RETHINKING THE IMPACT OF WAR: ELEVATING PROTECTIONS FOR THE DISPLACED

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Abstract: Broader conflict trends indicate that casualties from war are declining. Despite a recent upsurge in fatalities stemming from the Syria conflict, aggregate battlefield fatalities, civilian casualties and casualties from one-sided violence have all registered significant declines, particularly in relation to major wars of the twentieth century. Global displacement trends are the exception. Cumulative displacement and annual displacement flows stand at record highs – the latest figures indicate over 71 million persons displaced with 16.2 million new displacements in 2017. This challenges conventional understanding of civilian protection trends. This paper presents an empirical analysis of recent conflict trends, focusing on global displacement compared to civilian fatality figures. It discusses the implications of these findings and offer explanations for why global displacement is increasing so rapidly. It examines the relative success of the international community in reducing civilian fatalities in war and offers explanations for why the international community has contrastingly failed to reduce rates of displacement. Finally, it offers suggestions for strengthening the norm against forced displacement to alleviate the crisis in displacement.

Keywords: armed conflict, conflict data, one-sided violence, war, displacement, civilian protection

Introduction

The character of war has changed considerably since the end of World War II. In the post-Cold War era, three conflict trends stand out. First, total casualties from armed conflict are significantly lower compared to fatalities from conflicts in the twentieth century. This holds true even when factoring in a recent uptick in battlefield and civilian deaths from turmoil in the Middle East and North Africa. Researchers have documented declines in the number of armed conflicts and decreases in battle severity (Melander, Oberg, and Hall 2009; Newman 2004; Marshall and Gurr 2005; Goldstein 2008). This includes lower numbers of battlefield and civilian casualties: "The overall decrease in

fatalities lends support to the claim that conflict deaths are in decline and that the world is increasingly peaceful" (Pettersson and Eck 2018, 537-38).

Second, casualties from one-sided violence have decreased. One-sided violence is the "use of armed force by the government of a state or by a formally organized group against civilians which results in at least 25 deaths."[1] Today, decreasing numbers of individuals are dying from armed attacks that involve the intentional and direct use of violence against civilians.

Third, in contrast, global forced displacement numbers have risen dramatically. Cumulative global displacement now exceeds 71.5 million, the highest level ever recorded (UNHCR 2018b). New annual displacements vastly exceed displacement rates from twentieth century conflicts. Thus, while civilian casualties are decreasing, and total casualties linked to armed conflict are much lower compared to prior historical periods, displacement levels have surged in an unprecedented manner.

This third trend – the alarming rise in displacement – demands further analysis and scrutiny. This paper asserts that a major reason for the sharp increase in global displacement is because of normative preferences made by the international community. In effect, the international community has prioritized other civilian protection issues, such as reducing mass atrocities and intentional civilian casualties, over strengthening and enforcing the norm against forced displacement.

This paper will begin by presenting an empirical analysis of recent conflict trends, focusing on global displacement compared to civilian fatality figures. It will discuss the implications of these findings and offer explanations for why global displacement is increasing so rapidly. Next, it will examine the relative success the international community has had in reducing civilian fatalities in war, particularly one-sided violence and mass atrocities, and it will offer five explanations for why the international

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[1] In their introduction for a new dataset on one-sided violence, Kristine Eck and Lisa Hultman note: "The concept of one-sided violence encompasses only those fatalities that are caused by the intentional and direct use of violence. Intentional killings refer to any action that is taken to deliberately kill civilians. Unintentional deaths, however, comprise those deaths that result inadvertently from conflicts, for example, civilians caught in crossfire. Direct killings encompass all deaths caused directly by an actor, such as by bombing or shooting. Indirect deaths, on the other hand, include those deaths caused indirectly by an ongoing conflict, mainly due to disease or other health problems. For a fatality to be included as one-sided violence, it must be both intentional and a result of the direct use of armed force" (Eck and Hultman 2007, 235).

community has contrastingly failed to reduce rates of displacement. Finally, it will offer suggestions for strengthening the norm against forced displacement to help alleviate the crisis.

For conflict and battlefield analysis, this paper uses data compiled by the Uppsala Conflict Data Program, including the UCDP Conflict Encyclopedia (UCDP database), UCDP Georeferenced Event Dataset (GED) global version 18.1, UCDP One-Sided Violence Dataset, and the PRIO Battle Deaths Dataset 3.1 (Croicu and Sundberg 2017; Eck, Kristine and Hultman 2007; Allansson, Melander and Themner 2017). Displacement data sources come from the UN High Commission for Refugees (UNHCR) and Internal Displacement Monitoring Centre (IDMC).

Conflict Trends in the Post-Cold War Era

In the 1990s, there was growing concern that mass atrocities and civilian deaths from armed conflict were on the rise. The occurrence of mass atrocities in the former Yugoslavia, Rwanda and Darfur reinforced the notion that armed conflict had taken on new lethal tendencies. This gave rise to "new wars" theorists who argued that the nature of war was changing in fundamental ways. They noted that as interstate conflicts gave way to civil wars, armed factions were intentionally instilling terror and seeking to control civilian populations through "mass killing and forcible resettlement" (Kaldor 2006, 9). Many researchers pushed back against the new wars theorists. They documented that casualties from armed conflict had decreased, direct violence against civilians had lessened, and civilian displacement from forced migration had ebbed in a "statistically significant" manner (Melander 2009, 507). By 2012, a relative consensus had emerged that the number of armed conflicts "had declined substantially" since the end of the Cold War in 1989 (Mack and Merz 2012, 164).

But the onset of Arab Spring protests in 2011 and subsequent turmoil in the Middle East seemed to have sparked a reversal. As UCDP's GED data shows, starting in 2012, total casualties from armed conflict almost doubled – from 35,500 to over 70,000. Likewise, civilian casualties shot up from 9,000 to nearly 38,000. These elevated numbers have persisted through the end of 2017. While wartime casualties in 2017 were lower than peak rates in 2014-15, the casualty figure of 90,358 still

represents a substantial escalation from pre-2012 numbers. Likewise, civilian casualties remain at elevated levels: 2017 recorded 27,271 civilian fatalities. Finally, incidents of conflicts picked up as well. In 2017, 49 active state-based conflicts occurred worldwide.[2] This represented a tie for the fourth highest number of global conflicts since 1989. Figure 1 depicts conflict trendlines from 1989 through 2016.
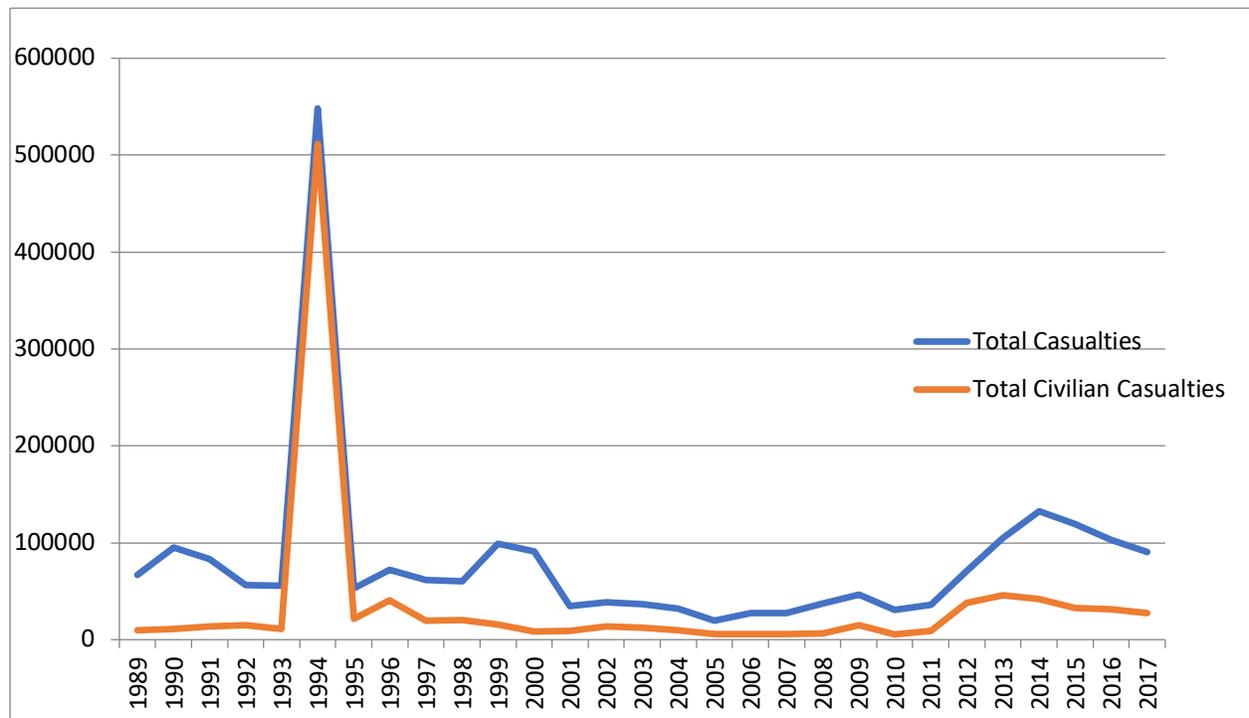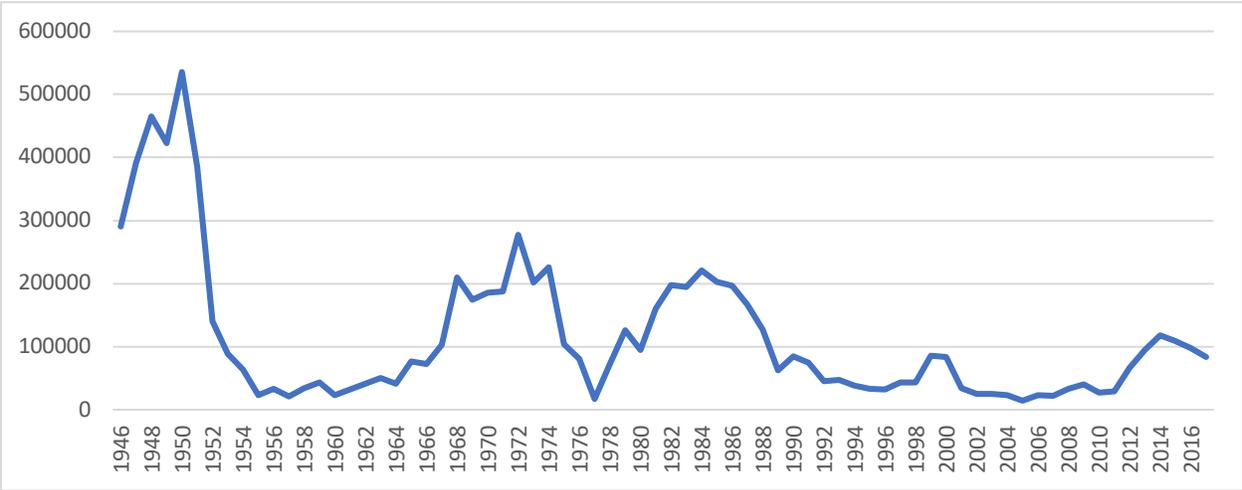

Figure 1. Conflict trends, 1989-2017

While conflict trends have worsened since 2012 as a result of turmoil in the Middle East and North Africa, it is important to view this data with the proper perspective. From a

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[2] UCDP's intensity cut-off for determining whether an event qualifies as a state-based conflict, non-state conflict or one-sided violence is 25 fatalities in a calendar year. UCDP defines state-based conflicts as "all cases where at least one of the parties is the government of a state, that is, armed conflicts between states and within states (government vs. a rebel group). UCDP defines non-state conflicts to include "fighting between rebel groups, militias and drug cartels, such as the conflict between the Islamic State (IS) and Taleban, raging since 2015 in Afghanistan." One-sided violence "entails the targeted killing of unarmed civilians, by states (e.g. the Afghan Taleban government's excessive killing of civilians, particularly in 1998, when it consolidated its control over the northern areas of the country)" (Allansson, Melander, and Themner 2017, 574-75). Total casualty figures include fatalities from all three events: state-based, non-state based and one-sided violence.

historical standpoint, casualties from war have significantly decreased, especially compared to fatalities from major twentieth century conflicts, such as the Chinese Civil War, or Korea and Vietnam Wars (Lacina & Gleditsch 2005, 154-55). Figure 2 shows battlefield death trendlines from 1946-2017 derived from PRIO battle deaths dataset 3.1 and UCPD Conflict Encyclopedia.

Figure 2. Battlefield Deaths, 1946-2017

Finally, a regional breakdown of conflict trends from 1989-2017 shows that total fatalities from war occurred predominantly in Africa through 2005. By 2012, casualties had surged in the Middle East in comparison to all other regions (see Figure 3).
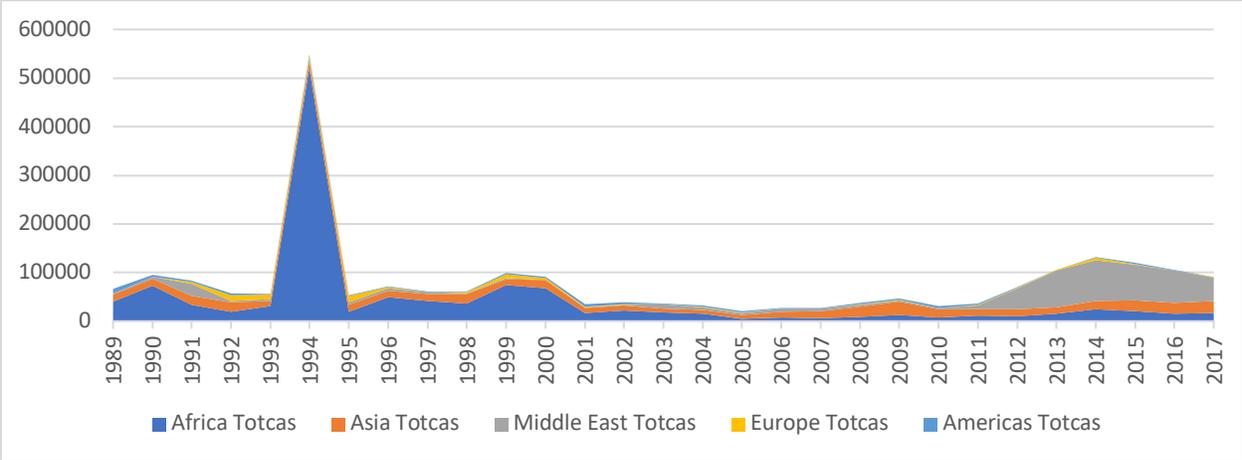

Figure 3. Total casualties from armed conflict by region

Despite the up-and-down nature of total casualties from armed conflict, one of the primary indicators of civilian harm – one-sided violence – has registered sustained decreased in recent years.

Decreasing Levels of One-Sided Violence

Over time, the number of incidents and associated casualties from one-sided violence have decreased (Allansson, Melander and Themner 2017). For example, when using UCDP data to plot out annual casualty figures from one-sided violence from 1989-2017, Figure 3 shows a modest decline (the graph excludes 1994, the year of the Rwanda genocide).[3]
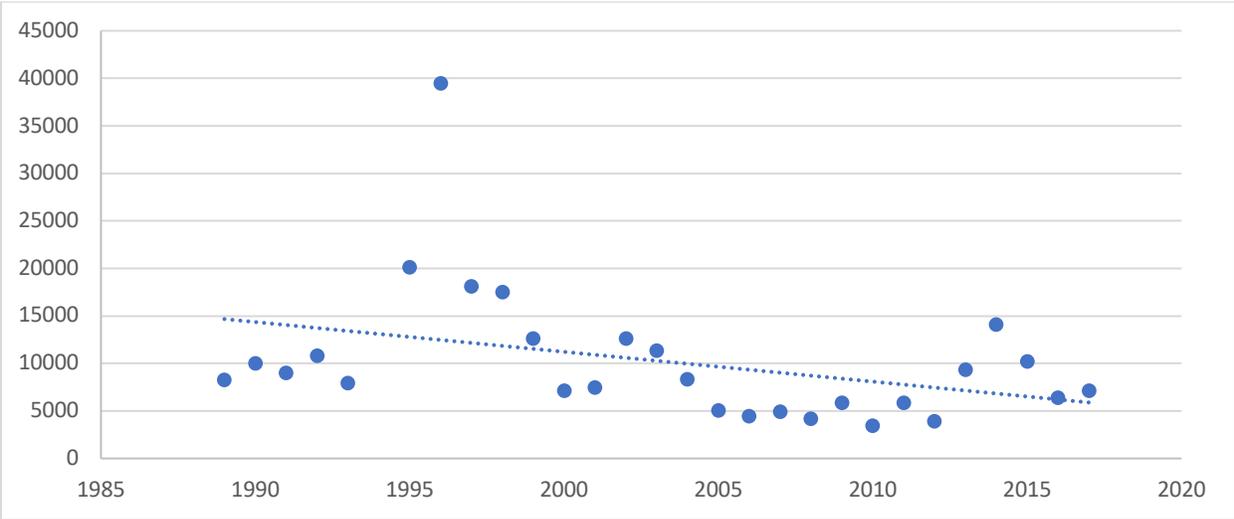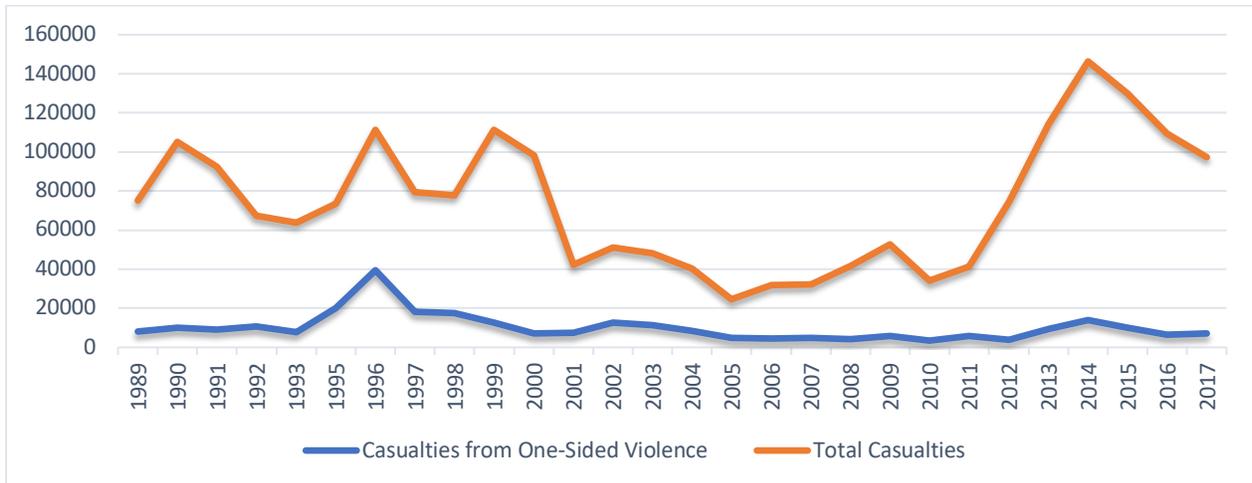

Figure 4. Casualties from one-sided violence, 1989-2017 (excluding 1994)

The data shows that intentional armed attacks against civilians have become rarer – current figures are "considerably lower than the high levels of one-sided violence in much of the 1990s" (Pettersson & Eck, 539).

Second, when comparing casualties from one-sided violence to total casualty figures in the same period, Figure 4 shows a widening gap between deliberate

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[3] UCDP defines one-sided violence as "the use of armed force by the government of a state or by a formally organized group against civilians which results in at least 25 deaths. Extrajudicial killings in custody are excluded" (Eck, Kristine and Hultman 2007).

instances of mass civilian killings and overall casualties. While total casualty figures have increased since 2012, one-sided violence remains low.


Figure 5. Casualties from one-sided violence compared to total casualties (1989-2017, excluding 1994)

The latest data from 2017 shows that incidences of one-sided violence stayed low. UCDP recorded 33 events of one-sided violence resulting in 7,088 fatalities.
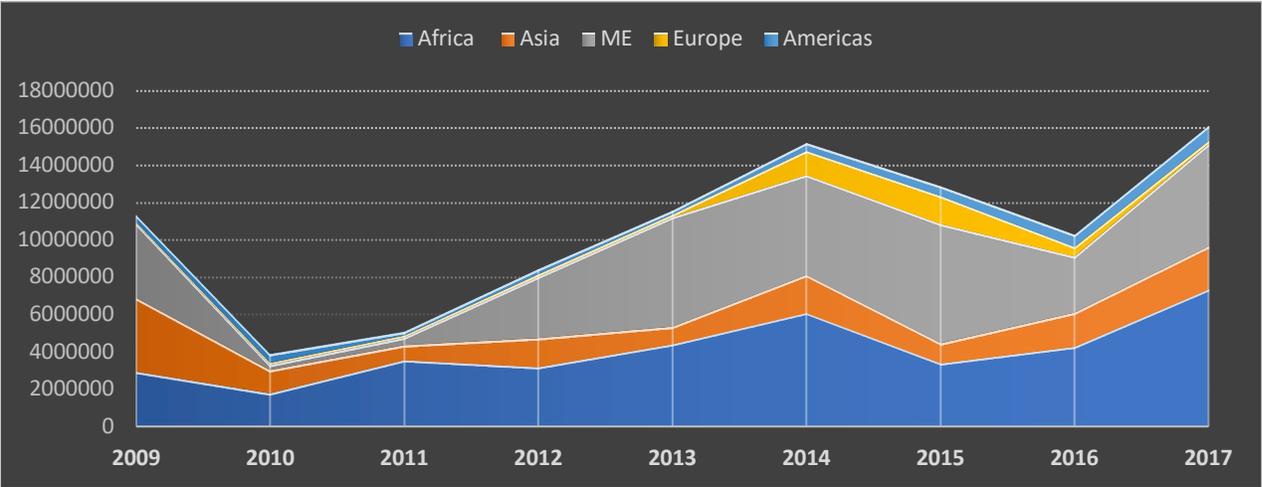
Global Displacement Rates Surge

　　While total casualties from armed conflict have generally fallen (at least through 2012), and casualties from one-sided violence also exhibit decreases, global displacement levels demonstrate a very different trajectory. Displacement includes both cumulative displacement (i.e., "stock displacement") and annual new displacements. Starting in 2012, displacement rates surged; through the end of 2017, displacement levels have stayed high. In 2017, new displacements totaled 16.2 million, representing the highest figure since UNHCR and IDMC began compiling yearly displacement data in 2003 (UNHCR 2018a). Meanwhile, cumulative displacement reached a record level of 71.44 million in 2017. Figure 5 shows the increasing trend of displacement, particularly since 2012.
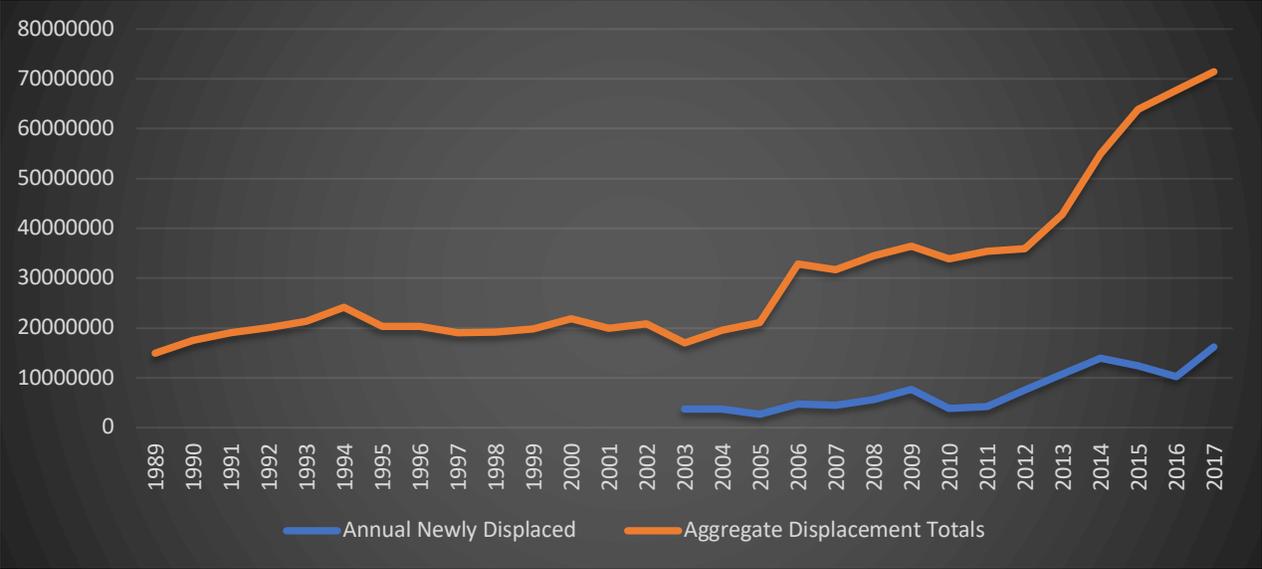
Figure 6. Global displacement: yearly figures and aggregate totals, 1989-2017

It is worth noting that alongside increases in annual new displacements, cumulative displacement rates displayed an even more dramatic upsurge. The implication is that refugees and internally displaced persons (IDPs) are not returning back to their communities even after conflicts have ended. Turning to regional breakdowns of annual displacement flows, including both refugee and IDP populations, the data indicates that most global displacement has occurred in the Middle East and Africa.

Figure 7. Annual Displacement Flows by Region

When comparing global displacement trends to casualty figures, the data indicates a strong correlation between the two. A simple linear regression analysis comparing the relationship between total casualties and annual displacement rates (2003-2017) reveals a correlation of r2 = 0.66 (see Figure 6). It shows that yearly displacement flows positively match annual total casualty levels.
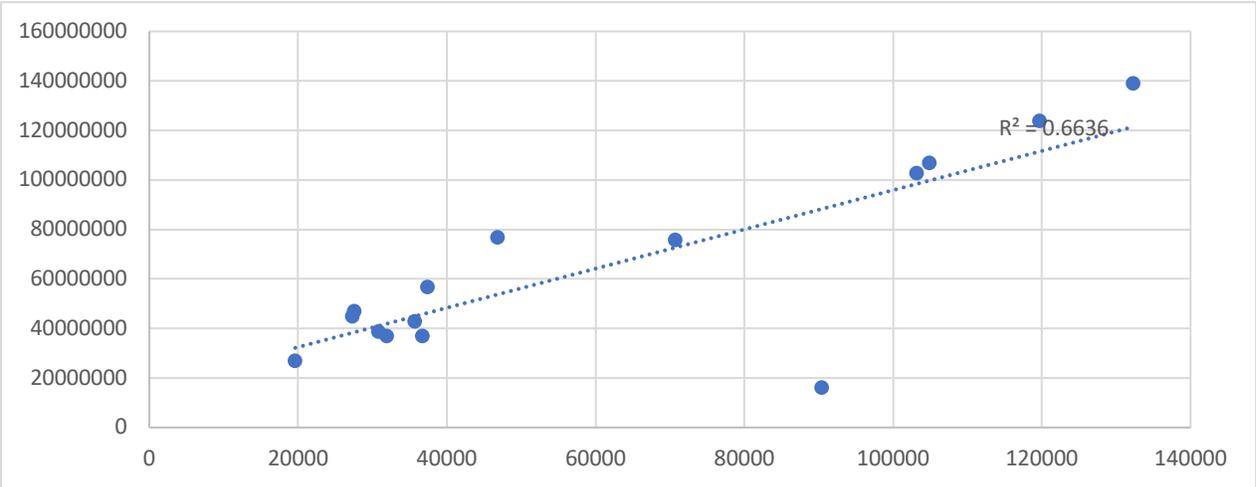
Figure 8. Annual new displacements (y-axis) compared to total casualties (x-axis)

This relationship holds true both for the full 14-year period as well as for the most recent interval of conflict in 2012-17. When we substitute civilian casualties for total casualties, the regression line indicates a similar relationship (r2 = 0.64). This relationship breaks down, however, when we compare casualties from one-sided violence to new annual displacements (r2 = 0.24). In other words, individuals appear to be fleeing due to the presence of battle, whether or not civilians are targeted.

As will be discussed in subsequent sections, part of the explanation for this divergence may be because the international community has successfully reduced direct and intentional civilian fatalities but has not had the same impact in tempering forced displacement strategies that accompany war.

Comparing Historical Ratios of Displacement to Casualties

From a historical perspective, the surge in displacement from 2003-17 is without precedent in the post-World War II era. While precise numbers are hard to come by,

scholars such as John Tirman estimate that the historical ratio of displaced to dead –
including the Korean War, Vietnam War, and wars in Afghanistan and Iraq – falls
between 3:1 and 10:1 (Tirman 2011, 335).

To see how this ratio stacks up to present day numbers, this paper calculated
annual displacement to fatality ratios from 2003 to 2017 (see table 1). It found that the
mean civilian casualty to displacement ratio in this period was 495:1 (877:1 in 2008
represented the high; 200:1 in 2012 was the low). The mean total casualty to
displacement ratio in the same period stood at 130:1 (171:1 represented the high in
2006; 100:1 was the low in 2016). In other words, compared to historical conflict ratios
described by Tirman and others, 2003-17 showed significantly altered patterns of war
leading to much higher displacement/casualty ratios.[4]

Year	New annual displacements	Total Casualties	Displacement/Total Casualties Ratio	Civilian Casualties	Displacement/CivCas Ratio
2003	3700000	36730	101:1	12033	308:1
2004	3700000	31924	116:1	9427	394:1
2005	2700000	19619	138:1	5548	491:1
2006	4700000	27545	171:1	5980	783:1
2007	4500000	27293	165:1	5944	750:1
2008	5700000	37403	152:1	6555	877:1
2009	7700000	46774	165:1	14830	520:1
2010	3900000	30760	127:1	5430	722:1
2011	4300000	35663	120:1	9007	478:1
2012	7600000	70685	107:1	37918	200:1
2013	10700000	104893	102:1	45774	234:1
2014	13900000	132248	105:1	41777	335:1
2015	12400000	119682	103:1	32691	383:1
2016	10300000	103180	100:1	31097	350:1

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[4] An obvious question is whether the same casualty metrics were used to generate fatality numbers for
past wars as for current armed conflicts. In particular, many analysts incorporate an "excess mortality"
approach rather than follow UCDP's incident reporting methodology. In general, excessive mortality
calculations, which measure violent and non-violent deaths attributable to a conflict, generate much
higher casualty figures. This paper analyzed the underlying casualty numbers that generated the 3:1 to
10:1 ratios and compared them to PRIO/UCDP battlefield death figures. The figures were almost identical
thus obviating methodological concerns.

2017	16200000	90358	179:1		27271	594:1
			Mean ratio -- 130:1			Mean ratio -- 495:1

Table 1. Displacement to Casualty Ratios

This finding is consistent with earlier studies showing that the number of refugees has steadily increased per conflict. For example, Myron Weiner documented in a 1996 study that the number of refugees per conflict had increased from 287,000 in 1969 to 406,000 in 1982, to 459,000 in 1992. If Weiner included IDPs, the figure increased to 400,000 in 1969 and to 857,000 in 1992 (Weiner 1996, 25).[5]

A side-by-side comparison of major conflicts in the Cold War and post-Cold War eras also provide useful insights. Table 2 shows casualty and displacement numbers for six conflicts: Korean War (1950-53); Vietnam War (1965-74); Bosnia conflict (1991-95); Afghanistan conflict (2001-16); Iraq War (2003-11); Syria conflict (2011-17).

Conflict	Casualties	Aggregate Displacement	Displacement/Casualty Ratio
Korea (1950-53)	1,254,800	3,000,000	2.4:1
Vietnam (1965-74)	2,097,200	3,000,000	1.4:1
Bosnia (1991-95)	100,000 - 150,000	1,300,000	10:1
Afghanistan (2001-16)	114,000	3,400,000	29:1
Iraq (2003-11)	150,000	3,140,000	21:1
Syria (2011-17)	500,000	12,431,173	25:1

Table 2. Major Conflict Casualty & Displacement Comparison

Several aspects immediately stand out. First, the overall level of wartime casualties has plunged significantly from the Korean and Vietnam conflicts to conflicts in the twenty-first century (note: Korea and Vietnam casualty statistics only include battlefield deaths).

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[5] A word of caution: refugee and displacement statistics can be unreliable, particularly numbers dating back to the Cold War. Only since 2003 have IDMC and UNHCR begun to compile IDP numbers on a consistent basis. For a thorough discussion of methodological challenges related to accurately counting displacement, the methodological annex in IDMC's 2018 global report provides an excellent analysis (IDMC 2018b). Weiner's conclusions, and other studies that examine a similar time period, are based on analyzing "stocks of refugees rather than flows" (Weiner, 12). This means that yearly totals may change due to exogenous factors, such as children being born in refugee camps, that have little to do with actual flight from conflict.

The conflict in Syria displays the highest level of casualties for recent armed conflicts, but this casualty number comes with a historically elevated level of displacement. In general, conflict fatalities show a significant drop-off over time, while displacement levels remain constant or indicate big increases (such as in Syria).

These findings lead to the conclusion that relative displacement rates have increased at unexpectedly high levels in recent years compared to past eras, despite a significant decrease in casualty rates from armed conflict. Since the Cold War, global displacement rates have surged, altering the human impact of conflict. Such a result has important implications for the international policymaking community and international humanitarian law. As will be discussed in the following sections, a crucial lesson may be that efforts to reduce fatalities from war, particularly through enforcement of International Humanitarian Law (IHL) principles, have had a profound impact. The international community has not expended a similar effort to mitigate wartime displacements which may explain continued, outsized displacement flows.

What Explains the Increase in Forced Displacement?

This section offers insight into why forced displacement trends are increasing at such high rates. Overall, the data indicates that the character of war has changed since the end of World War II. Despite a recent uptick in casualties linked to conflicts in the Middle East, there has been a general decline in casualties compared to the Cold War. As Therese Petterson and Peter Wallensteen observe (2015, 536):

> In recent years, the conflict in Syria and the escalating violence in countries like Iraq, Afghanistan, Nigeria, and Ukraine, have resulted in the highest yearly death toll in the post-Cold War period. Yet, the scale associated with the number of fatalities caused by armed conflicts in 2014 was still lower than that of the large-scale wars of the 20th century.

The current casualty/displacement ratio sharply diverges from the historical range of 3:1 to 10:1. Instead, total casualty/displacement rates in the past 14 years stand at 130:1 (and rise to 495:1 when comparing civilian casualties to displacement). This represents

a significant departure from historical norms. Likewise, casualties from one-sided violence have also decreased. At present, individuals are dying in lower numbers from armed attacks that involve intentional and direct violence against civilians.

In contrast, forced displacement levels are on the rise. 2017 data showed a disproportionate increase in cumulative global displacement as well as annual displacement – both figures represent record highs. In a widely noticed 2017 UN report, Secretary General Antonio Guterres warned (UN Security Council 2017):

> [I]n many conflicts, parties flout their obligations and show contempt for human life and dignity, often with impunity. Civilians are routinely killed in direct and indiscriminate attacks…Faced with such brutality, millions of civilians are forced to flee their homes in search of safety. The result is a global protection crisis.

Not only are individuals fleeing in record numbers, but they are choosing to stay for protracted lengths in refugee and displacement camps even after conflict has ceased.

Several possible explanations may help explain the rising tide of forced displacement. One theory is that conflicts trends have not changed much at all. Instead, new methodological approaches are responsible for what appears to be substantial casualty declines matched with significant displacement increases. For example, experts who subscribe to the "excess mortality" school argue that wartime fatalities have not fallen nearly as much as theorists like Steven Pinker and Joshua Goldstein claim (Obermeyer, Murray and Gakidou 2008,1485).[6] Rather, they contend that lower conflict casualty numbers are due to systematic undercounting by incident reporting databases

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[6] Epidemiologists have led the push to calculate "excess deaths" from war using household surveys, as opposed to utilizing media and other news reporting sources to enumerate casualties from war. The "excess mortality" school argues that violent and non-violent deaths linked to a particular conflict that otherwise would not have occurred should be included. They contend that "report-based estimation methods systematically undercount death tolls because large numbers of deaths go unreported" (Spagat et al. 2009, 935). This approach received significant attention due to an excess mortality study conducted by the International Rescue Committee that concluded 5.4 million excess war deaths occurred in the Democratic Republic of the Congo from 1998 to 2007. Other researchers pushed back heavily against this finding, arguing that the IRC' estimate derived from an inappropriately low baseline mortality rate. Obermeyer provides a robust defense of systematically incorporating excess mortality surveys to count war deaths; Spagat raises significant concerns about the utility and accuracy of using this method. In general, this remains a contested area of debate.

such as UCDP. The debate about which method leads to more reliable and accurate counts remains contested. While there may be some merit to the argument that using passive counting methods leads to lower casualty figures, an upward revision of casualty numbers does not substantially alter the ratio of casualties to displacement from war. In addition, there are many unanswered questions about which baseline health or mortality surveys are most appropriate to use and how much these estimations may skew final tallies.

A second possible explanation is that displacement levels have not risen significantly. Rather, the international community's growing awareness of displacement issues has improved data collection and led to more accurate (and elevated) displacement counts. In other words, the rise in displacement is not a result of real world increases; it is a product of better, more accurate record-keeping. Edward Newman, for example, contends that the increase in displacement "may well be accounted for by two alternative explanations: a lack of reliable data, especially for earlier periods, and the increased visibility of human displacement and civilian victimization" (2004, 182). It is true that accurate record-keeping of IDP populations is a recent development. In fact, it was only in 1998 that the Commission on Human Rights adopted the "Guiding Principles on Internal Displacement," which has become the main international standard to prevent, respond to and address internal displacement (IOM 2017, 7). Nonetheless, while data inaccuracies present analytical complications, this is not a sufficient basis for dismissing prior estimates. For one, even if past assessments of refugee flows bring some variance, larger trends and patterns still hold. While the numbers may be less useful for engaging in specific year-to-year comparisons of migration flows, they still paint an accurate aggregate picture of broader displacement trends. Second, record-keeping has continued to improve. While numbers related to the Korean or Vietnam War offer less precision, UNHCR has developed its analytic capability so that numbers connected to conflicts in the 1980s and 1990s offer a much higher degree of accuracy. It would be imprudent to exclude prior data based on the unsubstantiated notion that older estimations are not valid.

A third possible explanation for recent casualty and displacement trends is that advances in military medicine and technology have made death from war less likely.

Therefore, displacement has not surged so much as wartime casualties have plummeted (while corresponding injuries from conflict have risen). Tanisha Fazal argues that the purported "demise of war" has nothing to do with international peacemaking efforts or the civilizing forces of modernity (2014, 95). Instead, she asserts that four improvements in military medicine – advances in preventive medicine, advances in battlefield medicine, improved evacuation times, and better protective armor for military personnel – are responsible for plunging casualty rates (96). Fazal contends that war has not decreased; rather, modern medicine has improved an individual's ability to survive armed conflict, and that a truer measure of the prevalence of conflict should include both fatalities and non-fatal injuries.

However, if Fazal is correct that researchers have significantly overstated the decline of war, then incidents of major armed conflict should have remained constant or increased in the post-Cold War era. But as Figure 4 shows, yearly incidences of major conflicts have decreased between 1989 and 2014 (when Fazal's study came out).

Figure 4. Incidents of Armed Conflict, 1989-2014

Moreover, the last 14 years show a robust correlation between civilian casualties and levels of displacement. As casualties from armed conflict have increased, so have displacement figures; as casualties have dipped, displacement rates have also fallen. If

fatalities were such a poor indicator of the frequency of war, then it would be logical to assume that the relationship between displacement and civilian casualties would demonstrate a much weaker correlation. Thus far, this has not proven to be the case.

A final explanation for these trends is that the international community has prioritized strengthening civilian protection norms in conflict, whereas there has been much less focus and attention on strengthening forced displacement norms. As a result, leaders recognize that they will face excessive criticism and international disapprobation if they authorize mass killings, thus making mass atrocities less common. Alternatively, militaries are adopting forced displacement strategies as a primary objective of their war efforts.

The data offers support for this explanation. As discussed above, incidences of one-sided violence are becoming less frequent. In 2017, for example, 33 events of one-sided violence occurred leading to 7,088 fatalities – a relatively low figure. In comparison, displacement numbers have surged; 2017 brought a record number of new displacements (16.2 million). What this appears to demonstrate is that states are changing tactics: rather than authorize mass civilian killings in order to consolidate control over territory, militaries are instead taking advantage of weak norms against forced displacement and are making this a key part of their strategy. As Mary Kaldor notes: "recent conflicts – especially in Iraq, Somalia and Pakistan – do seem to confirm the contention that forcible displacement is a central methodology of new wars" (2013, 10).[7]

This paper asserts that the disparity between norms that prohibit the deliberate killing of civilians in armed conflict, and norms against forced displacement, is one of the key reasons why global displacement continues to surge. In the next section, this paper will analyze specific factors that explain the international community's success in reducing civilian fatalities from war.

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[7] Some scholars argue that forced displacement as a political or military tactic is not a new concept, but "has had a long, influential, and often successful history, one that includes both wartime and peacetime use, by both state and non-state actors" (Greenhill 2008, 6). This paper does not dispute that contention. Rather, it argues that shifting international norms may have resulted in forced displacement strategies assuming an even more prominent place in recent military campaigns.

What Accounts for the International Community's Success in Reducing Civilian Casualties from War?

Three central concepts are primarily responsible for the international community's success in reducing civilian casualties from war: the decline of interstate war and the spread of the norm of territorial integrity; strengthened adherence to and enforcement of IHL principles; and the emergence of a global system of security governance that has mitigated the worst effects of armed violence.

First, the presence of interstate war has become very rare. This has manifested itself in the "near absence" of war in Europe, and an end to wars of colonization and decolonization (Mueller 2009, 300). Instead, a "normative proscription against resorting to war, except in self-defence or with the authorization of the UN Security Council" has taken root (Mack and Merz 2013, 25). Researchers have advanced a number of theories to explain this transformation. Proponents of the "democratic peace" theory assert that the absence of war is because democracies rarely fight each other (although democracies are apt to fight non-democracies, so at best this is a partial explanation) (Goldstein 2008, 276). Other scholars cite material factors, such as the high benefits of economic interdependence and pursuing trade versus the heavy costs of engaging in battle (277). An important element proposed by Mark Zacher is the "territorial integrity norm," described as the growing respect for the idea that "force should not be used to alter interstate boundaries" (2001, 215). Zacher notes that the decline of wars of territorial expansion has meant that "there has not been a case of successful territorial aggrandizement since 1976" (244). While Russia's annexation of the seems to break this trend, nonetheless interstate conflict remains extremely rare.

If Zacher is correct that the territorial integrity norm is responsible for the near absence of interstate warfare, then this may help explain the corresponding fall in civilian casualties. Scholars propose two main reasons for why armed actors perpetrate attacks against civilians: 1) as a desperate means to win a battle and save lives of their own side at any cost, and 2) in order to facilitate territorial conquest and clear out areas inhabited by enemy noncombatants (Downes 2008, 3). Thus, if territorial conquest is no longer a major objective of states, then this obviates the second factor and reinforces why the decline in interstate warfare has brought significant decreases in mass civilian

casualties. However, this explanation fails to capture a major component of modern warfare: the contemporaneous rise of internal conflicts or civil wars. While interstate war has precipitously declined, instances of civil war have not fallen nearly as sharply. Thus, the decline of interstate war theory only partially accounts for the drop in civilian casualties.

This leads to the second concept responsible for the decline in civilian fatalities: strengthened adherence to and enforcement of international humanitarian law. Otherwise known as the laws of war, IHL is "a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare" (ICRC 2004). The adoption of the Geneva Conventions in 1949, supplemented by the Additional Protocols of 1977, laid out strict criteria for permissible conduct in war. But it was not until the occurrence of genocide in Rwanda in 1994 and mass atrocities in Srebrenica in 1995 that the international community considered more serious steps to enforce IHL and dissuade armed actors from violating its terms. In particular, the international community reversed a major assumption of nation-states – that sovereignty considerations should outweigh the most egregious human rights violations.

The conflicts in Rwanda and the former Yugoslavia gave rise to two ad hoc international criminal tribunals that directly tried perpetrators of war crimes for their acts. This action demonstrated that there was a limit to what the international community would tolerate when it came to intrastate conflict, and that major IHL violations would bring a measure of accountability. The ad hoc tribunals led to the passage of the Rome Statute in 1998 which established a permanent International Criminal Court to try perpetrators of genocide, crimes against humanity, war crimes, and crimes of aggression (Rome Statute of the International Criminal Court 1998). Granted, the listed violations represented humanity's most egregious and heinous crimes – many serious violations are excluded from the ICC's jurisdiction. Nonetheless, the Rome Statute set an important precedent that major violations of IHL – relating to both intrastate and interstate conduct – would potentially lead to prosecution.

The international community also recognized that the ICC operated in an *ex post* manner – it could only address accountability for crimes once they had been committed.

It had no mechanism to prevent the *ex ante* commission of "serious and irreparable harm occurring to human beings, or imminently likely to occur" (ICISS 2001, XII). To address that gap, the International Commission on Intervention and State Sovereignty generated a landmark report in 2001, the Responsibility to Protect report, which the UN General Assembly adopted in the 2005 World Summit. Commonly known as "R2P," it obligates a collective response when a state manifestly fails to protect its population from four respective crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing (Labonte 2016, 133). The international community has only invoked R2P sparingly. Most notably, in 2011 the UN Security Council authorized military intervention in Libya on R2P grounds to forestall Muammar Gaddafi from imminently committing atrocities. Despite low actual use of R2P, its principles are widely accepted and play a significant role in policy debates: "It is undeniable that R2P norms now form part of the lexicon policymakers, diplomats, practitioners, and scholars utilize when debating appropriate and effective responses to mass atrocity cases" (145).

R2P and the development of international criminal law have been key planks that provide lawyers, policymakers and advocates firmer ground in which to push back against would-be perpetrators and to reinforce the norm against civilian atrocities. But they also have grave limitations in that they only apply to the worst conduct and the most serious violations. While they may be useful in reducing mass atrocities and crimes against humanity, they have not been sufficient, in of themselves, to broadly reduce civilian harm.

The third concept that has led to decreases in civilian harm is the emergence of a "system of security governance" (Mack and Merz 2013, 28). This system has engendered a considerable increase in international activism meant to prevent and stop wars. Key actors include international organizations, particularly UN peacekeeping operations, donor governments, war-affected states, and NGOs (3). The global security system is responsible for massive increases in UN peacekeeping operations around the world (there are currently 14 ongoing missions involving 110,000 field personnel from 120 countries costing $7.3 billion annually); more frequent use of Chapter VII resolutions, which authorize the UN to respond to threats to the peace with military intervention or sanctions; and major increases in observation and conflict prevention

missions from the Organization of Security Cooperation in Europe, contact groups, and post-conflict peacebuilding initiatives (Better World Campaign 2018). While the system has undergone many difficulties, including major coordination failures, severe inefficiencies and political shortcomings, "the best evidence that we have suggests that its collective efforts have been a primary driver of the major decline in the deadliest forms of armed conflict since the end of the Cold War" (Mack and Merz 2013, 28).

In summary, three interrelated factors have played significant roles in reducing civilian harm in the post-Cold War era: the decline of interstate war and the spread of the territorial integrity norm; strengthened international adherence to and enforcement of IHL principles bolstered by the establishment of the ICC and R2P; and the emergence of a global system of security governance that has mitigated the worst effects of armed violence, prevented atrocities from spreading, facilitated negotiations to end conflicts, and helped war torn states rebuild.

Why is Displacement on the Rise – What Has Gone Wrong?

In comparison, efforts to reduce rates of global displacement have not worked. This section presents explanations for the international community's failure. The prohibition against forced displacement is well established in customary international humanitarian law. IHL expressly forbids parties to international and non-international armed conflicts from deporting or forcibly transferring civilians in whole or in part, "unless the security of the civilians involved or imperative military reasons so demand" (ICRC 2018). While international human rights law does not include a specific right to protect against forced displacement, it does include several relevant protections, including "rights to freedom of movement and choice of residence, and the right to respect for the home and for privacy" (UNHCR 2006, 138).

Likewise, key refugee and IDP frameworks contain explicit prohibitions against arbitrary forced displacement. For example, the Guiding Principles on Internal Displacement forbids displacement based on policies of ethnic cleansing, in situations of armed conflict (except for military imperative), and when used as a collective punishment (OCHA 2001). Finally, the 2016 New York Declaration for Refugees and Migrants, which represents the most recent internationally endorsed guidelines on

displacement notes: "recognizing that displacement could be reduced if international humanitarian law were respected by all parties to armed conflict, we renew our commitment to uphold humanitarian principles and international humanitarian law" (UNGA 2016).

Despite clear safeguards codified in international law and practice, the epidemic of forced displacement continues unabated. This paper contends that five reasons are primarily responsible for the failure to confront and stem the tide of forced displacement.

First, while IHL and other international legal instruments prohibit forced displacement, the international community accords displacement a much lower priority than other transgressions. For example, the international community has not used the two main instruments of accountability for IHL violations – R2P and international criminal law – to stop forced displacement policies. While many experts believe a significant cause of action exists under R2P (particularly under the ethnic cleansing element) to justify stopping forced displacement, this is not the same as having an international political commitment to do so (Mooney 2010, 63-64). It is incredibly difficult to summon the necessary political will to authorize an armed humanitarian intervention; for the foreseeable future, it is fanciful to think that a forced displacement crisis might trigger a R2P intervention. Leaders recognize that they can implement forced displacement policies with few consequences. While they have a natural incentive to refrain from committing atrocities that may lead them into the ICC dock, they likewise know that executing a forced displacement strategy will not bring more than a slap on the wrist.

Likewise, the way in which national governments organize their policy bureaucracies reflect the relative priority of preventing mass atrocities versus staunching forced displacement. The U.S. government is a good case in point. Reflecting deep concern that the United States was insufficiently responsive to the threat of atrocities, President Obama established the Atrocities Prevention Board (APB) in 2011 to systematize monitoring and tracking of potential atrocity risks (State Department 2018). While the APB has faced criticism for failing to confront atrocities in Syria (and essentially becoming sidelined), it has made important strides highlighting neglected crises, such as conflict in the Central African Republic, and it has facilitated a

more streamlined decisionmaking process (Gensler 2015). But the APB's mandate does not directly include forced displacement issues. No counterpart institution exists in the U.S. Government to consider responses to mass forced displacement. Without a suitable bureaucratic engine to spur action, this issue will continue to languish.

Second, as a result, many states and armed actors are resorting to forced displacement as a major component of their war strategies. The ongoing persecution of the Rohingya minority in Myanmar is a good example of the use of displacement to accomplish wartime objectives. Starting in August 2017, the current wave of fighting in Rakhine State has caused over 905,000 refugees to cross the border into Bangladesh, "making this the fastest growing refugee crisis in the world" (OCHA 2018). In comparison, UCDP recorded only 750 civilian fatalities stemming from once-sided violence against the Rohingya in 2017 (Pettersson and Eck 2018, 539)[8]. In fact, international officials publicly acknowledge that Myanmar's principal military strategy is the permanent expulsion of the Rohingya population. UN High Commissioner for Human Rights Zeid Ra'ad al Hussein bluntly asserts that these tactics are a "cynical ploy to forcibly transfer large numbers of people without possibility of return" (2017). In other words, instead of employing mass killings to perpetuate ethnic cleansing, Myanmar security forces are relying upon mass displacement to accomplish their objectives. Their bet seems to be paying off. The international community has been noticeably reticent to take concrete action against Myanmar. Aside from applying limited sanctions against select military leaders and releasing critical public statements, the United States and other governments have refrained from further action (Rogin 2017).

The crisis has brought one noteworthy development. In April, the ICC prosecutor formally requested jurisdiction over the alleged deportations of Rohingya from Myanmar to Bangladesh. If affirmed, such a decision could open the door to investigating the alleged deportations "as a possible crime against humanity" (Reuters 2018). This would represent a breakthrough in terms of the international community taking more seriously forced displacement as a major violation of international humanitarian law.

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[8] Using refugee camp surveying, Medecins Sans Frontiers (MSF) estimates that the first months of the crisis led to the deaths of at least 6,700 people (MSF 2018). However, as Pettersson & Eck note, MSF figures are based on survey extrapolations; they do not include actual casualty counts. Moreover, the MSF number includes non-civilian and battlefield deaths in addition to civilian casualties (539).

Third, the international system exhibits significant fragmentation when it comes to handling refugees and IDPs. Those who flee across national borders are classified as refugees and receive attendant protections established under the UN Convention on Refugees and implemented by UNHCR. But the international system has traditionally excluded IDPs from these frameworks because of sovereignty considerations. Slowly a "framework of normative standards and institutional arrangements" has developed to address this population, culminating in the adoption of the Guiding Principles on Internal Displacement in 1998 (Cohen 1999). While the Guiding Principles have gained standing and authority, they remain nonbinding. As a result, the international system continues to treat displacement issues in a fractured and inconsistent manner. Recently, the international community came to agreement on a Global Compact for Safe, Orderly and Regular Migration, and it is nearing agreement on a counterpart Global Compact for Refugees (UNGA 2018). Unfortunately, neither agreement includes any mention of IDPs, representing yet another lost opportunity for the international system to bring coherence to how it manages forced displacement.

Moreover, the fractured international system translates to disorganization at the country level. In the United States, for example, refugees are overseen by one agency, the State Department's Bureau of Population, Refugees, and Migration, while IDPs are handled by another, the U.S. Agency for International Development. Coordination is beset by challenges and results in a diminished policy voice in key interagency policy meetings. An additional contributor to this policy incoherence stems from domestic political considerations. Kelly Greenhill notes that "most Western liberal democracies have long had schizophrenic relationships with migrants and refugees" (2008, 41). In the U.S. that manifests itself in two opposing camps, an illiberal wing concerned with protecting an ethnic core of Protestant Anglo-Saxons from "external dilution," and a liberal faction that strongly identifies with the country's immigrant tradition (41). Such polarization undermines policy consensus and constrains decisionmakers from aggressively addressing displacement concerns and putting forth bold displacement solutions.

Fourth, international activism has had much more success elevating mass atrocities and civilian harm concerns than advocating for solutions to global

displacement. Beginning in the 1990s, "a massive upsurge of international activism directed towards preventing wars, stopping those that could not be prevented, and preventing those that had stopped from reigniting" came together (Mack and Merz 2013, 3). Spurred by horrific tragedies in Srebrenica, Rwanda, and Darfur, activists advanced a focused policy agenda with a clear message: halt ongoing atrocities by military means if necessary, bring perpetrators to justice, and prevent future occurrences. In contrast, the message on displacement has been muddled. Some efforts have focused on ensuring sufficient resources for refugees who have already fled their communities. Other initiatives have emphasized improving asylum procedures, or linking the resettlement process to peacebuilding and governance support. Unsurprisingly, competing considerations have overshadowed efforts to prevent forced displacement and hold perpetrators accountable for driving citizens out of contested areas.

Fifth, the security governance system that has helped precipitate a decline in the deadliest forms of armed conflict may be a partial victim of its own success when it comes to reducing forced displacement. For example, in countries like the Democratic Republic of the Congo, the presence of a semi-permanent peacekeeping operation -- currently numbering 20,000 – has reduced the onus on the national government to take responsibility for its citizens. The government has exhibited little interest in rebuilding communities or restoring basic services in affected areas, particularly if the UN will step in. If the government did not have the UN as a fallback, it is conceivable that it would face greater domestic pressure to address internal displacement in a more forthright and sustainable manner. As it stands, recipient governments have an incentive to maintain the status quo, continue to benefit from the resource infusion brought by the security governance system, and to perpetuate protracted displacement.

Further, the existence of a well-organized system of shelters and camps may be an additional factor that incentivizes armed actors to rely on forced displacement tactics. Specifically, armed actors likely recognize that they face lowered consequences for forcibly displacing civilians if individuals can find appropriate shelter and resources provided by the international humanitarian community. Therefore, it can be advantageous for an armed actor to purposely drive individuals out of their communities, assert control over a specific territory, and to then allow civilians to return

according to the armed actor's own terms and timeline. As Greenhill notes, "despite a widespread belief that the majority of outflows are simply the unintended consequences of man-made or natural humanitarian disasters…in reality most are created as the direct result of political decisions taken by sovereign states, often for specific political and/or military ends" (2008, 6). In other words, forced displacement frequently serves a specific military or political purpose; the security governance system may indirectly abet this tactic.

The Path Ahead

A complex set of push and pull factors are responsible for global displacement reaching reach crisis proportions. A clear solution remains a distant proposition. Nonetheless, based on the dynamics identified in the previous section, there are several approaches that policymakers should consider.

To start, the international community only weakly enforces the norm against forced displacement. Belligerents face few penalties for mass displacement. The international community pays infrequent attention to this issue; it is far down the priority list for most policymakers. In fact, when the policy community turns its attention to refugee and migration concerns, it mostly focuses on domestic considerations (staunching the flow of migrants to western countries) or immediate humanitarian issues (properly sheltering and providing food/water for those displaced by the latest conflict). Ultimately, these represent band aid approaches to a more deep-rooted set of problems. There is nothing inevitable about the rise in forced displacement. Conflict trends are in decline, and levels of violence directed against civilians have also decreased. This should result in lessening rates of displacement as well over time.

The first emphasis for the international community should be to strengthen the norm against forced displacement, perhaps by undertaking a high-profile prosecution of a perpetrator of forced displacement through the ICC. This would send a strong signal that the international community is starting to take seriously violations of the IHL's forced displacement provision. Such an international criminal law precedent was set in 1998 with the Jean-Paul Kayesu judgment in the Rwanda Tribunal, where for the first time an international court "handed down a conviction for rape as a crime against

humanity, and they held further that the rapes…also constituted the crime of genocide" (Goldstone 2002, 277-78). This case became a watershed moment for gender-related war crimes. It spawned subsequent jurisprudence that established specific standards and associated penalties, and it also developed robust norm-setting institutions, including the appointment of a senior representative to the UN Secretary General on sexual violence in conflict (UNSG 2017).

Recent filings indicate that the ICC prosecutor is seeking jurisdiction over alleged deportations of Rohingya from Myanmar to Bangladesh, which could serve as a possible precursor to crimes against humanity charges. For the first time, the ICC has shown serious interest in tackling forced displacement issues. This could possibly spur future armed actors to reassess the cost/benefit calculations of undertaking forcible displacement as part of their wartime strategy.

A second option is to consider reforms to reduce policy fragmentation that currently besets international responses to displacement. As discussed above, dual legal standards exist for refugees and IDPs. This not only means that many states managing large-scale displacement lack appropriate laws or policies, but as the UN Special Rapporteur on the Human Rights of IDPs acknowledges, "the consistency and reliability of the humanitarian response to the urgent protection needs of IDPs has been limited, development actors have been inadequately engaged, and UN senior-level attention to internal displacement has been absent" (UN Global Protection Cluster 2018). Unfortunately, it appears that the international system has missed an ideal opportunity to bring greater coherence to forced displacement. Neither the Global Compact for Safe, Orderly and Regular Migration nor the nearly complete Global Compact for Refugees include reference to IDPs. As a result, international actors will continue to shirk their responsibility to provide a unified and consistent response when armed conflict leads to displacement. While the international community lacks political will to make systemic changes to improve its coherence towards forced displacement, an interim solution might be to centralize refugee and IDP operations in a single UN agency, such as UNHCR. Such a step would vest responsibility for both sets of issues with one senior official, enabling better prioritization and enhanced coordination on forced displacement issues across the international system.

Third, the international community should consider ways to strengthen the global security governance system's responsiveness to forced migration. One focal point could be rethinking UN peacekeeping mandates. While select missions prioritize civilian protection, their mandates rarely extend to actively preventing forced displacement. As a result, armed actors face few consequences when they drive out scores of civilians under their war strategies. Shifting incentives could lead armed actors to recalculate the costs and benefits of forced displacement tactics. The international community could also increase its emphasis on conflict prevention and risk reduction. At present, the system often is in a reactive mode – scrambling to respond to new crises as they unfold without a clear plan for resolving underlying tensions and facilitating reconciliation and resettlement. In contexts like South Sudan, Yemen or Nigeria, the system is caught flat-footed and quickly overwhelmed by mass migration. But this should not have come as a surprise to the international community; all of these places have exhibited risk drivers for violence and forced migration for years. More proactive prevention and peacebuilding efforts could help mitigate the worst effects of conflict.

Finally, it would behoove the international community to think more rigorously about the problem of cumulative displacement. As discussed earlier, one of the most startling findings is how much aggregate displacement diverges from every other conflict trend, including yearly displacement rates. Quite simply, refugees and IDPs are staying for protracted periods outside of their communities even after major hostilities have diminished: "The persistence of large numbers of IDPs across the world…highlights the inability of governments to cope with and recover from the impacts of displacement, particularly those that suffer high levels of new internal displacement each year while already hosting some of the largest IDP caseloads in the world" (IDMC 2018a, 48). There are many factors that contribute to protracted displacement trends based on region and context, such as lingering insecurity and weak post-conflict governance in countries of origin. Donors should pay greater attention to these pull factors in order to provide increased impetus for displaced populations to return home. With over 71 million individuals displaced globally, the system is reaching a breaking point; the situation will continue to deteriorate until the international community comes up with better strategies for tackling protracted crises.

Conclusion

       The data on conflict presents two seemingly incongruous trends. On the one hand, overall casualties from armed conflict have decreased, especially compared to major twentieth century wars. Even with the spike in casualties due to the Syria conflict, aggregate levels of fatalities, incidents of conflict, and rates of one-sided violence have diminished. The exception to these trends are rates of displacement. Both cumulative displacement and yearly displacement flows stand at record highs. The release of 2017 data indicates that the displacement crisis is worsening despite an easing of hostilities in Syria and Iraq. This is cause for significant concern. On one level, it indicates that the way actors are fighting war may be changing in significant ways. As events like the Rohingya crisis in Myanmar show, forcibly displacing populations has become a major objective of armed conflict. There are several reasons for this shift; this paper argues that an important factor is the relative lack of prioritization by the international community when it comes to upholding the norm against forced displacement.

       There are major knowledge and data gaps when it comes to understanding the historical scope and context of displacement trends. Only recently, in some cases only since 2009, have international organizations collected systematic data on yearly internal displacement flows by country and region. This means that the larger, historical context is piecemeal and may not present a fully accurate picture of how trends are evolving. Nonetheless, several facts are beyond dispute: the number of displaced, particularly internally displaced persons, stands at record highs. Displacement numbers continue to increase even though conflict fatalities and other indicators are generally decreasing. Policymakers need to grapple more directly with this discrepancy – it speaks to the changing nature of conflict and provides a window into challenges that will beset future civilian protection efforts.

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