre by Andres Breivik in July last year in Norway which cost the lives of 77 people while 151 others were injured is an illustration of this.

It is often difficult to say whether an event has been prevented by deliberate policies. Many would argue that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide has not prevented any genocide – and there have been some fifty – almost one every year – since 1948.[3]

How come that there is such a big difference between the prevention of acts of terrorism and the prevention of acts of genocide? After all, genocide and terrorism have a number of common elements as Table 1 illustrates.

Table 1: Similarities between Terrorism and Genocide

	Terrorism	*Genocide*
• Indiscriminate mass murder/killing of civilians	+	+
• Women and children also victimized	+	+
• Definition of a victim group by perpetrators	+	+
• Direct victims are innocent	+	+
• Non-resistance or surrender does not save you		
• from not becoming a victim	+	+
• Crime not 'political' for purposes of extradition	+	+
• One-sided /asymmetric killing	+	+
• Ideology is a driver behind the tactic	+	+
• Killing is intentional and premeditated	+	+

I see nine similarities between terrorism and genocide - they are indicated by a plus sign - the most important similarities being that both are directed against civilians and that both are essentially unilateral killings.

However, one problem is that there are always exceptions to such generalizations. When it comes to terrorism, the same people who attack predominantly civilians also

[3] According to Barbara Harff, there have been 48 episodes of genocides and politicides in the half-century following the Second World War – in other words, almost one mass killing per year. -Barbara Harff and Ted Robert Gurr, "Victims of the State: Genocides, Politicides and Group Repression from 1945 to 1995." In: Albert J. Jongman (Ed.). *Contemporary Genocides: Causes, Cases, Consequences*. Leiden: PIOOM, 1996, p.33.

do not shy away from attacking security forces if the odds are not against them. The attacks are not always one-sided – certainly non-state terrorism provokes a strong reaction – and sometimes over-reaction – from the state. Not all terrorism is equally indiscriminate.

Yet there are nevertheless some broad similarities between terrorism and genocide. Looking at them, one would expect that the international community would react similarly to both genocide and terrorism.

The road to genocide often sees state terrorism as one stage on the way to larger-scale extermination policies. Think, for instance, of the terror Jews faced between 1933 and the Second World War when 'mere' terror turned into genocide. There can even be a certain overlap between terrorism and genocide. At least one researcher, Gus Martin, has introduced the term "genocidal state terrorism" which, in his words, "...occurs when the resources of a nation are mobilized to eliminate a targeted group."[4]

The Great Terror of 1936-1938 by Joseph Stalin reached genocidal proportions but it was mainly a politicide as it targeted primarily the old Bolsheviks.

However, there are also major differences between the two concepts as Table 2 makes clear. Arguably, these differences have led to such opposite reactions by the international community of states.

Table 2: Dissimilarities between Terrorism & Genocide

	Terrorism	*Genocide*
• International legal agreement on definition	-	+
• Destruction is systematic, not sporadic	-	+
• State is principal actor	-	+
• International Criminal Court jurisdiction	-	+
• Intend to destroy an entire group	-	+
• Magnitude of killings very high	-	+
• Reliance on Publicity	+	-
• Claim of Responsibility	+	-
• Perpetrators willing to sacrifice themselves	+	-

The main difference between terrorism and genocide is that the one-sided attacks

[4] Gus Martin. *Understanding Terrorism. Challenges, Perspectives, and Issues*. Thousand Oaks: Sage, 2003, pp.105-106; however, Martin has not further elaborated on the theme.

against civilians are, in most cases, the product of state policies in cases of genocide – sometimes with the help of non-state actors - while, in the case of terrorism, the actors are more often than not armed non-state actors challenging the monopoly of power nominally held by the state.

The magnitude of killings is on a much higher scale in genocides compared to terrorist campaigns. Rudolph J. Rummel estimated that 39 million people died in genocides between 1900 and 1987 (out of a total democide of 170 million civilians killed in the same period).[5]

Another difference is that the perpetrators of genocide are not in the habit of sacrificing themselves for their cause as some terrorists do; rather they are willing to sacrifice as many people as it takes to stay in power or reach their goals.

While non-state terrorists need publicity to spread the fear, those who commit genocide generally prefer what is termed 'plausible denial' for their deeds. Terrorists often – but by no means always – claim responsibility for their acts, while perpetrators of genocide rarely do.

Another difference is that in the case of genocide we have an international legal definition, although a highly problematic one. In the case of terrorism, we have plenty of national and regional definitions but not a universal one accepted by the members of the General Assembly.

Further, the sheer magnitude of genocides compared to terrorism offers another significant distinction.

[5] R.J. Rummel. The Holocaust in Comparative and Historical Perspective. In: Albert J. Jongman (Ed.). *Contemporary Genocides*. Leiden: PIOOM, 1996, p.23.

Table 3: Terrorist Incidents by Region 1998 - March, 2008

Region	Incidents	Injuries	Fatalities
Africa	**572**	**8,639**	**2,694**
East & Central Asia	**128**	**393**	**164**
Eastern Europe	***1,455***	***5,127***	***2,010***
Latin America & the Caribbean	**1,834**	**2,648**	**1,688**
Middle East / Persian Gulf	**13,865**	**54,707**	**28,248**
North America	**120**	**2,408**	**2,996**
South Asia	**4,881**	**17,953**	**7,744**
Southeast Asia & Oceania	**1,738**	**5,552**	**1,748**
Western Europe	***3,087***	***1,787***	***401***
TOTAL	**27,680**	**99,214**	**47,693**

Compare the figures regarding death from genocide and related forms of mass killings with those of terrorism: here is a regional breakdown for a recent ten-year period, based on figures from the American think tank RAND, covering both domestic and international incidents since 1998. All told, in one decade close to fifty thousand people were killed and almost one hundred thousand people injured by acts of terrorism.

These figures are probably underestimates. Last year (2011) an estimated 10,000 people were killed and another 20,000 injured by terrorists worldwide.[6] That is, of course, unacceptable but such casualty rates are of a different magnitude than the victimisation level produced by genocide and other mass killings.

Table 4: Fatalities of Post-1945 Genocides & Mass Killings

- 1959-60 Tibetans in China 1,200,000
- 1965 Indonesia 500,000+
- 1966 Nigeria Ibos in the north 9,000-30,000
- 1971 Bengalis in East Pakistan/Bangladesh 1,500,000
- 1972 Burundi Hutus slaughtered by government 250,000

[6] According to NCTC figures quoted in a EU report released on Victims of Terrorism Day, 8 March 2012; cit. *Kuwait News Agency*, 8 March 2012.

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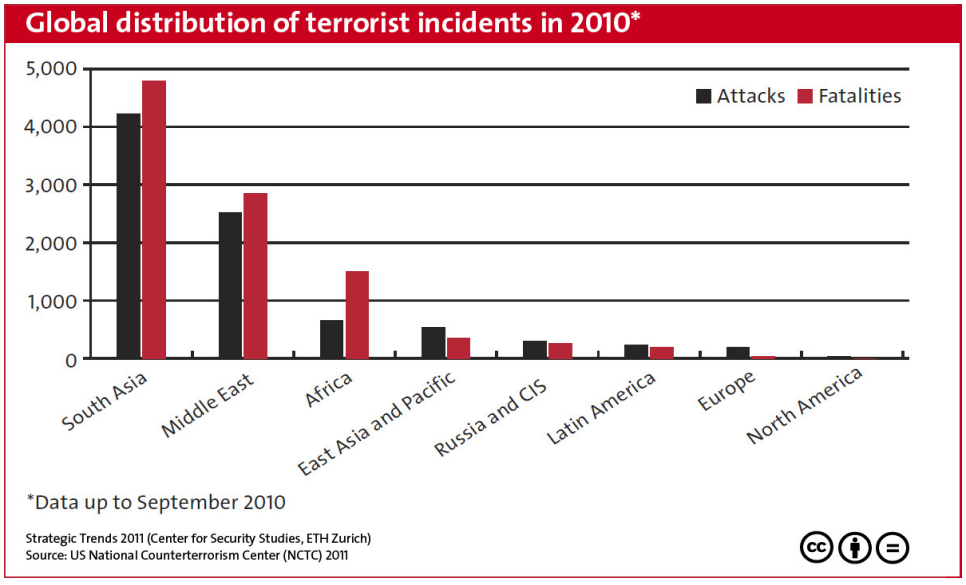
• Uganda 1971-79	100,000-500,000
• Ethiopia 1975-79	30,000
• 1975-79 Cambodians under Khmer Rouge	2,000,000
• 1975- East Timor	60,000-200,000
• 1966-84 Guatemala	30,000-60,000+
• 1987-88 Kurds in Iraq	100,000
• 1994 Tutsis in Rwanda:	500,000 - 800,000
• 1990s Bosnia Muslims in Yugoslavia:	200,000
• 2003- Darfur Tribes in Sudan:	150,000+

One distinction between genocides and terrorism lies, as these tables make clear, is in the magnitude of killings. Table 4 just shows a selection of major episodes of mass murder in our lifetime. The fatality levels of genocides are of an entirely different order of magnitude than those of terrorist campaigns. Nevertheless, the international community has been much more active in its attempts to stamp out relatively small-scale non-state terrorism than state genocides.

Table 5: Terrorist Incidents in 2010 (WITS)



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Terrorist incidents are very unevenly distributed across the globe: the Americas and Europe record few incidents, while South Asia and the Middle East lead the table, with Africa, East Asia and Russia in the middle.

However, one of the many problems with such statistics is that what takes place is not always reported and what is reported is not always terrorism. This is partly due to lacking consensus as to what constitutes an act of terrorism.

Table 6: Countries most affected by Terrorism, 2010 & 2011

Number of Attacks	*2010*	*2011*
• Afghanistan	3,346	2,083
• Iraq	2,687	1,682
• Pakistan	1,332	1,136
• India	861	501
• Somalia	589	482
• Russia	396	207
• Thailand	418	240
• Colombia	271	318
• Israel	150	164
• Nigeria	53	139
Total worldwide	*11,639*	*7,749*

While terrorism occurs in many countries, the large majority of attacks take place in just a handful of countries, as Table 6 illustrates. It is often difficult to tell acts of terrorism from collateral damage in war and from more legitimate acts of insurgency and counter-insurgency. The figures for 2010 and 2011 show a drop in the five countries most affected.[7]

The ten countries most affected by terrorism scored in 2010 87% of the world total of incidents while in 2011 these ten countries even reached 90% of the world total. In the attacks of 2010, 13,192 people were killed, 30,684 wounded and 6,050 were taken hostage, bringing the total to 49,926 victims. The next year, in 2011, the respective figures were 9,562 people killed, 20,261 wounded and 4,598 taken hostage,

[7] NCTC World Wide Incident Tracking System (WITS).

bringing the total number of victims to 34,421 people.[8]

Some of these countries might also score high on the risk of genocide.

Table 7: Number of Terrorist or Extremists & (Violent) Groups & Gangs in Selected Countries (2010) [9]

• Iraq	443
• Pakistan	172
• Bangladesh	169
• India	166
• Russian Federation	157
• Colombia	149
• Palestine	119
• Turkey	114
• South Africa	88
• Afghanistan	83
• Mexico	77
• Somalia	54
• Sudan	65
• Lebanon	63

How many terrorist groups are active in the world? If the 193 states of the international community would actually have the monopoly of violence they claim is theirs, there would be none. However, in reality there are more than 3,900 non-state groups that are using violence, according to a World Directory published last year by Berto Jongman in the Routledge Handbook of Terrorism Research which I edited. Not all of them are terrorist; some are organized crime gangs or militant protest groups that engage in sabotage and arson. There are eight countries that have more than one hundred violent groups – criminal or political, secular or non-secular. You find a selection on Table 7.

[8] NCTC, WITS database, accessed 11 March 2012.

[9] Source: A.J. Jongman. World Directory of Extremist, Terrorist and other Organizations associated with Guerrilla Warfare, Political Violence, Protest and Organized- and Cyber-Crime. In *Handbook of Terrorism Research*. (Ed. A.P. Schmid). London, Routledge, 2011, pp. 341 – 442.

Some of them engage in multiple types of violence, others in only one. This produces conceptual problems. If a group or movement engages legally in political party work, non-violent street protests, hungerstrikes in prison, acts of sabotage, terrorism and guerrilla warfare side-by-side or in successive order – how should we call such a group? When is a militant group a terrorist group? There is a need for a clear and universally accepted definition. It has often been said that terrorism is a contested concept, both in academia and even more so in the international arena.

Table 8: Draft Definition of the UN Ad Hoc Committee on Terrorism[10]

2. *Any person* commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:
    - Death or serious bodily injury to *any person*; or
    - (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or
    - Damage to property, places, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing *any act*.

Table 8 indicates where we stand at the moment when it comes to a legal definition of terrorism. For more than ten years an Ad Hoc Committee of the Legal Committee, the Sixth Committee of the General Assembly has been trying to define terrorism. The result is almost as unsatisfactory as the definition of genocide in the Genocide Convention of 1948. The present draft definition seems to exclude organs of the state as possible perpetrators. It is extremely broad and vague about the nature of acts of terrorism. Language such as serious damage to private property" or "serious bodily injury to a single person" provides a very low threshold for something to constitute an act of terrorism. According to this UN draft definition, compelling an international organization to "abstain from doing any act" is already enough to amount to terrorism in combination with "serious damage" or "serious bodily injury."

The main reason that the International Comprehensive Convention against

[10] UN Ad Hoc Committee on Terrorism: Informal Texts of Art. 2 of the draft Comprehensive Convention on International Terrorism, prepared by the Coordinator: Doc. A/C.6/56/L.9, Annex I.B, 2001.

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Terrorism, of which this draft Article 2 is a part, did not come into force, has, however, to do with the opposition of members of the Arab League and, even more so, members of the Islamic Conference. Many of them do not want to include anything that would restrict those championing the Palestinian or Kashmiri cause to attack against Israel or India.

Since the General Assembly could not agree on a definition, the Security Council tried, in Resolution 1566, to fill the void, defining terrorism in 2004 as "criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act."[11]

However, since this Security Council working definition has not been approved by the General Assembly, it is not binding member states under international law.

It is to be feared that the definition of terrorism in the UN Comprehensive Convention on the Suppression of International Terrorism – if it ever comes about – will be as poli-interpretable and therefore toothless as the definition of genocide in the Genocide Convention. As we all know, the Genocide Convention has not been very effective and critique has been widespread. Here a recent example from Daniel Goldhagen:[12]

> In its bare bones, the genocide convention seems to (1) outlaw genocide and (2) call for intervention when it occurs. But its drafters crafted specific provisions to so eviscerate these two elements that the convention effectively does neither, and is meaningless as a working body of law and as a basis for action against genocide" The genocide convention has utterly failed to serve as a practical impediment to regimes slaughtering or expelling their peoples. In its sixty years, It has never been triggered or used for intervention, despite the many tens of millions of people that mass murderers (and the practitioners of eliminationism) have victimized around the world.

Rather than trying to create a new definition of terrorism, the General Assembly

[11] See: www.un.org/Docs/.../ws.asp?m=S/RES/1566(2004)
[12] Daniel Jonah Goldhagen. *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*. London: Little, Brown, 2010, pp.236 & 240.

could have taken another route to reach a satisfactory definition of terrorism if it had taken as a starting point the internationally agreed definition of "war crimes." In 1992 I proposed to the secretariat of the UN Crime Commission that it would be best to extend the definition of war crimes to cover terrorism by labeling acts of terrorism "the peacetime equivalent of war crimes." My proposal to cut through the Gordian definition knot was not accepted.[13] One of the objections raised against this proposal was that it would have given the terrorists the same status as a soldier. It would not: it would give them the status of war criminals. If you look at the definition of war crimes (Table 9), you find that there is considerable overlap with what terrorists do.

Table 9: Acts covered by the Definition of War Crimes in ICC Statute (1998)[14]

- Wilful killing;
- Torture or inhuman treatment….;
- Wilfully causing great suffering, or serious injury to body or health;(…)
- Taking of hostages.(…)
- Intentionally directing attacks against the civilian population as such or against individual civilians not taking part in hostilities(…)
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objects….

There are more than 250 definitions of terrorism.[15] Almost each state has its own. Some countries have more than one. The US government alone has twenty different ones – the FBI has one, the CIA another, for example. In the absence of a universally accepted legal definition of terrorism, efforts have been made in academia to arrive at an academic consensus definition. Table 10 shows the result. The academic consensus of a definition of terrorism is, of course, not a legal definition but it has the advantage that it covers both state and non-state terrorism and applies to both peacetime and times of war.[16]

Table 10: Academic Consensus Definition of Terrorism (2011)

[13] Only the Indian Supreme Court accepted my proposal in a 2004 ruling.
[14] Crimes Provisions of the ICC Statute. Appendix I in: Roberta Arnold, op. cit., pp. 347-348.
[15] For a list of 260 definitions, see: Joseph Easson and Alex P. Schmid. Academic, Governmental and Intergovernmental Definitions of Terrorism. In: A.P. Schmid (Ed.). The Routledge Handbook of Terrorism Research. New York & London: Routledge, 2011, pp. 99 – 157.
[16] Alex P. Schmid. (Ed.). *The Routledge Handbook of Terrorism Research*. London: Routledge, 2011, pp.86-87.

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1. Terrorism refers on the one hand to:
   - a *doctrine* about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to
   - a conspiratorial *practice* of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties;
2. Terrorism as a tactic is employed in *three main contexts*: (i) illegal state repression, (ii) propagandistic agitation by non-state actors in times of peace or outside zones of conflict and (iii) as an illicit tactic of irregular warfare employed by state- and non-state actors.

In contrast to the definition in Art. 2 of the draft Convention on the Suppression of International Terrorism prepared by the Ad Hoc Committee of the UN General Assembly – but in line with the working definition of the Security Council, this one makes the focus on civilians explicit and also stresses the communicative function of the violence while the UN draft definition only mentions coercive and intimidating elements.

Let me now turn to the UN response to terrorism after the attacks on the Pentagon and the World Trade Center – attacks that killed almost 3,000 people from more than 60 different nations. It was unusually forceful.

Table 11: Response of UN to Terrorism after 9/11

- 28 Sept. 2001: Security Council Res. 1373 under Charter's Chapter. VII of UN Charter (mandatory for all member states) adopted unanimously;
- 2005: Creation of Counter-Terrorism Implementation Task Force, (CTITF) now having 31 participating UN entities and relevant international organizations;
- 8 Sept. 2006: The UN Action Plan against Terrorism, adopted by consensus by all members of the General Assembly;
- Nov. 2011: General Assembly approves the creation of the Center on Counter-Terrorism (UNCCT) in the UN's CTITF Office

The popular fallacy that one man's terrorist is the other man's freedom fighter has

long plagued and divided the member states in the United Nations. Yet after the events of 11 September 2001 the UN took a number of far-reaching steps. Security Council Resolution 1373 obliged states to take a broad range of counter-terrorist measures which are very far-going. Under Chapter VII of the UN Charter the Security Council decided that all States shall:

- Prevent and suppress the financing of terrorist acts;
- Take the necessary steps to prevent the commission of terrorist acts, including by providing early warning to other States by exchange of information,
- Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents and about 70 more such steps.

Perhaps one reason why the Security Council unanimously readily accepted Resolution 1373 was that the resolution did not spell out what exactly was meant by terrorism, leaving countries room for interpretation. The many measures declared mandatory were costly, and many states could not comply even if they had the political will.

Four years later the General Assembly approved a very comprehensive Action Plan against Terrorism which contained plenty of preventive measures. However, funding for its implementation as well as political will for implementation varied greatly.

The 31 entities which take part in the Counter-Terrorism Implementation Task Force (CTITF) include, the International Atomic Energy Agency (IAEA), the World Health Organization (WHO), the UN Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), and the International Criminal Police.

CTITF's eight Working Groups include one on Preventing and Resolving Conflict and one on Preventing and Responding to WMD Terrorist Activities Organizations (INTERPOL) among others. One of the products of CTITF is an Online Counter-Terrorism Handbook. One of its chapters lists UN activities and resources that contribute to preventing terrorist activities or a potential terrorist attack, another lists the Technical Assistance the UN offer to member states that contributes to preventing and combating terrorism. Yet another outlines the UN's role in monitoring

States' counter-terrorism obligations and what resources are available in this regard.[17]

Last year the Saudi government provided funding for the Center on Counter-Terrorism for a period of three years. However, the Saudi insistence that terrorism knows no religion is problematic since jihadist terrorists are the major terrorist challenge in the world today.

Table 12: Successes of International Counter-Terrorism Cooperation since 9/11:

1. Establishment of a broad legal framework for international judicial cooperation on bilateral, sub-regional, regional and international levels;
2. With the unanimous adoption by the United Nations General Assembly of an action strategy against terrorism in September 2006, a comprehensive framework for international cooperation beyond the judicial field was created;
3. Closer and faster cooperation of intelligence services, e.g. in form of fusion centers, has prevented and foiled many terrorist plots;
4. The ability to intercept terrorist communication and act on information gained in this way has greatly increased. However, it continues to be hampered by delays in translation, the time it takes to decrypt intercepts and, the sheer volume of communication that needs to be analyzed.

The degree of cooperation on countering terrorism has greatly increased in recent years, although it is probably still true to say that bi-lateral cooperation is more important than the multilateral one via the UN and regional organizations.

Table 13: Flaws of International Counter-Terrorism Cooperation:

1. The global nature of international terrorism is not acknowledged by some states. Many of them still see terrorism as a problem of the United States and its allies rather than one of their own. This results in a lack of political will to cooperate;
2. The ambiguous attitude of some Muslim states towards 'jihad" has made some of them dubious allies in the fight against Salafist jihadi terrorism;

[17] Handbook (www.un.or/terrorism/cthandbook/). - Source: Chairman's Summary Counter-Terrorism Implementation Task Force. Secretary-General's Symposium on International Counter-Terrorism Cooperation, 19 September 2011. New York: UN, 2011.

3. The arrogance and the lack of understanding for cultural sensitivities by some Western states in their dealings with other countries whose counter-terrorist cooperation they seek, has made these states hesitant to be full partners in counter-terrorism;
4. The illegal "extraordinary renditions" of terrorist suspects and the use of third countries for violent interrogation techniques and some types of counterterrorism cooperation with non-democratic regimes that are repressing their own people on a grand scale have compromised the moral high ground and authority Western democracies claim for themselves.

The costs of countering terrorism have been very high, compared to those of engaging in acts of terrorism. Huge bureaucracies and myriads of private security firms have been created whose effectiveness sorely needs evaluation.[18] The footprint of the United States in global counter-terrorism has become very large and that has created resentment in some quarters.

Table 14: Focus Areas of Prevention of Terrorism Policies:

1. Prevention of radicalization and recruitment (e.g. by developing counter-narratives to those of terrorist ideologues);
2. Prevention of financing of terrorism;
3. Prevention of cross-border movements of terrorists;
4. Prevention of incitement to and glorification of terrorism;
5. Prevention of acquisition of weapons and explosives (including chemical, biological, radiological, and nuclear precursors) by terrorists;
6. Prevention focusing on protection of Critical National Infrastructures, Public Transportation and Major Public Events;
7. Prevention of panic during terrorist campaigns by strengthening the public's resilience;
8. Prevention by training in hostage negotiations and rescue;
9. Prevention by disruption terrorist plots.

The scope of terrorism prevention measures has been broad, especially in

[18] For the United States, see: Michael B. Kraft & Edward Marks. *U.S. Government Counterterrorism: A Guide to Who Does What*. Boca Raton: CRS Press, 2012.

developed countries. It covers a wide spectrum, ranging from early prevention like the prevention of radicalization of vulnerable youth to prevention by pre-emption when it comes to terrorist plots that are already in the making.

Table 15: 7 Mission Areas that form the comprehensive approach to US Terrorism Prevention[19]

- *Intelligence*: Acquiring thorough knowledge of terrorists and their activities... to thwart planned terrorist attacks;
- *Border/Transportation Security*: Monitoring U.S. sea, land and air borders;
- *Domestic Counterterrorism*: Law enforcement to prosecute terrorists operating within the United States;
- *Foreign Counterterrorism*: Cooperating with allies to identify, track, pursue and stop terrorists and terrorist networks abroad;
- *Address Conditions that Foster Support for Terrorists*: Tackling the relevant socio-economic & political conditions in foreign countries;
- *Help Others Help U.S.*: Providing foreign governments with security, and economic assistance to eliminate terrorist networks and activity;
- *Non-Proliferation*: Working with international organizations and allies to deny terrorists access to develop WMD.

No country has gone to greater length to prevent and counter-terrorism than the United States. The US government had, two years after 9/11 no fewer than 48 agencies in seven departments with an estimated budget of US $ 25.7 billion for the fiscal year 2003, with over 50 congressional committees and sub-committees overseeing and providing funding for terrorism prevention. However, many of the measures taken under the label of prevention cover late rather than early aspects of countering terrorism – aspects that one would not readily call preventive in other contexts.

My own 'philosophy' on the prevention of terrorism was formed between 1999 and 2005 when I was Officer-in-Charge of the Terrorism Prevention Branch of UNODC. During that period, I tried to persuade UN member states that there should be four pillars to any national Anti-Terrorism policy.

[19] Source: Erik Floden and Kate Kaeufer in Letter to UN Terrorism Prevention Branch, dated 21 October 2002; Erik Floden and Kate Kaeufer. *Terrorism Prevention Handbook*. "A Guide to U.S. Government Prevention Resources and Programs." Washington, DC: Center for Arms Control and Non-Proliferation, 2002, pp. v-vi.

Table 16: Four Pillars for Preventive National Anti-Terrorism[20]

- *Good Governance*: When governance is bad, resistance against corrupt rule gains followers and support;
- *Democracy*: When unpopular rulers cannot be voted away in democratic procedures, advocates of political violence find a wide audience;
- *Rule of Law*: When rulers stand above the law and use the law as a political instrument against their opponents, the law loses its credibility;
- *Social Justice*: When long-standing injustices in society are not resolved but allowed to continue for years, without any light in sight at the end of the tunnel, we should not be amazed that desperate people, and some others championing their cause, are willing to die and to kill for what they perceive to be a just cause."

From my discussions with counter-terrorism officials from UN member states, I developed a dozen rules or guidelines for preventing and combating terrorism. These are mainly geared at insurgent terrorism and their application to state terrorism or genocide is often implicit. After all, the United Nations is an organisation of states; member states are more concerned about challenges to the state from non-state actors than by the activities of some rogue states. However, from this list, the first rule that stresses the importance of addressing the underlying conflict issue is crucial for all types of crises.

Table 17: Rules 1-4 for Preventing & Combating Terrorism[21]

1. Try to address the underlying conflict issues exploited by the terrorists and work towards a peaceful solution while not making substantive concessions to the terrorists themselves;
2. Prevent alienated individuals and radical groups from becoming terrorist extremists by confronting them with a mix of 'carrot and stick' – tactics and search for effective counter-motivation measures;
3. Stimulate and encourage defection and conversion of free and imprisoned terrorists and find ways to reduce the tacit or open support of aggrieved constituencies for terrorist organizations;

[20] Alex P. Schmid. "Prevention of Terrorism. Towards a multi-pronged approach." In Tore Bjorgo (Ed.), *Root Causes of Terrorism. Myths, Reality and Ways Forward*. London: Routledge, 2005 pp.226-227.
[21] These rules are also reproduced in Alex P. Schmid (Ed.). *The Routledge Handbook of Terrorism*. London & New York: Routledge, 2011, p. 38.

4. Deny terrorists access to arms, explosives, false identification documents, safe communication, and safe travel and sanctuaries; disrupt and incapacitate their preparations and operations through infiltration, communication intercept, espionage and by limiting their criminal- and other fund-raising capabilities.

In the second set of rules, the one contained in point 8 about early detection and early warning is also relevant for the prevention of genocide. I therefore set up and maintained, for a number of years, a database and reported every week to the Security Council. However, during my time at the UN, member states did not want the UN to have an intelligence system that could spy on sovereign member states, despite the fact that Art. 99 of the UN Charter authorized the Secretary General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security"[22]. Even the maintenance of databases on terrorist incidents was discouraged by certain powerful member states. The Officer in Charge of the UN Center for International Crime Prevention, Prof. Jan van Dijk, would later comment on my database: "This database was arguably the most rigorous and comprehensive of its kind. Regrettably, work on the database was discontinued in 2003 at the request of some UN member states who felt there was no need for UN-based statistics on terrorism."[23]

Table 18: Rules 5 - 8 for Preventing & Combating Terrorism

5. Reduce low-risk/high-gain opportunities for terrorists to strike by enhancing communications, energy, and transportation security by hardening critical infrastructures and potential sites where mass casualties could occur and apply principles of situational crime prevention to countering terrorism;
6. Keep in mind that terrorists seek publicity and exploit the media and the Internet to gain recognition, propagate their cause, glorify their attacks, win recruits, solicit donations, gather intelligence, disseminate terrorist know-how and communicate with their target audiences. Try to devise communication strategies to counter them in each of these areas;
7. Prepare for crisis and consequence-management for both "regular" and "catastrophic" acts of terrorism in coordinated simulation exercises and educate first responders and the public on how best to cope;

[22] www.un.org/en/documents/charter/chapter 15.shtml; accessed 11 March 2012.
[23] Jan van Dijk. *The World of Crime: Breaking the Silence on Problems of Security, Justice, and Development Across the World.* Los Angeles, Sage,2008, p.191.

8. Establish an All Sources Early Detection and Early Warning intelligence system against terrorism and other violent crimes on the interface between organized crime and political conflict;

Here is the last set of my twelve rules. Rule 12 is, I think, also crucial for the prevention of genocide. There is an urgent need to monitor hate speech because speech acts generally precede evil deeds.[24] Violence always requires some form of justification and usually goes along with the dehumanisation of the prospective victims of violence. Any glorification of violence and justification of violence for other uses than defense and collective security must be countered vigorously.

Table 19: Rules 9 - 12 for Preventing & Combating Terrorism

9. Strengthen coordination of efforts against terrorism both within and between states; enhance international police- and intelligence-cooperation, and offer technical assistance to those countries that lack the know-how and means to upgrade their counter-terrorism instruments;
10. Show solidarity with, and offer support to, victims of terrorism at home and abroad;
11. Maintain the moral high-ground in the struggle with terrorists by defending and strengthening the Rule of Law, Good Governance, Democracy and Social Justice and by matching your deeds with your words;
12. Last but not least: counter the ideologies, indoctrination and propaganda of secular and non-secular terrorists and try to get the upper hand in the war of ideas – the battle for the hearts and minds of those terrorists claim to speak and fight for.

In rule number 5, I had also advocated the application of principles of situational crime prevention to counter terrorism. In the field of criminology this has become an important approach to crime reduction. It is also increasingly applied to the prevention of terrorism after the seminal publication of Ronald V. Clarke and Graeme R. Newman *Outsmarting the Terrorists*.[25]

[24] Walter Berns once wrote: "Words precede deeds, and our condition is reflected in our speech and, even more so, in the way we are spoken to. It might be said that what we are capable of doing depends to a great extent on what we are capable of saying, and what we are capable of saying depends on what we are capable of hearing". - Cit. Richard W. Leeman. *The Rhetoric of Terrorism and Counterterrorism*. New York: Greenwood Press, 1991, p. 191.

[25] Ronald V. Clarke and Graeme R. Newman, *Outsmarting the Terrorists* was published in 2006 by Praeger.

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Table 20: Measures of Situational Crime Prevention[26]

- Increase perceived *effort* (target hardening, access control, controlling facilitators, deflecting offenders);
- Increase the perceived *risk* of being discovered and stopped (entry/exit screening; police surveillance);
- Reduce anticipated *rewards* (target removal; denying benefits);
- Induce *guilt or shame* (rule setting, strengthening moral condemnation, controlling dis-inhibitors, facilitate compliance).

One reason why terrorism has become so widespread in recent years is that opportunities for applying this technique of asymmetric conflict waging has greatly increased in recent years. A bomb threat made in an anonymous phone call is often enough to force a plane to turn back to an airport or shut down a public building for hours before a bomb disposal team has searched it. Borders have become more pervious, long-distance communication and international travel cheap, and instant worldwide attention is within the reach of many who engage in violence to have their message heard in global 24/7 news channels and on the Internet.

The idea behind situational crime prevention is to reduce opportunities by making it harder for perpetrators to get what they want, by increasing the risk of being caught, by reducing the possible rewards they can gain and, if possible, induce guilt or shame on them.

Techniques of situational crime prevention work best on the local level; they are admittedly more difficult to implement for transnational crimes. Based on principles of situational crime prevention, a former student of mine, Tore Bjorgo, now Director of Research of the Norwegian Police Academy, has developed this basic model of Terrorism Prevention.[27] I think this model can be generalized and can also - *mutatis mutandis* - be applied to the prevention of genocide.

Table 21: General Model for Prevention of Terrorist Crimes (T.Bjorgo)

- *Establishing norms* against the acceptance of violence and terrorism;
- *Deterrence* through the threat of punishment or reprisals;

[26] Table based on Jan van Dijk. *The World of Crime*. Los Angeles: Sage, 2008.
[27] Source: Tore Bjorgo (Ed.). *Preventing Terrorism and Other Kinds of Crime*. Oslo: The Research Council of Norway, 2011, pp. 16-17].

- *Disruption* of planned terrorist attacks;
- *Incapacitation* by eliminating the capacity of (potential) terrorists to carry out acts of terrorism;
- *Protecting vulnerable targets* by making terrorist attacks more difficult and more risky;
- *Reducing the harmful consequences* of acts of terrorism;
- *Reducing the rewards* from acts of terrorism;
- *Reducing the root causes and motivations* that lead people to get involved in terrorism;
- *Disengagement from terrorism* – as individuals or groups.

Structural crime prevention can be broken down into three components: context-related factors, perpetrator-related factors and victim-linked factors. Here is the first set of factors, directed at structural and situational aspects.

Table 22: Structural and Situation-oriented Preventive Policies

- Take mid- & long-term pro-active measures to remove causes of an undesirable development;
- Obstruct the occurrence of an unwanted situation in the near future by erecting defences against such attacks;
- Create general conditions and a political environment where harmful activity is made more difficult;
- Reduce chances of conflict escalation and the spread of crises to neighboring regions.

The level of abstraction of these measures is quite high; one will have to operationalize each item to make it applicable, *mutatis mutandis*, to the prevention of genocide.

The second focus is directed at the perpetrators. These points need to be tailored to tackle specific situations and different types of perpetrators.

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Table 23: Perpetrator-oriented Prevention

- Dissuade or deter potential offenders by increasing risk of being discovered, stopped and arrested or killed;
- Create conditions that increase the efforts needed by leaders to pursue violent politics;
- Remove the practical ability of perpetrators to seriously consider violent politics;
- Reduce potential rewards and deny them opportunities for success and for getting followers willing to implement their policies;
- Educate them about the true personal costs of engaging in violence.

Last but not least, one has to empower past, present and potential future victims. They are, after all, the main stakeholders and have a more than humanitarian interest in removing or at least reducing existential threats.

Table 24: Victim-oriented Preventive Measures

- Empower potential victims to monitor and interpret hate speech as potential legitimizations for the use of violence;
- Strengthen the resilience of potential victims by providing them with know-how and tools to help themselves and others;
- Give victims/survivors a role on the fight against terrorism, e.g. by providing them with opportunities to educating the public and the constituency of terrorists about the true costs of terrorism;
- Strengthen the role of bystanders so as to break the syndrome of 'bystander apathy' and involve them in intervention strategies;
- Create official victim support mechanisms and compensation schemes for those who have been attacked by terrorists and their relatives;
- Use human social and technical engineering to reduce vulnerability factors and reinforce protection factors.

At the beginning of this presentation I pointed at the similarities between terrorism and genocide and asked why so much is done to prevent and combat terrorism and so little when it comes to genocide and mass killings. I think part of the answer can be found in this quote from a recent article by Max Abrahms on 'The Political Effectiveness of Terrorism'. He found, in a comparison of terrorist groups and

guerrilla groups that governments, when seeing their societies attacked by terrorists, usually go to great lengths to oppose the challengers. They are also usually successful against insurgent terrorists – much more successful than opposing insurgents who use guerrilla warfare tactics. Max Abrahms analysed violent sub-state campaigns - terrorist and guerrilla – in a comparative way.

Table 25: Why Terrorism Fails to Induce Government Compliance (M. Abrahms) [28]

> "Although terrorist campaigns are an effective tactic for achieving process goals ... terrorist campaigns are an ineffective tactic for achieving outcome goals. In terrorist campaigns, the low coercion rate is not simply an artifact of the weakness of the perpetrators, the nature of their demands, or the strength of government opposition. *Rather, the evidence indicates that governments resist complying when their civilians are the focus of sub-state attack*. This empirical finding invites theoretical questions, particularly as to why *governments dig in their political heels when groups target their populations". -M. Abrahms (2012)*

Abrahms' principal finding was "....that terrorist campaigns are an inherently unprofitable coercive tactic because governments resist complying when the armed opposition attacks its civilian population (p. 367). Abrahms findings are based on an analysis of 128 campaigns waged by 54 violent groups. 30% of these campaigns successfully coerced the country under attack into at least partially complying with policy demands. Yet in all but one case were the groups that scored successes groups that attacked the military. There was just one case where a group that attacked civilians scored a success – namely the attack at Atocha on 11 March 2004 which contributed indirectly to the withdrawal of Spain from military involvement in Iraq.[29] The outcome of terrorism is not only terror among the civilian population, but also anger and determination not to give in. While terrorist campaigns are, as Abrahms found, "an effective tactic for achieving process goals," he found very strong evidence "that terrorist campaigns are an ineffective tactic for achieving outcome goals."[30]

While this is a satisfying result as far as facing challenges from domestic non-state terrorism is concerned, the defence of civilians outside other than those of one's own

[28] Source: Max Abrahms. The Political Effectiveness of Terrorism Revisited. *Comparative Political Studies* 2012 45: 366, February 2012.
[29] Ibid., p.374.
[30] Ibid., p. 382.

nation is not high on the agenda of the international community of nation-states. In other words, tribalism triumphs still over cosmopolitanism. To change that is the biggest challenge facing those who struggle to prevent and combat genocides and other mass killings.

If we do not succeed in increasing international solidarity, the 21st century will not be better than the twentieth century when it comes to genocide and democides.

Table 26: Victims of 20th Century Democide, according to R. J. Rummel[31]

	Own Citizens	Foreigners	Total
By democratic regimes	**159,000**	**1,858,000**	**2,028,000**
By authoritarian regimes	**26,092,000**	**2,584,000**	**26,676,000**
By totalitarian regimes (of which Marxist-Leninist)	**103,194,000**	**34,783,000**	**137,977,000**
By others (guerrillas, etc.)	**464,000**	**54,000**	**518,000**
Total	**129,908,000**	**39,278,000**	**169,198,000**

CONCLUSION

Let me conclude by drawing some lessons from preventing and countering non-state terrorism for preventing and countering genocides. I can see five possible lessons:

1. Explore the utility of situational crime prevention concepts for genocide prevention;
2. Do not engage in costly policies without making sure that there is constant evaluation of actual effectiveness of measures taken;
3. Do not rely primarily on technical intelligence but cultivate human intelligence sources with cultural affinity and language skills;
4. Hate speech precedes and accompanies hate crimes; Violence always requires justification. Undermine the justification and you reduce the violence, whether it is terrorism or genocide.

[31] Adapted from: R. J. Rummel. *Death by Government*. New Brunswick, N.J.: Transaction Publishers, 1994, p. 15.

5. And last but not least: involve and empower victims and survivors; they are often better suited for the task at hand than career bureaucrats and idealistic NGO representatives who come right from universities.

Perhaps the main lesson is that the conceptual instruments from situational crime prevention should be looked at with an eye on their suitability for genocide prevention.

A second lesson is that there is a need for rigorous evaluation research. In the field of counter-terrorism too much money has been spent with little or no efforts to assess effectiveness. Huge bureaucracies have been created that work in secrecy and often beyond democratic scrutiny and accountability. When something was labeled terrorism prevention it often escaped close checking. Constant evaluation is vital.

In the field of counter-terrorism, technical solutions and technical intelligence has become dominant to the neglect of human intelligence. Yet above all you need people with cultural affinity and language skills.

Terrorism is a combination of violence and communication. The main focus has been on countering the terrorist violence, not their violence-based propaganda. The lesson for genocide prevention should, I think, be that we should take hate speech very seriously, monitor it and counter it wherever we can. Hate speech is the early warning sign par excellence. Preventing and countering hate speech is almost as important as countering the violence itself. Violence always requires justification. Take the justification away and you reduce the potential for violence.

And one last recommendation: involve and empower representatives from victims and survivors in whatever you do. They are often better than career bureaucrats and NGO representatives who come right from university. For those directly linked to victims to fight for countering and controlling mass violence it is not a job but an existential calling.

APPENDIX I: A TOOLBOX OF MEASURES TO PREVENT AND SUPPRESS TERRORISM*

1. Politics and Governance

1.1 *Address specific political grievance of terrorists*
i.e. change of policy to accommodate, wholly or in part, political grievance of

terrorists constituency (e.g. partial devolution of power to a hitherto marginalized national minority).

1.2 *Engage in conflict resolution*
- a. by means of public dialogue
- b. in (secret) negotiations

1.3 *Offer political concessions*
- a. to terrorists
- b. to parties sharing terrorists= goals but using less objectionable tactics

1.4 *Participation in broader political process*
- a. invite terrorists to participate in mass-based movements aimed at political change (e.g. elections, if group lays down arms)
- b. encourage the formation of opposition group that reduces the constituency of terrorist movements
- c. enter new coalition with other opponents of terrorist movement
- d. declare political and/or military wing of terrorist groups illegal
- e. ban membership of terrorist groups and/or front organizations.

1.5 *Amnesty*
- a. partial
- b. conditional

1.6 *Diplomatic pressure on state sponsors to decrease their support*
- a. expel diplomats from states which support terrorist organizations
- b. break diplomatic relations with sponsors of terrorist organizations
- c. ostracize states and other entities which sponsor terrorists, by listing them.

** This list, developed originally within the Terrorism Prevention Branch of the UN Office on Drugs and Crime, Vienna, is simply meant to identify and classify possible preventive and counter-terrorist measures, regardless of their use, efficacy or rate of success. The United Nations does not necessarily endorse specific measures from this list. Some measures listed are objectionable on moral and legal grounds but have been included because examples of such practices could be found in the literature on counter-terrorism.*

2. Economic and Social

2.1 *Address specific socio-economic grievances*
(including removing/reducing socio-economic grievances of the constituency of the terrorist movement)

2.2 *Engage in socio-economic policies that reduce inclination to engage in political violence by*
- a. employment schemes
- b. anti-discrimination measures
- c. poverty-reduction schemes (e.g. land redistribution)
- d. opening legal economic alternatives to black-market activities, etc.

2.3 *Address financial/monetary aspects of terrorism*
- a. ban fundraising (and transfer of funds from potential front- organizations) of terrorist groups
- b. freeze assets of families of kidnap victims (to prevent paying of ransom)
- c. boycott/sanction state supporters of terrorists
  - i. freeze assets
  - ii. ban trade
  - iii. ban travel
  - iv. ban arms sales
  - v. ban sale of dual use and precursor substances
  - vi. other
- d. place sanctions on companies that invest in countries alleged to be state sponsors of terrorism
- e. trace terrorist funds (e.g. by lifting bank secrecy)
- f. information exchange between states on movement of funds suspected to support terrorism
- g. offer financial rewards for information leading to the arrest of terrorists.

2.4 *Other*

e.g. decrease capacity of terrorist groups to obtain material assistance

3. Psychological-Communicational-Educational

3.1 *Attempts to establish a common value base with political opponents, such as*:
- a. value of dignified life
- b. value of prosperity
- c. value of treating others as you would like to be treated
- d. value of not becoming a victim
- e. other

3.2 *Providing a forum for freedom of expression*

i.e. provision of public space where conflict between government and armed opposition can be discussed openly (e.g. in an academic forum, or on neutral territory)

3.3 *Use of media*

a. ban (live) broadcast of interviews with terrorists
b. ban publication of terrorist texts/manifestos
c. provide publicity to terrorists in return for release of hostages
d. publish terrorist texts/manifestos
e. other policies regarding media access to terrorist groups (e.g. grant terrorists free publicity in exchange for concessions from terrorists)
f. provide training to journalists on responsible coverage of terrorist events (e.g. show the harmful effects of premature or full disclosure of information on terrorist activity)
g. provide precautionary guidelines for the eventuality of a serious terrorist threat (especially use of chemical, biological, radiological or nuclear [CBRN] materials)

3.4 *Counterterrorism public relations campaign*

a. initiate/strengthen public awareness programs and activities on illegitimacy and human/economic costs of terrorism
b. use highly-respected personalities and/or popular (movie/sport) >heroes= to condemn terrorist acts in the media
c. use and support former (repentant) terrorists for counter-terrorist campaign
d. use "wanted" posters and invite the public to denounce terrorists
e. use former victims of terrorism in counterterrorism campaigns

3.5 *Other*

e.g. facilitate the exit of individuals from terrorist organizations by offering them face-saving ways of phasing out

4. Military

4.1 *Use of strikes/operations*

a. pre-emptive strikes against base of terrorists
b. commando action against headquarters of terrorists (for arrest and/or neutralization)
c. punitive retaliatory action against location or community hosting terrorists (e.g. erect roadblocks or engage in active search for weapons)
d. rescue operations for liberation of kidnap victims or hostages in siege/barricade situations

4.2 *Use of armed forces for protecting potential victims and objects*

a. persons, e.g. VIPs
b. facilities, e.g. infrastructure facilities such as nuclear power plants,

electricity grids, data flow switchboards, water-storage tanks, propane gas tanks, etc.

4.3 *Recruitment/training/maintenance of personnel*

a. of high alert counter-terrorist special reaction force teams (incl. hostage rescue units)
b. of bomb disposal teams
c. of commando units
d. of new special units (e.g. for dealing with CBRN threats)
e. of private security forces to deal with terrorist threats or offensives
f. other

4.4 *Operating procedures and policies*

a. update existing martial law/state of emergency law
b. develop new checklists, standard operating procedures and rules of engagement
c. maintain strict controls of uniforms, weapons and munitions of security forces to avoid leakage to terrorist organizations
d. develop independent supervisory mechanisms to investigate complaints of alleged abuses of power by security forces (torture-allegations, killing of disarmed hostage-takers, etc.)
e. develop reporting policies on all use of lethal force and on arrests by security forces
f. limit authority of military courts in anti-terrorist matters to areas allowed by international law and human rights
g. other

5. Judicial and Legal

5.1 *International efforts*

a. become party of international and regional conventions and protocols, and incorporate obligations in national legislation and build capacity for implementation
b. expand extradition treaties
c. comply with well-founded extradition requests of alleged terrorists
d. enhance mutual legal assistance with other states
e. enhance information exchange with judiciary in other countries.

5.2 *Domestic legislation*

a. review and update emergency legislation
b. adopt successful legislation from other countries

c. review existing rules and laws on terrorism for counter-productive/unwanted boomerang effects
d. introduce new legislation to specifically address terrorism and its evolution (e.g. limit the possibilities of use of encryption by terrorists)
e. adjust (i.e. increase/decrease), where appropriate, sentences for terrorist crimes
f. use of political offence exception

5.3 *Witnesses*
a. use of crown witnesses where necessary (but avoid undue inequality before the law which might ensue from their ill-considered use)
b. provide witness protection
c. provide repentant terrorists protection
d. protect fact-finder (e.g. of lawyers and jury members)

5.4 *Courts*
a. increase speed of judicial process against terrorism
b. introduction of special courts to deal with terrorist crimes
c. trials in absentia

6. Police and Prison System

6.1 *Target hardening*
a. of high-risk activities (e.g. sporting events, public appearances by high-profile politicians)
b. of perimeters of high-risk targets (e.g. embassies)
c. of public utilities, infrastructures, communication systems, transport systems (incl. aviation security)
d. of weapons and explosive storage areas (e.g. nuclear facilities, liquid gas storage tanks, etc.)
e. of mail, residences, vehicles
f. use of proven and new technologies (e.g. closed circuit television cameras)

6.2 *Enhance international police cooperation*
a. by stationing liaison officers abroad
b. participation in multinational fora (e.g. regional initiatives)
c. other

6.3 *Enhance capacity of law enforcement officials*
a. provide training (initial and upgrading) opportunities to ensure preparedness, particularly in the case of a CBRN attack

b. engage in joint simulation exercises (e.g. with military forces)
c. engage in contingency planning

6.4 *Informants/infiltrators*
a. encourage voluntary informers
b. control infiltration of police through external checks on police officers (e.g. by intelligence agency)

6.5 *Police behaviour*
a. ensuring lawful police behaviour
b. put in place procedures for investigating charges of police brutality and torture
c. regulate use of (potentially) deadly force

6.6 *Police powers*
a. increase powers of arrest
b. expand powers/period of detention
c. expand legal space for (electronic) surveillance of suspected terrorists
d. suspension of certain civil rights

6.7 *Measures to inhibit the formation and perpetuation of terrorist networks in prison*
e.g. by solitary confinement or distribution of terrorists in several prisons

7. Intelligence and Secret Service

7.1 *Use of technology (traditional and newly developed) and human intelligence (HUMINT)*
a. decryption
b. eavesdropping/interception
c. surveillance
d. satellites
e. other (e.g. „Rasterfahndung")

7.2 *Engage in exchange of intelligence*
a. with domestic sister intelligence agencies
b. with security agencies abroad

7.3 *Intelligence/Infiltration*
a. infiltrate terrorist organizations
b. turn members of terrorist groups into informers
c. use of defectors
d. establish/use database on all alleged terrorists and the context in which

they operate

7.4 *Use of secret negotiations*
e.g. by discussions with imprisoned terrorists

7.5 *Develop an early warning system based on indicators of public violence*

8. Other

8.1 *Concessions/Deals*
a. none
b. limited
c. negotiated
d. substantive (e.g. release of prisoners)
e. symbolic/tactical (e.g. free publicity, granting safe passage)

8.2 *Immigration measures*
a. tighten visa restrictions 5
b. harmonization of visa policies with neighbouring countries
c. tighten border controls
d. spot-checks
e. profiling
f. deportation/banishment/expulsion
g. introduce counterfeit-proof passports
h. database of suspected terrorists
i. curb abuse of asylum

8.3 *Victim support*
a. victim group support
b. post-incident debriefing
c. support >ex-victims-help victims= programs

8.4 *Governmental strategy*
a. re-organization of anti-terrorism bureaucracy
b. use of lead agency concept
c. funding of research
d. other.

Source: Alex P. Schmid. "Towards Joint Political Strategies for De-legitimising the Use of Terrorism." In Alex P. Schmid (Ed.) *Countering Terrorism through International Cooperation*. Milan, ISPAC, 2001, pp.266-273.

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Perspectives on Genocide Prevention

Holocaust Education and Genocide Prevention

Yehuda Bauer

Academics love arguing about definitions. But definitions, certainly in the area of history and politics are, *per definitionem*, abstractions from reality. And reality is always much more complicated than our definitions can be. We then try to adapt reality to our abstractions instead of changing our definitions to fit reality. This is what happened with the concept of genocide, which was coined by a Polish–Jewish refugee lawyer in the U.S. (Raphael Lemkin) in 1943 and published in 1944. It was adopted, but with significant changes, into the UN Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948. The Convention was the result of horse-trading between the West, the Soviet Union, and some mainly South American states, whose influence on the final text of the Convention was actually quite considerable. The final text is very problematic. Primarily, it does not provide for an effective preventive or corrective procedure. When some tragedy caused by humans is recognized as being a genocide, which the Convention says can only be done by a State Party, the United Nations (in effect, the Security Council) is supposed to deal with it. But the Security Council, with its five veto Powers, is hamstrung. If one or more of the veto Powers (or a powerful combination of non-veto countries) have economic, political or strategic interests in the area in which the tragedy happens or is likely to happen, then action becomes, in practice, impossible. This is what is now happening in Darfur, where Chinese oil interests and the support of Russia and the Arab League for the genocidal regime in Khartoum make it impossible to stop a genocidal process that has caused, according to the analyses of Eric Reeves, probably over 400,000 deaths. And a slow genocidal attrition is continuing: 2.7 million former farmers, chased away from their villages, are languishing in displaced persons' camps. A continuing humanitarian crisis is killing off children, very large numbers of women are targeted for sexual assault, and the result is the destruction of families. Southern Sudan, itself plagued by a multitude of tribal conflicts, continues to be the target of genocidal policies. These have spread to other areas, first of all Abyei, South Kordofan, and the Blue Nile province. The Bashir government policies are clearly racist (i.e., anti-Black) and anti-Christian, as they are guided by a local version of radical Islamist ideology. The influence of Western Powers is not decisive.

In Rwanda, a lack of interest by such a combination of powers and countries paradoxically led to a similar negative result: the United States refused to recognize the tragedy as a genocide in order not to be forced to do something about it, as

no immediate American interests were involved. This was based, arguably, on a misunderstanding of the Convention, which was assumed to indicate that once genocide was recognized, there was an obligation to intervene. France supported the perpetrator side, and other Powers and States were not interested enough to intervene. Conversely, in Kenya, where in 2008 killings already presaged an approaching tragedy, no one had any major economic or strategic interests, and a situation of murderous ethnic cleansing could have meant widespread unrest in neighboring countries and the destruction of a potentially prosperous trading partner. No one had an interest in sabotaging preventive action. The result was that the UN could act consensually, and Kofi Annan could negotiate a compromise of sorts, though the danger has not passed by any means. Similar situations, *mutatis mutandis*, obtained in Macedonia and East Timor, and the UN could intervene or approve interventions, that may well have prevented genocidal massacres. The conclusion is clear: the UN can intervene, possibly successfully, when no major power interests are involved, one way or the other. However, circumventing the UN, and intervening unilaterally, involves great risks. NATO intervened in the Balkans, but it seems that that was done largely because of a clear interest of the EU and the US to do so; Russia, the main supporter of Serbia, could not risk a confrontation with the West. In Iraq, unilateral American intervention ended in a hasty withdrawal, leaving Iraq open to the immediate danger of a civil war, or some kind of a three-cornered partition, and an alliance with an aggressive radical Iran. There is no doubt in my mind that the Afghan adventure will result in a similar disaster.

The Security Council would be the obvious potential solution. But, because of its present make-up, it usually is the problem.

Despite what was said above, we have to be clear what it is that we wish to prevent, and what we therefore wish to educate about and against. We do not have to enter into arguments about definitions but we do have to make our own position clear, at least to ourselves and to our friends. According to the Convention, genocide is defined as the intent and action to annihilate ethnic, national, racial and religious groups as such, in part or in whole. Five elements are mentioned specifically, each of which define a human tragedy as a genocide: murder of members of the group, harming members of the targeted group physically and/or mentally, creating conditions of life that make their survival impossible, preventing births, and kidnapping children. The idea to include political, social or economic groups was rejected, because its acceptance might have caused a number of powers to be accused of genocide. This exclusion makes little sense. Thus, when the Soviet regime decided to annihilate the kulaks as a class (that was the terminology that was used), the kulaks were not a real

group with any cohesion. A kulak was, basically, someone who had two cows, not one; except that if he had one cow – or none - but opposed the collectivization process, he became a kulak, and if he had two cows but was an obedient Party member he was not a kulak. However, the persecution, starvation and murder of huge numbers of people branded as kulaks transformed that virtual group into a very real group of victims. It has been proposed by Barbara Harff that the murder of such political and other groups, real or virtual- becoming-real, be called politicide, and be included in our concerns, contrary to the Convention. Today, most academics accept that. So should we.

Another problem is that the five elements that are supposed to make up a genocide are unclear. Do you really need just any of them to define a genocide? Or perhaps two, or more of these elements? And when hundreds of thousands of Jews were shoved into gas chambers, did that create conditions of life that made the existence of the group impossible? And when the Nazis planned to murder and murdered all the Jewish women and children they could find, is there any meaning to talk about prevention of births and kidnapping of children? Is the kidnapping of children of mixed White and Aborigine Australians a genocide? After all, there does exist a possibility that such children, when they grow up, will join or rejoin the group they came from, but if they are murdered, they clearly cannot. Tokugawa Japan declared, in the 17th century, that Japanese women cannot have more than two children, and there were forced abortions. Is that a genocide? The Holocaust of the Jews and the 'Zaglada' of Poles (destruction in whole – the Jews – or in part – the Poles) were central in the minds of the people who wrote the Convention, hence these definitions, but the results seem to be fairly messy.

We have to ask a question that should be fairly central to all educators: what do we mean by "racial groups"? There are no races, although there is racism. As DNA probes have established, all humans originate from East Africa roughly 150,000 years ago, give or take some tens of thousands of years. Skin color and shapes of bodies were developed by very minor mutations since then. Procreation between Australian Aborigines, or African pygmies, and Canadian Inuit or Harvard graduates, will produce normal human beings. There is just one human race. Differences between cats are much larger than those between humans. However, while there are no races, there certainly is racism. There was practically none in the ancient world, where free Africans who worshipped Roman gods could and did become Roman citizens. In the Bible, the prophet Amos explicitly talked about equality before God of people of different color. Ancient civilizations hardly consisted of blond and blue-eyed people. In fact, slaves in the Roman Empire were mostly Celts or Germanic people – pure Aryans. In Asian

or African or pre- Columbian American civilizations there was of course no racism. The Catholic Church had an African Saint, Mauritius, whose statues, with typically African features, can be seen in European Gothic churches. Racism developed in the 15th century, starting with the Royal decree of 1449 in Toledo, directed against 'conversos' with Moorish (Arab) or Jewish ancestry. Originally anti-Arab and anti-Jewish, it became anti-Black with the entry of the Iberian colonial powers into North, and later West African coastal areas. Blacks were enslaved, usually by other Blacks, and sold to Arab slave traders, who then sold them to white merchants on the coast of Africa (there were also Black, Arab, and Jewish merchants among them, but they were a small minority). From there they were transported to the New World under horrible conditions, with millions of victims dying as a result. In order to justify these actions, an ideology developed that defined the differences between slaves and their tormentors in terms of skin color. That was the origin of modern racism. 'Limpieza de sangre' (purity of blood) became State policy in Spain and Portugal, and conversos could not, in theory at least, occupy high-level positions in Church and State.

There arises the problem of whether African slavery, which of course is racist, is a genocide. The purpose, after all, of enslavement was not to kill, but to exploit cheap labor, nor is there any research I am aware of that describes enslavement as the intent and action to annihilate a group as such. In fact, slave ships that brought live slaves to the Americas made money. Dead slaves could not work, and were a disaster for the ship- owners. Not every anti-human and anti-humane, despicable, policy is a genocide.

To include the term "racial groups" in a UN document was understandable in 1948, when every ethnic or national group was called a "race", but it is unacceptable in 2012 because it might be misunderstood to mean differentiation between people on the basis of color of skin, and thereby inadvertently support racism.

There is another well-known problem with the Convention: when it (and we) talks about intent, how can anyone prove intent if the relevant archives are closed, or if the instructions to murder were transmitted orally? Hitler never gave a written order to murder all the Jews either; he could not have done, because the National-Socialist system of government allowed the dictator to desist from signed orders when this was either undesirable or unnecessary. Decisions regarding the murder of the Jews were discussed between Hitler and high officials, primarily with Himmler, and then presented by Himmler as 'the Führer's wish'. That was law in Nazi Germany. Do we then deny that the Holocaust was a genocide, because there is no document extant that says in so many words that all the Jews should be killed?

The famous UN Committee that was sent to Darfur could not determine whether it was genocide that was happening there because they could not prove intent. Of course, they had no access to Sudanese archives; but it is not very likely that even if they had, they would have found any 'smoking guns'. It is much more likely that such orders were given orally or, as in Nazi Germany, resulted from a consensus that did not need to find expression in writing. How then can one determine intent? One judges intent by results and by circumstantial evidence, and also by documents that make it clear there was intent without, usually, saying so explicitly, as was done by the International Court dealing with the Srebrenica case, and indeed elsewhere as well. So, do we need the Convention? Yes, I think we do. It has become part of international law, and although it has never been applied, the possibility of its application hangs over the heads of actual or potential perpetrators. And, it is something to build on, though, please, without illusions. But, we cannot be satisfied with the Convention; we have to consider the real world of economic and strategic interests, the world of nationalisms and power struggles, and face it. My advice is to approach it with what I would call "morally-based practical cynicism." I don't believe in a good world, or in utopias; but I do believe we can make the world a tiny bit better than it is today, and that is our real purpose; it is something worth devoting one's life to. Should we engage in education, and not only of the young, and tell them these facts? Yes, I think we should.

There is another issue here that is worth touching on, if only in brief, as it is connected with the main theme of this piece. There is a dialectical development one can discern in international politics, reflecting two contradictory global trends: a tendency towards greater unification on the one hand, and an opposing tendency towards greater autonomy and independence of ethnic and/or national groups on the other hand. The EU is an obvious example of the first tendency. Slowly, and with considerable zigzags, Europe is moving towards some sort of a federal system. This is motivated largely by economic considerations, but is also directed towards a defensive stand vis-à-vis perceived, potential threats from a resurgent Russia and from dangers emanating from Asia. From the perspective of genocide prevention, the greater the possibility for a kind of European federal arrangement – provided of course it is efficient - the smaller is the danger of an inter-ethnic or inter-national outbreak of mass violence, especially of course in the Balkans. However, in the same European context there is also a growing number of ethnic/national, and even religious, groups and minorities that demand autonomy or independence. The Scots and the Welsh in Britain, the Basques in France and Spain, the Catalans in Spain, various ethnic minorities (e.g. Hungarians in Slovakia, Albanians in Macedonia) and so on, struggle for various forms of autonomy or independence. Cultural autonomy is on the agenda

for the 23 million Muslims in Europe as well.

When one moves to other parts of the world, these contradictions assume threatening proportions. There is, arguably, a move towards greater collaboration in Africa, and a slightly less chaotic one in Southeast Asia. There have been and are efforts in the Arab world trying to establish some permanent cooperation, though the results so far have not been very successful. Arab and Muslim countries do have, of course, a powerful lobby at the UN. But all this is being threatened by a putative development of ethnic separatism in Africa and Asia, and in a different form in Latin America as well. African states are very largely the result of the division of the continent by the colonial powers of the 19th century, which completely disregarded linguistic and ethnic boundaries. Independence was achieved within these artificial borders. Recently, with the development of globalization which made some, or perhaps many, of these ethnic groups aware of their specific identity, there is a danger that ensuing struggles for recognition of these entities might cause increasingly violent conflicts, and a threat looms of dissolution of existing states, and of murderous confrontations. We are seeing this in Kenya, and to an extent in Chad, the Cote d'Ivoire, Liberia, Ethiopia, and of course in Nigeria. Potential dangers exist in South Africa, and a number of other African countries. The multi-ethnic situations in the Sudan are well known to us. In Asia, ethnic/national groups are fighting for autonomy or independence in Myanmar, there are tensions in Iran, which is a multi- ethnic country (Azeris, Arabs, Tadjiks, Baluchis), and the Kurds are fighting for some sort of independence in Turkey, Iraq, and Iran (marginally also in Syria). If this spreads to India, Pakistan, and other countries, we would be faced with a tremendous problem. Federal solutions, multi-ethnic accommodation within existing state frameworks, and overall unification processes could and perhaps should be furthered in order to avoid genocidal dangers. The whole issue has hardly been treated in research, and politicians are dealing with it piecemeal, in specific situations, apparently without being aware of the ticking of a potentially very large clock. Briefly, what might be done is to use the tendency for unification and globalization as an antidote to the situation as I have tried to describe it, but at the same time seek to guarantee different kinds of autonomy or other partial forms of independence to the different ethnic groups.

The ideal development would be, I believe, towards a kind of 'Verfassungspatriotismus' (loyalty to a constitution - Jürgen Habermas), a loyalty and identification within a multi-ethnic and/or multicultural entity towards and with a state-form based on a democratic constitution and/or a shared past, imagined or real. This is the way the US developed. There is a strong national, in

my view nationalistic, identity in the US, based on loyalty to a constitution that is almost two-and-a-half centuries old, and does not always function without creaks and crises (and a bloody Civil War). In Switzerland, a shared history (real or imagined – see the contrived foundation story of the Rütli oath) from a pre-modern time when ethnicity played a very minor role, if at all, helped to develop a strong common identity, although occasionally tensions arise there too, but in such a mild form that they can be dealt with. In Canada, a parallel development seems to be taking place, although there exists a constant threat of ethnically based Quebecois separatism. India has been holding together, partly because of the legacy of British colonialism, partly because of an invented, but nevertheless strong feeling of togetherness; however, there are worrisome signs of stresses, in Assam (Asom), in the tribal areas of central India, in Tamil Nadu, and elsewhere. A rise in ethnic/national consciousness could become dangerous and threaten India's unity. The mess in Pakistan is probably too clear to anyone to have to dwell on it.

All this has to do with what I would claim is a mistaken perception of the direction globalization leads us to. From Benedict Anderson on, the idea took root that we are in an age of declining nationalism, and that the future belongs to non- or multi- national structures. The problem is not that this is wrong, but that it is only partly true. Western economic interests indeed tend towards globalization. The ethnic/national identity of the 'captains of industry' (or of oil, or raw materials, or shipping, or banking, etc.) is uninteresting. But that is not the case with China, for instance. There, Chinese identity is the basis from which Chinese imperialism, based on economic interests, begins. There is no linear development; development is dialectical, and ethnicity and nationalism are very much alive and kicking. They present a looming danger of conflicts that could become genocidal and have to be prevented. This is a central issue that has to be addressed.

Like many of my colleagues, I too believe that the argument about definitions of genocide is largely futile and may be counter-productive. Yet, in order to get anywhere, I think we should be clear what exactly we want to do. We need to differentiate between conflicts and genocidal situations; it is the latter that we want to deal with. Conflicts, as I have repeatedly suggested, are struggles between two or more contestants, none of whom is able to exercise enough power to annihilate its enemies "as such". Conflicts can potentially be solved through negotiations, mediation, or intervention from outside to effect a compromise, or a relative victory by one party that will enable coexistence with the defeated group or groups, and possibly reconciliation with them. But when a conflict escalates into a confrontation in which one party has overwhelming power, and the other(s) little or none, a genocidal situation may

(but does not have to) develop. We then talk about full-scale genocides according to the Convention, about the annihilation of groups as such, about politicide, about genocidal massacres, about ethnic cleansing when the purpose is to annihilate the targeted group, and about genocidal ideologies aiming at world control to be achieved by mass murder that has the characteristics of genocide. The terms some colleagues of mine and I use are not definitions but rather descriptions, but they are pretty clear. My colleague David Scheffer will call them mass atrocities, someone else (Rudolph J. Rummel) calls it democide, that is mass murder of humans, I may call it genocidal situations, but we all basically mean the same thing: intentional mass destruction, as such, of human groups, real or contrived, in whole or in part. Versions of such a definition/description have been around for a long time (see for instance the work of Frank Chalk and Kurt Jonassohn), and they seem to me to be a practical way out of the definition controversies.

An important genocidal element is an ideological movement that can acquire tremendous power and intend to control the whole world. It may be motivated, often unconsciously, by elements that have their origin in economic, social and political developments, but the ideology becomes independent and can be a major motive force leading to mass violence and genocides. This is true of three major movements that appeared on the scene in the wake of World War I: Soviet communism (the Bolshevik revolution, 1917), National Socialism (Hitler's first political utterance, 1919), and Radical Islam (1928, the foundation of the Muslim Brotherhood in Egypt). They all were (are) intent on conquering the globe for an exclusivist and totalitarian worldview, by force. They all oppose (or opposed) any participatory governmental system. Thus, Sunni radicalism has advisory boards, 'shura', nominated by clerics, and may use democratic elections to place itself in power, but then it intends to abolish parliamentary democracy, because it is blasphemy for humans to pretend they can make laws affecting or changing social reality, Allah having already decreed what humans should do and how they should behave, through the Muslim Holy Scriptures (Qur'an, Hadith, Sharia, and traditional interpretations). The Shi'a version is slightly different: Shiite Iran has a form of parliament, the Majlis, but elections are rigged and controlled by the ideologically driven clerics. Democracy is anathema to all three ideologies. They all, in different ways, negate (or negated) national independence of medium and smaller groups or states. Two of them, Nazism and Radical Islam, are/were explicitly anti-feminist; all three were, are, or became, radically anti-Semitic, seeing the Jews as the satanic element that has to be eliminated; and they all engaged or engage in mass murder and genocidal activities. There are major differences between them, to be sure. But they were or are based on the worship of force and violence. Radical Islam today is a real force within a huge population (1.3 billion

Muslims), though the core is (still) a relatively small minority. It is growing, however, and its ideas are penetrating the Muslim mainstream. Thus, it is an open question whether the Islamic groups controlling or moving in to control Algeria, Tunis, Libya, Egypt, Yemen, and Syria, and threatening to control Jordan, Syria, Pakistan and Iraq will move towards the mainstream or towards radicalism. Western policies to combat this threat have largely been based on force, and are, in my view, futile. In Europe, Radical Islam can only be countered by integrating Muslim immigrants into European society, and in the Muslim world by an alliance with anti-radical Muslim elements, using contemporary technology (Internet, Facebook, etc.). Christian radicalism exists, but it is less of a global threat; Jewish religious fanaticism endangers Jews and Israel more than it endangers others, but it is a mirror image of the Islamic version.

To return to my main theme: we all realize, I think, that we are dealing with a continuum of a certain type of human action, so that the boundaries between mass murder, ethnic cleansing, genocidal massacres, and full-scale genocides cannot be accurately defined. They are fluid. Nor can one make a clear case for defining numbers: when is it mass murder, and when is it genocide? In Srebrenica, some 8,000 men were murdered. In the Holocaust, in June 1944, up to 12,000 Jews were shipped to Auschwitz, daily. Are these actions comparable, and do we call them, equally, genocidal events? I think that yes, we should, but at the same time we should be well aware of the tremendous differences between them. That realization means that they should be treated with policies that will necessarily differ from one another. Should all this be taught? I believe teachers, of adults as well as of young people, should be made aware of this, and it should then percolate in curricula to the students or pupils for whom it is ultimately intended.

To argue for differences between conflicts and genocides as I did above may sound artificial, as all such attempts indeed necessarily are. But considering political reality, they are, I believe, practical enough. Thus, if the above differentiation is adopted, one can see how genocidal situations may deescalate into manageable conflicts, as when the targeted group or groups gain enough power, by themselves or through third-party intervention, not to enable the perpetrator group to carry out mass atrocities. For example, the Darfur situation could, though very theoretically, deescalate into a manageable conflict, if either the targeted African groups manage to unite and present a front that cannot be defeated by violence and the Sudanese government and their local allies cannot achieve an end to the confrontation except by some form of compromise; or, if the UN, or the AU, or another combination of third parties force the two sides to negotiate for a real compromise. The same applies to East Congo, or to possible genocidal threats in the Balkans, the Middle East, or any other area.

Where does 'all this', i.e. the propensity of humans to kill their own kind in large numbers, come from? In my humble view, we are predatory mammals, because we live by eating the flesh of other beings, and we are also collectors of fruit of the earth and of trees. We will not go out into the streets to hunt mammoths as our forefathers did, but we will go into a supermarket and buy meat and fish from the shelves. In the end, it comes to the same thing. But we are weak predators. We do not have the teeth of tigers or the claws of bears, so we must act in groups, herds, which today we call ethnicities, or tribes, or nations. We need a territory where we can concentrate our herd, so we are territorial predatory mammals. When another group enters our real or virtual territory, we have four options: we can absorb them, because they may strengthen us; we may let them in and enslave them because this may be useful for us; we may order them out, which they may or may not do; or we can kill them. The inclination to murder is the result of fear of being enslaved or killed ourselves, lose our identity, lose our families, or lose our capability to secure our economic, social and political survival. We are therefore the only predatory mammals who kill their own kind in huge numbers. The instinct to do this is within all of us – under certain conditions. With different parentage and different socialization, we may become perpetrators. All of us have a little bit of a Himmler or an Eichmann within us. Therefore, when you look at the short history of mankind – only some 9,000 years of so-called civilization, and before that some 140,000 years of development towards it – it is a history full of genocidal murder. The Decalogue contains the commandment 'thou shalt not murder'. It does not say 'thou shalt not kill', because while murder is prohibited, killing is permitted, even approved of, as when young people in funny clothes called uniforms are sent out to kill other young people also dressed in funny clothes of a slightly different color. Killing is permitted murder; murder is forbidden killing, because no society can exist that will make killing a social norm. Therefore killing within a social herd is permitted only as individual punishment for major transgressions; otherwise it becomes murder. Murder is permitted outside the specific human herd, and then it becomes killing. We seem to be programmed for this behavior. Very recently, a Neolithic burial was discovered in Talheim, Germany and, quite independently of that, in Scheltz, Austria. An examination of the skeletons revealed a large number of people - men, women, children, and even babies - were murdered there by other humans. This was clearly the annihilation of groups by other groups, many thousands of years ago. The instinct that leads to mass murder of groups is as old as the human race, and probably older.

Is it therefore hopeless to try and limit genocidal behavior, or even stop it? I do not think so because we have the opposite instinct within us as well, and therefore Hobbes was only partly right. We cannot exist outside our herd. We depend on

cooperation, in hunting and gathering, and by extension in all occupations that ensure our survival. We have therefore developed social organization, and that demanded, from our earliest beginnings, the development of feelings of compassion, readiness to cooperate, sympathy, love, and care. We are even prepared, under certain conditions, to risk our very life to rescue others; we do that probably because, unconsciously, we may thereby gather a reliable friend who will identify with us out of gratitude, and we develop religious or secular humanistic ideologies to explain to ourselves why we do that. We develop moral attitudes that become a solid part of a desired order of things, because otherwise individual and social existence would become unbearable. There is therefore a constant struggle within us and between our groups about the ways to solve our conflicts and genocidal threats, a struggle based on a conflict between these two basic attitudes that we seem to have developed into instincts. As I am no psychologist, I cannot analyze these attitudes. Some would argue that they are transmitted genetically – recent findings of anthropologists have found that babies react to needs of others by a show of a desire to help; if that is true, it would show that the "positive" instinct, an instinct that seeks to enhance all human life, exists alongside the "negative" one, that selects only members of the in-group for protection and cooperation, but directs aggression toward others. There is indeed a possibility that we may follow our instinct for the preservation of life for ourselves and for others, and limit the opposite tendency that will lead us to Srebrenica, Rwanda, and finally to Treblinka. Genocide prevention is very difficult, but it can be done, at least in theory, in my view also in practice.

This brings up the thorny issues of international law and the moral teachings that underlie it. In my view of things, morality is basically a social convention based on the need to maintain society. But, it develops to transcend that and becomes a 'super-structure' that exerts a very important influence over the socio-economic and political basis (to use Marxist terminology and turn it on its head). International law did not begin with Hugo Grotius (de Groot) in early modernity, but can be discovered, for instance, in the Tel-El Amarna correspondence of the 14th pre-Christian century. It is based, to this day, I would argue, on a consensus that the preservation of individual and collective life depends on agreements how social units, and the individuals that make them up, should behave in order to preserve a modicum of bearable existence. The problem lies in the breadth of the consensus. International law is wonderful when states and individuals observe it. But the means of enforcing it are, as we all know, not very strong or effective. There certainly is progress, and it is much more enforceable today than it was, say, a hundred years ago. But the global dangers have grown, too, as has the interdependence of human societies, and the impasse inherent in the Security Council's structure make it extremely difficult to enforce it. It cannot

be enforced in Darfur, or in the Congo, or even in Zimbabwe, but places like these are exactly the places where such enforcement is more essential than elsewhere (Burma seems to be a case where pragmatic factors may possibly remove the threat of genocidal developments, by cease-fires and accommodation between the central government and the various border ethnicities). More and more institutions are being established to make international law more complicated and more encompassing, but its effectiveness is thereby not necessarily enhanced. It is enforceable mainly, as in the case of conflicts generally, vis-à-vis societies in which the major powers have no interest to prevent its application. When such interests come into play, however, international law is circumvented, bent to accommodate these interests, or simply ignored. The crucial thing therefore is precisely to identify those interests. International law certainly should be developed and made into a more effective tool, but if we do not prepare the ground for such effective use by addressing the world of practical politics, we are not going to get very far, though we may enjoy the talk-fests that result from such an approach.

These are, I believe, not theoretical considerations, but very practical ones. Where do they lead us, and what can be done? In the present situation, to reform the UN and its Security Council is a hopeless task. It has been attempted, and it has failed. To improve the Genocide Convention is an impossibility, as the General Assembly will never agree on an alternative version. Do we therefore give up on the UN structure? That would be a totally inexcusable mistake. The UN is the forum where the different interests meet, and where compromises and policies can be discussed and possibly agreed to. The UN may not be pretty, but it is ours, and there is no alternative to it. How then do we square the circle? There is, I believe, no simple panacea or recipe, but a number of routes exist that may be attempted. Let me detail them:

1. Scientific, quantitative and qualitative analyses that will assess the risks of future mass atrocities and make them available to policy makers. Such analyses exist already, and should be further developed.
2. Arousal of public opinion in those countries where a free or relatively free media culture make that possible, in order to influence governments to take a stand on prevention of mass atrocities that are taking place and will most certainly take place unless at least partial prevention succeeds.
3. Targeted educational efforts involving public servants in democratic and semi-democratic countries – diplomats, government bureaucrats, military and police personnel, media people, academics – to make them aware of the risks of mass atrocities and genocidal threats for everyone in our interrelated

societies that increasingly depend on each other. Such educational efforts may hopefully penetrate upwards into decision- making groups. This point is of course very relevant to this presentation.

4. Use of UN machinery for all this, and work to influence regional organizations recognized by the UN, such as the OAS, the OAU, ASEAN, EU, and others, including new and/or future ones, to impact on the Security Council and/or to act themselves in the prevention of genocide.

5. Establishment of a World Humanitarian Fund, despite or perhaps just because of the present world economic crisis, to be ready at any moment to deal with saving people from starvation and disease during violent conflicts and genocidal threats that will inevitably be repeated in the foreseeable future.

6. Attempting to mediate between the mutually conflicting institutional jealousies of relevant NGOs in order to create a viable and more or less united NGO front to impact on the Security Council and the regional organizations.

7. To do what was done in December, 2008 in Buenos Aires, at the initiative of Switzerland and the Argentine, namely to create regional groups of governments that transcend borders of conflicting ideologies and political approaches in order to prevent mass killings everywhere on this globe; to expand this initiative to include other regions – South-East Asia, South Asia, the Mediterranean, Africa, Europe, North America; and to try and organize governments in these regions to join a major lobby at the UN dealing with prevention of genocide, not just by some NGOs and some individuals, but by governments. The Buenos Aires example was, as we know, followed by similar area diplomatic conferences in Arusha and Berne, for Africa and Europe, respectively. This should be expanded and followed up.

8. To use all available diplomatic means to constantly engage (perhaps 'nag' would be a better term) major powers, and groups of smaller ones and present to them the dangers of closing their eyes to genocidal threats. Such diplomatic action must under no circumstances be based on moral sermonizing, because that will achieve the opposite end – though the action, and the diplomats who will initiate them, must necessarily be motivated by a deep moral outrage at the continuing mass murder of human beings all over the globe. Such diplomatic steps must be based on a careful analysis of the realities of economic, political and military interests involved in each situation, and will have to take into account the internal stresses and problems in the societies of the powers one tries to engage. Such analyses can

then be utilized to make diplomatic engagement more promising. The best chances of such action lie, paradoxically perhaps, with the smaller nations that are relatively innocent of major economic or strategic interests.

Finally, there is the problem of comparing genocides or genocidal situations, genocidal massacres, or mass atrocities involving whole groups "as such". There is a burgeoning bibliography of works dealing with the topic. Are these events comparable? How can one compare the destruction of Carthage, the annihilation of the Buddhists in India at the hands of invading Muslims, the annihilation of Isfahan by the Mongols, the mass deaths of African slaves transported to the New World, the Armenian and Herero genocides, the Holocaust, Cambodia, and Rwanda? I do not think that a proper analytical base has emerged so far, but brilliant minds are working at it and they will probably come up with guidelines for comparison that will make the task less daunting. This is not the place to go into details, but it is clear that any preventive strategy must take the issue of comparability into account. My subjective perspective, and the purpose of this paper which will deal with the Holocaust, leads me into an attempt to see how one can analyze the main elements that make up any particular case one wants to study. Let me take Rwanda as an example.

Hutu and Tutsi are imagined ethnicities. They are actually different social classes that emerged in pre-modern Rwanda and solidified into virtual ethnic groups, though they speak the same language and follow identical religions – today, Christian denominations. German and Belgian colonialists utilized these social divisions to divide and rule, supporting, first, the Tutsi minority and then, in the last stages of Belgian rule, the Hutu majority. The disadvantaged Hutu in what was previously the Rwandan monarchy were joined by Hutus from the area in modern Rwanda's Northwest that had never been part of the old Tutsi monarchy's territory. Upon independence, economic rivalry and power struggles led to repeated outbreaks of mass violence. Hutus predominated, and the victims were very largely the better-educated and more prosperous Tutsi minority. An ideology ('Hutu Power') developed to justify the repeated massacres, charging the Tutsi with being foreign (as classical 'Others') exploiters. A dictatorship by elements from the formerly independent North-West caused Tutsi – and opposition Hutu – refugees in Uganda to organize an armed force that invaded Rwanda in 1990. Attempts at conciliation, largely led by outside forces and supported by local Hutu opposition to the dictatorship, having failed, and with the Tutsi Army advancing from the North, genocide was planned and executed by special militias supported by the Army and certain civilian elements. It was done, usually, using fairly primitive weapons, but utilizing the very highly developed local bureaucracy and a major radio station that incited and directed the

perpetrators. This, at least, is what one may learn from the many existing analyses.

I would argue that every one of these elements could be found, in comparable form, in some other genocides (including the Holocaust). Massacres and other violent conflicts preceded genocides in Rwanda, Ottoman Turkey and many other places; massive and murderous anti-Semitism preceded the Holocaust throughout centuries. Bureaucracy was an essential element in most genocides. Special murdering units can be found in many other cases. Fear that the targeted group may join a foreign invasion can be found, e.g. again in the Armenian case, where the danger to Turkish hegemony in Anatolia was threatened by Tsarist Russia. The economic element is likewise present in many other cases. Comparisons on bases such as these have already been made (by Ted R. Gurr, for instance). They could well be expanded and better identify areas prone to genocide. The Holocaust goes beyond that. It contains many of the elements outlined above, and others that appeared in genocides and genocidal situations that preceded World War II. But, contrary to other genocides, it contains elements that cannot be found prior to its time. I have detailed some of these elsewhere (for example, in *Rethinking the Holocaust*, Yale UP, 2001), but let me repeat them briefly. First, there is what I call 'totality', namely the intent and action to identify, mark, segregate, dispossess, humiliate, concentrate, transport and kill every person whom the perpetrators defined as being Jewish; literally every person – something for which there is no precedent, as far as I can tell. This developed by late 1941, because the Holocaust was not a pre-planned genocide: the planning came together with the actual mass murder. Second, this was to take place everywhere on earth, so that we have the element of 'universality', or a globally conceived genocide of a particular group of people. Third, while there was an ideological element in every genocide – after all, one had to explain to people why they should murder a particular group – the actual reasons or the basic motivations for such a policy was, in every genocide I am aware of, based on pragmatic, i.e. economic, political, or military interests. In the case of Rwanda, which I took as an example, there was the desire to hold on to power, the military threat that was to be countered by the annihilation of potential allies to the invading force, the desire for land and cattle, and the desire to replace intellectual and cultural Tutsi elites by their Hutu competitors. Elements like that can be identified in all other genocides, except for the Holocaust. Holocaust was motivated by a non-pragmatic ideology, e.g. the charge of a world Jewish conspiracy seeking global domination accompanied by the ritual murder charge (accusing Jews of killing non-Jewish children to extract blood from them, something that is now being explicitly repeated in Radical Islamic propaganda) and the idea that Jews contaminate national cultures. The Jews had no territory, no political representation (in Germany, the establishment of an all-German Jewish

representation dates from September 1933, eight months after the Nazi rise to power), no armed forces anywhere, and contrary to legend, they had no control over German or European economy – in any case, they did not form any economical-political nucleus of power anywhere. This non-pragmatic or anti-pragmatic ideology can be seen in operation everywhere the Nazis held sway. Thus, in Berlin for instance, Jews working in armament factories were deported to Auschwitz in late February 1943, three weeks after the capitulation of the German Sixth Army at Stalingrad, when all Germans were called upon to produce armaments for the German Army to withstand the Bolshevik onslaught. I know of no precedent in history for genocidal murders motivated by a purely illusionary ideology. The murder of the Jews ran against the economic and military interests of Nazi Germany. They did not kill the Jews because they wanted their possessions: they took their property in the course of expelling them and, later, of murdering them. Fourth, there was the racist idea of replacing the existing world order by one based on the supremacy of the Nordic peoples of the Aryan race (Germans, English, Scandinavian, Dutch). For the first time in history, the idea of race, in itself a totally contrived notion, was to be implemented. We have had one nation replacing another, one religion annihilating another, one empire instead of another, and one social class replacing another (in the French Revolution and, afterwards, of course, in the Bolshevik revolution). But to take a completely unscientific idea and in its name to strive for a revolution, has no precedent. The Jews fulfilled there, and in other elements of Nazi ideology, the function of the Satan. If they were totally annihilated, the poisonous quality of Jewishness would still threaten humanity, so that within a future racist world order it would have to be fought. There is precedent for these ideas. Fifth, the Holocaust was an unprecedented attempt by a State which was at the center of civilization and which had had a tradition, partial at least, of liberalism and cultural achievements, to turn the tables on civilization and seek to destroy European culture as it had been developed until that point. Sixth, there was something symbolic about the attempt to annihilate the Jewish people: the Nazis sought to destroy the legacy of the French revolution, which was based on Greek philosophy and literature, on Roman State law and order, literature, philosophy and architecture, and the legacy, however transmitted of the Jewish prophets. But in the 20th century there no longer were any Romans or ancient Greek, but the Jews continued to exist, with their specific culture and using or re-using their ancient language. Nazi philosophers and ideologues talked about the Jewish spirit influencing Europe through the legacy of the French revolution. Their destruction would be the final blow against democracy, whether liberal, conservative or social-democratic, against internationalism, pacifism, socialism, and so on. There was, in other words, a certain logic in attacking the Jews, who were both the symbol and the bearers, in Nazi eyes, of these pernicious French revolutionary ideas.

There are more elements like that. However, that does not mean that the Holocaust was in any sense unique, because uniqueness would indicate that it could not be repeated. But all human actions can be repeated; never exactly, but approximately. The Holocaust was unprecedented in a very radical way, which means that it was a precedent that can be repeated, not in exactly the same way to be sure. In fact, some of these unprecedented elements have already been repeated since then (thus, Hutu Power wanted to murder every single Tutsi they could find in Rwanda – though they did not dream of extending the genocide into neighboring countries, at least not as far as I know). I would argue, therefore, that the Holocaust presents the most extreme form to date, but not absolutely by any means, of a general human malady. Genocide prevention ultimately means to remove humanity as far away as possible from that extreme form of mass murder. The conclusion is that we must compare and we can compare, but we have to be careful to stick to a scientifically verifiable analysis that will help us to identify elements that may be repeated in any situation we try to look at.

An American sociologist (Rudolph J. Rummel) estimated that between 1900 and 1987 – the dates were chosen arbitrarily – 169 million civilians and unarmed POWs were murdered by governments or political groups; 34 million soldiers fell in battle during that period, which included the two world wars, so that four times as many civilians died as soldiers. Thirty-eight out of those 169 millions died in genocides as defined by the Convention. Even if these estimates are, say, ten percent too big or too small, it does not really matter, except to the victims. We are faced today with Sudan and Congo, and we will most certainly be faced by other tragedies tomorrow. We cannot avoid future genocides unless we avoid them. This is a tautology, but the advantage of a tautology is that it is true. This one certainly is. That, in my view, should be the content of what we teach when we try to educate ourselves and others to prevent, as much as possible, human tragedies of this kind.

Why Do We Look the Other Way?

Gregory Stanton

Dr. Paul Slovic, a social psychologist at the University of Oregon has conducted path-breaking experiments asking why we cannot sympathize with the suffering or even the murder of large numbers of people in Sudan, or Rwanda, or Bosnia, or Cambodia.

In one experiment, psychologists asked ordinary Americans to contribute five dollars to feed Rokia, a starving seven year old girl in Mali. About half would donate the five dollars. The same percentage would donate to save Moussa, a little boy from Mali.

But when photos of both Rokia and Moussa were shown, the percent who would donate dropped to thirty percent. And when the photo of Rokia was shown representing 21 million hungry Africans who could be fed by a trusted relief organization, the percentage who would donate dropped to less than twenty percent.

Professor Slovic calls this phenomenon "psychic numbing." He believes human beings are usually unable to feel compassion for large numbers of people. The more victims, the less compassion.

Genocide Watch has developed an early warning system using our understanding of the genocidal process to predict and recommend policies to prevent genocide. Through the International Alliance to End Genocide, the first anti-genocide coalition (founded in 1999), we maintain close relations with policy makers who can take preventive action. Rapid response by regional alliances has prevented or *stopped* several genocides: in East Timor, Kosovo, Cote d'Ivoire, Ethiopia , and Sierra Leone.

We have created international tribunals to try genocidists in former Yugoslavia, Rwanda, Sierra Leone, East Timor, and Cambodia. And we finally have an International Criminal Court (the ICC). The UN Security Council has referred the situation in Darfur to the ICC. It has indicted President Omar al-Bashir, Abdul Rahim, and Ahmed Harun for crimes against humanity and genocide in Darfur. But al-Bashir has just laughed. He even appointed Harun (one of those indicted) to be Governor of South Kordofan where he is leading another genocide against the people of the Nuba Mountains.

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The International Criminal Tribunal for Rwanda has finished 50 trials and convicted 29 persons. The Cambodian Tribunal has sentenced Comrade Duch, the commander of the Tuol Sleng Prison that tortured and killed 14,000 Cambodians, to life in prison. And the surviving leaders of the Khmer Rouge are finally on trial, thirty years after I founded the Cambodian Genocide Project while still a student at Yale Law School in 1982.

So as my hero, Dr. Martin Luther King, Junior said, "We have come a long way. But we have a long, long way to go."

In thirty years of work against genocide, I have learned two things about genocide prevention.

The *first lesson* is the direct result of our own human incapacity to comprehend or feel sympathy for large groups of people half way around the world.

Because individuals cannot do that, we need *permanent institutions* established that will watch out for precursors of genocide, take action to prevent it, intervene to stop it, and arrest and prosecute those who commit it.

Institutions are necessary to overcome the fleeting nature of our concern. That is why in 2000, I proposed and the International Alliance to End Genocide lobbied, and in 2004 the UN Secretary General created the UN Special Advisor for the Prevention of Genocide. It is why we support President Obama's new Atrocities Prevention Board and the creation of similar institutions in Britain, France, Germany, India, Nigeria and other nations around the world. But *warning is not enough*.

We must also create institutions for *action*. Unfortunately, President Obama has not matched his promise of "never again" with any concrete action to stop the Sudanese government's genocide in the Nuba Mountains and Darfur. President Obama should impose a No Fly Zone over the Nuba Mountains. Any Sudanese bomber or helicopter gunship that attacks a Nuba village should be allowed to land and then destroyed (when their crews have left at night) by cruise missiles fired from American warships in the Indian Ocean. NATO airstrikes in Libya took control of the skies from Gaddafi. The same should be done with al-Bashir.

The UN has completely failed to prevent or stop genocide, largely because of paralysis by Perm-5 vetoes, but also because of the UN's continuing unwillingness to

offend member states. Regional alliances like NATO, ASEAN, the OAS and ECOWAS (the Economic Community of West African States), led by Nigeria, have been effective interveners. The UN Charter specifically authorizes regional intervention.

The International Criminal Court needs an Optional Protocol to create an international police force with the sole mandate to arrest leaders indicted by the ICC. It could be created without any action by the UN—through a treaty among the Assembly of States- Parties to the ICC.

The second lesson I have learned is that genocide prevention must start and be led by people from countries at risk. It cannot be led by an American organization in Washington D.C., led by a pacifist Director, that is unwilling to advocate the use of force to stop genocide. Prevention must especially begin from the ground up in countries at risk of genocide. A true International Alliance to End Genocide can support such local efforts and create an international mass movement to end genocide.

The best example is Liberia.

Leemah Gbowee, a fish seller in Monrovia, Liberia had a strange dream one night. She dreamed that the market women of Monrovia should begin each week with an hour of prayer for peace in Liberia, a country then torn apart by civil war between Charles Taylor's government and the Revolutionary United Front (RUF). Both sides cut off arms and hands, raped women, conscripted child soldiers and turned them into killers on drugs — they committed every war crime. She told her dream to a Muslim friend who also sold fish in the market, and they began the weekly prayer meetings in the fish market. More and more women joined until five thousand women were praying every week. Charles Taylor's entourage drove blithely by in their Mercedes limosines.

Then Leemah Gbowee and the other women demanded a meeting with Charles Taylor and with the leaders of the RUF. When they met them, the women demanded an immediate ceasefire and negotiations to end the war. Both sides agreed; and talks began in Accra, Ghana. But the women didn't trust the men to make peace. They pooled their nickels and quarters, rented buses, and went to Accra themselves. They slept outside, sometimes in the rain, while the men slept in four-star hotels. The talks between the men, led by a former Nigerian President, went nowhere.

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Finally, fed up, the women walked into the building where the talks were underway and sat down in the hallways. The Ghanaian police threatened to arrest them. One of the senior women said she would make it easy for them by removing all her clothes. (One of the most humiliating things that can happen to a man in Ghana is for a grandmother to disrobe in front of him.) The police backed off.

Finally the Nigerian ex-President told the men that if they didn't come to agreement in three days, he would turn the talks over to the women. The agreement they reached included the exile of Charles Taylor to Nigeria.

Peace returned to Liberia and in the next election, with the women's crucial votes, Dr. Ellen Johnson Sirleaf become the first woman elected President of an African country.

Leymah Gbowee, Ellen Johnson Sirleaf, and the Yemeni woman human rights activist, Tawakkul Karman won the Nobel Peace Prize in 2011.

Charles Taylor was tried for his crimes, was convicted, and will likely spend the rest of his life in prison.

To end genocide, it will take *love* that transcends all boundaries—that allows us to feel the suffering of people in the Nuba Mountains of Sudan.

To end genocide, it will take justice that tries the serial killers that now lead Sudan.

Never lose hope in the power of love. Because love is God's force personally expressed.

Never lose faith in the power of justice. Because justice is God's force socially expressed.

With love and justice, together we can end genocide.

A Critique of the Hegemonic View of the Current Genocidal Conflicts: A Perspective from the Latin American Margin

Daniel Feierstein

The most common picture of genocide assumes (generally implicitly) that violence happens because there are Bad People (generally far away, in Africa, Asia or Latin America) willing to do bad things. Bad People like to continue in power without the support of their people. So, these Bad People kill, torture, or rape people to guarantee their permanence in power. The main problem when applying this woldview is the question of how to prevent the Bad People from taking power and, in the case they finally take power, how to convince the Good People (particularly when they are armed, like the members of the UN Security Council) to intervene. It is a simple but false story.

Based on this kind of picture and perspective of genocide, we would have two main types of failures of the world community regarding their role against genocide:

1. Lack of capacity to identify early warning situations;
2. Lack of capacity to convince the governments, regional or international organizations (the strong Good People) to intervene timely and effectively.

If genocide is the action of the Bad People against the people they subjugate, all we must do is to force the Bad People (with the use of force) to resign, to abandon oppression and the genocidal plans. However, after Afghanistan, Iraq, and Libya, we should take a little more care in our analysis. This worldview is producing a lot of civilian casualties and no solution for the political situation in those countries. In none of these places violence has ended. On the contrary, some of these countries are new sanctuaries for warlords, terrorist organizations, or even mere gangs. And repressive violence was transformed into a civil war with many more casualties with no sign that the Good People were present in any of the contending groups. This hegemonic way of understanding genocidal conflict led to a wrong understanding of the R2P principles and the use of our good will to justify or legitimize new waves of civilian casualties (now in the name of the human rights or genocide prevention).

So let´s try for another perspective. What if genocide is not a bad act by Bad People, but a technology of power used very successfully to destroy and reorganize social relationships and identities? It would be a better explanation of why it continues

beyond our collective calls of "never again".

If genocide is a technology of power, it is something that could not only be used for Them (the Bad People living in the Far East or the Global South) but also for the societies living in developed countries. If genocide is the most extreme method societies use to produce stigmatization, harassment, exclusion of some groups of people, then there are practices not only developed in the Far East or the Global South but also in Western Europe regarding the Roma, the African or Latin American immigrants, in Eastern Europe concerning the Roma or some other national minorities, even the reappearance of Eastern European anti-Semitism, or in the US regarding the Latinos or Muslims.

Of course I am not saying that stigmatizing, harassing, bothering, and excluding are the same as killing. But killing is the last stage of a process that always starts with stigmatization, harassment, and exclusion. And it is not the same when it happens in countries in which people have the possibility to eat every day compared to those countries in which people do not have this ability.

If the current genocidal situation (or at least, the ones which are shown in the media) happens in poor and underdeveloped countries in Africa, Asia or Latin America, it is difficult to understand the benefit of dropping hundreds of bombs that destroy the entire infrastructure of said countries. Hospitals and schools are destroyed, producing immense "collateral damage". Moreover, there is no plan for the aftermath of the military interventions beyond ending the atrocities that Bad People are committing.

There is no information that could assure us that Afghanistan, Iraq, and Libya are now further away from genocidal conflicts than before the military interventions. Indeed, it is the contrary. These three countries are just in the beginning of vicious civil wars, which are producing (and they will produce) many more casualties, including civilian deaths, and the further destruction of their societies. Before continuing to insist on this path, trying to find another country on which to drop more bombs or testing the new version of drone airplanes (today Syria, then Iran, and where else? How should we continue? Who is the next Bad People to stop?), I would prefer to stop to analyze the consequences of this hegeonic understanding of the R2P applications and consider other possible options.

Other options are necessary because what I have called "the hegemonic view of genocide prevention" is being used in the 21st century to justify gross human rights

violations - the same practices we should be avoiding. This is not only because the perspective on genocidal conflicts could be wrong, but also because they are used as "excuses" to justify or legitimize the military occupation of a vital geopolitical territory or the use of the resources. In Iraq, many civilians were killed, and continue to be killed, by the intervening forces. But at the same time, there are huge new investments concerning the possibility of access to oil or the reconstruction of the infrastructure destroyed. In Libya, the bombs dropped by the interveners killed many Libyan civilians but, again, the oil changed from the hands of Chinese and Russian companies to the US, UK and French companies. Even if it is hard to hear, that could be a better explanation about why China and Russia (and even Brazil) refuse to take part in a new NATO intervention in Syria. The journalists' responses about some new "Axis of Genocide" or the references to the lack of Ethics in China or Russia are not serious arguments. All the NATO powers take decisions based on geopolitics, not based on ethical arguments. After the use of the "genocidal risk" to justify the change of the oil from some companies to others, probably they have decided not to continue supporting actions against their own interests.

This kind of analysis does not mean there was no killing of civilians in Iraq, Libya or now in Syria under the oppressive regimes of Hussein, Gaddafi, or Al-Assad. There were and still are. The situation was very serious in Iraq and Libya and it is very serious now in Syria. And it is also very serious in Sudan, in Yemen, in Bahrain, in Sri Lanka, in Chechnya, in Gaza, in Tibet, in Zimbabwe. This is the case in many places, unfortunately.

But, what seems paradoxical is that this kind of genocide prevention killed civilians in large numbers in the name of avoiding the killing of civilians. They are not necessarily the same civilians, but they are civilians. Nevertheless the aftermath of these kinds of interventions produces more and more civilian casualties. Not only have the conflicts not ended, but they have escalated even further.

To their credit, supporters of military intervention argue that we cannot simply stand by and do nothing while atrocity crimes are being committed. But this is a binary thinking, perhaps guided by the "media style" mentality which asks us to act without thinking critically, as in the case of advertisements: "buy now or you will miss the chance." The moral version of this kind of propaganda is "act now or we will miss the chance to save people." When we are trying to understand the consequences of our actions (such as in Iraq or Libya), the answer will be: "We have no time to think or analyze the past; we have new things to do, let's go to Syria because people are dying there").

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I am proposing to be a bit more cautious about the formula "act now." Instead of choosing the new places for intervention, I would like to point out three different initiatives as possible alternatives to the military intervention model. Of course, they are neither the panacea nor the necessary solution for the ongoing conflicts, but some alternatives to help us in our main task: critical thinking.

THE UNASUR EXPERIENCE

During the Cold War era, Latin America was ravaged by military dictatorships supported, directly or indirectly, by the U.S. State Department and the French government and military, among other "democratic" regimes. Since then, countries in the region have embarked on a process of political empowerment and regional reorganization. Their governments were re-elected during the 21st century, like in the cases of Brazil, Argentina, Ecuador, Venezuela, Uruguay and Bolivia, among others. One of the institutions to emerge from this process is the Union of South American Nations (UNASUR), which is made up of 12 Latin American nations.

Since the UNASUR Constitutive Treaty was signed on May 23, 2008, UNASUR has helped four countries in the region that have experienced the possibility of new ongoing violent conflicts: Bolivia (2008), Honduras (2009) Ecuador (2010) and the conflict between Colombia and Venezuela (2010). In each case there was a major crisis with strong potential to trigger atrocity crimes.

The Bolivian crisis commenced in September 2008 with the massacre of poor *campesinos* by right-wing militias acting on the orders of the governor of Pando, the country's northernmost province. The U.S. Embassy in Bolivia not only failed to condemn the attempted coup - which was technically a civic coup, as the armed forces were not involved - but seemed to actively support it. However, a swift diplomatic response by UNASUR prevented the coup from spreading. Officials from several Latin American countries traveled to Bolivia to show support for Evo Morales and persuade his democratically elected government to ignore calls for revenge from the Bolivian indigenous movement. Instead, a commission of inquiry was set up to look into the Pando massacre and advise on appropriate sentencing. The situation in Bolivia remains tense and is monitored each month. However, there have been no new crimes or attempts to overthrow the government.

The Honduran crisis started when President Manuel Zelaya was ousted by a coup – this time a military one - in June 2009. Zelaya was expelled from Honduras but

returned and took refuge in the Brazilian embassy, where he was granted political asylum. The response from UNASUR and OAS members was immediate: they refused to recognize the military government and instead called for the deposed president to be reinstated and for a democratic commission to investigate crimes committed by the rebels.

The new Obama administration initially agreed to the UNASUR and OAS initiative but later recognized the government that emerged from a rigged election called by the rebels in November 2009. Unfortunately, Honduras is one of the poorest countries in Latin America and - unlike Bolivia and Ecuador - depends heavily on trade with the U.S. rather than trade with UNASUR members. So Manuel Zelaya never returned to power and the killing of journalists and political activists has continued under the "elected" government.

The Ecuadorean crisis began in September 2010 when riot police kidnapped and threatened to kill President Rafael Correa. The same day, presidents of UNASUR countries met in Buenos Aires, declared the coup illegal and sent their foreign ministers to Quito to defend the deposed president, with the threat of sanctions if necessary. Arguably, the coup was just a well-planned mutiny since no leaders came forward to proclaim a new government. However, UNASUR's rapid condemnation almost certainly played an important role in persuading Ecuador's armed forces to intervene and free Correa, restoring institutional stability to the country. And now, the support of UNASUR allowed the regime to finally deal with atrocities committed by the Police and Armed Forces during the 1980s and 90s through a Truth Commission, which is now active and the possibility of opening the trials just during the current year.

Finally, the strong intervention of UNASUR made possible the de-escalation of the diplomatic conflict between the governments of Chavez (Venezuela) and Uribe (Colombia) regarding the denouncements of the FARC presence in Venezuelan territory. Due to the intervention, a possible war was avoided and both governments started talks, which continue in the present, with a growing involvement and agreements between both countries.

THE REGIONAL FORA ON GENOCIDE PREVENTION

Mô Bleeker and Andrea Bartoli were two, among others, of the pioneers of the initiative of the Regional Fora on Genocide Prevention. The idea was to meet all the governments of a region to create an open exchange and debate on how to prevent

possible genocidal conflicts. As every government is involved in the discussions, there is a possibility (only a possibility, but we should have little utopias, which are more possible to achieve than the big ones) that the real problems of the regions will appear. It is even possible that some approaches to resolve them will emerge, as there are few instances in which the governments are invited to debate on regional perspectives to analyze and prevent genocide.

The first experience (Buenos Aires, Argentina, 2008) was a great possibility to exchange different views (the role of the Inter-American Commission and the UNASUR, the kind of relationships between the Latin American Countries and the US and Canada, the different roles and perspectives on violent conflicts, and so on).

The second experience (Arusha, Tanzania, 2008) consisted of strong but open discussions among the different perspectives on violence from African countries. This is the first step to allow some possibility of regional initiatives like the UNASUR political intervention in conflicts with some possibility to escalate to genocidal consequences.

Unfortunately, during the third experience (Bern, 2011, Switzerland) the European representatives did not participate a great deal in the debate. The Forum was polite, but devoted to dealing with problems far away (in Africa, as always) instead of with the European problems on genocide prevention.

Even if we have not yet seen material successes of these Fora, this initiative has a great potential. To be effective in strategies of genocide prevention, we do not need impassioned statements asking us to intervene IMMEDIATELY to stop the Bad Ones. What we really need is a clear understanding about why genocide happens everywhere and how to transform the conditions which could make genocide more feasible, to create more and more obstacles to develop the genocidal ends, to stop the genocidal escalation before the killings.

THE AUSCHWITZ INSTITUTE FOR PEACE AND RECONCILIATION

A similar initiative was developed by the Auschwitz Institute for Peace and Reconciliation. If the Genocide Prevention Fora worked with the high-level state representatives through regional meetings, the AIPR has organized several meetings with mid and low-level representatives, with the idea that governments change but there are some kinds of officers who continue in their key positions as professionals and/or bureaucracy. The objective of the AIPR is to train those people in early warning

and genocide prevention as a challenge for the future. They aim to create a kind of net of mid-level officers all over the world, with enough knowledge, mutual ties and will to commit themselves to different works to prevent genocide. It is a smart and valuable bet, even if we will not see the consequences tomorrow or the day after.

Of course, these alternatives are not the only forms of possible intervention and once atrocities are being committed, diplomatic efforts and verbal condemnations may not be enough to stop them. Stronger interventions may be needed, like accepting refugees, creating safe zones, and even using some kind of force to afford these objectives. However, because of the enormous risks involved in "peacekeeping missions", including the possibility that the conflict will escalate, the decision to intervene militarily should never be taken by just one nation – not even by the Security Council (in which there are five of the most important mega-killer States in history). The General Assembly of the UN or some regional organizations could have more legitimacy and authority to take such decisions, even if they are so difficult and they should be evaluated with extreme care.

Libya is another clear case of a failed intervention. The control of oil was somehow successful (like in Iraq), but the country was destabilized and the level of casualties is growing day by day. And it seems a military intervention will not stop the civilian casualties in Syria. It will only change the numbers of victims among the different groups and it will transform a conflict into a civil war.

On the contrary, the other initiatives (UNASUR, the Regional Fora, the AIPR or any other projects like these) have less risks, even if they cannot promise the utopia of ending genocide tomorrow or the day after. They cannot promise or act through the formula of "ACT NOW", but it seems this utopian idea of ending genocide tomorrow is producing more harm than good. Genocide continues happening in different parts of the world and, moreover, the Human Rights discourses are being used (for the first time) to justify gross human rights violations, invasions, the appropriation of resources, the foreign intervention in civil wars, the bombing of civilian populations, the destabilization and destruction of infrastructure of poor countries, all in the name of the responsibility to protect the same populations whom the intervention is destroying.

From the Latin American margin, we have the duty to alert the world to these consequences. We should not be pressed by the moral propaganda, which proposes to "ACT NOW" but without thinking.

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As scholars, we have the responsibility of critical thinking. As humans, we have the responsibility to consider future generations and the kind of world we will leave them behind.

Genocide Prevention: Emerging Prevention Structures in the Great Lakes Region of Africa

Liberata Mulamula

CONTEXT

1. Ten years after the genocide in Rwanda and its consequences in the Great Lakes Region, the regional leaders together with the Secretaries General of UN and AU met in Dar-es-Salaam Tanzania, and, adopted what is now popularly known as the Dar-es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. The Dar-es-Salaam Declaration provides the Regional leaders' common vision and commitment to the path of democracy and good governance, durable peace and stability and to the fulfillment of the desire for better livelihood, respect of human dignity and prosperity.

2. It is in this document that the leaders demonstrated that they were aware of the root causes of the conflicts in the Great Lakes region and were determined to eradicate it. They recognised that the problems in the Great Lakes region were a product of weaknesses in the area of good governance and failure in the democratization processes; economic stagnation and poverty aggravation, mistrust and suspicion between governments; massive violations of human rights and other policies of exclusion and marginalization. They also noted the problem of using violence for conquering power, impunity of crimes of genocide, crimes against humanity, war crimes; proliferation of illicit trafficking of small arms and light weapons, increased armed rebellion and illegal exploitation of natural resources as main factors causing the violent socio-political conflicts in the region.

3. Consequently, a mechanism of the International Conference on the Great Lakes Region (ICGLR) was established with the participation of 11 countries: Angola, Burundi, Central African Republic, the Democratic Republic of Congo (DRC), Kenya, Republic of Congo, Rwanda, Tanzania, Uganda, Sudan and Zambia.

4. The signing of the Pact on Peace, Security and Development by the leaders of the 11 countries in Nairobi in December 2006 and Dar-es-Salaam Declaration in 2004 was seen as a new beginning for the Great Lakes region

and indeed the African continent in translating aspirations into actual deeds and bringing the region out of the vicious cycle of conflict, humanitarian disaster, increased vulnerability, poverty and repeated conflicts. ICGLR conference secretariat was tasked to ensure that these are implemented and promoted.

5. Furthermore, the Pact established a follow-up institutional mechanism constituting the Summit of Heads of State and Government, the Regional Inter-ministerial Committee (RIMC), the National Coordination Mechanisms and the Secretariat of the International Conference on the Great Lakes Region based in Bujumbura, Burundi, which I was privileged to establish and head as its first Executive Secretary. The follow-up mechanisms have responsibility to ensure that there is no violence in the region as they act as eyes and ears for early warning so that appropriate organs and measures are put in place to prevent it.

6. The Regional Initiative for the Prevention and Punishment of the Crime of Genocide, the Crimes against Humanity, War Crimes and the fight against Impunity - This important project translates into concrete terms the commitment expressed by the Heads of State of the Great Lakes Region, through the Dar-es-Salaam Declaration, to promote a common vision based on the establishment of public authority based on the rule of law in all the countries of the region. The Declaration advocates the fight against all discriminatory ideologies, policies, practices and all acts of genocide, massive violations of human rights and international humanitarian law, terrorism, racism, ethnic exclusion, as well as all other forms of violence against civilians.

7. The project also envisages the establishment of the Regional Initiative regrouping essentially the Judges of the Public Prosecutor's Office and the Security Agents, with a view to promoting dialogue and exchange of information and good practices to stimulate the implementation of pertinent instruments and policies for the repression and prevention of war crimes, crimes against humanity and genocide, and to contribute to the fight against impunity.

8. With this regional mechanism and legal instruments in place together with other international and regional instruments, the challenge remains not in the structures and in the enforcement mechanisms but in the good will for

implementation and compliance at national and regional levels with the active support of the international community.

In conclusion, I should say that by working together, we can contribute to the durable peace, stability, and development in the Great Lakes region. This regional initiative is anchored on key and fundamental principles - namely *ownership* (by the affected countries), *partnership*, *inclusiveness* and *complimentarity* of efforts and institutional mechanisms. It is in this context that we from the Great Lakes region of Africa appreciate this noble initiative by the George Mason University, the Swiss and Dutch governments in keeping us all engaged through GPANet to explore further ways and means of prevention of genocide and crimes against humanity. If we started from what exists, focus more on preventive actions, expand our area of operations in achieving our common objectives we will have made significant steps.

Emerging Genocide Prevention Structures: A Perspective from the European Context (Concept Note)

Alice Ackermann

INTRODUCTION

The task of exploring an emerging structure for the prevention of genocide and mass atrocities is not an easy one, and I have therefore structured my presentation somewhat as a 'food for thought' piece. My comments, as requested, are made primarily within the European context. My major argument as to an emerging structure is that we cannot identify this 'one structure' *per se* if one adopts a more narrow definition of the word 'structure.' In fact, the capacity of the international community to engage in preventive diplomacy and preventive intervention remains underdeveloped because there is no such 'one structure'. However, if more loosely defined, then we can indeed point already to impressive 'bits and pieces' of an emerging architecture for the prevention of genocide and mass atrocities. Let me emphasize that what I have just said does not only apply to the prevention of genocide but can be observed in general as to the prevention of all violent conflicts.

THE 'BITS AND PIECES' – AN EMERGING ARCHITECTURE

What then are the 'bits and pieces' of this emerging architecture, particularly in the European context? Allow me to take a 'big brush' approach here. We can already point to very noteworthy developments in our efforts to prevent genocide and mass atrocities. We have succeeded in turning conflict prevention in general, and the prevention of genocide specifically, into a new international norm. The same goes for the 'Responsibility to Protect.' We have incorporated international human rights standards into domestic legislation. We have legal norms for the national criminalization of international crimes against humanity. We have advanced our early warning methodologies and corresponding analytical frameworks to facilitate early warning. We have adopted policies, strategies and institutionalized mechanisms and instruments. We have seen a number of noteworthy processes and activities, many of which are carried forward by non-governmental actors and civil society at large. We have used our capabilities, including military ones, to implement (at least in one recent case) the 'Responsibility to Protect', which has even involved making use of a collective security organization, such as NATO.

International legal structures for holding perpetrators of genocide and mass

atrocities accountable have been created; transitional justice has also developed into an international norm, much as a result of the crimes against humanity committed during the Yugoslav wars. Temporary international bodies, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), were created to hold political leaders and others who have committed crimes against humanity and war crimes internationally accountable for their actions. National courts have also been used to prosecute individuals for crimes against humanity and war crimes. Reconciliation and remembrance continue to take place; educational processes, including education on the holocaust, have been advanced; there exists a multitude of efforts for the prevention of intolerance, discrimination and hate crimes. We have seen the growing role of regional organizations in Europe involved in various aspects related to conflict prevention in general, and to the prevention of mass atrocities in particular.

Due to time constraints, let me focus here primarily on what we have done in the OSCE – the Organization for Security and Co-operation in Europe, which has 56 participating States spanning the Eurasian and transatlantic political space. In 1992, an institutional mechanism – the Office of the OSCE High Commissioner on National Minorities – was created by the States. It is an autonomous institution within the Organization set up as an implementation mechanism for the protection of minority rights. The High Commissioner's explicit mandate is on early warning and early action with regard to tensions involving national minorities, and which have the potential to escalate into violent conflict. The Office for Democratic Institutions and Human Rights, also referred to as ODIHR, is another institution within the OSCE that assures that human rights norms are implemented. Among its numerous activities, it operates a platform, referred to as TANDIS, that provides information, shares practices and promotes initiatives related to the promotion of tolerance and non-discrimination throughout the OSCE area. The ODIHR also promotes many programmatic activities in our participating States, such as education on the holocaust. These are two excellent examples that also underline the role of regional organizations in working closely with national governments and other international actors, including non-governmental organizations.

LESSONS LEARNED (OR NOT LEARNED)

Indeed, we can point to multi-faceted pieces of an emerging architecture for the prevention of genocide and mass atrocities, resting on an equally impressive list of legally and politically-binding principles as well as 'old' and new international norms. However, even within the European context – broadly defined here – we are not immune from mass violence and continue to witness atrocities being committed.

Emerging Genocide Prevention Structures: A Perspective from the European Context (Concept Note)

The worst incidents of crimes against humanity were committed in the waning 20th century on the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, leading me to note that the 20th century ended in Europe as it had started, that is with ethnic cleansing and mass atrocities committed against a civilian population. In 2010, Kyrgyzstan, an OSCE participating State, experienced major inter-ethnic tension that also resulted in mass atrocities from which the country has not yet recovered.

Some specific lessons can be identified from these two case studies. With regard to Bosnia and Herzegovina, for example, there was not sufficient early preventive intervention, although prior to the escalation of the conflict the Bosnian President had requested a preventive deployment force (only EU monitors were eventually sent). Thus, there were no appropriate capabilities provided from the outset to prevent and stop the ethnic cleansing. In the case of Kyrgyzstan, external intervention also came too late, for domestic and international reasons. On the international side, only the OSCE stepped forward to provide police advisors – but months after the atrocities had already taken place. Although there was sufficient early warning, including by the OSCE High Commissioner, there was no early and decisive action.

CHALLENGES

I believe that within the European context we still face a number of significant challenges when it comes to conflict prevention in general, and the prevention of genocide and mass atrocities in particular. The development of a solid and comprehensive architecture out of the 'bits and pieces' we have now would require that the following initiatives be considered:

1. There must be a general acceptance regarding the doctrine of the 'Responsibility to Protect' by regional organizations in Europe.
2. The commitment to implement early and decisive response is critical as the problem rests not so much with a lack of early warning but rather with responding in a preventive, timely and decisive manner.
3. For this to happen, the following actions have to be pushed forward:
    a. A consensus (on the European as well as international level) must be worked out as to when a threshold is reached to intervene;
    b. A form of institutionalized 'structure'– which co-ordinates action – must be established. This body would be one where political decision-making and operational planning come together from within various

actors – national governments, international/regional organizations and non-governmental organizations;

c. Such a 'structure' would need to have a 'robust' preventive capability, including a preventive deployment force.

4. Such a structure could also function as a mechanism to ensure that continuous long-term preventive action is undertaken, involving a host of different actors and on different levels. Such long-term preventive action is crucial because situations that lead to genocide and mass atrocities have complex root causes that must be eradicated.

Conference at The Hague, Netherlands March 14-15, 2012

GPANet Members

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Yehuda Bauer is Professor Emeritus of Holocaust Studies at Hebrew University, Jerusalem, and Academic Adviser of Yad Vashem. He is a Member of the Israeli Academy of Science, and author of some fourteen books, mainly on the Holocaust. His latest books are "Rethinking the Holocaust" (2001) and "The Death of the Shtetl" (2010).

Roy Gutman is the Bureau Chief for Southern Europe and the Gulf for McClatchy Newspapers, based in Istanbul. He has also been diplomatic correspondent for Newsweek and director of American University's Crimes of War Project. He won a Pulitzer Prize for his coverage of the 1993 war in Bosnia-Herzegovina as well as the George Polk Award for foreign reporting, the Selden Ring Award for investigative reporting, and a special Human Rights in Media Award from the International League for Human Rights.

Barbara Harff is Professor of Political Science Emerita at the US Naval Academy in Annapolis, Maryland and has been Distinguished Visiting Professor at the Strassler Center for Holocaust and Genocide Studies at Clark University. She has written some 60 articles, chapters, monographs and books on the international and comparative dimensions of massive human rights violations.

Birger Heldt is Director of research at the Folke Bernadotte Academy (Sweden), and associate professor of Peace and Conflict Research. He has been project leader at the Swedish National Defence College, and post-doctoral fellow at Uppsala University and Yale University. His current research is mainly concerned with peacekeeping operations and preventive diplomacy.

Heinz Krummenacher received his MA (1982) and PhD (1985) in political science from the University of Zurich. He started his professional career with the Swiss Defence Department where he directed a study group dealing with the re-definition of Swiss security policy (1985-1989). At swisspeace he was head of the early warning program FAST International (1998 to 2008) and is, since 2001, a member of the directorate. In addition, he is the CEO of the BEFORE project.

Jennifer Leaning is the Francois-Xavier Bagnoud Professor of the Practice of Health and Human Rights at Harvard School of Public Health, an Associate Professor of Medicine at Harvard Medical School, and Director of the FXB

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Eyal Mayroz holds academic degrees in Peace and Conflict studies and in Computing, and a Diploma in Arabic Language and Middle East Affairs. He is currently finishing his PhD in the area of genocide prevention at the Centre for Peace and Conflict Studies, University of Sydney. His article 'The Legal Duty to 'Prevent': After the Onset of 'Genocide'', appeared this month in the Journal of Genocide Research.

Liberata Mulamula recently completed her term as the first Executive Secretary of the Secretariat of the International Conference of the Great Lakes Region (ICGLR) in Bujumbura, Burundi. She also served at the Tanzania High Commission to Canada and Permanent Mission to New York as Minister Plenipotentiary and Head of Chancery from 1999 to 2003 respectively before being appointed Ambassador and Director of Multilateral Cooperation, the post she held up to the year 2006. At the same time Ambassador Mulamula served as Tanzania's National Coordinator of the International Conference on the Great Lakes Region.

Tetsushi Ogata is Director of the Genocide Prevention Program at the School for Conflict Analysis and Resolution (S-CAR), George Mason University, and also Secretary-Treasurer of the International Association of Genocide Scholars. He is currently finishing his PhD in the area of genocide prevention at S-CAR.

Sheri Rosenberg is a Clinical Assistant Professor of Law at Yeshiva University as well as the Director of both the Program in Holocaust and Human Rights Studies and the Human Rights and Genocide Clinic. Professor Rosenberg has worked in the areas of civil rights and international human rights with a specific focus on issues of discrimination, equality and genocide. In addition to working with several human rights organizations and the United Nations, she was a civil rights litigator in private practice and an Assistant Corporation Counsel with New York City.

Alex P. Schmid is the Editor-in-Chief and Director of the Terrorism Research Initiative (TRI). He is a former Co-editor of Terrorism and Political Violence. Until 2009, he was Director of the Centre for the Study of Terrorism and Political Violence (CSTPV) and held a chair in International Relations at the University of St. Andrews. Between 1999 and 2005 he was Officer-in-Charge of the UN Terrorism Prevention Branch. Recently he was a Fellow-in-Residence at the Netherlands Institute for Advanced Study in the Humanities and Social Sciences (NIAS).

James Smith is co-founder and Chief Executive of the Aegis Trust. During

the crisis in Kosovo in 1999, Dr. Smith initiated the East Midlands Kosovo Appeal and worked with the International Medical Corps in Albania and Kosovo as a volunteer physician. Dr. Smith worked with the Rwandan Government and Kigali City Council to develop the Kigali Memorial Centre in 2004. He is also co-founder of the UK Holocaust Memorial and Educational Centre.

Gregory H. Stanton is the Research Professor of Genocide Studies and Prevention at the School for Conflict Analysis and Resolution, George Mason University. He founded Genocide Watch and the International Campaign to End Genocide in 1999, and the Cambodian Genocide Project in 1981. From 2007 to 2009, he was President of the International Association of Genocide Scholars.

Ekkehard Strauss holds a doctoral degree in international law and human rights from the University of Potsdam/ Germany. In 2004, Mr. Strauss joined the Department of Political Affairs in New York to support the Special Adviser on the Prevention of Genocide. He joined the OHCHR in 2007 to provide analysis on policy trends within the Security Council and has published extensively on the prevention of human rights violations, post-conflict peacebuilding and related issues. Currently, Mr. Strauss is on leave from the UN and works as consultant and researcher from Rabat, Morocco.

United Nations

Francis M. Deng is the Special Adviser of the Secretary-General of the United Nations on the Prevention of Genocide. From 1992 to 2004 he served as the Secretary-General's Representative on internally displaced persons. Prior to that, Dr. Deng served as Minister of State for Foreign Affairs of his country, Sudan, and was Ambassador of Sudan to Canada, the Nordic countries and the United States. Dr. Deng holds an LLB from Khartoum University and an LLM and JSD from Yale University and is the author of numerous books on a wide variety of subjects.

International Experts

Alice Ackermann is the Senior Operational Adviser in the Conflict Prevention Centre in the OSCE Secretariat in Vienna. Previously, she has taught at several institutions including the University of Miami, Lancaster University, and the George C. Marshall European Center for Security Studies, Garmisch-Partenkirchen, Germany.

Daniel Feierstein holds a Ph.D. in Social Sciences from the University of Buenos Aires. He is the Founder and Director of the Genocide Chair at the University of Buenos Aires and he runs the Centre for Genocide Studies at the Universidad Nacional de Tres de Febrero, Argentina. He is the current First Vice President

of the International Association of Genocide Scholars.

Raymond Kitevu holds an M.A. in International Studies and Diplomacy from the University of Nairobi. He has worked extensively on conflict early warning and response in the Great Lakes and Horn of Africa Regions for organizations including FEWER-London, ACTS, and IGAD. Mr. Kitevu is currently working as a consultant for the United Nations Office of the Special Adviser for the Prevention of Genocide (UN-OSAPG) to strengthen the capacity of national and regional committees of the ICGLR Member States in the prevention of genocide and mass atrocities.

Monty G. Marshall is a political consultant; he is President of Societal-Systems Research, Director of the Center for Systemic Peace and the Polity IV Project, and a Senior Fellow in the School of Public Policy at George Mason University. He is lead author of the Global Report series, which reports annually on global trends in governance, armed conflict, and state fragility. Since 1998, Dr. Marshall has served primarily as a core member of the US Government's Political Instability Task Force. He has also consulted frequently with the UN, USAID, DIFD, and many other national agencies and international organizations.

Other GPANet members were unable to attend, with regrets: Helen Fein, Juan Mendez, Eric Reeves, and David Scheffer

From Keynote Addresses, GPANet 2012

"...Prosecution in The Hague is the final link in the chain of the international community's involvement in prevention, protection and prosecution regarding the most serious crimes. Since international prosecution also serves as a deterrent, these trials represent a beginning as well as an end. It starts with prevention. And bringing a case to trial, here in this city, completes the chain. The chain of prevention, protection and prosecution. In reality, preventing or stopping genocide is not as simple as we would like. But that does not mean we shouldn't do everything in our power to forge those links together. The international community has a duty to do so...[T]he international community has more options than doing nothing or using military force. We can – we must – get better at using them..."

- Uri Rosenthal, Minister of the Foreign Affairs of the Netherlands

"...[P]revention poses the challenge of managing diversity constructively, which is primarily the responsibility of the State. It is essentially a function of good governance, respect for the rights and freedom of citizens, indeed of all human beings, and the universality of human rights protection..."

- Francis M. Deng, Special Adviser of the UN Secretary-General on the Prevention of Genocide

"...[T]he countries of the [Africa Great Lakes] region, the leaders of the region, the people of the region, with the experience in Rwanda, they decided that there was nobody to protect [us]. There was nobody to assume responsibility to protect our people. This is where the cardinal principles that have emerged guided the Great Lakes region in this transformation – this ownership principle to own our problem and solution. They said the time was over to keep on blaming the international community or the colonialists, because of our problems. We decided to own the solution, to own the responsibility to protect our people..."

- Liberata Mulamula, former Executive Secretary of the International Conference on the Great Lakes Region

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