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# policy dialogue brief

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This brief summarizes the primary findings of the conference as interpreted by the rapporteur and roundtable organizer. 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.

## The Responsibility to Protect and Foreign Policy in the Next Administration

### Policy Recommendations

- The Responsibility to Protect (R2P), as a moral and conceptual framework, holds answers to addressing and preventing mass atrocities such as genocide, and in doing so, *supports the larger strategic goal of mitigating the dangers of weak and failing states*. As one participant put it, the message to all government leaders should be: “Positives: you avoid chaos. You avoid destruction of your countries. You avoid war and conflict. You avoid the fate of Rwanda.”
- There is a strong connection between R2P and US cultural and moral sentiments that should be leveraged, even as polls are also showing that the public is wary and weary of foreign interventions. Although Americans worry about the ultimate consequences of “the United States getting involved,” there is also a strong nonpartisan sentiment in the United States that “people who commit crimes ought to be punished,” as well as strong support for human rights, development, and good governance in general. Therefore, a US policy that integrates the key components of the R2P framework could have strong resonance with a US public that is equally tired of “having US policies that don’t back up our values,” as put by one participant.
- Toward this end, and since R2P has a history of being misunderstood, R2P communication campaigns targeting diverse sectors of the national and international scenes should be run with the utmost care with regard to information that is accurate and easy for specific publics to grasp. Most likely, the complex framework will have to be deconstructed into component parts that are more understandable and pointed, sacrificing some of its conceptual perfection for concrete grassroots and elite political action. For instance, foreign aid for prevention of conflict in a country suffering from inequitable distribution of public goods could be seen as both a purely “development” goal under normal aid programs and as part of a larger effort to implement R2P.
- However, the inability of the United States and the world to mobilize peacekeeping forces/missions immediately after a UN resolution, or immediately after the forging of a new political agreement in a fragile state, threatens the credibility of the whole exercise. International consensus on interventions for human rights purposes is rare; so when it does happen, a premium should be placed on their timely implementation. The ability “to deliver” and mobilize forces quickly is

critical when there is a multilateral desire for a consensual intervention.

- Toward this end, more countries' militaries should learn UN doctrine and train with other countries, utilizing principles of the "Mass Atrocity Response Operations" (MARO) project. "Human protection" must itself become a core mission of the military. It already is a core mission in Stability Operations and Counter-insurgency warfare doctrine. Real forward planning is needed for clearer doctrine, rules of engagement, and better training of soldiers and police in situations involving the risk of mass atrocities or their actual occurrence. A new system might be set up internationally whereby troop-contributing countries "receive a premium" for creating these forces and pre-committing them as dedicated reserve.
- The United States should quietly play a strong technical leadership role in terms of multilateral capacity building with other power centers, including serious attempts to develop common doctrine, training, and engaging MARO with leading "peacekeeper-supplying" states such as India, Pakistan, Brazil, and Turkey. As stated by one US participant, "There is a lot of bilateral activity we can do that does not require arduous multinational agreement at the United Nations or elsewhere," in terms of troop doctrine, training, equipping, and so forth.
- Meanwhile, rising and middle powers can be very sensitive about sovereignty. To get these powers on board in terms of R2P, there is a need to include them in mechanisms that give them a fairer share of power. Given that reform of the UN Security Council (UNSC) is uncertain, and a lengthy process at best, some participants recommended a G-16-type process that would bring in a variety of middle, rising, and major powers so that the bulk of the world's resources and wealth can be brought directly to bear on human protection issues. Such a body or process would not circumvent or undermine the UNSC or UN General Assembly (UNGA), but rather act as a political coordination and focusing mechanism that discusses issues outside the highly politicized hallways of the United Nations, eventually leading to effective and universally approved UN actions in New York.
- The Southern ownership of R2P ideas should be recognized. R2P, in fact, finds its roots in Africa, Chile, Mexico, and Guatemala are countries that are cautious supporters of the doctrine in Latin America.
- In a time of economic crisis, it is necessary to consider the cost effectiveness of preventing mass atrocities. Here, one essential component on the US side is to rewrite the Foreign Assistance Act of 1961. The mission, mandate, and organizational structure for US foreign assistance are in need of refocus and clarification in a "nonpolar world" that includes weak and failing states in addition to strong sovereign powers.
- The State Department should develop an R2P white paper that lays out prospective policies, and R2P topics should be built up as part of a promising career path at the State Department.
- In moving forward within the bureaucracy, it should always be kept in mind that R2P requires *early and flexible response*. This implies that practical, operational solutions will have to deviate at least somewhat from the complex, theoretical, and exacting legal distinctions among the four R2P crimes, based on real-time technical analysis of conflict trends by trained professionals and sensitive political judgments.
- Further long-term customary norm creation and conceptual agreement is needed, even as practical "real time" bureaucratic and policy action is being undertaken in the short term. As this broad, consensual norm building is taking place across the world, human rights abuses, or broad conceptions of "human security," should not be mistaken for the R2P framework, or vice versa, even though both are important areas of attention.
- Given the narrow moral and political remit of R2P, the international community might want to design another framework to address chronic human rights abuses and governmental oppression that goes beyond the four R2P crimes—in countries such as Iran.
- Prevention is the best protection. Therefore, national legislative bodies should fund diplomatic, early warning, and foreign aid capabilities and packages that keep strong states from becoming weak, and weak states from failing, with mass atrocity prevention being at the center of such efforts.

- Watch lists and early warning tools should be cooperatively strengthened and consistently acted upon across the US National Security Council (NSC) and the State Department. R2P needs central homes within those two agencies, as well as briefings and hearings on Capitol Hill for the purpose of public education.
- Nongovernmental organizations (NGOs) and think tanks, including indigenous ones, must coordinate their own watch lists and early warning indicators to keep the public in the loop and allow for strong pressure on decision makers at both the US and global levels.
- Diplomacy is an efficient tool for R2P and the following diplomatic pieces should be implemented and utilized: more diplomats trained for R2P situations; senior diplomats deployed to places at risk for atrocities; more UNGA and UNSC support of the powers the UN Charter gives to the UN Secretariat, especially the secretary-general, in taking a leadership role in preventive diplomacy to stem worrying local and regional trends; and finally, creative reliance on the already-existing “Uniting for Peace” UNGA resolution in case of deadlock in the UNSC.

## Introduction

Warfare in many parts of the world now involves one or more sides to a conflict targeting unarmed civilians for abuse, forced migration, and mass slaughter, against the moral norms of international law. Many recent conflicts have in fact been characterized by regional mass atrocities including genocide, war crimes, crimes against humanity, and ethnic cleansing.

This poses core political, security, and moral conundrums to national leaders. No prime minister or president, no secretary of state or minister of Foreign Affairs, “wants a genocide on his or her watch.” This growing reality of civil and interstate conflict in many regions of the world has led to the development of a new international framework dubbed the Responsibility to Protect (R2P), which calls for three pillars of action: the responsibility to prevent, respond, and rebuild. In other words, states are responsible for the protection of their own populations; all countries must offer assistance to other states in that task, including creating an environment that will prevent new or recurring conflicts; and international diplomatic or military reactions are in order if necessary to protect civilians from mass atrocities.

The R2P framework offers conceptual, legal, and practical answers to the prevention and mitigation of mass atrocities. Having said that, it is too often misunderstood and its practical implementation remains vague, both at the US and international levels. To address these issues, the Stanley Foundation convened a dialogue October 10-12, 2008, entitled “The ‘Responsibility to Protect’ and Foreign Policy in the Next Administration.” In an off-the-record roundtable format, a group of leading UN, US, and civil society experts explored issues of global and US consideration of R2P, including new civilian and military capabilities required to implement R2P at both the US and international levels.

## Global Consideration of the R2P

The ideas of R2P have been developing since Francis Deng, former foreign minister of the Sudan and current Special Advisor for Genocide Prevention to the UN Secretary-General, asserted that “sovereignty is responsibility.” In 2000, a Canadian government initiative led to the creation of an International Commission on Intervention and State Sovereignty, which produced a report in 2001 calling for the recognition of a responsibility to protect populations on the part of both national governments and the global community. R2P also finds its roots in the doctrine of non-indifference adopted by the African Union in 2000. The recognition of the R2P normative language came in 2005 when the UN World Summit endorsed the concept in a unanimous statement by world leaders. R2P, anchored in existing law and institutions, changes the debate from sacrosanct sovereignties to sovereignties responsible for the protection of their own populations.

More recently, the UN Secretariat has been promoting a “narrow but deep” understanding of R2P, which is now being debated in the UNGA. Under this growing conception of the framework within UN circles, the scope of global action is limited to the “four crimes,” i.e., ethnic cleansing, crimes against humanity, war crimes, and genocide.

However, preventing mass atrocities requires early and flexible response. Therefore, the toolkit for addressing these specific international crimes is truly comprehensive, involving everything from foreign aid to peacekeeping, to conflict mediation and prevention, to development and reconstruction, to (if necessary) peace enforcement through military deployments that go beyond peacekeeping. In moving this moral and political concept forward at the global level, a UN resolution supporting an

upcoming major report on R2P by the UN secretary-general could be a step in the right direction, and the United States should support (quietly in the background) this global political process, which could eventually lead to a unanimous UN resolution on the need to implement R2P throughout the global network of UN agencies, departments, and programs.

The UN Secretariat, which has made R2P one of its priorities, is working on a report that it will present to the UN community at the end of 2008 in view of moving R2P matters along in the context of the Millennium Development Goals. A key component of the report advocates for R2P to be integrated into the office of the UN Special Adviser on the Prevention of Genocide, with a duty to tap into the different intelligences available and relevant to R2P. Beyond this office, there is a need for a venue where the main players can convene on R2P.

Navigating the UN bureaucracy is difficult, and there is disagreement among R2P stakeholders on how to best manage such navigation. Politically speaking, it is important to recognize the Southern ownership of R2P ideas.

### **US Identity and Role in the World**

There is a strong connection between R2P and US moral sentiments, including strong support among both Capitol Hill and the US public for preventing and stopping atrocities—and to protect human rights in general. That connection should be utilized. On the one hand, there remains a strong groundswell of support for “doing the right thing,” where US values align closely with the values of the R2P framework and the conventions upon which it is based. The advocacy community and executive branch officials alike need to tap into this moral sentiment and “sell” R2P through its specific goals, not through abstract doctrinal points. Meanwhile, the United States is overextended and cannot, and should not, in any case, do everything itself.

### **Capabilities Needed to Implement R2P**

#### **Prevention**

Among participants, there were the usual legitimate, cautionary warnings about a focus on prevention and state capacity building at the expense of true crisis reaction, in which a lowest-common-denominator approach would turn the R2P framework into just a byword for structural development work and broad humanitarian aid.

However, despite this caveat, participants agreed that large, early payoffs could be possible if the United States and others focused more resolutely on the prevention of mass atrocities.

Currently, US development aid is poorly funded relative to security assistance to key bilateral allies such as Israel, Egypt, and Jordan. US foreign aid and other forms of “soft power” are also not specifically designed to prevent the four international crimes or “mass atrocities” underlying the R2P framework. In fact, the Foreign Assistance Act (FAA) dates to 1961, and writing a new FAA is central to clarifying the mission, mandate, and organizational structure for US foreign assistance. There are real opportunities, such as the transition to a new US administration, to push the US Congress to fund conflict prevention, peacekeeping, humanitarian assistance, and development aid. Within that, Congress could fund specific sectors for at-risk countries for the purpose of preventing mass atrocities.

#### **The Role of the US National Security Council and the State Department**

Currently, the US intelligence agencies issue a monthly list of countries that are “at risk” for escalation to deadly conflict (not just the four crimes), and the State Department also has a list of countries in danger of instability and escalation of conflict. However, it is not clear if this information is acted upon, or that it is shared and assessed cooperatively, across agencies, for actual decisions and actions.

Within the State Department, a centralized “home” for R2P or for prevention of mass atrocities is needed—in addition to the current “diffuse approach” of spreading “R2P-like” activities across dozens of programs, bureaus, and departments—in which a real, physical decision process and procedure can be drawn up for early and automatic reaction to information on watch lists. Further, a similar cell or group within the US NSC is required for consistent executive-level attention. By creating these “central homes” within US institutions for prevention of, and response to, mass atrocities, a process of briefings and hearings on Capitol Hill can also be driven forward, therefore leading to public education.

#### **The Role of NGOs and Think Tanks**

There are limitations to a pure top-down governmental approach. The watch list produced by US intelligence agencies is not available for public con-



sumption, and politics and national interests always will influence, to some degree, the final product. The United States cannot always play a central role in global or regional organizations, including the United Nations, given recent political realities surrounding Iraq and low international public confidence in US global intentions and goals.

Therefore, NGOs and think tanks, including indigenous ones, must play a central role in coordinating and fusing their own numerous “watch lists” and early warning crisis indicators, both to inform government officials and to put pressure on the United Nations and individual member states alike. When NGOs perform this function, the product can be based on a nonpolitical methodology and, therefore, could be seen as relatively unbiased or objective, for the purposes of advocacy and pressure on political decision makers. Inherently, state-based forms of judgment about what countries are “at risk” represent a political hot potato, and it is still not clear that either the United Nations or national governments can ever get to an outcome where any single intergovernmental organization or national analysis or source is truly trusted by multiple global stakeholders.

Some participants from civil society groups pointed out that it is sometimes useful to “get countries angry” over the publication of watch lists. In fact, once the anger dies down, such countries almost always get in touch with the relevant civil society groups to see how they can improve their standing.

### Customary Norm Creation and Conceptual Agreement

Almost all participants agreed that the cause of R2P is not helped by the following factors:

- Disagreements between “friends of R2P” on scope and definition of the framework, as well as tactics for advancing it globally.
- Inconsistent and/or politically opportunistic misapplication of the R2P framework by UN member states (such as Russia toward South Ossetia or Western countries on the humanitarian disaster situation in Burma in spring of 2008).
- Overall lack of understanding in the public and political elite in America (and other countries) on the specific R2P framework. Some tend to mistake it either for “development” or “human secu-

rity or “human rights” at one end of the spectrum of misperceptions, or at the other end, for old-fashioned “humanitarian intervention” by neighbors or great powers.

Therefore, participants recommended that, even as various components of the R2P framework are being practically operationalized, there must be a “second level/track” of work on the legal, normative, and conceptual understanding of R2P, infusing both inter-elite understandings and public diplomacy overall.

### Prevention and Rebuilding

Whether referred to as conflict prevention *before the first case of mass atrocities*, or as post-conflict peacebuilding and reconstruction *after a conflict in order to prevent future tragic occurrence*, much more needs to be done to conceptualize and implement truly preventive policy strategies. In fact, the number one indicator of the four R2P crimes is a past history of such crimes.

More precise case studies are needed. In addition, relevant special advisors to the UN Secretariat should visit countries that have been successful at rebuilding in order to report on successful short- and long-term peacebuilding elements.

Part of rebuilding involves good governance and the rule of law. In this context, it is imperative that cultures of impunity for the R2P crimes be broken. The United Nations and (by association, in many minds) the United States are often blamed for the lack of protection for civilians enduring mass atrocities. Beyond being essential to both prevention and rebuilding, ending cultures of impunity through judiciary mechanisms, such as those of transitional justice, could do wonders in terms of removing hostile accusations against the United Nations and the United States. While international and transitional justice have made impressive strides in the past couple of decades, there is plenty of room to boost those efforts in a multilateral spirit, and the legal support of the United States in these matters, including US support of the role of the International Criminal Court, is essential.

### The Diplomatic Pieces

Between 2000 and 2005, three times as many conflicts were ended by negotiation as by military victory. In this context, diplomacy—UN diplomacy and beyond—needs to be taken seriously and

utilized. The United States, for its part, needs a strengthened civilian capacity mindful of R2P, including more diplomats schooled in the art of conflict prevention and more placement of seasoned, senior diplomats in places where atrocities are most at risk of occurring.

Several participants saw the UNSC as a serious potential issue in matters of R2P implementation—both as a boon and as a bane. Some participants focused on ways to “jump-start” the process of global political attention on a country at risk of experiencing mass atrocities by considering it outside of the UNSC.

First, the UN Secretariat does not need the UNSC’s approval to exercise diplomacy, as shown recently in Kenya. Second, UNGA Resolution 377 A, the “Uniting for Peace” resolution, states that in cases where the UNSC fails to act in order to maintain international peace and security, owing to disagreement among its five permanent members, the matter should be brought immediately to the UNGA. In other words, “Uniting for Peace” provides a mechanism for the UNGA to override UNSC vetoes, including in possible cases related to the R2P framework.

Third, many participants pointed out that the value of a UNSC or even UNGA resolution comes *after* the fact, in the sense that a leading country that genuinely cares more than others about the moral stakes may intervene first to prevent escalation and stabilize a dangerous situation before it spirals out of control, followed by a “global imprimatur” via the UNSC and/or UNGA. This has been seen, for instance, in the cases of Cote d’Ivoire (2002) and Sierra Leone (2000) where French and British interventions, respectively, were instrumental in preventing a bad situation from becoming worse, thereby giving the global body politic time to “catch up” and ratify the moral and political soundness of the actions in question.

Finally, even if a final UNSC resolution is needed to put an international legal imprimatur on a preventive or reactive intervention to stem or halt atrocities, there are also moral and political processes that can take place multilaterally outside the United Nations. For instance, a grouping of middle and rising powers that has a stake in a stable, peaceful globalized world—such as a “G-16 process”—might provide initial political coordination and political will during the early stages of a

crisis, followed by global, universal assent via the UNSC and the UNGA in New York.

## The Military Pieces

The absence of a ready peace mission capacity is a real security danger and makes the UNSC less credible. The empty threat of UN Peacekeeping Operations forces has been damaging to the legitimacy of the United Nations and its member countries in case after case.

The US and international community’s joint inability to mobilize peacekeeping forces/missions after a UN resolution, or immediately after the forging of a new political agreement in a fragile state, therefore threatens the credibility of the entire R2P framework. International consensus on interventions for human rights purposes is rare, so when it does happen, a premium should be placed on their timely implementation. When there is an actual stated multilateral desire for a consensual intervention, the ability “to deliver” and mobilize forces quickly is critical.

But how is it possible to create a ready capacity for governments to lend certain forces to UN peacekeeping and other related missions? Ideally, more countries’ militaries would learn UN doctrine and train with other countries for “mass atrocity response operations.” Toward this end, an international system might be set up whereby troop-contributing countries “receive a premium” for creating these forces and precommitting them as dedicated reserve.

With all of this in mind, peacekeeping operations are not meant to involve armed conflict, yet peacekeepers often find themselves in volatile and unstable civil environments that can escalate quickly to mass violence. Current peacekeeping troops lack the proper strategy, doctrine, training, or other guidance for responding in real time to such situations. Real forward planning is needed for clearer doctrine, rules of engagement, and better training of soldiers and police in situations involving mass atrocities. In the United States, for example, “human protection” must itself become a core mission of the military, particularly the Army and the Marines.

At the moment, there is no R2P office in the Marine Corps, but the new counterinsurgency manual (generated in response to the war on terror) is quite revolutionary in terms of prioritizing the protection of civilians. The Genocide Intervention Project at Harvard’s Carr Center for Human Rights Policy, in

collaboration with the Peacekeeping and Stability Operations Institute (PKSOI) at the US Army War College, are developing a real-life military planning framework for MARO, concerned not only with intervention but also with the nontraditional military task of prevention. Finally, the National Defense Strategy already contains strong language on genocide prevention that should be reinforced through more concerted efforts to turn high-level rhetoric into real training for complex humanitarian emergencies.

All of these efforts, and more, have the real potential to turn the tide of mass violence that has erupted in many developing countries throughout the world—if, that is, strong US leadership can be combined with UN efforts, and those of regional organizations and NGOs, to implement the needed steps, mindful of the locals' situation. The Pentagon recognizes the need for coalition-building, but this recognition has not yet turned into true action at the bureaucratic and operational levels.

One central point to keep in mind is the fact that there is a new generation of peacekeepers beyond the traditional troop-supplying countries of India, Bangladesh, and Pakistan: examples include China, Chile, Turkey, and Uganda. Both traditional and newer peacekeeping countries are very proud of their contributions. The international community should build on this capacity in a coordinated way, taking into account that it currently takes UN troops at least 90 days to deploy. Participants noted that regional countries can act faster, but they cannot sustain peacekeeping efforts. Therefore, a *combination of rapid regional response and sustained, improved UN peacekeeping in the long term* should be seriously considered. However, some participants warned that the capacity of regional security organizations should be realistically assessed in this exercise. In all cases, special attention should be given to mandates for sustainable peacekeeping and coordination of funding.

## Connective Tissue

Current understandings among officials, NGO experts, academics, and grassroots advocacy groups should be extended to the “next circle” of people needed to implement the R2P framework. Further “connective tissue” must be created among groups as diverse as foreign aid bureaus, embassies, Marine and Army planning cells and academic programs, Marine and Army training programs for troops, the Navy, public advocacy groups, think tanks, the various organs of the United Nations,

and regional organizations. The opportunity exists for this connective tissue to be created, but people must start purposefully doing this as an operational goal in and of itself.

## Navigating the Four Crimes with Judgment

As mentioned earlier, complex humanitarian emergencies that involve the systematic use of deadly armed force against unarmed civilians have become a normal feature of today's international system, based in part on an increase in intrastate and transnational conflict surrounding fragile states. The global debate has often assumed, wrongly, that all that is lacking is political will to deploy military and/or nonmilitary instruments. In fact, beyond the European Union, the military establishments of the world have barely begun to ask hard questions about doctrine and training for “mass atrocities response operations” with “human protection” as the primary mandate. Furthermore, R2P requires strong ongoing monitoring—and early reaction to warning signs—long before it is clear which “crime,” exactly, is being committed. In other words, R2P requires early and flexible response. This implies that practical, operational solutions will have to deviate at least somewhat from the complex, abstract, and exacting legal distinctions between war crimes, genocide, and crimes against humanity, based on real-time technical analysis of conflict trends by trained professionals and sensitive political judgments.

## Conclusion

Many times the question “Have we forgotten the Rwandas of the world so quickly?” along with a plea of “never again,” has been brought up by official, advocacy, and public intellectual leaders alike. Too many times, these discourses have fallen short of the rigor and pragmatism that must accompany political will in actually tackling mass atrocities.

While the United States should be cautious about taking an out-front, highly public international policy role in pressing for global implementation of this framework—given high distrust of US intentions when it deploys military forces, after the experience in Iraq—it is still in the US and global interest to avoid mass atrocities, signaling as they do a fundamental breakdown of sovereign order and a challenge to positive globalization. Therefore, a rigorous, pragmatic approach with regards to the R2P framework, involving related research, communication campaigns, and bureaucratic implementation is

desirable—if done tactfully and with partners that cross the North-South and East-West global political divides. Given the rising tide of mass violence in weak, fragile, failing, and failed states in many areas of the developing world, the application of rigor, pragmatism, and political will toward the goal of preventing and mitigating mass atrocities is an integral task for restoring a positive image of the United States in the 21st century.

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## The Stanley Foundation

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