Building State Capacity to Prevent Atrocity Crimes: Implementing Pillars One and Two of the R2P Framework

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Key Points

- A state's capacity to protect its population extends beyond its capability to ensure immediate security against external threats.

- Fulfilling a state's commitment to protect requires investing in legitimate state institutions that are independent of the motives and interests of any particular actor, constituency, or regime, as well as encouraging wider social resilience to counter threats originating from state and nonstate actors.

- Institutions that are fundamental to determining a state's capacity to protect against mass atrocity crimes include political structures and processes, security and justice apparatuses, and mechanisms for economic and resource management.

- When a regime in power actively exploits the offices of the state to commit mass atrocity crimes, strengthening state institutions becomes an untenable means of protection. Building broader social resilience to resist state-driven atrocity planning should thus be an important focus of pre-crisis capacity building at the domestic level.

- International efforts to assist states in fulfilling their protection responsibilities should reinforce the core elements of state protection capacity and focus on domestically identified needs in the areas of security-sector reform, rule-of-law assistance, and aid to civil society.

- Deeper, more methodical evaluation of past and potential assistance policies is necessary to determine what forms of engagement best address atrocity dynamics and how these risks can be most effectively prioritized within broader development, security, and conflict-focused agendas.

The Responsibility to Protect (R2P) doctrine rests on two basic premises: (1) sovereignty entails a commitment to protect one's own populations from mass atrocities, including a proactive responsibility to prevent their commission or incitement, and (2) given the gravity of atrocity crimes, the international community bears a concurrent responsibility to prevent their occurrence. The UN secretary-general's 2009 report on implementing R2P elaborates the nature of the second component: (a) the international community should assist states in their prevention and protection efforts, and (b) the international community bears a collective responsibility to ensure protection from mass atrocities when a state's commitment to do so is abrogated or neglected. These premises have been conceived as the three pillars in what now stands as the doctrine's seminal interpretation.[1]

The international community's varied approaches to potential and escalating atrocities over the last several years have demonstrated the degree to which R2P has reframed the language, if not always the outcome, of global political engagement. Failures to prevent lead to questions of response, and attention is invariably drawn to the debates over potential interventions. Yet the realm of activity that will make the greatest difference in preventing atrocities occupies the space between the

uncontroversial embrace of state and international responsibility, on the one hand, and the controversies that inevitably surround international intervention, on the other. It lies in the operationalization of the first and second pillars.

The first pillar of the secretary-general's report on implementing the R2P stipulates that states shoulder the primary responsibility to protect their populations from mass atrocities. Given that the acts enumerated under the rubric of *mass atrocity* are internationally and/or universally codified crimes, one can hardly imagine it any other way.

Yet what states and the regimes that inhabit them need do to fulfill this responsibility most effectively is not necessarily clear. Institution building plays a major role, since the best-case scenario involves enduring structures that prevent mass atrocities from occurring—or better yet, that prevent serious threats from arising. However, the implications do not stop at stronger institutions. First, while strong institutions are necessary for the protection of populations, strong institutions in the wrong hands— those of a mass-atrocity-inclined regime—obviously undermine the prospects of atrocity prevention. The right set and combination of institutional reforms is thus required. Second, institutions, at least in the formal sense, are not the only thing that matters. The regimes that inhabit the apparatus of the state must continuously dedicate themselves to the principle of protection and to their responsibility to ensure it.

The second pillar, meanwhile, commits the international community to help sovereign states acquire the capacity they need to protect their populations from mass atrocity crimes. In so doing, it offers a welcome bridge between sovereign and international concern. However, it nonetheless raises several questions: What does that commitment actually entail? How can states and other interested international actors (i.e., the global community) help states realize their responsibilities? What strategies for building capacity are most promising?

This policy brief lays out the most basic principles of building states' pillar one and pillar two capacities. It does so by first proposing a model of how mass atrocity crimes occur in order to isolate what types of institutions and measures might be most effective in preventing them. It concludes with a proposal for how a concerted international effort to build capacity to prevent mass atrocity crimes might also include a regime to analyze and monitor the protective capacities of states and societies.

Building the Capacity of States to Prevent Mass Atrocities

Countering Nonstate Perpetrators

What does it mean for a state to have the capacity to protect its populations from mass atrocity crimes? The secretary-general's formulation of R2P operates on the implicit assumption that most mass atrocity threats arise outside of the purview of the state. Accordingly, it is the pillar one responsibility of the state to suppress those threats, provided it has the capacity to do so. The scenario imagined is that of a nonstate actor, perhaps an insurgent military force, preying on parts of the civilian population. The Revolutionary United Front in Sierra Leone, the Lord's Resistance Army in Uganda, and the anti-Uzbek violence in Kyrgyzstan serve as paradigmatic examples.

To isolate an agenda for building domestic protection capacity under pillar one of the R2P framework, one should first consider the factors that lead to mass atrocities under this model. Generically, there are three elements: First, the nonstate movement in question must be motivated to execute mass atrocity crimes. Second, the movement must be able to wield sufficient power that it can put its plan into action without fear of retribution. Third, and related, the movement must be able to recruit would-be bystanders to participate while dissuading nonparticipants from resisting its plan. To prevent mass atrocity threats, therefore, states need to be able to respond to each of these elements.

In such a scenario, the most direct protection strategy addresses the second element above by attempting to eliminate the would-be perpetrators' ability to wield violence. In theory, a state may straightforwardly do so by strengthening its own counterinsurgency and policy capabilities and bringing that power to bear on those who seek to harm civilians. If the state is to bolster its ability to provide security for its inhabitants, it will likely need to address the equipment, technology, and size of the institution generally accorded the responsibility of providing internal security, its police force.[2]

Beyond equipment and resources, security forces require the professional skills necessary to ensure protection and reassure those under threat. Prejudicial police practices, whether a product of identity politics or corruption, undermine the confidence of the populace in the capacity of the police to provide protection. Indeed, a lack of faith in police impartiality could be a grievance upon which an insurgent movement is at least partially based. Training regarding expectations and behavior is one element of a strategy to professionalize security forces. Strengthening institutional mechanisms to detect and punish unprofessional behavior is another. Finally, improving salaries and benefits raises morale and reduces incentives for corrupt behavior—although doing so without deference to the broader political context of such reforms runs the risk of increasing patronage competition for security-sector jobs.

Institutionalizing Protection

It would be a mistake, however, to equate a state's capacity to prevent mass atrocities with the enforcement capacity of its security sector. Security-sector investments are notoriously of a dual-use nature: they can be used to protect, but they may also be used to gain a tactical advantage over opponents, whether or not those opponents threaten to commit mass atrocities. Moreover, a heavy-handed security response can easily exacerbate the underlying tensions that motivate nonstate leaders to consider a mass atrocity strategy. Even if the state removes the threat posed by one set of leaders, the response itself runs the risk of creating a persecution complex that makes the rise of future atrocity perpetrators more likely and makes their recruitment task easier.

Perhaps more importantly, defining a state's capacity to protect in terms of its enforcement capability assumes mass atrocity threats always arise outside the purview of the state. Yet historically, state authorities and their allies commit mass atrocities at least as often as nonstate actors. Atrocities may be a matter of direct policy, or driven by a narrow set of elites within a ruling regime. Even nonstate perpetrators are often allied with the state (or state elements) and operate with its tacit or active approval.

A state's capacity to protect its population thus extends beyond its capability to ensure immediate security against external threats. Fulfilling a state's commitment to protect requires investing in legitimate state institutions that are independent of the motives and interests of any particular actor, constituency, or regime.

The institutions in question include fundamental components of the political process and rules governing political participation; judicial systems, human-rights mechanisms, and other institutions that ensure civilian oversight of law enforcement and security provision; and institutions that govern natural resources and the economy. Each of these institutions has a role to play vis-à-vis the dynamics of mass atrocity described above.

Political Structures and Processes. The institutions that govern the political process begin with the constitutional matters of how power is organized and held accountable, or the legal structure of the political system. Societies in which internal divisions raise mass atrocity risks might choose to strengthen institutions that elevate inclusion and representativeness—like weak executives, consociational arrangements,[3] and proportional representation—over majority rule. Indeed, in times of identity-based conflict, short-term power-sharing arrangements based along these lines may provide the best hope for defusing tensions that could lead to mass atrocities. However, such arrangements run the risk of ossifying societal divisions as they are sustained over time. Consequently, institutional mechanisms that promote cross-identity group coalition building in politics—such as two-round elections (or single-round elections with transferable voting), or subnational threshold requirements, as in Nigeria—bear consideration as well.

Beyond the structural rules and institutions that can pattern intergroup relations, institutions in a narrow sense—those that arbitrate political and civil life as it transpires on the ground—also matter. By acting more or less independently (and more or less fairly), these institutions influence how populations (and different components thereof) perceive the government. Their respective judgments regarding the government's fairness and accountability influence whether they believe established, nonviolent means to self-protection and/or political change are possible. Those perceptions, in turn, influence whether entrepreneurs of extremism and violence will be able to (a) scapegoat another element of the population for their own group's perceived ills, and (b) mobilize elements of the population behind their agenda.

In particular, the administration of elections merits close attention. Elections often serve not only as measures of the popular will, but also as opportunities to appreciate the state's commitment to the rules of the game in terms of the political process. When a regime interferes with the electoral process, or even if the electoral administration is simply unable to demonstrate to the public that it has gone about its business in an unbiased manner, people become suspicious of the political process as a means of governance. Politicians, particularly those on the losing side, may determine that it is in their personal and political interests to undermine the credibility of the electoral administration in order to cast doubt on the legitimacy of the government.

Thus, when an electoral commission successfully registers voters, delivers and collects ballots, monitors the voting process, counts and tabulates votes, and announces results—and manages to do all of it transparently and free from interference—the ability of anyone seeking to delegitimize the process is undermined. Atrocity perpetrators will have a more difficult time claiming the illegitimacy of the state, and of recruiting conspirators on that account, as a result of efficient and transparent electoral administration.

Judicial and Rights-Securing Institutions. Robust and independent judicial institutions also contribute to a state's capacity to prevent atrocities. In any society, a strong, well-functioning judiciary can bestow legitimacy on the state (and the regime in power). A legitimate judiciary instills in citizens a belief that the state is bound by justice and the rule of law. It provides an alternative means of redressing grievances to making the type of violent, extralegal challenges to the state that might trigger the dynamics of anti-state mass atrocities. An independent judiciary also provides a means of bringing those who commit, plan, or incite mass atrocities to justice.

To engender robust and independent judicial institutions, states must invest in the infrastructure of a court system, including the resources required to allow judges, state prosecutors, and other legal actors to do their jobs. As with the security sector, instilling a culture of professionalism through training and education is also important. Finally, remunerating judicial officials appropriately reduces their incentives to engage in corrupt, and therefore delegitimizing, behavior.

A related set of institutions that help to prevent mass atrocities are those empowered to protect citizens' human rights. Relying on public input, institutions such as a human rights commission or an ombudsman's office can serve as atrocity watchdogs. Quite simply, when the populace has recourse to an institution that will listen to and act on complaints, actors who wish to violate human rights face another obstacle to their plans.

Human rights institutions need not be constructed to be passive. They can be proactive, publicizing what types of behavior are illegitimate, or what types of rhetoric violate public anti-atrocity norms. Where such institutions do not exist, states should be encouraged to create them. Where they already exist, states should take steps to support their independence and their capacity.

Management of Economic Resources. There is also an economic dimension to the basic model of mass atrocities advanced above. Particularly in contexts of weak economic governance, atrocities often prove an effective means to gain direct control over valuable resources. The Revolutionary United Front's efforts to control alluvial diamond mines in Sierra Leone by terrorizing the local population, as well as ongoing violence in the eastern Democratic Republic of the Congo, are only two examples of atrocity crimes at least partially driven by immediate economic incentives.

At the same time, perpetrators of violence frequently exploit (and often misrepresent) economic inequality, both as a rationale for fomenting extreme action and as a lever by which to recruit participants. The planning of identity-based mass atrocities typically draws on the ability to cast one group as responsible for the economic condition of another.

Strong and independent institutions governing economic management can mitigate this dynamic by making more transparent the process by which resources are received and distributed by the government. Transparent institutions governing the ownership of economic resources—from tradable natural resources, to commercial enterprises, to land—promote fairer outcomes while hindering efforts to misrepresent the extent of access to such resources. Along similar lines, transparent budget-management procedures both disincentivize biased resource distribution and make it

more difficult for opponents to obfuscate the actual distribution of resources.

Core Elements of State Protective Capacity

By strengthening the independent institutions described in this section, a state addresses each of the three elements of mass atrocity threat: perpetrator motivations, power, and credibility. Independent institutions enhance the legitimacy of the state. A more legitimate state renders challenges to the state's sovereignty—and to the security of its component populations—harder for would-be perpetrators to imagine and for would-be participants or bystanders to accept. Transparent and independent rule-of-law-based actions by state apparatuses also legitimize actions taken against would-be perpetrators, reducing the likelihood that such actions sow division within society or that existing divisions can be exploited.

Finally, it should be obvious—but nonetheless bears mentioning explicitly—that building preventative capacity is not merely a matter of designing and implementing institutions. The mindset of government officials ultimately determines the extent to which institutions live up to their real-life designs. The willingness of a given regime to act when potential atrocity threats arise, even if it is costly (politically or financially) to do so, ultimately determines whether a state can counter such threats effectively.

Building atrocity-prevention capacity, therefore, also entails that government officials become sensitive to patterns of atrocity commission and to long-term and short-term atrocity-prevention measures. They will do prevention a great service simply by governing guided by principles of fairness and justice.

To summarize, building a state's protective capacity entails:

- Bolstering security-sector capabilities, from intelligence gathering to counterinsurgency training, as well as professionalizing security-sector behavior, so that police and military actions do not imperil civilian populations or provoke more radical threats against the state.

- Devising political and electoral systems that can manage diversity better than purely winner-take-all, majoritarian arrangements.

- Developing competent institutions of the state that are able to act independently of the political motivations and ambitions of specific actors. Such institutions include those of electoral administration, the judiciary, those that protect human rights, and those that govern the management of economic resources.

- Enacting patterns of governance that strengthen the legitimacy of the institutionalized political process and thereby delegitimize recourses to violence.

Building Nonstate Capacity to Prevent Mass Atrocities

The agenda outlined above to enhance a state's capacity to protect its population from atrocity violence presupposes that a regime is fully committed to R2P's basic principles and seeks to guard against threats from nonstate actors, rogue internal elements, and unknown future regimes.

Libya and Syria, however, are stark examples of regimes that abrogate their sovereign responsibility and actively target civilians. When a regime in power actively exploits the offices of the state to commit mass atrocity crimes, strengthening state institutions becomes an untenable means of protection. In such cases, broader social resilience to resist state-driven atrocity planning becomes a key element of domestic protective capacity and should be an important focus of pre-crisis capacity building.

If we take seriously the duty to build capacity to prevent mass atrocity crimes, we must also recognize that this work requires building not just the state's capacity to protect but the capacity of nonstate actors as well. Indeed, there is little point in building the state's capacity if society's capacity is neglected.

When regimes have proven unwilling to protect their populations from atrocity violence, atrocity-prevention efforts should focus on preventing the first and third elements of mass atrocity commission: limiting the ability of elites to plan mass atrocities and undermining their capacity to enlist segments of the population—including elements within the state, since regimes are seldom unitary or monolithic actors—in their commission. The key theoretical implication of the model of mass atrocities presented here is that planning and committing a mass atrocity depends on the absence of

a group of actors who are powerful enough to counter such plans and reject them as morally and politically unacceptable. Accordingly, to build capacity to prevent mass atrocities requires support for that countervailing force and for the norms and sensibilities it necessarily holds.

As a result, an additional framework for partnership becomes available: fostering broader social and institutional resilience, including building the capacity of nonstate actors to prevent mass atrocities. Such efforts would not rely on arming opponents of an atrocity-prone regime, which is more likely to be a recipe for decreased security, increased crime, and insurgency. Rather, a society's capacity to prevent mass atrocity crimes depends on support for certain norms in the face of countervailing pressures on those norms. It also depends on the willingness of societal actors to condemn the abrogation of those norms.

Two questions follow: Who merits capacity-building attention? What norms and sensibilities are we talking about anyway?

The answer to the first question is that both the state and civil society merit attention. Within the state, part of the task of building resilience to extremist ideas involves constructing independent institutions that serve society according to principles of the rule of law, precisely as outlined in the previous section. Just as independent institutions build legitimacy for a just regime, they can make it more difficult for extremist politicians to rule unjustly or to pursue unjust agendas. The more that institutions like the police, the judiciary, and human rights commissions can be inoculated from extremist interference, the harder it will be for a regime to employ the office of the state in the commission of mass atrocities.

However, a resilient civil society is needed to bolster state institutions. If agents of the state were to attempt to commit mass atrocities, they would need the complicity or acquiescence of most of society. Nonstate actors—civil society—can disrupt that objective by refusing to accede to the role ascribed to them. Sometimes, in the face of a regime applying a broad brush of brute force, civil society resilience requires extraordinary measures of coordination, capacity, and courage. To prevent mass atrocities, in other words, civil society must be strong enough to resist the pull of extremism that leads to the blaming and targeting of components of society. It must serve as a reservoir of what we might call anti-atrocity norms and must have the space to act on them if necessary.

However, since nonstate actors lack standing in the operationalization of international principles (like those of the responsibility to protect), we can recast this conclusion in terms of its implications for states: states' pillar one responsibility to protect their own populations also incorporates the need to create conditions amenable to the social embrace of anti-atrocity norms.

The second question asks what norms we are talking about. Norms are stable, widely held beliefs about what is appropriate behavior (and therefore conditional behavior).[4] At the most fundamental level, the norms required to overcome the propagation of mass atrocity impulses are those of humanism and nondivisionism. Humanism is the idea that all people possess a core set of rights, the most fundamental of which are the rights to life and security of person.[5] Nondivisionism entails the appreciation that these rights obtain regardless of ethnic, religious, political, or other subnational identities and allegiances.[6] Nondivisionism is important because mass atrocity crimes begin with the deprivation of human rights of a particular group. This is true not only in the obvious instances of genocide and ethnic cleansing, but also with respect to crimes against humanity and many war crimes. In those cases, the denial of the fundamental humanity of a group allows others to imagine committing crimes against it.[7]

These norms are inherent elements of the social fabric of all societies; mass atrocities are exceptional occurrences because of their general strength and prevalence. That said, neither norm is beyond assault or manipulation, and all norms vary in terms of how widely and deeply they are held. The interest of atrocity-prevention efforts is to make sure the norms of humanism and nondivisionism are held as broadly, deeply, and consistently as possible.

Trading in the realm of norms might seem like a weak means of preventing mass atrocity, or too difficult a strategy to implement. But there are concrete ways to build capacity on this front. Specifically, the project of building anti-atrocity capacity through nonstate actors involves three

subsidiary tasks: inculcating and entrenching the norms in question, supporting people who hold them, and fostering social regimes whose policies reinforce those norms. Each bears elaboration:

Inculcating norms. By definition, norms are more resistant to short-term pressures and influences than ordinary beliefs. The most common sources of norm generation are those where people spend the most time, particularly in their formative years: in their families, in their communities, and at their schools. The role of the state is to support the transmission of the norms of humanism and tolerance of diversity in these settings. State-sponsored education is one of the primary areas in which state efforts to inculcate anti-atrocity norms are likely to have the most purchase.

Reinforcing norms. Once inculcated, anti-atrocity norms should not be taken for granted. In times of crisis (real or manufactured), norm entrepreneurs try to move people off of their previous norms and to adopt new ones. Reinforcing positive norms involves actions by the state or other elements of society that reward those who promote such norms and levy sanctions against those who promote countervailing norms.

Constructing a socially resilient civil society regime. If norms of tolerance and humanism are to impede the dynamics by which mass atrocities arise, the groups and individuals who hold them need to be able to mobilize in their support. Resilience—the ability of civil society to resist extremist normative mobilization—requires space for authentic civil society to emerge and to act. States can nonetheless recognize the contributions these groups make and the underlying values they champion. The state should, in times of normalcy (that is, when not given to extremist impulses) create space for individuals and organizations to promote anti-atrocity norms. The state should also endeavor to internalize anti-atrocity norms. Conversely, a state that shuts down proponents of humanism and tolerance fails its pillar one responsibilities.

It is worth noting that civil society does not automatically embrace anti-atrocity norms or pursue an anti-atrocity agenda. Most civil society organizations are explicitly organized on entirely different dimensions. Some, such as the Belgrade-based Red Star soccer club supporters who evolved into the infamous Arkan's Tigers paramilitary unit in Serbia (and deployed to Bosnia), can embrace precisely the type of extremism that leads to the commission of mass atrocities. The role of the state in such instances is by no means clear, as slippery-slope arguments regarding the imposition of limitations on civil society freedoms are to be taken seriously. Nevertheless, the state can at least signal its approval or disapproval of different elements of civil society. Needless to say, it should signal its disapproval of those elements that could conspire, with or without state-based help, to make mass atrocities more likely.

International Assistance: Supporting the Capacity of States to Prevent Mass Atrocities

As formulated in the UN secretary-general's 2009 report, R2P's second pillar creates an international responsibility for states to help other states live up to their respective protection obligations—"to help states help themselves."[8] Given that an extensive international assistance regime already exists, the challenge is to determine how best to integrate an anti-atrocity agenda into what is already there.

If we accept that scarcity of and competition for resources sometimes prompt the dynamics that lead to conflict and atrocity,[9] then positive development outcomes may themselves reflect a contribution of aid to anti-atrocity capacity-building efforts. However, aid geared solely toward aggregate economic growth can also exacerbate existing inequalities or create new resource flows over which contending factions in society vie for control.[10]

As a beginning principle, therefore, aid should not be distributed in ways that create atrocity incentives or otherwise increase atrocity risks. The donors and recipients of assistance must be aware of the patterns of aid—such as the uses to which aid revenues are put, the distributional consequences of aid-driven development, and the effect aid has on state institutions—as they negotiate and implement international assistance programs.

Of course, international assistance also has the potential to help build anti-atrocity capacity in more direct ways. Three general categories of assistance have the potential to do so by bolstering states' abilities to deter the type of threats outlined in the previous section: security-sector reform, rule-of-law assistance, and aid to civil society. While the three areas are necessarily interconnected,[11] I address each in turn.

Security-Sector Reform

In the previous section, I noted that states' ability to protect their populations from mass atrocity threats depends in part on their ability to deter and defeat those who make such threats. Where states' security-sector capacities are weak, it follows that international security-sector assistance can be a core pillar two activity.

The modalities of doing so are not always straightforward, however. A fundamental problem arises from the dual-use nature of security-sector capacity. Without safeguards, transferring equipment (including weapons) to security services in the name of atrocity prevention invites abuse. The capacity-assistance relationship between the aider and the aided is often fraught with tension over the mutually shared objectives of cooperation, on the one hand, and the potential for deviation from those objectives, on the other.

Experience in security-sector assistance suggests that both donor and receiving partners tend to sideline the reforms most critical to long-term protection capacity in favor of more parochial and immediate security objectives. Evaluations of security-sector programs in Afghanistan and the Democratic Republic of the Congo (DRC) found a marked tendency for both parties to prioritize the apprehension of suspected criminals, often with disregard to the means employed to do so, at the expense of the development of standards of professionalism and principles of human rights.[12]

In order to mitigate conflicts of interest and ensure that the priority of reforms continues to focus on long-term protection capacity, support must be invited beyond the mere provision of material. Donors and recipients of security-sector assistance need to remain engaged in the training and professionalization component of capacity building described above. Both sides need to establish a working arrangement wherein the application of security-sector assistance is transparent.

State and international actors must also recognize that the global interest in preventing atrocities has some purchase on the sovereignty of both donor and recipient. Security-sector assistance is desirable for the reasons outlined above, but it is not an inalienable right. Donors and recipients can—and should—cease security-sector cooperation if anti-atrocity priorities are undermined. In a relat-ed matter, donors must not use security-sector assistance as a *carte blanche* reward for their global political allies, particularly in the name of anti-terrorism efforts. When security-sector assistance exists as a quid pro quo for cooperation on other lines, it becomes more difficult to realize specific, anti-atrocity-oriented outcomes.

Rule-of-Law Assistance

Building anti-atrocity capacity requires building independent institutions that influence how people relate to the state, such as those that manage elections, administer justice, and manage economic resources. These objectives broadly (though not perfectly) correspond to those elements of institutional capacity building commonly known as rule-of-law reforms. They bear in common a goal of building or strengthening institutions that reduce the prospects of arbitrary (or corrupt) interactions between the state and the individual. If successful, they contribute to the atrocity-prevention efforts by legitimizing the state and, with it, nonviolent means of pursuing political ends.

Building institutions in these areas is less a matter of transferring material than it is one of transferring skills, knowledge, and ideals. Doing so is seldom straightforward. Most fundamentally, motivations for reform must be organic rather than externally coerced or imposed. External actors can offer encouragement and incentives, but a regime that does not want to foster independent security, judicial, and governance institutions—perhaps because the regime perceives political benefits in keeping those institutions dependent upon political forces—is unlikely to make the changes necessary for effective atrocity prevention.

In such instances, capacity-building partners are better off seeking in-country actors, whether within the regime or among a broader set of stakeholders, who genuinely seek to advance rule-of-law objectives and other principles compatible with mass atrocity prevention, and supporting them to raise the profile of their cause. External support, however, can also delegitimize the cause of such actors and delay further progress toward the construction of mass-atrocity-prevention capacity. Thus, for rule-of-law assistance to be successful, it must be driven by the needs and parameters of specific political contexts, and it will be neither feasible nor appropriate in all cases.

Aid to Civil Society

Finally, and no doubt controversially, the global community can build nonstate capacity to prevent the underlying dynamics of mass atrocity crimes from taking hold. Whereas security-sector reform and rule-of-law capacity assistance necessarily focus on strengthening the state, this form of assistance centers instead on efforts to strengthen civil society.

The most direct means of bolstering civil society's anti-atrocity profile is to support those who are well-placed to counter extremist rhetoric and atrocity tactics. International assistance can help foster a specific set of political skills that would allow such individuals to outargue and outmaneuver proponents of mass atrocity.[13] (Note that this strategy is more viable—perhaps *only* viable—when institutions that protect the accessibility and transparency of the political process, as discussed earlier, are available). Second, outsiders can provide moral, emotional, and material support for the opponents of mass atrocity. Finally, they can strengthen the hand of those opponents by signaling their intent to punish or isolate mass atrocity proponents.

The important project of developing anti-atrocity norms is not one immediately amenable to outside involvement. Norms are strongest when they are developed in localized contexts and particularly in formative years, which leaves an outsize role for schools, churches, and, above all, families. Just as states can and should influence these processes but cannot dictate how they unfold, international actors can and should support their development in appropriate contexts but should not expect internationally devised programs to replace organic local processes.

That said, under the rubric of pillar two engagement, international cooperation can provide training and protection for activists who embrace and promote core anti-atrocity principles. Training, a longer-term project, entails developing skills like community organizing, civil society networking, and propaganda countering. For instance, it would be helpful to provide the same type of support offered to moderate elites to more locally based community leaders. The global community would be well served if it cultivated a community of practice consisting of scholars, activists, and community leaders who hew to the anti-mass atrocity norms described above.[14] This community could provide cross-national moral support, guidance on political strategy, and information sharing.

The global community can also help institutionalize in-country vectors of support for anti-atrocity norms. These might include state-based institutions discussed above, such as a human rights commission charged with investigating allegations of human rights violations and with raising alarms when danger signs emerge. State-based institutions could also affirmatively promote human rights through public education programs, training opportunities, and so on. Another possible useful vector is an ombudsperson office or a media watchdog, which might be charged with receiving complaints about the policies and rhetoric of public officials and private actors (and also with ensuring the safety of those raising the claims). External support for these institutions—whether in the form of material or skills and training—helps to create the space in which nonstate actors can play their part in assisting the effort to prevent mass atrocities

Evaluation and Learning

All forms of pillar two assistance must be monitored and evaluated. Currently, far too little is known about what works and what does not with respect to these areas. Learning what does and does not work is important for all public policy, and particularly for aid, since there are so many interlocutors between those who fund programs and those who are supposed to benefit from them.

Unfortunately, experience offers insufficient guidance for how to do the job better. Evaluations of security-sector assistance tend to be ad hoc and better at diagnosing what has gone wrong than they are at recommending what needs to happen to do it right. Retrospective analyses of rule-of-law assistance and civil society capacity-building efforts tell much the same story.[15] The gold standard of aid evaluation is the randomized control trial, although even its most ardent supporters argue that some interventions are more (or less) amenable to quasi-experimental methods than others.[16] Building institutions and supporting norms tend to fit into the latter category.[17] This conclusion is particularly likely to hold when the capacity building in question involves "soft" outputs like sensitivities to atrocity risks and the reinforcement of anti-atrocity norms.

Instead, efforts with respect to evaluating and improving security-sector, rule-of-law, and governance reforms have relied on the compiling of best practices.[18] Some themes emerge relatively consistently. For one, institutional capacity building is a long-term process and requires a long-term financial commitment from international counterparts.[19] Possibly extending the duration of the effort is the need to cultivate local ownership. In other words, rather than just "doing it," international actors must make sure that a robust coalition of domestic actors "wants it to be done" if capacity and institution building are to have any chance at success.[20]

Another common theme is that institutional capacity building is more effective when international partners are coordinated in their approach. In 2008, the UN secretary-general noted that poor coordination within the United Nations tended to overburden national actors and that, more perniciously, "competition and even rivalry among major bilateral donors advocating for their own national models and solutions continue to damage the impact and credibility of rule of law efforts."[21] Indeed, some government officials may seek to prevent harmonization among international partners as a means of undermining reforms about which they are unsure.[22] International partners, therefore, need to come to a common understanding on what a coordinated, locally directed, externally supported, anti-atrocity capacity-building effort entails, both generically and with respect to any specific country context.

Yet another consistent lesson is that support for reforms in all of these areas must be attentive to local circumstances. Needs defined by recipient country counterparts may not necessarily coincide with donor objectives related to anti-atrocity building. Cooperation efforts may thus entail broadening the scope of reform partnership—for example, from an elite level of government to local authorities, or from the state to civil society—in a search for like-minded approaches and valuations of anti-atrocity reforms.

An overriding lesson that emerges from experience with international cooperation in these areas is that programs can easily go astray, often falling prey to competing interests. While the theory of security-sector reform notes the imperatives of human security, and reflects many priorities key to preventing mass atrocities, practice still weighs in favor of more expedient security objectives. Anti-atrocity capacity-building efforts therefore require recognition of this gap between theory and practice, and oversight from multiple perspectives.

A final, widely applicable lesson, albeit a paradoxical one, is that no lesson is widely applicable.

Commitment Regime: Internal Review, Peer Evaluation, and Monitoring

Efforts to build domestic protection capacity would be greatly assisted by the development of a global regime to reinforce statement commitments to R2P principles, to support states' efforts to review internal risks and preventive capacity gaps, and to foster partnerships through peer evaluation and monitoring. This regime would be grounded first in the full accession of participating states to the various international treaties, conventions, charters, and declarations that underpin the R2P doctrine.[23]

However, the anti-atrocity regime needs to be more thoroughgoing than merely a clearinghouse of paper commitments. The global community might consider a system by which states that have committed fully to the principles of R2P engage in an exercise of regular internal review and/or peer evaluation based on those assessments.[24] The core mission of such a regime would not be to provide an early-warning system so much as a means of sharing anti-atrocity policy experience between countries.

Conclusion

Fundamentally, this paper recommends that we interpret the capacity building mandated by the first and second pillars of the R2P framework in light of the ways mass atrocities develop as a specific form of violent conflict. This interpretation includes efforts to build state capacity and reinforce broader social resilience to atrocity threats.

Thus, international efforts should be aimed at supporting the professionalization and logistical capabilities of the state agents (such as courts and police) that are charged with provided security; helping to promulgate norms of respect for humanity and intolerance of divisionism across all levels of the state and society; supporting those who possess those norms to act when a threat of mass atrocity crimes arises; and building a regime to help states identify when and where their own capacities need strengthening.

The measures described throughout this policy brief were chosen because they are necessary to counter mass atrocities, not because they are politically popular. These measures are nevertheless consistent with the respect for sovereignty that underpins the R2P doctrine. While these efforts surely involve substantial challenges, in the long run they will make the doctrine more robust—and the world a little bit safer as a result.

Endnotes

[1] United Nations, "Implementing the Responsibility to Protect: Report of the Secretary-General," doc. A/63/677, January 12, 2009.

[2] In some cases, elements of the military may fall under the rubric of what I am calling the police.

[3] Consociationalism refers to a system in which segments of society are guaranteed representation in both the legislative and executive operations of government, and in which a significant measure of autonomy is devolved to local levels. See Arend Lijphart. *Democracy in Plural Societies: A Comparative Exploration.* (New Haven: Yale University Press, 1977).

[4] For an extended discussion of what norms are and how they change, see H. Peyton Young, "Social Norms," in *The New Palgrave Dictionary of Economics*, 2nd ed., Steven N. Durlauf and Lawrence E. Blume eds. (New York: Palgrave, 2008).

[5] The Universal Declaration of Human Rights includes "liberty" between "life" and "security of person." I would argue that "liberty" is not fundamental in the sense that if it conflicts with either of the other two, the rights to life and to security of person deserve foremost consideration.

[6] The norm need not extend to a belief that all members of society be treated equally. Rather, nondivisionism merely requires the rejection of efforts to deprive individuals of human rights based on who they are. It also means that discrimination for other purposes (for example, the promotion of cultural expression) may be permissible but warrants scrutiny and an acceptable public justification that is consistent with the norm of humanism.

[7] The nature of the group in question—whether it is ethnic, religious, socioeconomic, or the like—is not instrumental to the norm, although this issue is fundamental to the determination of genocide. Because the scope of the analysis encompasses all mass atrocity crimes, the legal definition of genocide and the debates that encircle it do not pertain here. I should also note that I am less certain that all war crimes are covered by this framework. For example, the recruitment of child soldiers need not reflect an absence of the nondivisionism norm. The norm of humanism, as I have defined it, still applies in such instances.

[8] United Nations, "Implementing the Responsibility to Protect," paragraph 39.

[9] See Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War," *Oxford Economic Papers* 56, no. 4 (2004): 563–595.

[10] There is little cross-national evidence to support this claim as any sort of empirical regularity. However, authors like Peter Uvin, in *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, CT: Kumarian, 1998), and Peter Perrin, in "The Impact of Humanitarian Assistance on Conflict Development," *International Review of the Red Cross* 323 (1998), compellingly spell out how an aid-conflict connection might exist. See also Mary Robinson, *Do No Harm: How Aid Can Support Peace—Or War* (Boulder, CO: Lynne Reinner, 1999).

[11] As compellingly argued by Nicole Ball, Kayode Fayemi, and Funmi Olonisakin in *Security Sector Governance in Africa: A Handbook*, (London: Centre for Democracy and Development, 2005).

[12] Damian Lilly, "Faltering Reform of the Security Sector Impedes the DRC Peace Process," *Journal of Conflict, Security & Development* 5, no. 3 (2005): 371–379; Mark Sedra, "Security Sector Reform in Afghanistan: The Slide Towards Expediency," *International Peacekeeping* 13, no. 1 (2006): 94-110.

[13] Another distinct rationale—and a compatible one, in light of the preceding section—for supporting civil society is that civil society can emerge as an anchor of demand for rule-of-law objectives. See Stephen Golub, "Less Law and Reform, More Politics and Enforcement: A Civil Society Approach to Integrating Rights and Development," in *Human Rights and Development: Towards Mutual Reinforcement*, edited by Philip Alston and Mary Robinson, 297-322, (New York: Oxford University Press, 2005).

[14] The UN Office of the Special Advisers for the Prevention of Genocide and the Responsibility to Protect has begun such an effort.

[15] See, for example, Kirsti Samuels, "Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learnt," World Bank, Social Development Papers on Conflict Prevention and Reconstruction, no. 37 (2006).

[16] Dean Karlan, "Thoughts on Randomised Trials for Evaluation of Development: Presentation to the

Cairo Evaluation Clinic," *Journal of Development Effectiveness* 1, no. 3 (2009): 237–242.

[17] Michael Brzoska, "Introduction: Criteria for Evaluating Post-Conflict Reconstruction and Security Sector Reform in Peace Support Operations," *International Peacekeeping* 13, no. 1 (2006): 1–17. See Peter Albrecht, "Monitoring and Evaluation Arrangements for the Sierra Leone Security Sector Reform Program: A Case Study," Saferworld research report (January 2009), for a case study of the difficulties in measuring security-sector reform outcomes. See also Thomas Carothers, "Promoting the Rule of Law Abroad: The Problem of Knowledge," Carnegie paper 34 (2003), and Linn A. Hammergren, "International Assistance to Latin American Justice Programs: Towards an Agenda for Reforming the Reformers" in *Beyond Common Knowledge: Empirical Approaches to the Rule of Law*, edited by E. G. Jensen and Eric Helland, 290–336, (Palo Alto: Cal.: Stanford University Press, 2003), for descriptions of the conceptual muddles that render evaluations of rule-of-law assistance nearly impossible.

[18] A twenty-two-page bibliography compiled by analysts at the Stimson Center lists many such studies. Madeline England and Alix Boucher, *Stimson Consolidated SSR Bibliography*, Stimson Center, 2009, accessed February 24, 2012, at *www.stimson.org/images/uploads/research-pdfs/SSR_bibliography_spreadsheet_documents_10au09_updated_1.pdf*.

[19] For an example relating to security-sector reform, see Nicole Ball, Piet Biesheuvel, Tom Hamilton-Baillie, and Funmi Olonisakin, "Security and Justice Sector Reform Programming in Africa," Evaluation Working Paper 23, British Department for International Development (2007), 46.

[20] See Nation, Laurie, "Local Ownership for Security Sector Reform: A Guide for Donors" policy memorandum prepared for the Security Sector Reform Strategy of the UK Government's Global Conflict Prevention Pool, January 2007, www2.lse.ac.uk/internationalDevelopment/research/crisisStates/download/others/SSRReformNathan2007.pdf, 44-47.

[21] Secretary-general of the United Nations, "Strengthening and Coordinating United Nations Rule of Law Activities," Report A/223/66 (2008), paragraphs 56 and 67. Walter Slocombe notes similar dynamics with respect to security-sector reform in "NATO, EU and the Challenge of Defence and Security Sector Reform," Geneva Centre for the Democratic Control of Armed Forces, DCAF/NATO Parliamentary Assembly, 2007.

[22] For an example of this, see Hans Hoebeke, Henri Boshoff, and Koen Vlassenroot, "Assessing Security Sector Reform and Its Impact on the Kivu Provinces," Institute for Security Studies (2008): 4.

[23] These include the Convention on the Prevention and Suppression of Genocide, the Universal Declaration of Human Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

[24] The secretary-general advocated for a similar course, lauding the African Union's Peer Review Mechanism as a potential model for doing so. United Nations, "Implementing the Responsibility to Protect," paragraph 22.

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