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**The Causes, Character and Conduct of Armed
Conflict, and the Effects on Civilian Populations,
1990-2010**

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Table of Contents

I	INTRODUCTION.....	1
II	ARMED CONFLICT, 1990-2010: CAUSES, CHARACTER, AND EFFECTS ON CIVILIANS	2
1	THE CAUSES OF ARMED CONFLICT	3
2	THE CHARACTER AND CONDUCT OF ARMED CONFLICT.....	5
3	THE EFFECTS ON CIVILIAN POPULATIONS.....	7
3.1	Conflict Violence and Civilian Harm	8
3.2	Armed Conflict and Indirect Civilian Deaths	10
3.3	Armed Conflict and Population Displacement.....	12
III	ARMED CONFLICT: COMPARATIVE CASE STUDY ANALYSIS	14
1	AFGHANISTAN.....	14
2	COLOMBIA.....	17
3	DEMOCRATIC REPUBLIC OF CONGO	19
4	MEXICO	21
5	SOMALIA	24
6	SRI LANKA	26
IV	CONCLUSIONS.....	28
V	TABLES.....	32
VI	BIBLIOGRAPHY.....	36
VII	TABLE OF CASES.....	44
VIII	INTERNATIONAL LEGAL INSTRUMENTS	44

I INTRODUCTION

It is clear that the end of the Cold War did not usher in a period of peace in the world. Quite the opposite: Asia, Africa, the Middle East, Latin America and even Europe have all endured armed conflicts since 1990. The vast bulk of these have been internal wars of one sort or another. Of the 96 armed conflicts that occurred between 1989 and 1996, only five were between states.¹ This trend becomes even more pronounced in the 2000s (see table 1). This paper surveys the state of social scientific knowledge about the causes, character, and conduct of armed conflict since 1990, and the effects on civilian populations.

The first part of this paper critically reviews the scholarship on the causes, changing character, and conduct of internal armed conflict. Most of this scholarship has highlighted the newness of these conflicts. The rise of civil wars is contrasted with the decline of inter-state wars. Ethnic hatreds are seen to replace 'reason of state' as a driver of conflict. Violence directed against civilians is identified as a particular characteristic of these so-called 'new wars.'² We also review quantitative analysis of armed conflict since 1990, especially with regard to conflict frequency and impact of civilian populations. In broad terms, contrary to the 'new wars' literature, the quantitative data suggests that armed conflict since 1990 has become *less* lethal for civilians. However, qualitative analysis of armed conflicts point to severe effects that are not captured in the major quantitative datasets on war. We outline two effects. First, conflict directly causes major civilian suffering below the threshold of death. Second, internal armed conflicts indirectly kill large numbers of civilians by causing or chronically exacerbating food insecurity, population displacement, and disease.

To explore the above themes and trends, in the second part of this paper we employ qualitative analysis of six case studies of armed conflict: Afghanistan, Colombia, Democratic Republic of Congo (DRC), Mexico, Somalia, and Sri Lanka. We have selected cases that demonstrate variation on the cause, character, conduct, and effects on civilians, of the conflict. These cases also have been selected to provide regional variation (Americas, Africa, and Asia). The purpose of our comparative case study analysis is not to 'test' some theory of conflict, but rather the opposite: to demonstrate that the

¹ Steven R. David, 'Internal Wars: Causes and Cures' (1997) 49 *World Politics*, 552-576.

² Marten van Creveld, *The Transformation of War* (New York: Free Press, 1991); Mary Kaldor, *New and Old Wars* (Cambridge: Polity, 1999); Mefried Munkler *The New Wars* (Cambridge: Polity, 2005). For critical literature reviews, see Stathis N. Kalyvas, 'New and Old Civil Wars: A Valid Distinction?' (2001) 54 *World Politics*, 99-118; Edward Newman, 'The 'New Wars' Debate: A Historical Perspective is Needed,' (2004) 35 *Security Dialogue*, 173-189; and Mats Berdal, 'The 'New Wars' Thesis Revisited,' in Hew Strachan and Sibylle Scheipers, eds., *The Changing Character of War* (Oxford: Oxford University Press, 2011), 109-133.

categories commonly employed in social science theory and international law (e.g., inter-versus intra-state conflict, new versus old wars, combatant versus civilian) fail to capture the complex reality of armed conflict in the global system. This has considerable implications in understanding the dynamics of forced displacement, and in any determination of who should receive international protection.

II ARMED CONFLICT, 1990-2010: CAUSES, CHARACTER, AND EFFECTS ON CIVILIANS

Terms such as ‘civil wars’ and ‘ethnic conflict’ quickly came into use in the 1990s as shorthand descriptors for the armed conflicts in Africa, Asia and Europe. Such terms reinforced the common view that these were mainly intra-state affairs that were triggered and fuelled by virulent ethno-nationalism. However, in most cases, these conflicts involved regional actors and transborder activities, and were driven by a mix of factors and not simply ethnic difference. In this report, we adopt the generic term ‘internal armed conflict’ (IAC). At the same time, we recognize (and discuss below) the international, regional and cross-border dimensions of IACs. Thus, we do consider cases of internationalized wars, such as that in the war in the DRC (1994-2003) and the Afghanistan wars (1979-89, 2001-). We do not look specifically at international wars, such as, the Eritrean-Ethiopian War (1998-2003), the Iraq War (2003), or the Libyan War (2011), given that they are so few in number since 1990. Moreover, this paper is not a legal analysis and hence does not categorise the conflicts studied according to international humanitarian law, but rather takes a more general approach.

In broad terms, the growing Western focus on the humanitarian and security challenges associated with IACs reflected their growing prevalence. The most thorough datasets on armed conflict are provided by Uppsala Conflict Data Program (UCDP).³ Drawing on quantitative analysis by the UCDP we can see that IACs were growing in absolute terms, and relative to inter-state conflicts. Table 1 shows a succession of step-changes in the growth of IACs in the late 1960s, late 1970s and late 1980s. However, the major step-change is in the late 1970s. This suggests that the main change in the 1990s was in international awareness rather than prevalence of IACs. That said, the number of IACs did peak in the mid 1990s, and this in-decade increase probably fed growing international attention to the problem.

³ UCDP draws on a range of sources including, the Factiva database of 10,000 news media, and various other IGO, NGO and academic reports. A case must have 25 or more battle-related deaths (military and/or civilian) per year to be coded as a conflict. See <http://www.pcr.uu.se/research/ucdp/> Another major collection of quantitative datasets on armed conflict is that provided by the Correlates of War (COW) project. COW is a more established programme than UCDP, and has been more extensively used by US social scientists. Like UCDP, COW has datasets on inter-, intra- and non-state armed wars. However, under COW, a case must have 1,000 or more battle-related deaths per year to be coded as a war. See <http://www.correlatesofwar.org/>

1 THE CAUSES OF ARMED CONFLICT

There are two main schools of thought on the causes of IAC; one emphasizes the role of ethnic and religious identity, and the other focuses on the political economy of conflict. This is often called the 'greed versus grievance debate.'

The violent collapse of Yugoslavia in 1991-95 along ethnic lines (Croat, Serb and Muslim) and the genocide in Rwanda in 1994 (committed by Hutus against Tutsis), both appeared to point to ethnicity as the major driver of IAC that decade. The notion of 'identity politics' as the key conflict driver is advanced most forcefully by Mary Kaldor of the London School of Economics, in her hugely influential book on 'new wars' (in which she draws heavily on the example of Bosnia). Kaldor presents violent identity politics as 'inherently exclusive' and 'backward-looking.' She contrasts this with the more inclusive, forward-looking identity politics behind the rise of nation-states (many of which successfully include and accommodate multiple ethnicities).⁴ This reminds us that nationalism can be a positive force in world politics as the glue that binds states together. So how and when does ethno-nationalism pull apart states and cause conflict?

Works by political scientists suggest two basic patterns. The first is a mass-led pattern of rising inter-ethnic hostility and generalized violence. This may involve 'popular chauvinism' by the dominant ethnic group towards a subordinate group, or mass insurgency by a subordinate group that fears for its societal or physical existence. The second is an elite-led pattern involving extremist elites exploiting ethnic differences to gain or consolidate political power. This pattern requires some competition between political elites (thereby providing the incentive for extremist out-bidding) and ethnic symbolism that may be exploited to mobilize the population for violence.⁵ Both patterns require latent inter-ethnic tension, but contrary to crude accounts of 'ancient ethnic hatreds' they explain the processes whereby ethnic distrust may spiral into IAC.

An alternative view emphasizes the economic causes of IAC. It presents 'new wars' as being about the violent exploitation of vulnerable populations, natural resources, and trade routes by warlords, drug lords, and other organized criminal enterprises.⁶

⁴ Kaldor, note 3 above.

⁵ Stuart J. Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War* (Ithaca, NY: Cornell University Press, 2001). On mass-led pattern, see Barry R. Posen, 'The Security Dilemma and Ethnic Conflict,' (1993) 35 *Survival*, 27-47; David A. Lake and Donald Rothchild, 'Containing Fear: The Origins and Management of Ethnic Conflict,' (1996) 21 *International Security*, 41-75; Paul Roe, 'Transylvania's Societal Security Dilemma,' (2002) 28 *Review of International Studies*, 57-74. On the elite-led pattern, see V. P. Gagnon, Jr. 'Ethnic Nationalism and International Conflict: The Case of Serbia,' (1994/95) 19 *International Security*, 130-166; Jack Snyder and Karen Ballentine, 'Nationalism and the Marketplace of Ideas,' (1996) 21 *International Security*, 5-40.

⁶ David Keen, *The Economic Function of Violence in Civil War*, Adelphi Paper 320 (Oxford University Press for IISS, 1998); Mats Berdal and David M. Malone, eds., *Greed and Grievance in Civil Wars* (Boulder, CO: Lynne Rienner Publishers, 2000);

Parodying Clausewitz's famous dictum that 'war is a continuation of politics by other means', Hefried Munkler argues that new wars are 'merely a continuation of booty-hunting by other means.'⁷ In this view, conflict is cheap given the wide availability of light arms and labour (young unemployed men and children), and the opportunities for profit are plenty.

Globalisation is a significant factor in the new economy of conflict. In addition to generating income from internal sources through plunder of populations and resources, global diasporas and international humanitarian aid are important sources of revenue for belligerent groups. International aid is especially significant as it provides many opportunities for mafia-like financial gain, including, provision of transport and 'security', taxing aid distribution, and plain stealing of aid. The increased ease and volume of international transport, especially air transport, is also very important in enabling non-state belligerents to export resources (minerals, drugs and people) and import military supplies in IAC. Finally, economic instability, and especially external shocks to vulnerable economies can create the conditions for IAC.⁸

A number of studies by economists appear to show that IACs are caused by greed, not grievance. The most prominent proponent of this view is Paul Collier at the University of Oxford. In quantitative analysis of IACs from 1965-2004, Collier and his co-authors show that where civil war is 'materially feasible' it will occur without need for motive.⁹ Countries with an abundance of natural resources (e.g., diamonds in Angola, drugs in Colombia, and timber in Cambodia) and high poverty (thereby providing a cheap pool of labour) are especially prone to civil war. Moreover, for Collier, the data suggests that ethnic diversity may actually dampen the occurrence of war. He speculates this may be because there must be a degree of ethnic homogeneity in a population to mobilize it for conflict.¹⁰ Collier is equally dismissive of the thesis that repression or some such grievance is behind conflict. He suggests that '[r]ebels usually have something to complain about, and if they don't they make it up.' In other words, grievances are manipulated as part of a business strategy.¹¹

⁷ Munkler, note 3 above, 17.

⁸ Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001); Karen Ballentine and Jake Sherman, eds., *The Political Economy of Armed Conflict* (Boulder, CO: Lynne Rienner Publishers, 2003).

⁹ Paul Collier, Anke Hoeffler and Dominic Rohner, 'Beyond Greed and Grievance: Feasibility in Civil War,' CSAE WPS/2006-10, 7 August 2006.

¹⁰ Paul Collier and Anke Hoeffler, 'Greed and Grievance in Civil War,' CSAE WPS/2002-01, 13 March 2002.

¹¹ Paul Collier, *The Bottom Billion* (Oxford: Oxford University Press, 2007), 24. For analysis supporting this finding by two noted political scientists, see James Fearon and David Latin, 'Ethnicity, Insurgency and Civil War,' (2003) 97 *American Political Science Review*, 75-90.

A recent review of cross-national studies on natural resources and conflict suggests a more complex picture. Different natural resources have different effects on armed conflict. The presence of oil makes conflict more likely. 'Lootable' resources like drugs and gemstones increase the length but not likelihood of conflict. Legal agricultural resources have no impact on conflict onset or length.¹² Furthermore, countries with scarcity in natural resources also may be vulnerable to conflict when combined with social pressures, such as those that accompany population growth and environmental degradation.¹³

The greed versus grievance debate is useful for clarifying the various potential drivers of IAC. But to adopt the position that IAC is primarily driven by ethnic difference or economic conditions seems unnecessarily limiting to us. For instance, in its *World Development Report 2011*, the World Bank observes that 'cost-benefit motives' may not sufficiently account for armed conflict. Instead, economic conditions may operate in conjunction with social identity dynamics to generate conflict.¹⁴ Thus we examine evidence of a mix of conflict drivers in our case studies.

2 THE CHARACTER AND CONDUCT OF ARMED CONFLICT

The traditional lines in inter-state conflict – between war and peace, combatant and civilian, state and non-state – often are blurred in IACs. Even though the state practice of formally declaring war has gone out of fashion, inter-state war still is delineated by the onset and cessation of armed hostilities. In contrast, IACs most usually just rumble on. Periods of less violence are often just interludes between periods of greater intensification in armed violence. In general, states that experience an IAC are very likely to relapse into further armed conflict. Of the 81 IACs that occurred in the 1990s, 67 per cent broke out in a country that had already experienced an IAC. In the 2000s, this figure rose to 90 per cent (although the total number dropped to 39 IACs).¹⁵

As suggested in the above discussion on the 'new wars' literature, IACs are characterized by a diversity of irregular military actors including paramilitary groups, militias, insurgents, warring tribes, bandits, feral gangs, terrorists, and private military companies (PMCs).¹⁶ Kaldor notes that in Bosnia, for instance, there were some 83 paramilitary

¹² Michael L. Ross, 'What Do We Know about Natural Resources and Civil War?' (2004) 41 *Journal of Peace Research*, 337-56. See also Paviv Lujala, Nils Petter Gleditsch and Elisabeth Gilmore, 'A Diamond Curse? Civil War and a Lootable Resource,' (2005) 49 *Journal of Conflict Resolution*, 538-562.

¹³ Colin H. Kahl, *States, Scarcity and Civil Strife in the Developing World* (Princeton, NJ: Princeton University Press, 2006).

¹⁴ The World Bank, *World Development Report (WDR) 2011* (Washington, DC: The World Bank, 2011), 79.

¹⁵ Barbara F. Walter, 'Conflict Relapse and the Sustainability of Post-Conflict Peace,' WDR 2011 Background Paper, 13 September 2010, 1-2.

¹⁶ John Mackinlay, *The Insurgent Archipelago* (London: Hurst, 2009), 73.

groups.¹⁷ The 'commercialization of military force' in contemporary conflict reinforces the point that whatever the causes of a particular IAC, it is sustained by economic interests that are antithetical to peace.¹⁸ It also underlines the relationship between IAC and organized crime. It is too simplistic to argue that IACs are driven solely by organized crime, but criminal enterprise is often a key feature of IACs.¹⁹ This, in turn, should direct our attention to the impact on civilian populations of violent organized crime. Traditional state-based security forces – military and police – also play a significant role in IAC. Sometimes, this role is to protect civilian populations as well as the state. But where security forces are highly corrupt or serve factional interests, they may prey on the population and feed off the state.

A particular feature of IAC is the extensive use of child soldiers. Until fairly recently, there was no outright ban on child soldiers under international law. The Additional Protocol I (1977) of the Geneva Conventions, and the Convention on the Right of the Child (1989), both prohibited states from recruiting soldiers under the age of 15, but there was no prohibition against children choosing to fight in conflict. This situation changed from 2000 on. The use of child soldiers was so extensive in the conflict in Sierra Leone (more than 10,000), and with such barbaric results, that the United Nations authorized a special tribunal to prosecute those with the 'greater responsibility' for violations of international humanitarian law, including the use of child soldiers. Moreover, the Rome Statute of the International Criminal Court, which entered into force in July 2002, specifies that the military recruitment or use in hostilities of children under the age of 15 constitutes a war crime. Notwithstanding a firming up of the law on this, extensive use continues to be made of child soldiers in armed conflict. The United Nations estimates there are around 300,000 soldiers in the world under the age of 18.²⁰ This is hardly surprising as children are a cheap and ready source of military labour. Children are also easy to coerce into military service, and easy to control. Of the situation in Sierra Leone in the 1990s, the UN Secretary General reported 'Child combatants were initially abducted, forcibly recruited, sexually abused, reduced to slavery of all kinds and trained, often under the influence of drugs, to kill, maim and burn.' The brutal induction and use of child soldiers has also been reported in Afghanistan, Burundi, Central African Republic, Colombia, DRC and Uganda.²¹ Some children and young people voluntarily join armed groups as a way to escape desperate poverty, or because of the promise of social status and economic advancement. Either way, through brutalisation, intoxication, or

¹⁷ Kaldor, note 3 above, 43.

¹⁸ Munkler, note 3 above, 16.

¹⁹ John Mueller, *The Remnants of War* (Ithaca, Cornell: Cornell University Press, 2004).

²⁰ UNICEF, *Fact Sheet: Child Soldiers*, at <http://www.unicef.org/emerg/files/childsoldiers.pdf>, accessed 19 November 2011.

²¹ Guy S. Goodwin-Gill, 'The Challenge of the Child Soldier,' in Strachan and Scheipers, note 3 above, 410-428.

empowerment through the gun, children and young people produce some of the worst excesses of violence in IAC.²²

The 'new wars' literature of the early 2000s draws a distinction between the modes of violence in the 'old' inter-state wars and the 'new' IACs. Where inter-state wars involved extensive use of heavy weapons (artillery, armoured vehicles, and warplanes), IACs involve extensive use of light-weapons (machetes, automatic weapons, landmines, and rocket propelled grenades). Violence in Old Wars is mostly high-tech and directed at capturing territory and destroying enemy forces. Violence in 'new wars' is mostly low-tech and directed towards plunder and dominating the population.²³

A decade on, it is now understood that IACs often encompass many modes of violence. This was already evident in the 1990s; the wars in Yugoslavia involved both paramilitary groups terrorising civilians and combined arms warfare between Croat and Serb forces. In the on-going conflict in Afghanistan, insurgent violence is mostly low-tech and takes many forms including intimidation of local population, terrorist attacks, planting Improvised Explosive Devices (IEDs), organized ambushes, and attacks by insurgent infantry. The response by state and international security forces is mostly high-tech, involving the blending of airpower and ground operations. Similarly, the IAC in Gaza in December 2007 and January 2008 involved a mix of low and high technology, with extensive Palestinian rocket fire and guerrilla style defences, and Israeli air strikes and armoured ground assaults. The reality of IACs as characterized by multiple, interlinked modes of violence, is captured in the concept of 'hybrid warfare', which has gained wide currency among Western militaries. Hybrid warfare recognizes that in contemporary and future conflicts, Western forces face opponents who may use and blend multiple forces of violence – regular, irregular, and criminal – in order to achieve their objectives.²⁴

3 THE EFFECTS ON CIVILIAN POPULATIONS

War's true toll is difficult to know. Civilians are killed directly by conflict, and indirectly by the effects of conflict on population displacement, food insecurity and ill-health. These direct and indirect casualties are 'excess deaths'; i.e., deaths that would not have occurred in the absence of armed conflict. Given challenges of gathering reliable data and controversies over methodology, there is considerable debate over the number of excess deaths in particular conflicts. For example, two reputable studies produced wildly

²² Munkler, note 3 above, 76-79.

²³ Kaldor, note 3 above, 7-8; Munkler, note 3 above, 74-76; Van Creveld, note 3 above.

²⁴ Frank G. Hoffman, *Conflict in the 21st Century: The Rise of Hybrid Wars* (Arlington, VA: Potomac Institute for Policy Studies, 2007); US General Accounting Office, 'Hybrid Warfare', briefing to HASC, US Congress, 10 September 2010, GAO-10-1036R, at <http://www.gao.gov/new.items/d101036r.pdf>, accessed 14 November 2011.

differing numbers for excess civilian deaths in the Iraq War; 100,000 between March 2003 and March 2004, versus 12,000 from January 2003 to January 2004.²⁵

The 'new wars' literature argues that IAC's are especially deadly for civilians. Kaldor claims that in the wars of the early twentieth century the ratio of combatant to civilian casualties was 8:1, but that in the IACs of the 1990s this ratio was reversed, with 80 per cent of casualties being civilian.²⁶ Kaldor's 1:8 ratio has been widely cited. However, recent analysis of quantitative data from UCDP suggests that she is wrong on this point. Wars from the late twentieth century onwards have proven to be less lethal in general, killing fewer combatants and civilians. Moreover, a comparison of battle deaths and war-related deaths over time reveals that the ratio of civilian to combatant death has actually *fallen*. IACs during the Cold War killed far more combatants and civilians than post-Cold War IACs.²⁷ The UCDP dataset shows that the lethality of IACs has fluctuated since 1989, with a major peak in the early 1990s and a smaller peak in the early 2000s (see table 2).

The quantitative data paints an optimistic picture. Inter-state war has declined significantly, and IAC has declined since the mid-1990s. Moreover, armed conflicts of the post-Cold War period have killed far fewer combatants and civilians than before 1990. However, statistics reveal little about the broader effects of armed violence on civilians. Here we highlight three broader effects. First, are the direct causal effects on civilian disabilities; that is, the use of armed violence to dominate and abuse civilian populations which results in widespread physical and psychological harm. Second, are the *indirect* effects of armed conflict in causing excess civilian deaths and disabilities and third, the impact on population displacement.

3.1 Conflict Violence and Civilian Harm

Combatants find many ways and reasons to victimize civilians in IAC, resulting in serious and widespread harm. Civilian populations may be threatened with, or subjected to, violence in order to extract resources or labour. We see this with the FARC in Colombia, the Lord's Resistance Army in central Africa, and the Taliban in Afghanistan. Extreme violence may be used to exterminate a rival ethnic or political group, as happened in the Rwandan genocide of 1994, or to displace civilian populations and claim territory, as occurred in Bosnia in 1992-95 and Kosovo in 1999. Sometimes, IACs involve

²⁵ The higher figure was from Lee Roberts et al., 'Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey,' *The Lancet*, published online 29 October 2004. The lower figure is from the Iraq Body Count interactive dataset, at <http://www.iraqbodycount.org/analysis/numbers/2011/>, accessed 1 March 2012.

²⁶ Kaldor, note 3 above, 8, 100.

²⁷ Erik Melander, Magnus Oberg, and Jonathan Hall, 'Are 'New Wars' More Atrocious? Battle Severity, Civilians Killed and Forced displacement Before and After the Cold War,' (2009) 15 *European Journal of International Relations*, 505-536; Bethany Lacina, Nils Peter Gleditsch and Bruce Russett, 'The Declining Risk of Death in Battle,' (2006) 50 *International Studies Quarterly*, 673-680.

orgies of indiscriminate raping, maiming and killing of civilians which serve no apparent strategic purpose, as occurred when rebels seized the Sierra Leone capital, Freetown, in 1999. Civilians trapped in the middle of an IAC may face violence from rebel and state forces. Some 290,000 civilians took flight from Brazzaville, the capital of Congo, when civil war broke out in December 1998. A survey of families returning a year later found that 65 per cent had been attacked by rebels when they fled, and attacked again by government forces as they attempted to return.²⁸

Serious gender-based violence is common in IACs. Of the 300,000 child soldiers, some 120,000 are female. In the IACs in Uganda, Sierra Leone, Liberia, and DRC, girls are abducted or conscripted by rebel forces to be sexually exploited by male combatants. Rape on non-conscripted women and girls is also widespread. Of 109 women admitted for rape injuries into an NGO hospital in DRC in 2000, 47 per cent were under 18 and 60 per cent had been gang raped.²⁹ There is also growing evidence of sexual forms of violence being perpetrated against enemy men and boys.³⁰ For example, one survey of 998 households in Eastern DRC in 2010 found that 39.7% of females and 23.6% of males had been victims of sexual violence.³¹

A final challenge related to armed conflict is that of generalized violence, recently highlighted by UNHCR as violence that is 'widespread, large-scale and indiscriminate.'³² Violence on this scale may occur in non-conflict settings. For example, 1,000 people were killed and 350,000 displaced by violence that broke out in Kenya in 2008 over disputed elections of the year before.³³ At the same time, it is easy to see how generalized violence may accompany IAC, either as a precursor to the outbreak of general armed conflict (as in Libya in 2011), or as an inter-linked element of the overall pattern of violence within an IAC (as in Iraq from 2004-2009). Furthermore, the conditions that accompany IAC (discussed below) – state failure, population displacement and food insecurity – provide fertile ground for generalized violence.

The concept of generalized violence is not unproblematic. It implies a level of violence that is so intense as to warrant international protection for those fleeing the effects. This,

²⁸ Hugo Slim, *Killing Civilians: Method, Madness and Morality in War* (London: Hurst, 2007), 37-38

²⁹ *Ibid.* 68

³⁰ Sandesh Sivakumaran, 'Sexual Violence Against Men in Armed Conflict' (2007) 18 *The European Journal of International Law*, 253-76.

³¹ Kirtsten Johnson *et al.*, 'Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo' (2010) 304 *The Journal of the American Medical Association*, 553-62.

³² Volker Turk, 'Protection Gaps in Europe? Persons Fleeing the Indiscriminate Effects of Generalized Violence,' Director of International Protection, UNHCR, 18 January 2011, at <http://www.unhcr.org/4d3703839.pdf>, accessed 19 November 2011.

³³ Geneva Declaration Secretariat, *Global Burden of Armed Violence 2011* (Cambridge: Cambridge University Press, 2011), 21.

in turn, raises the question of threshold, especially when applied to states that normally experience very high levels of violence. One obvious way to assess this is by the number of civilians killed each year. There are two ways of measuring this – the absolute number and the homicide rate (i.e., death per 100,000 population). By themselves, both numbers may be misleading. For example, 15,241 civilians were murdered in the United States in 2009, but with a homicide rate of 5.0 nobody could seriously suggest that a situation of generalized violence existed in the United States that year. Equally, the Bahamas had a homicide rate of 28.0 in 2010, but given a population of around 350,000, this only amounted only to 96 murders. Some cases present a large absolute number and high homicide rate, such as South Africa, which had 16,800 homicides and a rate of 33.8 in 2009. However, with representative and stable government, security forces not targeting the population, no major inter-tribal/ethnic conflict, and indeed a strong tourist trade, it seems counter-intuitive to declare South Africa to be experiencing generalized violence (although it may be appropriate to apply this concept to discrete areas of South Africa).³⁴ These three examples underline the importance of situating statistical data in case study analysis. This is the approach taken in our paper.

3.2 Armed Conflict and Indirect Civilian Deaths

Far more civilians die as an indirect consequence of armed conflict, than directly in armed conflict itself. War causes famine, disease, poverty, and population displacement. Indeed there is a strong correlation between armed conflict, underdevelopment and state failure. The causal links are difficult to untangle, but the data is clear: most states that experience IAC also happen to be underdeveloped and have failing public institutions, and therefore are less able to provide the protection of fundamental human rights.³⁵

War makes people and states much poorer. Personal assets may be depleted through theft or war-induced economic inflation. Combatants may seize or destroy agricultural produce, or otherwise prevent agricultural activity. People's livelihoods may be threatened by the effects of war on economic growth, or by forced displacement. Armed conflict is especially damaging to trade and foreign investment. Trade can fall by up to 40 per cent due to IAC, and it takes on average 20 years for trade to return to pre-war

³⁴ Homicide figures and rates from United Nations Office on Drugs and Crime, *Global Study on Homicide 2011*, table 8.1., at http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf, accessed on 19 November 2011.

³⁵ Scott Gates, Havard Hegre, Havard Mogleiv Nygard, and Havard Strand, 'Consequences of Civil War,' World Development Report 2011 Background Paper, 26 October 2010; Robert Rotberg (ed), *When States Fail: Causes and Consequences*, Princeton, 2004; Robert Bates, 'State Failure,' (2008) 11 *Annual Review of Political Science*, 1-11.

levels.³⁶ The typical IAC lasts seven years and reduces annual economic growth by 2.3 per cent per year, thus leaving a country 15 per cent poorer at the end.³⁷

Not surprisingly, armed conflict is a major cause of food insecurity. By one estimate, conflict in Africa cost the continent up to \$120 billion worth of agricultural production between 1960 and 2006. Detailed studies on Angola and Mozambique found that the wars in each country left a terrible legacy of child mortality and malnourishment. One study found that five years after the conflict, 39 per cent of under three-year olds in northern Mozambique were moderately or severely underweight.³⁸ Analysis of cross-national quantitative data reveals that the median armed conflict between 1990-2004 will have increased the number of undernourished in the general population by 3.3 per cent, or 300,000 persons.³⁹ Sub-Saharan countries are especially at risk, as conflict further undermines the resilience of states and communities to deal with drought. This combination of conflict and drought caused especially high levels of malnutrition in Darfur, Sudan, Somalia, and Ethiopia between 1998-2009.⁴⁰

Armed conflict greatly increases the risk of disease and reduces the capacities of individuals and states to deal with health problems. One study on mortality in the Darfur conflict found that over 80 per cent of almost 300,000 excess deaths from 2004-08 occurred not as a result of armed violence but from diseases like diarrhoea.⁴¹ Population displacement caused by conflict and food insecurity also exacerbate the problems of disease: '[e]pidemic diseases – tuberculosis, measles, pneumonia, cholera, typhoid, and dysentery – are likely to emerge from crowding, bad weather and poor sanitation in camps, while malnutrition and stress compromise people's immune systems.'⁴² Armed conflict causes vaccination programmes to breakdown, and this puts children in crowded refugee camps especially at risk. Families and states have fewer resources to tackle disease as a consequence of the economic hardships caused by conflict. Moreover, armed violence may directly undermine health services through the destruction of infrastructure and loss of medical professionals. According to the International Committee of the Red Cross, some 20,000 doctors have fled Iraq and 2,500 doctors and nurses were killed between 2003-08.⁴³

³⁶ WDR 2011, note 34 above, 64.

³⁷ Collier, note 12 above, 27.

³⁸ Tilman Bruck, 'War and Reconstruction in Northern Mozambique' (2006) 1 *Economics of Peace and Security Journal*, at 33.

³⁹ Gates *et al.*, note 34 above, 29-30, 34.

⁴⁰ Debarati Guha-Sapir and Olivia D'Aoust, 'Demographic and Health Consequences of Civil Conflict,' WDR 2011 Background Paper, October 2010, 22-23.

⁴¹ Olivier Degomme and Debarati Guha-Sapir, 'Patterns of Mortality Rates in the Darfur Conflict,' (2010) 373 *The Lancet*, 297.

⁴² Hazem Adam Ghobarah, Paul K. Huth and Bruce M. Russett, 'Civil Wars Kill and Main People – Long after the Shooting Stops,' (2003) 97 *American Political Science Review*, 192.

⁴³ Guha-Sapir and D'Aoust, note 38 above, 16.

3.3 Armed Conflict and Population Displacement

Conflict forces people to flee their homes to escape the direct effects (bodily harm) and the indirect effects (poverty, famine and disease) of armed violence. Since the early 1990s, the United Nations Security Council (UNSC) has recognized the causal link between armed conflict and forced displacement. In resolutions on Iraq in 1991 (UNSCR 688), Bosnia in 1993 (UNSCR 819), Haiti in 1993 (UNSCR 841), Kosovo in 1998 (UNSCR 1199), and East Timor in 1999 (UNSCR 1239), the Security Council expressed deep concern at the mass displacement of civilians by these armed conflicts.⁴⁴ The UNHCR estimated that in 2010 the number of people displaced from their homes by armed violence and human rights violations stood at around 25 million; of these, 10.5 million were refugees and 14.5 million were internally displaced persons.⁴⁵

In this respect, it is an irony that the 1951 Convention relating to the Status of Refugees (the 1951 Convention) does not explicitly provide international protection to civilians fleeing armed violence, given that it was a response to the mass displacement of civilians caused by the social, economic and political upheavals in Europe of the two world wars. Interpreters of the 1951 Convention have maintained a fiction that persecution of civilians is an activity that exists apart from war when, as we have argued, often it is integral to the modes of economic and social mobilization in, and the conduct of, armed conflict. Moreover, this relationship between the violent persecution of civilians and war is not peculiar to the post-Cold War IACs. Indeed, it was integral to how Germany waged World War Two, especially on the Eastern front.⁴⁶ The violence, persecution and mass displacement of civilians was also a feature of the wars of decolonisation and ideological armed conflicts that raged in Latin America, Africa, and Asia during the Cold War.⁴⁷ It is commendable that African and Latin American regional instruments on protection – the African convention on refugees and 1984 Cartagena Declaration on Refugees – are more specific than the 1951 Convention, in explicitly recognizing as refugees persons who must flee their homes as a consequence of foreign aggression, internal conflict, generalized violence or serious disturbances to public order.⁴⁸

⁴⁴ Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd edn (Oxford: Oxford University Press, 2007), 5-6.

⁴⁵ UNHCR, *Global Report 2010*, 172-173, at <http://www.unhcr.org/gr10/index.html#/home>, accessed 16 November 2011.

⁴⁶ Omer Bartov, *Germany's War and the Holocaust* (Ithaca, NY: Cornell University Press, 2003).

⁴⁷ Aristide E. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford: Oxford University Press, 1989); Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (Oxford: Oxford University Press, 1993).

⁴⁸ Article 1.2 of the *1969 Convention governing the Specific Aspects of Refugee Problems in Africa* defines refugee to include persons fleeing 'external aggression, occupation, foreign domination or events seriously disturbing public order.' Article 3.3 of the *1984 Cartagena Declaration on Refugees* defines refugee to include persons fleeing 'generalized violence, foreign aggression, internal conflict, massive violation of human rights, or other circumstances which has seriously disturbed public order.' Both

Displaced populations, especially cross-border refugee flows, can further exacerbate the risk and intensity of conflict. Indeed, in resolution 688 on Iraq and resolution 841 on Haiti, the UNSC recognized that mass displacement was a threat to international peace and security. The mass arrival of refugees and displaced persons can heighten the *perception* of insecurity in three ways. First, they may ferment or support opposition to the existing political authorities. The sizable population of Palestinian refugees in Jordan has presented such a threat to the ruling regime. Second, they may be seen as a burden on domestic resources, especially in developing states that already struggle to provide for their own citizens. This was the case for Kenya in the 1990s, where resource scarcity was a source of internal conflict and accordingly, the government sought to limit the mass influx of Somali refugees. Third, they may be seen as a threat to social, cultural or ethnic balance. For example, the influx of Issaq refugees from Somalia in the 1980s threatened the delicate ethnic balance in Djibouti.⁴⁹ Political, economic and social security are often fragile in states that are or have recently experienced IAC, and it is in this context that the heightened perception of insecurity may result in renewal or intensification of conflict.

Displaced persons usually end up in camps, often in neighbouring states. Some camps are makeshift with few facilities. Even those with state and/or international support often fail to provide access to adequate food, sanitation, clean water and medical care. Moreover, armed groups frequently take sanctuary and operate from refugee camps (as happened in Pakistan in the 1980s, and Zaire and Tanzania in the 1990s) further threatening the security of civilians in and around the camps.⁵⁰

treaties are available from Refworld at <http://www.unhcr.org/refworld/type/MULTILATERALTREATY.html>. Article 15(c) of the 2004 EC Qualification Directive provides subsidiary protection for persons fleeing armed conflict provided they are able to demonstrate a 'serious and individual threat.' The Qualification Directive is intended to harmonise national protection practice across the EU. However, English and French courts have interpreted 15(c) in different but both restrictive ways, and thus its full potential has not been realised in terms of extending the scope of subsidiary protection. The Court of Justice of the European Union has also adopted a very high threshold. See *Elgafaji v. Staatssecretaris van Justitie*, C-465/07, European Union: European Court of Justice, 17 February 2009, available at: <http://www.unhcr.org/refworld/docid/499aaee52.html>. Hélène Lambert and Theo Farrell, 'The Changing Character of Armed Conflict and the Implications for Refugee Protection Jurisprudence,' (2010) 22 *International Journal of Refugee Law*, 237-273.

⁴⁹ Myron Weiner, 'Security, Stability and International Migration,' (1992/93) 17 *International Security*, 103-117. Examples from Loescher, note 45 above, 25-26.

⁵⁰ Sarah Kenyon Lischer, *Dangerous Sanctuaries: Refugee Camps, Civil War and the Dilemmas of Humanitarian Aid* (Ithaca, NY: Cornell University Press, 2005).

III ARMED CONFLICT: COMPARATIVE CASE STUDY ANALYSIS

We turn now from general theories and analysis of armed conflicts to look at six specific case studies. The purpose is to demonstrate the complexity of contemporary IAC. Afghanistan is the largest producer of refugees in the world, with around 2 million from 2006-09 rising to well over 3 million in 2010. Colombia has the largest internally displaced population from conflict in the world, with around 3 million from 2006-10. Accordingly, we examine these two cases. DRC is Africa's largest war, drawing in all neighbouring states. Somalia's armed conflict has involved a tapestry of military actors, including clan militia, criminal gangs, Islamic insurgents and terrorists, pirates, neighbouring armies, UN peacekeepers and international forces. DRC and Somalia also have very large internally displaced populations, well in excess of one million each for 2006-2010. Hence, we consider these two cases. Sri Lanka and Mexico give us glimpses into the future of armed conflict. Sri Lanka is examined as a classic case of hybrid warfare. The Tamil anti-government forces used a mix of guerrilla tactics, suicide terrorist attacks and conventional capabilities. Government forces engaged in increasingly brutal tactics in an ultimately successful drive to eliminate the rebel organization. Mexico is not an armed conflict in the traditional sense. The state does not face an organized armed opposition to its government. However, Mexico is a battleground for rival criminal organizations that are waging a drugs war against each other and the security forces. Mexico has experienced levels of armed violence that are normally associated with armed conflict. Indeed, far more civilians have died violently each year in Mexico than in Afghanistan or Somalia. Thus, Sri Lanka and Mexico complete our set of case studies. We examine the cases in alphabetical order.

1 AFGHANISTAN

Afghanistan has endured almost continuous armed conflict since 1978. Before then, the country had enjoyed four decades of peace and stability. 1978-79 saw popular rural uprising against the social and land reforms of a new Marxist government. The Soviet Union invaded in 1979 to install a more reliable regime, triggering a decade-long conflict against a vigorous Islamic insurgency. After the withdrawal of Soviet forces, Kabul continued to receive Soviet aid up to December 1991, at which point the Soviet Union collapsed, followed shortly thereafter by its Afghan client regime. A vicious civil war followed in 1992, as the uneasy Mujahideen alliance broke down and rival Pashtun, Tajik, Uzbek and Hazara warlords fought each other for land and power. The Taliban, a radical Islamic and mostly Pashtun movement, emerged in 1994 in response to the chaos, corruption and brutality of the Mujahideen civil war. Starting from Kandahar province in the South, the Taliban defeated the major warlords in quick succession, taking the Western city of Herat, Eastern city of Jalalabad, and finally Kabul in 1996, followed by the Northern city of Mazar-i-Sharif in 1997. By 1998, the Taliban had established control

over most of Afghanistan. The Taliban war rumbled on against a loose Northern Alliance of Tajik, Hazara and rival Pashtun militias who were held up in the mountains of North and North Eastern Afghanistan.⁵¹

The US- led invasion in October 2001 led to the rapid defeat of the Taliban, and the appointment of a new interim government composed of Northern Alliance and former Mujahideen warlords. Between 2002 and 2005, there was a brief interlude in the Afghanistan conflict. The rump Taliban had retreated to Pakistan, and the international presence ensured that the jostling for power between rival warlords did not break out into open conflict. In 2003, the North Atlantic Treaty Organization took charge of the International Security Assistance Force (ISAF), and began to expand ISAF beyond Kabul into the relatively permissive North and West of Afghanistan. The conflict reignited in 2005-2006, as ISAF expanded in the Southern and Eastern provinces. In 2009, the United States redoubled its commitment to the Afghanistan war under the newly elected President Barack Obama, resulting in a surge of US forces and funding. A new commander of ISAF and US forces, General Stanley McChrystal, also brought renewed drive and direction to the military campaign. 2009-2011 saw an intensification of military operations, with major ISAF offensives in the South and East (leading to some displacement of Taliban activity into the more stable North and West), a ramping up of special force raids to kill and capture Taliban leaders, and an accelerated effort to develop the Afghan security forces.⁵²

IAC in Afghanistan has had multiple causes. Much like the jihad against Soviet forces from 1979-89, the conflict since 2001 is an Islamic insurgency against an infidel invader, currently led by Taliban in alliance with the other two major insurgent groups in the east (the Haqqani network and Hekmatyar's HIG). The current conflict is also a civil war. Some view it as a war between Ghilzai Pashtuns (who form the core of the Taliban) and the victorious Northern Alliance (Durrani Pashtuns, Tajiks, Uzbeks and Hazaras). However, the Taliban appear to draw support from all Afghan ethnic groups.⁵³ At the local level, competition between kinship groups frames a violent competition for resources (land, water, control of routes, and narcotics revenue). For example, the conflict in Northern Helmand is primarily a struggle between three Pashtun tribal groups, the Alizai, Alikozai, and Ishaqzai. The situation in central Helmand is less defined along tribal lines due to the complex tapestry of kinship groups, but still much of the insurgency is defined by various groups resisting abuse by the Afghan police who are

⁵¹ Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton, NJ: Princeton University Press, 2010), 225-261; Barnett R. Rubin, *The Fragmentation of Afghanistan* (New Haven: Yale University Press, 2002, 2nd edn); Ahmed Rashid, *Taliban* (London: Pan Books, 2000).

⁵² Rudra Chaudhuri and Theo Farrell, 'Campaign Disconnect: Operational Progress and Strategic Obstacles in Afghanistan, 2009-2011' (2011) 87 *International Affairs*, 271-296.

⁵³ Antonio Giustozzi, *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency* (London: Hurst, 2007); Antonio Giustozzi, ed., *Decoding the New Taliban* (London: Hurst, 2009).

locally dominated by the Noorzai tribe.⁵⁴ This illustrates the larger point that since Afghan politics is based on patrimonialism, the natural order is for government positions to be used to sustain one kinship group at the expense of others.⁵⁵ This, in turn, further challenges the simple view of the conflict as an Islamic insurgency against an elected government. Finally, the conflict also has a significant transborder dimension. The Taliban developed in the 1990s with the support of the Pakistani intelligence service (ISI) in the two unruly provinces that border Afghanistan, Baluchistan and the North-West Frontier. The Taliban retreated across the border to Pakistan in 2002, and continue to generate forces and direct attacks against the Afghan government and ISAF from these two provinces with the support of the ISI.⁵⁶

Between 600,000 and 2.5 million civilians were killed in the Soviet War. The Mujahideen Civil War also saw widespread indiscriminate violence against civilians; for example, around 10,000 were killed in the struggle for Kabul in 1993.⁵⁷ In contrast, civilian fatalities since 2006 have been relatively modest. Starting from under 1,000 in 2006, direct civilian deaths from the conflict have risen by approximately 500 each year to over 2700 in 2010. Civilian casualties caused by ISAF attract much media attention and Afghan government criticism, but most civilians are killed by insurgent action (ranging from a low of 55 per cent in 2008 to highs of 72 per cent in 2006 and 75 per cent in 2010).⁵⁸ Afghanistan is the largest producer of refugees in the world, both in absolute numbers and as a proportion of the national population. Between 2006-2009, around 2 million Afghans were refugees (out of an estimated Afghan population of 30 million).⁵⁹ Many of these are legacy refugees from the 1980s, when punishing attacks on the population caused 5 million to flee into Iran and Pakistan; the Mujahideen Civil War that followed discouraged many from returning. But it is also indicative of the general lack of security, especially in the Southern and Eastern provinces. In rural communities, civilians face daily threats of violence from corrupt security forces, insurgents, organised crime, and other armed groups. Afghan police commonly prey on the civilian communities they are supposed to protect (though this problem has improved since 2010).⁶⁰ In the 1990s, the Taliban were responsible for some massacres, most notably in Herat. Since 2006, the Taliban have exercised more discipline, in order to win local consent. However, when they are unable

⁵⁴ Mike Martin, *A History of Helmand* (Afghan COIN Centre, August 2011).

⁵⁵ Antonio Giustozzi, *The Art of Coercion* (London: Hurst, 2011).

⁵⁶ C. J. Chivers, 'Tensions Flare as G.I.s Take Fire Out of Pakistan,' *New York Times*, 16 October 2011.

⁵⁷ Rob Johnson, *The Afghan Way of War* (London: Hurst, 2011), 249, 251.

⁵⁸ Ian S. Livingston and Michael O'Hanlon, 'Afghanistan Index', 30 November 2011, figures 1.31 and 1.32 at <http://www.brookings.edu/~media/Files/Programs/FP/afghanistan%20index/index.pdf>

⁵⁹ Table 3. The Afghan refugee population dramatically rises by a million in 2010. This may be due to the major ISAF and ANSF offensives in the southern provinces of Helmand and Kandahar in 2010, which may have caused local nationals to flee into Pakistan.

⁶⁰ Royal United Services Institute and Foreign Policy Research Institute, 'Reforming the Afghan National Police,' Joint Report, November 2009, 8-14; Thomas Hardy, 'Afghan Police Corruption in Fuelling Insurgency,' *Daily Telegraph*, 3 June 2010.

to subvert tribal clans through subtle means, the Taliban will use violence and intimidation.⁶¹

The overall trend in the current IAC in Afghanistan is one of steady intensification in attacks by anti-government forces since 2006. The insurgency is most active in the Summer months, when the poppy crop has been harvested and before the Winter sets in. The Afghan NGO Safety Office (ANSO) records attacks by anti-government forces peaking at 335 in July 2006, 405 in July 2007, 634 in August 2008, 1093 in August 2009 and 1541 in August 2010. The armed conflict is most intense in the South and East of Afghanistan. Insurgent attacks exceed 100 per quarter (in most cases, many times so) in the Southern provinces of Helmand and Kandahar, and the Eastern provinces of Ghazni, Nangarhar, Paktya, Khost and Kunar. In recent years, security appears to have grown worse in the West and North of the country. The offensive by ISAF and the Afghan army in the South in 2010 resulted in displacement of insurgent activity to the West, especially Farah province. The insurgency is very active in the Northwest provinces of Badghis and Faryab, where ISAF has been attempting to provide security for the completion of Highway 1 (the national ring road). There is also evidence of increased insurgent presence and activity in the North, especially along the major Northern logistical route for ISAF which runs through Kunduz and Baghlan provinces.⁶² Throughout Afghanistan, the public perception of insecurity remains high. In the largest survey of Afghan public opinion in 2011, 38 per cent of respondents identify insecurity as the greatest problem. This figure rises to over 50 per cent for respondents in the South and East.⁶³

2 COLOMBIA

The conflict in Colombia can be traced back to 'la Violencia', a ten-year undeclared civil war that emerged in 1948. After the liberal military coup d'Etat of 1953, the new leader Gustavo Rojas Pinilla appealed to all armed groups to lay down their arms. Nonetheless, over the years and fuelled by the increased repression and censorship of the Pinilla regime, left-wing groups retained their weapons and sought refuge in the mountainous regions of the country. A number of Soviet-style communists, Maoists or Castrists groups, emerged in the 1960s, notably the ELN, EPL, M-19, ANAPO, Quintin Lame, and, most significant for the ongoing conflict, Fuerzas Armadas Revolucionarias de Colombia

⁶¹ Johnson, note 55 above, 272-275; Ray Rivera, Shar Fiullah, and Eric Schmitt, 'Militants Turn to Death Squads in Afghanistan,' *New York Times*, 28 November 2011.

⁶² Data from The Afghanistan NGO Safety Office, *ANSO Quarterly Report, Q1 2011*, 1 January – 31 March 2011, 7-10, at <http://www.ngosafety.org/store/files/ANSO%20Q1%202011.pdf>; Farrell interviews with command staff at ISAF Regional Commands (RC), RC-North (Mazar-i-Sharif), RC-West (Herat), RC-Southwest (Camp Bastion), RC-South (KAF), and RC-East (BAF), Afghanistan, October 2010; Antonio Giustozzi and Christopher Reuter, 'The Northern Front: The Afghan Insurgency Spreading Beyond the Pashtuns,' Briefing Paper 3 (Berlin: Afghan Analysts Network, 2010).

⁶³ *Afghanistan in 2011: A Survey of the Afghan People* (The Asia Foundation, 2011), 22. Survey of almost 6500 people in all 34 provinces.

(FARC). These various groups engaged in some coordinated actions against the government, particularly after the establishment of the Simon Bolivar Guerrilla Coordinating Committee in 1987. The guerrillas, particularly the FARC, generate revenue through business dealings with the Colombian narcotics industry, although they claim that this does not compromise their ideological agenda.⁶⁴ The emergence of guerrilla movements has been matched by the creation of self-defence paramilitary groups under an umbrella organization, the Autodefensas Unidas de Colombia (AUC), which has undertaken a number of massacres of civilians suspected of being guerrilla sympathisers. The AUC has been officially demobilized in December 2005, but some elements continue to pursue criminal activities, in particular drug trafficking, and to challenge the government's authority and the armed forces.

President Uribe's election in 2002 and its subsequent re-election in 2006 showed an escalation in the government's offensive against the armed groups, a policy followed by his successor in 2010, Juan Manuel Santos, and supported by the United States. From 2000 to 2007, Colombia received more than US\$5 billion in US assistance for the military and the police.⁶⁵ The human cost of this policy is reflected in the high number of deaths caused directly by the conflict; although figures show a relative decline, falling from 3,633 in 2004 to 1,463 in 2009, due to the increasing success of the government's campaign against the FARC and other armed groups. Overall, the conflict is believed to have caused over 73,000 fatalities since 1963.⁶⁶ It has also produced a very large forced displacement, mostly within Colombia. In 2010, there were over 110,000 refugees and 3.5 million internally displaced persons (see table 3). The conflict defies neat characterization. It is an insurgency, a civil war, a war against the civilians, and generalized violence.⁶⁷

Tactics used by government forces, in particular, the use of antipersonnel landmines, have caused widespread civilian harm and suffering. Human Rights Watch notes that landmines leave 'hundreds of civilians maimed, blind, deaf or dead every year. Many of the survivors are among Colombia's poorest and most vulnerable citizens: peasants or others who live in impoverished rural regions, far from state authorities and hospitals, and who are often caught in the middle of the conflict.'⁶⁸ Hostage taking is common, either to deter operations by security forces ('political' hostages), or to finance the insurgency through ransoms ('economic' hostages). In 2008, the FARC alone was

⁶⁴ Garry Leech, *The FARC: The Longest Insurgency* (London: Zed Books, 2011).

⁶⁵ Just the Facts, *U.S. Aid to Colombia*, <http://justf.org/Country?country=Colombia> (last access: 29 November 2011). The level of military aid declines after 2007, but remains important.

⁶⁶ International Institute for Strategic Studies, *The Armed Conflicts Database*, <http://www.iiss.org/publications/armed-conflict-database/>, (last access: 29 November 2011).

⁶⁷ Eduardo Posada Carbó, *Guerra Civil? El Lenguaje Del Conflicto En Colombia*, Fundación Ideas para la Paz, Bogotá, 2001.

⁶⁸ Human Rights Watch, *Maiming the People: Guerrilla Use of Antipersonnel Landmines and other Indiscriminate Weapons in Colombia*, July 2007, p.1.

believed to hold 40 political hostages and about 700 economic hostages.⁶⁹ Use of child soldiers is also a particular problem. Guerilla propaganda encourages some children to join insurgent forces. Insurgents also abduct around 28 children per month. In total, between 11,000 and 14,000 child soldiers are currently enrolled in guerrilla groups, accounting for 30 per cent of the FARC fighting force.⁷⁰

Guerrilla violence is matched by that of the AUC successor groups, who regularly commit massacres, killings, rape and extortions.⁷¹ Government forces have also been accused of serious breaches of human rights.⁷² The overall level of violence in this conflict-afflicted country is reflected in the number of homicides, 20,000 in 2004 falling to around 16,000 in 2009. Gender-based violence is extensive. Moreover, 85 per cent of victims among the 21,288 suspected cases are underage. Compounding the problem is government failure to prosecute those responsible for gender-violence.⁷³

Although one might assume that Colombia's complex geography (mountains, rivers and hills divide the country in different regions with distinct identities) would lead to a geographical distribution of violence affecting more remote areas, the opposite can be observed. About half of the country's population lives in the triangle between and including the three cities of Bogota, Medellin and Cali. Most of the armed violence is concentrated in this area, especially the most populated cities. The more remote areas of the country are affected by armed violence primarily when the security forces undertake operations in such areas. The high rate of homicides in Bogota, Medellin and Cali can largely be attributed to wars between rival gangs over the control of drugs production and trafficking routes, emphasizing the conflict's complex and multi-faceted nature.

3 DEMOCRATIC REPUBLIC OF CONGO

The conflict in the Democratic Republic of the Congo (DRC), a country as large as two thirds the size of Western Europe and rich in natural resources (diamonds, oil, uranium, gold, copper, coltan and cobalt), is the widest interstate war in African history. There are no less than three different conflicts fought simultaneously. The first is an ethnic conflict between the Hutu and the Tutsi. The victory of the Tutsi-led Rwandan Patriotic Front in 1994 caused more than a million Hutu refugees to flee Rwanda for the DRC. The refugee

⁶⁹ Virginia M. Bouvier, 'Colombia's Crossroads: The FARC and the Future of the Hostages', *United States Institute of Peace Briefing*, June 2008.

⁷⁰ La Shawn Pagan, 'Colombia's War on Child Soldiers', *Media Global News*, 4 October 2011, <http://www.mediaglobal.org/2011/10/04/colombias-war-on-child-soldiers/> (last access 29 November 2011).

⁷¹ Human Rights Watch, *Paramilitaries' Heirs: The New Face of Violence in Colombia*, February 2010.

⁷² Amnesty International, *Annual Report 2011*, available at <http://www.amnesty.org/en/region/colombia/report-2011#section-30-13> (last access 29 November 2011).

⁷³ Amnesty International, *This is What we Demand. Justice'. Impunity for Sexual Violence against Women in Colombia's Armed Conflict*, September 2011.

camps effectively became bases for the Hutu militia that carried out the Rwandan genocide, with violent and destabilizing effects on local Congolese Hutus and Tutsis. The second is an insurgency by several rebel groups. The third is a series of proxy wars involving neighbouring countries: Burundi, Rwanda and Uganda supporting the rebels, while Chad, Namibia and Zimbabwe supported the government, each country wanting to secure its access to the DRC's natural resources.⁷⁴

The Congolese war formally ended in January 2003 but without a political settlement. The government controls only small parts of its territory, as the regions of North and South Kivu, Ituri and Northern Katanga are mainly run by rebel movements financed by the exploitation of the DRC's natural resources. The presidential elections of 28 November 2011, contested by four of President Kabila's main opponents illustrate, once again, the failures of the peacebuilding strategy established by the international community. The discursive frame elaborated by international actors precluded action on violence at the local level, although it is believed by scholars to be the main driver of the conflict at the national and regional levels.⁷⁵

The human cost of the conflict is tremendous. The widely cited figure of 5.4 million deaths between 1998 and 2007 has been challenged on methodological grounds, but numbers remain staggering. More conservative estimates claim a death toll of 3.3 million deaths in this timeframe.⁷⁶ Refugees are estimated at close to 500,000 with another 1.7 million internally displaced persons. Most of those displaced within the country are fleeing the provinces of North and South Kivu bordering Rwanda, where civilians have been the targets of deliberate attacks perpetrated by government forces and non-government armed groups: the number of IDPs fleeing North and South Kivu alone adds up to more than a million. The majority of violent assaults are committed in North and South Kivu, as well as the Ituri and North Katanga regions. Unsurprisingly, these areas are border regions, remote from the control of the central power (the distance between Kinshasa and South Kivu is approximately 1,000 km) and subject to the influence of neighbours having a vested interest in keeping these regions destabilized. The emerging picture is one of an unsettled and violent periphery (the northern and eastern parts of the country) which the government cannot hold control.

The diversity of violent means used by armed actors suggests a brutalization of the conflict that cannot be analyzed along ethnic lines alone, but also has to take into account

⁷⁴ Jason Stearns, *Dancing in the Glory of Monsters: The Collapse of the Congo and the Great War of Africa* (New York: Public Affairs, 2011); Gerald Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford: Oxford University Press, 2011).

⁷⁵ Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (Cambridge, Cambridge University Press, 2010).

⁷⁶ Tony Gambino, 'Democratic Republic of the Congo', *World Development Report 2011 Background Case Study*, World Bank, 2011, available at <http://wdr2011.worldbank.org/node/2679> (last access 30 November 2011).

the local dynamics of interests. These violent means include homicides and abuses such as punishment for suspected collaboration with enemy groups, robbery, forced labour, torture and rape.⁷⁷ Two in five women and one in four men report they have been victims of sexual violence in the eastern region of the country, rapes and sexual slavery being the more common forms.⁷⁸ Rapes are used by government forces and rebel groups as a tool of war in order to subdue foes and civilians.⁷⁹ In addition, a recent study has found that rapes carried out by civilians increased seventeen fold between 2004 and 2008, suggesting a gradual brutalization of the conflict.⁸⁰ The United Nations estimates that 200,000 women and girls have been assaulted between 1997 and 2009, with more than 18,000 cases reported between January and September 2008 alone.⁸¹

The issue of reintegration of child soldiers is proving especially challenging in DRC. Around 30,000 children, one third of them girls, have been turned into soldiers by the different armed groups and the army. DRC has a demobilization programme but it is difficult for a brainwashed and traumatized generation to return to a life without violence. A disturbing 75 per cent of the children socialized into military service during the war continue to associate it with positive emotions (thrill, bloodlust and power), hence are at risk of re-enrolment.⁸² The brutalisation of Congolese young people, and society in general, is almost certainly a major contributing factor to the very high number of homicides; between 2004-2009, over 100,000 people were murdered in non-conflict violence in the DRC (see Table 4). Thus, the homicide and rape figures suggest that the risk to civilians from violence remains exceptionally high even after the formal end of the war in 2003.

4 MEXICO

For over a decade, Mexico has experienced a level of armed violence that is normally associated with IAC. In this case, however, the conflict is driven purely by profit, as rival criminal organizations fight to control the trade in drugs and people across the border into the United States. During the 1980s and 1990s, the demise of the Colombian drug cartels created space for an expansion and diversification of organized crime in Mexico.

⁷⁷ Human Rights Watch, *Always on the Run: The Vicious Cycle of Displacement in Eastern Congo*, 14 September 2010.

⁷⁸ Laurie Melhado, 'Rates of Sexual Violence Are High in Democratic Republic of the Congo' (2010) 36 *International perspectives on Sexual and Reproductive Health*, 210.

⁷⁹ Human Rights Watch, *Soldiers who Rape, Commanders who Condone*, July 2009.

⁸⁰ Harvard Humanitarian Initiative with support from Oxfam America, *'Now, The World is Without Me': An Investigation of Sexual Violence in Eastern Democratic Republic of Congo*, April 2010.

⁸¹ United Nations Population Fund. *Secretary-General Calls Attention to Scourge of Sexual Violence in DRC*, 2009. Available at: <http://www.unfpa.org/public/News/pid/2181> (last access 30 November 2011).

⁸² Kristin Palitza, 'Rehabilitating Former Child Soldiers Who 'Liked' Killing', IPS News Service, 2 November 2011, <http://ipsnews.net/news.asp?idnews=105686> (last access 30 November 2011).

The conflict between criminal groups remained in the 1990s, but armed violence grew to alarming levels in the 2000s.

With the election of President Vicente Fox in 2000, Mexico adopted a more vigorous approach to tackling organized crime. 1,500 soldiers and federal police were deployed in 2005 into seven of Mexico's 31 states – Baja California, Chihuahua, Nuevo León, Tamaulipas, Quintana Roo, Sinaloa, and Veracruz – and into the Federal District. However, the same year, the Gulf and Sinaloa cartels violently clashed over control of the city of Nuevo Laredo in Tamaulipas, causing an estimated 110 fatalities over the January-August 2005 period alone.⁸³ Fox was criticized for underestimating the security threat posed by the cartels. His successor, Felipe Calderón, initiated an even more aggressive approach upon his election as President in December 2006. Calderón handed the job over to the military, and 40,000 soldiers were deployed in five states; Baja California, Sinaloa, Tamaulipas and Nuevo León as before, and the state of Michoacán. In February 2007, Calderón increased the salaries of rank-and-file soldiers by 46 per cent, and a number of other measures were taken to tackle corruption in the security forces and improve cooperation with the United States. Civilians have borne the brunt of this more aggressive approach, with the number of violent deaths rising from over 10,000 in 2007, to around 13,500 in 2008 and a new high of 16,500 in 2009 (see table 4).⁸⁴

The conflict has been called a 'mosaic cartel war'. As Kan explains: 'there are several conflicts occurring at once that blend into each other. There is the conflict of cartels among each other, the conflict within cartels, cartels against the Mexican state, cartels and gangs against the Mexican people and gangs versus gangs.'⁸⁵ This is a key aspect of the conflict: although the cartels furnish some social services in the areas they control, their ultimate objective is not to seize power, despite claims by the government to the contrary.⁸⁶ As they do not advance any political agenda, the cartels do not attract popular support; polls constantly show a strong popular support for the government's violent anti-drug policy.⁸⁷ The other defining aspect is the quality and strength of the military equipments the cartels use. According to one reputable estimate, the cartels have 100,000

⁸³ Claire Marshall, 'Gang Wars Plague Mexican Drugs Hub', *BBC News*, 14 August 2005, <http://news.bbc.co.uk/1/hi/world/americas/4144686.stm> (last access 19 November 2011).

⁸⁴ For an historical overview of the conflict and the evolution of Mexican cartels, see Jerry Langton, *Gangland: the Rise of the Mexican Drug Cartels from El Paso to Vancouver* (London: Wiley, 2011).

⁸⁵ Paul Rexton Kan, 'Mexico: A Mosaic Cartel War', *Small Wars Journal*, 12 June 2011.

⁸⁶ MSNBC News, 'Mexican Cartels Move Beyond Drugs, Seek Domination', 4 August 2010, http://www.msnbc.msn.com/id/38565051/ns/world_news-americas/ (last access 19 November 2011).

⁸⁷ In April 2010, 74 per cent of the Mexican population supported the government's policy: <http://www.consulta.mx/Estudio.aspx?Estudio=seguridad-mexico-mucd> (last access 19 November 2011), another poll institute evaluating the support to 80 per cent in August 2010. See <http://pewresearch.org/pubs/1698/mexico-support-drug-war-less-supportive-of-american-involvement> (last access 19 November 2011).

foot soldiers facing a 130,000 strong Mexican army.⁸⁸ Cartel mercenaries deploy advanced equipment (assault rifles, Kevlar helmets, body armour, grenade launchers, etc.), and demonstrate a mastery of advanced infantry tactics (gun battles, raids, ambush, blockades, etc.). Recently, they deployed light armoured vehicles, dubbed as 'narco-tanks' (in fact trucks enhanced with armour plating and gun ports), giving them a tactical advantage over dismounted forces such as state and federal police.⁸⁹ Finally, the cartels have also been able to engage in 'shaping' operations, notably by assuring a presence on social medias such as *twitter* and *facebook*.⁹⁰

Civilians have been caught in the middle of all this armed violence, and suffered terribly for it. The cartels use extreme violence to impose their will, broadcasting executions on YouTube,⁹¹ targeting citizens to undermine the government's authority (including attacks on night-clubs or crowded places, kidnapping, and death threats) or torturing and killing persons on their way from Latin America or Mexico to the United States who refused to join their organisations.⁹² The militarization of the counter-narcotics operations is also problematic. Intended as a response to the violence waged by the cartels, the 'war' initiated by Calderón has been undermined by accusations of massive human rights violations including torture, enforced disappearances and extra-judicial killings. 4803 complaints have been reported between 2007 and 2010, compared to the 691 cases registered between 2003 and 2006.⁹³

The violence has not been evenly distributed across Mexico. From 2004-09, Mexico had an average annual homicide rate of 11.5 per 100,000, which is three times lower than that of South Africa. However, some of Mexico's states have experienced extremely high levels of violence. The average homicide rate is worst in Chihuahua, at 108 per 100,000. Generally speaking, the violence is concentrated in the half dozen or so states – including Chihuahua, Sonora and Baja California on the US border, and Sinaloa and Guerrero on the coast – where the cartels are based. Gender-based violence is also concentrated in these states. The national femicide rate in 2009 was 3.5 per 100,000. But the rate was many times higher in Chihuahua (13.1), Baja California (10.1), and Guerrero (10.1).

⁸⁸ International Institute for Strategic Studies, Armed Conflict Database, <http://www.iiss.org/publications/armed-conflict-database/> (last access 19 November 2011).

⁸⁹ John P. Sullivan and Adam Elkus, 'Narco-Armor in Mexico', *Small Wars Journal*, 14 July 2011.

⁹⁰ J. David Goodman, 'In Mexico, Social Media Become a Battleground in the Drug War.' *New York Times*. 15 September 2011, <http://thelede.blogs.nytimes.com/2011/09/15/in-mexico-social-media-becomes-a-battleground-in-the-drug-war/> (last access 19 November 2011).

⁹¹ Manuel Roig-Franzia, 'Mexican Drug Cartels leave a Bloody Trail on YouTube', *The Washington Post*, 9 April 2007.

⁹² 'Crossing Continents, Murder, Migration and Mexico', *BBC Radio 4*, 11 August 2011, http://www.bbc.co.uk/iplayer/episode/b0132p7v/Crossing_Continents_Murder_migration_and_Mexico/ (last access 19 November 2011).

⁹³ Human Rights Watch, *Neither Rights nor Security: Killings, Torture and Disappearances in Mexico's 'War on Drugs'*, November 2011.

Violence can and does spread, however. States not affected by violence one year can experience high levels the next. For example, 1,209 civilians were killed by armed violence in Tamaulipas in 2010, whereas only 90 were killed the year before.⁹⁴ In late 2011 and early 2012, the violence spread into cities that were previously considered safe – Guadalajara, Veracruz and Mexico City itself.⁹⁵ The level of violence, especially in Northwest Mexico, produces modest levels of ‘narco-refugees.’⁹⁶ But the general concentration of violence leaving many parts of the country largely free of armed violence, combined with measures by US authorities to prevent illegal entry into the United States, has meant that most of those forcibly displaced by armed violence have relocated within Mexico. Estimates for the number of internally displaced persons range between 120,000 and 750,000.⁹⁷

5 SOMALIA

The current period of conflict in Somalia began with armed opposition to the brutal regime of Siad Barre in 1986, escalating to full-scale civil war following Barre’s fall from power in 1991. Over the past two-decades the conflict has involved inter-clan warfare, territorial separatism (Somaliland and Puntland), failed military interventions by US and UN led missions (1992-1995), political and military involvement of regional actors (Ethiopia and Kenya), fears of gradual Islamist radicalisation and links with terrorist networks such as Al-Qaeda, famines and the spread of piracy in the Gulf of Aden.⁹⁸

The conflict has been characterized by multiple forms of armed violence, ranging from intimate to large-scale military operations, and has involved a wide range of military actors including criminal gangs, Islamic terrorists, tribal militias, the armed forces of regional powers, and international military forces. Tribal militias display a range of military capabilities, using light weapons (assault rifles, RPGs and mortars) and infantry tactics, ‘technicals’ (heavy machine guns on pick-up trucks), as well as, insurgent tactics and IEDs. The conflict since 2004 has centered on a struggle between a secular tribal grouping, the Transitional Federated Government (TFG) and various Islamic groups. The

⁹⁴ Geneva Declaration Secretariat, note 32 above, 30-31, 121.

⁹⁵ Randal C. Archibold, ‘Mexico’s Drug War Bloodies Areas Thought Safe,’ *New York Times*, 18 January 2012, <http://www.nytimes.com/2012/01/19/world/americas/mexico-drug-war-bloodies-areas-thought-safe.html> (last accessed 20 January 2012).

⁹⁶ Paul Rexton Kan, *Mexico’s ‘Narco-Refugees’: The Looming Challenge for U.S. National Security* (Carlisle: Strategic Studies Institute, U.S. Army War College, 2011).

⁹⁷ Lower estimate from the Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/>, last access: 17 November 2011. Higher estimate from the International Institute for Strategic Studies, Armed Conflict Database, <http://www.iiss.org/publications/armed-conflict-database/> (last access 19 November 2011).

⁹⁸ Space constraints prevent a fuller treatment of this complex conflict. For an introduction, see Afyar Abdi Elmi, *Understanding the Somalia Conflagration: Identity, Political Islam and Peacebuilding* (London: Pluto Press, 2010).

rise of the Islamic Courts Union (ICU), an extreme Islamic grouping which captured the Somali capital, Mogadishu in June 2006, led to Ethiopian military intervention to back the TFG. The United States also conducted airstrikes against ICU strongholds in 2007. Ethiopian forces withdrew in December 2008, following military defeat of the ICU. Islamic groups, especially the al-Shabaab militia, continued to wage a guerrilla war against the TFG. Since 2009, TFG forces have been supported by the African Union Mission in Somalia (AMISOM) mostly comprising troops from Uganda and Burundi with some armoured vehicles and helicopters. Regional actors continue to militarily intervene in the Somali conflict. In October 2011, Kenya sent forces into Somalia in pursuit of al-Shabaab rebels. Whilst this intervention was not opposed by TFG, there may have been territorial ambition behind Kenya's military deployment into Somalia.⁹⁹ There are also reports that Ethiopia also sent its army back into Somalia in November 2011.¹⁰⁰

For the most part, the armed conflict has been concentrated in central and southern Somalia, especially around Mogadishu and the other two main population centres, the town of Baidoa in central Somali, and the southern port of Kismayu. The Islamic al-Shabaab militia presence in southern Somalia has limited humanitarian access because of the suspicion of the militias towards Western aid.¹⁰¹ This has devastating implications in a country where half the population, around 3 million people, depend on aid for survival. Both sides, the TFG and the Islamic militias have engaged in disproportionate indiscriminate use of armed force with regard for civilian populations. Al-Shabaab have also been responsible for large-scale human rights violations in their enforcement of strict sharia law, including amputations, execution, and torture.¹⁰² In contrast, the north of Somalia is relatively peaceful. The secessionist state of Somaliland in northwest Somalia, and non-secessionist autonomous state of Puntland in northeast Somalia, both have functioning governments that are able to collect taxes, provide basic services and maintain good public security.¹⁰³

A more recent problem has been rising Somali piracy in the Gulf of Aden. The International Maritime Bureau reports 213 reported attacks by Somali pirates in 2010, which has quadrupled since 2007. Somali pirates are responsible for almost half (48 per cent) of all attempted attacks against shipping worldwide, and for 25 per cent of all

⁹⁹ Jean-Philippe Rémy, 'La Somalie, Théâtre des Ambitions Kenyanes', *Le Monde*, 3 November 2011.

¹⁰⁰ Jeffrey Gettleman, 'Ethiopian Troops Said to Enter Somalia, Opening New Front Against Militants', *The New York Times*, 20 November 2011.

¹⁰¹ Mark Tran, 'Relief groups fear for aid efforts in Somalia as military tension rises', *The Guardian*, 27 October 2007.

¹⁰² Human Rights Watch, *Harsh War, Harsh Peace, Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia*, April 2010.

¹⁰³ Ken Menkhaus, 'Governance without Government in Somalia: Spoilers, State-Building and the Politics of Coping,' (2006/07) 31 *International Security*, 83, 91-93.

successful attacks.¹⁰⁴ In 2010, Somalia pirates seized 1,181 hostages.¹⁰⁵ This level of violence is not directly generated by the power struggles in Mogadishu, but seems to be more economically driven. Intelligence reports seem to suggest that the pirates are now being subsidized by foreign-based groups to conduct their illicit activities, showing evidence of 'business-type' integrated structures, with the Somali pirates being the 'foot-soldiers' receiving orders from criminal organizations abroad.¹⁰⁶

The effects on civilian populations of armed conflict are tremendous. All parties have been accused of war crimes during the conflict, including indiscriminate attacks on civilians, unlawful killings, and recruitment of child soldiers.¹⁰⁷ The conflict is believed to have caused over 391,000 casualties since 1991.¹⁰⁸ It produced over 750,000 refugees in 2010, and displaced almost 1.5 million within the country. Refugees flee to Kenya en masse, mostly to end up in a camp at Dabaab, the world's largest refugee camp with 460,000 people, where they are vulnerable to human rights abuses at the hands of Kenya security forces.¹⁰⁹ The situation for internally displaced people is no better as the conflict hinders aid organizations from providing humanitarian relief.¹¹⁰

6 SRI LANKA

Once a British colony, Sri Lanka acquired independence in 1948 and adopted a democratic political system. The population is split between a predominantly Buddhist Sinhalese majority (around 74 per cent) and a Hindu Tamil minority (around 8 per cent comprising native and of Indian origin Tamils), with smaller Moors (predominantly Muslims) communities.¹¹¹ After the declaration of Sinhalese as the country's official language in 1956, the Tamil minority feared that the state would abuse their communal rights and, driven by ethnic violence and institutionalized anti-Tamil bias in government and education, Tamil political leaders began to favour separatism by the mid-1970s. The Liberation Tigers of Tamil Eelam (LTTE) emerged as the main Tamil militant group and started to engage armed actions against the government in 1983. Despite several attempts by external parties (including India and Norway) to broker peace agreements, the conflict raged until the government's military victory in 2009. While this might appear as

¹⁰⁴ Geneva Declaration Secretariat, note 32 above, 16.

¹⁰⁵ BBC News Africa, 18 January 2011, <http://www.bbc.co.uk/news/world-africa-12214905> (last access 22 November 2011).

¹⁰⁶ Major-General Buster Howes OBE, Operation Commander EU NAVFOR, *Making Counter-Piracy Operations Effective*, speech to the International Institute for Strategic Studies, 5 July 2011.

¹⁰⁷ Human Rights Watch, *'You don't Know Who to Blame', War Crimes in Somalia*, Human Rights Watch, August 2011.

¹⁰⁸ International Institute for Strategic Studies, Armed Conflict Database, <http://www.iiss.org/publications/armed-conflict-database/> (last access 22 November 2011).

¹⁰⁹ Human Rights Watch, *'Welcome To Kenya', Police Abuses of Somali Refugees*, 17 June 2010.

¹¹⁰ Liz Ford, 'Somalia famine eases but situation is still 'fragile'', *The Guardian*, 18 November 2011.

¹¹¹ The CIA World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>, last access 16 November 2011.

an endgame to the conflict, critics notice that the Tamil's grievances have not been addressed and hence the potential exists for the conflict to reignite.¹¹²

The conflict was primarily characterized by LTTE using a mix of guerrilla and regular warfare to defend territory in northern and eastern parts of Sri Lanka, and suicide terrorism to threaten the capital, Colombo, and other population centers controlled by the government. One significant terrorist attack happened every year in Colombo between 1996 and 2002.¹¹³ LTTE also launched occasional spectacular actions, including an air attack on Colombo in February 2009.¹¹⁴ The LTTE was well known for employing women¹¹⁵ and child soldiers.¹¹⁶ Sri Lanka is an almost textbook example of the "hybrid warfare" concept, with a politically motivated opponent to the central government using a combination of regular and irregular military means.

Both sides were ruthless in this war. LTTE targeted moderate Tamils who would not agree with its strategy of no-holds barred military actions against the government.¹¹⁷ Equally, the government has repeatedly been accused of human rights violations during its military actions against the LTTE, notably of enforced disappearances, torture, arbitrary arrests and extrajudicial executions.¹¹⁸ The number of direct conflict deaths rose sharply in the closing years, rising from 4,500 in 2007 to 11,144 in 2008 and 15,565 in 2009, as government forces pursued for a military solution. During the very last phase of the conflict, the government was accused of intentionally shelling civilians and hospitals.¹¹⁹ In total, the conflict is estimated to have caused over 90,000 combatant and civilian fatalities since 1983.¹²⁰

The intensity of the conflict is reflected in the number of refugees or internally displaced persons, which numbered respectively 140,000 and over 270,000 in 2011 (see table 3). The 1.5 million landmines disseminated in the country are proving to be a major obstacle to 'resettlement, livelihoods, food security and recovery.'¹²¹ Another legacy of the war is increased gender inequality. The militarization of Sinhalese society led to a large increase

¹¹² For an overview of the conflict which also involves Sinhalese Maoist groups, see Asoka Bandarage, *The Separatist Conflict in Sri Lanka: Terrorism, Ethnicity, Political Economy* (Oxon: Routledge, 2009).

¹¹³ Col R Hariharan (ret.), 'Sri Lanka, How Strong are the Tigers?', *South Asia Analysis Group*, Note 297, 28 February 2006.

¹¹⁴ Aidan Jones, 'Tamil Tigers Attack Colombo with Aircrafts', *The Guardian*, 21 February 2009.

¹¹⁵ Alisa Stack O'Connor, 'Lions, Tigers, and Freedom Birds: How and Why the Liberation Tigers of Tamil Eelam Employs Women' (2007) 17 *Terrorism and Political Violence*, 43-63.

¹¹⁶ Human Rights Watch, *Living in Fear: Child Soldiers and the Tamil Tigers in Sri Lanka*, vol. 16, no. 13(C), November 2004.

¹¹⁷ M R Narayan Swamy, *The Tiger Vanquished: LTTE's Story* (London, Sage, 2010).

¹¹⁸ Human Rights Watch, *Return to War: Human Rights Under Siege*, 5 August 2007.

¹¹⁹ International Crisis Group, *War Crimes in Sri Lanka*, Asia Report n°191, 17 May 2010.

¹²⁰ International Institute for Strategic Studies, *Armed Conflict Database*, <http://www.iiss.org/publications/armed-conflict-database/> last access 17 November 2011.

¹²¹ See <http://www.unocha.org/where-we-work/sri-lanka>. last access: 17 November 2011.

in sex workers to service the Sri Lankan armed forces, yet sex workers continue to be classified as criminals in Sri Lanka. The LTTE encouraged paternalistic behaviours and sexual surveillance in the Tamil community, both as an operational security measure and a way to promote its perceived national culture. The cumulative impact of these measures has been most detrimental to the empowerment of Sri Lankan women.¹²² The war also had a disruptive effect on the economy, as shown by the average 0.9 per cent annual growth over the 2000-2009 periods, and mostly affected the populations of the North and East, as it 'interrupted productive activities there, pervasively damaged the economic and social infrastructure, deterred private sector investment, discouraged tourism and contributed to an exodus of qualified professionals.'¹²³

IV CONCLUSIONS

The quantitative data on armed conflict since 1990 suggests that conflict occurrence is decreasing, as are the effects of conflict on civilians. Similarly, some scholars argue that war is on an historical trajectory of decline.¹²⁴ In this paper, we have presented a different picture. The character of armed conflict has evolved to encompass a broader range of violent actors and activity. The traditional view of war as an activity undertaken by organized armed groups for political purposes no longer captures the complex reality of armed conflict. Contemporary armed conflict involves a wide variety of motives, military actors and modes of violence. Armed violence is used for political, economic and personal gain. Alongside the more traditional armed actors, state-based security forces and organized insurgents, there are criminal gangs, transnational terrorists, pirates, various militia, and private military contractors. Finally, contemporary conflict combines political, criminal and interpersonal violence. As noted in the Introduction, these factors have implications for understanding displacement, and in the determination of who should receive international protection.

The case studies illustrate the complexity of contemporary armed conflict. They reveal IAC to have many causes. In two cases, we can see a dominant conflict driver; Tamil grievance in the case of Sri Lanka, and criminal greed in the case of Mexico. The others all display a mix of political and economic conflict drivers. Afghanistan, Colombia, DRC and Somalia all demonstrate typical war economies where the conflict is fuelled by the exploitation of natural resources, vulnerable populations, and the ready availability of

¹²² Yasmin Tambiah, 'Turncoat Bodies: Sexuality and Sex Work under Militarization in Sri Lanka' (2005) 19 *Gender and Society*, 243-261.

¹²³ UNDP, 'Sri Lanka Country Assessment: The Asia-Pacific Rights and Justice Initiative', 25 August 2010, pp. 9-10.

¹²⁴ Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes* (London: Allen Lane, 2011); Michael Mandelbaum, 'Is Major War Obsolete?' (1998-99) 40 *Survival*, 20-26; John Mueller, *Retreat from Doomsday: The Obsolescence of Major War* (New York: Basic Books, 1989); Mueller, *Remnants*.

small arms. Whilst the FARC and the Taliban leadership have clear political agenda's, groups within each organization use the armed cause to advance economic interests. Somalia combines politically, religiously and economically motivated armed violence.

All six case studies illustrate the problem of IACs that just rumble on. The Colombia IAC started over 60 years ago. The IACs in Somalia and Sri Lanka both started in the mid 1980s. Defeat of the major rebel alliance in Somalia in late 2008 (the ICU), did little to end the conflict. In contrast, defeat of LTTE in Sri Lanka does appear to have temporarily ended the conflict. But without a political resolution of Tamil grievances, the chances of the conflict restarting must be high. In many cases, countries have endured a series of IACs that have blurred into one another. The Congolese war comprised an ethnic conflict between Hutus and Tutsis from neighbouring Rwanda that spilled into DRC, insurgency by a number of rebel groups, and a regional war that drew in six neighbouring states. Afghanistan has experienced a series of conflicts – including, the Soviet War, Mujahideen Civil War, and current war against the Taliban – with only a few brief interludes of relative peace over the past thirty years.

As well as a mix of armed actors, the case studies reveal the many modes of violence in contemporary IAC. The conflicts in Afghanistan, DRC, Somalia and Sri Lanka have all involved major combat operations by state militaries, guerrilla warfare by insurgent groups, terrorist attacks, and armed violence by criminal groups. Colombia and Mexico both have involved the use of the army to suppress organized violent crime. All cases have involved extensive use of children by armed groups. The Taliban recruit children from extremist Madrassas in Pakistan. We noted the use of child soldiers by the LTTE in Sri Lanka. The United Nations also has reported the forcible recruitment and widespread use of child soldiers by the TFG and by Islamic rebels in Somalia.¹²⁵ We also noted that FARC in Colombia had up to 14,000 child soldiers, and that 30,000 children were fighting for various rebel groups in DRC. A child rights non-governmental organization (NGO) in Mexico estimates that there may be as many as 30,000 children working for organized crime.¹²⁶

We have argued that a narrow focus on conflict deaths fails to capture the real effects of IAC on civilian populations. Certainly, the number of directly caused civilian deaths in Afghanistan, DRC and Somalia indicate a general downward trend. The conflicts in each country annually killed civilians in the tens of thousands in the 1990s. Direct conflict deaths in each country are in the low thousands for 2004-2009. However, when the wider

¹²⁵ <http://www.childsoldiersglobalreport.org/content/somalia>

¹²⁶ <http://www.undispatch.com/child-soldiers-in-the-mexican-drug-war>

effects of armed conflict in producing violence in society are examined, the picture becomes more alarming.¹²⁷

Violent deaths in conflict and generalized violence present the tip of the iceberg in terms of the effects of conflict on civilian populations. We noted in our literature survey that violence is used against civilians for political, economic, and criminal purposes producing physical and psychological harm below the threshold of death. Reports indicate extensive and serious human rights abuses by all sides in the conflicts in Colombia, DRC, Somalia, and Sri Lanka, and by insurgents in Afghanistan and organized crime in Mexico. Gender-based violence has also been endemic in Colombia, DRC, Sri Lanka, and some parts of Mexico. The situation has been especially chronic in DRC, with up to 200,000 women and girls sexually assaulted between 1997-2009.

The literature survey also pointed to the problem of excess deaths caused indirectly by the conflict through poverty, famine, population displacement, and disease. In its 2008 report, the Global Burden of Armed Violence (a Geneva-based NGO) produced a 'conservative estimate' of 4:1 for the ratio of indirect to direct conflict deaths.¹²⁸ The casual links – especially direction of causation – between conflict, poverty, population displacement, disease and famine are difficult to untangle. The literature survey noted statistics that demonstrate how damaging armed conflict is for economic development. Also noted was the impact of conflict on personal poverty and community healthcare, and the impact of poverty and population displacement on disease. But given the iterative cycle of conflict and chronic underdevelopment, it is extremely difficult to demonstrate conclusively in any case that conflict was the primary cause of deaths through famine and disease.¹²⁹

Given space constraints, we have not been able to process trace causation between conflict, development, and excess civilian deaths in our case studies. However, the quantitative data does suggest that in those countries where state fragility is high (due to social and economic pressures, and government corruption), and where poverty is high, armed conflict is likely to generate more excess deaths through famine and disease than in those countries that are stable and have less poverty. In failing states, there is less social resilience by the state and by communities to the disruption caused by armed

¹²⁷ IAC also increases the risk of homicide as a consequence of conflict trauma, greater societal tolerance of violence, and the wide availability of guns. Between 2004 and 2009, the annual global average of direct conflict deaths was of 55,000. In the same period, the annual global average of homicides was 396,000. Geneva Declaration Secretariat, note 32 above, 70.

¹²⁸ *Ibid.*

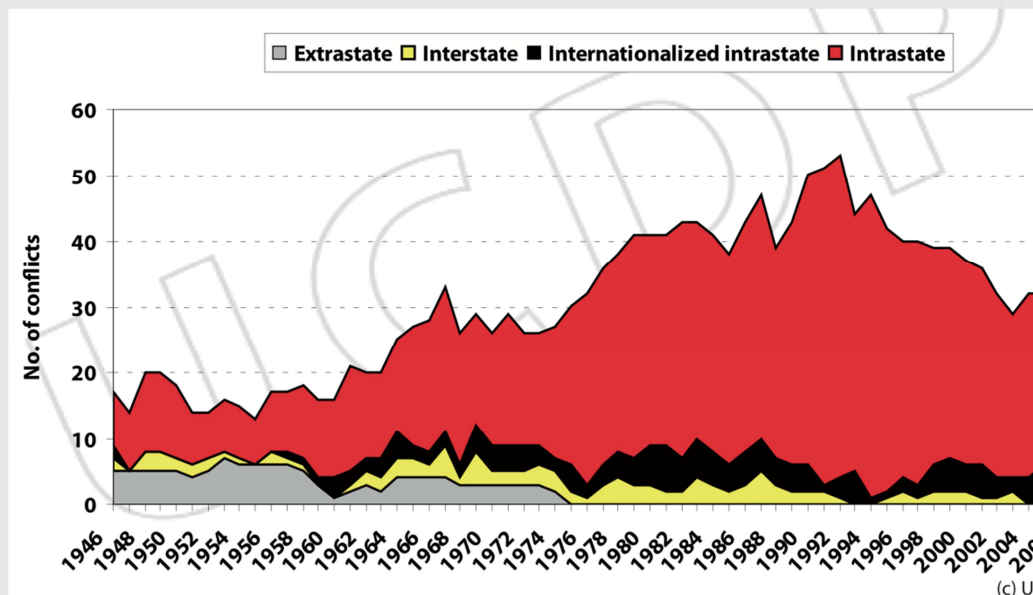
¹²⁹ This problem was noted by the UK Asylum and Immigration Tribunal (AIT) in the GS (Afghanistan) case in 2009. For discussion on this and the flaw in the AIT reasoning, see Farrell and Lambert, note 48 above.

conflict. Thus, in Afghanistan, DRC and Somalia, which are rated 7, 4, and 1 respectively on the Failed States Index and have very low Gross National Income (GNI) per capita, around one-third of children are malnourished and child mortality is a staggering 1 in 5. In contrast, Colombia, Mexico and Sri Lanka, which are far lower down on the Failed States Index and have much higher GNI per capita, also have much lower rates of child malnourishment and mortality (see table 5). Underdeveloped and fragile states are also far more likely to experience a repetitive cycle of conflicts. This underlines the imperative to tackle economic and state underdevelopment in order to enable the vulnerable civilian populations of such states to escape the 'conflict trap.'¹³⁰

¹³⁰ Collier, note 3 above, 17-37.

TABLE 1

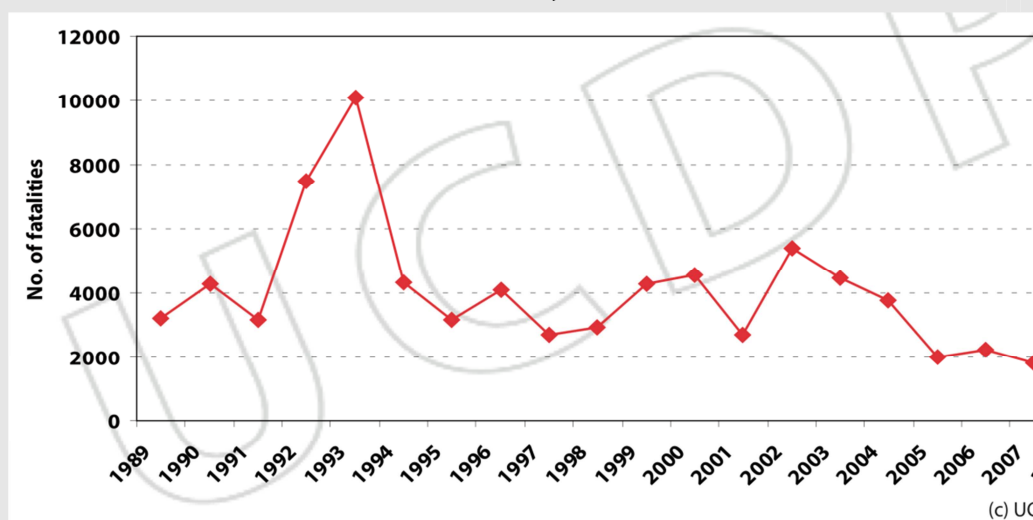
Armed Conflicts by Type, 1946-2009



Source: http://www.pcr.uu.se/research/ucdp/charts_and_graphs/

TABLE 2

Fatalities in Internal Armed Conflicts, 1989-2008



Source: http://www.pcr.uu.se/research/ucdp/charts_and_graphs/

TABLE 3**Population Displacement, 2006-2010 (per 1000)**

Country		2006	2007	2008	2009	2010
Afghanistan	Refugees	2107	1910	1818	1906	3055
	IDPs	129	154	231	297	352
Colombia	Refugees	73	70	77	104	113
	IDPs	3000	3000	000	3303	3672
DRC	Refugees	401	370	368	455	476
	IDPs	1075	1318	1460	2053	1721
Mexico	Refugees	3	5	6	6	7
	IDPs	No data	No data	No data	No data	120-750 ¹³¹
Somalia	Refugees	464	455	559	678	770
	IDPs	00	1000	277	1551	1465
Sri Lanka	Refugees	117	135	138	146	141
	IDPs	469	459	05	435	274

Source: UNHCR Statistical Population Database,
<http://www.unhcr.org/pages/49c3646c4d6.html>

¹³¹ See note 93 above.

TABLE 4**Annual Violence Deaths, 2004- 2009**

Country	Category	2004	2005	2006	2007	2008	2009
	Homicide	813	813	813	707	707	707
Afghanistan	Direct conflict deaths	917	1,000	4,000	7,109	6,312	6,938
	Total violent deaths	1,730	1,813	4,813	7,816	7,019	7,645
	Homicide	20,210	18,111	17,479	17,198	16,140	15,817
Colombia	Direct conflict deaths	3,633	3,358	2,168	3,271	1,670	1,463
	Total violent deaths	23,843	21,469	19,647	20,469	17,810	17,280
	Homicide	20,061	20,061	20,061	13,558	13,558	13,558
DRC	Direct conflict deaths	3,500	3,750	746	1,351	1,500	2,828
	Total violent deaths	23,561	23,811	20,807	14,909	15,058	16,386
	Homicide	11,799	11,405	11,948	10,417	13,425	16,426
Mexico	Direct conflict deaths	38	180	65	0	0	0
	Total violent deaths	11,837	11,585	12,013	10,417	13,425	16,426
	Homicide	265	265	265	138	138	138
Somalia	Direct conflict deaths	760	285	879	6,500	3,000	1,000
	Total violent deaths	1,025	550	1,144	6,638	3,138	1,138
	Homicide	1,377	1,221	2,045	1,663	1,488	958
Sri Lanka	Direct conflict deaths	109	330	4,126	4,500	11,144	15,565
	Total violent deaths	1,486	1,551	6,171	6,163	12,632	16,523

Source: The Global Burden of Armed Violence project team.

Note: 'Direct conflict deaths' includes combatants and civilians.

TABLE 5**Socio-economic data on case studies**

<i>Case study</i>	<i>Failed States Index</i>	<i>Population millions</i>	<i>GNI per capita US\$</i>	<i>Child mal-nutrition % of under 5</i>	<i>Under 5 mortality per 1000</i>
Afghanistan	7	34.5	290	32.9	199
Colombia	44	46.2	5,510	5.1	19
Congo, DR	4	65.9	180	28.2	199
Mexico	94	113.4	8,930	3.4	85
Somalia	1	9.3	150	32.8	180
Sri Lanka	29	20.8	2,240	21.1	15

Sources: World Bank, *World Development Report 2011*, Tables 1, 2, and 3, 344-9; World Bank country profiles at <http://data.worldbank.org/country>

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