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This paper contributes to the goals of reinventing peace and improving our means of understanding and addressing armed conflict by helping scholars and practitioners better understand what is known about the effectiveness of international tools designed to prevent and respond to mass atrocities.

Assessing the Anti-Atrocity Toolbox

Occasional Paper by
**Bridget Conley-Zilkic, Saskia Brechenmacher
and Aditya Sarkar**
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EXECUTIVE SUMMARY

The international failure to prevent and mitigate mass violence against civilians in the post-Cold War era, notably in Bosnia-Herzegovina and Rwanda, sparked a series of stock-taking efforts within international organizations, national governments and the broader policy community. Emerging from these reviews was a new set of insights that form the foundation of today's anti-atrocity policies:

- Reducing violence against civilians is one of the most important measures by which the success of international interventions should be measured;
- Waiting until violence meets or approaches the legal definition of genocide means delaying responses until it is too late. This recognition provoked two shifts: a shift away from the legal term 'genocide' to other vocabularies, like 'mass atrocities,' and a growing emphasis on 'prevention;'
- Preventative action and early response increase the likelihood of success of any policy measure, and decrease the human and financial costs of responding;
- International response should not be limited to all or nothing. Considerable energy was spent elaborating the conditions in which coercive military interventions in the name of civilian protection could be undertaken, yet effective responses short of this are both possible and desirable.

This final point begged the question: what is the broader range of policy mechanisms that can be brought to bear on a situation to prevent, respond to and aid recovery from mass violence?

Attempting to specify these measures, policy analysts have over the past two decades stocked the “Anti-Atrocity Toolbox” with a wide range of diplomatic, economic, legal and military instruments. Policy debates regarding the application and likely outcomes of these ‘tools’ have generally been driven by case studies. These are informative, but may lack generalizability or suffer from selection bias—that is, the tendency to only cite examples that bolster one’s argument. While scholars have begun examining the impact of these same major tools in cross-national statistical studies, their efforts are rarely incorporated into policy debates. This paper attempts to bridge this gap by reviewing the recent social science literature on the effectiveness of policy measures frequently include in the anti-atrocity toolbox. Our aim is to provide insights into emerging areas of consensus and highlight ongoing disagreements and gaps in knowledge.

KEY TAKE-AWAYS

A number of cross-cutting themes emerge from this review that help establish the broader context for evaluating international atrocity prevention and response. We address these first, before introducing the most compelling points of consensus regarding the impact of specific policy tools.

How we study mass atrocity and relevant policy tools

- **Definitions and expectations of success vary:** Success is defined differently across studies. Some measure it as a relative decrease in violence against civilians, whereas others examine absolute improvements in human security, such as the end of all or most civilian targeting.
- **Beyond killing:** The studies reviewed in this paper overwhelmingly focus on killing as the only or primary measure of mass violence. We recognize that this is a significant limitation, as it fails to account for variations in the systematic use of nonlethal violence against civilians - including forced displacement, sexual and gender-based violence or enforced disappearances.
- **We only count what is visible:** Most cross-national studies rely on datasets that track civilian killing through media reports and investigations by human rights organizations. These are rigorous and valuable tools, but like any method of estimating fatalities in complex environments, they are rarely comprehensive. It is important to understand the limitations of our current methods of tracking violence.

What we know about mass atrocities

- The likelihood of any policy tool achieving its intended impact improves with **adept, nuanced and case-specific diplomatic strategy**. Responses need to be embedded in a broader political vision as well as strong regional and international coalitions. No tool functions well absent this strategic leadership.

- **The global context is in flux:** Overall instances of genocide are in decline, despite ongoing examples of extensive civilian targeting. The type of regime most likely to commit mass atrocities has shifted from authoritarian states to states in transition, with non-state actors playing increasingly important roles. The Global War on Terror (GWOT) and violent contestation resulting from competition for regional influence further complicate the roles certain international actors can play in the most acute crises.
- Across the board, the ability of outside actors to impact perpetrator behavior increases **when the target state is an ally, as well as when international and regional consensus is strong.**
- **High-intensity versus low-intensity:** Genocide and mass atrocities are relatively rare occurrences. There are comparatively few cases from which to draw conclusions. Further, the factors that influence this form of high-intensity violence may differ from those that impact lower levels of violence that are often sustained as a regular part of political contestation in poorly institutionalized contexts.
- **Differences in numbers or in nature?** To improve civilian protection across multiple contexts, a numeric threshold defining “mass atrocities” may be less helpful for policymakers than understanding differences in the relative capacity of key actors in an atrocity setting. For instance, sudden changes in economic aid or conflict dynamics that alter the balance of power between warring factions can change the vulnerability of different civilian groups, potentially increasing the risk of mass violence.
- **Not all good things go together:** The tools that may most effectively prevent, mitigate, or end atrocities may not be the ones that best promote democracy and human rights, and vice-versa.

Key findings regarding the impact of anti-atrocity tools

- **Diplomatic Tools:** These include regular diplomatic interactions, public or private condemnations of violence, conflict or crisis mediation, and the suspension of diplomatic relations, among other measures. According to the studies reviewed in this paper, diplomatic actions that are most likely to improve situations *at risk* of atrocities are: speaking out frankly and publicly against the targeting of vulnerable groups, reinforcing principles of governance that support nonviolent leadership change, and maintaining diplomatic relations while being aware of ways in which diplomatic relations can be perceived as implicit acceptance of on-going policies. Once mass atrocities are underway, naming and shaming can help reduce the scale of violence against civilians, mediation can help conclude conflict, and, depending on the nature of the post-war settlement, peace agreements can possibly ward off post-conflict atrocities. However, diplomatic efforts are unlikely to fundamentally alter perpetrators’ choice to deploy violence against civilians in situations of ongoing high-level violence.

- **Economic Tools:** Development aid can be a powerful tool for increasing stability. However, in countries at risk of mass atrocities, case-specific understanding of how aid interacts with existing political and social mechanisms for restraining or mobilizing intergroup violence is crucial. Economic sanctions have a fairly poor track record of compelling change. While comprehensive sanctions seem to have a stronger impact than targeted measures, their adverse effects on civilian populations may contradict any usage predicated on the goal of “civilian protection.” Overall, sanctions are most likely to be effective if they are imposed by international organizations and/or by an ally of the target state, and if they aim to induce modest policy changes as part of a broader political strategy. Targeted sanctions may have a less detrimental impact on civilians, but they require careful calibration as crisis situations evolve. Financial and commodity sanctions appear to be more effective than other forms of targeted sanctions. Advocates for sanctions are increasingly calling for expanding the range of possible targets to include ‘enablers’ of mass atrocities, but the effectiveness of such measures has not been established to date.
- **Legal Tools:** Legal tools to prevent or mitigate mass atrocities include fact-finding missions, immunity or amnesties for perpetrators, indictments or arrest warrants, and international or domestic criminal prosecutions. Our review focuses primarily on the effectiveness of criminal prosecutions and the question of deterrence. At the moment, the evidence base is too limited to say whether or when international criminal proceedings act as deterrents. In several notable cases indictments by international tribunals seem to have had no such effect. While several recent studies suggest that international criminal proceedings can play such a role, it is difficult to isolate the impact of trials (or threat of trials) from the broader range of factors that influence levels of political violence in conflict-affected countries. Deterrence may of course not be the only reason for instituting trials. Increasingly, experts on transitional justice suggest taking a holistic and tailored approach that builds on existing capacities within post-conflict states, and layers different types of justice and accountability mechanisms to reinforce each other. Such an approach may be at odds with a toolbox metaphor: it implies thinking of specific mechanisms as processes within a social and political continuum.
- **Military Tools:** The military tools considered in this review range from cooperative security assistance to regime change campaigns. Across the board, the record of military tools with respect to ending or mitigating mass atrocities is extremely mixed. Military aid seems to be counterproductive in terms of pre-crisis preventative action, as it correlates with an increased risk of conflict. However, at least one study finds that pro-government interventions at an early conflict stage can decrease the risk of mass violence. Arms embargoes, on the other hand, are more likely to provoke modest changes in target state behavior than major reversals of policy. Further, there is some evidence that they make military victory less likely, thereby slightly increasing the likelihood of negotiated settlements. No-fly zones and safe areas have been used in too few contexts to be systematically evaluated. Case study evidence suggests that they are difficult to implement and only work under very specific conditions. Military interventions have a curiously disparate record:

several studies find that only the armed confrontation of perpetrator states can reduce mass violence once it has reached the severity of genocide or politicide. Other studies find a remarkably stronger record of civilian protection and peace durability when neutral interveners in the form of UN peacekeepers are deployed. In general, internationalized internal conflicts seem to last longer and have higher overall death tolls than non-internationalized conflicts.

Collectively, the studies also help highlight a central insight: a policy tool will always remain a tool, and will only function as well as the strategy it aims to support, whether through persuasion or coercion.

INTRODUCTION

During the Cold War, despite many instances of mass killing, policymakers rarely invoked the term ‘genocide’ or the related legal category of ‘crimes against humanity.’ Throughout the early 1990s, despite the increasing influence of international human rights frameworks, the word ‘genocide’ retained its taboo status. This was in no small part due to the inaccurate belief that describing a situation as ‘genocide’ issued a moral or legal requirement for a full-throttled military response.¹ When genocidal campaigns occurred in Rwanda (1994) and Bosnia-Herzegovina (1992–1995), many political leaders refused to even utter the word.

In recognition of the enormous human costs of these two conflicts, and in the wake of NATO bombings to protect civilians in Kosovo (1999), an international reckoning began, notably at the United Nations, the Organization of African Unity, and within the US government. A series of institutional and independent reviews questioned why the international community had failed to prevent or reduce mass violence during those crises, and examined how policies to protect civilians could be improved. Emerging from this series of *mea culpas* was a new set of insights that has shaped policies on atrocity response since the beginning of the new millennium. These insights can be summarized as follows:

- Reducing violence against civilians is one of, if not the core measure by which the success of international interventions into conflicts should be measured;²
- Waiting until violence meets or approaches the legal definition of genocide means delaying responses until it is too late. This recognition provoked a shift away from the legal term ‘genocide’ to other vocabularies (such as mass atrocities) and an increasing emphasis on ‘prevention;’

¹ After the term “genocide” became more widely used, it became clear that the term in fact did not entail an international legal obligation to intervene. Thus in Darfur, the U.S. determined that violence amounted to ‘genocide,’ but found that this required no change in policy.

² The Global War on Terror (GWOT) somewhat altered the primacy of this factor, without entirely dislodging it. The GWOT returned the military defeat of enemy forces to the forefront of global strategic priorities.

- Preventative action and early response increase the likelihood of success of any policy measure, and decrease the human and financial costs of responding;
- Responses should not be limited to all or nothing. Even though considerable energy was spent elaborating the conditions in which coercive military interventions in the name of civilian protection could be undertaken, effective responses short of this are both possible and desirable.

This final point begged the question: what is the range of policy tools that can be brought to bear on a situation to prevent, respond to and aid recovery from mass violence?

Thus began the effort by governments, international organizations and anti-atrocity activists to stock what became known as the “anti-atrocity policy toolbox:” the set of discrete but universally applicable policy measures that could be implemented to effectively forestall, mitigate, and end widespread and systematic violence against civilians. The toolbox approach was not the only, nor arguably the optimal outcome of the reckoning in the 1990s. At best, the toolbox prompts international action by showing that a wide range of responses can counter threats of mass violence. It offers a list of potential actions of increasing intrusiveness that can, in theory, be applied to any crisis situation. At worst, it issues the false promise of technical solutions to conflicts that in fact require case-specific political strategies. In any case, the ‘toolbox’ approach caught the attention of activists and policymakers alike, who began populating it with diplomatic, economic, military, legal policy instruments that could be deployed to counter imminent or ongoing mass atrocities.

As the debate on atrocity prevention and response expanded within policy and activist circles, scholarly research on the topic also grew, but with limited cross-fertilization between these communities. The academic literature on genocide and atrocity prevention has historically relied on normative arguments or case study models, but this began to change around the turn of the new millennium. Nonetheless, much of the policy-oriented literature on the ‘anti-atrocity toolbox’ approaches it as a singular object of concern, rather than dissecting its various components. For example, numerous analysts have argued that the anti-atrocity framework needs to be further refined to pinpoint the specific risks of mass atrocities, separate from risks of conflict or other forms of instability.

Few works have assessed the merits of the individual policy tools contained within the “anti-atrocity toolbox.” The studies that do exist have to date not been aggregated in a systematic manner.

Few works have assessed the merits of the individual policy tools contained within the toolbox. The studies that do exist have to date not been aggregated in a systematic manner. This paper reviews and synthesizes the literature on each of these policy mechanisms. It aims to provide a wide-ranging overview of the evidence base that should inform perceptions of their likely effectiveness. Our review of studies that focus specifically on mass atrocities and genocide/politicide is near-comprehensive. However, we were

selective in how we drew on additional insights from the wider literature on conflict and political violence. In both instances, we prioritized research from the last fifteen years.

This review focuses on studies that use multivariate statistical analysis of political outcomes and behavior, as a way to complement the case study model that has previously dominated policy discussions of the toolbox. Case studies provide valuable insights into the challenges of engaging places at risk of atrocities. Their greatest strength lies in presenting a nuanced picture of the political, historical and social factors unique to particular situations. However, this can also limit the applicability of their findings to other contexts. Cross-country quantitative analyses examine a larger set of cases from which to draw conclusions, establishing the probability of the *average* impact of specific measures.

This methodology also has limitations. Its validity hinges on the quality of the underlying data, which, particularly in conflict-affected countries, can be extremely poor. Moreover, quantitative studies inevitably simplify the number of factors that shape complex political events, and tend to present a static picture of evolving situations. Observational studies can map correlations, but even highly rigorous studies do not necessarily shed light on how policy tools might *cause* certain outcomes. However, statistical studies nevertheless play a useful role in revealing or refuting empirical correlations, and in testing the insights arising from specific cases against a larger sample. As a result, they may offer important insights into a policy toolbox, that is, a set of generic policy mechanisms that might be applied to any number of cases.

Efforts to forestall, mitigate, or terminate violence are invariably complex. They involve multiple actors pursuing contemporaneous and possibly contradictory policies, whose individual impact on conflict developments is difficult to assess. Neither the toolbox model nor statistical data analysis provide step-by-step instructions for dealing with evolving crises. Both lack the context-specific information required for responsive and nuanced policy engagement. However, scholarly research can scan the horizon of possible responses and assess the general likelihood that a certain policy will protect civilians at risk. The more insightful quantitative analyses can also shed light on the questions that should be asked before policy decisions are made.

CROSS-CUTTING THEMES

Before discussing the literature on specific tools, we introduce a number of compelling large-picture themes that emerge from the review.

How we study mass atrocity and related policy ‘tools’ and mass atrocity

What counts as success? The various studies reviewed employ different definitions of success: *declining intensity of killing, ending atrocities, ending high-fatality conflicts, non-recurrence of conflict*, etc. These differences are important, as they lead to diverging conclusions regarding the “effectiveness” of various policies. For example, several studies examine whether violence (measured as monthly or annual

variations in killing) increases or decreases as different policies are implemented. This methodology potentially obscures the fact that violence can change in scale and still remain intolerably brutal. Declining fatality numbers are an important measure of success, but do not invariably lead to definitive endings. Secondly, the most frequently used datasets that track civilian killing (the Political Instability Task Force Worldwide Atrocities Dataset and the UCDP One-Sided Violence Dataset³) include an extremely wide range of violent incidents, some of which would be unlikely to reach the threshold of ‘mass atrocities’ by most definitions. However, there do appear to be differences in overall patterns of high- versus low-level violence against civilians. As a result, conclusions from studies that focus on the former may not necessarily be applicable to cases of the latter.

Given our interest in understanding how various policy tools relate to the occurrence of violence, we chose not to include studies that analyze whether or not a tool was implemented and count “implementation” as success. For example, passing a UN Security Council resolution condemning atrocities would only be a success by our method if it had a measurable impact on violence.

Beyond killing: The studies presented in this review overwhelmingly focus on killing as the primary or only measure of mass atrocities. However, lethal violence is clearly not the only harm that civilian populations suffer. Ending or decreasing killing will always remain a partial goal. During and in the aftermath of killing campaigns, the surviving population may still be vulnerable to other harms and face enormous physical, psychological, economic and security challenges. Studies on mass killing therefore only scratch the surface of civilian needs. Halting killing campaigns is a logical priority for international actors. As difficult as this task is, it is far from sufficient. Other facets of civilian suffering have recently garnered greater policy attention, including, most notably, wartime displacement and sexual violence. While the former can to some extent be measured and addressed with humanitarian aid, we still lack reliable numerical measures of wartime and post-war rape. The lack of data on non-lethal violence against civilians limits both research and effective policy responses.

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³ Both datasets track discrete killing events as they occur and are reported in media sources. The UCDP One-Sided Violence Dataset offers annual fatality tolls, with counting beginning at 25 civilian deaths within a single country per year. The PITF Atrocities Watchlist focuses on countries identified as at-risk, and records violent events with 5 or more non-combatant deaths (presented as monthly totals). Both datasets include violence committed by governments and non-state actors, with the exception that the PITF dataset does not track incidents where the U.S. was either the perpetrator or victim. This is due to U.S. laws whereby U.S. intelligence agencies are not allowed to track information on the U.S. government or U.S. citizens.

We only count what is visible: In any case, numbers are tricky matters. The UCDP One-Sided Violence Dataset and the CIA's Political Instability Task Force Atrocities Watchlist monitor violent incidents beginning at 25 or 5 civilians killed (respectively). These datasets track levels of killing by coding media reports, a widely used and accepted practice. However, like all casualty reporting, this method has significant limitations. Clearly, if media coverage is poor—because it is geographically or temporally limited, biased or inaccurate—this will be reflected in the data.

Leading experts on analyzing civilian fatalities therefore suggest using multiple sources. Krüger et al caution that “...it is impossible to produce a statistically valid and reliable measure of violence from a single casualty dataset” (2015, 248). No matter the source, the authors urge us to maintain a sense of modesty about the conclusions we draw from our data. Precise estimates are incredibly difficult if not impossible to obtain, particularly in the context of an evolving conflict. Policy decisions nevertheless have to be taken. They should be predicated upon the best information available, with deep appreciation for the gaps between what *is* and what *might be* known.

What we know about mass atrocities

Primacy of diplomatic work: One consistent theme emerges across numerous studies, even those that focus on economic or military interventions: the impact of any single tool is maximized when it is supported by a strong coalition of actors—particularly neighboring states—attempting to mediate a political solution. Mass atrocities and genocide are forms of political violence. Deep understanding of the political context in which violence evolves, including concentrated efforts to forge regional and international coalitions, is crucial for any policy aimed at preventing, mitigating or ending atrocities to work. Tools themselves cannot drive policy; political insight drives policy and context remains the crucial determinant.

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Changes in patterns of violence: Incidents of mass atrocity and genocide have declined precipitously since the end of the Cold War (Heldt 2012). The overall reduction has held fairly steady, despite intensively destructive conflicts in Syria and elsewhere. During the Cold War, the majority of mass atrocities were committed by authoritarian regimes. Over the past two decades, states in transition from authoritarianism to democracy have become the primary site of atrocities (Valentino and Ulfelder 2008, Ulfelder 2012). While governments remain the perpetrators most capable of inflicting widespread and systematic violence, there has been a shift in the relative capacity of states compared to non-state actors, with advantage accruing to the latter (Balcells and Kalyvas 2014). This does not necessarily protect civilians, as weak actors often resort to targeting vulnerable populations.

Research by Wood, Kathman and Gent (2012) helps illustrate differences in the patterns of violence inflicted by state and non-state actors. The likelihood that government forces will use violence against civilians increases when conflicts involve multiple rebel groups. This pattern does not necessarily apply to rebel groups. Insurgents in democracies on average use more violence against civilians than in non-democracies, whereas the opposite holds true for government forces. Moreover, Kathman, Wood and Gent emphasize that “research on the motivations for civilian victimization appears to be converging on a general empirical finding that significant adverse changes in the conflict environment contribute to the escalation of violence against civilians in civil wars” (2012, 657). Given the lower capacity of non-state perpetrators, overall levels of violence generally do not reach the same dismal peaks as in previous decades. However, this also means that conflicts can be more difficult to resolve (Ulfelder 2012, Conley-Zilkic forthcoming 2016).

The *Global War on Terror (GWOT) has changed conflict dynamics*: The escalation of the GWOT has corresponded to an increase in internationalized internal conflicts, or conflicts in which external parties contribute troops to one or both warring sides (Pettersson and Wallensteen 2014). The U.S. and Russia have emerged as the most frequent providers of outside support. Recent and ongoing internationalized conflicts include Syria, Afghanistan, Azerbaijan (Nagorno Karabakh), Iraq, Mali, Nigeria, Somalia, South Sudan, Uganda, Ukraine, and Yemen—of which Syria, Iraq, Nigeria and South Sudan are also among the most lethal conflicts for civilians today. According to Pettersson and Wallensteen (2015), “the 2014 proportion [of internationalized internal conflicts] is the highest recorded in the entire post-World War II period, signifying the continuation of a trend that has been observed in recent years” (537). These kinds of

conflicts also tend to be longer in duration and deadlier than civil wars without direct third-party involvement (Pettersson and Wallensteen 2015).

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The ongoing conflict in Syria demonstrates how patterns of violence can shift within a single conflict. What began with the Syrian regime’s overwhelming use of force against its own citizens has morphed into an internationalized conflict, with

Russia, the U.S., Turkey, Canada, Australia, Jordan, Saudi Arabia and other states participating in airstrikes within Syria. While the Syrian government remains responsible for the largest number of civilian deaths within its territory, trends in other countries suggest an equally worrying increase in civilian vulnerability when states lose (or squander) their coercive capacity. Policy insights from situations where highly capable states commit large-scale violence against civilians may not apply to states with reduced or low capacity where non-state actors play a more significant role.

The partisan role of the U.S. as a direct or indirect participant in several internationalized conflicts (especially in Iraq and Syria) also undermines its capacity to act as a ‘neutral intervener.’ ‘Neutral’ in this context means acting with the goal of civilian protection, rather than with the goal of defeating an enemy or pursuing any number of other policy goals.⁴ Clearly this is not the role the U.S. has claimed for itself, with other security concerns beyond ending atrocities at stake. In terms of atrocity prevention and response, it is crucial to understand that there has been a trade-off that complicates U.S. involvement in these conflicts, making it more difficult for the U.S. to pursue anti-atrocity policies primarily predicated on a goal of civilian protection.

Not all good things go together: The policies that most effectively prevent, mitigate, or end atrocities may not be the ones that best promote democracy and human rights, and vice-versa. Influencing democratization and adherence to human rights standards is a long-term goal. The various international tools designed to support such processes warrant a separate review, taking into account a broader range of factors than those related to situations of mass violence. As one scholar has found: “...not a single tool consistently promotes or protects human rights. Rather they all have extensive scope conditions and trade-offs that limit their effect” (Hafner-Burton 2014, 274).

While there is strong evidence that well-institutionalized democracies best protect their citizens’ rights, most countries at risk of atrocities do not fall into this category. What is more, processes of democratization can create new sources of instability, which in some contexts increase the likelihood of mass atrocities. There is logic to supporting countries in transition. However, when evaluating the risk of mass atrocities, additional questions need to be posed: when does increasing state capacity *prevent* atrocities, and when might it *facilitate* violence? When do international policies undermine state capacity, and thereby increase the risk of violent non-state actors challenging central governments? These are the types of questions that require finely-tuned, country-specific and timely political analysis. Cross-national studies tell us that there is no single recipe for success.

Mass killing campaigns generally result from processes of escalation, initiated by regimes or groups that believe they have everything to lose.

High-intensity versus low-intensity: As scholars of genocide have noted, mass killing campaigns generally result from processes of escalation, initiated by regimes or groups that believe they have everything to lose. It is therefore not surprising that mass atrocities and genocide tend to occur in the context of armed

⁴ Here we draw attention to the difference between the *goal* of civilian protection, which determines the mandate, strategy and measure of success, and activities implemented in pursuit of other policy goals while adhering to legal and normative guidelines aimed at protecting civilians. In the GWOT, the U.S. has pursued the latter policy.

conflict, when regimes or groups face a severe threat from opposing forces.⁵ Perpetrators often draw on established social and historical narratives of intolerance and exclusion to support calls to violence. As such, genocides or mass atrocities remain relatively rare occurrences.

Two conclusions emerge from this discussion. First, there are comparatively few cases of genocide and mass violence from which to draw conclusions. Second, it may be ‘easier’ for external actors to influence this form of violence, which tends to be highly organized, centralized, as well as exceptional in nature, than lower levels of violence that can be sustained as a regular part of political contestation in poorly institutionalized contexts. This should be kept in mind as we look at tools that may help decrease the scale of violence, even if they cannot end it. Anti-atrocity policies should be devised based on the institutional capacity of the state in which they occur. In many cases, lowering the degree of violence, particularly if it allows space for political engagement, may be a more realistic goal than ending all violence or achieving political transformation.

Differences in numbers or in nature? The question of numeric thresholds has long plagued genocide studies. The legal definition of genocide provides little guidance, and while the terminology has evolved, the problem of quantifying mass atrocities remains unresolved. Further, as policy and research have probed prevention measures, the threshold triggering activation of the anti-atrocities toolbox has decreased. However, policy-makers may learn less from comparing numeric thresholds, and more from examining state capacity relative to other armed actors and vulnerable civilian groups. In this approach, we borrow from Balcells and Kalyvas (2014), who argue that the ‘technology of rebellion’ - a term capturing both the relative military capacity of states and rebels and their interaction - helps explain variation in the duration, intensity, and degree of targeting civilians during armed conflicts. Their analysis may provide insights into the types of response mechanisms most likely to positively affect different kinds of conflict.

Balcells and Kalyvas find that conventional wars with two equally matched opponents tend to be shorter and cause fewer civilian deaths. However, these types of conflicts can nevertheless be intensively lethal if the armed forces in question specifically aim at killing civilians, or if civilian centers become the front line. Irregular wars, which pit armed forces of vastly different capacities against each other, tend to experience the highest degree of civilian targeting. Within this category, counter-insurgency campaigns are especially lethal for civilians (see also Valentino, Huth, and Balch-Lindsay 2004). In both conventional conflicts and counter-insurgency contexts, it may be possible to influence patterns of civilian targeting through pressure on central authorities.

⁵ This finding could be challenged if one relied on “total number of intentional deaths” as the primary way of prioritizing situations that require improved civilian protection. Currently, studies of “mass atrocities” limit their focus to what is described as “political violence,” often in opposition to “criminal violence.” However, these categories are difficult to separate in practice. For instance, homicide rates in some Central American countries or in South Africa might qualify as extreme, regularized violence against civilians.

Balcells and Kalyvas note that symmetrical non-conventional conflicts have been increasing in number since the end of the Cold War. They tend to pit already weak states against rising insurgencies. With both sides composed of low-capacity forces, the overall level of direct violence is often more limited. However, endings may prove more elusive and difficult for outside actors to influence. Violence in these contexts threatens to become a regular part of political contestation. This does not mean civilian fatalities in these types of conflicts cannot be high: Iraq in the post-2003 period,⁶ the Central African Republic and South Sudan provide ample evidence to the contrary. The levers of pressure on central authorities may in these cases be less effective, suggesting different strategies both in terms of prevention and response.

THE TOOLBOX

The set of anti-atrocity policy tools analyzed in this review originates from four primary sources, each of which has been influential with policymakers. Overall, they are heavily tilted towards the U.S. government, but not exclusive to this actor.

- *Preventing Genocide: A Blueprint for U.S. Policymakers*, the 2008 report of the Genocide Prevention Task Force chaired by former Secretary of State Madeleine Albright and former Defense Secretary William Cohen, and co-convened by the U.S. Holocaust Memorial Museum, The American Academy of Diplomacy, and the United States Institute of Peace. The report was intended “to identify practical steps to enhance the capacity of the U.S. government to prevent and respond to genocide and mass atrocities” (Genocide Prevention Task Force 2008, x).
- *Mass Atrocities and Armed Conflict: Links, Distinctions and Implications for the Responsibility to Protect* (February 2011) by Alex Bellamy, Director of the Asia Pacific Centre for the Responsibility to Protect and Professor of Peace and Conflict Studies at The University of Queensland, Australia. Bellamy is a widely cited expert on the Responsibility to Protect and civilian protection issues, particularly in the context of the United Nations. His report includes structural, direct and escalation prevention measures.⁷

⁶ Kalyvas and Balcells code the most recent conflict in Iraq as an irregular war. Arguably the country has experienced all three patterns, beginning with a conventional war (although the Iraqi Armed Forces were severely outgunned by the U.S. and its allies), shifting into an irregular war during the long-running insurgency, and, with the rise of ISIS, into a symmetrical non-conventional conflict.

⁷ Bellamy (2011) analyzes multiple frameworks for conflict and atrocity prevention, including (a) the prevention of armed conflict as presented by UN Secretary-General Kofi Annan and Carnegie Commission on Preventing Deadly Conflict; (b) the prevention of armed conflict as part of R2P (as presented by ICISS and Gareth Evans); (c) the prevention of genocide as presented by the Office of the Special Adviser on the Prevention of Genocide, the Genocide Prevention Task Force, and leading expert Barbara Harff; and (d) the prevention of R2P crimes and violations as presented by UN Secretary-General Ban Ki-moon and the Asia-Pacific Centre for the Responsibility to Protect (APR2P).

- *Mass Atrocity Prevention and Response Options (MAPRO): A Policy Planning Handbook* (Raymond, Bernath, Braum, and Zurcher 2012). Developed by a team affiliated with the U.S. Army Peacekeeping and Stability Operations Institute, the handbook is “designed to be a reference for policymakers to monitor, prevent, and if necessary respond to genocide and other mass atrocity situations” (MAPRO 2012, 1). It discusses four so-called “DIME” tools: diplomatic, informational, military, and economic measures.
- “Operationalizing the Responsibility to Protect,” a policy brief by the Oxford Institute for Ethics, Law and Armed Conflict (2012) co-authored by Serena Sharma and Jennifer Welsh. The report divides response tools for third-party actors into those relevant for imminent emergencies, crises, and mobilization. It further distinguishes between tools aimed at influencing perpetrator behavior, reducing the vulnerability of victims, and impacting the overall conflict situation/environment. This method of categorization is compelling, and notably different from the other examples listed above. However, the suggested policy tools are nonetheless similar.

While subtle variations between these lists were lost in the synthesizing process, we feel confident that we have captured the full spectrum of policy mechanisms commonly included in the “anti-atrocity toolbox.” We categorize these tools as either “persuasive,” meaning that they attempt to cooperatively engage the target state or other perpetrators of mass violence, or “coercive,” meaning that they attempt to confront and challenge the relevant actors.

A. Diplomatic tools

In this section we review studies examining the impact of naming and shaming, reductions in or severing of diplomatic relations, mediation, and fact-finding missions on mass violence against civilians. Below is a more complete listing of diplomatic tools commonly included in the “anti-atrocity toolbox.”

Table 1.1 Diplomatic Tools

Persuasive	Coercive
<ul style="list-style-type: none"> • Integrating expressions of concern into routine bilateral and multilateral meetings • Support for dialogue and mediation efforts (formal or informal) • Fact-finding and observer missions, including Commissions of Inquiry • Forming “groups of friends” (through the UN or otherwise) 	<ul style="list-style-type: none"> • Condemnation (unilateral or multilateral), including naming and shaming • Withdrawal of diplomatic missions • Evacuation of nationals • Expulsion of diplomats • Travel bans; travel advisories • Isolating perpetrator regimes,, e.g. by adding the country to State Sponsors of Terror list

<p>and initiating lower-level coordination of international policy among like-minded states and organizations</p> <ul style="list-style-type: none"> • Deploying eminent persons and special envoys • Exercising the good offices of the UN Secretary-General • Recognition, normalization, membership in international organizations, favored status, etc. • UN Security Council/General Assembly resolutions • Resolutions or communiqués by regional organizations such as the African Union • Augmenting embassy staff • Showing high-level concern: speeches by senior leaders; summits or meetings up to Presidential level • Meetings with victim groups 	<p>(US), building international consensus against perpetrator group, etc.</p> <ul style="list-style-type: none"> • Suspension or expulsion from international organizations; cultural or sporting boycotts • Recognition of opposition groups, support for exile groups • Ultimatums • UN Security Council/General Assembly resolutions
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Clear expressions of disapproval by multilateral organizations and NGOs, including naming and shaming, seem to correspond to a decrease in the severity of lethal campaigns against civilians (DeMerritt 2002, Krain 2012). Likewise, other forms of publicizing abuses, for example through media coverage, on balance foster shorter conflicts and hasten negotiated peace (Burgoon et al 2015). Once mass killing campaigns are underway, condemnation can decrease the scale of violence, but it is unlikely to halt such campaigns or put sufficient pressure on perpetrators to fundamentally alter their strategies (Bellamy 2015, Conley-Zilkic 2016). This insight is also applicable to conflicts more broadly: a study on the impact of UN resolutions urging peace in the context of civil wars found that such resolutions have little effect on settlement or, after a peace is concluded, conflict recurrence - unless they are accompanied by stronger measures, such as peacekeeping (Beardsley 2013). Condemnation may more readily influence those using violence to *modify* their actions than to make fundamental changes in strategies and objectives (Krain 2012).

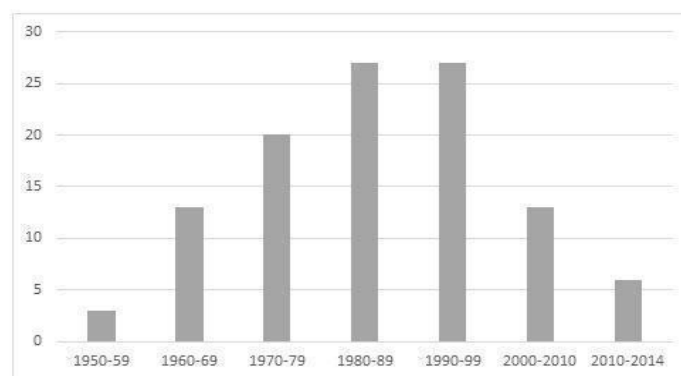
For governments considering whether to **reduce or sever diplomatic relations** with states perpetrating mass atrocities, a caution is issued by recent findings that such policies on average seem to have no impact on violence. If anything, they decrease the ability of the outside state to gather information and inform other policy responses. Maintaining relations enables diplomats to better understand the impact of other policies aimed at altering state behavior. On the other hand, *strengthening* diplomatic relations,

particularly moves that appear to signal approval (e.g. normalizing relationships, upgrading diplomatic presence, and/or regularizing interactions between high and low-level diplomats), can correlate with increases in violence (Krain 2014). This is especially true if such efforts are coupled with neutral interventions, i.e. military interventions that do not support any side to the conflict.

Additionally, one study found that information sharing between states on matters other than atrocities (e.g. U.S. government cooperation with Sudan and Libya on counterterrorism) does not result in a parallel increase in outside leverage once states decide to target civilians (Maller 2011). However, it is worth noting that in the case of Libya and Sudan, the U.S. was not an explicit ally, despite limited cooperation with both regimes. There is some anecdotal evidence that condemnation can be more powerful if it comes from an ally. For example, U.S. and Australian condemnation of Indonesian atrocities in East Timor in 1999 and U.S. pressure on El Salvador during the 1979 - 1992 war seem to have had some effect on the perpetrator regimes.⁸

While there does not seem to be a direct correlation between severing diplomatic relations and preventing or mitigating mass atrocities, policies on the **non-recognition of regimes that come to power through unconstitutional means** may be worth exploring further. This is particularly important given the empirical relationship between violent leadership change and mass atrocities. Valentino and Ulfelder (2008) found that countries with high rates of leadership change were “six times more likely to experience mass killing as those that saw fewer leadership changes” (16). As a result, international and regional responses to coups could play an important role in preventing or mitigating mass violence. We also note an interesting parallel between the African Union’s policy of non-recognition of governments that come to power through unconstitutional means and declines in the occurrence of mass atrocity episodes on the continent.

Figure 1.1: Number of coup d’états in sub-Saharan Africa by decade



Source: *African Leadership Transitions Tracker*, Brookings Africa Growth Initiative.

⁸ On East Timor, see Smith (2016); on El Salvador, see Montgomery (1995) and “Report of the UN Truth Commission on El Salvador,” 31.

Some scholars have linked the decline in military coups in Sub-Saharan Africa (Figure 1.1) to the African Union's increasingly robust policy of non-recognition of regimes that come to power through "unconstitutional changes of government" (Souaré 2014). This policy was first instituted in 2000 (under the Organization of African Unity) and has since been reinforced with additional AU decisions and treaties (Souaré 2009). While it would be simplistic to argue that AU policies and norms alone are the cause of the decrease in coups, the timeline tracks very closely, suggesting that the principle may interact with other anti-coup pressures to reinforce results.

To date, there seem to be no cross-country studies evaluating the impact of ad hoc **fact-finding missions**, i.e. missions created specifically to collect evidence on discrete crisis situations, separately from peacekeeping missions, UNHRC Special Procedures, and truth and reconciliation commissions (Grace and Bruderlein 2012). Their primary value may lie in their contributions to other mechanisms: the creation of tribunals or referrals to the International Criminal Court, the design of peace missions, or simply their role in drawing international attention to a particular issue or crisis and informing foreign policy (Slim 2004). As an illustration of the latter, we note the Brody report documenting violence by the U.S.-backed Contra rebels in Nicaragua, Robert Gersony's 1988 report on RENAMO in Mozambique, and the State Department-sponsored study of patterns of violence in Darfur, Sudan. In each of these cases, the primary impact of the fact-finding report was to alter U.S. policy in light of new evidence documenting widespread and systematic violence against civilians.

Can **mediation or negotiation** prevent atrocities? The example of Kofi Annan's leadership following the 2007 post-electoral crisis in Kenya suggests that it can, although his interventions came after considerable violence had already occurred. While we found no cross-country studies on this exact question, it is possible to draw on compelling insights from the field of conflict prevention. Prevention is difficult to study; it assumes one can measure a non-event. It is possible, however, to compare different policy tools targeting at-risk countries and to track outcomes over time. Regan and Meachum (2014) have attempted to do just this. Examining at-risk states from 1957 to 2007 (determined based on the authors' forecasting models), they find that diplomatic interventions - including mediation, binding arbitration, recall of ambassadors and mediation offers - can forestall the onset of civil war. The authors further find that economic interventions not only help at-risk states avoid war, but also increase their chances of regaining stability - whereas diplomatic interventions have no such ameliorative effect.

If it is difficult for international actors to prevent conflict or protect civilians through diplomatic efforts, what can they do to aid national actors who seek positive social and political change within their own countries? Perhaps surprisingly, the success rate of nonviolent groups fighting for political transformation exceeds that of armed movements. A 2008 study by Stephan and Chenoweth finds that in the face of regime crackdowns, non-violent movements are six times more likely than violent movements to achieve their stated objective within two years after the end of the campaign. Repressive regimes are also more likely to grant limited concessions to non-violent movements than to violent movements. However, the authors find that the likelihood of non-violent resistance movements achieving their goals is not

dependent on international (overt or military) support or international sanctions. In fact, international support may make it harder for these groups to succeed. In contrast, international support and/or sanctions increase the likelihood that violent resistance movements will succeed (Stephan and Chenoweth 2008).

Negotiations have historically not played a significant role in ending on-going mass killing campaigns (Bellamy 2015). However, negotiations and various forms of outside mediation can help end conflicts—the most common context in which mass atrocities occur. It remains unclear if high civilian casualty conflicts end differently from other types of conflict. However, studies have shown that “ethnic, identity and separatist wars” tend to last longer than other conflicts (Dixon 2009, 127). Historical data indicates that increasing numbers of civil wars end with negotiated settlements rather than military victory (Wallensteen and Svensson 2014). During the Cold War, only around 9% of all civil conflicts ended in a peace agreement. This number has doubled in the post-Cold War era (Kreutz 2010, 246). Scholars disagree whether mediated conflict endings are more or less stable than military victories (Toft 2010). An older study by Licklider (1995) argued that while military victories seem to be more stable, they also increase the likelihood of subsequent mass violence, particularly in what he termed “identity conflicts” (685- 686).

Negotiations and various forms of outside mediation can help end conflicts—the most common context in which mass atrocities occur.

In sum, diplomatic actions that are likely to ameliorate situations at risk of atrocities are: speaking frankly and publicly when civilian groups are targeted, reinforcing principles of governance that support nonviolent leadership change, and maintaining diplomatic relations while be wary of any efforts that may be perceived as implicit acceptance of atrocities. Once large-scale atrocities are underway, diplomatic efforts can help reduce the scale of violence against civilians, conclude conflict through mediation efforts, and possibly thereby ward off post-conflict atrocities (though this will depend on the nature of the post-war political settlement). However, diplomatic efforts such as naming and shaming perpetrators are unlikely to fundamentally alter perpetrators’ choice to deploy violence against civilians in situations of ongoing conflict.

B. Economic Tools

In this section, we focus on development aid and economic sanctions. Below is a more complete listing of the economic policies commonly found in the “anti-atrocity toolbox.”

Table 1.2 Economic Tools

Persuasive	Coercive
<ul style="list-style-type: none"> • Trade incentives (tariff reductions, 	<ul style="list-style-type: none"> • Technology controls

direct purchases, favored status, subsidies, import/ export licenses, etc.) <ul style="list-style-type: none"> • Investment • Debt relief • Increased aid 	<ul style="list-style-type: none"> • Exchange rate adjustment • Foreign direct investment: discouraged or banned; divestment • Aid reduction or suspension, including advocacy within IMF/World Bank • Comprehensive or selective embargoes • Seizure of assets of elites responsible for atrocities
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There is an enormous body of work examining the relationship between economic aid and conflict as well as the effectiveness of economic sanctions, some of which is relevant to mass atrocity prevention and response.

The literature on **economic aid** and conflict can broadly be divided into two main camps (Nielsen et al 2011). On the one hand, some scholars argue that aid *increases* the likelihood of conflict by either intensifying existing ethnic cleavages (Esman and Herring 2003) or by increasing the spoils to be won by rebellion (Grossman 1992). Others suggest that aid indirectly decreases the likelihood of internal conflict because it promotes economic growth, state capacity, and stability (Regan et al 2014). Nielsen et al (2011) add another dimension to this discussion, namely variation in aid levels. They argue that sudden decreases in aid are correlated with increased risk of conflict.

A possible explanation for these divergent findings can be found in the qualitative literature that examines how the inequitable distribution of aid can reinforce existing social and ethnic schisms (Uvin 1998). How

Only one study specifically examines the impact of sanctions on the occurrence of violence against civilians across multiple cases—and its findings are pessimistic about the potential for this tool to change perpetrator behavior.

development aid is allocated is just as important as the quantities contributed. McLoughlin (2014) for example argues that development aid only decreases the risk of mass atrocities if donors inquire how outside resources intersect with existing social and political sources of resilience. Overall, the anti-atrocity community has yet to fully explore how its efforts might interact with development aid allocation and distribution to further the goal of prevention. Existing studies suggest that there may be considerable variation in how economic aid impacts the threat of mass violence.

The use of **economic sanctions** as a tool to pressure states to alter their behavior has been studied more closely. The empirical record to date has been mixed. We begin with the studies that directly assess the impact of sanctions on mass atrocity situations, before moving on to the wider literature on (broad and targeted) sanctions in general.

We could only find one study (Krain 2014) that specifically examines the impact of sanctions on the occurrence of violence against civilians across multiple cases—and its findings are pessimistic about the potential for this tool to change perpetrator behavior. Krain tests several arguments that should support the effectiveness of economic sanctions: sanctions are an international and public form of shaming related to specific behaviors; they help label and isolate the perpetrator regime, decreasing their access to foreign investment; and they pressure other states to distance themselves from perpetrators, thereby raising the costs of violence. However, his findings suggest that sanctions have no impact on the severity of genocide/politicide. He controls for the ‘costliness’ of the sanctions, who implements them and for how long, as well as the presence of other measures intended to impact perpetrator behavior. Across the board, he writes, “economic sanctions, regardless of how they are threatened or implemented, have no effect on the severity of ongoing genocides and politicides” (26).

Looking at the impact of sanctions on human rights and conflict more broadly, we see greater variation in findings, but still find many cautionary notes. Peksen (2009) argues that economic sanctions lead to greater human rights abuses in target countries, with more intensive sanctions regimes reinforcing this adverse effect. Sanctions imposed during civil wars seem to be particularly harmful. However, a higher GDP, a democratic regime and a past record of protecting human rights in the target state seem to be correlated with improved protection of physical integrity rights in the face of sanctions. Davenport and Appel (2015), on the other hand, find that sanctions prolong periods of state repression.

Recognizing the human costs of comprehensive sanctions, national and international policymakers today almost always craft “targeted” sanctions, whether against specific individuals or sectors of the economy.

In general, the scholarly literature agrees that **comprehensive sanctions** tend to be more effective than targeted sanctions (Hufbauer, Schott, Elliott and Oegg 2007)—especially if they are followed by financial sanctions. However, they also impose *unintended consequences* on the target population, with disproportionately negative consequences for women, public health outcomes and other public services (Allen and Lektzian 2013). Hufbauer, Schott, Elliott and Oegg (2007) find that sanctions are more likely to achieve modest policy goals than broad aims such as regime change, for instance. However, this effectiveness is conditioned by the nature of the target country’s economic regime and the characteristics of the sanctions themselves (particularly whether or not they are multilateral). The authors note that sanctions work best against “friendly” regimes, whereas autocratic counterparts are less likely to be affected. Further, sanctions are more likely to achieve their goals if international organizations are involved. This holds true both for threatened and imposed sanctions, and for sanctions that impose severe economic costs on their targets (Bapat et al 2013).

Recognizing the human costs of comprehensive sanctions, national and international policymakers today almost always craft **“targeted” sanctions**, whether against specific individuals (through asset freezes, travel bans, or other types of financial sanctions) or sectors of the economy. Targeted sanctions – termed in a high-level review of UN practices as “the tool of choice” (Biersteker et al 2013, 9) – have become an

integral part of global anti-terrorism efforts and are increasingly applied to both perpetrators and ‘enablers’ of mass atrocities. As such, they are generally implemented with three goals in mind: to coerce a policy change, to constrain actors by limiting access to resources necessary to perpetrate a proscribed activity, or to stigmatize individuals or organizations (Biersteker et al 2013). Some estimates suggest that nearly 1,000 individuals and entities are currently under sanction for being associated either directly or indirectly with threats to international peace and security. However, there have been no systematic attempts to map them or assess their effectiveness (Tourinho 2015).

Existing research echoes some of the notes of caution issued in relation to comprehensive sanctions.

An effective sanctions regime requires regular review, and should incorporate expert analysis to help refine the tool in relation to political developments in the target state.

Overall, targeted sanctions so far have proven no more effective at producing intended policy changes than comprehensive sanctions. The compliance ratio of individually targeted sanctions is estimated to be between 20 – 34% (Wallenstein and Staibano 2005, 3–14; Biersteker et al 2013, 7). Among the more effective targeted sanctions are commodity sanctions (Biersteker et al 2013) and financial sanctions (Drezner 2015). However, the latter may be most successful just after implementation: there are indications that targets learn to adapt to sanctions over time (Wallenstein and Grusell 2012). As a result, Wallenstein and Grusell (2012) argue that

it may be wise to begin a sanction regime by targeting leaders, before work-around strategies are developed. They note that targeted sanctions are likely to be ineffective if they are imposed on functionaries who are unable to alter key policies. In this instance, sanctions instead become a loyalty test for mid-level administrators.

Targeted sanctions have one clear advantage: they limit the most dramatic humanitarian consequences associated with comprehensive sanction regimes. However, they are far from unproblematic with respect to the rights of the sanctioned and unintended wider social effects, as noted in a recent report:

Among the many possible unintended consequences considered in this study, the increase in corruption and criminality was the one most frequently observed (69%). The strengthening of authoritarian rule in the target (54%) and the diversion of resources (44%) were also frequently highlighted. Negative humanitarian consequences of sanctions, a frequent subject of debate, were observed in 39% of the episodes studied. Also importantly, the legitimacy and authority of the Security Council was harmed in more than one third of the cases (39%). (Biersteker et al 2013, 17).

Across the board, key factors that appear to improve the effectiveness of (comprehensive and targeted) sanctions are: the commitment of the international community and especially regional states to the sanctions regime (Portela 2014; Biersteker et al 2013); clarity and modesty with respect to the intended goals; and the ability to adjust sanctions based on behavior changes in the target state (Portela 2014; Wallenstein and Grusell 2012). Sanctions are more successful at achieving their objectives (about 28 % of the time) when they aim to constrain the activities of a target, rather than coerce a change in behavior

(Biersteker et al 2013, 21). An effective sanctions regime also requires regular review, and should incorporate expert analysis to help refine the tool in relation to political developments in the target state (Portela 2014). Identifying the correct people to target as well as specific economic vulnerabilities requires case-by-case analysis, and coordination with other international efforts to stem violence (Biersteker et al 2013).

Studies by Wallensteen and Grusell (2012) and Lopez (2015) argue that targeted sanctions should go beyond the narrow circle of decision-makers and perpetrators to include ‘enablers:’ individuals who provide the resources required to carry out mass violence. Lopez suggests that imposing effective sanctions in situations of mass atrocities “demands a convergence of factors anchored in tracing the people and products associated with atrocities and the willingness of sanctions-imposing actors to unite behind a collection of sanctions to be levied” (382). If this tool is to be effective in cases of mass violence, it needs to be part of a larger political strategy, and nimble enough to adapt to changing conditions. Repeated throughout the sanctions literature is the need for context-specific expertise, and the importance of embedding sanctions within a larger policy framework aimed at tackling the underlying cause of civilian vulnerability (Vines 2012).

In sum, development aid can be a powerful tool for increasing economic and political stability. However, in countries at risk of mass atrocities, case-specific understanding of how aid interacts with existing political and social mechanisms for restraining or mobilizing inter-group violence is essential. Economic sanctions have, overall, a fairly poor track record of compelling change in perpetrator behavior. While the existing evidence suggests that comprehensive sanctions may be more effective than targeted ones, the adverse consequences for the target state population may contradict any usage predicated on the goal of “protecting civilians.” Other conditions that increase the effectiveness of sanctions are international buy-in, integration into a larger political strategy, and the pursuit of modest policy goals, among other factors. Targeted sanctions decrease the detrimental impact on civilians, but may also be less effective, and require careful calibration to the case at hand. Financial and commodity sanctions appear to be more effective than other forms of targeted sanctions. Advocates for sanctions are increasingly calling for expanding the range of targets to include ‘enablers’ of mass atrocities - but the record of such initiatives is yet to be established.

C. Legal Tools: Criminal Accountability

In this section, we discuss studies that try to assess whether the International Criminal Court (ICC) and other international, domestic or hybrid tribunals have the potential to deter imminent or future atrocities. Legal tools include both persuasive measures, such as fact-finding missions and amnesty offers during peace negotiations, and coercive tools such as domestic or international prosecutions and the threat thereof (see Table 1.3). However, given our goal of examining the impact of tools on violence, we emphasize deterrence literature focusing on the role of criminal accountability, and briefly address a

separate set of studies examining the impact of transitional justice mechanisms on peacebuilding and human rights outcomes more broadly.

Table 1.3 Legal Tools

Persuasive	Coercive
<ul style="list-style-type: none"> • Fact-Finding • Arbitration • Amnesty/Immunity 	<ul style="list-style-type: none"> • Domestic indictments • Referral to international courts (indictment, arrest warrants, sentencing)

The idea of **legal deterrence**—that a temporary or permanent tribunal would, by its very existence or by initiating proceedings, prevent, or mitigate atrocities—has been a driver of the international enthusiasm for criminal accountability for mass violence. However, claims about the capacity of domestic and/or international criminal prosecutions to deter ongoing or future atrocities until recently remained largely empirically unexamined (Cronin-Furman 2013). To date, most scholars have primarily relied on anecdotal evidence, normative arguments or single case studies to assess the impact of such mechanisms (Thoms, Ron and Paris 2010). There are two main reasons for this. First, deterrence, like all non-events, is difficult to observe and measure. Second, international and hybrid criminal tribunals are few in number. If and where they have played a role, their actions have been accompanied by other interventions and/or post-conflict reforms that make it difficult to attribute causality.

The majority of criminal justice mechanisms have been initiated after the end of armed hostilities or significant political ruptures, with strict geographic and temporal limitations. As Cronin-Furman argues, these ad-hoc mechanisms can only have a broader deterrent effect if we assume that perpetrators' decisions are shaped by the expectation that similar tribunals could be established elsewhere - which is difficult to prove (Cronin-Furman 2013). This argument would appear to bolster the case of the permanent ICC, but even there, the evidence is still sparse.

A more direct deterrent effect could potentially be observed if courts intervene in situations of ongoing violence. Internationally, only two courts have had the jurisdiction to do so: the ICC (since 2003) and the International Criminal Tribunal for the former Yugoslavia (established in 1993, before the end of the Yugoslav conflicts).⁹ These courts have issued indictments in relation to ongoing violence in the cases of

Internationally, only two courts have had the jurisdiction to intervene in ongoing conflicts: the International Criminal Court (since 2003) and the International Criminal Tribunal for the former Yugoslavia.

⁹ The Special Court for Sierra Leone was created before the end of the Second Liberian Civil War, but it is difficult to argue for a direct deterrent effect. The court's jurisdiction was limited to events that occurred within Sierra Leone after 1996, and did not cover ongoing violations in Liberia. While the court issued an unsealed indictment of Liberian President Charles Taylor in June (footnote continued)

Bosnia-Herzegovina, Kosovo (at the time, the Federal Republic of Yugoslavia), Uganda, the Democratic Republic of Congo, Darfur (Sudan), the Central African Republic, Libya, and Mali. Case study evidence indicates a mixed picture. In the case of Bosnia and Darfur, the creation of the ICTY and referral to the ICC (respectively) occurred only after the primary perpetrators had already met many of their strategic goals. Nonetheless, in Bosnia one of the worst massacres of the war (in Srebrenica, July 1995) occurred after the creation of the ICTY in 1993. In Sudan, violence against civilians in Darfur had already peaked before the indictment of President al Bashir in 2008, and continued at lower levels for some time thereafter.

Two recent analyses have attempted to systematically investigate the **deterrent effect of the ICC** on violence against civilians. In a widely discussed working paper, Jo and Simmons (2014) argue that ratification of the Rome Statute alone correlates with reduced government violence against civilians,

In the case of Bosnia and Darfur, the creation of the ICTY and referral to the ICC (respectively) occurred only after the primary perpetrators had already met many of their strategic goals.

particularly if the governments in question face domestic pressure from a large network of human rights advocacy organizations. However, the authors struggle to prove a *causal* mechanism—in short, the reduction in violence in the cases examined might be due to any number of factors, including the core conditions that allow an active civil society to emerge. Adopting a qualitative process tracing approach, Broache (2015) finds that the impact of ICC intervention on atrocities committed by two different rebel groups in the DRC varied across the different stages of the legal process.

A series of other studies have examined the impact on **domestic and international prosecutions on outcomes other than mass violence**, such as repression, human rights violations, and societal peace. The findings are likewise mixed, partly due to the use of diverging methodologies and variables. Snyder and Vinjamuri (2003) are the most skeptical: their qualitative analysis of a variety of cases indicates that prosecutions only prevent or reduce atrocities if certain structural and political conditions are met (e.g. weak spoilers and strong institutions). They caution that in other cases, criminal justice can impede peace negotiations and thereby prolong conflict and violence. Meernik (2005) finds no evidence that the ICTY had a positive impact on societal peace in Bosnia, and suggests that the effect of court indictments, arrests, and verdicts on relations between Bosnian political elites was in fact often negative. In a 2010 article, Meernik, Nichols and King (2010) examine the impact of domestic and international trials on both civil war recurrence and human rights outcomes in a wider set of cases and find neither a positive nor a negative effect.

2003 (for crimes related to Liberia's intervention in Sierra Leone), it is unlikely to have affected subsequent events within Liberia itself.

Sikkink and Walling (2007) and Sikkink (2011) come to a different conclusion: namely that trials and truth commissions have had a positive effect on human rights outcomes in Latin America. However, their analysis highlights empirical correlations and cannot clarify if trials *produce* the observed effect or are themselves *the product* of other social and political factors that support human rights. Olsen, Payne and Reiter (2010) probe this question in greater depth. Using a database of 854 transitional justice mechanisms implemented in 161 countries between 1970 and 2007, they examine whether these processes positively affect human rights and democracy. Their findings highlight the importance of combining and sequencing different mechanisms. Combining 1) amnesties and trials, or 2) amnesties, trials and truth commissions on average seems to support positive human rights and democratic outcomes, potentially by promoting a balance between stability and accountability. Truth commissions on their own, on the other hand, seem to have no such effect, and may even increase social problems.

Scholar-activists in the field of transitional justice have begun questioning how local capacities and circumstances might lend themselves to different, possibly hybrid models of post-conflict justice. There is an increasing recognition that even as the field becomes more professionalized, it needs to adapt to local exigencies and retain a holistic approach to maximize the contributions of various post-conflict tools to democratization (Robins 2015, de Greiff 2010).

In sum, there is no sufficient basis yet to say whether or when international legal tools act as direct deterrents. In several notable cases, indictments had no such effect. Moreover, it remains difficult to isolate the impact of trials from a range of other factors that impact patterns of political violence in ongoing conflicts. Deterrence may of course not be the only reason for instituting trials; some advocates for judicial proceedings argue that they should be held on principle. Existing studies also suggest that under certain conditions, transitional justice mechanisms can contribute to - or at least do not seem to harm - human rights and democracy in the long term. Whether these findings truly demonstrate impact or simply reflect underlying differences between cases remains to be determined. Increasingly, experts on transitional justice suggest taking a holistic approach: supporting processes within countries that build on existing capacities and are tailored to circumstances, and layering mechanisms to reinforce and support each other. Such an approach may be at odds with a toolbox metaphor; it implies thinking of specific mechanisms as processes within a social and political continuum.

D. Military Tools

In this section, we review studies of military aid, arms embargos, safe havens and no-fly zones, third-party interventions, and UN and AU peacekeeping operations. Below is a more complete listing of military policies commonly included in the “anti-atrocity toolbox.”

Table 1.4 Military Tools

Persuasive	Coercive
• Initiation or expansion of military	• Decrease or withdrawal of military

<p>assistance to build the capacity of security forces (joint exercises, military sales/financing, training, participation in Partnership for Peace, counter-narcotics, etc.)</p> <ul style="list-style-type: none"> • Security assistance on national or regional level • Security guarantees • UN peacekeeping (consensual, with civilian protection mandate): protection of settlements, IDP camps, humanitarian corridors, etc. 	<p>assistance</p> <ul style="list-style-type: none"> • Arms embargoes • Heightened presence: access or basing arrangements in the relevant region; deterrence through nearby land, sea or air patrols • Show of force: visible and restrained display of military power • Electronic warfare: sabotage or for intelligence gathering, including jamming of communications • Arm or otherwise aid forces combating perpetrators • Limited military action: no-fly zones; safe havens; mine clearance to disrupt perpetrator plans or threaten stronger intervention; disruption of supply lines; control of borders & roads; precision targeting; blockade/quarantine • Support for third party actor interventions, whether as peace enforcement through the UN, for instance, or coalitions of the willing. • Leadership targeting • Intervention to defeat: ground troops, air campaign
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Can **military aid** help prevent atrocities? The study by Regan et al (2009), discussed under diplomatic tools above, finds that military aid to countries at risk of violence tends to increase the likelihood of internal conflict. Illustrating this point, a case study of U.S. military aid to Colombian military bases found that external aid exacerbated paramilitary violence in the relevant districts, particularly during election years (Dube and Naidu 2014). On the other hand, the case of El Salvador during the 1979 - 1992 civil war, which is estimated to have cost 50,000 civilian lives, demonstrates that threats to withdraw outside aid can in some cases help mitigate atrocities: U.S. congressional threats to decrease military and economic aid in response to gross human rights abuses led the Reagan administration to heighten its pressure on the Salvadoran government, which subsequently decreased its use of violence against civilians (Peceny and Stanley 2010).

Arms embargoes, which are often used preventatively or to disrupt third-party support for perpetrator regimes, have a mixed record when it comes to altering target state behavior. In theory, arms embargoes can reduce the military effectiveness and resilience of warring parties. However, scholars disagree whether embargoes actually achieve this effect, particularly due to frequent shortcomings in

implementation. Analyses of various UN arms embargoes have generally come to sobering conclusions (Fruchart et al 2007). Several studies echo the findings of research on economic sanctions, namely that arms embargoes were more likely to achieve modest changes in target state behavior than major reversals of policy. Brzoska (2008), for example, finds that arms embargoes can induce changes in arms imports and reduce arms transfers, but on average do not lead to policy change in the target state. He further notes that the duration of sanctions matters: effectiveness increases with long-running (5 years duration) and multilateral embargoes that are part of a broader policy package.

Multilateral arms embargoes with wide participation and strong implementation mechanisms have a greater impact on conflict parties.

Arms embargoes do not seem to shorten conflicts. Escribà-Folch (2010) reports no correlation between conflict duration and the imposition of an arms embargo. However, she finds some evidence that arms embargoes make military victory less likely, thereby increasing the likelihood of negotiated settlements (139). There is scant evidence for the preventative impact of embargoes in situations of mass atrocities, as killing generally already has to be widespread before this tool is used (Tierney 2005).

Not all embargoes are implemented in the same manner, and studies do point to a number of factors that seem to improve their effectiveness. Unsurprisingly, multilateral arms embargoes with wide participation and strong implementation mechanisms have a greater impact on conflict parties (Brzoska 2008). Strongly enforced embargoes such as the one imposed on Iraq after 1990 require a concerted international effort (Tierney 2005). However, many embargoes are undermined by diverging geopolitical objectives among the permanent members of the UN Security Council as well as regional powers (Fruchart et al 2007). The goals and monitoring capacity of neighboring states also matter greatly, with the chances of effectiveness further increasing in the presence of a UN peacekeeping operation in the target state (Fruchart et al 2007).

Few studies examine the effectiveness of **no-fly zones** and **safe areas** with respect to preventing mass violence or protecting civilians more broadly. This is largely due to the fact these tools have rarely been used in practice. They are often perceived as limited in nature, as they aim to control only one aspect of warfare or protect a circumscribed area. However, they nevertheless require significant military and financial resources and, if imposed against the will of a target government within their territory or air space, can be interpreted as an act of war. **No-fly zones** have been imposed in three cases to date: in Iraq (1991-2003), in Bosnia and Herzegovina with consent of the government (1993-1995), and in Libya (2011). Based on a comparative analysis of Bosnia and Iraq, Bernard (2008) argues that no-fly zones can indeed be very effective if certain tactical and strategic conditions are met: the enforcer must have air supremacy and the physical and financial resources for a mid- to long-term air commitment. Additionally, other regional powers must support the no-fly zone enforcement, and political and military leaders must give clear authority to militarily engage the enemy.

Safe havens/areas -- territorial zones in which civilians can take refuge -- likewise have only been attempted in a limited set of cases. The most prominent success story seems to have been Operation Provide Comfort in Northern Iraq (1991). The safe haven was sanctioned by the UN, and protected by international peacekeepers and a no-fly zone. However, Posen (1996) notes that in Iraq, the Gulf War had already significantly damaged Iraqi military forces and heightened the credibility of the international effort to create the safe area. Moreover, the population at risk was concentrated in a geographically limited area. The Iraqi operation may thus not necessarily be replicable in other conflicts.

Since then, “safe areas” have been implemented in various crises with various objectives and diverging results. They were prominently attempted during the Bosnian conflict. However, given the genocide after the fall of Srebrenica, this operation has largely been deemed an international failure – although Posen (1996) notes that four of the six UN safe areas in Bosnia in fact did not fall. All of them nevertheless came under repeated attack in the course of the conflict. In any case, the tragedy of Srebrenica made policymakers reluctant to resort to similar measures in other contexts (Orchard 2014a). In this context, it is important to distinguish between consent-based safe areas and those enforced by credible military presence: existing case studies suggest that the latter tend to be more difficult to implement successfully (Orchard 2014b). However, in some cases “consent” by the warring parties may prove meaningless, as the conflict Bosnia amply demonstrated (Hyndman 2003).

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With respect to **military interventions**, we find a curious split between studies that argue that only military interventions that directly challenge perpetrators can mitigate mass violence, and those that find neutral peacekeeping to be the most effective form of intervention. There is a larger body of research supporting the latter position, but not all of the studies in question focus solely on ending mass atrocities.

In a 2005 study, Matthew Krain finds that international military interventions that directly challenge the perpetrator of atrocities or aid the targeted group are the only type of military response capable of reducing or stopping killing during ongoing instances of state-sponsored genocide and politicide. However, his study relies on a list of 36 cases assembled based on a qualitative definition of genocide and politicide (rather than a numerical threshold, for instance). This methodology allows for significant discretion with respect to case selection. Moreover, the most recent case tracked in this dataset is Bosnia-Herzegovina, a conflict that occurred before UN peacekeeping forces had civilian protection regularly integrated into their mandates. Bellamy (2015) also argues that in cases where perpetrators did not meet their goals, endings are typically brought about by some form of regime change. However, forthcoming research by Conley-Zilkic and Hazelwood finds that of 37 cases studied, endings of mass atrocities divide almost evenly into three categories: successful implementation of the perpetrator’s plans (most frequently

stopping short of total annihilation of the targeted group), military defeat of the perpetrators, or a military stalemate followed by the rise of moderating actors.

In a study using the PITF dataset, DeMerritt (2015) similarly finds that international military interventions that are hostile to perpetrating states on average help decrease civilian death tolls in situations of ongoing government-sponsored killing. However, she highlights an important difference in outcome for “preventative” military interventions: before mass killing begins, intervention in support of a government can dissuade the latter from ordering violence, whereas hostile preventative interventions seem to make killing more likely. Compare these findings with research by Kathman and Wood (2011), who conclude that all third-party interventions (whether neutral or to aid victims) tend to correlate with an immediate spike in violence against civilians. In apparent contrast to Krain and DeMerritt, they find that enduring, neutral interventions decrease killing over the longer-term, and that they do so better than pro-government or pro-target interventions (754). This finding is reinforced by studies that specifically analyze UN peacekeeping, discussed further below.

Different types of conflicts may result in different patterns of risk for civilians, a fact that should inform the choice and implementation of policy tools.

In a 2012 study, Kathman, Wood and Gent argue that outside intervention in ongoing civil wars impacts civilian victimization by changing the balance of power between warring parties, which in turn shapes combatant strategies of violence.¹⁰ A sudden increase in the relative capacity of one side (caused by a military intervention) seems to cause the losing party to resort to more violence against civilians. This pattern holds true irrespective of whether the relative advantage accrues to

rebels or government forces. The implication is significant: intervening on behalf of one side may have the unintended consequence of inciting the other party to use more violence.

It remains unclear whether violence against civilians tends to increase or decrease over the duration of a conflict, with implicit consequences for international response. Kathman, Wood and Gent (2012) find that civilian targeting tends to decrease as a conflict endures. This insight is confirmed by Ulfelder and Valentino (2008), who note that mass killing episodes often occur close to the onset of instability. However, others have found that in intrastate conflicts, abuses against civilians increase over time; this conclusion is supported by an in-depth study of the Angolan civil war (Ziemke 2012) as well as research on rebel fragmentation, which suggests that violence against civilians often increases as groups splinter (Cunningham, Bakke, and Seymour 2012). These differences may be indicative of fundamentally different patterns of violence depending on the primary perpetrator (rebel or government) and the number of actors involved in a conflict. Exploring this question further is beyond the scope of this paper. However,

¹⁰ They use the One-Sided Violence dataset to measure incidents of violence, which, as noted above, includes violent events that range from cases of genocide or mass atrocities to many instances where violence occurred at significantly lower levels.

these studies alert us to the possibility that different types of conflicts may result in different patterns of risk for civilians, a fact that should inform the choice and implementation of policy tools.

Looking more broadly at studies of conflict and third-party interventions, there is a fairly significant scholarly consensus that military interventions by third-party actors tend to prolong conflicts (Balch-Lindsay and Enterline 2000, Elbadawi and Sambanis 2000, Regan 2002, and Collier et al 2004). Recent research on internationalized internal conflicts also supports this finding (Pettersen and Wallensteen 2015).

Similarly, there is strong evidence that **UN peacekeeping missions** can help decrease civilian casualties, especially since civilian protection mandates became the norm in the 1990s. Taking into account the fact that peacekeepers are more likely to be dispatched to very serious conflicts, Melander (2009) finds that peacekeeping missions do seem to reduce the risk of mass killing in intra-state conflicts. In a study examining peacekeeping missions between 1991–2008 (including force level changes over the course of a mission), Hultman, Kathman and Shannon (2013) also find strong evidence that UN peacekeeping can play an important role in decreasing violence against civilians. They find that the factors that made a significant difference included the size of the deployments and the strength of their policing capacity.

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Scholars continue to debate whether peacekeeping results in less decisive conflict endings —and how these endings may in turn produce new vulnerabilities for civilians. However, cross-country data supports the argument that peacekeeping operations decrease the risk of war resumption and may even hasten conflict endings (Fortna 2003). Doyle and Sambanis (2000) similarly show that peacekeeping missions with strong mandates can help end violent conflict. However, they note that multidimensional missions with extensive civilian functions are necessary to achieve a more durable and positive peace. Importantly, while research suggests that peacekeeping missions can mitigate violence under certain conditions, there is on-going debate about whether they contribute to post-conflict democratization (Fortna and Howard 2008).

In sum, the record of military tools is extremely mixed. Military aid seems to be counterproductive in terms of pre-crisis preventative action. In fact, it correlates with an *increased* risk of conflict, although some studies find that pro-government interventions at an early stage can decrease the risk of mass atrocities. Arms embargoes, if effectively implemented and enforced, are more likely to provoke modest changes in the behavior of the target state than major reversals of policy. There is some evidence that arms embargoes increase the likelihood of conflicts ending through negotiated settlements rather than military victories. No-fly Zones and Safe Areas have been used in too few contexts to be effectively evaluated by statistical studies. Studies of military intervention confronting perpetrators have arrived at mixed results: several studies find that only armed confrontation of perpetrator states can reduce violence once it has

reached the level of “genocide or politicide.” Other studies suggest a remarkably stronger record of civilian protection when neutral interveners in the form of UN peacekeepers are deployed - though success inevitably depends on the nature of the deployment and mandate. Overall, internationalized internal conflicts seem to last longer and have higher overall death tolls than non-internationalized conflicts, introducing a significant cautionary note about the perils of partisan interventions.

Conclusion

This review of studies examining the various components of the “anti-atrocity toolbox” suggests that mass atrocities can indeed be impacted by outside actors. However, it presents a sobering picture overall. International leverage is contingent on specific local and international conditions as well as a significant outlay of effort, such as, for example, the deployment of robust peacekeeping forces. The studies reviewed in this report suggest that international efforts to prevent and respond to atrocities will improve as the ‘toolbox’ continues to be refined and attuned to situations of mass violence. However, the diplomatic, economic, legal and military ‘tools’ wielded by international actors will always be limited by the quality of their overarching strategies for addressing the political crises that enable mass violence. A tool will always remain a tool, and will only function as well as the strategy it aims to support, whether through persuasion or coercion.

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