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## Atrocity Prevention and US National Security: Implementing the Responsibility to Protect

The last decade has furnished innumerable reminders that mass atrocities committed against civilian populations remain both a pervasive reality of global politics, and a fundamental threat to international peace and security. In its recently issued National Security Strategy (NSS), the Obama administration recognized this threat and identified the Responsibility to Protect (R2P) as a critical tool to prevent and respond to genocide, war crimes, crimes against humanity, and ethnic cleansing.

The language incorporated in the NSS has built on numerous institutional developments within the US government, which seek to enhance US capacities for atrocity prevention and response. Structural adjustments inspired by the Genocide Prevention Task Force's 2008 report, *Preventing Genocide: A Blueprint for US Policymakers*, have been made in parallel with similar developments at the United Nations, each intended to move the commitments inherent in the Responsibility to Protect from political rhetoric to actionable policy.

As part of its 51st annual Strategy for Peace Conference, the Stanley Foundation convened approximately 25 participants at Airlie Center near Washington, DC, to discuss ongoing efforts to elaborate the US government's strategic approach to genocide and mass atrocities, explore next steps for effective institutional development, and encourage strategic dialogue between US institutions and their multilateral partners at the United Nations. Participants included key US government and UN officials, diplomats, and mass atrocity specialists.

Key recommendations included the following:

- Enhance US government (USG) communication and coordination with the UN System, and increase support for UN institutional developments such as the anticipated "joint office" on genocide prevention and R2P.
- Broaden the range of options available to address potential and unfolding mass atrocities.
- Continue and accelerate internal USG efforts to develop appropriate institutional processes that ensure tailored policy options and crisp, accountable decision making.
- Establish priorities and secure an actionable mandate within the USG with a Presidential Policy Directive.

This brief summarizes the primary findings of the conference as interpreted by the rapporteur, Farah Thaler, and Rachel Gerber and Richard H. Stanley. Participants neither reviewed nor approved this brief. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

- Strengthen analytical tools and better integrate the intelligence and development communities into mass atrocity prevention and response planning.
- Communicate with Congress and protect bipartisan space on mass atrocity issues.
- Create stronger links among the government, NGO, and corporate communities in order to maximize the contributions of each.

## National Strategic Framework: Setting Parameters and Objectives

Discussion began with an analysis of whether recent strategic elaborations issued by the US government in reference to mass atrocity crimes establish a sufficient policy framework for implementation of the Obama administration's developing approach. Describing the logic and implications inherent in NSS language on mass atrocity prevention, one participant highlighted departures from documents developed under previous administrations, underscoring the significance of the strategy's explicit endorsement of the Responsibility to Protect (R2P), as well as the emphasis placed on multilateral collaboration and proactive engagement as part of the international community. The speaker conceded that while the text of the document may not articulate steps for concrete action, these rhetorical achievements are important for norm diffusion, legitimization, and ultimate policy implementation.

Participants agreed that the language in the NSS, building on relevant text developed for the most recent Quadrennial Defense Review and other strategic documents, constitutes a significant rhetorical victory. The United States remains one of only a handful of states to have referenced R2P and reiterated its commitment to the implementation of state and global protection responsibilities within its own, overarching strategic framework for national security.

While praising the reference, however, one participant noted choices in the language that fall short of their norm-building potential, particularly in relation to R2P. First, the use of the word "endorse" in reference to the Responsibility to Protect does not fully capture the nature of the commitment the United States has made in accepting the World Summit Outcome Document. The United States has, in fact, done more than "endorse" the concept; it has pledged to live up to a standard. Second, the suggestion that the responsibility of sovereign states "passes" to the international community when states fail to protect their populations is misleading. The responsibilities outlined in the R2P doctrine are con-

current rather than sequential, which means that the international community's protection responsibilities are ongoing and not reserved to cases of "manifest failure." Third, the NSS makes no reference to the responsibilities of nonstate actors; a particular added value of the secretary-general's 2009 report, *Implementing the Responsibility to Protect*. The speaker indicated that each of these elements should be reflected in US strategy and policy development.

Participants generally agreed that existing strategic language has yet to set a sufficient foundation for action-oriented policy development. Specifically, it lacks both concrete directives and prioritization. While identifying genocide and the other mass atrocities as fundamental threats to US national security and noting their prevention as one of many goals that will inform US strategic planning, the language fails either to specify atrocity prevention as a priority objective or to mandate the actions the bureaucracy must take.

Some participants suggested that the absence of explicit prioritization and policy directives stems more from the intrinsic nature of broad strategic documents than from deficiencies in the language. Such documents are aspirational and intended to provide basic strategic guidelines. Several insisted that the challenge lies not in flaws in the documents, but in translating their naturally abstract parameters into a mandate that establishes clear roles and responsibilities and enables concrete policy development.

However, while not expecting its delineation in the NSS, participants reiterated that clear prioritization from the administration remains a crucial gap in this process. Those pinpointed to operationalize mass atrocity strategy within the US government have yet to receive a clear signal from the administration indicating the level of priority the leadership plans to place on implementation, both in terms of bureaucratic restructuring and in policy execution.

The table welcomed the clarification expected from upcoming documents and directives, particularly the Quadrennial Diplomacy and Development Review and a hinted Presidential Policy Directive focused on mass atrocity crimes. Many were optimistic, noting that the US government machinery is moving and that the president and his staff have been making inroads in raising the priority and internal profile of mass atrocities. Others cautioned against the tendency to accept rhetoric, however significant, as sufficient to claim genuine achievements in addressing mass atrocity scenarios. They suggested that rhetoric is valuable only when it inspires action.

## Multilateral Strategic Framework: Moving from Mandate to Action

Contextualizing the US government's approach to mass atrocities within the multilateral strategic framework, participants turned their attention to the Responsibility to Protect doctrine, drawn within the parameters of preexisting international law. Unlike its counterpart at the national level, the multilateral strategic framework was considered sufficient for implementation, clearly identifying commitments and the mechanisms through which they can be advanced. Challenges to action and policy development at the international level were suggested to be primarily conceptual, political, institutional, and operational, rather than strategic.

However clear the international mandate and strategic framework for mass atrocity prevention and response, successful implementation hinges on several interrelated factors: the momentum driving political consensus; institutional development; and a growing understanding of the conceptual elements necessary to inform policies that address the nuances of mass atrocity dynamics.

### Political Consensus and Momentum

Brought to the fore of international politics in the immediate post 9/11 era, early debates on the Responsibility to Protect developed within a political environment marked by heightened sensitivity over the erosion of sovereignty and fears of selectivity. Since 2005, however, participants noted a broadening and deepening of the consensus among the UN membership regarding the obligations outlined by the World Summit Outcome Document and the need to move toward implementation. Several participants cited the informal dialogue on early warning and assessment for R2P crimes in the UN General Assembly over the summer of 2010, and suggested that the proposed topic for discussion had been well received, prompting constructive interventions from many states previously skeptical of R2P and mass atrocity prevention.

Emerging powers, in particular, expressed a greater degree of support for the framework, as well as for the role of the United Nations to address mass atrocities, than in previous debates and dialogues. For many such states, lingering reservations stem less from a rejection of the obligations identified by the R2P doctrine than from the roles implied in the application of the concept to specific crisis scenarios. For some emerging powers, for example, support for R2P implementation is linked directly to positions on UN reform, in particular the composition of the Security Council's permanent membership and the implica-

tions of veto power. Very few governments remain staunchly opposed to R2P, and this group is dominated by a predictable collection of regimes—some fundamentally devoted to an unadulterated view of sovereignty, others themselves accused of mass atrocities and/or systematic violations of human rights.

Participants cited the personal support of the secretary-general (SG) for the Responsibility to Protect, suggesting that his engagement and enthusiasm generates both political momentum and the internal institutional support to translate R2P from political principle to operational reality. They also referenced the need for continuous consultation with member states to deepen political consensus and secure support for internal institutional adjustments. Thematic dialogues to be held annually by the General Assembly on the model of the 2010 discussion were considered a useful tool for consensus building. Participants indicated that a dialogue on the role of regional and subregional organizations has been proposed for summer 2011—an initiative welcomed by many member states in the course of this year's dialogue.

Qualifying this general optimism, one participant noted that R2P tends to attract empty rhetoric and that, while few countries dispute the mandate, budgetary support for institutional development and operationalization at the United Nations remains thin. The speaker compared this trend with the development of the conflict prevention agenda in the 1990s, and suggested that, like conflict prevention, developing the atrocity prevention agenda and giving it a solid institutional foundation will be a generational challenge for the United Nations.

Other participants focused on the tension that often exists between norm promotion and the operational utility of R2P language in response to specific crises and unfolding ground dynamics. Some warned that invoking R2P when seeking to influence the behavior of actors on the ground can sometimes prove counterproductive—provoking hostility and impeding efforts to accomplish immediate protection objectives. One participant cautioned the group against inappropriate and unhelpful usage of the term, but suggested that norm building through constructive and appropriate use was crucial to the concept's long-term impact. The Security Council, for example, has missed numerous opportunities to cite the relevance of the Responsibility to Protect in response to specific crises. While there may be cases where political dynamics should direct focus to the substance of R2P commitments rather than to the lingo, conscious avoidance of R2P language in cases where it is clearly relevant undermines political consensus and sets a problematic precedent for long-term policy development.

## Institutional Development

Participants also discussed the current focus on institutional development at the United Nations and identified its immediate goals as: (1) institutionalizing and funding the merger of the Special Advisers of the Secretary-General on the Prevention of Genocide and the Responsibility to Protect into a jointly-administered office; and (2) the development of an effective early-warning mechanism sensitized to the specific indicators of mass atrocity crimes.

While regularized financing of proposals for the “joint office” depends on budget approval by the United Nations Fifth Committee, the Office of the Special Adviser on the Prevention of Genocide (OSAPG) has already expanded its focus to the four crimes identified in the R2P framework: genocide, ethnic cleansing, crimes against humanity, and war crimes. One participant added that efforts are underway to mainstream mass atrocity analysis across the UN System, a process that has been welcomed by many of the leaders of the system’s individual funds, programs, and agencies, and is gradually filtering down to the operational level. The participant suggested that this process may be uneven, but is steadily gaining traction.

Linked to the role of the “joint office,” the special advisers have also been empowered with a high-level convening power in response to mass atrocity scenarios. Traditional mechanisms within the UN Secretariat to develop policy options and advise the secretary-general tend to be formalized processes that present recommendations by consensus. Responding efficiently and effectively to mass atrocity scenarios, however, requires both spontaneity in convening relevant internal expertise and a dynamic that encourages the development of a wide range of potentially opposing policy options and their implications.

Under this new convening authority, the special advisers will be charged with arranging emergency meetings of the UN System leadership, including the heads of relevant offices, programs, and agencies, in response to specific crises scenarios. The leadership will then provide the secretary-general with a range of response options and their potential ramifications, including those that may be opposing or mutually exclusive.

Generally optimistic about the potential of this convening power, participants considered whether it offers lessons for the US government, which is also determining how to capture high-level policy attention and translate that focus into the joint development of policy options to present to the executive. Any such mechanism, whether established at the

national or international level, would raise challenging questions about when and how it should be invoked. What criteria should be used to select cases? What timeframe, in the context of evolving crises, best lends itself to this form of high-level policy attention? How can potential tendencies toward selectivity and overuse be avoided?

## Refining the Framework

In terms of conceptual development and the Responsibility to Protect, participants noted strides made by the language in the World Summit Outcome Document and the secretary-general’s 2009 report in building on the foundation provided by the International Commission on Intervention and State Sovereignty (ICISS), generating a more operationally-focused concept. The world summit language included the following innovations: delineation of the four specific atrocity crimes; broadening of protection responsibility from “citizens” to “populations” within a given state; a responsibility to protect against the incitement of mass atrocity crimes; emphasis on the role of regional and subregional organizations; international assistance and capacity building; and the centrality of the General Assembly’s continuing consideration of the concept.

The 2009 SG report expanded on these elements, applying protection responsibility to armed nonstate actors, indicating steps to be taken before the use of force, linking state responsibility to the protection of populations within occupied territories, and identifying specific next steps such as the development of the “joint office” and the process of holding annual General Assembly dialogues on themes related to R2P implementation.

While these developments have honed the concept and refined understanding of its applicability, participants noted that additional conceptual development is required. Crucial gaps remain, both in terms of R2P’s role as a political instrument, and with regard to the substance of the atrocity prevention agenda. Closing these gaps was cited as a challenge for both national and international actors—a challenge with significant implications for improved institutional processes and enhancing a strategic and nuanced toolbox of policy options for mass atrocity prevention and response.

## US Government Institutional Needs: Sustainable Processes and Appropriate Triggers

Participants discussed at length institutional adjustments in process within the US government to improve its approach to mass atrocity crimes. Informed by the recommendations of the Genocide

Prevention Task Force, the Obama administration has made several bureaucratic shifts intended to correct institutional deficiencies and establish sustainable mechanisms that guarantee a coherent, interagency approach to potential and unfolding mass atrocity scenarios.

Central to these efforts has been the creation of a National Security Council (NSC) focal point on mass atrocity issues. The incumbent, appointed in April of 2010, has been charged with directing an interagency planning committee and working group convened to develop sustainable institutional structures focused on atrocity prevention and response that will become rooted in the bureaucracy and provide mechanisms for policy development intended to survive beyond the current administration.

Participants focused on the institutional deficiencies within the US government that frustrate efforts to prevent and respond to mass atrocities, including structural tendencies toward crisis response rather than prevention; insufficient links among agencies, bureaus, and offices; disincentives for early reporting; the often ad hoc nature of intelligence sharing; and the absence of triggers that systematically elevate policy consideration to appropriate levels and ensure accountable decision making.

### Securing Relevant Intelligence

Focusing on internal mechanisms for gathering and disseminating intelligence, participants described a struggle to ensure upward streams of information that direct attention to the critical elements of mass atrocity dynamics and feed reliably into assessment and decision-making processes. A purely structural account of current information-sharing processes would likely identify the Department of State as the primary gatherer and assume that embassy desk officers tasked with reporting will identify relevant information and pass assessments up the chain, allowing information to flow in from regional bureaus to functional bureau specialists who will then bridge gaps across agencies and bring concerns to the attention of top leadership.

In reality, participants pointed to numerous bureaucratic and political obstacles to the proper functioning of such official information streams. Desk officers tasked with official reporting, for example, are frequently entry-level officers who spend most of their time at headquarters drafting mandated reports with limited official or unofficial interaction with those best able to provide nuanced intelligence on shifting dynamics in-country. Even if they were better networked, the formality of their position and process

discourages the sharing of highly sensitive information pertaining to the potential for mass violence, both by potential informants and the officers themselves. Embassies are charged with maintaining cooperative relationships with their host government. Formal disclosure of potentially embarrassing information is thus discouraged, as doing so would likely compromise the position of the embassy and prevent its ability to engage effectively with the host government. Given these dynamics, several participants noted that it is often against an officer's career interests to push information that creates discomfort either for high-level embassy officials or for the host government, including intelligence about escalating tensions and the potential for mass violence.

As a result of such disincentives, participants familiar with the inner workings of these processes suggested that ad hoc information gleaned from informal contacts dominates relevant and actionable intelligence gathered by embassy staff. The unpredictability of both the source and recipient of information, however, creates improvised mechanisms for intelligence. Filtering without reference to formal challenges, these mechanisms guarantee neither the existence and quality of necessary information, nor the channels through which it can or should be passed.

Moving up several links in the chain, participants cited intra-agency power dynamics as an additional barrier to effective information sharing. Within the State Department, for example, the regional bureaus serve as the primary power centers, often marginalizing the functional bureaus with thematic expertise, including genocide and mass atrocity prevention, from fundamental policy development, decision-making, and implementation processes.

Reflecting on these realities, participants suggested that challenges for early warning stem less from a lack of information, which improvised methods of gathering often make plentiful, than from the unpredictability of the reporting chain. Ad hoc mechanisms, however prevalent and useful, cannot ensure the flow of information required in mass atrocity situations. Ad hoc reporting also depends on diffuse and sometimes arbitrary conduits, suggesting that the officers who receive and share concrete intelligence may not have the thematic expertise to assess the messages they are receiving and determine how and with whom they should be shared.

In order to shift these dynamics, several participants suggested the need to alter the basic incentive structures that drive the decisions of US officials in-country and encourage them either to share or to withhold information. A broader range of officers should be

trained on the dynamics of mass atrocity violence and their relevance for information assessment. One participant referenced the Genocide Prevention Task Force recommendation to create a “mass atrocity alert channel” modeled on the “dissent channel,” which allows individual officers to pass information directly to senior officials in cases of acute blockages. Others seconded the need to develop and institutionalize such mechanisms, and to ensure that voices with alternate views are protected.

## Assessing Information, Developing Policies, and Ensuring Action

In addition to the challenge of securing relevant information that passes predictably through necessary channels, many participants highlighted the current disconnect between information assessment and the policy process. No structure within the US government is presently tasked with integrating information, providing a common assessment framework, and producing operational policy options. To the degree that various agencies, departments, and offices consider mass-atrocity-specific indicators in their assessment processes, analytical frameworks are developed internally and not harmonized with those used in parallel processes across the US government, much less with their multilateral counterparts.

The lack of agreement on how information should be assessed and what ground developments should invoke a policy response makes coherent policy development a particular challenge. Participants suggested that an immediate objective should be the development of a set of robust, mutually agreed upon indicators to be applied consistently across relevant offices and agencies. One offered the homeland security color-coded terror alert system as an example, referring to the way in which a harmonized set of commonly accepted indicators feeds into a process of determining broad risk levels and the policies they should trigger. Another suggested that the assessment challenge begins with the intelligence community, within which analysts are rarely trained on the dynamics specific to mass atrocity scenarios. Too often, analysts do not know what they are looking for and are unable to produce nuanced, atrocity-specific assessments that feed into the policy development process.

Focused not only on their quality and coherence, participants also indicated a need to link assessments systematically to the decision-making process by identifying triggers for action that elevate policy consideration to the level required by developments on the ground. Many participants cited the lack of policy triggers as a key impediment to a timely policy response to prevent or halt mass atrocity crimes. In

the current system, inaction is the default; policy review is ad hoc and discretionary. Mandated policy review would force decision makers to declare their intention to act or not act, resetting defaults to action by increasing the accountability of specific officials for decisions taken.

Though most agreed that accurate assessment in the face of potential and unfolding crises requires greater coherence and harmonization, some warned that assessing indicators and triggering policy response are not—and should not become—mechanical processes. While hindsight of past atrocities evokes a seemingly deterministic picture of events, potential crises can move in many directions. Coherent analytical frameworks are critical, but assessment and policy development are inherently subjective processes that should not be overdetermined by automatic approaches and procedures.

## Institutional Development: Restructuring the US Government Response to Mass Atrocities

While the institutional deficiencies noted above create pervasive challenges for developing a new, more effective US government policy on mass atrocity prevention, they are the central concern of the interagency planning process recently initiated by the NSC and its new focal point on mass atrocity issues. Participants linked to the process described its early efforts as encouraging, noting its current stage as one of mapping institutional barriers and determining how best to secure interagency coordination and internal restructuring.

One participant explained that the interagency working group meets regularly in various subcommittees and benefits from a high level of attendance. The level of participation and active planning has already inspired key institutional players within the US government, such as the Departments of State and Defense, to initiate parallel internal planning processes intended to coordinate closely with the NSC process. Coordination between these two agencies is also growing markedly.

In addition to its internal efforts, the State Department has invited the participation of outside agencies in a DOS-centered, operational-level working group on conflict prevention, with a subcommittee on atrocity prevention. One participant indicated that the atrocity prevention subcommittee is immediately focused on identifying points of contact, existing tools, and determining institutional gaps. Ultimately, it plans to concentrate on thematic analysis, policy development, and long-term planning.

Participants agreed that these efforts, as well as the broader NSC-directed interagency process within

which they operate, are too nascent to be evaluated in terms of impact. However, most noted positive progress and felt the process was operating within a window conducive to permanent change. Expressing some concern over how the process is developing, one participant considered interagency working group meetings to be fairly ad hoc and uneven. According to the speaker, participation differs markedly from meeting to meeting, suggesting that there is no consistent quorum of staffers contributing to and drawing on the discussion. The participant, however, acknowledged the importance of the precedent set by the creation of the working group and the process it establishes for long-term dialogue. Several participants noted that the ultimate objective of these efforts is to establish sustainable mechanisms for atrocity prevention and response that extend beyond the life of the current administration and maintain their viability despite shifting political environments.

Some participants questioned the sustainability of long-term institutional development in the absence of congressional support. One participant suggested that Congress would benefit from a deeper understanding of mass atrocity issues, as well as the institutional adjustments being made to address them. While a core group of congressional staffers is engaged on the issue, members of Congress as a whole remain aloof. The speaker cautioned the group on neglecting Congress in securing sustainable approaches and encouraged the administration and broader bureaucracy to communicate more with Congress on internal dynamics, creating political space for appropriate legislation to reinforce the interagency process. Several participants also emphasized the need to keep mass atrocity prevention a bipartisan issue.

Finally, some participants cautioned that restructuring the US government's institutional architecture to prevent and halt mass atrocities should not become a simple proliferation of offices and portfolios set in parallel to existing focal points and structures tasked with addressing related issues. Artificially compartmentalizing interrelated elements of crisis prevention and response can create additional obstacles to interagency coordination and undermine the ideal of a coherent, "whole-of-government" approach. Structural changes should, rather, bring different streams together, leveraging existing expertise and assets through better coordinated processes.

### **Identifying and Developing Tools**

Participants discussed at length the tools available to improve mass atrocity prevention and response capabilities. While understanding of the unique dynamics of civilian-targeted atrocity violence improves, deci-

sion makers continue to rely heavily on traditional diplomatic sticks and carrots as their primary tools for engagement with potential perpetrators. Participants highlighted limitations to the range of known policy options and suggested that policy makers still find it difficult to determine what actions on the ground are most appropriate when confronted with potential or unfolding atrocities.

Officials are actively seeking to expand the toolbox of potential policy response. However, participants suggested that large bureaucracies such as the United Nations and the US government are structured to repeat and reinforce existing processes rather than develop nuanced policy options. Bureaucratic inertia challenges efforts to foster creative approaches to ground dynamics and many officials, both at headquarters and in the field, are simply not trained to continuously reinvent their methods for engagement and policy response. This leads to a vacuum in creative and critical thinking that contributes to an inability to design effective, new strategies.

Current US government efforts, however, seek to overcome these tendencies, promoting both an emphasis on the broad strategic articulation of the range of means available to prevent and halt mass atrocities, as well as training officials at the operational level with the skills to defuse dangerous and complex situations. While supporting this emphasis, some participants cautioned against the expectation that an exhaustive laundry list of potential policy options can or should be developed. The methods and motives of mass atrocity perpetrators are ever evolving, as are the means to alter their calculus or counter their objectives. While policy makers must more effectively mobilize the tools at their disposal, the range of options should not be viewed as a static toolbox needing simply to be identified.

As part of the dynamic expansion of known policy options, government officials should look beyond their own bureaucracy to determine what assets may be at their disposal. Participants spoke at length about the potential value-added of civil society and informal networks in developing and mobilizing tools for atrocity prevention. NGOs, for example, were considered well placed to document conditions, provide comparative case analyses and best practice assessments, as well as to network with local civil society and communities to develop innovative, upstream early-warning mechanisms. Some participants suggested that there may be untapped potential in leveraging informal networks of individuals with ties to the United States, such as former students of US-based universities or military training programs.

Participants asserted that government officials are largely unaware of the ongoing NGO efforts, and suggested that information sharing be increased and links with government processes explored.

### **Leveraging Multilateral Partnership**

In its passages on preventing genocide and mass atrocities, the Obama administration's National Security Strategy invokes its commitment to ensure that, "...the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide," and to "...work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in some instances—military means to prevent and respond to genocide and mass atrocities." Rooting its approach in multilateral partnership, the language implicitly recognizes the added value of international engagement and a coordinated multilateral strategy to address mass atrocity crimes.

As participants discussed how this commitment can best be realized, they focused on the assets multilateral institutions such as the United Nations can bring to these efforts, as well as the challenges posed by multilateral engagement.

In discussing comparative advantages, participants cited the United Nations' critical role in international norm setting and consensus building, as evidenced by growing acceptance of the Responsibility to Protect. In response to pending and unfolding crises, the United Nations was described as best placed to constructively elevate the visibility of crises and leverage legitimacy for actions taken. One participant suggested that messages voiced by the United Nations can be politically digestible in ways they often are not when expressed by individual governments, particularly major powers.

While noting its assets, however, participants indicated that deferring action to the United Nations without maximizing internal capacities at the national level would deny prevention and response efforts critical inputs, and drastically limit potential policy options. In addition to its political and diplomatic gravitas, one participant suggested that the US government, along with NATO, is crucial to implementation of R2P's third pillar as they are two of the few existing institutions capable of coordinating multilateral use of military assets, whether for coercive or noncoercive measures.

Constructive collaboration was thus viewed as essential, and participants indicated that more needs to be done to ensure a mutually reinforcing division of

labor among protection-focused actors. The United States, for example, could demonstrate more robust support for the Responsibility to Protect among the United Nations membership and exercise greater leadership within the Security Council in response to mass atrocity scenarios, both in formal declarations and discreet, off-the-record diplomatic exchanges. Some suggested the United States could also do more in direct support of institutional developments at the United Nations, such as the merger of the Office of the Special Adviser on the Prevention of Genocide with the Special Adviser on the Responsibility to Protect into a single joint office.

As a critical focal point of multilateral diplomacy, the United Nations could more actively encourage member states' internal processes by playing a central coordinating role in support of regional and national implementation. By identifying and convening high-level officials with executive access that have been tasked with heading their government or organization's atrocity prevention efforts, the United Nations could establish networks to facilitate information sharing between national and regional authorities, both in terms of broad strategic/institutional reorientation and immediate policy development in the face of potential or unfolding crises.

Recognizing the imperative of international collaboration, however, participants also noted the challenges, underscoring the necessity of realistic expectations and genuine understanding of the capacities and limitations of relevant institutions. Awareness gaps and misperceptions regarding UN internal processes, for example, are pervasive among its potential implementation partners, including the US government. The United Nations' elaborate architecture and highly complex political dynamics make it challenging for outside actors to infer internal processes and interpret outcomes. This opacity both raises expectations of what the United Nations can and should accomplish, and provokes assumptions of inaction when these expectations are not met.

Participants cited interagency coordination and the growing disconnect between mandates and resources as central challenges to UN efforts across the full spectrum of global concerns, and in particular to its ability to prevent and respond to mass atrocity crimes. The label "United Nations" covers a vast expanse of intergovernmental bodies, agencies, programs, and offices, many with overlapping mandates that touch upon various elements of a general "protection" agenda and bring to the table a range of approaches, expertise, and resources. One participant claimed that lack of coordination is an intrinsic element of the UN System, reflecting in part the nature

of conflict, the politics of the membership, and the resulting complexity of the United Nations organizational structure. Another added that while there is awareness of the need for greater coherence, these complexities cannot be easily reduced.

In response to a suggestion that UN processes should be streamlined and mapped, both for internal efficiency and for the accessibility of outside observers, participants familiar with UN dynamics suggested that such an endeavor would be daunting—and perhaps counterproductive. They argued that each agency, program, and office has a unique perspective and legitimate role to play in protection-related issues. One participant noted that parallel engagements of different elements of the system, including the Human Rights Council, Security Council, Department of Peacekeeping Operations, and the UN High Commissioner for Refugees, supplement overall efforts. Differing roles and levels of resources create opportunities for varying forms of engagement that can reinforce the efforts of the wider system.

Whatever the benefits, the complexity of the system creates confusion among those seeking to understand how to engage with it and what it can provide—a confusion compounded by a growing rift between the objectives with which the United Nations is tasked and its ultimate capacity to meet those objectives. While Security Council mandates increasingly include language on civilian protection, the resources granted to specific missions, including the size and capabilities of troops, rarely equip peacekeepers suitably to deliver on protection objectives. Participants cited events such as the recent rape of approximately 500 civilians in the Democratic Republic of the Congo and suggested that, while the United Nations should continue to improve its efforts to prevent such tragedies, the light presence of peacekeepers and resources relative to the size of Eastern Congo, coupled with the complexity of the conflict, frustrates efforts to protect civilian populations from mass violence. One participant suggested that the challenge lies not only with the inadequacy of resources, but with the reluctance of Security Council members to think “outside the box” and consider creative, untried approaches to civilian protection that may more effectively mobilize limited resources.

Some participants suggested that the United Nations requires better messaging to communicate its capacities and generate realistic expectations. While multilateral engagement creates many opportunities to reinforce internal US government processes and advance the atrocity prevention agenda, effective communication, as well as a clear understanding of the assets and advantages of relevant actors, are crucial to constructive collaboration.

## Shared Challenges

As obstacles to implementation emerged from the discussion, it became increasingly clear that the most critical challenges faced at the national and multilateral levels are shared. While terminology and environments differ, US and UN actors seek answers to many of the same questions, each grappling to fill the conceptual and institutional gaps between the political commitment to protect civilian populations and the policies necessary to fulfill it. Articulating the most immediate of these challenges, participants focused on their relevance at both the national and multilateral levels.

### Atrocity Prevention Versus Conflict Prevention

While there is a strong, empirical correlation between atrocity violence and armed conflict, the precise relationship between the two phenomena is not entirely clear. Most would agree that the chaos of armed conflict creates an environment conducive to mass atrocities. Yet, armed groups with the means to target civilians often choose not to do so. At the same time, a significant number of mass atrocities have occurred in crises either absent a broader armed struggle, or as part of campaigns such as the Holocaust that occur in parallel with a war effort, but are pursued to advance largely unrelated objectives.

Developing policies to prevent mass atrocities requires a better understanding of this relationship, determining which elements of the conflict prevention agenda are well-suited to counter atrocity violence, and what additional approaches or alternative frames might be required.

Both US government and UN participants echoed this broad challenge. For the US government, the problem was described as primarily conceptual. Effective approaches rely on a nuanced and, as yet, insufficient understanding of the relationship between conflict/protection-related agendas, including conflict prevention, peacemaking, peacebuilding, civilian protection, and mass atrocity prevention. Participants noted that US officials are uncertain as to whether these agendas should be treated as one, or if their dynamics require a fundamentally different policy response. Several speakers cited cases such as Rwanda and Sudan, in which a narrow focus on conflict prevention/resolution distracted attention from looming and ongoing atrocities. When the objectives of these agendas are in tension—for example, when securing a peace deal seems to require negotiating with mass atrocity perpetrators—how can the opposing pulls be reconciled?

In the UN context, participants considered the implications of the atrocity/conflict prevention relationship

as conceptual, institutional, and operational, making appropriate distinctions even more significant. One participant noted that applying a particular label to a specific crisis and defining UN engagement as either conflict prevention, peacemaking, peacekeeping, or peacebuilding, defines fundamental parameters for efforts undertaken, including the actors and resources that can be mobilized; in some cases, the label selected can as much as double or halve the resources available for a given initiative.

### Long-Range Planning Versus Crisis Response

Participants cited tension at both the national and multilateral levels between long-range planning and immediate crisis response. Recognizing the formative phase of institutional developments and limitations regarding the existing range of policy options, participants characterized current efforts as a long-term investment in national and multilateral capacities to respond to mass atrocity scenarios. Others, however, pointed to the urgency of ongoing and imminent crises, and suggested that victims of violence in the coming months and years would find little consolation in the thought that the United Nations and the US government are developing processes to better protect the victims of a more distant future.

Focused on this tension, participants considered how the United Nations and the United States are planning for the potential for violence linked to the upcoming referendum in Southern Sudan. One participant insisted that the US government is actively engaged in promoting a peaceful completion of the terms of the Comprehensive Peace Agreement and has plans in place to respond to the contingencies that may follow from the result of the vote.

Others pointed to the context of a potential Sudanese crisis and the reality that neither the US government nor the United Nations have yet maximized their capacities for policy development or crisis response in the face of imminent atrocities. Expanding options and capacities will take time. They suggested that Sudan should not be used as a test case for the effectiveness or ineffectiveness of current efforts; the success of policies to address the outcome of the Sudanese referendum, rather, will more accurately reflect the level of focus and investment made on this issue five to ten years ago.

While recognizing this reality, many participants insisted that the need for long-term planning should not distract from efforts to address ongoing or pending crises. While current crisis response is unlikely to mobilize the same range of options that might be available once conceptual gaps are

addressed and new institutional processes in place, they underscored the urgency for creative and credible, if imperfect, response. One participant cautioned against a “failure of imagination,” suggesting that many tools are already available to decision makers—tools that can be highly effective when applied creatively and decisively.

Ultimately, participants agreed that long-term planning and immediate crisis response require balanced and simultaneous focus. Finding that balance, however, remains the true essence of the challenge.

### Peace Versus Justice

In addition to the often opposing pulls of immediate protection and long-term planning, participants struggled with the related tension between securing peace—or bringing an end to ongoing atrocities—and ensuring justice. Convincing perpetrators to curb the violence, thereby saving lives in the short-run, often involves a guarantee of immunity. Yet, the moral imperatives of justice and, perhaps more importantly, the long-term deterrent (and thus preventive) effect of ensuring consistent and predictable consequences for atrocity crimes, run counter to the immediate efficacy of immunity as a prevention and response tool.

Unable to fully reconcile this tension, participants vacillated between the desire to mobilize all available tools to save lives under an immediate threat, and the recognition that fewer lives will be threatened in coming decades if potential perpetrators believe there is a reasonable probability that they will be punished for their actions.

One participant reaffirmed that mass atrocities are crimes, and thus have legal consequences. Ensuring accountability requires mobilizing the full range of international legal instruments and mechanisms available to the international community and building on the success of ad hoc tribunals in cases such as Rwanda, Yugoslavia, and Sierra Leone. Another speaker expressed a fear that these instruments have been undermined by the lack of US support for the International Criminal Court and its indictment of Sudanese president El-Bashir. Others countered that evidence of the impact of international tribunals on peace processes and post-conflict environments is inconclusive. One cautioned against overreliance on the concept of prosecution, noting that accountability does not fully eradicate crime.

Some suggested that while eliminating the option of asylum may make statecraft more difficult, accountability strikes at the root of the problem. They highlighted that long-term prevention requires shifting the

parameters of what is considered to be acceptable and unacceptable behavior. The first step in this process is to ensure accountability for decisions made and actions taken. Immunity, whatever its immediate benefits, undermines the link between behavior and outcome. Once this happens, parameters cease to exist.

There was consensus among the participants that protection-focused actors should not be eager to limit the tools at their disposal to protect people who are under threat. In evaluating the potential value of a specific approach, however, the full range of consequences must be seriously considered.

### **State Protection Capacity and International Assistance**

While conference discussion focused on efforts both to prevent and respond to mass atrocity crimes, participants noted an absence of dialogue in their own discussion—and the broader protection debate—on the role of global and national development actors in prevention efforts. Having defined protection from mass atrocity crimes as a basic state responsibility, the world summit consensus acknowledged that many states lack the capacity to ensure civilian protection and identified the obligation of the international community to, “...help States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity...” and “...assist those which are under stress before crises and conflicts break out.”

While this assistance obligation invites frequent rhetorical reference, little has thus far been done to identify the crucial elements of “state protection capacity,” in other words, the specific governance choices and institutional structures that most directly foster or mitigate the conditions that enable identity conflict and mass violence. Given this dearth of analysis, even less attention has been paid to how development programs and international assistance could be tailored to encourage dynamics and build institutions that reduce the profitability, and thus the incentives, of committing or inciting atrocities.

One participant underscored that international assistance to build state capacity requires constructive engagement with individual governments. Doing so will require overcoming state sensitivities by demystifying atrocity crimes and their causes. The participant suggested that promoting protection responsibility as a positive obligation to prevent atrocity dynamics, and defining protection capacity in terms of the institutional structures and governance approaches that guard against these dynamics, could be an effective basis for that engagement.

Fulfilling the international community’s responsibility to help states build internal protection capacity requires much deeper exploration of the link between mass atrocities, governance structures, and institutional processes, as well as the policy implications of this relationship. In order to improve understanding and determine the most effective policy response, development actors should be more fully integrated into national and multilateral atrocity prevention planning.

### **Conclusion**

In spite of the obstacles noted, participants were hopeful that current efforts at the national and multilateral levels would lead to the sustainable institutional processes and cogent policies demanded of a more effective approach to mass atrocities. This optimism, however, was conveyed with a tone of urgency and tempered by the recognition that political will remains the inescapable prerequisite of any genuine effort to counter mass atrocity crimes. While improved processes and structures raise the credibility of sound, strategic policies, they do not substitute for executive resolve. Preventing future atrocities will ultimately hinge on the depth of high-level political commitment to do so—within the United States government, at the United Nations, and beyond.

### **Participant List**

#### **Roundtable Organizer**

**Rachel Gerber**, Program Officer, The Stanley Foundation

#### **Chair**

**Richard H. Stanley**, Chair, The Stanley Foundation

#### **Rapporteur**

**Farah Thaler**, Council on Foreign Relations

#### **Participants**

**Michael Abramowitz**, Director, Committee on Conscience, United States Holocaust Memorial Museum

**Juan Alsace**, Chief, War Crimes, Democracy and Human Rights, Bureau of Intelligence and Research, Office of the Geographer and Global Issues, US Department of State

**Pauline H. Baker**, President, The Fund for Peace

**Clifford Bernath**, Senior Advisor for Rule of Law and International Humanitarian Policy, Office of the Under Secretary of Defense for Policy, US Department of Defense

**Rosa Brooks**, Deputy Assistant Secretary, Rule of Law and International Humanitarian Policy, Office of the Under Secretary of Defense for Policy, US Department of Defense

**Ron Capps**, Peacekeeping Program Manager, Refugees International

**Francis Deng**, Special Adviser of the Secretary-General on the Prevention of Genocide

**Michèle Griffin**, Chief, Policy Committee Secretariat, Executive Office of the Secretary-General, United Nations

**Heather Hamilton**, Executive Director, The Connect US Fund

**Robert Loftis**, Acting Coordinator for Reconstruction and Stabilization, Office of the Secretary, US Department of State

**Andrew Loomis**, Senior Advisor, Office of Coordinator for Reconstruction and Stabilization, US Department of State

**Edward Luck**, Special Adviser of the Secretary-General on the Responsibility to Protect; Senior Vice President and Director of Studies, International Peace Institute

**Kristen McGeeney**, Foreign Affairs Officer, Office of Multilateral and Global Affairs, Bureau of Democracy, Human Rights and Labor, US Department of State

**Bridget Moix**, Legislative Secretary, Peaceful Prevention of Deadly Conflict, Friends Committee on National Legislation

**Julia Morse**, Foreign Affairs Officer, Bureau of Intelligence and Research, Office of Multilateral and Transnational Issues, US Department of State

**Mark Mykleby**, Special Strategic Assistant, Strategic Synchronization, Office of the Chairman of the Joint Chiefs of Staff

**Stephen J. Rapp**, Ambassador-at-Large for War Crimes Issues, Office of War Crimes Issues, Office of the Secretary, US Department of State

**Herman Schaper**, Permanent Representative of the Kingdom of the Netherlands to the United Nations

**Nicole Shepardson**, Policy Team Leader, Bureau of Population, Refugees and Migration, US Department of State

**Anne-Marie Slaughter**, Director of Policy Planning, Office of the Secretary, US Department of State

**Oliver Ulich**, Senior Officer, Policy Committee Secretariat, Executive Office of the Secretary-General, United Nations

**Jason Vorderstrasse**, Global Affairs Officer, Office of Regional and Security Policy Affairs, Bureau of East Asian and Pacific Affairs, US Department of State

**Richard Williamson**, Nonresident Senior Fellow, Foreign Policy, The Brookings Institution

**Lawrence Woocher**, Senior Program Officer, Center for Conflict Analysis and Prevention, United States Institute of Peace

### The Stanley Foundation Staff

**Keith Porter**, Director of Policy and Outreach

**Vlad Sambaiew**, President

**Elaine Schilling**, Program Assistant

**David Shorr**, Program Officer

**Jennifer Smyser**, Program Officer

**Richard Stanley**, Chair of the Board of Directors

**Veronica Tessler**, Associate Program Officer

Affiliations are listed for identification purposes only. Participants attended as individuals rather than as representatives of their governments or organizations.

### The Stanley Foundation

The Stanley Foundation is a nonpartisan, private operating foundation that seeks a secure peace with freedom and justice, built on world citizenship and effective global governance. It brings fresh voices and original ideas to debates on global and regional problems. The foundation advocates principled multilateralism—an approach that emphasizes working respectfully across differences to create fair, just, and lasting solutions.

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The Stanley Foundation  
209 Iowa Avenue  
Muscatine, IA 52761 USA  
563-264-1500  
563-264-0864 fax  
[info@stanleyfoundation.org](mailto:info@stanleyfoundation.org)

