



A Strategic Framework for Mass Atrocity Prevention

Ruben Reike, Serena Sharma and Jennifer Welsh



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Introduction

At the 2005 World Summit of the United Nations, more than 170 Heads of State and Government accepted three interlinked responsibilities, which together constitute the principle of ‘responsibility to protect’ (R2P). First, States accepted their primary responsibility to protect their own population from mass atrocity crimes. Second, they pledged to assist each other in fulfilling their domestic protection responsibilities. And finally, as members of the international community, they assumed the collective responsibility to react, in a timely and decisive manner, if any State were ‘manifestly failing’ to protect its population from mass atrocity crimes.¹ Those three responsibilities are now commonly summarised in the language of R2P’s ‘three pillars’.²

Among the key constitutive elements of the principle of R2P, prevention has been deemed by many as the single most important.³ Scholars and policy-makers alike concede that it is both normatively and politically desirable to act early to prevent mass atrocity crimes from being committed—rather than to react after they are already underway. Yet, while the more general topic of conflict prevention has been—and continues to be—a subject of explicit discussion by policy-makers, an important field of inquiry for academics, and a crucial area of advocacy for civil society

groups,⁴ there has been comparatively less attention paid to the prevention of the four specific crimes related to R2P.⁵ Too often, as in the original report of the International Commission on Intervention and State Sovereignty, there is an assumption that more general conflict prevention concepts and frameworks can be borrowed for the purpose of thinking strategically about what the prevention of R2P crimes entails.⁶ However, this way of conceptualising R2P’s prevention dimension is increasingly being challenged. As the International Peace Institute notes in a 2009 report: ‘The references to genocide, war crimes, ethnic cleansing, and crimes against humanity ... give [Responsibility to Protect] a distinctive focus and imperative.’⁷ This working paper seeks to develop a more specific strategic framework for the prevention of mass atrocity crimes, which can serve to inform the use of particular prevention tools.⁸

Methodology and Assumptions

Given that mass atrocity crimes remain high impact yet low probability events, it is challenging to present sufficient empirical data to substantiate arguments and claims about prevention.⁹ Moreover, each of the four crimes associated with the Responsibility to Protect has different features and trajectories, which makes it difficult to create a uniform theory or preventive approach.¹⁰

In light of these challenges, our strategic framework employs both deductive reasoning (drawn from literature on prevention from other fields—most notably public health, peace and conflict studies, and criminology—and more general theories of rational choice), and inductive analysis (drawn from ‘large n’ studies on conflict and mass atrocities, mini-case studies of successful and unsuccessful preventive efforts, and interviews/consultations with policy-makers). In designing the strategic framework and populating it with potential tools, we move back and forth between more conceptual assumptions about prevention, and empirical observations about the preventive mechanisms that have been applied in real situations. This approach has enabled refinement of the framework, as well as identification of the conditions under which particular preventive tools might succeed or fail.

Our framework draws on insights developed in previous policy-related efforts to specify mechanisms for the prevention of mass atrocities, including the 2001 ICISS report, the report of the Genocide Prevention Task Force,¹¹ the ‘early warning toolkit’ designed by the Office of the Special Adviser on the Prevention of Genocide,¹² the 2009 report of the UN Secretary-General on the implementation of the ‘responsibility to protect’, and the report of the Asia-Pacific Centre for the Responsibility to Protect.¹³ But while each of these contributions advances knowledge on mass atrocity prevention, we argue that a compelling strategic framework must do two things: 1) specifically address mass atrocities as *crimes*, and 2) acknowledge that preventive efforts shift in nature and scope as a situation moves from general *risk* to *imminence*.

The framework therefore involves four main steps: clarifying what we are trying to prevent (i.e. the scope and nature of mass atrocity crimes); identifying the stages of regression to mass atrocities; systematising how policy tools might mitigate the risk factors and/or change the escalatory dynamics that lead to the commission of crimes; and assessing what conditions need to be in place for policy measures to be effective.

Before elaborating on these steps, it is necessary to highlight three broad assumptions that have guided our development of the framework:

1) Advancing the prevention element of R2P requires an appreciation of the distinctions between the general conflict prevention agenda, and the particular context of mass atrocity crimes.

Empirical studies of cases of genocide, mass-killing or one-sided violence have generated two important findings: first, that R2P crimes frequently occur in the context of violent conflict;¹⁴ and second, that factors often identified as root causes of genocide are similar to those identified as root causes of conflict.¹⁵ This has led a number of scholars and policy-makers, as noted above, to concentrate on conflict prevention as the key to a preventive agenda for mass atrocities. These analysts recommend strategies aimed at the various ‘causal’ links between conflict and atrocity; most notably the fact that conflict can generate fear of perceptions of threat that can easily be manipulated to resort to mass killing;¹⁶ that conflict destabilises conventional normative and institutional restraints on violence;¹⁷ and that conflict can create emotional desires for vengeance and aggression against so-called out groups.¹⁸

However, there are two reasons why such strategies can be problematic. First, while there is often substantial overlap between the existence of armed conflict and the commission of mass atrocities, the prevention of the former will not necessarily guarantee prevention of the latter.¹⁹ Indeed, while a large majority of the episodes of mass killing observed since 1945 occurred within the context of armed conflict, 33 per cent did *not*.²⁰ Some of the largest and most well-known instances of mass killing—in Stalin’s Soviet Union, or during the Chinese Cultural Revolution or the Herrero Genocide—did not occur during or immediately after a major armed engagement. There is also evidence that these kinds of ‘non-conflict’ or peacetime deaths—particularly those falling below the scale of genocide—are becoming relatively more significant. According to a 2011 report, *The Global Burden of Armed Violence*, while on average just over half a million people now die annually in violent circumstances, just 10% of those die in formal conflict settings.²¹ In addition, it should be noted that some instances of mass atrocities occur under the ‘cover’ of armed conflict, but are not directly linked to either the causes of that conflict or the conduct of the war itself (Hitler’s extermination of Jews during World War II is perhaps the most prominent example).²² Thus, as Lawrence Woocher has argued, any framework for the prevention of mass atrocities needs to incorporate a longer-term approach aimed at reducing the risk of armed conflict, and a shorter-term approach with two prongs: one aimed at preventing peacetime atrocities and the other aimed at preventing the commission of atrocities by those engaged in armed conflict.²³

Second, whereas strategies to prevent conflict are generally aimed at the elimination or avoidance of violence and the use of force, the prevention of mass atrocities—particularly at a late or imminent stage—may require military means. The Secretary General’s implementation plan for R2P, for example, incorporates (as part of the so-called third pillar) a commitment on the part of UN member states to use force, if all other means fail. In other words, the prevention of mass atrocities may, in extreme cases, bring on new types of conflict, as the 2011 NATO-led action in Libya clearly shows.

2) Strategies that might effectively prevent the commission of mass atrocities can be in tension with those designed to prevent or resolve conflict.

In cases where the threat of mass atrocities occurs in the context of conflict, it is important to recognise the potential tension between efforts to prevent atrocity crimes and efforts to resolve the conflict. Indeed, past examples illustrate that policy-makers cannot assume that efforts to prevent or resolve conflict will simultaneously reduce the likelihood of mass atrocities. In the case of Bosnia, as Alex Bellamy argues, international actors privileged conflict resolution over atrocity prevention—even in the face of strong evidence that one party was engaged in international crimes: ‘Internationally sponsored negotiations gave equal weight to the views of perpetrators and victims and an arms embargo applied to both groups, inhibiting the victims’ capacity to protect themselves.’²⁴

Second, armed conflict is regulated but not proscribed by international law, whereas mass atrocities are outlawed as crimes. This fact has implications for how preventive measures are used in different contexts. While atrocity situations may require tools that are quite similar to those that might be used in conflict resolution (e.g. mediation), the application of such tools could look quite different. In the case of Kenya in 2008, the pressure exerted on government officials went beyond what might be considered impartial ‘mediation’, given the spectre of continuing violence. More generally, mass atrocity situations call into question the principle of impartiality that has generally guided the United Nations’ approach to conflict prevention and resolution.²⁵ The UN remains, at its core, a state-based organisation, founded on the recognition of sovereign equality and a desire to eradicate conflict between states. Although Chapter VII of the Charter empowers the Security Council with the right to identify those who threaten the peace, and to mobilise the efforts of member states to respond to affronts to international order, in reality the Council has operationalised this ‘finger-pointing’ power in only a handful of cases.²⁶ Instead, through the creative interpretation of Chapter VI and the practice of peacekeeping, the UN since 1945 has tended to eschew notions of blame and

punishment in favour of impartiality, minimal use of force, and host-state consent for its activities.

The potential tension between impartiality (an important principle of conflict resolution) and the protection of populations from R2P crimes is well illustrated by two recent UN-authorized actions: the imposition of no-fly zones over Libya (which was imposed without the consent of the Libyan authorities) and subsequent actions to assist rebels fighting against the regime of Colonel Qaddafi; and the military strikes against hardware close to the palace of the former President of the Ivory Coast Laurent Gbagbo, following the stand-off over elections. In both cases, the protection of civilians was an explicit goal of the mission, yet Western governments and the broader United Nations faced accusations that they had ‘chosen sides’ in a conflict. The tension also arose in the context of the UN’s decade-long peacekeeping mission in the Democratic Republic of Congo, where United Nations forces have faced criticism both for standing aside in the face of attacks on civilians and for criticising the Congolese government (upon whose consent the mission continued to rely).

3) While preventive action needs to cast a wider net than curative action, and is therefore partially ‘systemic’, a preventive framework for mass atrocities needs to identify specific tools and capabilities that are not necessarily synonymous with broader economic or political agendas.

Public health approaches to prevention suggest three categories relevant to thinking about the incidence of disease: 1) the population at large, 2) a subset of the population that shares a set of risk factors, and 3) a further subset of particular individuals that are demonstrating symptoms or clear signs of disease. Measures to tackle the threat of coronary heart disease illustrate the distinctions between these categories, and the measures that are relevant to each.²⁷ For (1) ‘population at large’ there is

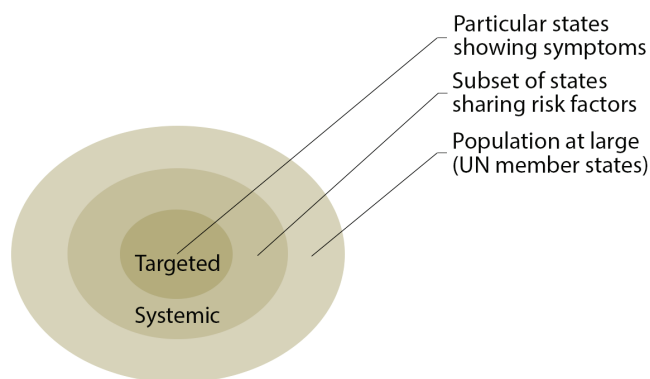


Diagram 1: The Scope of Mass Atrocity Prevention

general education about lifestyle—exercise, diet, alcohol, smoking—for (2) particular risk groups there are preventive measures such as statins, and for (3) individuals showing symptoms there are more invasive clinical interventions such as primary angioplasty. Our framework focuses primarily on the second and third groups.

When applied to the context of mass atrocities, as shown in Diagram 1, these three categories translate as follows: 1) all member states of the UN system; 2) a sub-set of states which exhibit some of the identified preconditions for mass atrocity crimes; and 3) particular countries or regions where there is either evidence of preparation to commit crimes or low-level incidence of such crimes. We assume that the second and third of these categories are most relevant for the preventive dimension of R2P, and label strategies to address them as ‘systemic’ and ‘targeted’ approaches respectively.²⁸ While in some ways these terms resemble the distinction made in conflict prevention literature between ‘direct’ and ‘structural’ prevention, our framework is better suited to the context of *crimes*, which involve particular perpetrators and victims (or at-risk populations). Targeted strategies, as we suggest below, are designed to change either the incentives or situation of those contemplating or planning mass atrocity crimes, as well as the vulnerability of potential victims; they seek to shift the consequences of a potential course of action *in a particular context*. Systemic strategies, by contrast, seek to mitigate risk factors and build resilience *in a broader group of states* that exhibit some of the preconditions of mass atrocity crimes.

While a preventive agenda needs to encompass more than ‘11th hour’ actions, there are conceptual and practical constraints on adopting a systemic agenda for the prevention of mass atrocities. First, as suggested above, empirical evidence suggests that a frequent precondition for mass atrocity crimes is the existence of armed conflict. Consequently, many of the measures and tools for systemic prevention would resemble those used as part of structural conflict prevention.²⁹ The result would likely be a modified conflict prevention agenda—deepened with knowledge of the preconditions for mass atrocities (e.g. social divisions and extreme inequalities among groups) and given added impetus and urgency. In our view, however, the next phase of research on such preconditions could and should use the database of cases developed on mass atrocity crimes since 1945³⁰ to identify a narrower set of priorities for preventive action, based on two criteria: the relative impact of the risk factor on the likelihood of mass atrocity crimes, and the degree to which that risk factor is susceptible to change through institutional or legal measures.

Second, while crime can be conceived as a product of underlying social conditions, the vast majority of crime prevention approaches do not prioritise deep structural reforms.³¹ This is due to the fact that, as criminologist Ken Pease explains, ‘the routes whereby societal structure may impact upon crime are so various as to defy simple classification’.³² Furthermore, there are too many intermediary links between these deeper causes and a particular crime to craft an effective preventive strategy.³³ Finally, some prominent criminologists suggest that advocates of structural prevention may be over-emphasising the importance of root causes, and underplaying the power of more immediate factors in generating crime.³⁴ Criminologist Lawrence Sherman argues that while it is often claimed that prevention programs cannot work until the ‘root causes’ of crimes are addressed, there is no strong empirical basis for that view—and more evidence to the contrary.³⁵

Third, from a more pragmatic standpoint, it is not clear that a focus on the ‘root causes’ of mass atrocity crimes—which tend to point to already well-established agendas of conflict prevention or state capacity building—will advance one of the core purposes of R2P: namely, generating and exercising the *international* responsibility to prevent or respond to mass atrocities (when state authorities fail to do so). Structural preventive agendas tend to set forth a wide variety of policy tools, and then argue for the need to apply these judiciously in light of the particular context of each ‘at risk’ society.³⁶ While we do not necessarily contest this approach, we argue that a distinctive strategy for mass atrocity prevention should aim to identify some generic tools that are addressed not at the broad categories of democratisation or human rights promotion, for example, but rather at the specific risks of *identity-based conflict* and *physical integrity violations*.³⁷ To put it another way, our framework is designed to address a different kind of capacity-building: assisting national governments, or regional and international organisations, in developing the particular capacities they require to act on their responsibility to prevent.

The strategic framework developed here focuses primarily on targeted preventive approaches that respond to the particular nature of mass atrocity crimes. However, as we will show, this does not mean a concentration only on immediate triggers and proximate prevention. There is a critical intermediary stage between general risk factors and imminent emergency, when preventive action could play an important mitigating role in addressing early signs of identity-based exclusionary politics and/or the threat or commission of physical integrity violations. Moreover, our

framework contains an emphasis on the situation or enabling environment that facilitates or enables a mass atrocity crime. Some of the factors or conditions that characterise such a situation will also exist in other contexts, thereby raising possible opportunities for more specific strategies of systemic prevention.

Building the Framework

Step 1: Clarifying the aim of prevention

A crucial first step in designing a framework for mass atrocity prevention is conceptualising more precisely the kinds of phenomena against which preventive strategies should be aimed. As genocide scholar Scott Straus has argued, while the policy community now routinely refers to ‘mass atrocity’ prevention, this umbrella term has given rise to considerable analytical confusion. Moreover, such confusion and ambiguity can undermine the credibility of those advocating early action to prevent atrocity crimes.³⁸

The 2005 Summit Outcome document refined the more general thresholds for the Responsibility to Protect set out by ICISS—namely ‘large-scale loss of life’—by specifying four international *crimes*. Yet, as noted by Don Hubert and Ariela Blätter, there has thus far been surprisingly little effort to articulate in more detail what these crimes entail, and by extension, what the prevention of such crimes might involve. ‘An examination of the elements of the crimes’, they write, ‘encourages specificity and precision by moving away from more general notions of humanitarian crises and armed conflict to potential perpetrators committing specific crimes against identifiable victim groups.’³⁹

If mass atrocity prevention is conceived as *crimes* prevention, then both international law and criminology can assist in the development of a strategic framework. The concept of crimes is not designed to narrow the prevention agenda, but rather to emphasise three important features of mass atrocities: 1) that such crimes are ultimately perpetrated by *individuals* (in particular roles and positions) against other individuals; 2) that atrocities are also ‘organised crimes’,⁴⁰ which rely on a set of enablers; and 3) that atrocities represent stigmatised behaviour that has been condemned by the international community, but which may be encouraged and viewed as legitimate by those operating within a particular social context.

One of the benefits of the Summit Outcome Document’s articulation of R2P in the language of crimes was that it enabled analysts to draw on international legal standards—thereby providing a greater degree of precision. However, a strategic framework for prevention needs to acknowledge that the four R2P crimes identified in the Outcome

Document—genocide, crimes against humanity, war crimes and ethnic cleansing—are not all of equal importance or relevance. The legal category of crimes against humanity represents the best characterisation of what the principle of R2P was designed to halt or address, for four main reasons.⁴¹

First, unlike war crimes—which require the presence of an armed conflict—crimes against humanity can be committed in a variety of contexts.⁴² Second, whereas war crimes can include random acts committed by a single soldier or member of a rebel group,⁴³ crimes against humanity must be more than isolated acts: they must demonstrate significant elements of what Straus calls ‘extent’,⁴⁴ and demand some evidence of a coordinated organisational policy. Third, while crimes against humanity encompass instances of genocide, they do not need to satisfy the latter’s demanding requirements of proof of discriminatory intent. Thus, for example, the acts committed in Darfur, while initially not found to constitute genocide,⁴⁵ did satisfy the requirements of crimes against humanity and were viewed by many states as sufficient ground to invoke the principle of R2P. Moreover, whereas genocide refers particularly to racial, religious or ethnic groups in its targets of violence (and, importantly, excludes members of political groups), the possible targets of crimes against humanity are broader and less exclusive. Simply put, crimes against humanity can be committed against any population.⁴⁶ Finally, the term ‘ethnic cleansing’, while prominent in popular discourse, has an ambiguous status in international law⁴⁷ and is commonly subsumed under the other crimes (depending on the context in which it occurs). By contrast, crimes against humanity are firmly established as a category in international jurisprudence, and there have been systematic attempts to define what would serve as evidence for such crimes.⁴⁸

In sum, mass atrocity preventive strategies should be aimed at *attacks directed at any population, committed in a widespread or systematic manner, in furtherance of a state or organisational policy, irrespective of the existence of discriminatory intent or an armed conflict*.⁴⁹ These crimes against humanity thereby encompass genocide, ethnic cleansing, and that subset of war crimes that is widespread and aimed at particular populations. In addition, the crimes need not involve killing, but can also encompass acts such as widespread torture, forced removal or expulsion, or sexual violence. Finally, the acts can be committed either by a state or state-like entity, or by a non-state organisation or rebel group.⁵⁰

Defining the aim of prevention in these terms has the disadvantage of introducing a larger range of acts of violence than that outlined in the Genocide Convention. This leads some to argue that the category of mass atrocity crimes is too broad to garner consensus on the need for a third-party response.⁵¹ However, such a definition reflects more closely

the range of acts and crises that have given rise to debates about preventive action. Moreover, the requirement of extent and evidence of organisational policy sets useful boundaries for policy-makers that can assist in designing preventive strategies.

Step 2: Identifying the path of escalation

Crimes against humanity do not just randomly occur, but often reflect a complex interaction of different factors over a long period of time.⁵² The various schools of thought on genocide and mass atrocities stress different explanatory factors—often a function of which academic discipline they are rooted in. Here, we identify seven main risk factors that have been identified in the literature and quantitative studies as significant, while recognising that many theorists refer to more than one factor in developing their explanations.⁵³

- > The presence of war and armed conflict, which creates both a motive and enabling environment for mass killing.⁵⁴
- > Economic and/or social instability and crisis, which can generate both motives and demands for violence and weaken the capacity of state actors to respond.⁵⁵
- > An exclusionary ideology, which facilitates the creation of group identities along hierarchical lines and assists perpetrators in avoiding consideration of the moral significance of their actions.⁵⁶
- > An authoritarian government, in which deference towards leaders and elites erode normative checks on orders to perpetrate violence,⁵⁷ or strong power imbalances between the state (or paramilitaries) and victims, which creates an enabling environment for violence.⁵⁸
- > Leadership and elite manipulation of the population in furtherance of self-interested ends.⁵⁹
- > Group-dynamics and psychological ‘conformity effects’, which overcome individuals’ normative inhibitions to engage in violence.⁶⁰
- > A history of previous atrocities, which leave remnants of brutalisation and militarisation, and heighten perceptions of grievance and threat.⁶¹

None of these factors have been proven to be sufficient, on their own, for the commission of atrocity crimes; nor do they all operate at the same level (some being more structural factors, and others relating to the actions of particular individuals). Moreover, it is acknowledged in most literature that policies involving mass killing are rarely the first choice or ideal plan of action for elites or other policy-makers.⁶² Instead, atrocities often represent the apogee of a long ‘continuum of destruction’,⁶³ in which alternative options

have been seen to fail, or have been ideologically discounted as viable.⁶⁴ This suggests that many perpetrators or would-be perpetrators can, potentially, be influenced by efforts to shape relevant incentive and opportunity structures. It also emphasises the need for a temporal point of view, which identifies opportunities for earlier actions, since the momentum towards mass atrocities is harder to stop as time goes on. To accommodate this temporal perspective, and further develop preventive options, we identify three stages in which mass atrocity crimes usually escalate.⁶⁵

The first stage is characterised by the presence or development of key risk factors for crimes against humanity, such as those identified as a history of prior mass atrocities, absence of the rule of law, or weak democratic structures. Those factors create the potential for mass atrocity crimes, but do not make their commission inevitable. All that can be said thus far is that such factors are an indicator of general risk.⁶⁶

During the second stage—upheaval and mobilisation—general risk is transformed into likelihood. This stage can be initiated by the development and propagation of an extreme or exclusionary ideology, but most often it is facilitated by a shock or crisis (whether political, economic or natural) that increases the probability of atrocity crimes.⁶⁷ Such a shock or crisis can come in different forms: an election (Kenya 2007/08), the murder/assassination of a president (Rwanda 1994), a large-scale protest against the ruling government (Libya 2011), the beginning of an armed conflict or a turn of fortunes in such a conflict (Srebrenica 1995), or a severe economic crisis. As Bellamy argues, crises provide the reason and opportunity for actors to commit crimes. Without them, oppressive regimes can ‘endure persistently high levels of risk without succumbing to mass atrocities’.⁶⁸

While the crisis or shock initiates this phase of escalation, crimes will not be committed unless there is explicit organisation and mobilisation. In short, individual perpetrators cannot carry out mass atrocities randomly, or on their own. The signs of such mobilisation include the spread of hate propaganda, the marginalisation of moderate forces, and—more provocatively—organising, arming and training militia groups. This phase may also involve efforts to exclude and segregate members of the target population, and in some cases, low-level physical integrity violations or ‘trial massacres’.⁶⁹ The engagement of external actors can have significant impact at this stage, as steps to deny actors the means of committing crime and to punish early acts of violence can forestall a process leading to the commission of crimes.

Finally, a third stage—imminent emergency—is characterised by greater incidences of violent clashes, an increase of physical integrity violations, systematic targeting

of victims, and an intense show of opposition—or efforts at self-protection—by the victim population.⁷⁰ These are clear indicators that the commission of large-scale mass atrocities is about to start, if no preventive measures are taken. In some cases, the actions taken at this point will be designed primarily to *prevent the escalation* of violence that has already been manifested in a less systematic form.

This temporal approach to conceiving of mass atrocity crimes (shown below in Diagram 2) is crucial for designing appropriate preventive tools, for it suggests that different prevention measures are needed to address the distinct dynamics and logic of each of the three stages.⁷¹ Addressing the first stage requires long-term, systemic strategies that help to build resilience and capacity in those societies that share certain risk factors. However, dealing with shocks, crises and mobilisation requires more targeted measures. The notion of ‘targeted’ applies in two senses: first, measures are aimed at a particular society or context (rather than a group of societies sharing risk factors); and second, measures are aimed at changing something very specific (for example, the vulnerability of a population to attack, or the availability of weapons for potential perpetrators). Targeted preventive measures also need to reflect the shorter time span available to make a difference.

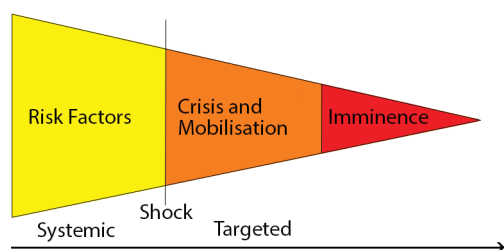


Diagram 2: A Temporal view of systemic and targeted prevention

Step 3: Systematising policy tools for targeted prevention

The sequence outlined above is an ideal-type: events may not unfold in exactly the same way for every potential situation of mass atrocities. For example, there have been some cases—such as Libya in 2011—when societies have not been identified as ‘at risk’, yet spiral very quickly into an imminent emergency. This suggests that policy-makers need strategies for both systemic and targeted prevention. Moreover, while the diagram suggests a move from systemic to targeted approaches, in reality systemic efforts may continue—even if violence occurs and escalates.

When moving from the realm of systemic prevention (aimed at risk factors) into the realm of targeted prevention (aimed at crisis and imminent emergency), context specific

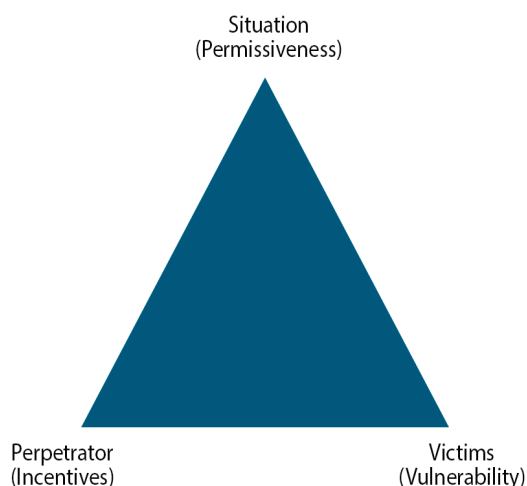
knowledge will form an essential part of any effort by international actors to change escalatory dynamics. To put it another way, a ‘one-size-fits-all’ approach to prevention is unlikely to provide the kind of flexibility required by policy-makers in real situations.

At the same time, maintaining a broad-based toolkit⁷² may not be the best approach to maximising the chances of effective prevention—particularly given the need for timely action. First, the current ‘common prevention agenda’ has been created through an amalgamation of tools from conflict prevention and the prevention of genocide; it has not emerged through an analysis of the nature and dynamics of mass atrocity crimes. Second, there is to date very little knowledge of the conditions under which particular tools might be effective, and the specific capacities (national, regional and international) that are required to deliver them. We argue that more focused atrocity prevention capacity needs to be built at these three levels, which can then be tailored to particular circumstances.

The first task in systematising policy tools is to employ what criminologists call the ‘problem analysis triangle’. This triangle (see Diagram 3) conceives of crimes as having three dimensions: a perpetrator, a victim, and a permissive environment or situation. Positive changes in any of the three dimensions of the triangle can assist in the prevention of crime. So, for example, prevention might be aimed at denying perpetrators the means to commit crime or to deter their action through sanctions or threats of punishment. Alternatively, efforts could be focused on bolstering protection for victims or relocating them to a safer location. Finally, outside actors might seek to make the environment less conducive to criminal acts by increasing their surveillance efforts.

The third dimension—sometimes referred to as the ‘crime opportunity’—has long been acknowledged as a key point of leverage in the field of criminology and is favoured over structural prevention because of its immediate impact on the capacity and calculations of potential perpetrators.⁷³ However, it is a relatively neglected dimension in current approaches to mass atrocity prevention. The tools in this category could be directed towards altering the capacity of perpetrators to operate (such as the availability of material and resources), and the factors in their environment that facilitate their activity (such as a prevailing culture of impunity). What unites all of these tools, however, is the understanding that mass atrocities are *organised* crimes, which rely on a set of *enablers* (e.g. governments, commercial entities, individuals) that provide goods, services, and support (e.g. weapons, money, fuel, training, political cover) that facilitates violence against populations.⁷⁴ Apart from impinging on perpetrators’ material capabilities (for example, through an arms embargo or the blacklisting

of particular companies/suppliers), measures directed at changing this third dimension will demonstrate the early resolve of third-party actors, which could send a powerful message to those contemplating the commission of crimes. More generally, at an earlier stage in the temporal chain, national, regional and international actors must enhance their intelligence gathering so as to identify and analyse these atrocity enablers—particularly significant third party states or entities who are fuelling criminal activity.



Source: Ken Pease, 'Crime Reduction', *The Oxford Handbook of Criminology* (2002)

Diagram 3: The Problem Analysis Triangle

In sum, the problem analysis triangle helps scholars and policy-makers to understand the implications of framing R2P as protection from *crimes*. Above all, it helps to underscore the fact that mass atrocity crimes, as opposed to parties in a conflict, have particular perpetrators and particular victims. Moreover, this framework can accommodate the fact that atrocities can occur both in peacetime and in the context of armed conflict. By treating armed conflict as part of the enabling environment, or situation, our framework can assist in the development of more specific tools to prevent armed combatants from considering or engaging in mass violence targeted at populations.

At the same time, however, conceiving of mass atrocity through a crimes lens has significant implications. First, many of the actions required to change the incentives of perpetrators and the vulnerability of victims require the United Nations, regional organisations and national governments to relinquish the principle of impartiality that has often dominated approaches to conflict prevention and resolution. In other words, to prevent the commission of crimes may require a willingness *not* to treat sides even-handedly. The UN, in particular, has faced this dilemma in the context of various crises in the past (most notably

in the Balkans in the early 1990s, and more recently in its peacekeeping mission in the Democratic Republic of the Congo), but the imperative to prevent atrocity crimes makes it more acute. This relinquishing of impartiality could have significant effects on the perceived legitimacy of regional and international organisations, and limit opportunities for compromise or political settlement. Second, the prevention of mass atrocity crimes (particularly through targeted measures) requires a willingness and capacity to deal with individuals—as perpetrators or victims—rather than sovereign states. This, too, challenges some of the core principles that have governed inter-state relations in the past, such as non-intervention and sovereign equality. Finally, while the crimes framework set out above helps policy-makers to focus on particular agents, it also risks creating overly rigid categories of 'perpetrators' and 'victims' that may simplify the more complex dynamics of contemporary conflicts and inhibit outsiders' appreciation of the fluid identities of actors within a conflict situation. To put it another way, third parties need to acknowledge the potential for today's victims to become tomorrow's perpetrators.

Diagram 4 summarises our framework by setting out a series of targeted measures that can be employed by third parties to change the behaviour of perpetrators, reduce the vulnerability of victims, and create a less permissive environment for the commission of atrocity crimes. In future refinements of this framework, the category of 'perpetrator' will need to be further subdivided to account for the different mindsets and motivations of different perpetrators. Mark Drumbl, for example, distinguishes three broad categories of perpetrator that are relevant in the context of international crimes: conflict entrepreneurs (who are the commanders of violence); intermediaries (who receive orders but also exercise authority over others); and actual killers ('ordinary' people who are conforming to social norms and in many cases perceive themselves to be acting in self-defence).⁷⁵ For the purposes of this diagram, we assume that the targeted measures in the first dimension of the triangle are primarily aimed at high level perpetrators who incite, organise and materially support crimes, while those in the third dimension (the crime 'situation') can also apply to lower level perpetrators of mass atrocities. We also assume that this picture represents a 'snap shot' at a fixed point in time, thereby leaving open the possibility that the identities of perpetrators could circulate and change.

Following on from our staged approach, these tools are divided into those that respond to crises and signs of mobilisation, and those that seek to combat escalatory dynamics and/or address an imminent emergency. In the Policy Briefs accompanying this working paper, we elaborate in further detail on how some of these tools have been used

Diagram 4: Targeted and Systemic Tools of International Crimes Prevention

	Perpetrators (Incentives)	Victims (Vulnerability)	Situation (Permissiveness)
Imminent Emergency and 'Escalation Prevention'	Targeted sanctions on key individuals (asset freezes, travel bans)	Strengthen the capacity of victims to defend themselves (through material and training)	Radio jamming
	Referral of individuals to the ICC	No-fly zones	Spreading of diverse alternative views through UN broadcasts
	Security Council resolutions naming individuals	Physical protection of IDP camps	Provision of mobile communications technology to populations
		Safe areas	Satellite surveillance
		Opening of borders to enable escape (refugee measures)	Interdiction of weapons shipments
Crisis and Mobilisation	Threat of international criminal prosecution	Preventive deployments of military force	Reducing the availability of weapons (bilateral actions and multilateral measures, e.g. ATT)
	Aid conditionality	Challenging of hate speech or atrocity-justifying ideology	Sanctions on or blacklisting of commercial entities providing material support
	Economic incentives to adopt right behaviour	Deployment of human rights monitoring or fact-finding missions	Visible international engagement (e.g. Security Council agenda)
	Statements of conference by the Security Council, Human Rights Council, regional organisations or individual governments		Public scrutiny and/or NGO involvement
	Negotiation/ mediation		Dissemination of relevant norms and regulations
<i>Triggering Factors: Elections, Assassinations, Large-scale protests, Armed conflict, etc.</i>			
Risk Factors	International and regional support for:		Strengthen international criminal justice
	<ul style="list-style-type: none"> > civic education > inter-faith dialogue 		International support for domestic institutions (e.g. civil service, security sector, rule of law)
	Material assistance/redistribution to address underlying grievances		

Note: This diagram is illustrative and not meant to be exhaustive of all mass atrocity prevention tools.

in the prevention of mass atrocities, identify some of the challenges involved in their use, and set out conditions that are likely to enhance their success.

Each tool has been analysed separately to draw out these challenges and success factors. However, our research has also revealed the need to analyse tools as part of a larger, integrated strategy of mass atrocity prevention, aimed at the different dimensions of crimes. In creating such a strategy, policy-makers must also recognise the relationship *among* tools: one tool may be a logical precursor to another, or one tool may be in potential tension with another or prevent its use later in the temporal chain. As an example of the first possibility, fact-finding missions are often created with ‘built-in’ follow-up procedures, particularly if such missions are authorised by the Security Council. As for the second possibility, policy-makers should consider the relationship between tools that are inherently conditional (e.g. the imposition of sanctions, which can be lifted if behaviour changes) and those that are not (e.g. initiation of criminal investigation), and proactively address the potential danger of sending ‘mixed messages’ to would-be perpetrators.

In addition, there are almost always multiple third-party actors involved in prevention efforts, necessitating high level and ongoing coordination. In those cases where preventive tools have demonstrably averted violence—as in Kenya in 2008—there has been very close collaboration among governments, and between governments and international and non-governmental organisations. While such coordination will always be challenging to implement in practice, the essence of mass atrocities—as *organised crimes*—necessitates a concerted effort to disrupt the various enablers that fuel violence against populations.

Finally, particular organisations—and in some cases, particular states—have been deemed to have ‘special responsibility’ for the employment of particular tools. While this reality must be acknowledged, it does not negate the need for other actors—where appropriate—to support or advocate for the use of such measures, as the responsibility to prevent mass atrocity crimes remains a general responsibility for all members of international society.

Conclusion

This paper has set out a strategic framework for the Australian Government to employ when designing preventive approaches specifically for mass atrocity situations. The framework reflects the nature of these acts—as *organised crimes* perpetrated by individuals, against individuals—and acknowledges that preventive efforts shift in nature and scope as a situation moves from general risk to imminence.

We began by specifying the particular acts that such preventive efforts are designed to address: *attacks directed at any population, committed in a widespread or systematic manner, in furtherance of a state or organisational policy, irrespective of the existence of discriminatory intent or an armed conflict*. We went on to argue that strategies of mass atrocity prevention fall into two main kinds, based on the path of escalation typically associated with such crimes: systemic strategies help to build resilience and capacity in those societies that share certain risk factors, while targeted measures are aimed at a particular society or context in which crisis and mobilisation towards mass atrocities has occurred, and when such crimes are imminent. Targeted approaches vary depending on whether they seek to change the behaviour of would-be perpetrator, the vulnerability of potential victims, or the permissiveness of the crime ‘situation’. They also vary in terms of the degree of coercion involved.

Member states of the United Nations, such as Australia, can enhance their own capacity for preventing mass atrocity, as well as the capacity of regional and international organisations. A key first step in such capacity building is to improve intelligence gathering so as to fully understand the various enablers that fuel and facilitate mass atrocity crimes. In addition, the Australian Government can enhance the economic, political and military tools it currently possesses as well as create new mechanisms specifically designed for mass atrocity prevention—based on a better understanding of the conditions that make these tools and measures effective. More broadly, it can work regionally and globally to embed mass atrocity prevention more firmly into both the culture and formal processes of institutions that will be at the forefront of preventive efforts in this decade, and beyond.

Endnotes

1 United Nations General Assembly, 2005, '2005 World Summit Outcome', A/60/L.1, paragraphs 138 and 139.

2 See Ki-moon, B, 2009, *Implementing the Responsibility to Protect: Report of the Secretary-General*, A/63/667; Ki-moon, B, 2008, 'On Responsible Sovereignty: International Cooperation for a Changed World', Berlin, SG/SM11701; and Luck, EC, 2008, 'The United Nations and the Responsibility to Protect', Policy Analysis Brief, The Stanley Foundation.

3 See for example, International Commission for Intervention and State Sovereignty, 2001, *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty: International Development Research Centre, Ottawa, chapter 3, para. 43; and Ki-moon, *Implementing the Responsibility to Protect*.

4 The contemporary interest in prevention roughly dates back to the publication of the former UN Secretary General Boutros Boutros Ghali's Agenda for Peace (1992). From the notion of 'preventive diplomacy' (developed in that document) countless other prevention inspired initiatives were developed within the UN, including: frequent reporting to the Security Council on the prevention of armed conflict, the development of a UN Trust Fund for Preventive Action, establishment of a Mediation Support Unit and Standby Panel of Mediation experts, the Inter-Agency Framework for Coordinating Preventive Actions. A series of intergovernmental initiatives on conflict prevention have also been undertaken, including the Carnegie Commission on Preventing Deadly Conflict, the G8 Rome Initiative on Conflict Prevention, the Global Conflict Prevention Pool, the Conflict Early Warning and Response Mechanism (CEWARN), the OSCE Conflict Prevention Center, and mechanisms within the EU and AU for conflict prevention. In addition, a series of civil society organisations focused on conflict prevention has appeared, including the Global Partnership for the Prevention of Armed Conflict, the Initiative on Conflict Prevention through Quiet Diplomacy, and the Forum on Early Warning and Early Response. Other more established bodies, such as Human Rights Watch and the International Crisis Group, also have prevention built into their activities.

5 A notable exception is the work of Alex J Bellamy. See, for example, Bellamy, AJ, 2008, 'Conflict Prevention and the Responsibility to Protect', *Global Governance*, vol. 14, no. 2, pp. 135–56; Bellamy, AJ, 2009, *Responsibility to Protect: The Global Effort to End Mass Atrocities*, Polity Press, Cambridge, chapter 4; and especially, Bellamy, AJ, 2011, 'Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent', Policy Analysis Brief, The Stanley Foundation. See also Woocher, L, 2012, 'Responsibility to Prevent: Towards a Strategy' in Knight, A and Egerton, F (eds), *Routledge Handbook of the Responsibility to Protect*, Routledge, London. There is also a small but significant body of literature, referred to as 'supranational criminology', which explicitly analyses the prevention of the international crimes of genocide, war crimes, and crimes against humanity. See, for example, Smeulers, A and Haveman, R (eds), 2008, *Supranational Criminology: Towards a Criminology of International Crimes*, Intersentia Antwerp; Drumbl, M, 2007, *Atrocity, Punishment and International Law*, Cambridge University Press, Cambridge; Drumbl, M, 2003, 'Toward a Criminology of International Crime', *Ohio State Journal of Dispute Resolution*, vol. 19, no. 1, pp. 263–82; and Grünfeld, F, 2008, 'The Role of Bystanders in Rwanda and Srebrenica: Lessons Learned' in Smeulers and Haveman (eds), 2008, *Supranational Criminology*.

6 See in particular, International Commission on Intervention and State Sovereignty, 2001, *The Responsibility to Protect*, International Development Research Centre, Ottawa, pp. 19–27; and Evans, G, 2008, *The Responsibility to Protect: Ending Mass Atrocities Once and For All*, Brookings, Washington, pp. 79–104.

7 International Peace Institute, 2009, 'Conflict Prevention and the Responsibility to Protect', *IPI Blue Paper*, no. 7, New York, p. 8.

8 For examples of prevention tools, see the Policy Brief Series that accompanies this working paper at <http://acmc.gov.au/2013/09/the-prevention-toolbox-acmc-supports-oxford-project-on-how-to-prevent-mass-atrocities/>

9 Straus, S, 2007, 'Second-generation comparative research on genocide', *World Politics*, vol. 59, no. 3 pp. 476–501.

10 Woocher, 2012, 'Responsibility to Prevent'.

11 Albright, M and Cohen, W (eds), 2008, *Preventing Genocide: A Blueprint for US Policymakers*, US Holocaust Museum, American Academy of Diplomacy, and US Institute of Peace, Washington DC.

12 <http://www.un.org/preventgenocide/adviser>

13 Mayersen, D, 2010, *The Responsibility to Prevent: Opportunities, Challenges and Strategies for Operationalisation*, Asia-Pacific Centre for the Responsibility to Protect, University of Queensland, St Lucia.

14 Krain, M, 1997, 'State-sponsored mass murder: the onset and severity of genocides and politicides', *Journal of Conflict Resolution*, vol. 41, no. 3, pp. 331–60; and Straus, S, 2012, "'Destroy Them to Save Us": Theories of Genocide and the Logics of Political Violence', *Terrorism and Political Violence*, vol. 24. Indeed, Straus calls 'the empirical connection between genocide and war ... arguably the most robust empirical finding in the most recent literature'. See also *Human Security Brief 2007*, Human Security Report Project, Vancouver; and McLoughlin, S and Bellamy, A, 2009, *Preventing Genocide and Mass Atrocities: Causes and Paths of Escalation*, Asia-Pacific Centre for the Responsibility to Protect, University of Queensland, St Lucia.

15 This point was emphasised in the UN Secretary General's Five Point Action Plan on the Prevention of Genocide. See also Harff, B, 2003, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review*, vol. 97, no. 1, pp. 57–73; Albright and Cohen, 2008, *Preventing Genocide: A Blueprint for US Policymakers*; Woocher, 2012, 'Responsibility to Prevent'; and Bellamy, 2011, 'Mass Atrocities and Armed Conflicts'.

16 See Shaw, M, 2007, *What is Genocide?* Polity Press, Cambridge; Valentino, BA, 2004, *Final Solutions: Mass Killing and Genocide in the 20th Century*, Cornell University Press, Ithaca; and Semelin, J, 2005, *Purify and Destroy: The Political Uses of Massacre and Genocide*, Hurst & Company London.

17 See Semelin, 2005, *Purify and Destroy*; Valentino, 2004, *Final Solutions*; and Straus, S, 2012, 'Retreating from the Brink: Theorizing Mass Violence and the Dynamics of Restraint', *Perspectives on Politics*, vol. 10.

18 See Midlarsky, M, 2005, *The Killing Trap: Genocide in the Twentieth Century*, Cambridge University Press, Cambridge; and Dutton, D, 2007, *The Psychology of Genocide, Massacres and Extreme Violence*, Praeger, Westport.

19 See for example, Stamnes, E, 2009, "'Speaking R2P" and the prevention of mass atrocities', *Global Responsibility to Protect*, vol. 1, no. 1, pp. 85–86.

²⁰ These statistics are drawn from Appendix 1 of Bellamy, 2011, 'Mass Atrocities and Armed Conflicts'.

²¹ Krause, K, et al, 2001, *The Global Burden of Armed Violence: 2011*, <http://www.genevadeclaration.org>.

²² We are grateful to Don Hubert for raising this point.

²³ Woocher, 2012, 'Responsibility to Prevent'. 'Peacetime' atrocities would encompass situations in which the state itself becomes a perpetrator, in which the state is collapsing, or in which there is significant political violence within a state that falls short of the criteria for a non-international armed conflict.

²⁴ Bellamy, 2011, 'Mass Atrocities and Armed Conflicts', p. 8.

²⁵ Bellamy refers to this as the UN's 'culture of neutrality'. *Ibid.*, p. 1. While we agree with the general direction of his observation, our view is that it is impartiality (the imperative to treat parties even-handedly), rather than neutrality (which connotes standing aside from a conflict), that can be compromised in mass atrocity situations. Moreover, it is important to draw a distinction between entering the process of mediation and the outcome of this process. In the case of Kenya in 2008, the former departed from the spirit of impartiality, given the pressure exerted on key players, but the outcome did demonstrate impartiality in terms of the reluctance of outside actors to declare an outright winner (and the ultimate acceptance of a power-sharing agreement).

²⁶ The most prominent examples include the UN responses to the North Korean invasion of South Korea in 1950, and the Iraqi invasion of Kuwait in 1990.

²⁷ We are grateful to Sir Mike Aaronson for this example.

²⁸ These labels are adapted from Nicolaidis, K, 1998, 'International Preventive Action: Developing a Strategic Framework' in Rotberg, RI (ed), *Vigilance and Vengeance: Preventing Ethnic Conflict in Divided Societies*, The World Peace Foundation, Cambridge, MA, pp. 23–69. Nicolaidis uses the term 'ad hoc' rather than 'targeted'. We prefer the latter term, as it captures the idea of context specific approaches.

²⁹ Bellamy elaborates on this conclusion in 'Mass Atrocities and Armed Conflicts', pp. 4–5.

³⁰ See Stamnes, 2009, "'Speaking R2P" and the prevention of mass atrocities'.

³¹ Pease, K, 2002, 'Crime Reduction' in Maguire, M, Morgan, R and Reiner, R (eds), *The Oxford Handbook of Criminology*, 3rd edition, Oxford University Press, Oxford, p. 953.

³² *Ibid.*

³³ Clarke, R, 2005, 'Seven Misconceptions of Situational Crime Prevention' in Nick Tilley (ed), *Handbook of Crime Prevention and Community Safety*, Willan, Cullompton, 2005, p. 56.

³⁴ Felson, M and Clarke, R, 1998, *Opportunity Makes the Thief: Practical Theory of Crime Prevention*, Policy Research Series, Paper 98, Policing and Reducing Crime, London, p. 3.

³⁵ Sherman, L, et al, 2002, 'Preventing Crime' in Sherman, L, et al (eds), *Evidence-based Crime Prevention*, Routledge, London, p. 4.

³⁶ This argument is put forward by the Secretary General in *Implementing the Responsibility to Protect*. See also Bellamy, 2011, 'Mass Atrocities and Armed Conflicts', p. 6.

³⁷ Physical integrity violations are a particular subset of human rights violations that involve extra-judicial killings, torture, disappearances

and political imprisonment. For a quantitative analysis of these violations, see Cingranelli, DL and Richards, DL, 1999, 'Measuring the level, pattern, and sequence of government respect for physical integrity rights', *International Studies Quarterly*, vol. 43, pp. 407–17.

³⁸ Straus, S, 2011, 'Identifying Genocide and Related Forms of Mass Atrocity', Working Paper, US Holocaust Memorial Museum, Washington DC.

³⁹ Hubert, D and Blätter, A, 2012, 'The Responsibility to Protect as International Crimes Prevention', *Global Responsibility to Protect*, vol. 4, pp. 33–66. Their efforts to specify the scope of R2P are similar to those that have been taken by the International Criminal Court to determine levels of 'gravity' when considering the crimes under its jurisdiction that it will seek to prosecute.

⁴⁰ Lopez, G, 2013, 'The Role of Economic Sanctions for Preventing Mass Atrocities', Paper presented to the Conference on Deconstructing Prevention, Cardozo School of Law Program in Holocaust, Genocide and Human Rights Studies and the Auschwitz Institute for Peace and Reconciliation.

⁴¹ All four of these arguments are more fully developed in Hubert and Blätter, 2012, 'The Responsibility to Protect as International Crimes Prevention'.

⁴² It should also be noted that many of the acts considered war crimes are not related to the more general goal of civilian protection that is at the heart of R2P, for example, the use of prohibited weapons, hostage taking, or gross misconduct on the battlefield.

⁴³ It is noteworthy that the ICC has not concentrated on individual acts as part of its investigation into war crimes, but rather takes the view that such crimes must have sufficient 'gravity'—meaning they must be committed on a widespread and systematic basis.

⁴⁴ Straus argues that mass atrocity crimes such as genocide are distinguishable partly by their scale—defined not in numerical terms but rather in terms of 'extent': the violence is directed at a large portion of a target population; the violence is deliberate and systematic; the violence is spread out over a significant period of time (i.e. sustained) and, in some cases, over a wide geography; and there is a demonstrable capacity to inflict large levels of violence, given the involvement of members of the military, policy or paramilitaries. See Straus, 2011, 'Identifying Genocide', p. 4.

⁴⁵ See the Report of the International Commission of Inquiry on Darfur to the UN Secretary-General, Geneva, 25 January 2005.

⁴⁶ Thus, as Hubert and Blätter argue, while there is debate about whether the actions of the Khmer Rouge in Cambodia constituted genocide (because they were directed at political opponents), these crimes clearly fall under the rubric of R2P. See 'The Responsibility to Protect as International Crimes Prevention'.

⁴⁷ David Scheffer argues that ethnic cleansing, as described in the Summit Outcome Document, 'is a non-technical expression for what is in fact a sub-category of the crime against humanity of persecution'. See Scheffer, D, 2008, 'Atrocity Crimes Framing the Responsibility to Protect', *Case Western Reserve Journal of International Law*, vol. 40, no. 1, pp. 128–29. Moreover, it is important to point out that ethnic cleansing could technically occur without large scale deaths. The definition provided by the UN Commission of Experts (subsequent to Security Council Resolution 780), refers to 'the policy of a particular group to systematically displace or deport another group from a particular territory on the basis of religious, ethnic, or national origin'.

⁴⁸ While ‘crimes against humanity’ are well established in international law, there are several legal instruments that seek to define their content. This has in part motivated the current efforts to draft a single, comprehensive treaty on crimes against humanity.

⁴⁹ Hubert and Blätter, 2012, ‘The Responsibility to Protect as International Crimes Prevention’. This definition is drawn from the widely accepted definition of crimes against humanity found in Article 7 of the Rome Statute. It also closely resembles the notion of ‘mass violence’, defined by Christian Gerlach as ‘widespread physical violence against noncombatants ... outside of immediate fighting between military or paramilitary personnel’. Gerlach, C, 2010, *Extremely Violent Societies: Mass Violence in the Twentieth Century World*, Cambridge University Press, Cambridge, p. 1.

⁵⁰ Arrest warrants requested by the ICC have applied to both categories: sitting heads of state (such as Omar al-Bashir or Colonel Gaddafi) and leaders of non-state armed groups (such as Joseph Kony, leader of the Lord’s Resistance Army, and Mathieu Ngudjolo, commander of one of the warring factions in the Democratic Republic of Congo).

⁵¹ See Straus, 2011, ‘Identifying Genocide’, p. 12. Some also argue that a specific numerical threshold should be used in defining mass atrocity situations. For an example of such a numerical benchmark, see Ulfelder, J and Valentino, B, 2008, ‘Assessing the Risks of State-Sponsored Mass Killing’, Political Instability Taskforce, Washington DC. Like Straus, however, we do not set a particular numerical threshold, which—while useful for quantitative analysis—is often arbitrary and overlooks the degree to which assessments of scale involve subjective decision-making. See Straus, 2011, ‘Identifying Genocide’, pp. 3–4.

⁵² McLoughlin and Bellamy, 2009, ‘Preventing Genocide and Mass Atrocities: Causes and Paths of Escalation’, p. 3.

⁵³ Two caveats should be noted about this list of factors. First, long-standing social cleavages, or what are more commonly called ‘ancient hatreds’, have been identified by some scholars as a crucial precondition for mass violence. See for example, Kuper, L, 2002, ‘Genocide: Its Political Use in the Twentieth Century’ in Hinton, A (ed), *Genocide: An Anthropological Reader*, Blackwell Publishers, Oxford. However, most modern theorists of genocide cited in this paper have questioned this theory, particularly in light of findings related to the Balkan conflicts of the 1990s, in which ethnic differences were manipulated by elites. Barbara Harff’s quantitative analysis of mass killing finds no correlation between the general degree of ethnic diversity in a country and atrocity; the only relevant variable she includes is whether the governing elite is an ethnic minority within the country as a whole. See Harff, 2003, ‘No Lessons Learned from the Holocaust?’ Second, while Harff identifies international isolation (or lack of trade openness) as a key predictor of atrocity, this precondition is too general to serve as a building block for preventive strategies. Countries with limited trade openness have, historically, constituted a large set and most of them have not witnessed mass atrocities.

⁵⁴ For examples of literature discussing this factor, see footnotes 16, 17 and 18.

⁵⁵ See Midlarsky, 2005, *The Killing Trap*, who stresses the importance of a prior ‘loss’ (i.e. social catastrophe or defeat) as a precondition for mass killing; Harff, 2003, ‘No Lessons Learned from the Holocaust?’ who includes political instability as one predictor of mass killing; and Staub, E, 1989, *The Roots of Evil*, Cambridge University Press, Cambridge.

⁵⁶ See Weitz, ED, 2003, *A Century of Genocide: Utopias of Race and Nation*, Princeton University Press, Princeton; Chirot, D and McCauley, C, 2006, *Why Not Kill Them All? The Logic and Prevention of Mass Political Murder*, Princeton University Press, Princeton; Mann, M, 2005, *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge University Press, Cambridge; Kiernan, B, 2003, ‘Twentieth-Century Genocides: Underlying Ideological Themes from Armenia to East Timor’ in Gellately, R and Kiernan, B (eds), *The Spectre of Genocide: Mass Murder in Historical Perspective*, Cambridge University Press, Cambridge; and Bellamy, A, 2012, ‘Mass Killing and the Politics of Legitimacy: Empire and the Ideology of Selective Extermination’, *Australian Journal of Politics and History*, vol. 58.

⁵⁷ Weitz, 2003, *A Century of Genocide*; Harff, 2003, ‘No Lessons Learned from the Holocaust?’

⁵⁸ Shaw, 2007, *What is Genocide?*

⁵⁹ See Valentino, 2008, ‘Assessing the Risks of State-Sponsored Mass Killing’; Gagno, VP, 2004, *The Myth of Ethnic War*, Cornell University Press, Ithaca; and Posen, B, 1993, ‘The Security Dilemma and Ethnic Conflict’, *Survival*, vol. 35.

⁶⁰ See Waller, J, 2007, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*, Oxford University Press, Oxford; Roth, P, 2010, ‘Social Psychology and Genocide’ in Bloxham, D and Moses, AD (eds), *The Oxford Handbook of Genocide Studies*, Oxford University Press, Oxford, pp. 198–216; Zimbardo, P, 2006, *The Lucifer Effect: How Good People Turn Evil*, Lexington Books, Lanham; and Browning, C, 2001, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, Penguin Books, London.

⁶¹ See Semelin, 2005, *Purify and Destroy*; Waller, 2007, *Becoming Evil*; and Dutton, 2007, *The Psychology of Genocide, Massacres and Extreme Violence*. Harff observes that a record of recent atrocities is one of the strongest predictors of future atrocities. See Harff, 2003, ‘No Lessons Learned from the Holocaust?’

⁶² This point is stressed in particular by Mann, 2005, *The Dark Side of Democracy*; Straus, 2012, ‘Destroy Them to Save Us’; and Bellamy, 2012, ‘Mass Killing and the Politics of Legitimacy’.

⁶³ Staub, 1989, *The Roots of Evil*.

⁶⁴ For more on this argument, see Gordy, E, 1999, *The Culture of Power in Serbia: Nationalism and the Destruction of Alternatives*, Pennsylvania State University Press, University Park.

⁶⁵ This approach builds on the analysis conducted by the Asia-Pacific Centre for the Responsibility to Protect, in its report, ‘Preventing Genocide and Mass Atrocities’. See especially pp. 21–26.

⁶⁶ Bellamy, 2011, ‘Mass Atrocities and Armed Conflict’, p. 9.

⁶⁷ McLoughlin and Bellamy, 2009, ‘Preventing Genocide and Mass Atrocities’, pp. 34, 46.

⁶⁸ Bellamy, 2011, ‘Mass Atrocities and Armed Conflict’, p. 12.

⁶⁹ McLoughlin and Bellamy, 2009, ‘Preventing Genocide and Mass Atrocities’, p. 19.

⁷⁰ *Ibid*, p. 50.

⁷¹ See Mayersen, 2010, *The Responsibility to Prevent*.

⁷² See for example, Bellamy, 2011, ‘Mass Atrocities and Armed Conflict’, p. 6.

⁷³ See Clarke, 2005, ‘Seven Misconceptions of Situational Crime Prevention’.

⁷⁴ See Lopez, 2013, 'The Role of Economic Sanctions'; and Human Rights First, 2012, 'How to Disrupt the Enablers of Mass Atrocities: Blueprint for the Next Administration', New York, http://www.humanrightsfirst.org/wp-content/uploads/pdf/blueprints2012/HRF_Enablers_of_Mass_Atrocities_blueprint.pdf

⁷⁵ See Drumbl, 2007, *Atrocity, Punishment and International Law*, pp. 25-35.