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# 1 Introduction

Intra-state wars impose immense suffering on the civil population: not only because civilians are killed as collateral victims during combat and through the indirect consequences of warfare but also because they are deliberately targeted by the conflict parties – i.e. by government and rebel[1] troops alike. As I argue in this paper, such killings effect the future conflict dynamics by, among other things, changing the preferences of the combatants and third parties to seek a negotiated conflict settlement. More precisely, I set out to answer the question, whether the targeted killing of civilians impacts the willingness and ability of the conflict parties to enter into negotiations or mediation. To be able to do so, it is indispensable to differentiate who commits the one-sided violence (OSV) since two fundamentally dynamics are at work: as I show, negotiations and especially mediation become much more likely, the more civilians are killed by governments troops. On the contrary, negotiations become nearly impossible after rebels engaged in OSV during the last two months. The effect of rebel OSV on mediation remains inconclusive. I explain this with the different logics behind this violent mean: government troops refer to in moments of weakness – either as a desperate counterinsurgency strategy or when its central command loosens. Confronted with its weakness, the government prefers a quick settlement over continuing fighting. In addition, also the international community will strongly push for de-escalation. In contrast, rebels use OSV as a conscious strategy to push for negotiations – though they are not successful in doing so: When rebels deliberately target civilians, the government rejects any rapprochement since it avoids to publicly give way to blackmailing and can not justify to talk with "the enemy" against its constituency. Also, especially more institutionalised mediators are restricted in their leeway to cooperate with rebels committing such atrocities.

By theorising and comparing the effect of OSV on different conflict management techniques and differentiating the causal mechanisms according to the perpetrator, this paper adds to the literatures on OSV or terrorism respectively during civil conflict and conflict resolution. Beyond this academic contribution, the research question is of high practical relevance: OSV is a feature of many civil conflicts and in order to prevent such atrocities in the future, the actors' incentives need to be understood. In order to do so, OSV has to be seen in the context of the whole conflict and not as an isolated phenomenon (Hultman 2007, p. 205). Similarly, systematic knowledge on conflict management techniques is required to make them more effective. Here, the findings in this paper might help to better understand the right timing during the peace

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[1]Rebels are "non-state group[s] that challenge the government with military means" (Hultman 2007, p. 206). In the following, I use the term interchangeably with armed non-state actor.

process, i.e. to identify moments when mediation and negotiation offers are likely to be accepted (Bercovitch and Jackson 2011). This is also in the interest of the international community which devotes substantial resources to enable negotiations (Kaplow 2016, p. 45). In addition, successful interventions at the beginning of the peace process can help to avoid more drastic interventions such as sanctions or military interventions in the future (Kreutz and Brosché 2013, p. 27).

The paper proceeds as follow: I first present the current academic debate on the effect of OSV on conflict settlement. Thereafter, in Section 3, I develop my theoretical concepts and elaborate the different rationales behind OSV before I line out my theoretical argument regarding the effect of OSV on preferences towards negotiation and mediation. In Section 4, I present my research design to empirically test these theoretical assumptions. The results are reported in the subsequent section and in section 6 critically discussed.

## 2    Literature Review

The relationship between the use of violence against civilians and negotiated settlement of civil wars has already been tackled in several contributions, some of them focusing more narrowly on the effect of terrorism in civil wars. Still, it is a relative small field of research and – as I show below – the empirical results remain ambiguous. Most of the existing research on this topic builds on the conflict resolution literature and on the literature focusing on processes during civil war which sheds light on the dynamics of civil victimization and the motives behind it.

From the literature on processes in civil war stems the notion that the targeted killing of civilians is used as a conscious strategy to achieve process-oriented goals like resources, diminishing territorial control – or for example the start of negotiations (Fjelde and Hultman 2013; Wood and Kathman 2013). In the case of the government, OSV is purposely invoked as a counter-insurgency strategy if the lack of private infromation makes discriminate killings impossible (D. Siroky and Dzutsati 2015; Lyall 2010). This rationale is disputed and organizational features have been suggested as an alternative explanation for OSV: Most prominently, Weinstein (2007) proposed that armed groups refer to OSV when the recruitment relies on selective incentives and thereby attracts especially opportunistic fighters who increase their personal gain by looting and killing of civilians. Beyond personal enrichment, OSV is also a mean to deter defection and coerce the civil population to cooperate (Hultman 2007, p. 207). In the case of government OSV, Chu and Braithwaite (2017) suggest in a similar manner that this indicates that the government looses control over its

troops instead of a warfare strategy. Having said this, both explanations should not be considered competing but rather complementary (Schneider, Banholzer, and Haer 2011) and the central assumption drawn from this debate is that OSV *can* be used strategically.

Against this background, the literature on conflict resolution becomes relevant to provide a theoretical framework how OSV changes the preferences towards negotiated conflict settlement. The focus of most researchers lies on rebel OSV and it is proposed that that the targeted killing of civilians is a military strategy that shall inflict costs on the opponent and therefore influence the bargaining situation in favour of them. This idea stems form the iterative bargaining or game theory models usually applied in the conflict resolution literature which assume that a negotiated conflict settlement is possible when for both sides the costs and benefits of agreeing outweigh the costs of continuing fighting. Besides the more prominently discussed factors influencing this cost perception like a hurting military stalemate or rebel characteristics like in-group cohesion and constituency support (Zartman 1989; Ogutcu-Fu 2016; Clayton 2013), civil victimization can also change the such cost calculations and thereby the preferences to end the conflict non-violently.

Building on these assumptions, Wood and Kathman (2013) find an inverted u-shape between OSV by rebels and peace agreements. They argue that civil victimization by rebels makes peace agreements more likely because it inflicts high costs on the government increasing its willingness to make concession. Yet, this effect would diminish if the rebels exaggerate to large scale OSV. Hultman (2007) points out that rebels refer to this tactic especially in moments of military weakness since OSV is a comparatively cheap mean with less risks than a direct confrontation. She is able to show empirically that rebels are more likely to employ OSV if they suffered losses in battles with government forces before. Using a different concept of victimization, Chu and Braithwaite (2017) find that the use of sexual violence against civilians increases the likelihood of negotiated settlement, especially if government and rebel forces engage in comparable levels. According to them, this is because sexual violence is an indicator of organisation vulnerability which makes the combatants seek a quick settlement. Interestingly, they do not find this empirical effect neither for government nor rebel OSV.

Thomas (2014) and Fortna (2015) look more specifically at the use of terrorism in the context of civil wars and come to contradictory conclusions. While Thomas (2014) finds that governments indeed reward the use of terrorism by entering into negotiations and making concessions, Fortna (2015) claims the opposite: rebels using terrorism would be less successful in reaching concessions during negotiations. Yet, she indicates that terrorism might still be successful in reaching tactical, more short-term goals as the start of negotiations.

Kydd and Walter (2002) also assume a strategic use of terrorism in intra-state conflicts but suggest the opposed goal: killing civilians would be employed by hardliners in order to interrupt on-going peace processes.

Furthermore, another but not necessarily contradicting perspective is applied by the strand in conflict resolution literature dealing with mediation. Scholars from this subfield widen the perspective and take third parties into account that aim to facilitate negotiated settlement. With respect to OSV they ask how civil victimization alters the incentives for third parties to intervene non-militarily in intrastate conflicts. For example, Kreutz and Brosché (2013) point to the international norm of human security and the related Responsibility to Protect in order to explain why conflicts with high levels of OSV are more often mediated. Beyond this, Pospieszna and DeRouen (2017) suggest a two-phased relationship between OSV and mediation: While the use of OSV by rebels attracts third party intervention in the first place, this very intervention can cause an increase in civil victimization as hardliners within the rebel group try to sabotage the peace process. Unfortunately, their empirical analysis suffers severe short-comings that render the empirical support for this claim uncertain.[2] In contrast, Haspeslagh and Dudouet (2015) argue that the use of terrorism as one form of OSV impedes mediation efforts. The highly politicised practice of proscribing rebel groups on terrorist lists makes it for third parties difficult to approach them as the third parties themselves are endangered of being prosecuted for supporting the alleged terrorists.

This first overview on the existing research corroborates the idea that civil victimization matters as a factor in the search for a negotiated settlement. Yet, the empirical findings, whether peace agreements or concessions indeed become more or less likely, remain ambiguous. This is due to three main weaknesses in the current research: Firstly, differences in the outcome variables, i.e. between the different techniques of conflict management and resolution are not sufficiently taken into account[3]. Most articles discussed are not sufficiently precise whether their theoretical argument applies to the signing and implementing of peace agreements, the start of negotiations or preliminary agreements like ceasefires, and whether and how the effect of OSV would vary. Also Fortna (2015, p. 549) only points out in her conclusion that there is probably a qualitative difference between tactical concessions like the start of negotiations, and substantial concessions that tackle the conflict incompatibility, but she neither provides a theoretical argument nor tests this presumption. Furthermore, I doubt that the effectiveness of OSV can be assessed by looking at lasting

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[2]Most problematic is that Pospieszna and DeRouen (2017) measure their claim that mediation triggers OSV with a dummy variable whether or not it occurred after the mediation. However this is a very strong interpretation since it could equally include cases in which OSV was substantially reduced by the mediation effort but continues at a lower level.

[3]Conflict management techniques differ from means of conflict resolution in the objective: While conflict management aims to contain the military relationship between the rivals, conflict resolutions aims at a fundamental transformation of their relationship that tackles the incompatibility (Bercovitch, Diehl, and Goertz 2011).

peace agreements as it is done e.g. by Wood and Kathman (2013) and Fortna (2015) because comprehensive peace agreements are often preceded by months of negotiations and preliminary concessions which in turn effect the use of OSV – but this can not be captured when peace agreements are used as the dependent variable. Also, this approach is methodologically problematic because all peace agreements that were agreed in the first place – potentially due to OSV – but collapsed later are not included in the population of cases.

Secondly, the literature is characterised by an artificial separation of the research on mediation and bargaining models. While the former mostly focuses on third parties and neglects the strategic purpose of OSV and how this alters the conflict parties' incentives to accept offers by the third parties, the latter does not take into account how mediation and pressure by third parties can effect the bargaining setting. Thirdly, the effect of civil victimization by government forces is neglected: The terrorism literature excludes this side completely due to its conceptual focus and the little existing research on government OSV remains inconclusive and also in theory building government violence against civilians received little attention beyond the counterinsurgency literature (Wood and Kathman 2013, p. 696).

This is where I want to contribute with this term paper: Firstly, I restrict my argument and its empirical test to the effect of OSV on two conflict management techniques because this should provide more reliable results since I do not simply neglect the process proceeding peace agreements and the implementation phase. By looking at the process that potentially leads towards the conclusion of a comprehensive agreement, I can provide first insights in the causal mechanisms of former results regarding OSV and peace agreements. Next, I explicitly differentiate between the onset of negotiation and the onset of mediation: Theoretically, by combining arguments from the mediation and bargaining literature and taking the conflict parties as well as potentially intervening third parties into account. Empirically, by using a single data set to test my expectations with respects to the two outcomes, which makes the effects of OSV directly comparable. Last but not least, I hope to shed light on the role of government OSV through the theoretical and analytical separation of civil victimization by rebels and the government.

# 3  Conflict Management Techniques in the Context of OSV

Building on the research presented above, I argue that the targeted killing of civilians by government forces is a signal of government weakness that forces it it to accept mediation and negotiation. Yet, when rebels use OSV this will prevent the start of negotiations as the government does not want to appear subject to

blackmailing and is constrained by its constituency. I justify this argument in the following after clarifying my concepts of negotiation and mediation as well as my assumptions regarding the use of civil victimization by government and rebel troops.

## 3.1 Mediation and Negotiations as Conflict Management Techniques

I understand mediation and negotiation as two conflict management techniques whose official purpose is to reduce or even end the use of violence in inter- and intrastate conflicts. More precisely, I understand mediation as "a process of conflict management where disputants seek the assistance of, or accept an offer of help from, an individual, group, state, or organization to settle their conflict or resolve their differences without resorting to physical force" (Bercovitch, Anagnoson, and Wille 1991, p. 8). From this follows, that mediation can be understood as a relationship of demand and supply. On the one hand, at least one of the conflict parties needs to be open for meditation (i.e. there is a demand for mediation[4]), on the other hand, there needs to be a third party that is willing to mediate the conflict and to talk with the conflict party that is open for mediation. A third party is any actor that is not involved in military actions that aim at the incompatibility of the conflict (cf. Croicu, Melander, et al. (2013)). Beyond this, the presented mediation concept is comparatively broad since it compromises formal and informal mediation efforts by any kind of third party, even private individuals. Similarly, the concept does not require that the mediation effort is successful in the sense that it leads to bilateral negotiations or an agreement between the conflict parties.

Conversely, negotiation refers to direct talks between the conflict parties in which the actors "communicate and exchange proposals in an attempt to agree about the dimensions of conflict termination and their future relationship" (Bercovitch and Jackson 2011, p. 154). Hence, the consent of both opponents is needed for negotiations to take place. Therefore, I assume that the hurdles to use negotiation as a conflict management technique are more difficult to overcome than for mediation. Importantly, mediation and negotiations are not mutually exclusive but overlapping (cf. Figure 1 below): both can occur without the other, as there might be a mediation effort that does not lead to direct negotiations between the conflict parties as well as negotiations that take place without the intervention of a third party. Nonetheless, I assume that there is a significant share of negotiations that was facilitated through mediation .

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[4]The term demand side can be a misleading as it seems to imply a proactive call for mediation by the government. As it is made explicit in the definition, the government might also accept an extended offer of mediation in a more reserved manner. In the following, both scenarios – the active seeking for and the acceptance of mediation – are meant to be included when I use the term demand side.
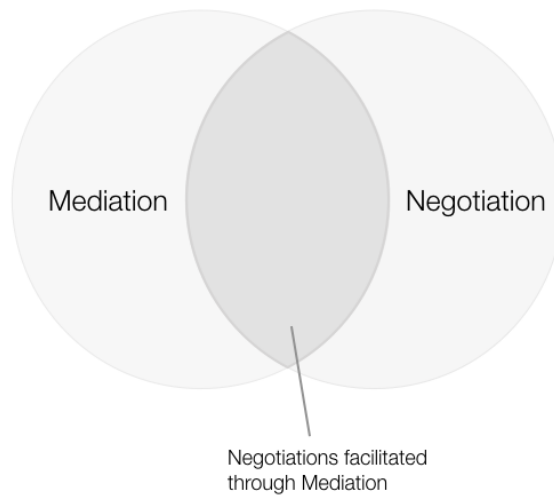
Figure 1: Venn Diagramm of Negotiation and Mediation

An important feature of these two conflict management techniques is that they are initially non-binding and non-determined regarding their outcome. This is to say, mediation does not necessarily lead to direct talks between the conflict parties and negotiations does not necessarily imply the conclusion of a binding agreement or other concessions. Equally, invoking the two techniques does not (necessarily) go along with a pause in fighting. Nonetheless, both have immediate effects that will be considered by the conflict parties: on the one hand they are an important signal of willingness to use non-violent means to settle this conflict to the domestic and international audience. However, depending on the context, this might also be interpreted as sign of weakness – especially in case of the government – since it seems like giving up on a military solution. On the other hand, the mere acts of mediation and negotiation are supposed to serve the rebels as these interactions legitimise them as equal partners, either in relation to the government or at least to the intervening third party (Clayton and Thomson 2016; Kaplow 2016, p. 43). In that sense, even the start of negotiations – without agreeing on anything substantial regarding the conflict incompatibility – can be understood as a concession by the government to the armed non-state actor. Having said this, I now clarify my assumptions with respect to the rationale behind OSV by government and rebel troops before I elaborate how OSV effects the preferences towards the two conflict management techniques described here.

## 3.2 The Rationale behind OSV by Government and Rebel Troops

The term "One-sided Violence" refers to the *intentional* killing of civilians, i.e. non-combatants, by an armed state or non-state actor in the context of civil war outside of military combat. From this follows that civilians, that died as collateral damage or through indirect consequences of war like the spread of illnesses or famine, are not considered victims of OSV (Wood and Kathman 2013, p. 695). In this sense, OSV is a broad concept that includes terrorism – if it is applied in a civil conflict – as one type of OSV. Terrorism is defined according to the Global Terrorism database (GTD) as "attacks by subnational actors intended to coerce a large audience and/or attain broader social, religious, political, or economic goals" (as in Thomas 2014, p. 810).

The intentional killing of civilians during civil wars can be committed by government and non-state actors alike but the logic behind needs to be differentiated. Before doing so in more detail, I make the following assumptions on the nature of civil war: firstly, civil war is a violent form of iterative inter-group bargaining. Secondly, the willingness of the conflict parties to make concessions in this bargaining process and to seek a non-violent settlement is driven by the perceived probability of winning the conflict militarily as well as the expected costs of continuing fighting. If the probability of winning is considered low and the costs high, settlement becomes more likely. Thirdly, most civil wars are characterised by an asymmetry between rebel and government troops which renders a decisive military victory for both sides unlikely: rebels often do not have the means to defeat the government troops in direct military combat while the government faces problems to defeat rebels that use guerrilla techniques and hide among civil population (cf. e.g. Hultman 2007; Wood and Kathman 2013; Zartman 1989).

In such a setting, OSV is a promising strategy for the rebels[5]: Civil victimization offers the rebels the possibility to impose high costs on the government even if they are considerably weaker in their military capabilities (Polo and K. S. Gleditsch 2016, p. 816 f.). OSV by the rebels is so costly for the government, because the killing of civilians challenges the government in its very core function of protecting the civil population and therefore undermines its legitimacy and popular support (Hultman 2007, p. 209). Additionally, the government needs to divert resources to protect the civilians and care for eventually Internally Displace

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[5]As it was touched upon in the literature review, OSV by rebel groups is either considered a conscious strategy or a result of its institutional features and relation to the civil population. Yet, I follow Hultman (2007, p. 207) in the assumption that OSV can not be isolated from the on-going military interaction with the government but needs to be seen as conscious (re)action. Accordingly, I focus on the strategic use for my theoretical argument. Still, this is not to say that rebels never use OSV for looting, especially as both purposes do not mutually exclude each other, e.g. leaders might reward their troops with looting but still be aware of the signals they send to the government by doing so.

Persons (IDPs), and suffers economic losses (Wood and Kathman 2013, p. 691). In extreme cases, it leads to severe problems of territorial control and governance (Hultman 2007, p. 209). At the same time, OSV imposes a lower risk on the rebels as if they were to confront the government directly (Wood and Kathman 2013, p. 691). Besides, using OSV has a communication function as it signals resolve and the willingness to use all means to fight a long and brutal war. This might lower the government's perceived chances to end the conflict militarily (Polo and K. S. Gleditsch 2016, p. 816). In short, OSV is a cheap mean for rebels to raise the costs of fighting for the government, lower its perspective of military victory and thereby improve their bargaining position (Pospieszna and DeRouen 2017, p. 502).

At the same time, this logic is not transferable to the government since it, firstly, would rather undermine its own legitimacy and, secondly, killing of civilians would not impose comparable costs to the rebels.[6]. On the contrary, the government risks that the rebels gain popularity – domestically as well as internationally – and therefore the civilians start cooperating with the rebels (Pospieszna and DeRouen 2017, p. 505). Instead, a plausible explanations for government use of OSV is its weakness: in situations when the government is not able to defeat the rebels in military combat and lacks sufficient private information to selectively target rebels hiding among the civil population it falls back on using indiscriminate targeting of the suspected cooperating civilians – often the co-ethnics – as a counter-insurgency strategy (D. S. Siroky and Cuffe 2014, p. 809). Also, OSV serves as a tool of collective sanctioning when a more discriminate approach is not available (Fjelde and Hultman 2013, p. 1231). Given the high costs of indiscriminate violence against civilians for the government, it can be assumed that governments only refer to this tactic if state capacity is low. Moreover, high levels of civil victimization through government forces might indicate that the government is loosing control over its troops as the soldiers start to victimise civilians for their personal satisfaction (e.g. by looting or rape) although this is likely to negatively effect the government's legitimacy and international reputation. Not being able to control its own troops, directly threatens the survival of the government since it is depending on its loyal army (Chu and Braithwaite 2017, p. 236).

To sum up, rebels use OSV to actively harm the government and inflict costs on it, whereas government troops refer to killing civilians when state capacity is low. Having outlined the different logics behind the use of OSV, I argue in the following that perpetrator behind the OSV determines the preferences towards negotiation and mediation, more precisely the preferences of the two opponents as well as of the third party.

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[6]Armed non-state actors neither loose resources nor suffer in popular support through government OSV since their legitimacy is not tied to the protection of civilians

### 3.3  The Effect of OSV on Entering into Mediation and Negotiation

As touched upon above (cf. Section 3.1), a crucial characteristic of the two conflict management techniques is that they build on voluntary consent and not on coercion. From this follows that the occurrence of mediation and negotiation depends on the preferences of the involved actors, i.e. of each conflict party and the potentially intervening third party. This is depicted in Figure 2 below: Each side of the triangle constitutes a conflict management technique, i.e. either negotiation between the conflict parties or an mediation effort between a third party and the government or the rebel group respectively. Each triangle side consists of two directional arrows representing the consent of each side since both need to agree to invoke this conflict management technique.
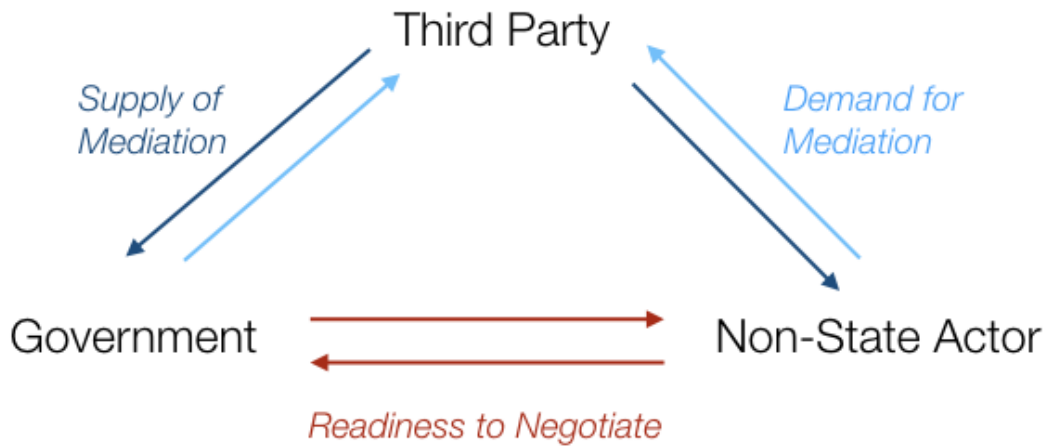


Figure 2: Approval needed in the Context of Mediation and Negotiation

#### Preferences of Potentially Intervening Third Parties

Regarding the mediating third party, I make the assumption that the supply side of mediation is given in the case of government OSV. The targeted killing of civilians during civil conflict constitutes a clear violation of the international norm against targeting non-combatants and therefore draws a lot of international attention (Fortna 2015, p. 526). Moreover, also officially neutral mediators have particular interests motivating their intervention. At an institutional level, a possible motive is to prevent a major regional destabilisation given

that OSV is likely to cause displacement of the population and indicates regime instability. At a personal level, mediators are likely to improve their professional standing and prestige if they successfully broker an agreement that mitigates civilian suffering, especially given the international attention (Bercovitch 2011; Kreutz and Brosché 2013, p. 20).

Although the private motivations might also be relevant for rebel OSV, potential mediators are confronted with a difficult dilemma when non-state actors are involved in killing civilians: For one thing, non-state actors that willingly kill civilians are internationally ostracized and often labelled as terrorists. The latter often goes along with the proscription of the actor to national or international terrorist lists as they are maintained for instance by the USA, the EU or the UN. This makes it difficult for third parties, especially states and international organisations, to publicly approach and thereby legitimise them. But also non-governmental mediators are impeded in their work as they risk to be stigmatised and criminalised (Haspeslagh and Dudouet 2015, p. 115). Then, this "norm of counterterrorism" is confronted with the "norm of mediation" that requires to design conflict resolution as inclusive as possible in order to overcome the root causes of the conflict and which would accordingly require to also include rebel groups that kill civilians. The leverage of third parties to navigate between these two norms depends on their mandates and institutional restrictions and but mediation efforts are reported to be drastically impeded (Palmiano Federer 2018). From this follows that the supply side of mediation is considered as given for government OSV but that mediation offers are rarely extended to rebels that engage in civil victimization.

**Preferences of the Government**

The government should be in favour of mediation and negotiation as long as their own troops are involved in targeted killing of the civilians. This builds on the assumption that OSV by government troops indicates the weakness of the government and accordingly it will consider the probability to militarily win against the rebels low. In addition, the costs of continued fighting are high as the government risks to further loose popular support or even the last control over its troops. The costs of continuing fighting are often further increased since third party states threaten the government with sanctions or withdrawing aid payments if the killing of civilians does not stop (Pospieszna and DeRouen 2017, p. 503). At the same time, negotiation and mediation are a possibility to explore non-bindingly the options for a quick conflict settlement before its capacity further deteriorates and a cheap mean to signal willingness to cooperate to its constituency and the international community. Consequently, the government should be in favour of negotiations as well as

mediation.

However, its preferences change and negotiation ceases to be a feasible option when the OSV is committed by the rebel troops. Firstly, the government wants to avoid the impression that it rewards the blackmailing of the rebels through engaging in direct talks with them. This impression should not only be avoided among the population but especially among other potential challengers that might feel encouraged to refer to the same mean (Pospieszna and DeRouen 2017, p. 504). Secondly, governments depend on their constituencies when seeking a negotiated settlement because an implementation will be impossible without their support or might even threaten the government's survival as hardliners might seek to oust the leader after taking such far reaching decisions without consent.[7] Yet, the constituency support to seek a negotiated settlement will be low after civilians targeting by rebels. Given the committed atrocities, it is likely that feelings of hatred against the rebel grow among the government constituency and the perception of the opponent as the irreconcilable different out-group becomes entrenched (Sticher n.d.). Once such feelings are firmly established, finding a negotiated solution becomes very difficult and even the mere concession to talk with the rebels is rejected by the constituency since it acknowledges the rebels as partners (Haspeslagh and Dudouet 2015; Fortna 2015, p. 523). Moreover, the government risks reputation losses if it begins negotiations but is later on not able to reach agreement that secures the support of the constituency (Kaplow 2016, p. 39).

In short, the government's leverage to negotiate with the rebels targeting civilians is tremendously restricted. Yet, this is different for mediation as this does not necessarily lead to direct talks with the rebels and therefore does not imply indirect concessions through legitimisation. Equally, talking to a third party should not evoke the impression of giving way to blackmailing. Given that the constituency should have an interest to stop the killings despite the intense animosities, mediation can constitute a feasible way of de-escalating the conflict even when direct negotiations are not considered acceptable (Bercovitch and Jackson 2011, p.162). Also, third parties might pressure the government to act in the face of civilian suffering and the government has an opportunity to signal its commitment to the norm of peaceful conflict settlement without facing the same costs in popular support as for starting negotiations (Bercovitch 2011, p. 21).

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[7]Who is part of the government's constituency depends on the regime type. Most general, voters constitute the constituency in a democracy while most autocratic leaders depend on the military leadership (Sticher n.d.). Also financially strong diasporas are part of the constituency and can mount notably pressure on the government (Kaplow 2016).

**Preferences of the Armed Non-State Actor**

With respect to the rebels, their general preferences should be towards negotiation and mediation since it is in their favour: they gain domestic and international recognition and thereby legitimacy while they do not have to commit themselves to any outcome in the first place (Clayton and Thomson 2016; Kaplow 2016, p. 43). Their willingness to engage in both conflict management techniques is especially plausible if they are committing OSV themselves because the very purpose of the OSV is to inflict costs on the government and thereby increase the government's readiness to make concessions and agree on a negotiated settlement that favours the rebels. In addition, third party guarantees offered in the context of mediation might eventually protect the rebels later on if an agreement is reached, i.e. especially during the disarmament and demobilization process.

Still, their preferences in the context of government OSV are more complex: one might argue that rebels rather use this moment of government weakness to continue fighting and particularly as they should gain popular support. Yet, government weakness does not necessarily mean that the rebels therefore have a realistic chance of defeating the government. Hence, they might rather use this moment of government weakness for their advantage during negotiations. When doing so, they actively seek assistance by a third party through mediation, since they hope that the international community supports their cause in the face of the government atrocities. In addition, government OSV can also negatively effect the rebels: high rates of civil victimization makes it difficult for them to mobilise the civilians for a continuation of armed struggle and the civil society might actively pressure the rebels to seek a negotiated settlement (Chu and Braithwaite 2017; Pospieszna and DeRouen 2017, p. 238). To sum up, armed non-state actors should be willing to engage in negotiation and mediation in the case of rebel and government OSV.

**Observable Implications following from these Preferences**

In summary, the targeted killing of civilians alters preferences with respect to negotiations or mediation or to offer mediation respectively. The use of government OSV makes the government and the rebels open for negotiations. Also third parties are more likely to support such a rapprochement through mediation, motivated by the international norm of human security. Yet, this changes if rebels target civilians as it becomes difficult for governments to publicly offer direct talks as well as for third parties to offer mediation since this is considered a legitimisation of the killings. Importantly, the described effects on the preferences of all three actors should be stronger, the more civilians are killed. From this follow four observable implications.

Firstly, if government troops use OSV, third parties will push towards a negotiated settlement and the government is interested in signalling willingness to cooperate and therefore agrees to mediation. Since the rebels hope to gain international recognition through mediation, they should also accept such offers.

*$H_1$: The more OSV is used by the government, the more likely is the occurrence of mediation.*

Secondly, since government OSV is a sign of low state capacity, the government seeks a quick negotiated solution. The rebels will use this moment of weakness to seek concessions in negotiations.

*$H_2$: The more OSV is used by the government, the more likely is the occurrence of negotiation.*

Thirdly, OSV is used by rebels as a strategy to push for concessions and accordingly they welcome mediation in the hope for external support to advance their cause. Yet, potential mediators are deterred to be sanctioned for cooperating with ostracised and eventually as terrorists listed rebels. Therefore, the supply of mediation will be very low.

*$H_3$: The more OSV is used by the rebels, the less likely is the occurrence of mediation.*

In the same way, governments want to avoid audience costs from acknowledging rebels killing non-combatants as legitimate negotiation partners and therefore do not enter into direct talks. Furthermore, they do not want to seem subjected to blackmailing and therefore reject any negotiation offer extended by the rebels who hope for concessions.

*$H_4$: The more OSV is used by the rebels, the less likely is the occurrence of negotiation.*

## 4    Research Design

In order to test the proposed hypotheses empirically, I conduct a statistical analysis on civil conflicts in Africa. More exact, I run several logit regressions on a data set building on the replication data of Thomas (2014), the UCDP Managing Intrastate Conflict (MIC) data (Melander, Möller, and Öberg 2009), and the UCDP Georeferenced Event Data set (Sundberg and Melander 2013). In the following, I outline the structure of the data set, the coding of the variables as well as the statistical models used.

## 4.1 Data and Case Selection

The data set used for the analysis contains dyad-months of intrastate conflicts in Africa between 1993 and 2007 during which the conflict parties are actively fighting.[8] Intrastate conflicts are defined according to the Armed Conflict Dataset (ACD) by UCDP / Peace Research Institute Oslo (PRIO) as "a contested incompatibility that concerns government or territory or both where the use of armed force between two parties results in at least 25 battle-related deaths. Of these two parties, at least one is the government of a state." (N. P. Gleditsch et al. 2002, p. 618f). Accordingly, a conflict dyad is a pair of two warring parties participating in a conflict meeting this criteria and one of the two parties is the government. From this definition follows that I neither look at non-state conflicts between two armed non-state actors nor at the use of OSV outside of intrastate conflicts. The dyad-month format has the advantage that the high level of disaggregation allows to capture not only short-term dynamics but also actor-specific effects. This enables more nuanced results than mere conflict-year analyses.

The temporal and geographical scope is due to data constrains, since this is the only period and region for which the MIC data is available.[9] Although the generalisability of the results therefore needs to be critically assessed, the regional restriction to Africa is not per se problematic: Firstly, there is sufficient variation in the dependent and independent variables across the different dyads as I show below. Secondly, even if the results can not be extrapolated beyond Africa insights into the dynamics of civil victimization in the African context are relevant and hopefully useful, given that over 6,000 events of OSV were reported here between 1989 and 2010 (Sundberg and Melander 2013, p. 527). Thirdly, by focusing in the statistically analysis on one region, I reduce the problem of unobserved heterogeneity among the observations and this should make my results more reliable. Notwithstanding that a larger time frame would be desirable, the temporal scope is unproblematic because it only includes years after the Cold War. Observations during and after the Cold War are difficult to compare for two reasons: firstly, the bipolarity of the international system during the Cold War impeded mediation through third party states. Secondly, it was only after the Cold War that the norm of human security gained traction, increasing the willingness of third parties to intervene in civil conflicts (Kreutz and Brosché 2013, p. 28).

The sample is further restricted by the exclusion of two extreme outliers, both related to the genocide

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[8]The restriction to only actively fighting dyads is unavoidable since this scope condition was introduced by Thomas (2014) and accordingly the negotiation variable is not available for inactive dyads.

[9]The data by Thomas (2014) also only covers Africa but at least includes the years 1989 to 2010. The GED data is available at a global level from 1989 to 2016.

in Rwanda (April – May 2004). This concerns the dyad-months that include the civilian killings by the Rwandan government during the genocide as these amounted to 190,000 killed civilians in two months alone. Then, the Alliance of Democratic Forces for the Liberation of Congo (AFDL), fighting against the government of the Democratic Republic of Congo (DRC), killed over 21,768 civilians in two months. When excluding these observations – only ten in total – the maximum number of civilians killed in a months is 1,096 for the government and 1,244 for the rebels respectively. Beyond this, the exclusion is also justifiable from a theoretical perspective: with respect to the Rwandan government, a planned genocide constitutes a special case which the arguments provided above (cf. Section 3.2 on page 8) are not able to explain because the assumptions regarding the bargaining model do not hold. During the genocide, the government's willingness to negotiate is not influenced by its cost perception regarding the military combat but the very purpose of the killings is to exterminate parts of the population. Additionally, government OSV is not a a sign of weakness here but committed on purpose. With respect to the Tutsi AFDL, the assumption that OSV is a strategy to push for negotiation also needs to be rejected: The group mainly targeted refugees from Burundi and Rwanda in DRC as an act of retaliation as those were primarily Hutu and accused of having committed the Rwandan genocide. In addition, the group was allegedly supported by Rwanda, Uganda and Angola – the neighbours of DRC – with the clear aim to oust the president (Uppsala Conflict Data Program 2018). Consequently, my theoretical argument is not applicable here.

Considering these restrictions and after cleaning the data set from observations that include missing values and hence can not be used for the modeling, there remain 2,063 dyad-months of 71 dyads in 28 conflicts.[10]

## 4.2   Dependent Variables

I use two different dependent variables to test my argument: The occurrence of mediation and negotiation. The former is coded based on the MIC data which provides events of non-military third party interventions. In accordance with my definition of mediation (cf. p. 6), I included in the mediation variable talks between the third party and at least one of the conflict parties as well as the provision of good office. According to the MIC codebook, a third party is "a party that is involved in either helping the warring parties to regulate

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[10]I used the replication data of Thomas (2014) as the base and merged relevant variables of the other two data set to it. Doing so, I encountered three dyads in the Thomas data I was not able to identify in the UCDP data based on the names and/or IDs. I decided to drop these dyads (one from Ethiopia and two from Niger). Furthermore, I renamed one dyad that had a different ID in the UCDP data than in Thomas' data.

the incompatibility, the conflict behaviour or to regulate other conflict issues and work as an intermediary between the two" (Nilsson and Croicu 2013, p. 3). Good office refers to the facilitation of talks, for example by providing a venue, without directly engaging in talks with the conflict party (ibd. p. 10).

While the dataset provides detailed information on the events in which the third party is involved – either direct talks including both warring parties face-to-face, indirect talks in which both warring parties take part but to do not talk with each other directly or bilateral talks in which only one conflict party participates –, I aggregated this information to the month level by creating a dummy variable that indicates whether any mediation event occurred in this month or not. If an event was spanning more than month, I coded mediation as given for all months concerned. Furthermore, I dropped events whose low temporal precision prevented the attribution of the event to a specific month.[11] Mediation occurred in 738 of the 2,063 dyad-months (i.e. in 35.77% of the observations) but is not equally distributed across dyads. While the median is three months of mediation per dyad, the Sudanese SPLM/A and the government pilled up 109 months of mediation. Only 15 dyads did not observe any mediation. The skewed distribution is mirrored in a standard deviation of 18.8.

To test the relation between OSV and negotiation, the negotiation variable is adapted from the replication data by Thomas (2014). Here, negotiations are coded as given if "instances of formal bargaining between the main belligerents in conflict" took place. Explicitly excluded are "back-channel negotiations, or negotiations where third parties act as intermediaries but no formal communication between the warring pair occurs" (ibd. p. 810). The variable is already provided in a dyad-month format. Remarkably, there is a discrepancy between the direct face-to-face talks coded in the MIC data and the face-to-face negotiations coded by Thomas (2014). More precisely, in the case of 60 dyad-months the MIC data set indicates direct talks while Thomas (2014) does not list negotiations in that month. Yet, it is impossible to determine whether this discrepancy is due to a oversight of Thomas or due to conceptual difference: both do not specify what they understand as talks or negotiations respectively and what the difference between the two would be. To be on the safe side, I also code a alternative version of the negotiation variable that includes also the direct talks of the MIC data for robustness tests. Negotiations take place in 283 dyad-months, this equals 13.86% of the observations. Similar to the mediation variable, negotiations cluster at certain dyads. The median number of months with negotiations per dyad is 2 but again the SPLM/A dyad alone makes up for 52 months of negotiation. 27 dyads did not enter into any negotiation.

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[11]This concerned 70 of 3,516 observations in the data set and should therefore be unproblematic.

In comparison, mediation is much more frequent. This matches the theoretical expectation that negotiations are more difficult to commence since the consent of both conflict parties is needed. Noteworthy, there is a considerable but not total overlap of negotiation and mediation: in approx. 77% of the dyad-months that are negotiated, mediation occurred as well.[12]. Three dyads negotiated with each other without being mediated at any point in time, whereas 15 dyads accepted mediation but still negotiations never took place. Regarding the temporal distribution, mediation and negotiation are more evenly spread with an average of 49 and 18 observations respectively per year.

## 4.3   Independent Variables

I am interested in the effect of OSV by the government or the rebels and accordingly I derived this information from the GED data which provides OSV events per actor. I used the Version 5.0 because this is compatible with the IDs used by Thomas (2014). An event of OSV is defined as "an incident where armed force was used by an organised actor [...] against civilians, resulting in at least 1 direct death at a specific location and a specific date" (Croicu and Sundberg 2016, p. 2). Importantly, I take the magnitude of OSV into account and therefore use the number of killed civilians and not the mere occurrence.

In contrast to the other two data sets, the GED OSV data is not in the dyadic format since there are no hostilities against another armed actor taking place but civilians targeted. Hence, the actor- and not the dyad-IDs are provided. To nonetheless use the civil victimization data in my dyadic framework, requires two theoretical assumptions: firstly, the OSV deployed by the rebels is indeed directed towards the government as a strategic mean and is not used in a parallel on-going non-state conflict without any intention to influence the behaviour of the government. Secondly, OSV by the government effects its behaviour towards all armed non-state actors and is not directed towards a specific rebel group. The latter assumption is necessary because it does not seem valid to assign the OSV randomly to a specific dyad and accordingly I coded the government OSV for all dyads in the concerned month. While the first assumption is less problematic, the second assumption might overweight the government violence.[13] Yet, as I elaborated above (cf. Section 3.2), I consider civil victimization through government troops a sign of low state capacity. This should effect its

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[12]This does not necessarily mean that all the negotiations are mediated since it is based on the coding also possible that mediation e.g. took place after negotiations started and failed.

[13]Interestingly, Wood and Kathman (2013) face the same problem given that they separate rebel and government OSV in a dyadic framework but they simply state "We code Government Victimization identically to Rebel Victimization" [p. 696] and do not discuss this problem.

relation to all dyads alike and therefore the assumption is justifiable.

Similar as for the MIC data, I aggregated the events at the month level by summing up the civilians killed in the different events within one month. When the end date of the violent event lies in the subsequent month, I divided the victims between the two months. Events with a temporal precision of lower than a month were excluded. Following Wood and Kathman (2013, p. 695), I suppose a cumulative effect of OSV: on the one hand, the intentional targeting of civilians is likely to be a campaign implemented over some time, and on the other hand, I assume that the perception of the conflict parties and the public will not only be coined by the previous month but by the events of the last months. Both assumptions seem especially plausible if the aim of civil victimization is to build up pressure. On the other hand, the measure needs to be dynamic enough, given that mediation and negotiation are rapid responses to on-going crises (Kreutz and Brosché 2013, p. 29). In the same manner, a cumulation over several months is not sensitive enough to more recent decreases in OSV that might have actually caused the agreement to one of the conflict management techniques. I therefore decided to code the civil victims cumulated over the *previous* two months only. This also ensures the temporal sequencing, i.e. that the civil victimization indeed took place before the negotiation / mediation and not after it but in the same month. Although the data set used for the analysis starts in 1993, I used the deaths of the last months in 1992 for cumulation. To ensure the robustness of my results, I repeated the analysis with alternative cumulations of four and six months as well as a simple lag (results discussed below).

The intentional targeting of civilians is indeed a common phenomenon during active civil conflicts as in approx. 57% of the observations civilians were killed in the previous two months (i.e. in 1,178 of 2,063 observations). The killings are nearly evenly spread between the armed non-state actors and the government as both had targeted civilians in the previous two months in around 735 observations. Importantly, this not because actors parallelly engage in the killing of civilians, e.g. in acts of retaliation: only in 296 occasions rebel and government troops kill civilians in the same month. Also the magnitude of the violence by the warring parties is similar, given that the maximum of civilians killed by the government in two months is 1,096 but that the rebels killed up to 1,244 civilians.

## 4.4 Control Variables

Several control variables are also included. If not further specified the data for the controls was taken from replication data of Thomas (2014). Firstly, I include *relative rebel strength* and *battle deaths* suffered in that month since both are considered indicators of a hurting stalemate. This concept proposed by Zartman (1989) implies that a non-violent conflict resolution becomes feasible if both actors are more or less of equal strength and hence no conflict party can expect a military victory in nearby future. In the present analysis, military losses are measured by UCDP battle-related deaths and a ordinal measure of relative rebel strength is provided by the NSA dataset by Cunningham, K. S. Gleditsch, and Salehyan (2013). From the same data, a dummy is included whether the rebels receive *external support*. External support matters because it increases the military leverage of the rebels since they are provided with resources and potentially weapons. This probably decreases their need for a negotiated settlement (Thomas 2014). Furthermore, rebels with external support are assumed to be more likely to engage in civil victimization as they are not dependent on popular support (Weinstein 2007).

The fourth control indicates whether the rebel group is the *main group* in the conflict, i.e. whether the group is causing the most battle deaths in a year within a conflict. This will probably influence the strategic decision of the government whether to engage in talks or not. Similarly, the *number of groups* is included since the presence of several rebel groups makes the bargaining situation more complex and, in addition, the competition among various rebel groups is likely to influence their use of violence (Hultman 2007, p. 212). Another factor potentially influencing the negotiation behaviour is the *regime type*, here measured by polity2, an indicator originally provided in the Polity IV data by Marshall, Jaggers, and Gurr (2011). It is assumed that democracies are more constraint by the international norm of peaceful conflict settlement and therefore more likely to invoke negotiation or mediation (Pospieszna and DeRouen 2017, p. 511).

In order to control for conflict specific characteristics, the type of incompatibility as coded by UCDP is included. *Territorial conflicts* endure longer and are especially marked by rebel atrocities, since rebels kill six times more civilians than government troops in such conflicts according to Pospieszna and DeRouen (2017). Also, territorial wars often have an ethnic dimension which makes the targeting of civilians more likely because the audience of the conflict parties is exclusive, i.e. there is a clear out-group whose killing can be justified towards the respective followers (Polo and K. S. Gleditsch 2016, p. 820). Moreover, two control variables account for the duration of the conflict: *episode duration* and *number of conflict episodes* build on

the conflict episodes as they are provided by UCDP. One episode is on-going as long as the battle-deaths do not fall under the 25 deaths threshold. The influence of conflict duration on settlement is ambiguous: on the one hand, a non-violent settlement is becoming less likely given the entrenched feelings of hatred both sides develop through the experienced violence. On the other hand, the low probability of winning becomes visible and combat fatigue can increase the readiness to negotiate (Pospieszna and DeRouen 2017, p. 509).

Also, the (former) presence of other conflict management techniques should be taken into account. Therefore, I included the occurrence of *mediation* as a control in the models with negotiation as the dependent variable, because the intervention of third parties with the very purpose to foster talks should make negotiations much more likely. In order to account for time dependency, I also include the *lagged versions of the DV* given that I assume negotiations to be more likely to take place if the conflict parties already negotiated the month before. The same should hold for mediation. Last but not least, I included the presence of a *peacekeeping mission* as it is provided by the MIC data. Peacekeeping missions are likely to be deployed where OSV is suspected or took place before and at the same time might alter the incentives of third parties to push for negotiations given the resources already invested.

## 4.5   The Statistical Analysis and its Limitations

For the statistical modelling, I run logit regressions on the described data given the binary nature of my dependent variables. I include the government and the rebel OSV in the same model because they are probably not independent from each other and the effect of OSV is likely to be mitigated if the other conflict party also uses it. For instance, employing OSV might be an act of retaliation to the civil victimization committed by the opponent and the rebel strategy to inflict costs becomes ineffective if government troops commit OSV as well (Hultman 2007, p. 211). I used robust standard errors clustered at the conflict level because I presume that the independence among cases assumption is violated given that they all share the same conflict party, i.e. the government. Moreover, they are likely to have more unobserved characteristics in common that potentially also influence the DV (ibd.). As a robustness check, I repeat the analysis with clusters on the dyad level but the results remain basically robust. The results are reported in Table 7 in the Appendix.

Having said this, my analysis faces limitations and the results need to be interpreted with caution. With modelling technique described, I am at best able to establish a correlation between OSV and the two conflict

management techniques but I can not make causal inferences. This is because I face the problem of a potential selection bias, given that the use of OSV had not been randomly assigned. Thus, I can not rule out that there are certain conditions that make the use of OSV more likely and at the same time effect the readiness to negotiate or to accept mediation. This in turn makes it impossible to determine whether the variation in the conflict management technique is due to the OSV or due to the unobserved conditions (cf. Stein 2005, p. 611). The control variables introduced above (Section 4.4, p. 20) have the very purpose to take such selection effects into account, yet it needs to be acknowledged that there remains unobserved heterogeneity that can not be accounted for.

Another potential problem is reverse causality as former mediation and negotiation might have an effect on the future use of OSV, for example, because hardliners refer to it in order to interrupt the on-going peace process (Kydd and Walter 2002; Pospieszna and DeRouen 2017). This again will effect future mediation and negotiation. Although I control for the effect of negotiation and/or mediation in the month before, I can not exclude more long-term effects of failed attempts of conflict management. To summarise, I do not claim to have identified a causal effect of OSV. However, the significant correlation between OSV and negotiation/mediation established through the logit regression at least corroborates my theoretical argument.

# 5   Results

The results for the main model specified above are reported in Table 1 and confirm three of four hypotheses. The effect of government killings is significant and substantial: The more targeted killings government troops commit, the higher the probability that the government and the rebels negotiate with each other as well as that third parties intervene through mediation increases significantly. Accordingly, Hypotheses 1 and 2 are confirmed. Beyond that, the effect is also very substantial: the probability for negotiations to take place triples when the government killed 1,000 civilians the two months before, from 4.0% to 12.3% [14]. For mediation, the effect is even more pronounced as Figure 3 shows: the probability that mediation occurs increases from 15.0% to 92.0% for 1,000 civilians killed by government troops in the last two months. Already for 500 killed civilians, the probability increases to 58.7%.

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[14] All predictions are made with the other variables either hold at their mean (if continuous) or the median (if ordinal). It is assumed that mediation or negotiations respectively did not occur in the month before.

Table 1: Estimating the Effect of OSV on Negotiation and Mediation

| | Dependent variable: | |
| --- | --- | --- |
| | Negotiation | Mediation |
| | (1) | (2) |
| Government Victimization (2) | 0.001*** (0.0004) | 0.004*** (0.001) |
| Rebel Victimization (2) | −0.009*** (0.002) | −0.001 (0.001) |
| Rebel Strength | 0.650*** (0.241) | 0.641** (0.259) |
| External Support | 0.058 (0.272) | 0.332** (0.145) |
| Episode Duration | 0.004** (0.002) | 0.006** (0.002) |
| Episode Number | −0.208 (0.167) | −0.154 (0.124) |
| Number of Groups | 0.068 (0.127) | 0.074 (0.137) |
| Main Group | 0.314 (0.244) | −0.271 (0.325) |
| Regime Type | −0.004 (0.027) | 0.086* (0.051) |
| Battle Deaths (log) | −0.030 (0.097) | 0.226*** (0.072) |
| Territorial War | 0.354 (0.412) | −0.427 (0.451) |
| Peacekeeping Mission | −0.264 (0.279) | −0.265 (0.229) |
| Mediation | 1.549*** (0.275) | |
| Negotiation(lagged) | 1.756*** (0.172) | |
| Mediation (lagged) | | 2.215*** (0.267) |
| Constant | −4.417*** (0.841) | −3.941*** (0.770) |
| Observations | 2,063 | 2,063 |
| $R^2$ | 0.348 | 0.460 |
| $\chi^2$ | 439.101*** (df = 14) | 843.203*** (df = 13) |

Note: Standard errors clustered on conflict level          *p<0.1; **p<0.05; ***p<0.01
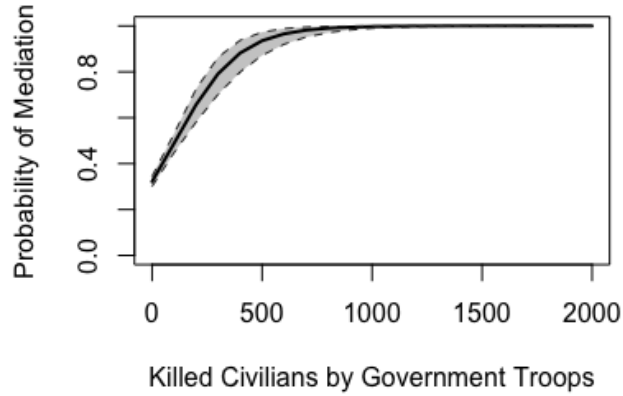


Figure 3: The Effect of Government OSV on Mediation

With respect to OSV by the rebels, there is a strong and significant negative effect on the start of

negotiations: if rebels killed 500 civilians in the last two months, the probability of observing negotiations is as good as zero (or 0.0006% in contrast to 5.1% if no rebel OSV is committed). Thus, my fourth hypothesis is supported. Yet, there is no significant relationship between rebel OSV and the occurrence of mediation. It seems that Hypothesis 3 needs to be reconsidered. Interestingly, meditation is significantly more likely if the aggregated measure of civil victimization is used (i.e. the perpetrator is not specified) but this result might equally be driven by the very strong positve effect government killing of civilians has on meditation (results are reported below in Table 2).

Besides, the findings are exposed to several robustness checks which are reported in the Appendix (cf. page 34). Firstly, I used the alternative measure of negotiation described in Section 4.2 on page 16 but the results remain robust, i.e. rebel and government OSV have both an significant effect on negotiations, though in opposed directions. However, the significance level of the effect of government killings decreases. Second, I used different time spans for the cumulation of the OSV, i.e. the cumulation over four and six months as well as a simple lag (cf. Table 5 and 6). Regarding the effect of government OSV, the only difference is that the significance level of the effect on negotiation decreases if the cumulation includes the previous six months. Similarly, the effect size for mediation decreases for the cumulation over six months. This might indicate that the effect of civil victimization is relatively short-term, i.e. that entering into negotiations and mediation is a dynamic reaction to current developments. Interestingly, civil victimization by rebels is indeed significantly and negatively related with mediation if a simple lag by one month is used. Thirdly, the results are not robust to the inclusion of the outliers described above (cf. Section 4.1): after including AFDL dyad and the observations related to the Rwandan genocide, the effect of rebel OSV turns around and mediation becomes significantly less likely while there is no significant relationship with negotiation. The results regarding the effect of government killings remain robust but the effect size on negotiation is drastically reduced (cf. Table 4). Given the context of these two conflicts the results are plausible: firstly, the effect on negotiations is reduced because the government in Rwanda was not willing to negotiate during the genocide, while the magnitude of the killings was hundred times as large as other government killings. Secondly, the massive killing of refugees through the AFDL probably unjustifiable for any mediator to intervene.

Regarding the included controls, the relative rebel strength seems to be an important factor driving mediation and negotiations as both are more likely the stronger the rebels are. This is interesting, given that normally power parity is assumed to be a pre-condition for non-violent conflict management. Still, the idea is corroborated that governments do not seek a negotiated settlement if they consider the rebels weak

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Table 2: Repeating the Analysis with the Aggregated Measure of OSV

| | Dependent variable: | |
|---|---|---|
| | Negotiation | Mediation |
| | (1) | (2) |
| Any Victimization (2) | −0.0002 (0.001) | 0.002*** (0.0005) |
| Rebel Strength | 0.561** (0.258) | 0.637** (0.262) |
| External Support | 0.042 (0.280) | 0.356*** (0.132) |
| Episode Duration | 0.004** (0.002) | 0.005** (0.002) |
| Episode Number | −0.282 (0.217) | −0.207* (0.108) |
| Number of Groups | 0.124 (0.125) | 0.137 (0.127) |
| Main Group | 0.302 (0.239) | −0.271 (0.321) |
| Regime Type | −0.017 (0.032) | 0.085 (0.054) |
| Battle Deaths (log) | −0.071 (0.100) | 0.203*** (0.068) |
| Territorial War | 0.513 (0.417) | −0.342 (0.442) |
| Peacekeeping Mission | −0.379 (0.335) | −0.375 (0.254) |
| Mediation | 1.593*** (0.268) | |
| Negotiation(lagged) | 1.855*** (0.168) | |
| Mediation (lagged) | | 2.268*** (0.270) |
| Constant | −4.144*** (0.873) | −3.864*** (0.758) |
| Observations | 2,063 | 2,063 |
| $R^2$ | 0.331 | 0.453 |
| $\chi^2$ | 414.442*** (df = 13) | 826.052*** (df = 12) |

Note: Standard errors clustered on conflict level          *p<0.1; **p<0.05; ***p<0.01

and therefore perceive a military victory as feasible. Similarly, they might be more open to settlement when the rebels are strong and there is no perspective of winning militarily. Another interesting finding is the effect of conflict duration: the longer a conflict episode endures, the more likely is that the parties seek an alternative to military means to settle the conflict. At the same time, there is no significant effect for the number of episodes.

Notably, three of the controls have a significant effect on mediation but not on negotiation. First, mediation is more likely in democracies. This is plausible given that democratic governments are under pressure to publicly demonstrate their willingness to non-violent conflict resolution. Second, the more battle deaths occur, the more likely is mediation. Probably, conflict parties seek support from third parties, if they are not able to advance militarily while the opponent might not be interested in negotiating since it expects to win militarily. Accordingly, there is no effect on negotiations. Third, external support for the rebels increases the probability of mediation; eventually, because the government seeks to demonstrate its own outside support.

As anticipated, the occurrence of mediation or negotiation respectively in the month before is a very

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strong predictor of continuing this behaviour in the following month. Moreover, the results indicate that mediation indeed seems to work: If mediation takes place, it becomes also much more likely that the groups negotiate directly with each other. Noteworthy, many other conflict characteristics do not have a significant effect, i.e neither the number of rebel groups, being the main rebel group, the presence of peacekeeping mission nor territory as conflict issue seem to have a significant effect.

# 6 Discussion

The analysis shows how important it is to use disaggregated data when looking at conflict dynamics: while the general occurrence of OSV does not seem to be related with negotiations, it turns out that the targeted killing of civilians by government troops is making them indeed more likely but that rebel killings nearly totally prevent negotiations. Furthermore, only government killings seem to attract mediation.

The robustness of the results regarding the government violence reinforces my confidence in the causal mechanism suggested above: Being confronted with its own inability to militarily advance the conflict – be it because of loosing control over its troops or because indiscriminate targeting of civilians is a costly and not very successful counterinsurgency strategy – the government is willing to engage in non-violent conflict management. That not only mediation but also negotiation is more likely, corroborates the assumption that rebels try to exploit this moment of state weakness in negotiations. Also, pressure by the international community will contribute to this effect. This supports the hypothesis of Kreutz and Brosché (2013) that the international norms of human security and of the responsibility to protect are so internalised by the international community that it will push strongly for a negotiated settlement in the face of such atrocities. Yet, my results divert in a very important point: while Kreutz and Brosché (2013) find this effect for rebel and government OSV alike, I can only confirm this relationship for government civil victimization.

An interesting consideration in this context is that Wood and Kathman (2013, p. 698) do not find a relationship between government OSV and peace agreements: this might point to a window-dressing effect intended by the government. To appease the international community and gain time to re-mobilise its troops it agrees to mediation and negotiation – eventually a ceasefire, this remains speculation – but at the same time it is not willing to seriously negotiate and make concessions. Hence, a peace agreement is never concluded and the conflict continues. An alternative explanation is that the rebels' trust in the government is so wrecked that they are not able to reach an agreement and overcome the credible commitment problem.

Regarding rebel OSV, a black-mailing effect can be rejected: Negotiations become nearly impossible when rebels kill civilians – as I suggest because the government can not justify against ist constituency to reward such a behaviour. This is an important insight given the still on-going debate whether terrorism in civil wars is a successful mean to coerce concessions (cf. Fortna 2015; Thomas 2014). At least when applying the broader concept of OSV the answer is "no". It would be very interesting to further investigate whether there is a qualitative difference between rebel OSV and terrorism that reverses the effect.

Furthermore, the question remains why there is no significant effect of rebel OSV on mediation. Rebel atrocities does not seem to be a clear deterrent for mediators but neither trigger their engagement. There are three possible explanations for this non-finding: first, there is indeed no third party willing to talk with the rebels but at the same time governments accept mediation to signal their willingness for non-violent conflict resolution to the international community. These two opposed effect directions cause the non-finding. Second, it seems possible that the rebels would be interested in mediation but the government pressures official third parties like other states and international organisations not to engage with the rebels in order not to legitimise them as potential negotiation partner. Additionally, governments might try to avoid the international attention usually coming along with official mediation efforts since this would is shed light on its inability to protect the civil population. But since the government can not prevent less institutionalised third parties like NGOs or religious communities to engage with the rebels, some mediation will still take place and there is no statistically significant relationship.

Third, the underlying assumption of a strategic use of OSV by the rebels needs to be questioned. Based on the analysis conducted in this paper, it can not be directly tested whether this or organisational features motivates the civil victimization. That mediation does not significantly increase after rebel OSV, might point to the latter: if rebels kill civilians only for personal enrichment, this should not effect their preferences regarding mediation – accordingly, no statistical effect is observed. That they are less likely to negotiate can be explained through the reaction of the government: the pressure by the constituency on the government not to negotiate with the rebels will be the same independently whether the rebel use OSV consciously for blackmailing or whether it is caused by other dynamics. The feeling of hatred will be equally entrenched.

This points to the first of three major limitations of these results: my empirical models are not able to test the proposed causal argument and the interpretation of the identified correlations remains to be further corroborated through case studies. Especially, the non-finding for mediation needs to be further scrutinised given the very different but plausible explanations. Secondly, I am restricted to only use active conflict dyads

for my analysis, given that I am dependent on the negotiation variable provided by Thomas (2014). This is problematic given that civilian victimization and conflict management can equally take place during low-intensity or even non-violent phases of the conflict. Eventually conflict management only becomes an option after direct military confrontations are over. Having said this, I consider it unlikely that OSV is taking place at a large scale without direct battles following as acts of retaliation or when trying to protect the civilians. Hence, I am optimistic that my results still provide an interesting insight. Thirdly, I face the problem that in-official and secret negotiations and meditation efforts are not captured by my data although they might be especially relevant in the context of civil victimization, since the leverage for public negotiations is restricted. Therefore, there might still be a blackmailing effect but the government avoids to make concessions public to avoid punishment by its constituency. But even if this is the case, the analysis would still provide the important insight that government *pretends* not to negotiate with rebels killing civilians.

# 7   Conclusion

This paper aimed to answer the question whether the intentional killing of civilians impacts the willingness and ability of the conflict parties to enter into negotiations or mediation. Based on the empirical analysis, the answer is that there is a clear impact, although in very different directions depending on who is responsible for the killings. While government OSV makes negotiation and mediation more likely, negotiations become nearly impossible if the rebels have targeted civilians – probably because the government has no leeway to justify this against its constituency. With these findings, I am able to shed light on the effect of OSV on the early, still non-binding stages of peace processes and can further show, that a theoretical and empirical differentiation between various conflict management techniques is due and important. Furthermore, I clarify the role of government OSV as this had remained inconclusive before. My analysis reveals that government killing of civilians can be an important window of opportunity for the international community to push for negotiations as there seems to be substantial willingness to cooperate among the warring parties.

The non-finding regarding the relationship between mediation and rebel OSV is a first starting point for future research: against this background, it is an interesting question whether and how the use of OSV effects who is offering mediation and who is ready to accept it. As it was only mentioned but not tested in this paper, rebel OSV might impede mediation through institutionalised actors. Also it remains unclear, whether governments are willing to engage in mediation is such situations. These questions are especially

promising, since the data on the mediating party and the participating warring party is already available in the MIC data. Next, it requires further research to more precisely differentiate between terrorism and OSV, also at the conceptual level. The often used terrorism definition by GTD (cf. Section 3.2), for example, differentiates terrorism and OSV by the intention to coerce a large audience. Yet, as long as OSV is assumed to be a military strategy to coerce concessions it remains open where the border is to be drawn. Then, it should be paid more attention how early employed conflict management techniques effect the strategic use of violence, including OSV. Last but not least, it remains to be shown whether the results of this paper can be generalised beyond the African context. To do so, will require extensive data collection efforts as to my knowledge neither negotiation nor mediation data are available for other world regions so far.

To sum up, the intentional killing of civilians changes the opponents' and third parties' preferences to engage in conflict management – yet, *who* intentionally targets the civilians determines whether OSV will be an enabler or obstacle to talks.

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# A  Appendix

Table 3: Robustness Check Alternative Negotiation Measure

|  | Dependent variable: |
| --- | --- |
|  | Negotiation (Alternative Measure) |
| Government Victimization (2) | $0.001^{*}$ (0.001) |
| Rebel Victimization (2) | $-0.006^{***}$ (0.002) |
| Rebel Strength | $0.621^{***}$ (0.221) |
| External Support | 0.123 (0.249) |
| Episode Duration | $0.003^{*}$ (0.002) |
| Episode Number | $-0.226$ (0.180) |
| Number of Groups | 0.134 (0.139) |
| Main Group | $0.353^{*}$ (0.211) |
| Regime Type | 0.003 (0.025) |
| Battle Deaths (log) | $-0.051$ (0.090) |
| Territorial War | 0.278 (0.398) |
| Peacekeeping Mission | $-0.164$ (0.234) |
| Mediation | $1.859^{***}$ (0.275) |
| Negotiation(alternative, lagged) | $1.729^{***}$ (0.250) |
| Constant | $-4.398^{***}$ (0.878) |
| Observations | 2,063 |
| $R^2$ | 0.410 |
| $\chi^2$ | $572.364^{***}$ (df = 14) |

Note: Standard errors clustered on conflict level   $^{*}$p<0.1; $^{**}$p<0.05; $^{***}$p<0.01

Table 4: Robustness Check Including Outliers

| | Dependent variable: | |
|---|---|---|
| | Negotiation | Mediation |
| | (1) | (2) |
| Government Victimization (2) | 0.00001*** (0.00000) | 0.004*** (0.001) |
| Rebel Victimization (2) | −0.00004 (0.0001) | −0.0001*** (0.00002) |
| Rebel Strength | 0.550** (0.260) | 0.643** (0.262) |
| External Support | 0.041 (0.301) | 0.333** (0.145) |
| Episode Duration | 0.004** (0.002) | 0.006** (0.002) |
| Episode Number | −0.287 (0.216) | −0.164 (0.122) |
| Number of Groups | 0.102 (0.149) | 0.074 (0.139) |
| Main Group | 0.279 (0.232) | −0.283 (0.329) |
| Regime Type | −0.012 (0.031) | 0.088* (0.052) |
| Battle Deaths (log) | −0.057 (0.092) | 0.226*** (0.074) |
| Territorial War | 0.509 (0.411) | −0.409 (0.450) |
| Peacekeeping Mission | −0.388 (0.329) | −0.292 (0.233) |
| Mediation | 1.582*** (0.257) | |
| Negotiation(lagged) | 1.853*** (0.158) | |
| Mediation (lagged) | | 2.210*** (0.271) |
| Constant | −4.123*** (0.844) | −3.931*** (0.782) |
| Observations | 2,073 | 2,073 |
| R$^2$ | 0.337 | 0.464 |
| $\chi^2$ | 428.156*** (df = 14) | 855.764*** (df = 13) |

Note: Standard errors clustered on conflict level          *p<0.1; **p<0.05; ***p<0.01

Table 5: Robustness Check Varying Cumulations – Negotiations

| | Dependent variable: | | |
|---|---|---|---|
| | Negotiation | | |
| | (1) | (2) | (3) |
| Government Victimization (4) | 0.001** (0.0004) | | |
| Rebel Victimization (4) | −0.006*** (0.001) | | |
| Government Victimization (6) | | 0.001* (0.0003) | |
| Rebel Victimization (6) | | −0.004*** (0.001) | |
| Government Victimization (lag) | | | 0.002*** (0.0004) |
| Rebel Victimization (lag) | | | −0.012*** (0.004) |
| Rebel Strength | 0.673*** (0.230) | 0.679*** (0.230) | 0.614** (0.245) |
| External Support | 0.064 (0.261) | 0.069 (0.258) | 0.040 (0.281) |
| Episode Duration | 0.004** (0.002) | 0.004** (0.002) | 0.004** (0.002) |
| Episode Number | −0.189 (0.156) | −0.176 (0.151) | −0.231 (0.179) |
| Number of Groups | 0.055 (0.136) | 0.064 (0.136) | 0.072 (0.128) |
| Main Group | 0.314 (0.244) | 0.323 (0.241) | 0.305 (0.241) |
| Regime Type | 0.002 (0.027) | 0.004 (0.027) | −0.006 (0.029) |
| Battle Deaths (log) | −0.020 (0.096) | −0.022 (0.095) | −0.043 (0.099) |
| Territorial War | 0.299 (0.419) | 0.262 (0.424) | 0.398 (0.409) |
| Peacekeeping Mission | −0.234 (0.261) | −0.246 (0.257) | −0.322 (0.298) |
| Mediation | 1.518*** (0.281) | 1.517*** (0.285) | 1.553*** (0.266) |
| Negotiation(lagged) | 1.712*** (0.170) | 1.706*** (0.172) | 1.803*** (0.167) |
| Constant | −4.473*** (0.847) | −4.500*** (0.845) | −4.287*** (0.845) |
| Observations | 2,063 | 2,063 | 2,063 |
| $R^2$ | 0.354 | 0.353 | 0.342 |
| $\chi^2$ (df = 14) | 447.084*** | 445.367*** | 431.005*** |

Note: Standard errors clustered on conflict level                      *p<0.1; **p<0.05; ***p<0.01

Table 6: Robustness Check Varying Cumulations – Mediation

| | Dependent variable: | | |
|---|---|---|---|
| | Mediation | | |
| | (1) | (2) | (3) |
| Government Victimization (4) | 0.003*** (0.001) | | |
| Rebel Victimization (4) | −0.001 (0.001) | | |
| Government Victimization (6) | | 0.002*** (0.001) | |
| Rebel Victimization (6) | | −0.001 (0.0005) | |
| Government Victimization (lag) | | | 0.007*** (0.001) |
| Rebel Victimization (lag) | | | −0.002** (0.001) |
| Rebel Strength | 0.639** (0.251) | 0.642** (0.249) | 0.649** (0.258) |
| External Support | 0.302** (0.151) | 0.290* (0.154) | 0.343** (0.147) |
| Episode Duration | 0.006*** (0.002) | 0.006*** (0.002) | 0.006** (0.002) |
| Episode Number | −0.126 (0.137) | −0.115 (0.143) | −0.155 (0.126) |
| Number of Groups | 0.046 (0.143) | 0.034 (0.146) | 0.074 (0.137) |
| Main Group | −0.275 (0.324) | −0.280 (0.325) | −0.260 (0.326) |
| Regime Type | 0.090* (0.050) | 0.092* (0.049) | 0.084* (0.050) |
| Battle Deaths (log) | 0.231*** (0.073) | 0.233*** (0.072) | 0.229*** (0.074) |
| Territorial War | −0.486 (0.467) | −0.512 (0.474) | −0.414 (0.448) |
| Peacekeeping Mission | −0.256 (0.227) | −0.271 (0.235) | −0.243 (0.225) |
| Mediation (lagged) | 2.187*** (0.269) | 2.159*** (0.264) | 2.264*** (0.274) |
| Constant | −3.943*** (0.752) | −3.946*** (0.750) | −3.990*** (0.773) |
| Observations | 2,063 | 2,063 | 2,063 |
| $R^2$ | 0.466 | 0.466 | 0.464 |
| $\chi^2$ (df = 13) | 854.641*** | 856.651*** | 850.986*** |

*Note:* Standard errors clustered on conflict level                    *p<0.1; **p<0.05; ***p<0.01

Table 7: Robustness Check SE clustered on Dyad Level

| | Dependent variable: | |
|---|---|---|
| | Negotiation | Mediation |
| | (1) | (2) |
| Government Victimization (2) | 0.001** (0.001) | 0.004*** (0.001) |
| Rebel Victimization (2) | −0.009*** (0.003) | −0.001 (0.001) |
| Rebel Strength | 0.650*** (0.195) | 0.641** (0.254) |
| External Support | 0.058 (0.262) | 0.332 (0.324) |
| Episode Duration | 0.004* (0.002) | 0.006* (0.003) |
| Episode Number | −0.208 (0.167) | −0.154 (0.138) |
| Number of Groups | 0.068 (0.149) | 0.074 (0.141) |
| Main Group | 0.314 (0.290) | −0.271 (0.334) |
| Regime Type | −0.004 (0.027) | 0.086** (0.039) |
| Battle Deaths (log) | −0.030 (0.096) | 0.226*** (0.066) |
| Territorial War | 0.354 (0.417) | −0.427 (0.468) |
| Peacekeeping Mission | −0.264 (0.284) | −0.265 (0.215) |
| Mediation | 1.549*** (0.274) | |
| Negotiation(lagged) | 1.756*** (0.156) | |
| Mediation (lagged) | | 2.215*** (0.202) |
| Constant | −4.417*** (0.795) | −3.941*** (0.758) |
| Observations | 2,063 | 2,063 |
| $R^2$ | 0.348 | 0.460 |
| $\chi^2$ | 439.101*** (df = 14) | 843.203*** (df = 13) |

*Note:* Standard errors clustered on dyad level      *p<0.1; **p<0.05; ***p<0.01