

# ALLIES AGAINST ATROCITIES

## The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings

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## Executive Summary

A generation after Rwanda and Bosnia, many of the world powers that apologized for their lack of an early and effective response to genocide during the 1990s have yet to organize themselves sufficiently to act early and effectively to prevent or stop mass atrocities. The horror of Syria is Exhibit A. As responses to past atrocity crimes show, averting and halting atrocities requires a coordinated and sustained effort by local, regional, and international actors. A multilateral response is necessary, one that the transatlantic region has a critical role to play in shaping and leading.

The governments of the transatlantic community—the United States, Canada, and Europe—already devote significant resources and political capital to the prevention and amelioration of crises and conflicts, as well as to the pursuit of international development agendas. Without better cooperation among themselves and their like-minded cousins, efforts to address mass atrocities will continue to be reactive, slow, and devastating to human life and potential.

Individual transatlantic countries should be involved in those efforts, each bringing its unique capacities to the table. From our vantage point as US policy experts, we believe that the United States has a particularly important role to play in encouraging greater transatlantic cooperation among states on this issue.

### **US Government Efforts to Institutionalize Prevention**

All too often, the US government has faced the challenge of devising a policy response to potential or actual mass violence against civilian populations abroad, and all too often, the US and its like-minded partners have failed to meet the challenge effectively. Presidents have been markedly troubled by that failure since President Clinton subsequently apologized for the failure to take action in Rwanda in 1994 and have sought to improve the ability of the United States to respond. President George W. Bush wrote “not on my watch” in the margin of a report on US inaction in Rwanda, and his Secretary of State, Colin Powell, took the step of declaring the atrocities unfolding in the Darfur region of Sudan “genocide.” In 2005, the United States joined the rest

of the nations of the world in adopting the principle of “the responsibility to protect” (R2P) at the United Nations (UN).

President Barack Obama declared in 2011 that the prevention of genocide and atrocity crimes is “a core national security interest and a core moral responsibility of the United States.” He broke new ground by putting the United States at the forefront of institutionalizing atrocity prevention efforts at the domestic level. His administration established an ambitiously named Atrocities Prevention Board (APB) aimed at coordinating early warning and action throughout the US government. The APB has established patterns of cooperation within the US government over a period of six years, convening monthly with representatives of 11 government agencies, including agencies that previously did not specifically focus on atrocity prevention. That structure has proven bureaucratically resilient and as effective as could be expected in its early years.

With its emphasis on prevention rather than crisis response, the APB has proven itself ill equipped to prevent atrocities in countries that have already gone over the brink; Syria is the devastating case in point. When evaluated as an instrument to focus interagency attention on at-risk countries that have not typically been at the top of the policy agenda, however, the APB has created both a focal point consisting of various supportive actors within government and a capacity to push for new prevention efforts. The APB’s successes are difficult to measure, but preventive efforts in Burundi, the Central African Republic, and Kenya, stand out as having directed greater resources to those countries at high risk of violence and have had a deterrent effect in the short term, even if their long-term effect remains to be seen.

Despite the advances by the US government, transatlantic cooperation is fundamental to preventing atrocities. The challenge of preventing atrocities is not one the United States can or should shoulder on its own, yet the breakdown of Syria clearly demonstrates that the interests of the United States and its like-minded allies are ill-served by neglect.

### **The Imperative for Transatlantic Cooperation**

Since Rwanda and Srebrenica, we have seen that states working together can avert and halt atrocities. The United Kingdom intervened in Sierra Leone to prevent atrocities, the United States aided in halting Charles Taylor’s atrocities in Liberia, and France has led efforts in Mali and Côte d’Ivoire. Our partners and allies tend to focus their efforts under a variety of rubrics: atrocity prevention, the responsibility to protect, countering violent extremism, conflict prevention, stabilization, civilian protection, human rights, and human security, among others. We should be less concerned with what to

call those efforts than about their outcomes—bringing much-needed attention to the risk of atrocities and spurring action.

Some of the responses in countries at risk of atrocities have proven controversial. For example, the United States, the United Kingdom, and France—backed by the endorsement of the Organization of Islamic States and the UN Security Council—acted swiftly to prevent mass killings by the regime of Qaddafi who, describing his opponents as “cockroaches” and “rats,” said he would “cleanse Libya, house by house.” That intervention and the decisive impulse to respond to a real and imminent danger of mass killing, however, were not met by the equally essential resolve to stay the course and rebuild. The failure to follow through has had the disabling effect of casting doubt on the original judgment to act early, decisively, and with the support of the region and as a transatlantic community. It is a sad commentary that we now debate whether more lives have been lost in the ensuing disorder in Libya than were saved by the intervention to prevent a massacre.

Six years of global lassitude and indifference to crimes against humanity and spreading war in Syria constitute a devastating example of how atrocity prevention is both “a core national security interest and a core moral responsibility.” The crisis that began in 2011 with the decision of the Assad regime to open fire on peaceful protesters demanding political reform has resulted in the deaths of 500,000 people and in the largest displacement crisis since World War II, with millions of civilians fleeing to neighboring Middle Eastern countries and to Europe. The subsequent civil war also has destabilized the region, contributing to the rise of the self-proclaimed Islamic State and its record of perpetrating atrocities, culminating with the recent declaration by then US Secretary of State John Kerry that its targeting of religious minorities constitutes genocide. The crisis in Syria began, in short, with atrocities and has consistently demanded more engagement and response by the international community, particularly the transatlantic powers.

Meanwhile, international acceptance of the cornerstone concept of atrocity prevention—the responsibility to protect—is at a crossroads. Building on his predecessor Kofi Annan’s work, former UN Secretary-General Ban Ki-moon placed at the center of his agenda the principle that mass atrocities occurring in one country are the concern of all countries. The new Secretary-General, António Guterres, has had little time to make his emphasis clear, but we hope he will continue and build on the work of his predecessors. Exacerbating the challenge, Russia has sought to reinterpret the concept of “the responsibility to protect” as a pretext for intervention in its sovereign next-door neighbor, Ukraine. Russia and China also seem increasingly willing to use their veto power as permanent members of the United Nations Security Council to block



effective action to halt atrocities and ensure accountability for perpetrators. The change in US leadership raises the question of whether the atrocity prevention agenda will maintain strong political support. We believe it must.

To continue on the right trajectory, we call on the United States and its Atlantic partners to affirm their willingness to act in their own capacity to prevent atrocities and to work together to develop coordinated strategies, policies, and processes to that end. The transatlantic imperative now is to find practical ways to work together, despite differences in perspective, and to put the emphasis more squarely on preventing atrocities before they occur than on crisis response once atrocities have begun. We must work together to identify countries and populations at risk. We must undertake a full inventory of the resources at our disposal to defuse atrocity risks. Finally, we must be prepared to act in concert at the earliest opportunity.

Difficult decisions inevitably lie ahead. Political will is the essential element in any international effort sufficient to prevent mass atrocities. The absence of political will, however, is reinforced by the absence of international capacity. When there is a will, there is a way. When the way forward is not apparent, the chance of generating political will in the face of opposition is lower; the absence of capacity feeds the disinclination to act.

## **Principal Recommendations**

*1. Devise and Implement Coordinated Transatlantic Atrocity Prevention Efforts.* We call on each of our transatlantic partners to affirm that the prevention of genocide and atrocities is a core national and collective security interest as well as a core moral responsibility. Governments and international institutions must devise internal processes to coordinate atrocity prevention efforts and work with one another to internationalize strategies, policies, and processes. Early preventive action is essential, saving lives at considerably less cost than intervening to halt ongoing atrocities. In assessing risks when atrocities have already broken out, however, the United States and its transatlantic partners must recognize the danger of inaction. Future and ongoing North Atlantic Treaty Organization (NATO) and US–European Union (EU) summits are an appropriate place to affirm the importance of atrocity prevention for the transatlantic community; discussion of not only future threats to those institutions, but also current and future opportunities for prevention should be made a standing agenda item at those summits. The first place to demonstrate the credibility of such a commitment is Syria, where atrocities are ongoing. While Syria represents a failure of atrocity prevention on a vast scale, in the absence of effective action, more lives will surely be lost.

2. *Internationalize Atrocity Prevention Efforts.* In the US context, the APB is an important step forward. The Trump administration may wish to reevaluate what goals the APB can realistically achieve and what resources it requires to be effective, but the new administration should preserve the basic infrastructure of the APB, which has served to create expertise and patterns of cooperation and expand the tools available to policymakers that are critical to effectiveness within the US government. North American and European officials have been meeting informally and quietly for several years to address the issue of preventing atrocities. The APB should regularly meet and work with its transatlantic counterparts. The APB should convene a special meeting to take stock of efforts to date to internationalize atrocity prevention and plan concrete, actionable next steps. US-EU summits should include meetings between officials concerned with preventing atrocities.

3. *Improve Coordination of Financial Sanctions.* We recommend that the United States launch an international initiative to target perpetrators and enablers of atrocities with effective multilateral economic sanctions. In the United States, a specific executive order (EO) authorizing sanctions for crimes against humanity, which would correspond with other such EOs for counternarcotics and counterterrorism activities, would provide the US Treasury Department with an additional tool—one employed effectively in recent years to bring Tehran to the nuclear negotiating table. We encourage the State Department Office of the Coordinator for Sanctions Policy to address atrocity prevention as a core part of its mandate. We call on the US government to convene an international conference of our transatlantic partners and their like-minded and capable partners to coordinate efforts to punish enablers of crimes against humanity and mass killings.

4. *Develop an International Legal Framework Adequate to the Challenge of Atrocity Prevention.* After the Bosnia war, the mainstream view of European and US law deemed the Kosovo intervention to be legitimate, but not legal because of the absence of a UN Security Council Resolution and because of a cramped understanding of what constituted self-defense. That remains the mainstream view today, even when exigent circumstances exist and even when the UN Security Council clearly will not reach agreement to authorize action, under either Article VI or Article VII. Over the past quarter century, however, a pattern of practice has developed that can provide the basis for action that is both legitimate and credible under international law. The time has come to move beyond a framework that presents the alternatives as either doing nothing or acting illegally. The transatlantic community should take the lead in convening experts in international law and legal policy to develop a more effective framework. As a preliminary step, the United States and its

transatlantic partners, as well as UN and international officials, should prepare international atrocity prevention efforts in anticipation of the UN Security Council giving its approval to action. That will serve both to put pressure on the Security Council and to ready capacity to take steps outside a Security Council mandate if necessary.

*5. Prioritize Civilian Protection in Military Responses that Include Peacekeeping.* Effective peacekeeping capacity is central to all efforts to reduce the risk of atrocities in conflict. The protection of civilians is now included as a matter of course in peacekeeping doctrine and training. Reforming peacekeeping missions to equip them to better protect civilians and prevent atrocities has been an important priority for the US government and its transatlantic partners. In 2015, the Obama administration hosted the Leaders' Summit on UN Peacekeeping—which drew many militarily capable European partners—to address the critical gaps in peacekeeping, including the lack of rapid deployment capacity, and to get commitments from states to increase their police and troop contributions. The United States and its transatlantic partners must build on such recent efforts by continuing to explore effective ways to contribute to peacekeeping operations, whether by increasing direct participation or through funding, capacity building, and training. NATO must also recognize the priority of the protection of civilians from hostile forces and take steps toward developing appropriate doctrine and training. NATO should build toward a military training exercise that includes a large-scale component of protection of civilians from mass atrocities.



# Allies against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings

## Preface

As policy practitioners who concern ourselves with US national security, we write this report aware that foremost in our minds and the minds of government officials throughout the transatlantic space must be concern about the dramatic increase in first-tier international security challenges that threaten global stability. In that context, atrocity prevention can seem like a second-tier priority—a long-term project that is generally not foremost on the minds of senior officials. We categorically reject that view of atrocity prevention as a secondary priority.

There can be no clearer example of the consequences of the failure to prevent mass killings than the atrocities in Syria, which have metastasized into the biggest international crisis currently confronting world leaders. Its ramifications seriously threaten the stability of neighboring countries, such as Iraq, Jordan, Lebanon, and Turkey. Millions of people have fled the violence in Syria. Refugee flows are disrupting the politics of European countries and the United States. The Islamic State of Iraq and Syria (ISIS) arose and flourishes in the chaos of Syria and has laid claim to considerable territory in Iraq and Syria for a new caliphate.

President Obama declared in 2011, “Preventing genocide and mass atrocities is a core national security interest and a core moral responsibility of the United States.” If atrocity prevention were merely a matter of “moral responsibility,” perhaps a posture of indifference in the face of slaughter could carry the day, with little consequence except to victims. In the run-up to and at the beginning of the violence against civilians in Syria, the major international players apparently saw no moral responsibility to take action that might stop it. In failing to do so, however, they missed the “core national security interest” at stake as well—the breakdown in Syria, spiraling into a first-magnitude global crisis and humanitarian disaster.

Although the case of Syria illustrates the imperative for atrocity prevention, global challenges and instability are not new. The failure to mount a response to mass killings in Rwanda and atrocities in the Balkans was the backdrop against which the International Commission on Intervention and State Sovereignty coined the term *responsibility to protect* in 2001. The challenge of atrocity prevention is to build capacity and political consensus around the proposition that atrocities that take place in one country are the concern of all countries. Article 1 of the UN Genocide Convention, to which more than 140 states are party, legally obligates states to take action to prevent genocide. The obligation is therefore one that entails responding to early warning signs of genocide, not to wait to act until genocide is taking place. That obligation constitutes a broad mandate for early warning and early preventive action.

Preventing mass atrocities must be an element of a broader international security strategy. The failure to consider it so can have long-lasting consequences—not only for lives lost but for a fraying international order. As such, we call on the United States and its transatlantic partners to learn the lesson of Syria: Inaction can have grave consequences. Prevention of atrocities is an imperative because once they begin and the longer they go on, the harder they are to stop. A coordinated effort to prevent atrocities on the part of like-minded and capable countries—as exemplified in the transatlantic community—offers the best hope of saving lives and preventing damage to international order and our collective security.

Our purpose with this report is twofold. We have identified practical steps to improve transatlantic cooperation on atrocity prevention, and we turn to that task with some degree of specificity in the Findings and Recommendations sections that follow. As we traveled and conducted our research, however, we realized we must begin not “in the weeds” of policy but with an exhortation: *The prevention of mass atrocities is a core collective security interest of the United States and its partners.* We look the other way at the peril not only of lives lost but also of grave damage to global stability. The United States and its partners must not treat prevention of mass atrocities purely as an aspirational goal but work together in a practical and systematic way to address the challenge.

This report about how the United States can improve transatlantic cooperation on atrocity prevention has been written by two Americans. We have, however, consulted widely with our transatlantic colleagues in cities across Europe and at the United Nations in New York City, and we invited some of the top European and North American thinkers and policy experts on the subject to undertake a full review of the report and to offer criticisms and suggestions.

The partnership of the United States Holocaust Memorial Museum’s Simon-Skjoldt Center for the Prevention of Genocide, with the Stanley Foundation, has enabled us to offer this assessment.

Although we focus this report on cooperation across the Atlantic, the timing of its publication could not be more important in the United States. The authors of this report, one a Democrat and one a Republican, feel acutely the need for strong bipartisan support for atrocity prevention. We are of the view that broad statements —“never again,” etc.—tell us little about how sincerely committed a new administration and a new Congress will be to prevention efforts. We note with alarm that indifference—or worse—to the plight of victims of atrocities seems to have made a comeback in recent years. Meanwhile, some people have declared the responsibility to protect “a dead letter,” asserting the desirability of a return to a Westphalian principle of noninterference in the “internal affairs” of other states as a normative model for international politics.

In that context, we believe it is imperative for proponents of US and international efforts to prevent atrocities to make as robust a political case as possible. We count this report as an element of such an initiative. This report represents an effort to reach beyond party lines and across the Atlantic to address an issue that involves profound questions of interests and values, at home and among our transatlantic partners.

### **The Imperative for the Transatlantic Community**

Although a number of governments and institutions in the transatlantic space have come to embrace the prevention of atrocities as a national priority, most have not turned “never again” into practical measures for assessing risk, early warning, and early preventive action. It is not enough merely to have ratified the Genocide Convention, embraced R2P, and supported international tribunals in their efforts to hold perpetrators of atrocities accountable; states must act on those commitments. We call on all national governments and international institutions to definitively adopt atrocity prevention as a core national priority.

Discrete efforts focused on atrocity prevention can and already have driven resources and policy attention to conflicts that would otherwise escape attention at a time of foreign policy challenges and confusion. The formal establishment of atrocity prevention as a core national security priority in the United States by President Obama and declaratory support for R2P have mobilized support for action among our transatlantic partners, even if their governments have yet to state that atrocity prevention is a core national security priority. In the absence of formally articulated statements about the

interests and values engaged by atrocity prevention or the damage to international reputation and order caused by looking the other way, transatlantic partners might well have refrained from taking action to prevent massacres in Libya and on Mount Sinjar in northern Iraq, where trapped Yazidis faced certain death at the hands of ISIS. The fragile consensus that has grown around the idea that preventing atrocities is something the transatlantic community must concern itself with—as a matter of moral responsibility, national interest, or both—was not enough, however, to unify those states around an effective approach to the situation in Syria. Clearly, more must be done within the United States and across the Atlantic to build and sustain support for preventive and protective efforts.

Our transatlantic interlocutors readily acknowledge that the United States has developed broad governmental capacity to scrutinize and systematize approaches to prevention and to marshal, through diplomacy, the support of other states and international actors. Indeed, our interlocutors drew our attention to how far ahead the United States was in creating a government structure, the Atrocities Prevention Board, to call policy-level attention to the risks of atrocity, particularly in countries—ranging from Burundi to Guinea—that are less likely to receive timely policy attention at senior levels. In fact, our partners acknowledge that the APB has served to galvanize action among them to improve their own policies and processes on atrocity prevention.

Nevertheless, individual governments and institutions in the transatlantic space bring unique histories, capabilities, and priorities to this issue. We have benefited from briefings by transatlantic officials about the initiatives they are undertaking, the resources they may be prepared to commit, and the rubrics under which they endeavor to meet challenges in atrocity prevention. It is not for the US government or for the authors of this report to try to spell out what other governments should do; we wish only to reiterate the imperative for all transatlantic actors to do more.

## Findings

### **The Cases of Libya and Syria**

Any assessment of transatlantic efforts to prevent atrocities must begin by acknowledging not one, but two elephants in the room: Libya and Syria. In the case of Libya, we have the most dramatic action the transatlantic partners have undertaken for the sake of atrocity prevention since NATO's 1999 intervention in Kosovo—and unlike Kosovo, action that looks, a few years later, to have been a failure in terms of creating a stable and satisfactory outcome. In the latter case, Syria, we have the most dramatic example of transatlantic inaction to prevent atrocities since Darfur or even Rwanda, with an outcome to date even more appalling than that in Libya. We offer a brief analysis of those two cases.

We believe that NATO military action taken in accordance with UN Security Council Resolution 1973 did indeed prevent, at the eleventh hour, a massacre that would have included innumerable civilians, as Qaddafi regime military units closed in on the opposition stronghold of Benghazi. The resolution explicitly invoked the principle of the “responsibility to protect” and authorized “all necessary measures” to do so. We credit the Obama administration, the United Kingdom, and France for their leadership in demanding a response to an unfolding catastrophe (although the initial proposals for a no-fly zone would have been insufficient to protect civilians from Qaddafi's advancing tanks).

Our colleagues Ivo Daalder and James Stavridis, then, respectively, US ambassador to NATO and NATO's top commander, writing in *Foreign Affairs* not long after the fall of the Qaddafi regime, rightly accepted the characterization of the Libya operation until that point as a “model intervention.” Indeed, Libya had it all:

- Two UN Security Council Resolutions, including one explicitly authorizing member states to use military force
- A UN Security Council referral of the situation in Libya to the International Criminal Court (ICC) where the prosecutor sought and won charges against Qaddafi, one of his sons, and his secret police chief for war crimes and other atrocities
- A request for intervention from the Arab League

- A NATO alliance agreement to take on the mission
- An international political posture in which the United Kingdom and France were willing to take a higher public profile than the United States

Unfortunately, several undesirable consequences followed that “model » intervention. The first and most serious was that the security situation in Libya deteriorated markedly and today is in perilous straits, with rival armed forces and militias vying for power and al Qaeda and Islamic State affiliates gaining influence. The intervening states grossly overestimated the capability of a successor regime to Qaddafi to maintain security in Libya. Some people have pointed to bad choices made by Libyans in the early post-Qaddafi period as the primary cause of deteriorating conditions. It seems to us, though, that the intervening states’ overestimation of local capacity was intimately tied to the firm, up-front unwillingness of those states to maintain a serious presence on the ground—despite NATO’s planning and readiness to play a transitional role following the air campaign, according to what officials there told us. Those states, no doubt, had good reasons for wariness, but that choice carried consequences and they were very bad. President Obama himself subsequently acknowledged the consequences of the failure to prepare for a handoff either to NATO or to UN peacekeepers, the Blue Helmets.

In addition to the problems Libyans are now facing, the cost in unity of purpose among transatlantic partners was considerable. Germany, in particular, did not respond to requests to participate in the military intervention (although Germany chose not to block the mission at NATO, allowing it to go forward as a NATO operation). A number of other NATO allies did not participate and—it must be said—the usual US demarche machine, which had swung into action to promote support for US military involvement in Iraq, Afghanistan, and elsewhere, was markedly absent in the run up to the US-led air campaign over Libya, which resulted in transatlantic participation being highly circumscribed.

A view widely expressed in Berlin now, especially in light of the subsequent security breakdown in Libya, is that the intervention was a mistake. Germany thereby claims vindication of its early position; one is mostly left to wonder what the candid views are today of those officials in Paris, London, Washington, DC, and elsewhere who promoted intervention at the time. The intervention succeeded in averting a massacre; but although lives were saved, no one can seriously claim that the physical security of Libyans has since improved. That is the result of failure to mobilize US diplomacy to broaden transatlantic support for and participation in the initial prevention effort and for subsequent handoff to a transitional authority.



Nevertheless, we contend that Libya's current problems hardly constitute vindication of the view in 2011—or subsequently—that intervening would be a mistake. The point of comparison is not the Libya of today against a stable Libya under Qaddafi. By the time of NATO's intervention, Libya already was engulfed in civil war. From that point, the only plausible counterfactuals would have been Qaddafi crushing the resistance, with attendant large-scale atrocities against civilians, or a protracted civil war, à la Syria. Even under current conditions, refugees from and persons internally displaced in Libya are a smaller share of the population than those in Syria.

The second undesirable consequence of the “model intervention” in the Libya case flows from the two UN resolutions offering fulfillment of the “responsibility to protect” as one of their primary justifications. The NATO military mission, however, went on to, in effect, assist the Libyan opposition in toppling the Qaddafi regime and killing its ruler. Regime change was not explicitly a part of the UN authorization. In diplomatic circles, officials justified an expansive view of the UN mandate by claiming that the Qaddafi regime had lost all legitimacy and that populations were in danger as long as it continued in power. We believe that those claims were plausible and that military action under R2P carries no implicit constraint requiring that perpetrators of atrocities be maintained in power. Many governments, however, expressed subsequent misgivings. Russia and China, in particular, took advantage of the opportunity to denounce what they characterized as an abuse of the UN Security Council mandate, expressing unwillingness to authorize further interventions in the name of protecting civilians lest those authorizations be similarly distorted. Russia and China were unlikely supporters of US civilian protection efforts in Syria under any circumstances, but the alleged overreaching under color of UN Security Council Resolution 1973 provided an additional excuse for inaction.

Many people regard R2P as having been damaged in action by Libya, and there has been altogether too much loose talk about R2P becoming a dead letter after Libya. In fact, at this writing, the UN Security Council has approved about 30 resolutions citing the responsibility to protect since Resolution 1973 in 2011. An important point to emphasize is that a key element of R2P and atrocity prevention in general is early action, with the goal of obviating the necessity of future military intervention.

The third undesirable consequence was that the Libya model of intervention created problems of its own with regard to future efforts to protect civilians in dire circumstances. Potentially, Libya sets a very high bar for action precisely because Libya had it all: as noted, two Security Council resolutions; an ICC

referral and charges; a request from the relevant regional organization; a willing military alliance; and a judgment among relevant capable militaries that the mission was readily achievable. Even before the post facto discontent over Libya metastasized, it was reasonable to wonder whether a similar set of preconditions could or would be met in a future conflict that endangers civilians. One must ask, then what? On what basis does the international community proceed?

Unfortunately, the empirical test of that question came quickly. In spring 2011, Syrian ruler Bashar al-Assad, beset by (almost entirely) peaceful protesters demanding reform, chose to respond by opening fire on demonstrators. By August, major transatlantic partners—including the United States, the United Kingdom, France, and Germany—had condemned the attacks on civilians and called for Assad’s ouster. Any notion of a repeat play of the Libya intervention was far off base, however, notwithstanding Assad’s ongoing atrocities against civilians. Russia and China—citing, in part, the experience of Libya—blocked Security Council action demanding that Assad cease his attacks on civilians; Russia also saw in Assad a potentially valuable ally in reasserting Moscow’s international influence. Likewise, a UN Security Council referral to the ICC was impossible to secure. Qaddafi was a pariah among Arab League states; Assad’s position was more complicated. NATO was uninterested in a Syrian intervention in the absence of Security Council authorization. When outside observers called for the United States and its partners to establish no-fly zones and safe havens for internally displaced persons, US officials noted that Syrian air defenses were significantly better than those in Libya (although some US military commanders believed that Assad’s defenses, even if better than Libya’s, presented no serious obstacle to US air supremacy).

Although France and the United Kingdom urged more forceful action in the early phase of the crisis, the United States resisted, and the atrocities in Syria continued to mount. Assad’s methods became more indiscriminate, including “barrel bombs” dropped on civilian areas. Finally, Assad was caught red-handed (in the view of almost all observers, his ally Russia being the major outlier) using chemical weapons on his people. President Obama had long declared use of chemical weapons a “red line” Assad must not cross. When the Syrian ruler did, Obama declared his intention to launch a punitive military strike.

In light of the United Kingdom’s parliamentary rejection of a military strike and a likely rejection of military action by the US Congress, however, a *deus ex machina* descended on the crisis. Russia came forward with a proposal

whereby Assad would relinquish his chemical weapons supplies for destruction, to be carried out under international supervision, including many transatlantic partner countries. Assad agreed, and Obama had what he needed to avoid doing what he clearly did not want to do—namely, enforce his “red line” on chemical weapons use with a military strike.

Although many critics of the administration were skeptical of Assad’s ability or willingness to comply, he did indeed disgorge himself of chemical weapons stocks in large quantity—a significant exercise by the Obama administration in atrocity prevention by diplomatic means. Although it is a challenge to imagine how the situation in Syria could have turned out worse than it was by winter 2016, the presence on the scene of large quantities of chemical weapons stocks and the prospect of their falling into the hands of ISIS rebel fighters certainly suggests one way. (We note that Assad would also likely have been willing to relinquish his chemical weapons stocks as the price of a halt to reprisal strikes against his military assets for using such weapons. That was a road not taken, and we note this in rebuttal to the proposition that the Russia-brokered deal he accepted was the only way to eliminate large quantities of his supplies. We also note that Assad, having paid no price in military reprisal for his extensive attacks on civilians before or after that incident, has been undeterred from continuing such atrocities.)

Meanwhile, out of the chaos of Syria, ISIS was emerging as a potent local force, attracting foreign fighters from around the region and from the United States, Canada, and especially our European allies. The magnitude of the challenge it posed came into focus for transatlantic publics with a series of beheadings in summer 2014. When ISIS, threatening extermination, drove large numbers of members of the Yazidi community of Iraq from their homes to uncertain refuge on a mountainside, the United States and some transatlantic partners returned to the fight in Iraq to protect them from a massacre—again, a praiseworthy Obama administration exercise in atrocity prevention. Although several US allies joined the fight in Iraq, where the government requested assistance from abroad, some remained unwilling to take military action against ISIS across the border in Syria—for political reasons or out of concern over the legality of such operations under international law.

The imperative of atrocity prevention as a rationale for policy, however, receded except in a general way. Although government officials had a general understanding that ISIS commits atrocities as a matter of policy, that the dimension of its atrocities is limited only by its resources and capacity, and that destroying or degrading ISIS will prevent future atrocities, officials

mostly described the fight against ISIS as a matter of counterterrorism policy and self-defense. Had the transatlantic community recognized the connection between ISIS's political aims and its deliberate policy of mass killings, the humanitarian and security imperatives of taking preventive action would have been clear.

As the Syrian breakdown intensified, casualties (among fighters and civilians) reached into the hundreds of thousands. Refugees streamed across Syria's borders, creating severe challenges in neighboring countries and in Europe and lending a new dimension to an escalating crisis.

The deterioration of conditions in Syria over six years shows how the failure to deal with a humanitarian crisis in a timely fashion can turn into a serious threat to the security interests of the United States and its transatlantic partners. We must be wary of the assumption that a situation that begins with a dictator committing atrocities will solve itself rather than escalate into a first-order security challenge. There is no more vivid illustration than Syria of how taking action to prevent genocide and mass atrocities is a core collective security interest of the transatlantic community.

Worldwide, more than 60 million people are refugees or internally displaced. In fleeing conflict that endangered them and their families, either as "collateral damage" or as the direct targets of hostile forces, they were engaged in a kind of self-help prevention of atrocities: atrocities against themselves. In most cases, no currently foreseeable path exists that will lead those people home. The situation would be far better had the United States and its transatlantic partners been willing and able to coordinate effective preventive measures.

### **International Findings**

*The Principle of the Responsibility to Protect Is at a Crossroads* Eleven years have passed since the landmark endorsement by the UN General Assembly of the principle that mass atrocities that take place in one state are the concern of all states—a position heavily promoted by the transatlantic community. From the distance of a decade, it is understandable to judge that the unanimous General Assembly endorsement of the Responsibility to Protect in September 2005 was a high-water mark in the development of a normative architecture in support of preventing and halting atrocities. Today, indeed, both the wide international acceptance of the concept of the R2P and the considerable effort to build capacity and political will to enforce the principle must cause like-minded and capable states to carefully weigh next steps when confronted with atrocity situations.

The durability of the norm, efforts to build capacity, and the will to enforce it, however, are at a crossroads. On the tenth anniversary, some were loath to pursue efforts seeking a reaffirmation of the 2005 statement, expecting that whatever consensus existed 10 years ago was much weaker now. Efforts to emphasize the elements of the responsibility to protect that concern early assistance and capacity building rather than intervention have been welcomed, but have not fully dispelled hesitation.

The stigma of atrocity prevention still forces the UN Security Council to address potential threats to vulnerable populations under the rubric of “other business,” even when the dangers are telegraphed in the media and are plain for all to see. Efforts to regularize “horizon-scanning” briefings for the Security Council to raise the saliency of potential atrocity situations have been routinely stymied.

*UN Peacekeeping Is Central to the Effort to Deter, Stop, and Prevent Mass Atrocities* As transatlantic states have concluded, UN peace operations are central to an international effort to deter, stop, and prevent mass atrocities. Significant progress has taken place at the United Nations, but issues that have hobbled the UN’s capacity for more than a decade linger. The UN is better prepared than other bodies doctrinally to carry out peacekeeping efforts, particularly where civilians are at risk. NATO and several of its member states conduct ongoing training of UN forces and help to develop appropriate doctrine. UN member states welcome that assistance. The UN also has successfully taken steps to authorize missions and actively train peacekeepers to fulfill their mission to protect civilians, a major advance since the failure of Blue Helmets to prevent mass atrocities in Rwanda and Srebrenica. The declaration at the African Leaders Summit in Kigali in 2014 marked a significant step toward broadening UN consensus to ensure that mandates provide adequate authority and direction to peacekeepers to meet their commitment to protect civilians. In addition, there is wider agreement that Chapter VII mandates must include clear language giving UN troops direction and authority to use all necessary means to protect civilian populations.

Some of the concerns that encumbered peacekeeping a decade ago persist. Peacekeeping remains the domain of the global south. More than 40 percent of UN peacekeeping troops still come from countries with less than \$1,000 per capita income. The peacekeepers’ effectiveness is limited, though, because of the absence of senior-level staff officers, key enabling capabilities (rotary wing airlift; medical evacuation; intelligence, surveillance, and reconnaissance [ISR]; etc.), and well-trained and combat-experienced troops,

particularly at the early phase of peacekeeping operations, when force may be necessary to establish control and to protect at-risk civilians.

A number of European states are beginning to consider a new, deeper support or, in certain cases, even direct participation in UN-authorized or Blue Helmet operations. This is admittedly a fragile development, but it is a subject of active discussion within several militarily capable NATO and EU nations. We have no expectation of a sudden or dramatic increase in the number of Blue Helmets coming from transatlantic partners. With the drawdown of troops from Afghanistan and the withdrawal of combat troops from Iraq, however, many transatlantic defense ministries have been considering UN peacekeeping operations as a way to address core national security needs while keeping the skills of their forces sharp. Dutch participation in Mali, for example, was tied to its concerns about terrorist threats emanating from the region. In the United Kingdom, Germany, and elsewhere, a reconsideration of routine participation in peacekeeping operations is under way. Germany has deployed 650 soldiers to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Homeland defense requirements and treaty commitments to NATO must have first claim on alliance forces, and, indeed, France has been considering limiting participation in UN peace operations in light of domestic terror threats. That would be regrettable. Most militarily capable states have the capacity to see to domestic and alliance needs and also contribute to UN peace operations.

A remaining problem is the inability of the United Nations to send forces to conflict zones in a timely manner. In September 2015, the Obama administration took the unusual step of hosting a summit on peacekeeping at the United Nations, which gathered several militarily capable European partners, including Denmark, Finland, France, Germany, the Netherlands, Norway, Romania, Turkey, Serbia, Spain, Sweden, the United Kingdom, and NATO around the principle of faster deployment. At the same time, the Administration announced the results of a yearlong review to “address critical gaps in peacekeeping missions,” which culminated in a new presidential memorandum on the subject. According to the White House, the peacekeeping summit yielded commitments by more than 50 countries of up to 40,000 new troops and police available to UN peacekeeping operations.

The availability of experienced European forces to take part in the vanguard of operations is a particular priority. Having more troops from willing and capable nations serves a strategic US interest and was a motivating factor in President Obama’s welcome decision to host the UN meeting. Although preventing and responding to mass atrocities was not an explicit rationale for



that initiative, our discussions at the United Nations made clear the central importance to atrocity prevention the militarily capable states of the transatlantic space ascribe to a more agile and effective UN peacekeeping capacity.

*Atrocity Prevention Can Take Place under a Variety of Labels* In Europe, economic uncertainty, uncertainty about the future of the European Union, and concerns about security challenges to the east and south have contributed to a public and political leadership that are increasingly preoccupied with events at home and nearby. Nevertheless, European governments remain among the world's most generous donors of international assistance, and both the European Union and national capitals remain committed to policies and programs of assistance that fall within a broad rubric of "atrocity prevention," whether or not they are so designated. Those policies and programs exist under assorted banners: conflict prevention; stabilization; development; human rights; gender equality; human protection; preventing religious persecution; countering violent extremism; and, of course, the responsibility to protect. In some instances, those parties that approach situations through a particular lens have had difficulty viewing the problems they are addressing through other lenses, sometimes leading to a dismissive view of other perspectives. Often, that distrust, suspicion, or defensiveness can be overcome through dialogue that emphasizes not the primacy of a single approach, but bridge-building between various approaches—acknowledging what each might have that complements others rather than seeking to supplant the priorities of others. Such critical dialogues about perspectives are ongoing at the level of national governments and are beginning to be taken up informally at the working level internationally, especially in the transatlantic space.

A number of informal vehicles have been devised to regularize interaction among officials whose responsibilities include prevention and response to the threat of mass atrocities. Those vehicles include the State Department Bureau of Conflict and Stabilization Operations' annual Stabilization Leaders Forum bringing together Australia, Canada, France, Germany, the Netherlands, the United Kingdom, and others to share best practices and discuss national efforts in specific regions. On the ground, the United Nations has taken steps to coordinate various national efforts with the establishment of Joint Mission Analysis Cells (JMAC) to forge links between embassy teams and the United Nations, including in the Central African Republic and South Sudan.

On a national level, some like-minded governments have taken internal steps to organize themselves to take preventive action in regions of concern. The United Kingdom, for example, is experimenting with an intelligence-led

process to identify countries that would not otherwise be prioritized by London, but where the risk of instability is judged to be high. The UK government has made available attendant resources to put toward prevention efforts in those states or regions. Such national efforts have yet to be coordinated internationally.

*The Legal Basis for Intervention to Halt Atrocities Remains Disputed* The legal basis for intervention to stop atrocities in the absence of a Security Council resolution continues to be problematic, yet Article I of the Genocide Convention imposes on states a legal obligation to prevent genocide. We note that the clear imperative is to act before a finding of genocide can be made, otherwise an obligation to “prevent” would be meaningless. Denmark and the United Kingdom are among the (small) number of states that have recognized a legal authority for humanitarian action to prevent atrocities. The judgment some states passed on NATO’s intervention in Kosovo in 1999—“illegal but legitimate”—retains salience today, although to some states (including Russia), the operation was illegitimate as well.

*Civil Society Can Play an Important Role in Prevention* NGOs operating in the transatlantic space continue to play a leading role as a spur to international action in specific cases and for development of atrocity prevention efforts more generally. In addition, there is substantial Track II, or nongovernmental, support in the United States for atrocity prevention, including a recent Track 1.5 initiative, the Atrocity Prevention Study Group, which draws together current and former government officials as well as NGO participants for a monthly off-the-record discussion of a topical issue related to atrocity prevention. Our transatlantic interlocutors have told us that, in many cases, little nongovernmental work is occurring specifically on atrocity prevention.

Important individual voices of conscience notwithstanding, transatlantic national parliaments do not yet seem to be especially engaged on the issue of atrocity protection. Greater involvement on the part of parliamentarians could be a source both of momentum to increase cooperation on atrocity prevention and of political will when concerted action is necessary.

## **Findings on US Efforts to Internationalize and Institutionalize Atrocity Prevention**

### *The Atrocities Prevention Board Is Establishing Patterns of Cooperation*

*Among Disparate Agencies* The Obama administration had considerable success in reforming internal US government processes to better identify atrocity risks and take early preventive action. President Obama deserves credit for his August 4, 2011, Presidential Study Directive 10 (PSD-10), a directive to the government to establish an “Atrocities Prevention Board” convened by a senior director of the National Security Council staff and consisting of representatives from all relevant departments and agencies of the federal government: the Departments of State, Defense, Treasury, and Justice; the intelligence community; the United States Agency for International Development (USAID); and others. Establishment of such an interagency body to meet regularly was a marquee recommendation of the Genocide Prevention Task Force. The APB first convened in 2012.

Activities conducted at the classified level have entailed monthly “deep dives” into countries deemed at risk of atrocities, with a view toward devising preventive policies tailored to the specific situation. Despite initial resistance within departments and agencies, the APB has gained purchase over time at the working level. One significant advantage it provides is to ensure that all relevant agencies have a chance to hear the perspective of the intelligence community, which briefs the APB each month. Another advantage is that the body is making progress in mainstreaming atrocity prevention as a national priority throughout relevant government agencies. The APB also has had success in elevating countries at longer-term risk to the attention of the interagency at a time when senior policy makers are preoccupied with more immediate crises. The APB has adopted a long-term risk assessment tool jointly developed by representatives of the State Department and USAID.

The APB has been most effective when it has been able to coordinate closely with the embassy of an at-risk country—hardly a uniform success, but the body has been able to demonstrate real value-added to ambassadors in terms of assessing risk and devising mitigation strategies. Although President Obama formalized its establishment with an executive order in his final year in office, the APB has no statutory authority or budget. It would be more effective if it had dedicated resources to direct to prevention efforts in countries at risk. Nevertheless, the APB has proven to be a useful body and should be continued in future administrations.

As one of the APB’s major lines of effort, the Bureau of Conflict and Stabilization Operations (CSO) serves as the State Department’s secretariat

for the APB and, informally, for the US government more broadly. As secretariat, CSO helps coordinate the State Department's participation in the APB, leads analysis and planning for countries at risk, and helps mainstream atrocities prevention in the department through atrocities prevention training and tool development. CSO and USAID, for example, developed an Atrocities Assessment Framework, which provides supplemental guidance to their respective conflict assessment frameworks. Supporting CSO's role is an appropriate use of existing State Department resources to advance efforts to mainstream atrocity prevention. The APB would be more effective in spurring early action if it had dedicated resources at its disposal for deployment in response to indicators of developing atrocity risks.

Some people hoped for an APB that could be tasked quickly in an unfolding crisis. Indeed, the APB was established as civilian casualties in Syria were continuing to mount, leading outside critics to question why an "Atrocities Prevention Board" was doing nothing to prevent atrocities there. In fact, it is unlikely that this or any future iteration of the APB will have much of a role to play once a crisis has reached the inbox of senior policy makers. Under such circumstances, the role of the APB is necessarily limited to that of a potential interagency resource that senior officials can task as they see fit.

The APB has settled into an appropriate policy niche: long-term risk assessment and mitigation. Its name overpromises on its deliverables. In addition, when it does contribute to successful mitigation and prevention efforts, no one will know. How do you prove prevention? Only the failure to prevent atrocities is knowable. A humbler name under the new administration—perhaps the Atrocity Risk Reduction Board (ARRB)—would help clarify roles and expectations.

Some people have speculated that, with success over time in mainstreaming atrocity prevention, an APB will no longer be necessary. We believe, however, that an important element of the work of the APB is to ensure that all elements of government come together to consider risk indicators and possible responses. Although successful mainstreaming will help ensure that risk indicators do not go unnoticed, responses will necessarily remain uncoordinated in the absence of a body to coordinate them.

*Government Agencies Have Begun to Take Atrocity Prevention Seriously* The imperative of atrocity prevention has gained considerable purchase throughout the United States government during the Obama administration, building on precursors from the administration of George W. Bush, such as the official attention directed toward Darfur and repeated calls for accountability for perpetrators of atrocities. Spurred by PSD-10 and the APB, as well as inside

and outside encouragement, the US government at the department and agency levels has also seen some early success in mainstreaming atrocity prevention in policy processes.

In the case of atrocity prevention, mainstreaming means that each agency and office, in the course of its daily activities, will examine the problems it is charged to deal with through a lens of atrocity prevention as well as its dedicated specialty. For example, does a sporadic increase in rural murders in a country have an ethnic component? Is the criminal justice sector in a country routinely biased against a specific group? Does the ethnic composition of a police or military force fail to reflect the subpopulations at local levels in a country? Is a contested election on the horizon? A “yes” answer to any of those questions may be an indicator of a risk of atrocities yet might be easy to overlook in the absence of specific training (a process in its early stages, at best, and varying by agency). When officials in all offices have an ingrained sense of what to look out for, the likelihood of picking up early risk indicators, sharing them internally, and devising mitigation strategies will be much greater.

The intelligence community, now tasked to produce an annual assessment of atrocity risks, has embraced atrocity prevention as an important driver of analysis. The briefings the intelligence community provides to the APB now ensure that all relevant agencies receive a common intelligence analysis of countries at risk. That is a useful predicate both for consideration of policy options within an agency and for coordinating agencies into a whole-of-government approach.

The State Department continues to experience familiar tension between its functional and regional bureaus over atrocity prevention. As noted, CSO serves as the department’s secretariat for the APB, working in close collaboration with other relevant bureaus and offices, such as the Bureau of Democracy, Human Rights, and Labor; the Office of Global Criminal Justice; and the Bureau of International Organization Affairs (IO). IO has also been highly active in promoting international prevention efforts, especially at the United Nations. In some cases, functional bureaus have won over officials in regional bureaus with their ability to demonstrate the value added the APB and CSO can provide. Some ambassadors have been very interested in the additional insight and resources the APB has been able to provide; others, less so.

Training in atrocity prevention for diplomats has been available through the Foreign Service Institute, thanks to early efforts of IO to create that training. CSO has also developed atrocity prevention training, focused on how to assess and respond to situations with atrocity risk. CSO and IO training has been

well received by participants, but because the sessions are voluntary, the participants are self-selecting because of an interest in atrocity prevention. The family of bureaus reporting to the Undersecretary for Civilian Security, Democracy and Human Rights (J) and IO display considerable openness to internationalizing atrocity prevention. As a result of fact-finding inquiries for this report, officials from the United States and Canada have agreed to participate in each other's training programs, with a view to identifying commonalities, differences, and potential areas for improvement.

USAID has contributed significantly to atrocity prevention efforts. Some people in the development and assistance community—in the United States, as elsewhere—take the view that local political considerations (including, for example, atrocity risks) and political goals from donor countries (in this case, atrocity prevention and all it entails in terms of assessing risks and devising prevention strategies) should not figure prominently in their mission. Although much progress has been made, the need remains for officials at USAID and elsewhere to continue to make a compelling case for atrocity prevention internally. State and USAID jointly created an Atrocities Assessment Framework for use in assessing country risk, an outgrowth of an APB assessment team's visit to Burundi in 2013. USAID's Field Guide to atrocity risk assessment and prevention is a very useful tool for front-line officials.

The Defense Department, building on Harvard University's work on mass atrocity response operations, is now well on the way to integrating atrocity prevention into doctrine, planning, and training through mainstream processes in the civilian and military sections of the Pentagon. Some individuals in the various military schools and academies have also become convinced of the importance of atrocity prevention and the role the US military may have to play. Some of those schools, of course, also train military officers from other countries, including transatlantic and other allies, other like-minded and capable states, countries that have suffered from atrocities, and neighbors of those countries.

Other agencies, such as the Justice Department and the Treasury Department, have begun internal processes to consider how they can contribute to atrocity prevention efforts through their international bureaus. Financial sanctions, asset freezes, and visa and travel bans are among the issues officials have assessed. The Treasury Department's Office of Foreign Assets Control does not currently have the functional authority to target perpetrators and enablers of atrocities, as it does for drug traffickers, members of organized crime, and perpetrators of cyber offenses. The office has broad latitude, however, for action against nationals of a state designated for sanctions, including human rights violators and perpetrators of atrocities.



The focus of the Atrocity Prevention Board in its early years has been, appropriately, on the operation and activity of the US government and the interagency process. US officials to date have understandably found dealing with their counterparts within the US government a full-time task, especially as their respective agencies try to make sense of atrocity prevention as a goal of US policy. Establishing the APB, building constituencies for it, and regularizing its operations were no small challenge. The APB has yet to undertake significant outreach to explore ways in which it may be able to work with transatlantic allies and other like-minded and capable governments on the common project of atrocity prevention. In the meantime, informal consultations between the United States and some of its transatlantic partners on atrocity prevention have taken place with some regularity.

### **Recommendations to the US and Broader Transatlantic Community**

*Devise and Implement Coordinated Transatlantic Atrocity Prevention Efforts*  
We call on the new US administration and each of our transatlantic partners to affirm that the prevention of genocide and atrocities is a core national and collective security interest and a core moral responsibility. Governments and international institutions must devise internal processes to coordinate atrocity prevention efforts and work with one another to internationalize strategies, policies, and processes. Early preventive action is essential, saving lives at considerably less cost than intervening to halt ongoing atrocities. In assessing risks when atrocities have already broken out, however, the United States and its transatlantic partners must recognize the danger of inaction. Future and ongoing NATO and US–EU summits are an appropriate place to affirm the importance of atrocity prevention for the transatlantic community; some discussion of not only future threats to those alliances, but also future opportunities for prevention should be made a standing agenda item at those summits.

*Reassess Participation in Peacekeeping* It is time for the capable states of the transatlantic community to reassess the ways in which they support—or even participate directly in—UN peacekeeping operations, particularly those authorized to carry out a “protection of civilians” mandate under Chapter VII of the UN Charter. At the next US-EU summit, the leaders should announce plans to deepen their support for and participation in UN peacekeeping operations. The United Nations needs the leadership of capable and well-trained forces to meet growing peacekeeping needs, particularly in the early phases of an operation. That is especially the case for countries that have decided not to participate in counter-ISIS operations or in Afghanistan. Their participation in Blue Helmet or other UN-authorized operations will

contribute significantly to the effectiveness of UN operations and lessen the potential burden on the United States and others engaged in stabilization and counterterrorism operations elsewhere.

Strong support from the transatlantic community is essential to optimizing the performance of all organs of the United Nations that deal with atrocity prevention. Without constant support and nurture from like-minded and capable national governments acting in concert, the mission of preventing atrocities will be much more difficult for participating officials and offices. Those parties include the Secretary-General's special advisors for genocide prevention and for the responsibility to protect, the Human Rights Office in the Secretariat (and the broader Human Rights Up Front initiative), the Department for Peacekeeping Operations, and the Human Rights Council. A concerted effort on the part of the transatlantic community to reach out to other like-minded countries will also yield dividends in pursuit of broader acceptance of the need for effective atrocity prevention.

*Limit the Use of the Veto at the UN Security Council* The French government has proposed voluntary withholding of the veto among the permanent five (P5) states in atrocity situations. Although we sympathize with its aims, it is unlikely ever to be accepted by the P5. In solidarity with the spirit of the French initiative, the United States, transatlantic partners, and other like-minded states should, nonetheless, unite to take steps to raise the political costs of invoking a veto in atrocity situations. Such a veto should be considered an outmoded and irresponsible approach, not worthy of the permanent members of the Security Council, who have a unique responsibility under the UN Charter to maintain international peace and security. The 27-nation ACT Group, for example, recently proposed a Security Council Code of Conduct, in which members (P5 and others) voluntarily pledge not to vote against credible resolutions to prevent or halt atrocities. Among the P5, the United Kingdom and France have led the way in pledging not to use the veto in atrocity situations, and the United States should join them.

*Broaden the Concept of Civilian Protection* Militarily capable states have traditionally seen civilian protection as a concept designed to limit collateral harm to civilians in combat situations. Under long-settled international law, the deliberate targeting of civilians is a war crime, and even legitimate military targets may be off-limits if excessive loss of civilian life would occur in attacking them. That is "civilian protection" in its most basic sense. In the UN context, the concept has broadened in recent years to focus on ensuring that protection of civilians against attack by hostile forces is a core part of any UN peacekeeping mandate. Building support for the effective implementation

of mandates and training in protection of civilians and otherwise preparing UN peacekeeping forces to undertake that role must be an important aim of the transatlantic community.

NATO is taking steps to broaden its conception of civilian protection to include the protection of civilians from attack by hostile forces. NATO should continue by introducing into a large-scale joint training exercise a component involving protection of populations under threat of atrocities. NATO's intelligence assets should include risks of atrocities in their assessments of emerging threats. In light of the Syria crisis, the North Atlantic Council should begin a dialogue on the importance of atrocity prevention and early action to the security of its members. NATO should include atrocity prevention in its comprehensive plans for security challenges and should announce its continued support for and commitment to providing training to UN peacekeeping forces.

*Improve International Contact and Coordination* Informal meetings among officials of like-minded states with day-to-day policy level responsibility for conflict management should continue. More important than whether those meetings become formalized is that supportive countries that organize themselves differently have an opportunity to coordinate their efforts, compare best practices, and compare notes on the approach each government is taking to the issue. The focus should be on improving efforts on how to operationalize atrocity prevention in practice. The Stabilization Leaders Forum should continue to integrate atrocity prevention into its agenda. The forum is a good example of how responsible officials who work on those issues can convene effectively.

In addition, the transatlantic community should fully support such Track 2 and Track 1.5 initiatives as the Global Action Against Mass Atrocity Crimes (GAAMAC) network, the R2P Focal Points network, and regional efforts to coordinate atrocity prevention.

*Improve Field-level Coordination* Transatlantic coordination among states, intergovernmental organizations, and NGOs in the field is essential to effectiveness. To the extent that it is already taking place, such cooperation should continue. Where it is not taking place, field-level coordination ought to be adopted as a best practice, both to better synchronize efforts in conflict regions and as a method of driving effective responses in capitals. Embassies and missions from the transatlantic partners in capitals of countries at risk should meet to exchange assessments and plan coordinated responses as necessary. Such field-level coordination should include working closely with Private Voluntary Organizations (PVOs) and other NGOs in the field, who

often are closest to the conflict and provide the lion's share of services and assistance.

*Impose Coordinated Financial Sanctions on Perpetrators and Enablers of Atrocities* The G7 and US–EU response to Russian aggression in Ukraine established a precedent for strong and sustained cooperation across the Atlantic to impose financial sanctions and visa bans as a diplomatic tool to pressure Russia to conform to the Minsk II agreements for a ceasefire in eastern Ukraine. In addition to approving an executive order to punish individuals and entities for their actions related to aggression in Ukraine, the United States has promulgated executive orders to support counternarcotic and counterterrorism actions. The United States should promptly issue an executive order establishing the authority to order financial sanctions and visa bans to deter and punish enablers of mass atrocities. The G7 should announce an agreement to coordinate policy on financial sanctions and visa bans as a new and critical tool available to target individuals and specific entities whose actions enable mass atrocities.

*Reassess International Law and Norms on Intervention to Halt Atrocities* The transatlantic legal community plays an essential role in the development of international legal norms. At present, the prevailing view remains that the use of force to prevent mass atrocities is illegal unless specifically authorized by the UN Security Council. That view applies even when earnest efforts to secure Security Council approval have failed; when action is, nonetheless, endorsed by relevant regional organizations; and when a failure to act creates acute risks to endangered populations. A view of the problem in which the choice is either acting illegally or doing nothing is unacceptable. The transatlantic legal policy community should convene leading international legal scholars to address the issue, with an eye toward recommending norms and practices to avoid the recurring problem of either hewing to formalistic legal standards and doing nothing or taking legitimate action that is, nonetheless, perceived by most states and others as technically illegal. An American Bar Association paper commissioned as part of this research project recommends that states and international organizations begin acting in anticipation of a Security Council resolution in a developing atrocity situation. The paper thereby recommends, effectively, organizing a response in advance on the assumption that the Security Council will act in accordance with its Charter authority granting it “primary responsibility” for international peace and security. That is one of the many issues the transatlantic legal policy community should explore.

*Parliamentarians Must Do More* To build public support and understanding of the security consequences of inaction, like-minded parliamentarians should convene regularly, both nationally and internationally, to discuss efforts of individual states in atrocity situations. The United Kingdom and Canada already have such parliamentary groups.

*Emphasize Prevention in Treaty Law* Like-minded transatlantic governments should support strong language regarding states' obligation to prevent atrocities in the international treaty outlawing crimes against humanity currently being drafted at the International Law Commission.

## **Recommendations to the US Government**

*Build Legitimacy for Atrocity Prevention* Atrocity prevention efforts, to be effective, must be inclusive. The United States should build partnerships for atrocity prevention with states and international organizations in regions at risk, listening carefully to local priorities and working to develop a common action plan in such areas as early warning and capacity building. Through dialogue and action, the United States and its transatlantic partners must work as hard as possible to dispel suspicions and hesitation about undue imposition by outsiders. The United States and its transatlantic partners are hardly unique in their opposition to mass atrocities, and many other governments could be contributing more to prevention efforts.

*Work First with Like-minded and Capable Partners* The US government should, however, prioritize cooperation with our transatlantic partners and other like-minded and capable states regarding common approaches to atrocity prevention. Preventing atrocities demands political will and resources. When both are present—for example, as in the transatlantic relationship—the potential for effective cooperation is greatest.

*Prepared to Act to Halt Atrocities If Necessary* The United States should always seek the broadest and deepest participation of international partners in preventing atrocities but, because of its unique capabilities, must also be prepared to act on its own to halt atrocities if necessary. A routinely forward-leaning US diplomatic posture on international cooperation to prevent atrocities will likely yield greater support for the United States if it must act alone or outside Security Council authorization. Whenever possible, the US government should encourage and support initiatives that our transatlantic partners and other like-minded countries are taking on atrocity prevention, leveraging support for the top priorities of others into support for US priorities.

*Support and Assist UN Peacekeeping* The United States should continue to work with our transatlantic partners to improve peacekeeping operations through the United Nations. Although appropriately reserving most of its military personnel for other global commitments and contingencies, the United States should continue its practice of providing a small number of personnel to UN Blue Helmet operations. The US military should be prepared to provide assistance to peacekeeping operations in areas in which others lack capabilities that the United States possesses—for example, in strategic lift and intelligence. Senior US military personnel and their transatlantic counterparts should regularly consult with UN peacekeeping missions operating within their areas of command responsibility to assess needs and provide resources as appropriate.

*Maintain the Interagency Process for Assessing and Working to Reduce Atrocity Risks* The Trump administration should retain the interagency process President Obama established with the Atrocity Prevention Board. An interagency mechanism to develop shared assessments of potential atrocity situations and coordinate a government-wide response will be necessary for the foreseeable future. A rechartered and renamed Atrocity Risk Reduction Board should continue to work to build understanding of and support for its mission throughout the government.

The Bureau of Conflict and Stabilization Operations is well positioned to continue as the State Department’s secretariat for the board. Congress should authorize and appropriate funds to CSO for use in prevention efforts arising out of the deliberations of the board. An appropriate size for the fund would be \$250 million, a figure proposed in the Genocide Prevention Task Force report.

Officials should continue their outreach efforts to build bipartisan political support for the continuation of the board and for prioritizing atrocity prevention as a core national and collective security interest and a core moral responsibility. NGOs and other stakeholders should do so as well. No American of conscience favors atrocities proceeding unabated. All involved in making the case for the board should understand the importance of meeting people where they are on the modalities and even the vocabulary of atrocity prevention to build support. The board must demonstrate on an ongoing basis its efficacy as an interagency body and the efficacy of the measures it undertakes to reduce atrocity risks. Stakeholders should build on support for human rights in Congress to develop a caucus for atrocity prevention.

*Take the Lead on Internationalizing Atrocity Prevention* With the establishment of the Atrocities Prevention Board and increased interagency



cooperation to assess risks early and devise strategies to reduce them, the time has come to begin to internationalize those efforts. In our view, the US government must play a leading role in working for greater cooperation and coordination on atrocity prevention. US policy is always more effective when undertaken in concert with our closest allies, who bring unique and invaluable resources and perspectives to the discussion. Effective burden sharing is essential to success.

Now is the time for the internationalization of atrocity prevention to grow out of its infancy and take its first steps. The president and the Secretary of State should explicitly endorse that priority. The process should begin with those individuals who have been most closely involved: the members of and staffers serving the current APB.

The board should convene a special meeting in which members are tasked with presenting assessments of internationalization of atrocity prevention at their respective agencies and to devise next steps for broadening international cooperation. Those steps may include training exchanges and joint training; information and best-practices exchanges, including on risk modeling; regular meetings with international counterparts on a formal or informal basis; and invitations to international counterparts to participate in special meetings of the board. CSO should become a clearinghouse to take note of existing and new initiatives. Appropriate officials should then implement those next-step measures with their international counterparts. Subsequent board meetings should review internationalization efforts on a regular basis.

The internationalization of atrocity prevention will be challenging. To take a specific and difficult case, the US intelligence community, which deserves considerable credit for its embrace of the atrocity prevention mission, must develop ways to share and compare its risk assessments with those produced by our transatlantic partners. We know enough about the challenge here—from our own experience and from interviews with former officials—to say that due care must of course be exercised to avoid compromising sources and methods. We believe, however, that the proper frame for the question is again a next-step approach: What can be done first to move toward such sharing and comparing? What can be done second? And so on. In what we believe is the most developed mechanism for international intelligence sharing, the “Five Eyes” program involving the United States, the United Kingdom, Canada, Australia, and New Zealand, the question we would ask is whether atrocity prevention is a goal of the program. The United States must send a clear, high-level message creating the expectation of cooperation on this issue.

Other avenues of cooperation and coordination will also be challenging, although perhaps not as severely so. A few questions for the purpose of suggesting possibilities: How effectively are USAID field offices, in-country international development agency offices, and transatlantic diplomatic missions interacting on identifying and reducing the risk of atrocities? What are the first steps for national financial authorities in removing the obstacles to the establishment of an international sanctions regime for perpetrators and abettors of atrocities? How can the US military most effectively cooperate with our partners in internationalizing doctrine and training in an expanded view of civilian protection that includes not only protection from collateral damage, but also protection against hostile forces? Are we and our transatlantic partners cooperating as effectively as we can in intrinsically international forums, such as the United Nations, on the vital matter of peace operations and their role in atrocity prevention?

The next formal step in the process of internationalization should be the US government undertaking steps with our transatlantic partners to prepare to convene an international conference of like-minded and capable states. The conference should focus on a deliverable outcome that demonstrates the effectiveness of international cooperation. An appropriate deliverable would be agreement on an international sanctions and visa ban regime targeting perpetrators and enablers of atrocities. Such a conference should also do preparatory work for a second annual gathering, including a preliminary assessment of potential deliverables. The conference should include an opportunity for NGO participation as well.

*Join Atrocity Prevention with Other Strategic Considerations in the Rationale for Fighting and Defeating ISIS and Stabilizing a Post-Assad Syria* The new administration has an opportunity to approach Syria afresh. It should take measures to turn Syria into a constructive failure. Those measures should include acknowledging that nothing illustrates more clearly than the situation in Syria that preventing atrocities is “a core national security interest and a core moral responsibility” of the United States and the common security interest of our transatlantic partners. They should also include acknowledging that failure to take effective action in Syria in a timely fashion has led to a multigenerational problem that will cost scores of billions of dollars to address. The lesson policy makers should learn from Syria is that when atrocities begin and no effective response is forthcoming, those atrocities are likely to worsen drastically. The world can ill afford another breakdown on the scale of Syria, and the United States and its transatlantic partners must be at the forefront of the effort to prevent one.

## List of Acronyms

<b>APB</b>	Atrocities Prevention Board
<b>ARRB</b>	Atrocity Risk Reduction Board
<b>CSO</b>	Bureau of Conflict and Stabilization Operations
<b>EO</b>	Executive Order
<b>EU</b>	European Union
<b>GAAMAC</b>	Global Action Against Mass Atrocity Crimes Network
<b>HRuF</b>	Human Rights up Front
<b>ICC</b>	International Criminal Court
<b>IO</b>	Bureau of International Organization Affairs
<b>ISIS</b>	The Islamic State of Iraq and Syria
<b>JMAC</b>	Joint Mission Analysis Cells
<b>MINUSMA</b>	United Nations Multidimensional Integrated Stabilization Mission in Mali
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Nongovernmental Organization
<b>PSD-10</b>	Presidential Study Directive 10
<b>PVO</b>	Private Voluntary Organization
<b>R2P</b>	“Responsibility to Protect”
<b>UN</b>	United Nations
<b>USAID</b>	United States Agency for International Development

## Recommendations at a Glance

Recommendations for the US Government	
1	Build legitimacy for atrocity prevention
2	Work first with like-minded and capable partners
3	Be prepared to act to halt atrocities if necessary
4	Support and assist UN peacekeeping
5	Maintain the interagency process for assessing and working to reduce atrocity risks
6	Take the lead on internationalizing atrocity prevention
7	Join Atrocity Prevention with Other Strategic Considerations in the Rationale for Fighting and Defeating ISIS and Stabilizing a Post-Assad Syria

## Recommendations for the US and Transatlantic Community

<b>1</b>	Devise & implement coordinated Transatlantic atrocity prevention efforts
<b>2</b>	Reassess participation in peacekeeping
<b>3</b>	Limit the use of the veto at the UN Security Council
<b>4</b>	Broaden the concept of civilian protection
<b>5</b>	Improve international contact and coordination
<b>6</b>	Improve field-level coordination
<b>7</b>	Impose coordinated financial sanctions on perpetrators and enablers of atrocities
<b>8</b>	Reassess international law and norms on intervention to halt atrocities
<b>9</b>	Parliamentarians must do more
<b>10</b>	Emphasize prevention in treaty law

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