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THE INFLUENCE OF INTERNATIONAL LAW ON MILITANT VIOLENCE RATES
AGAINST CIVILIANS DURING CONFLICT

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ABSTRACT

This thesis investigates the relationship between international humanitarian law and acts of violence committed against civilians during periods of armed conflict. It focuses on the continent of Africa in order to analyze specific conflicts through both a qualitative and quantitative study. In this research, violence is categorized into two distinct groups including fatalities and records of sexual assault. The prevalence of international humanitarian law is indicated by the number of humanitarian topics that have been adopted into the domestic legal structure of a state. The hypothesis of this research claims that states that have adopted more components of international humanitarian law into their domestic legal system will have lower levels of violence committed against their civilians during periods of armed conflict. This research provides insight on the effectiveness of international law by proposing that in order to protect civilians during conflict, legislation must be created and enforced by the state in which they reside.

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Chapter 1

Introduction

“On March 16, 1968, during the Vietnam War, United States troops carried out a massacre of about 500 unarmed men, women, and children living in the village of My Lai” (NY Times 2012). The troops were informed of their orders the night before the attack and were told to burn down the village, poison the drinking supply, and eliminate the enemy. As the villages burnt to the ground, U.S. soldiers executed Vietnamese civilians while also mutilating their bodies and raping the young women.

Every year thousands of women, children, and innocent civilians are subject to the atrocities of war including, stoning, rape, forced suicide bombings, and enslavement. Civilians have increasingly become the targets of combatants around the globe for a variety of reasons and while the world is in touch with some of the cases of abuse that take place, it is nearly impossible to imagine the extent of the situation. As the international community has become more and more aware of the ongoing violence against civilians during armed conflict it has felt compelled to take action and has done so in a variety of ways.

Perhaps the most public course of action has been the creation and implementation of international humanitarian law. According to the International Committee of the Red Cross, “international humanitarian law is a set of rules that seek to limit the effects of armed conflict. It protects people who are not or are no longer participating in hostilities and restricts the means and methods of warfare” (ICRC 2004). Its general purpose is not to prevent war but rather to provide a set of guidelines that promote humanity during war. International humanitarian law

(IHL) is not the only branch of international law that can be applied in order to protect civilians. International human rights law is equally as important and is incredibly similar to international humanitarian law. The distinguishing factor between the two is the context in which they are applied. While international human rights law applies during all situations and amongst all circumstances, international humanitarian law only applies during designated armed conflicts. These conflicts can be either civil in nature or international and can involve a variety of parties and actors.

It is from the definition of IHL that its basic principles can be drawn. These principles revolve around a variety of factors including the distinction between civilians and combatants, the prohibition to inflict unnecessary suffering, the principle of necessity, and the principle of proportionality. All of these principles recognize the need for warfare and do not condemn its use; rather they establish a set of rules to be followed during wartime. While the principles and concepts that make up IHL sound appealing to all in basic understanding, international laws of all kinds are incredibly difficult to enforce.

The International Criminal Court was permanently established in 2002 with the passing of the Rome Statute. Its purpose is to serve as a final resort for the prosecution of genocide, war crimes, and crimes against humanity. Before its permanent existence the United Nations established a series of criminal tribunals to prosecute those who had committed atrocities against humanity during the Rwandan and Yugoslavian Genocides. These individual tribunals were charged with the task of evaluating the crimes that had been committed during the conflicts and sentencing those who which they felt were guilty of the most serious criminal acts. It is important to note however that these tribunals only saw a small percentage of the actors involved in the mass killings for both of these events. Often times those brought to the tribunals were

combatant leaders and the ones committing the crimes themselves got away with little to no punishment.

The concept of international law is one that in nature works. It binds states together to hold each other accountable for the actions that they take. One of the most important concepts to note about international law of any type is that it binds the state. It is a contract signed by the government of a state with another state, and unless a state adopts those international laws into their domestic legal structure it has no binding effect on the people within its borders. Even with the adoption of laws into the domestic system there is still a key component that is required in order to uphold the principles that are laid out in each law. Government is the key to successfully protecting civilians. When a government is intact and is functioning cohesively with the international system it can more easily be bound to the international rules. It is when the government collapses or becomes weak and challenged that the protection of civilian rights, securities, and liberties loses all credibility.

This research will test the relationship between international humanitarian laws and violence against civilians. The first section will provide an overview of what the current literature has found in regards to this topic. It will focus on understanding the violence trends as well as developing theories as to why combatants use violence against civilians. The second section of this paper will focus on a theory that I have suggested. It builds upon the current literature by attempting to understand how we can prevent violence against civilians. The third section puts my theory into action with two distinct models measuring violence in two different ways. Finally, this paper concludes with my thoughts on the implications of the findings. It suggests that if we cannot prove the effectiveness of international humanitarian law then how can the international community create an environment that is safer for civilians across the globe.

Chapter 2

Literature Review

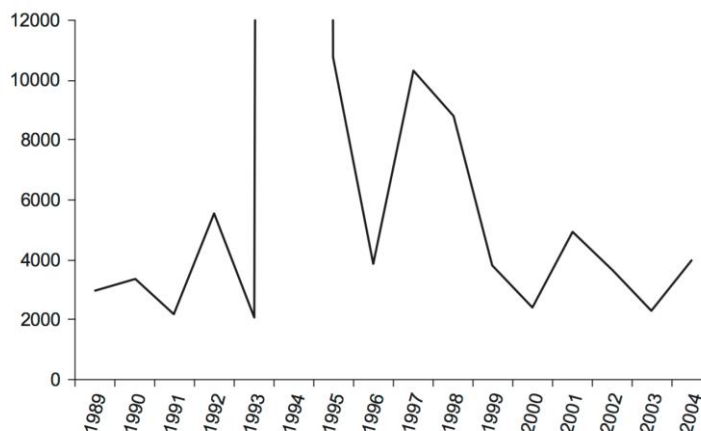
Violence is a topic that has been studied extensively. It is a topic that is not only of interest to political scientists and others interested in conducting research but it is also of interest to policy makers and those involved in international decision making. This literature review will focus on two main types of literature that are currently circulating the political science research field. The first category focuses on global violence as a trend. It will acknowledge the rise in violence against civilians, where it occurs, and which methods are used to conduct such violence. The second category will focus more on the explanatory factors of why armed combatants target civilians during periods of armed conflict. It is through this review that I formulated my focus of study, as many questions were left unanswered or unexplained.

Global Violence Trends

According to Kristine Eck's and Lisa Hultman's article, "One-Sided Violence Against Civilians in War: Insights from New Fatality Data" the intentional and direct killing of civilians is referred to as *one-sided violence*. Based upon the data collected by the Uppsala Conflict Data Program (UCDP) from 1989 to 2004 there have been approximately 573,000 civilian deaths committed by a combination of both state governments and rebel groups. The dataset includes 78 actors, of which 27 are governments and 51 are rebel groups. The dataset also provides an interesting trend in understanding which parties are committing these acts of violence against civilians. While there are almost twice as many rebel groups noted in the study, 528,000 of the

573,000 deaths over the twenty-year span can be attributed to government violence. Eck and Hultman (2007) suggest “rebels commit one-sided violence more frequently however government actors are on average more deadly.” Figure 1 was produced by Eck and Hultman (2007) and provides a descriptive understanding of the civilian fatality trends over the twenty-year period.

Figure 1. Annual One-Sided Fatalities, 1989-2004

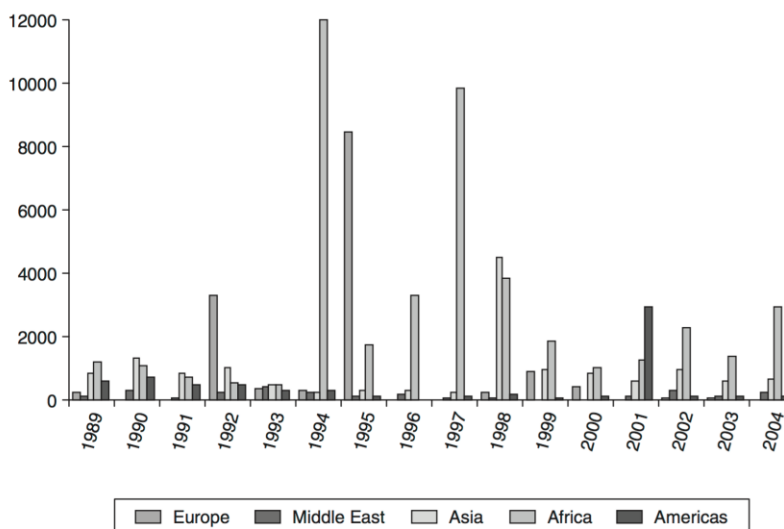


At over 501,814, the value for 1994 is above the ceiling of the figure.

An important feature to note is the dramatic spike in 1994 due to the genocide in Rwanda. The fatalities for this single event were recorded at over 500,000 people and far exceed the constraints of the figure. The year 1997 has an increase as well, due to mass killings by the governments of Rwanda and Democratic Republic of the Congo (DRC). While there is no consistent trend in which we can track violence against civilians, something that is consistent is the constant sharp peaks and valleys indicating that there is always some degree of one-sided violence.

Eck and Hultman (2007) also provide a descriptive understanding of fatalities by geographic region. Figure 2 (as produced by Eck and Hultman (2007)) shows relatively high levels of civilian fatalities in Africa in the mid to late 1990s as well as in Europe and Asia during the same period. Eck and Hultman (2007) provide an important descriptive analysis of the data presented in the UCDP dataset but provide no explanations as to the causations of the trends that exist in violence against civilians.

Figure 2. Annual One-Sided Fatalities by Region, 1989-2004



At 500,731, the value for Africa 1994 is above the ceiling of the figure. Bars follow the same order as in the legend.

Violence against civilians has taken forms other than fatalities. In fact a great deal of research has focused on the prevalence of sexual violence during wartime as well. Elisabeth Jean Wood's article, "Sexual Violence During War: Leveraging Variation Toward Change" shows that sexual violence likely occurs in all conflicts, but with immense variation in form and severity. The Sexual Violence in Armed Conflict dataset "includes sexual violence by all conflict

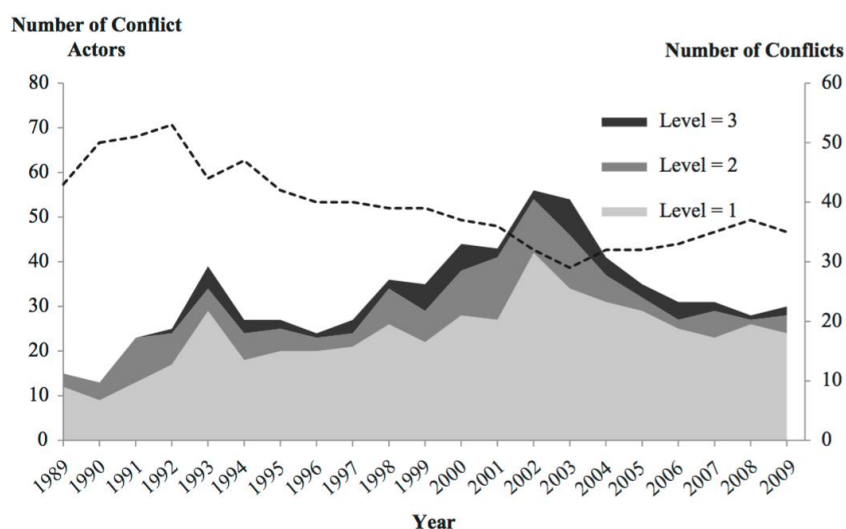
actors involved in intrastate, internationalized internal, and interstate conflicts in the period 1989-2009” (Cohen and Nordas 2014). The research finds that of the 76 countries included in the dataset, 17 countries reportedly experienced sexual violence at the highest prevalence level (coded as 3). A descriptive analysis of the data concludes that the prevalence of sexual violence varies not only on a regional scale as depicted in Figure 3 (Cohen and Nordas 2014) but also varies on a temporal scale as depicted in Figure 4 (Cohen and Nordas 2014).

Figure 3. Highest Reported Prevalence Of Sexual Violence, 1989-2009



The map indicates the countries whose troops have been reported to commit sexual violence, not necessarily the location where sexual violence has occurred.

Figure 4. Frequency of Armed Actors Reported As Perpetrators



The dotted line indicated the number of conflict actors reported to perpetrate sexual violence in each year. Sexual violence prevalence levels: 1 = isolated reports of sexual violence; 2 = numerous reports of sexual violence; 3 = reports of massive sexual violence.

While the data that we have on both civilian fatalities and sexual violence prevalence help paint a picture of what violence looks like against civilians, it does not explain the driving forces behind it. Additional theories and research driven analysis is required in order to understand why some armed groups target civilians and others do not.

Explaining Violence Against Civilians

The current literature surrounding violence against civilians focuses on micro-level data. It emphasizes the need to understand important group dynamics and characteristics in order to predict when violence will occur against civilians during periods of armed conflict. Macartan Humphreys and Jeremy Weinstein hypothesize in “Handling and Manhandling of Civilians in Civil War” that levels of abuse are likely to be higher in poorer areas. In addition they test

theories that rely on other community features, including geographic zones, ethnic ties, and social structures. They also provide several hypotheses that focus on group characteristics, including disciplinary structures and ethnical homogeneity. Their research rests on a case study of the conflict in Sierra Leone that Human Rights Watch has reported resulted in over 50,000 deaths. Humphrey and Weinstein find that, “patterns of abuse in Sierra Leone, are largely explained by characteristics of the fighting units themselves, rather than by the types of linkages that exist between combatants and communities or the degree of contestation between warring factions” (443). The study suggests that in order to understand violence against civilians in civil wars one must analyze the characteristics of a combatant group in order to draw accurate conclusions. Humphreys and Weinstein 2006 is not the only research to approach the study of violence against civilians through micro-level data.

Laia Balcells’ paper entitled, “Rivalry and Revenge: Violence against Civilians in Conventional Civil Wars” focuses on various group factors in order to understand why violence is committed by some combatants and not others. She states that previous studies provide two types of explanations, the first being the prewar characteristics of a country undergoing the civil war and the second focusing on the security concerns related to warfare. It is this second explanation that aligns with what was discussed in Humphreys and Weinstein 2006, in regards to organizational characteristics and military incentives of the armed group. Balcells’ research focuses on conventional civil warfare and uses the Spanish Civil War as a case study. She makes an important distinction between direct and indirect violence against civilians, which is often difficult to separate due to their overlapping nature and complications in collecting accurate data and ensuring proper measurements. Her findings suggest that conventional civil war combatants commit various levels of violence against civilians based on the incentives or lack of incentives

of an armed group. In addition, she also finds that violence is more likely to occur in areas that have already experienced high levels of victimization in previous periods of war.

Research regarding the prevalence of sexual violence against civilians has also focused on micro-level data. Elisabeth Jean Wood attempts to capture the variations in sexual violence by providing four explanations that can be applied to various armed groups regardless of region or time period. Wood (2006) argues that opportunity, incentive, sexual violence as instrumental for the group, and sanctions against sexual violence all play an influential role in explaining why some armed groups resort to sexual violence more than others. Her research focuses on looking at each armed group in a specific conflict setting in order to understand the hierarchical structure, demographic makeup, and other group specific characteristics. Her approach works well for understanding why violence occurs or does not occur but it does not help us predict which conflicts will see higher levels of civilian violence on a more global scale. This exact problem exists across a variety of the literature that focuses on civilian violence of all types.

Balcells (2010) and Humphrey and Weinstein (2006) both provide explanations as to why some combatants engage in violent acts against civilians more than others. Their research focuses on specific case studies that utilize micro-level data and are contained by specific temporal and geographic constraints. Their respective research is important in understanding why violence occurred in given areas, however it does not appeal to broader research projects that fall outside of the prescribed conditions. While research has not yet been conducted with macro-level data trying to understand violence against civilians it is an important field to test because of the positive implications that it could have not only on future research but also on future policy questions and decisions. By analyzing the relationships between state conditions,

specifically their legislative makeup with levels of violence against civilians we can begin to

look at trends first on a regional basis and then hopefully beyond, on a global scale.

Chapter 3

Theory

This research focuses on testing the potential relationships between violence against civilians and macro-level data, specifically data that capture the importance of international humanitarian law in a given state. Understanding the relationship between international law and warfare will provide researchers, policy makers, and others with greater insight as to how laws can be made and enforced to control the destructions of war. In order to study the relationship, this research will focus primarily on international humanitarian law and its ability to protect civilians during any form of armed conflict. The current literature has yet to look at the effectiveness of international humanitarian law in protecting citizens from violence during armed conflicts, yet there continues to be a growing number of civilian casualties in war.

I theorize that there is an inverse relationship between international humanitarian law and violence against civilians. It is my belief that countries that have adopted a higher number of international humanitarian laws into their domestic legal system will have lower levels of civilian violence on their soil. This theory rests on the assumption that countries that adopt international humanitarian laws show an invested interest in the protection of their civilians. It assumes that if a country is willing to extend both the monetary resources and the legislative hours to adopt international laws, they recognize that protecting civilians from violence during war is an issue of importance that needs to be addressed and monitored.

The relationship between violence against civilians during periods of armed conflict and the presence of international humanitarian law will be analyzed using two individual models. The first model will look exclusively at civilian fatality numbers and the number of international

laws adopted by the state in which the conflict took place. It will analyze the following relationship.

H₁: Countries that have adopted more international humanitarian laws into their domestic legal system will have fewer civilian fatalities on their soil during armed conflicts.

This hypothesis focuses strictly on the number of civilian deaths that occur due to an armed conflict within a state. In order to capture the number of deaths by a given conflict, I use the UCDP One-sided Violence Dataset that looks at conflicts from 1989 to 2014. The UCDP has worked to update this dataset on an annual basis and the research in this study is using the most recent collection of data, however many of the collection methods and definitions have remained consistent. The dataset provides the following definition of one-sided violence: “One-sided violence is the use of armed force by the government of a state or by a formally organized group against civilians which results in at least 25 deaths. Extrajudicial killings in custody are excluded” (UCDP Codebook 2015). The dataset itself provides several critical pieces of information including the name of the government of a state or the name used by a formally organized group. In addition, it provides the year of the observation as well as the location in which the observation took place. Most importantly, the dataset provides best, low, and high fatality estimates. “The general rule for UCDP’s estimation of one-sided violence is moderation. All incidents have to be verified in one way or another, and all estimates reported are based on UCDP expertise of each particular conflict. As a general rule, all figures are disaggregated as far as possible and any figures that are not trustworthy are disregarded in the coding process. Due to the great uncertainty of reports from conflict areas, the project provides three estimates

concerning battle-related deaths for each year” (UCDP Codebook 2015). The best fatality estimate consists of “the aggregated most reliable numbers for all incidents of one-sided violence during a year. If different reports provide different estimates, an examination is made as to what source is more reliable. If no such distinction can be made, UCDP as a rule includes the lower figure given” (UCDP Codebook 2015).

The second model will measure violence differently and will look at the relationship between sexual violence against civilians and the presence of international humanitarian law. It will analyze the following relationship.

H₂: Countries that have adopted more international humanitarian laws into their domestic legal system will have less sexual violence against civilians on their soil during armed conflicts.

This hypothesis looks at violence against civilians through acts of sexual violence. I have chosen to include the prevalence of sexual violence against civilians in armed conflict because I feel that it adequately falls under the category of violence that death tolls simply do not capture. In order to understand this relationship I have used the Sexual Violence in Armed Conflict (SVAC) Dataset provided in conjunction with the Harvard Kennedy School’s Belfer Center for Science and International Affairs and the Peace Research Institute (PRIO). “The SVAC Dataset includes reports of conflict-related sexual violence committed by the following types of armed conflict actors: government/ state military, pro-government militias, and rebel/insurgent forces” (SVAC Codebook 2013). In addition, “the SVAC Dataset covers all conflicts active in the years 1989-2009, as defined by the UCDP/PRIO Armed Conflict Database” (5).

The SVAC Dataset includes an expansive snapshot of sexual violence during armed conflict by providing information on conflict type, actor type, timing, location, form, and witness presence. For this study I will be looking specifically at the actor, the location, and the prevalence of sexual violence. Sexual violence as measured in the SVAC Dataset includes rape, sexual mutilation, sexual slavery, forced prostitution, forced pregnancy, forced sterilization/abortion, and sexual torture. The “data collection strategy relies on the three most commonly used sources in the quantitative human rights literature: *U.S. State Department* annual reports, *Amnesty International* annual and periodic special reports; and *Human Rights Watch* annual and periodic special reports” (17). “These three reports typically publish reports covering all countries and conflict years in the study period, but on occasion skip a conflict-year usually due to the publication of a special report or to a severe crisis in the country that limits the organization’s access” (18).

The sexual violence prevalence measure gives us an estimate of the relative magnitude of reported sexual violence perpetrated by an actor in a particular year. In the SVAC Dataset prevalence is coded on an ordinal scale of 0 to 3 with -99 indicating that information was missing. Table 1 depicts how the dataset coded sexual violence prevalence. It provides the coding reference, the relationship that sexual violence had to the given conflict, the key words that were found in the individual reports that were used to categorize conflict-years into each distinct category, and the guidelines for the number of incidents reported.

Table 1. Sexual Prevalence Coding in SVAC Dataset

Code	Relationship to Conflict	Described In Reports As	# Of Incidents Reported
3	Sexual violence is likely related to the conflict	“Massive”, “innumerable”, “systematic”	> 1,000 incidents
2	Sexual violence is likely related to the conflict, but did not meet the requirements for a 3 coding	“Widespread”, “common”, “commonplace”, “extensive”, “frequent”, “often”, “persistent”, “recurring”	25-999 incidents
1	Sexual violence is likely related to the conflict, but did not meet the requirements for a 2 or 3 coding	“Reports”, “isolated reports” of sexual violence	< 25 incidents
0	No mention of sexual violence related to the conflict in published report		0
-99	No report was issued and no data from conflict-year exists		

For both models the same measurement will be used to capture the presence of international humanitarian law. In order to understand a state’s level of cooperation with IHL, this research has coded a dataset that can be used to understand the legal structure for individual countries in Africa. The dataset was established using the International Committee of the Red Cross’s database that breaks IHL into six distinct categories. These categories include (1) The Principle of Distinction, (2) Specifically Protected Persons and Objects, (3) Specific Methods of Warfare, (4) Weapons, (5) Treatment of Civilians and Persons Hors de Combat, and (6) Implementation. Within each of these six categories are a series of specific rules that regulate how warfare should be conducted. For this research, I went through the 161 different rules to assemble a collection of rules that specifically focus on the protection of civilians while also

including the importance of implementation. After reviewing the database, I came up with a list of 26 rules, as shown in Table 2 that are specific to the protection of civilians and the implementation of international laws into the domestic framework. This separation was essential to ensure that the measurement for presence of IHL focused on only laws that deal with civilians and their protection. By separating out rules that do not apply to civilians we are able to more accurately capture the effect of IHL on civilian violence.

For each African country that was home to warfare between 1989 and 2009, I resorted back to the ICRC database to gather information on how many of the 26 selected IHL rules the given country had adopted into their legal structure. This number was categorized either by “Protection of Civilians” or “Implementation of IHL” as well as combining the two to provide an overall estimate.

Table 2. List of Topics from ICRC Database

Protection of Civilians	Implementation of IHL
The principle of distinction between combatants and civilians	Respect for International Humanitarian Law
Violence aimed at spreading terror among the civilian population	Legal Advisers to Armed Forces
Definition of combatants	Instruction in International Humanitarian Law within Armed Forces
Definition of civilians	Ensuring Respect for International Humanitarian Law Erga Omnes
Definition of armed forces	Responsibility for Violations of International Humanitarian Law
Definition of civilian objectives	Individual Responsibility
Definition of military objectives	Jurisdiction Over War Crimes
Indiscriminate Attacks	Prosecution of War Crimes
Removal of civilians and civilian objects from the vicinity of military objectives	International Cooperation in Criminal Proceedings
Starvation as a method of warfare	

Access for humanitarian relief to civilians in need	
Humane Treatment	
Mutilation and Medical, Scientific or Biological Experiments	
Rape and other forms of sexual violence	
Conditions for prisoners of war status	
Women	
Children	
The elderly, disabled, and infirmed	

I am testing both of these relationships to understand if we can draw accurate assumptions about violence against civilians during armed conflict by recognizing the importance of international humanitarian law, throughout the continent of Africa.

Africa has historically been known for civil conflict and violence. “Extensive violence and warfare became seemingly commonplace in the late 1980s and 1990s, marking Ethiopia, Mozambique, Angola, South Africa, Algeria, Uganda, Sierra Leone, Liberia, Somalia, Burundi, Rwanda, Sudan, the Central African Republic, Congo-Brazzaville, and Zaire” (Allen 1999). Chris Allen’s, “Warfare, endemic violence & state collapse in Africa” claims that there are several features that have aided in the tremendous rise in attention to the region, quoting the two million conflict-related deaths in the 16-year period from 1983 to 1998. Perhaps an even more devastating factor is the targeted violence towards civilians rather than rival armed groups. Allen notes that “communities, especially those in control of valued assets like land or food” are often targets by different ethnic or religious groups claiming to be the original inhabitants of the land, as was the case in Zaire (Duffield 1994). Groups separated by ethnicity or other related grouping can also become the targets of genocide (Turton 1997), as with Rwanda in 1994, Burundi in

1972 (Lemarchand 1996), and Sudan in the 1990s. (Burr 1998). A targeted group that has gotten significant media attention due to their vulnerability is children.

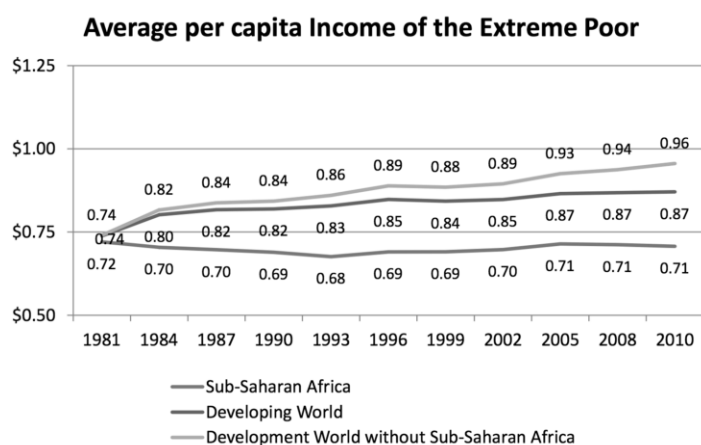
Vulnerable groups such as children, women, and refugees have historically all been targets of indiscriminate violence in Africa. “Children have not only been recruited into armed groups and involved in brutal attacks on others as in Liberia (Human Rights Watch 1994) or Sierra Leone, (Human Rights Watch 1999, June, 28-29), but have also been abducted in large numbers, as in Uganda” (Human Rights Watch, 1997 Sept; Amnesty International 1997 Sept). In addition, women have also been abducted, killed, or mutilated (as in Sierra Leone). The use of sexual violence against civilians in African states is all significantly high with rape used as a weapon of war rather than an individual and opportunistic act.

With all of these trends towards civilian violence I found it compelling to separate this region from others in order to study the relationships that may exist between international law and acts of violence against civilians. While I will not be able to draw conclusions that can be applied on a global scale from this study, I have decided to solely focus on countries in Africa in order to eliminate factors that may distinguish African nations from the rest of the world. This next section will discuss the extensive differences separating the states of Africa from other states, worldwide.

Poverty is perhaps one of the most distinguishable factors. Africa is home to 75% of the world’s poorest countries and is home to the poorest country in the world, Malawi according to the World Bank. The issue of poverty in Sub-Saharan Africa and the developing world is not a new trend and while poverty rates have decreased overall, countries residing in the Sub-Saharan region live significantly below the poverty line as indicated in Figure 5. The figure expresses average income per capita as compared amongst Sub-Saharan Africa and the developing world.

It shows that as the average standard of living increases over time, the Sub-Saharan region remains fairly stagnant.

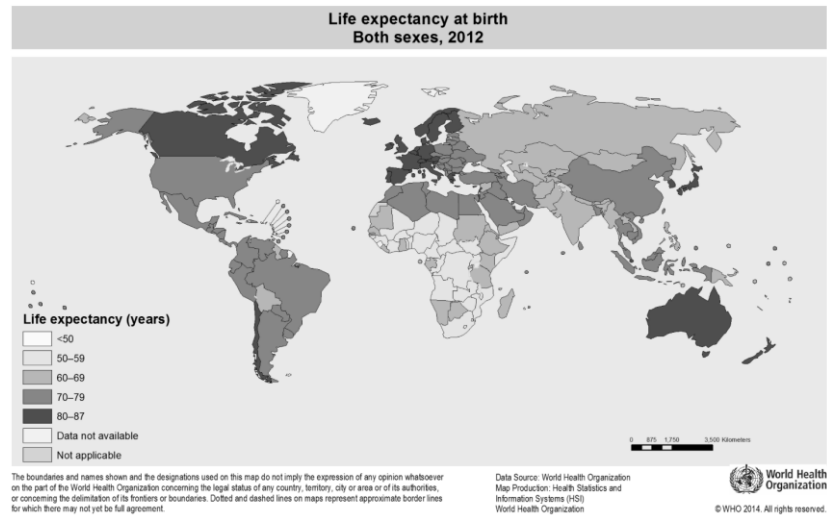
Figure 5. The Evolution of the Average per Capita Income of the Extreme Poor



(Source: The World Bank)

Poverty and violence are not the only varying factors separating the states in Africa from the rest of the international community. The overall health of the region is a key difference as well. Life expectancy in Sub-Saharan Africa is considerably lower with many states falling below 60 years as indicated in Figure 6 (WHO).

Figure 6. Life Expectancy at Birth (2012)



Source: The World Health Organization

These distinctions help paint a picture of the climate of the states in the Sub-Saharan African region, which are important to take into consideration for any large-scale study. It is important to note that I am not claiming that the above-mentioned factors do not impact the level of violence against civilians during periods of armed conflict. It is quite possible that there is a correlation between any of those factors and the violence. This study however is looking to understand if conclusions can be drawn about civilian violence by studying international law's impact on the domestic legal system.

Chapter 4

Data Analysis

Results

The relationship between violence against civilians and presence of international law will be tested using two individual models. One model will attempt to capture the correlation between presence of international humanitarian law and fatalities while the other uses sexual violence as its violence measurement. The models were run using ordinary least squares in PCGiv and were tested individually.

$$\text{Civilian Fatalities} = \beta_0 + \beta_1 (\text{International Humanitarian Law}) + \varepsilon$$

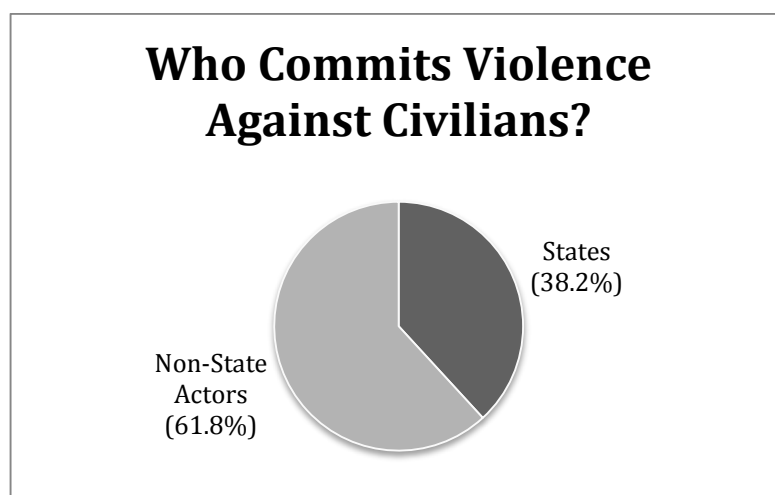
Table 3. Deaths and Presence of IHL Laws in African Countries (1989-2014)

Average Number of Laws	Average Number of Deaths	Average Number of Deaths (Excluding the 1994 Rwandan Genocide)
11.763	1834	426

As depicted in Table 3, the average number of deaths per conflict over the 15-year span varies significantly depending on the inclusion of the Rwandan Genocide in 1994. The average number of laws column in the table provides the mean of the 26 civilian-related international humanitarian laws that have been adopted by a given country. This model was run with a sample size of 406 and my unit of analysis was state-year. Out of the 406 cases, 251 of them were

instances of violence perpetrated by a non-state actor, leaving the remaining 156 cases at the hands of state governments as depicted in Figure 7.

Figure 7. Civilian Violence Perpetrator Breakdown



“A state is recognized as either an internationally recognized sovereign government controlling a specified territory, or an internationally unrecognized government controlling a specified territory whose sovereignty is not disputed by another internationally recognized sovereign government previously controlling the same territory” (UCDP Codebook 2015).

By looking more closely at the data and the regression results I am able to draw the conclusion that there is not a statistically significant correlation between the presence of international humanitarian laws and the number of civilian fatalities that arise out of armed conflicts. However before I could arrive at that conclusion, I first needed to run two separate regressions, the first was one that included the data representing the Rwandan Genocide in 1994 and the second, was one that excluded the 1994 Rwandan Genocide. Classifying the Rwandan Genocide as an outlier was an important component in accurately trying to understand the correlation that exists between the two variables. By removing this set of data, I am not trying to

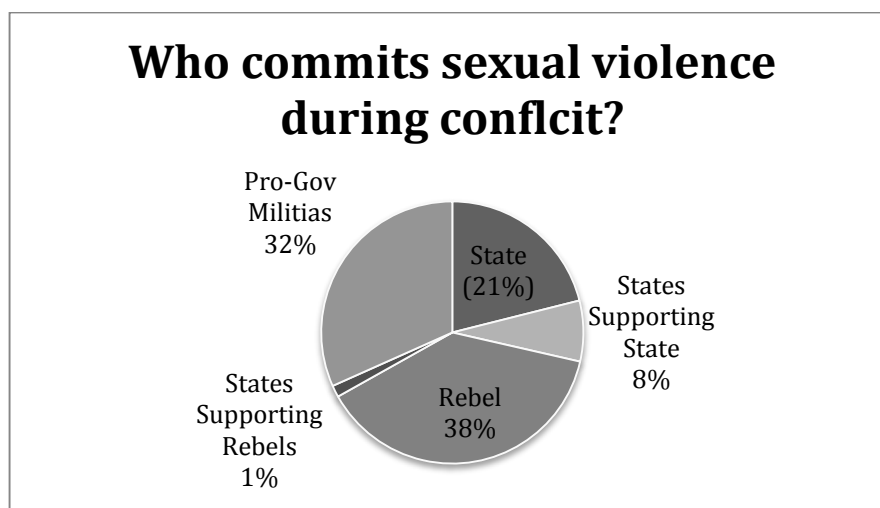
unacknowledged it; rather I am attempting to explain the behavior that is more typical amongst armed combatants and civilians during periods of conflict.

In an attempt to try and understand the relationship that exists between civilian violence and international humanitarian law, I also ran a model focusing on the sexual violence aspect of conflict.

$$\textit{Sexual Violence} = \beta_0 + \beta_1 (\textit{International Humanitarian Law}) + \varepsilon$$

For this model I used a data set containing 2,282 observations throughout the continent of Africa over a time span from 1989 to 2009. These observations include multiple actors for a given conflict as well as multiple years for a given conflict, further extending the pool of data available. As was the case in my previous model, the unit of analysis is also state-year. The perpetrators in this dataset were further disaggregated from one another than in the fatality dataset, which I used above. The breakdown of perpetrators is shown below in Figure 8. It includes states, a state supporting another state, a rebel group, states supporting rebels, and pro-government militias.

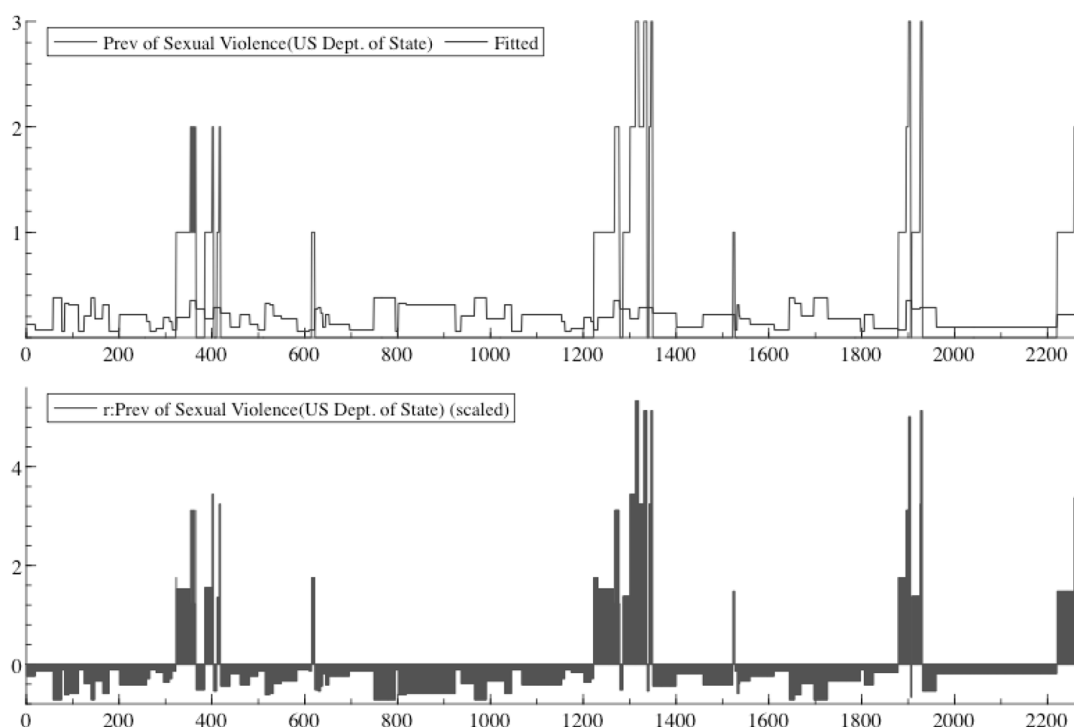
Figure 8. Actors in Sexual Violence



Based on the data collected in the SVAC Dataset

From these results I can make the assumption that armed groups that are not directly associated with the state are more likely to use sexual violence against civilians. My regression results also allow me to conclude that there is a very minimal correlation between the presence of international humanitarian laws in the domestic legal system of a state and the use of sexual violence during conflict in that same state. Figure 9 indicates how well the model that I ran fits the actual data collected. I can conclude that this model accounts for only about three percent of the movement that occurs within it.

Figure 9. Sexual Violence Model vs. The Actual Data Set



Discussion

The results of these tests do not prove my initial hypotheses. They do not provide a cohesive answer as to how international humanitarian law protects civilians against violence during periods of armed conflict. I believe that there may be a series of explanations as to why I could not find a strong correlation between the two variables. My first suspicion is that the data that I used could not fully capture the actions of small groups in various conflicts. As was prevalent in the literature review, previous research on civilian violence has focused on micro-level characteristics, such as group cohesion, leadership, and ethnic homogeneity. It is incredibly possible that in order to understand how to stop violence against civilians, we must look at factors that control combatant action at the micro level. For example, the level of training that a combatant receives on how to deal with civilians during conflict. This type of study would

require a dataset analyzing the intricacies of military protocols, which may be difficult to obtain in countries that do not have the level of organization as the United States.

Another probable explanation for as to why I could not find a relationship between international humanitarian law and civilian violence is because of the nature of warfare that was captured in these studies. While the datasets captured both civil conflicts as well as interstate conflicts, the literature clearly proves that armed conflict has progressed more towards intrastate warfare where an unsatisfied group opposes the acting government. In establishing my hypotheses I had assumed that international laws would not necessarily bind a particular perpetrator but rather the state in which the conflict took place. My hypotheses rested on the idea that the more laws a government has adopted into their domestic legal structure the more willing they are to extend the monetary resources and legislative time to protect their civilians. It shows that the state has a vested interest in protecting the rights and livelihoods of the people who live within their borders. My assumption proved to be inaccurate because there was no clear relationship between countries with more legislation protecting civilians and the level of violence committed against them. It is very possible that because the majority of actors committing violence during this time frame comprised of non-state actors, the expected relationship between international humanitarian laws and violence does not apply.

A third explanation as to why I could not find a correlation could be due to the selected region that I chose to focus my study on. While I think it is incredibly important to understand the differences that exist between different areas of the globe including developing nations and global superpowers, I also think that the Sub-Saharan African region will have various approaches to international humanitarian law than other developed nations throughout the globe will.

There very well could be more explanations as to why the relationship between international humanitarian laws and violence against civilians cannot be statically connected. It is important to recognize that the lack of correlation has significant implications on the policy making front for protecting civilians and investing time and resources into international law.

Chapter 5

Conclusion

International laws have become a significant part of our global community. They govern a variety of topics including commerce, nuclear arms building, human rights, and much more. Scholars, political scientists, and policy makers across the world have an invested interest in the success and efficiency of international laws. Their effectiveness, implementation, and ultimate impact are constantly being studied and debated as the world looks towards mutual cooperation and gains for all parties involved. This study looks to understand the impact that one of the subsections of international law, international humanitarian law, has on violence committed against civilians. Ultimately, I was looking to see how effective international laws are. Do they accomplish what they were created to do? Do they provide the protections to non-combatants, which lies at the core of their principles? While my research results did not support my hypotheses, there is still much to gain from the results of this study.

If it is in fact true that international humanitarian laws do not affect the level of violence committed against civilians during armed conflict then what purpose do these laws serve? Research becomes truly effective when we can apply it to the world in which we live to better understand why things occur in the manner that they do. The global community uses international humanitarian laws to find common ground on issues that are perceived to apply to all people, regardless of ethnicity, gender, or any other factor that may marginalize a group from the majority. If international humanitarian laws are not effective the world must approach the

protection of human rights from a different angle. Perhaps this new approach starts in adopting changes to current legislation.

Currently, international humanitarian laws focus on the concept of war as an interstate phenomenon. They highlight holding governments responsible for the actions of their militaries during periods of armed conflict, as noted in the Geneva Conventions. My research shows however that war has moved away from this type of interaction and has become more intrastate based in which rebel groups are engaging in conflict against the established government. While IHL will continue to apply to the states involved it is incredibly difficult to enforce the same guidelines and principles on actors who are not bound to one government. While leaders of these rebel groups can still be prosecuted within the International Criminal Court, they are not nearly as connected to the international community to feel the burden of mutual cooperation that heads of state may face if placed in a similar situation.

I believe that if we hope to continue to use international humanitarian laws as a means of protection for civilians and those removed from warfare, we must adjust the legislation that is intended to protect to meet the current nature of the international system. While it is not necessary to remove the components that dictate interstate warfare it is important that a more consciences effort be made to include civil wars and the actors that participate in them. I do not believe that this is an easy task; in fact I believe that it will be quite difficult as the nature of civil conflicts varies from state to state. Perhaps it is more realistic to assume that international humanitarian laws will not be able to control the actions of groups who pledge no allegiance to a particular state. It is very possible that in order to protect civilians from the violence that exists within armed conflict we must figure out how to prevent the conflict itself.

It is my opinion that international laws should function as a mechanism of prevention rather than a mechanism of punishment. One of the most significant downfalls that international laws have is their inability to be enforced. While significant time and effort is used to create and ratify laws without proper enforcement they cannot guide the actions of combatants. Laws that exist in the international system will only be effective if they specifically guide the actions of states. While they may not be enforced to the extent that is necessary through the International Criminal Court, they do have the backing of the international community to support and pressure various states to cooperate. By encouraging states to promote an environment of equality, freedom, and acceptance, the international community can focus on establishing an environment that is conducive to cooperation rather than conflict.

Suggestions For Future Research

I think that research is further needed in order to understand the impact that international humanitarian laws can have. Perhaps looking at a different region of the world or looking at a different time frame would result in different conclusions. I think however that in order to understand how we can further protect civilians from violence during armed conflict we must look at more micro-level factors. This type of research would align closely with that which has already been conducted and was noted in my literature review. It is about recognizing the individual factors of armed groups and understanding, which factors lead to more civilian violence. From there, we can begin to test different variables including local customs, police presence, and other enforcement mechanisms to understand which factors protect civilians and which do not.

I think that research that can draw significant conclusions on how to protect civilians during armed conflicts, regardless of the parties involved will prove to be incredibly influential in the policy making field. It will help leaders of both state governments as well as organizations like the United Nations to better protect innocent people during periods of conflict, which is currently the ultimate goal of international humanitarian law.

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ACADEMIC VITA

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Education

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School of International Affairs

- Master of International Affairs with concentration in Humanitarian Aid & Response
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American Red Cross, State College, PA

Intern, September 2015 – Present

- Facilitated 5 peer-to-peer learning workshops on the topic of international humanitarian law to over 250 students
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- Coordinated weekly meetings to communicate campaign goals and project updates to student volunteers

Penn State Residence Life, University Park, PA

Resident Assistant

- Developed a positive living environment for 35 residents by connecting staff, faculty, and students with one another
- Created monthly programs to reflect the social, educational, and emotional needs of over 300 first-year students

Quota International Inc., Washington D.C

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- Developed a strategic plan with the benefits, challenges, and methods required to incorporate youth into the organization
- Published weekly blog posts promoting the organization's international convention read by members in 12 countries
- Contributed to the planning of an international convention for 300 members by creating relevant handouts and worksheets

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Lion Ambassador, January 2013 – May 2016
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Newman Catholic Student Association

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Parmi Nous Senior Honor Society

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