

ROUTLEDGE STUDIES IN GENOCIDE AND CRIMES AGAINST HUMANITY

Preventing Mass Atrocities

Policies and Practices

Edited by
Barbara Harff and Ted Robert Gurr



PREVENTING MASS ATROCITIES

What can be done to warn about and organize political action to prevent genocide and mass atrocities?

The international contributors to this volume are either experts or practitioners, often both, who have contributed in substantial ways to analyzing high-risk situations, recommending preventive policies and actions, and in several instances helping to organize remedial actions. Whereas current literature on the prevention of genocide is theoretically well-grounded, this book explores what can be done, and has been done, in real-world situations. Recommendations and actions are rooted in a generation of experience, based on solid historical, comparative, and empirical research and with a grounding in quantitative methods.

This volume examines historical cases to understand the general causes and processes of mass violence and genocide, and engages with ongoing genocidal crises including Darfur and Syria, as well as other forms of related violence such as terrorism and civil conflict. It will be key reading for all students and scholars of genocide, war and conflict studies, human security, and security studies in general.

Barbara Harff is Professor of Political Science Emerita at the US Naval Academy and was distinguished Visiting Professor at Clark University's Strassler Center for Holocaust and Genocide Studies. She co-founded the Genocide Prevention Advisory Network and served for a decade on the US Government's State Failure (later Political Instability) Task Force. In 2013 she received the Raphael Lemkin Award from the Auschwitz Institute for Peace and Reconciliation.

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1

INTRODUCTION

Barbara Harff

The dawn of comparative genocide research: Historians/ sociologists/psychologists/political scientists

Let me begin with a brief overview of the evolution of genocide studies that has led to this project. I suggest that if we understand the obstacles that faced the early community of scholars, we may have some idea of why we have made only limited progress in anticipating and preventing the next genocide. The journey began in the late 1970s, followed by a number of meetings in the 1980s, including a dozen or so people who called themselves genocide scholars—I was one of them. We were later called *Pioneers of Genocide Studies* by Samuel Totten and Steven Jacobs, in their 2002 book of that title. In the early 1980s, at a meeting in New York—hosted by Helen Fein at the John Jay School of Criminal Justice—about ten of us met to discuss how each of us defined genocide, and how to differentiate among war crimes, crimes against humanity, and other forms of deadly conflict. We shared ideas about “causes” and what to do to prevent future genocides.

We—the scholars of the seventies and eighties—came from different disciplines, which both added to and detracted from delineating and understanding the phenomenon of genocide. We focused on different levels of analysis and competed with each other for attention from our larger scholarly communities. Each of us brought our own experience and baggage, which created some professional animosities and perceived proprietary rights. For example, I was a gentile German-born scholar on a mission to restore a modicum of dignity to Germans as a result of the Holocaust. Among us, we had refugees from Nazi Germany and others who had lost many relatives in the death camps. More professional exposure brought more problems, especially when other scholars became aware that we treated the Holocaust as the archetypal or most horrendous episode of genocide, rather than as a *sui generis* historical event. Our standard retort was that we were the scholars who accorded it its rightful

place in the annals of human misery—namely, as one of the worst events in modern history, but not the only one. And, self-evidently, from a systematic perspective only comparison to other cases would allow us to test hypotheses and thus begin to understand what “caused” these events.

Definitions: Genocide and mass atrocities

The core definition of genocide, according to the 1948 UN Convention, is mass killings by a state intended to destroy, in whole or in part, an ethnic, religious, or other communal group. Many scholars have elaborated on the core definition: Jones (2011: 16–20) lists 22 definitional variations. Bauer told the Stockholm Forum its focus should include, first, genocide as defined by the 1948 Convention, and

second, politicide, that is mass murder for political or social, economic ... reasons, ... third, so-called “ethnic cleansing” ... and fourth, global or trans-national genocidal ideologies that not only threaten mass killings but actually engage in them ...

(Bauer 2004: 21).

This brings me to the currently popular concept of “mass atrocities.” Though this book deals with both genocide and mass atrocities, we should remember that these are distinct phenomena—albeit related. Mass atrocities can precede genocides, but do not always. Ideally, the concepts should not be interchangeably used. And we should not label something “mass atrocity” or “genocide” for convenient or political reasons if we are not entirely clear what was or is happening and with what intent.

Victims of mass atrocities typically have multiple identities, sometimes identities invented by their perpetrators. Often, but not always, the victims are members of ethnic, religious, or racial minorities or political opponents of a regime. What sets them apart from the victims of geno/politicide is that there is no evident intent to destroy the group(s) to which they belong. In contrast, genocidal victims should belong to an identifiable group as defined in the Genocide Convention. Operationally, in empirical analysis, 1000 victims in a year constitute a mass (Ulfelder and Valentino 2008:2), whereas genocidal victims can number in the hundreds or fewer. Numbers matter, if only to differentiate among unintended casualties of war or other conflicts. But does it constitute a mass if all villagers are killed in an area that is sparsely populated? What if the villagers are victims of one massacre, as happened in Vietnam—a war crime, yes; a genocide, no?

Death during a murderous campaign defined as a mass atrocity is not accidental but planned—how different this is from intentional or systematic death is still open to discussion or, worse, unclear. Key is that states are not obliged to act when these events occur. There is no convention that specifically mentions mass atrocities as events that should galvanize the United Nations or regional organizations into action. Though the Human Rights Convention and the Geneva Conventions address war crimes and other more general violations of human rights, unless there

is specific mention of mass atrocities, no criminalization ensues and no penalty is attached to the crime.

And now there is R2P, the Responsibility to Protect doctrine—another great idea that carries no obligation for states, the UN, or regional organizations to act. But it sounds and feels good to talk about something we ought to do.

Differentiating between genocide and mass atrocities and its relevance for prevention

Prevention of genocide is nearly impossible if we use the conditions spelled out in the Convention. From a legal perspective, we have to know that a genocide takes place, or that there is a high degree of certainty regarding the intent to commit that crime. In reality, that means genocide has already taken place, or at the very least is well underway. Essentially, we are stuck with a post-genocide scenario that allows the international community to bring perpetrators to justice. Yet, even here we encounter a problem: there is no automatic or specific punishment attached to the crime of genocide. Courts invest enormous time and effort to collect information on individual perpetrators, and punishment is not guaranteed. The Nuremberg Trials should serve as a reminder that war crimes, criminal warfare, collective responsibility, general human rights violations, genocide, and now mass atrocities are hard to delineate in these types of conflicts. Complicating the issue further is the questionable legal status of the Genocide Convention in public international law. International law is essentially case law, based on precedent, not necessarily on morality and ethics, but also not wholly devoid of essentially normative propositions. What would law be without justice? Today, it is understood and accepted by legal scholars and policymakers that an individual's fundamental rights still exist even if states are engaged in criminal warfare. Yet there is no penal code attached to human rights laws, including genocide. As of today, preventive action relies essentially on decisions made by enlightened policymakers.

There exists an enormous literature about the nature and purpose of law—I have written a dissertation and monograph about it (Harff 1984). But, this debate gets us nowhere we want to be when it comes to the usefulness of the concept of mass atrocities.

Typically, “mass atrocities” is as an umbrella term that includes genocide/politicide/ethnic cleansing, war crimes, and crimes against humanity. Scheffer (2006) argues that these inclusions may sharpen the definition of these specific conflicts, but I argue that they equally well could obfuscate even further their meaning. Conversely, he argues for the usage of “mass atrocities” to describe pre-genocidal situations. This allows states to take steps such as diplomatic missions and other soft interventions to stop escalation to a fully-fledged genocide. Essentially, he thinks that using a less intimidating concept (mass atrocities) as a possible precursor or indicator of genocide would free states to take action. I cannot see how such a label is less intimidating to potential intervenors. I agree, however, that the indiscriminate use of the term “genocide” can lead to obfuscation and procrastination in

responding to victimization. What to do? I argue that the concept of genocide is pretty well-defined, despite the wide range of alternative definitions proposed. When one looks closely, the basic ingredients of genocide are near enough to a consensual understanding. An umbrella term such as “mass atrocities” that includes a number of specific conflicts may sharpen the specific definitions of genocide/politicide/ethnic cleansing and war crimes, but equally well could obfuscate even further the meaning of genocide. Furthermore, adding yet another term to human rights law could result, if the concept were to achieve legal status, in just another ignored label in public international law.

In conclusion, I see three distinct problems when one uses Scheffer’s argument. First, if we use “mass atrocities” as an umbrella term for war crimes, genocide, crimes against humanity, and ethnic cleansing, it waters down each specific crime, potentially providing a back door for reluctant states to do nothing to prevent escalation. Second, if we use “mass atrocities” to describe a situation in which genocide is likely or imminent, essentially treating mass atrocities as a warning signal, a precursor, indicator, or antecedent in the hope that states may take preventive measures, we leave it up to politicians to decide what is or is not genocide. Do we really believe that the term “mass atrocities” carries less moral weight than “genocide”? Third, we would inevitably loosen the definition of genocide by giving it the preliminary label of mass atrocity, which in turn may lead to denial or minimization of what is happening.

What to do? It is essentially up to scholars and relevant private or governmental organizations to provide risk assessment and early warnings that are good enough to be acted upon. I venture to say we have it today, as recommended by Albright and Cohen (2008), who specifically mentioned the State Failures Task Force’s work (and my risk assessment) as an actionable example.

I suggest, then, that the best way to use “mass atrocities” is to give the term enough meaning that it can be used as an instrument to prove *intent* to commit genocide—that is, as a key early warning indicator. This is what I have done in part in our efforts to identify “causes” of genocide.

The genocide debate, past and present: Re-discovering the wheel

The following are just a few examples of the many different explanations of genocide, and the obfuscations, that have developed over time and, to some degree, remain today.

A psychologist among us said that unfortunately all of us (potentially) could be murderers. This was hard to swallow for those of us who believed that only some people are genetically and culturally predisposed to evil. Some of us believed and had written that empathy could be taught—a key disposition that would immunize people from acting on murderous impulses.

Some of our sociologists focused on group interaction as a causal key that motivates potential perpetrators. Of course, all genocide scholars, because of the language of the Convention, took group membership very seriously, but typically only in the

process of identifying real or potential victims. But there was doubt about how important group membership was in regard to the motivations of potential perpetrators. Just because a person joins a political movement that promotes a racial, ethnic, or religious agenda, this does not make him/her a potential egregious human rights violator. Then and now, I think that, without an ideology that binds people together, group membership is fluid and unstable and by itself, with the exception of race, has little explanatory power.

The historians among us began to unravel the Holocaust in all its dimensions, and dissected other “genocides” such as the Armenian genocide and the Ukrainian *Holodomor*. Faced with the vexing question of which was the worst episode that befell mankind, as mentioned above, some of us opted for the Holocaust as the paradigmatic case. Why was there so much reluctance to compare the Holocaust to other genocides? Maybe it was safe to think of a particular people and culture as being uniquely susceptible to committing such a crime. See, for example, Goldhagen (1996), who argued that because of latent and enduring anti-Semitism, Germans were more likely to perpetrate the Holocaust than any other nation in Europe—an explanation that is nonsense in light of the 46 cases of geno/politicide committed post-World War II (Harff and Gurr 1988). In retrospect, I think the concern reflected a fear that the suffering of Holocaust victims would be minimized if compared to other genocides. I would argue the opposite: when we compare, we detail who were the primary victims and why they were chosen to be annihilated rather than decimated. Thus, we have a choice to say whether one genocide was more horrible than another—but we have no choice but to remember all.

Political scientists like myself thought that structures of society, political leadership, and certain ideologies predisposed certain societies and leaders to commit genocide. Thus, democracy appeared as a cure-all for preventing genocides. I also thought that we should focus on nineteenth- and twentieth-century cases, rather than genocides that happened as a result of European conquests of the Americas or Africa. Why? The international political system, having undergone tremendous changes during the last 100 years, bears little resemblance to the past. Thus, with the end of slavery, decolonization, and advances in knowledge and technology, we might witness more death given sophisticated weaponry, less death on account of advances in civilization, or more exclusion, discrimination, and ethnic cleansing because of the birth of the nation-state system in Africa, the Middle East, and Asia.

All of us thought that education was the key to building better, more tolerant societies. The optimists among us thought that civilized and democratic societies could deal rationally with intergroup differences based on religion, culture, race, and ethnicity. We strongly believed that post-Holocaust Europe would be immune to a repeat. And then Bosnia and Kosovo happened.

Armed with tighter and mutual agreeable definitions, some of us started to count and identify all cases in the twentieth century, because we were simply unaware of how many times genocides had happened during this period. Data was key to answering the “why” question.

Data on victims of geno/politicide

Millions were killed in the Soviet gulags, the Chinese Cultural Revolution and the Great Leap Forward. The numbers are staggering, and we will never know the exact number of victims. Rudolph Rummel and I were the two people counting as best as we could victims who numbered more than 10 million in each of these episodes (Rummel 2005, Harff and Gurr 1988, Harff 2003). Then there was the Cambodian genocide committed by the Khmer Rouge, in which between 1.2 and 1.5 million people were killed out of a total population of 7 million. In Africa, atrocities happened against ethnic rivals, religious minorities, and others in a number of countries—often repeat offenders, as in Rwanda (where 800,000 people were killed in 3 months in 1994), Burundi, Sudan, Congo/Zaire, and others. And what about the Americas? American native populations were systematically decimated in the eighteenth and nineteenth centuries and earlier, as they were in Australia and Canada as well as Central and South America. In the twentieth century, fascist regimes committed geno/politicides in Guatemala, El Salvador, Argentina, and Chile. And in the Middle East, Syria is a repeat offender.

Political scientists, sociologists, and to some degree psychologists understood that we needed hard data (we were after all positivists in the midst of the behavioral revolution) to test any kind of general explanation. Historians were more skeptical. But aside from counting victims, what kind of data was required? Of course, we had to identify which countries had committed genocide (the repeat offender hypothesis). Furthermore, we needed to identify types of victimized groups, considering that the Convention obliges us to count as victims of genocide only those people belonging to an identifiable group.

I developed the first dataset that could be used for systematic analysis—it took 7 years. Thanks to the US government's State Failure Task Force, later known as the Political Instability Task Force, of which I was a member, we were able to generate data on all kinds of variables aside from those already-existing data-sets that experts thought were potentially significant in explaining genocide (Task Force reports; Harff 2003).

The road to explanation: Typologies and hypotheses

By the time the first lists of cases were identified by Kuper and Harff (Kuper 1981, Harff and Gurr 1988), we all had prepared case studies. And off we went to develop typologies—the mode of the day. I thought this was unnecessary, just a way to sort cases. But, as we realized later, that effort was useful in suggesting hypotheses.

After I had identified 46 cases since World War II, I realized that many did not fit the definition found in the Genocide Convention, because many victims had multiple identities or belonged to political groups not covered by the language of the Convention—so legally these were not genocides. Thus, I coined the concept of “politicide” to account for those victims who were killed primarily because they were members of a political or economic group deemed undesirable by the perpetrator.

These problems persist today. Some scholars follow the language of the Convention, while others have adopted my concept of politicide, and yet others call these events mass atrocities.

In a typology published in 1987, I identified one major “cause” as an antecedent of genocide—a concept defined later as “upheaval.” This suggested two variables used in future multi-variable statistical analysis: the magnitude of political instability during the previous 10 years, and the occurrence of past genocide. Furthermore, in 1987 I thought that a state’s colonial experience, postwar experiences (of international as well as civil wars), post-coup and post-revolutionary experiences, and conquests by outsiders would predispose states to use violence as a tool to resolve internal disputes. We tested the impact of colonial experience—the results were mixed or not encouraging. Much more important was the habituation to violence—that is, whether states experienced periods of great instability coupled with human rights violations, or had a history of deliberate discrimination against minorities. Our early findings, whether through case studies or typologies, led to a wealth of theoretical propositions that were tested once we were able to secure existing data or generate our own at the State Failure Task Force. We tested about 40 variables in many combinations—albeit mostly structural variables—that resulted in a best-fit model that endured and reportedly is used today in the US government and other organizations (Task Force reports; Harff 2003). Other variables that focused less on structure but (for example) on group characteristics were tested in my early warning work—more on that in my Chapter 3.

I venture to say that because of this and subsequent empirical research, we know enough about what “causes” genocide and political mass murder. The missing link is how we use that information effectively to halt or prevent these events.

The uses of risk assessments for prevention

The uses of risk assessments and early warning are discussed by some of our contributors in the following chapters. Others analyze the development of national, regional, and international mechanisms by which risk assessments and political action can be brought to bear on high-risk and ongoing conflict situations.

In Chapter 2, Professor Bauer provides a historical perspective on the evolution of the concepts of genocide, politicide, and mass atrocities. His insightful analysis focuses on three stages: how to detect mass murder, how to deal with current crises, and, when prevention has failed, how to reconstruct societies. Echoing my concerns, he thinks that although we have come a long way in discovering cases, “causes,” and hotspots, we have a long way to go in mobilizing states to undertake remedial action. In his analysis of current crises, he suggests that religiously-inspired movements such as ISIL are the most dangerous groups we have to deal with. These groups take atrocities to another level, committing mass murder, mass rape, torture, and other sadistic acts, as dictated by their exclusionary ideology.

The uses of empirical analysis for warning and policy planning to deter genocide (and politicide) are examined in Chapters 3, 4, and 5. In Chapter 3, I sketch the

history of empirical attempts at global risk assessment and early warning. I also report my latest analysis of countries presently at risk. One advantage of this kind of analysis is its identification of the causal factors that generate the risks. In Chapter 4, Heldt uses a simple statistical procedure to determine whether killings observed in a country are random or systematic. It is an approach to early warning that does not require massive investment in events coding, but rather analysis of just one kind of event reports. In Chapter 5, Gurr uses the results of conflict analysis to address two issues. First, what is the empirical difference between genocides and (other) mass atrocities? Second, he surveys the outcomes of “upstream” and “midstream” attempts to avert or resolve civil conflicts before they escalate to genocidal killings, with special reference to identity conflicts in which the protagonists seek independence or regional autonomy.

In the book’s second half, our contributors discuss paths to prevention, from local to international. In Chapter 6, journalist Roy Gutman traces the twentieth-century history of international efforts to contain humanitarian crises, including his own on-the-ground reporting of genocidal conflicts in Bosnia and, now, Syria. He thinks that international responses depend in good part on public pressure, which in turn is spurred by reporting. He proposes to establish networks of citizen journalists who can contribute this kind of first-hand reporting of atrocities.

In Chapter 7, UN official Ekkehard Strauss describes a program that uses village committees to defuse ethnic tensions in over 50 communities in southeast Mauritania. Strauss shows how local-level initiatives (under international auspices) can be successful in preventing outbreak of conflict in high-risk societies.

In Chapter 8 Eric Reeves identifies international measures (at six key junctures) that might have checked genocidal policies in Darfur. The Khartoum regime quickly learned from the lack of international action that it could pursue genocidal policies with impunity.

James Finkel, in Chapter 9, enlightens us about the bureaucratic wrangling of the Atrocities Prevention Board created by the Obama Administration in April 2012 to deal with genocides and mass atrocities. Despite good intentions, both the Clinton and Obama Administrations failed to prevent or deal with genocides, as we saw in Rwanda and now witness in Syria. The APB has one arguably successful intervention to its credit, supporting international peacekeeping in the Central African Republic. On the ground in CAR, the results were rather different, as described in Chapter 10. A highly-respected NGO, the Community of Sant’Egidio, worked for years to gain the confidence of a succession of CAR governments and a host of violent contenders, and in June 2017 secured a tentative peace agreement among them.

In Chapter 11, Tanzanian Ambassador Liberata Mulamula takes a critical look at East African regional efforts to prevent atrocities. Similar to Finkel’s view, she contends that a focus on structures (building a spaghetti-bowl bureaucracy) can be detrimental to halting emerging crises. Yet there has been one regional success, in eastern Congo.

In Chapter 12, Edward Luck, the UN’s one-time R2P adviser, reviews the UN’s long-standing ambivalence about taking strong action against genocidal conflicts. He

is also quite critical about R2P's usage. Is it providing cover for states to do nothing in emerging crises? Or is it a potential tool for states to intervene in the affairs of another state? We hope the latter is the case.

In Chapter 13, Andrea Bartoli and Tetsushi Ogata introduce us to GAAMAC (which stands for Global Action Against Mass Atrocity Crimes), a multi-state initiative to develop preventive architectures and national strategies to check mass atrocities and other related crimes against humanity, including genocide.

In the concluding chapter, Ted Robert Gurr synthesizes the lessons of the 12 chapters for international strategies for averting and containing genocides, politicides, and mass atrocities.

Editor's note

On November 25, 2017, we lost Ted Robert Gurr after a 3-month battle with pneumonia. Ted has written or edited more than 20 books and monographs, many of them translated into foreign languages including Arabic, German, and Russian. His many honors included an honorary doctorate from The University of Sofia (Bulgaria). He was a Distinguished University Professor Emeritus at the University of Maryland, held academic positions at Princeton, and was the Payson S. Wild Professor of Political Science at Northwestern University. In Yehuda Bauer's words, Ted was life himself: "gentle and forceful, never mind his seemingly endless knowledge." I lost my husband of nearly 37 years and my best friend; he will never be forgotten.

A special thanks to Adam Jones ... friend and colleague whose support and careful reading of the manuscript has been invaluable.

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2

GENOCIDE AND MASS ATROCITIES

Can they be prevented?

Yehuda Bauer

The term 'genocide', coined by Raphael Lemkin, probably in 1943 and published in 1944,¹ is problematic. There is of course the definition in the Convention for the Prevention and Punishment of the Crime of Genocide (December 9, 1948), passed by the United Nations. It defines genocide, basically, as the intent and action to annihilate an ethnic, national, racial, or religious group as such, in whole or in part, and then describes five types of action, each of which constitutes genocide: killing members of the targeted group, causing physical and/or mental harm to members of the targeted group, creating conditions that make the survival of the group impossible, preventing births, and kidnapping children. (There is no gradation between these elements, and no other forms of genocide are mentioned.) Only UN member states can cause cases that may be genocidal to be investigated. Very importantly, incitement to genocide is considered to be part of the crime of genocide. And only the UN – i.e. the Security Council – can act to prevent genocide or punish perpetrators. No judicial process is mentioned in the Convention, which was not the result of scholarly investigation and deviated significantly from Lemkin's original proposal. It was the product of political horse-trading between the West, led by the US, and the Soviet-dominated East, with important input by some Latin American states.

The mention of racial groups may have made sense in 1948, when what we today call ethnicities or nationalities were called 'races' – a British race, a German race, a Russian race, a Jewish race, and so on. But there are no races. All humans are descended from *Homo sapiens* as it developed from earlier forms of primates, with an admixture of some 4–5% of some other, mainly Neanderthal, genes. We are all one race (all major religious belief systems agree on that), and the differences between types of dogs are greater than between humans: a marriage between an inhabitant of Papua New Guinea and a Harvard professor of different genders will produce healthy offspring. The mention of races in a UN document could be