ATROCITY PREVENTION IN A TRANSATLANTIC SETTING

A paper on the need to foster knowledge exchange between governmental and non governmental experts

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PREFACE

In January 2020, the Oxford Programme on International Peace and Security at the Blavatnik School of Government, University of Oxford, launched a study to assess the need for and feasibility of a policy engagement and knowledge exchange platform between academics, expert practitioners, and policymakers focusing on delivering evidence-based and impact-oriented research on atrocity prevention.

The initial phase of our work lasted between January and March 2020, and was subject to oversight by a Steering Group which included partners at the Centre for International Peace and Security Studies at McGill, led by former UN Special Adviser on the Responsibility to Protect Professor Jennifer Welsh, and the Center for Genocide Prevention at the United States Holocaust Memorial Museum. During this period, we also launched consultations with external actors—comprised of actors from civil society, governments, and international and regional organisations—to assess the objectives, scope, modalities, and potential candidates for membership in the proposed platform. The consultations, which continue to this day, have found that, *within the transatlantic region at least*, there is an immediate need for sustained and effective knowledge exchange on atrocity prevention. This need, and the absence of meaningful exchange, has been further heightened by the current pandemic, and the challenges it presents —and will continue to present— for policymakers, academics, and civil society alike.

In this paper, we propose a two-pronged approach for fostering greater exchange between civil society experts and government representatives on atrocity prevention issues. On the one hand, we propose convening a **Transatlantic Atrocity Prevention Research Council** to sustain and support the atrocity prevention *research* agenda, to which this briefing paper is primarily dedicated. We also propose, however, the consideration of a **Inter-Governmental Network on Atrocity Prevention**, modelled after the so-called 'Coffee Group', which should perhaps initially have a regional focus, to facilitate transatlantic cooperation and exchange on these matters. An outline for how such a network could be constituted is proposed as an Annex to this paper, and is intended to serve as the basis for further discussions and consultations.

As we continue to study these questions and refine proposed solutions, we will be paying particular attention to how to ensure an ongoing, and **iterative relationship** between the Network and Council. In the most immediate sense, this will ensure that the two prongs of the platform feed off and support one another, thus keeping the research agenda targeted and oriented to the needs of policymakers. At the same time, this process will also serve the long-term sustainability and vigor of the overall knowledge exchange platform.

We welcome ongoing dialogue with our collegues in the academy, as well as with expert practitioners and policymakers, on any of these matters.

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EXECUTIVE SUMMARY

This paper discusses our research findings concerning the need for a **knowledge exchange platform on atrocity prevention between academics, expert practitioners, and policymakers in the transatlantic regional context.** It examines three fundamental issues: (i) the need for and level of interest in the proposed model by representatives of selected governments and international organisations with transatlantic competence; (ii) the key thematic areas to be prioritized by the research branch of the platform; and (iii) the core ways in which the platform could function. Following a series of strategic consultations and a mapping exercise conducted in early 2020, we have identified a **high level of interest from both thought leaders and policymakers** in such a platform. Specifically, our consultations indicated the often siloed nature of actors working in the atrocity prevention space, and expressed significant interest in the utility of a policy-oriented, research-backed platform, which would engage in multidisciplinary methods to tailor its work to the needs of a set of predominantly transatlantic policymakers with demonstrated interest and capacity in this area.

We recommend a **two-pronged approach** to the platform: on the one end, the convening of a **Transatlantic Atrocity Prevention Research Council**, to which this paper is principally dedicated; on the other end, we also recommend the convening of an **Inter-Governmental Network for Atrocity Prevention**, initially with a regional focus, to facilitate transatlantic cooperation and exchange on these matters. An outline concerning this latter suggestion is presented in Annex I. In summary, we propose that, in its initial stage, the network use the membership of the International Atrocity Prevention Working Group as an initial point of departure, but also include key allied governments and international organisations, such as the European Union, which are presently external to the Working Group but that nevertheless prioritise and dedicate considerable resources to atrocity prevention.

The Research Council, for its part, would bring together non-governmental experts with a proven record of successfully influencing policy outcomes concerning atrocity prevention efforts. Furthermore, the Council would aim to engage with network members at the working-level once per year in a formal meeting at which the Council would provide short, targeted policy memos and briefings on issues of thematic, contextual, and macro-level interest.

We also recommend that the Research Council adopt a **three-pronged approach to research**, consisting of: (i) a *thematic* research strand, aimed at building upon points of intersection and leverage between atrocity prevention and other leading frameworks for government policy and action; (ii) a *micro-level* research strand, bringing together various thematic strands to assess preventive strategies for a particular national or local context; and (iii) a *macro-level* research strand, conducting periodic stock-taking exercises, and making strategic recommendations on how to best advance the prevention agenda in light of shifting geo-strategic dynamics.

Finally, in this paper, we build upon these strands by providing recommendations for contextual study, as well as recommendations on both today's leading policy frameworks that intersect with and present important "next frontiers" for atrocity prevention.

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INTRODUCTION

The tragedies of Rwanda and Bosnia-Herzegovina prompted an unprecedented wave of standard-setting and norm development around the need to protect civilians from mass atrocities.[1] Nearly 25 years later, however, the primacy of human life and dignity seems to have lost its priority status in international diplomacy. Similarly, many norms and institutions that had flourished in recent decades to support said imperative seem engulfed in a pattern of institutional crisis and norm contestation. The very body entrusted with promoting and enforcing international peace and security, the UN Security Council, is regularly gridlocked; great powers with a renewed interest in geo-strategic competition often abdicate their responsibilities towards others; the abject failures to protect civilians in places such as Syria, Yemen, South Sudan, and Myanmar reinforces the perception of international indifference in the face of atrocity crimes; and many important norms still lack domestic implementation.

In late 2019, a small team at Oxford University, alongside partners from McGill University and the U.S. Holocaust Memorial Museum, began to consider how research and findings on the prevention of mass atrocities could be better channeled to policymakers in government. Over the following months, we engaged in a series of internal and external consultations regarding the possibility of developing a platform for sustained engagement between governmental and non-governmental experts aimed at expanding, supporting and sustaining the atrocity prevention agenda. Reactions were strongly positive, and we began putting together proposals for action. The outbreak of the COVID-19 pandemic, however, struck in the midst of our work, upending lives around the world, and shifting policy priorities. This forced us to reconsider the role of such a platform, especially in light of increasingly limited government resources. Upon deeper reflection, we concluded that the need for knowledge exchange on issues of atrocity prevention is greater today than perhaps ever before, in view of at least three significant developments.

First, both the pandemic and subsequent geo-political developments have in many ways exacerbated the risk of mass atrocities. Some experts have identified COVID-19 as the type of trigger event which could either push at-risk States over the brink, or at the least exacerbate existing pressures that can lead to atrocity crimes.[2] For instance, political leaders have already used

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[1] Defined as genocide, crimes against humanity, war crimes, and ethnic cleansing. Although atrocity prevention is often equated with the Responsibility to Protect (R2P), we use the term "R2P" in this paper to refer specifically to the UN atrocity prevention doctrine, while using the term "atrocity prevention" to refer to the field more broadly, encompassing not only R2P, but also related norms, institutions, and commitments.

[2] *See, e.g.*, James Waller, 'Implications of COVID-19 for Atrocity Prevention' (Auschwitz Institute for the Prevention of Genocide and Mass Atrocities) <http://www.auschwitzinstitute.org/wp-content/uploads/2016/01/AIPG-Pandemic-Policy-Challenge-Brief.pdf> accessed 15 July 2020; Kate Ferguson, 'Atrocity prevention and Covid-19: Opportunities and responsibilities' (Protection Approaches, April 2020) <https://img1.wsimg.com/blobby/go/131c96cc-7e6f-4c06-ae37-6550dbd85dde/downloads/Atrocity%20prevention%20and%20Covid-19%20briefing%20FINA.pdf> accessed 15 July 2020.

the pandemic as pretext to consolidate power, and infringe on basic human rights, sometimes going as far as scapegoating particular groups as potential 'vectors' for the spread of the disease. Further, the pandemic has led to economic instability, mass unemployment, and resource shortages that impact the most vulnerable in society. The confluence of these political, economic, and social pressures increases the risk for discrimination and violence against minority groups. At the same time, access to justice in the context of the pandemic has been plagued with new impediments, including challenges to the rule of law and legal mechanisms protecting minorities, particularly where judicial institutions are operating with limited capacity or restrictions.[3]

Second, despite these aggravated risks, governments have fewer resources to dedicate to atrocity crimes, amidst a global recession and reallocation of budgets. Policymakers have been called to dedicate unprecedented sums to healthcare and emergency relief, as well as to medical research and economic bailouts to maage the impact of what is likely to be a deep, world-wide economic recession. As they are forced to triage crises and make weighty decisions regarding limited budgets, it is even more urgent that an emphasis be put on prevention strategies that work, that are empirically supported and rigorously examined.

Finally, the pandemic has exposed and deepened fractures in international and regional alliances that makes cooperation to prevent mass atrocities perhaps even less likely than before. Recent years have witnessed a rise in nationalism, and countries have now turned further inward, sealing their borders and developing unilateral policies to address the pandemic. Even within regional blocs such as the European Union, new tensions have arisen concerning policy priorities and the allocation of scarce resources. The cohesion of the transatlantic region as well has been deeply affected by renewed tensions. In view of this fractured system, policymakers might need to look outside of the traditional frameworks for cooperation and discussion, looking for expertise, information and knowledge-sharing through new fora. This is particularly true in view of more long-term trends heralding a decline in a liberal world order founded on multilateralism, and eroding trust in international institutions, including international tribunals focused on accountability for atrocity crimes.

In sum, the current moment has placed new urgency on an already-existing need for exchange between policymakers, practitioners, and thought-leaders to sustain and advance the atrocity prevention agenda. Although there are a number of atrocity prevention networks operating today, there is a distinct **absence of cross-sectoral dialogue aimed at assisting policymakers** with targeted research on current issues in atrocity prevention. This is particularly true for the **transatlantic region**, which has developed unique mechanisms for inter-governmental dialogue on atrocity prevention, but has limited avenues through which expert research can reach policymakers in a way that is focused and tailored to their needs.

Despite changes in administrations and foreign policy priorities, North American and European governments, alongside Australia, have developed new and innovative fora for discussion and cooperation. Not least of these has been the formation of the International Atrocity

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[3] Alexandre Zouev, 'COVID and the Rule of Law: A dangerous Balancing Act' (UN, 2020) <https://www.un.org/en/coronavirus/covid-and-rule-law-dangerous-balancing-act> accessed 15 July 2020.

Prevention Working Group, formerly known as the "Coffee Group," which began as an informal opportunity for like-minded governments to engage in dialogue centred around atrocity prevention. The Working Group continues to meet regularly, presenting a formidable amassing of atrocity prevention capabilities, given the resources, diplomatic capacity and influence of the affiliated governments. This notwithstanding, these policymakers face an indisputably strained environment, with limited dedicated resources and a number of competing policy priorities.

We believe that in a changed world, the need for knowledge exchange on atrocity prevention is greater than ever before, and that experts from civil society and academia can and should assist in filling that gap. By bringing together thought-leaders, expert practitioners, and policymakers with a successful history of mitigating atrocity crimes and promoting atrocity prevention policy and action, this platform can contribute to *intra-* and *inter*-governmental dialogue in the transatlantic region (and beyond) around these issues. Through directed research and policy briefings, it can reinvigorate discussions on how to advance the prevention agenda in light of today's challenges, including by ensuring that other leading government frameworks for action and policy are harmonised with the prevention of mass atrocities. More broadly, such a platform could further efforts to re-establish the primacy of human life and dignity at the center of international diplomatic action and discourse. Our research investigated the need for and feasibility of such a platform.

RESEARCH QUESTION

Over the course of our research, we sought to understand four primary questions:

- First, **is there a need** for the type of platform under discussion?
- Second, **what level of interest** do representatives of leading governments and organisations operating in the transatlantic region have in the platform's planned work and functionality?
- Third, **what key thematic areas** should be incorporated into its research agenda?
- Fourth, **how** could the Council best serve transatlantic policymakers working in the atrocity prevention space?

METHODOLOGY

We addressed our research questions through a mapping exercise—which involved a series of preliminary conversations with representatives of leading governments and organisations working in atrocity prevention—and independent research on the key gaps within the atrocity prevention space. First, we undertook a mapping exercise aimed at identifying existing networks and organisations already working in this space, in order to **avoid duplication and target policymakers' current needs**. A range of actors and networks are in fact already active in the

area of atrocity prevention; some even speak of 'network fatigue' among policy-makers. Our research team spent a considerable amount of time analysing the potential for duplication, as well as the need for, potential impact, and added value of yet another network, as well as its capacity to yield a different outcome. As discussed below, this mapping exercise assessed both global intergovernmental platforms for preventive action as well as regional organisations and networks, in order to evaluate gap areas to target.

Second, preliminary consultations were conducted with representatives of leading governments, civil society, and regional and international organisations, aimed at assessing the **varying levels of commitment** and interest in the platform's anticipated work and structure. These conversations were particularly directed at assessing how the expertise and agenda of a Research Council could best be tailored to policymakers' needs, as well at understanding the types of deliverables that would be most effective.

Third, independent research was undertaken to assess the key thematic areas that could provide a basis for a Council research agenda, as well as existing gaps in prevention implementation. In light of **stagnation within the current conversation** on atrocity prevention, we particularly sought to understand areas of intersection between atrocity prevention and other leading frameworks for government policy and action. These not only demonstrate the widespread need for preventive strategies, but may also provide new ways to think about, integrate, and operationalise a 'whole-of-system' approach to preventive strategies.

Interviews were structured around **seven key areas**: (i) reactions to the Council's planned work and functionality, and views on its ability to **add value** as compared to existing networks and organisations; (ii) **targets of influence** for the Council's work, namely the countries and policymakers which it should aim to influence, as well as areas of leverage to influence policy; (iii) **national priorities** and leading policy frameworks, as well as anticipated "next frontiers" of atrocity prevention; (iv) recommendations for **case-study analysis** as a research priority; (v) recommended **experts for inclusion** on the Council, considering both its substantive agenda and its aim of fostering inter-generational leadership; (vi) recommended **Council membership**; and (vii) **suggested deliverables** and preliminary items for the Council's research agenda.

A database of all experts and organisations consulted is being maintained by our Programme at Oxford. In view of the sensitive and preliminary nature of these consultations, and because a number of experts agreed to be interviewed on condition of anonymity, the list of consultees is currently confidential. Additional consultations will take place on a rolling basis and we anticipate sharing information regarding the government and organisational support for the Council in due course.

I.   Mapping the current state of prevention efforts

a.   Existing intergovernmental networks

Our mapping revealed that **three worldwide inter-governmental platforms** hold leading positions in the atrocity prevention space. The first is the Global Network of R2P (Responsibility to Protect) Focal Points, a network of more than 60 senior-level government officials who facilitate national mechanisms for atrocity prevention and cooperation within their respective governments. The Network's Secretariat is housed within the Global Centre for the Responsibility to Protect, a leading civil society organisation focused primarily on R2P advocacy and institutionalisation. The Network is led by a Steering Group, made up of several R2P Focal Points as well as the Secretariat, and is currently comprised of Australia, Denmark, Ghana, Lithuania, Slovenia and the Global Centre. The Global Centre co-convenes an annual meeting of the Focal Points, and Focal Points also periodically convene regional meetings in Europe and informal gatherings alongside the UN General Assembly. The second worldwide platform, Global Action Against Mass Atrocity Crimes (GAAMAC), is a State-led initiative focused on atrocity prevention. It aims to provide a platform for exchanging best practices and lessons learned between national governments, whilst enhancing links between States, civil society, and academia.[4] GAAMAC convenes open global meetings of prevention practitioners every two years, and is led by a Steering Group which convenes through regular virtual meetings and working groups. A third platform, the Group of Friends of the Responsibility to Protect, operates primarily at the ambassadorial level, allowing inter-governmental exchange on atrocity prevention for the Permanent Missions to the United Nations in New York and Geneva. As with the Global Network, the Global Centre for the Responsibility to Protect serves as the Secretariat for the Group of Friends. The Group consists of 53 member States from all regions, and meets regularly in both New York and Geneva.

Large membership networks, however, are not always popular with senior government officials whose own country priorities are not addressed. Partly for this reason, we have witnessed the emergence of smaller regional groupings that discuss issues of greater relevance to their respective governments/regions, *e.g.*, the Latin American Network for Genocide and Mass Atrocity Prevention, and the European Network of R2P Focal Points. Such **micro-multilateral networks are often more successful** than larger structured settings in providing a space for policymakers to explore ideas and approaches, particularly in view of shared regional values and challenges. They also serve as incubators for broader initiatives in the way that civil society policymakers helped to build momentum towards the Rome (International Criminal Court) and Ottawa (landmine ban) treaties.[5] What was originally termed the "Coffee Group", now called the

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[4] In July 2020, IPS was accepted by the GAAMAC Steering Committee as a new academic partner.
[5] Charles J. Brown, *Human Protection: Strategic Opportunities in a Challenging Political Environment* (The Stanley Foundation Policy Lab, June 2017), <https://stanleycenter.org/publications/other/HPStrategicOppsChallengingPoliticalEnvironment617.pdf≥ accessed 8 July 2020.

International Atrocity Prevention Working Group, appears, in fact, to have emerged as a sort of informal micro-multilateral network for the transatlantic region.[6]

Originally convened by the US government during the Obama Administration, the International Atrocity Prevention Working Group has consisted of the United States, Canada, the United Kingdom, Germany, the Netherlands, Australia, and Denmark. It meets twice each year, with one meeting held at the capital of a member State, and the other held alongside the UN General Assembly in New York. Today, the International Atrocity Prevention Working Group appears to be the only **micro-multilateral network in the transatlantic region** bringing policymakers together to discuss atrocity prevention strategies and approaches. The Group remains a relatively small and informal organisation, unknown even to some of the atrocity prevention experts with whom we consulted. Further, despite the capabilities of the Group's affiliated governments, its own capacity remains limited, as members often face internal and bureaucratic obstacles to obtaining needed resources. Governments have **limited resources dedicated to atrocity prevention**, and serious constraints in terms of the time and attention that staff can pay to this area in light of competing priorities. Finally, the Group, which is intended as a platform for inter-governmental dialogue, does not regularly draw from out-of-government expertise, nor from the broader community of thought-leadership in this area.

We recommend using this Group's membership as a starting point (plus other States and international organisations that fulfil specified membership criteria),[7] to channel a process of knowledge exchange with transatlantic thought-leaders and practitioners in the field of atrocity prevention.[8] As set forth in more detail below, we would recommend that in addition to the members of the International Atrocity Prevention Working Group, the Council also consider including other leading governments and organisations operating in the transatlantic region, including France, the EU, NATO, and the UN.

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[6] Throughout this paper, we use the term **transatlantic** for lack of a better term. The term does not refer to a specific *geographic* region, but rather a grouping of like-minded States and regional organisations (most of which are indeed part of that georgraphic region) that consistently *deploy assets* for programmes or activities intended to provide benefits to threatened populations living well outside these States' borders, such as for humanitarian assistance, peacekeeping, stabilisation and reconstruction, countering violent extremism, and strengthening the rule of law, including election and democratic processed. This group is like-minded in the sense that it maintains a common foreign and security policy that is implemented through a diplomatic service and by funding instruments that focus on goals like *human rights, peace, and stability*, and whose elected officials are *accountable to their public*. Such like-minded States and organisations should also explicitly articulate the *protection of civilians from mass astrocity as a policy priority*.

[7] An outline for how this could be done is attached as an Annex to this paper. The membership criteria are outlined in ft. 3 above.

[8] What we envision is something akin to the Stimson's Center Atrocity Prevention Study Group (APSG), but on a transatlantic regional level. The APSG is an innovative forum for policymakers and practitioners to discuss both practical and theoretical aspects of atrocity prevention in an unclassified, non-partisan, non-attributable setting. The APSG connects stakeholders inside and outside of US government with scholars and experts to share resources and knowledge on atrocity prevention and identify challenges, good practices, lessons learned, and policy options. This group, however, is specifically focused on US government policy and does not include representatives of allied governments nor of regional organisations in its meetings.

b. Challenges for existing networks

Based on our consultations, it appears that certain existing networks, irrespective of their composition and orientation, have struggled to have **sustained impact** in policy change and early warning/preventive action. Some of the key factors that may explain this limited impact include the absence of a **sustained platform** for interaction between academics, policy-makers and expert practitioners that regularly addresses the specific and current **needs of policymakers**.

There are in fact only a few civil society organisations, academics, and practitioners focused on atrocity prevention, which tend to operate in a closely-knit environment where echo chambers may develop. Respondents highlighted that a lack of **dynamic, interdisciplinary conversations** has stifled progress on the prevention agenda. Further, existing groups and organisations working in this space appear to be **siloed**: while a wealth of research is produced on atrocity prevention, such research is generally not presented in ways that speak to the practical needs of policymakers. At the same time, these few experts are of great importance in a limited field, as larger think tanks and civil society organisations may not always have dedicated staff working on atrocity prevention. Further, larger institutions, even if lacking a specific atrocity prevention mandate, may have particular influence with certain governments, enabling them to deliver and effect policy change as a result of resources and access to policymakers and media outlets.

Our idea is to bring together thought leaders and expert practitioners from the transatlantic region, with a **successful history of mitigating atrocity crimes** and promoting policy action in relevant policy frameworks, in a more **sustained, organised,** and **interdisciplinary** manner. This group would be constituted as a Research Council and form one leg of a two-pronged approach to fostering knowledge exchange with policy makers. This Council would then engage with a group of policymakers in a **structured setting** (the second leg of the proposed two-pronged approach, set out in the Annex). With their vast expertise, convening power, and proven thought-leadership, we believe that preeminent universities operating in the transatlantic region, such as Oxford and McGill, are ideally positioned to bring these groups together to further the prevention agenda.

c. Key research gaps

Our research and consultations also indicated a number of gaps in atrocity prevention research to date, as well as gaps in implementation, discussed below. Most critically, there is a glaring **lack of understanding** about the practical **tools and policies** that are **effective** in preventing particular types of atrocity crimes. There is also confusion around *when* specific tools should be deployed to make an impact at each stage in the "destruction continuum".[9] For example, international criminal

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[9] The term derives from Ervin Staub's "continuum of destruction," discussed in *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1992). *See also* Serena K. Sharma and Jennifer M. Welsh (eds), *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention* (OUP 2015) 4.

justice constitutes one such tool, though there is little conclusive empirical evidence that investigations and prosecutions before the International Criminal Court and other tribunals can deter and prevent atrocities, especially when compared with national prosecutions.[10] A similar issue arises with regards to the effectiveness of other tools, such as sanctions imposed by States or international organisations. Furthermore, much of today's understanding of prevention derives from prior studies of violent conflict, without specific analysis of the **distinctive dynamics at play** in the context of atrocity crimes.[11] This undertaking is further complicated by the unique trajectories of genocide, war crimes, and crimes against humanity, which are not always usefully consolidated into a single category.

In order to make informed policy decisions, further research is sorely needed regarding the specific risk factors and root causes of atrocity crimes that should be targeted by policymakers for impactful prevention action, as well as an understanding of the stage at which various atrocity prevention tools should be deployed.[12] Finally, further research is necessary to develop an **adequate international legal framework** on atrocity prevention. This will allow policymakers to move beyond the traditional dualist view that lawful avenues to prevent atrocity crimes are limited to Security Council-endorsed intervention or complete State inaction.[13] It is only by understanding the full range of options available under international law, as well as its gaps, that more nuanced and effective strategies for atrocity prevention can be conceived.

d. Key implementation gaps

Pervasive implementation gaps also inhibit the effectiveness of atrocity prevention policies and advocacy. First, there is a noticeable **absence of domestic implementation** of atrocity prevention norms and commitments. Although the United States has created a number of important structures including the Atrocities Prevention Board (US APB), such structures have generally not been replicated in a consistent manner across other transatlantic governments. Further, even when in place, such domestic structures often lack **dedicated resources** that can be quickly employed in the event of significant atrocity risks, an issue even for the US APB.[14] Compounding this problem, **national parliaments** of transatlantic countries have typically not substantively engaged on atrocity prevention issues with consistency.[15] Moving the atrocity prevention agenda forward will require developing dedicated capacity at the domestic level and enacting legislation focused

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[10] Ibid, 151. Also see: H. Jo and B. Simmons, 'Can the International Criminal Court Deter Atrocity?' (2016) International Organization 70 (3), 443-475; Jacqueline R. McAllister, 'Deterring Wartime Atrocities: Hard Lessons from the Yugoslav Tribunal' (2019/2020) 40(3) International Security 84-128.

[11] Sharma and Welsh, *The Responsibility to Prevent*, 29, 34.

[12] Ibid, 29.

[13] Lee Feinstein and Tod Lindberg, 'Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings' (United States Holocaust Memorial Museum, March 2017) 5 <https://www.ushmm.org/genocide-prevention/reports-and-resources/transatlantic-cooperation-to-prevent-atrocities> accessed 8 July 2020.

[14] Ibid, 24.

[15] Ibid, 20.

specifically on atrocity prevention and response. There is also a distinct need for the development of focussed national action plans, whose absence tends to reinforce reactive rather than proactive response. In addition, experts have identified a need for the **mainstreaming of atrocity prevention** policy and priorities.[16] Rather than atrocity prevention policy being solely the remit of subject-matter experts, effective preventive action –and identification of risk– requires integration of the atrocity prevention agenda into existing agencies and structures (national, regional, and international). This would enable an atrocity prevention lens to be applied by those best-placed to identify and report on both risks and opportunities for action.

II.   Potential Scope of a Transatlantic Atrocity Prevention Research Council

a. Anticipated Council membership

The Research Council would be led by a **Steering Group,** which in its initial phase would be composed of the Oxford Programme on International Peace and Security, the Centre for International Peace and Security Studies at McGill, and the Center for Genocide Prevention at the US Holocaust Memorial Museum. Ultimately, however, we recommend that Council **membership be extended** to other sites of knowledge-generation and thought-leadership active in the transatlantic region, which have established themselves as having a **successful track record** and have the capacity to push forward the atrocity prevention agenda. We propose the following **criteria for membership**: (i) expertise in leading policy frameworks that are relevant to the Council's research agenda; (ii) ability to challenge existing thinking around atrocity prevention and help shape new conversations around normative commitments and implementation; and (iii) connections and ties to policy and decision-makers actively working in the atrocity prevention space.[17]

As part of the networks' activities, **thematic technical working groups** among Council members should be convened around issues identified by the Council itself. This would engage additional partners and participants in the network to discuss discrete issues and gather relevant expertise. In particular, we suggest that these groups be open to structured engagement with leading academics, members of target governments, and officials of international organisations.[18]

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[16] Ibid, 23.

[17] By way of example, potential partners and participants in the network may include, pending their agreement, the European Council on Foreign Relations, the Atlantic Council, the German Institute for International and Security Affairs (SWP), Chatham House, Royal United Services Institute, the Danish Institute for International Studies, the International Peace Institute, the Peace Research Institute Oslo (PRIO), the Stimson Center, the Stockholm International Research Peace Institute (SIPRI), and the United States Institute of Peace, among others. In addition, representatives of leading *advocacy* organisations, such as the Global Center for the Responsibility to Protect, among others, could also be invited to attend convenings and provide input.

[18] See section C below on discussion as to the latter two.

b. Key terms and scope of research

Following both internal discussions and external consultations, we recommend that the Council adopt a **three-pronged approach to research**. The first research strand would be **thematic** in nature, aimed at building upon points of intersection and leverage between atrocity prevention and other leading frameworks for government action and policy. This is of particular importance in light of the relative waning of a self-standing atrocity prevention agenda when compared to other policy frameworks, such as counterterrorism and protection of civilians. Given current geopolitical realities, incorporating a clear preventive strategy into other thematic areas presents a critical opportunity to harmonise agendas that are not typically aligned. Candidates for thematic study are set out below, along with preliminary discussion of potential points of leverage. It is essential to underscore, however, that the atrocity prevention agenda should only be tied to those thematic areas and frameworks that are *consistent with its normative and legal underpinnings*. It must not be seen as a 'cover' or pretext for advancing inconsistent national security interests.

The second research strand adopts a **micro-level** approach, bringing together various thematic strands to assess preventive strategies in a particular national or local context. The idea is to interrogate preventive theories and concepts through application to specific case studies, resulting in a set of recommendations for policymakers not limited by thematic area.

The third and final research strand would adopt a **macro-level** approach, making strategic recommendations on the best way to advance the prevention agenda in light of shifting geostrategic dynamics and trends. This could include, among others, the study of effective advocacy techniques and "selling points" within the atrocity prevention agenda, strategic arguments for adoption of preventive measures, and particular recommendations for prevention advocacy in relation to specific contexts. It could also involve assessing actors that might have an interest in preventing atrocity crimes in a certain region, country, or locality, as well as how to effectively harness action. This must be done consistently with legal and normative frameworks regulating international diplomatic action. Section (d) below will further expand on our suggestions and recommendations. First, however, we shall turn to clarifying our vision concerning how the Council would operate.

c. Council Operation

(i.) Targets of Influence

As noted above, the principal inter-governmental structure for cooperation in this field is the International Atrocity Prevention (IAP) Working Group, which is currently comprised of **Australia, Canada, Denmark, Germany**, the **Netherlands,** the **United Kingdom** and the **United States**. In assessing which policymakers would be optimal targets of influence, we recommend that the Research Council use the IAP Working Group as an initial point of departure, but also include key figures external to the Group that are leading policy in other organisations and

governments, at least at first with a focus on the transatlantic region.[19] In particular, in addition to current members of the Working Group, France should be considered for inclusion in our Council's briefings, given the country's influential role in Europe and beyond, its leadership role within the **European Union** (EU), and its position as a permanent member of the Security Council (since Brexit, the only EU member who is also a permanent member of the Council). To achieve this purpose, the agenda should include country-specific or thematic issues of particular concern to the **French government**, such as atrocity prevention and counter terrorism in the Sahel. **Italy** has also been proposed for inclusion, particularly in light of its participation as a troop-contributing country, and its leading role in peacekeeping and stability operations.

There was also strong support among respondents for including the EU as *both* a target for briefings (alongside individual governments) and a participant in the Research Council. Preliminary consultations indicated that the EU may indeed be interested in a transatlantic platform that can better coordinate actors on atrocity prevention issues. Its recent prioritisation of these issues is illustrated by its development of an atrocity prevention toolkit, as well as its convening of the most recent Global Network of R2P Focal Points in Brussels in 2019.[20]

There was also support for the possibility of inviting leading transatlantic organisations to participate in the Research Council, such as **NATO** and the Organisation for Security and Co-operation in Europe (**OSCE**). Preliminary consultations with NATO were very promising, suggesting that the Council's planned functionality and agenda would be of organisational interest, particularly in light of its foundational values and its renewed interest in preventive strategies.

The **United Nations**, of course, should also be invited for membership in the Research Council. In light of the organisation's capacity constraints, the UN might also be particularly receptive to the possibility of obtaining directed policy and advocacy briefings by the Council. Further, its access to various implementation sites, including peacekeeping operations, commissions of inquiry, international criminal tribunals, as well as human rights agencies and bodies may make it an essential partner in pursuing broader prevention goals. The UN Joint Office clearly represents the most appropriate office with which to collaborate, but the wide range of actors working on atrocity prevention within the UN system, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), should also be considered for participation or at least structured engagement.[21]

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[19] Please see at Annex I an outlined proposal of how this could work.

[20] Federica Mogherini, 'Statement by HR/VP Federica Mogherini on the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime' (Bruxelles, 9 December 2017) <https://eeas.europa.eu/delegations/burkina-faso/37088/statement-hrvp-federica-mogherini-international-day-commemoration-and-dignity-victims-crime_nn> accessed 15 July 2020.

[21] At first, the Steering Committee is prioritising engagement with the UN Joint Office, with a view however to set up a mechanism for engagement with other UN entities, whose operations and competence can further a UN 'whole-of'system' approach to preventive strategies. For example, see: Ryan D'Souza, 'A Reoriented Approach to Atrocity Prevention in UN Peace Operations' (Oxford Programme on International Peace and Security White Papers Series, June 2020).

(ii.)   Council briefings

For the initial phase of the Council's work, we would recommend addressing representatives from the above governments and regional organisations at the working level. We believe this would lead to strong turnout and rich discussion, fuelled by the fact that, as compared with principals, whose scope of responsibilities is often wide-ranging, the day-to-day responsibilities of those at the working level is likely to be focused more specifically on atrocity prevention. Specifically, we recommend convening working-level representatives of governments and organisations at least once per year in a formal briefing, through which the Council would provide short, directed presentations on issues of thematic, contextual, and macro-level interest. The optimal timing for these convenings might be around the UN General Assembly's September meetings, where both members of the International Atrocity Prevention Working Group and representatives from other transatlantic governments and organisations are present. This convening would be separate from (but dovetail with) the meetings of the Working Group itself, as consultations indicated that no civil society groups or organisations have regular access to the Group.

In light of the Council's commitment to **providing a platform for intergenerational leadership**, briefings and research dissemination could provide a natural opportunity for new voices to be heard, allowing for the development of the next generation of atrocity prevention champions and practitioners. Support was also given to the idea of exploring innovative ways to discuss atrocity prevention and inspire more individual 'buy-in' from participants in the network, including by inviting transatlantic Ambassadors formerly posted in countries that witnessed the onset of atrocities in order to learn from their experiences.

We recommend engaging the same working-level representatives of the Working Group and other transatlantic governments and organisations on a bilateral basis at least one additional time during the year to gather input on their specific needs and priorities for the next briefing, thus reinforcing our iterative model. The optimal timing for these bilateral discussions could coincide with the Munich Security Conference, which serves as a forum for representatives of all key stakeholders on most thematic issues embraced by the Council. The late winter timing of the Conference would also allow sufficient time for the Council to receive and incorporate the necessary feedback as to areas of priority study for the Council's September convening. Additional bilateral meetings could also be sought on the margins of the Paris Peace Forum.

Outside of the briefings to policy stakeholders, we recommend that the Council also convene meetings of its own membership to discuss the following items: (i) research agenda for upcoming and future briefings; (ii) research approach; (iii) briefing approach and best practices; and (iv) Council membership.

(iii.)   Deliverables

For the Council's September convenings, we recommend translating the Council's research agenda into **targeted policy briefs** that comprise no more than three pages and can be presented

by the relevant Council member within approximately five minutes. Our consultations indicated a strong preference for timely, concise papers that outline practical recommendations for atrocity prevention in real-time situations, rather than theoretical analysis. Briefs should be delivered ahead of convenings so they can be discussed with the relevant country or functional desk officers in advance.

d. Recommended Research Agenda

Key areas for thematic study[22]

Through consultations and independent research, we identified the following key areas for thematic study as part of the Council's initial research agenda, for they present **fruitful points of intersection (but also tension) with atrocity prevention**. In selecting these areas, we conducted consultations with policymakers and academics in order to assess policy priorities and interests. We then conducted research to assess the linkages between those areas and atrocity prevention, outlining how the frameworks might intersect and present novel contributions to the prevention space. Finally, after assessing linkages, we narrowed the list to prioritise frameworks that: (1) speak to the opportunities and challenges, including a shift in priorities, as a result of the global pandemic; (2) can be most immediately addressed by Oxford and McGill's research teams in light of research expertise and capacity. In this sense, the below simply represent a selection of frameworks *we* felt more prepared to tackle in the initial phases of the Council's work. However, this **should not limit the range of choices** that future members of the Council might embrace. To facilitate and guide such expansion, we have captured an additional set of frameworks that policy makers clearly articulated as 'of relevance' during our consultations; these can be found in Annex II.

(i) Public Health Security

The ongoing worldwide COVID-19 crisis has raised the global profile of issues of public health to

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[22] We are grateful to **Brianna Rosen** for her input in the technology, countering terrorism and violent extremism, and arms control sections. Brianna is a Clarendon Scholar and DPhil candidate in Public Policy at the Blavatnik School of Government, and a project assistant with the Oxford Programme on International Peace and Security. Prior to joining Oxford, she was a career civil servant in the US government with nearly a decade of experience in national security issues and the Middle East. During the Obama administration, she was assigned to the White House National Security Council and Office of the Vice President. In addition, we are grateful to **Rhiannon Neilsen** for her input in the technology section, and throughout the paper. Rhiannon is a junior research consultant to the Oxford Programme on International Peace and Security, and a Scientia PhD Candidate at the University of New South Wales. She has been a Visiting Doctoral Student at the Oxford University Department of Politics and International Relations, and a Visiting Scholar with the NATO Cooperative Cyber Defence Centre of Excellence. We are also extremely grateful for **Dr. Talita de Souza Dias**' input in the cyber and emerging tehcnologies section. Talita is a Lecturer in Law at the Oxford Law Faculty and Seminar Leader in Law and Public Policy at the Blavatnik School of Government. She is also a Research Fellow with the Oxford Institute for Ethics, Law, amnd Armed Conflict, and the Oxford Programme on International Peace and Security, focusing on cyber issues, and due-diligence preventive measures.

the forefront of policymakers' attention and interest. Similarly, immeasurable resources are being diverted from a number of other policy priorities to public health for the foreseeable future. In 2014, the Security Council determined that the "unprecedented extent" of the Ebola outbreak constituted a threat to international peace and security; its resolution was adopted unanimously and co-sponsored by 131 countries, the greatest number in the Council's history.[23] This development followed the Security Council's resolution emphasising the risk posed by the HIV/AIDS pandemic to stability and security in 2000.[24] Today, academics and policymakers alike have urged a broadening of the notion of national security to include consideration of both health security and global health crises.[25] As a result, we recommend that the Council include in its research stream a body of work aimed at considering how issues of public health overlap with and aggravate mass atrocities.

In particular, we recommend that the Council's initial research agenda include a review of the early warning indicators predicting the risk of atrocity crimes, and assess the impact of COVID-19 on the indicator frameworks and the particular risk factors exacerbated by the pandemic, including through a gendered analysis. Specifically, this analysis could identify relevant indicators and risk factors possibly heightened in light of the pandemic, and seek to determine the groups or societies facing greater risks of mass atrocities as a result. This may include, for example, consideration of the devastating impact a global pandemic would have on extremely vulnerable places, such as camps for refugees and internally displaced persons, as well as detention centers and areas under siege. In particular, this stream might examine overlapping obstacles to human security related to access to information, healthcare, and protection. Our preliminary research has also made clear the urgency of incorporating a *gender lens* in reviewing atrocity prevention frameworks and risk factors, and integrating consideration of the complexity of the violence underlying atrocity crimes and the particular ways in which mass atrocities impact individuals as a result of their gender.[26]

(ii) New Technologies

We also recommend that the Council include a research strand that examines the intersection of new technologies and atrocity crimes. Specifically, we recommend that this research strand have two main areas of focus: first, how technology might be leveraged by regimes and violent non-

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[23] UNSC Res 2177 (18 September 2014) UN Doc S/RES/2177.

[24] UNSC Res 1308 (17 July 2000) UN Doc S/RES/1308.

[25] *See, e.g.*, Nima Gerami and Amanda Moodie, 'The health-security nexus: Reassessing priorities after COVID-19' (Oxford Blavatnik School of Government, 29 June 2020) <https://blog.politics.ox.ac.uk/the-health-security-nexus-reassessing-priorities-after-covid-19/> accessed 7 July 2020.

[26] Sareta Ashraph, 'Beyond Killing: Gender, Genocide & Obligations Under International Law (Global Justice Center, December 2018) <https://globaljusticecenter.net/blog/20-publications/briefs-and-white-papers/1009-beyond-killing-gender-genocide-and-obligations-under-international-law> accessed 7 July 2020; Conference Program, 'Gender, Genocide & Obligations Under International Law' (March 2020), accessed 7 July 2020 and 'In CAR, violence against women is surging amid COVID-19 pandemic, study finds' (United Nations Development Programme, 14 July 2020) <https://www.undp.org/content/undp/en/home/news-centre/news/2020/In_CAR_violence_against_women_surging_amid_COVID19.html> accessed 16 July 2020.

state actors to *perpetrate* atrocity crimes, and second, how technology might be harnessed to *prevent* atrocity crimes.

The first area of focus would analyse the dynamics of technologies being deployed and, at times, abused in connection with the COVID-19 pandemic in order to facilitate the commission of atrocity crimes. For instance, as part of efforts to track and trace the spread of COVID-19, governments are expanding domestic technical surveillance programmes. This is disconcerting, as such surveillance mechanisms may be abused to monitor minority or opposition groups, creating new vulnerabilities that might give rise to egregious human rights violations. Moreover, online dis/misinformation surrounding COVID-19 might be employed as a 'justificatory' mechanism by regimes to further vilify or persecute vulnerable groups. The challenge of online hate speech further warrants critical investigation, as atrocities in recent years have highlighted the damaging role of social media platforms in fuelling atrocities, such as in Myanmar.

Beyond surveillance and online dis/misinformation and hate speech, this first area of focus would also determine how offensive cyber operations themselves might result in atrocity crimes. Supervisory Control and Data Acquisition (SCADA) cyber attacks on critical infrastructure, such as nuclear power plants, power grids, or dams, for example, have the potential to directly and indirectly result in mass casualties. Similarly, regimes and non-state actors have increasingly disabled internet access in areas at risk of atrocities, thereby intentionally jeopardising the security of certain populations by restricting access to information and stifling the flow of incriminating evidence reaching the international community.[27]

The second area of focus in this research strand would examine how cyber and technologies offer new opportunities for atrocity prevention. In particular, this second area will examine how technologies might be used to bolster early warning and evidence-gathering capabilities that can strengthen existing prevention and accountability mechanisms. As an example, the widespread use of social media can alert governments to the presence of risk factors for the perpetration of atrocity crimes. At the same time, social media can also be used for misinformation, which could hurt efforts to collect reliable intel on atrocity crimes. This area of focus would also determine greater means for monitoring, regulating, and responding to online hate speech (noted above as a critical factor in leading to atrocity crimes). Legal frameworks surrounding content moderation in cyberspace, in particular, may be leveraged operationally as an atrocity prevention tool.

Finally, this area of focus might also examine the effectiveness of existing humanitarian technologies.[28] For example, remote sensing capacities, including geospatial intelligence and big data, can help strengthen early warnings. For instance, the use of surveillance drones and satellite imagery can serve as an important vehicle for monitoring and collecting information regarding potential atrocity crimes when states or the UN are unable or unwilling to commit boots on the

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[27] Elias Groll, 'The Other War in Yemen – Control for the Country's Internet' (Foreign Policy, 28 November 2018).
[28] For more on 'humanitarian technologies', please see Kristin Bergtora Sandvik, Maria Gabrielsen, John Karlsud, and Mareile Kaufmann, 'Humanitarian technology: a critical research agenda' (2014) 96 (893) International Review of the Red Cross 219-242.

ground.[29] Crowdsourced crisis mapping sites (which draw on text messages, emails, and online activity to provide real-time updates of unfolding crises), and 'Community Alert Networks' (such as those adopted by MONUSCO) are other ways in which technology has been used for atrocity prevention.[30] Furthermore, the use of smartphone applications, such as 'eyeWitness to Atrocities', and the recourse to satellite imagery can also be used to collect and support evidence for prosecutional and transitional justice purposes.[31] We suggest that the Council conduct research on these technologies as part of broader efforts to identify new avenues for atrocity prevention in the digital age.

(iii) Peace Operations, Protection of Civilians, and Emergency Relief

A thematic study of the linkages between atrocity prevention and contemporary peace operations should also be a priority for the Council. This includes not only integration of atrocity prevention with the Protection of Civilians (PoC) framework, often associated with peacekeeping operations, but also integration with modern, multidimensional peace operations aimed both more broadly at addressing the roots of conflict and at political solutions to dynamics of tension within states. Ultimately, these broader frameworks are concerned with preventing and mitigating violence - which can and often does negatively affect civilian populations - thereby rendering their fundamental goals largely harmonious.[32]

The US, EU, UN and NATO have all included PoC policies and strategies in their operations, and PoC has also been included in all UN peacekeeping mandates since 1999, and is the subject of regular thematic reporting obligations in the UN Security Council.[33] It has also played a central role in innovative Security Council resolutions, particularly in contexts where atrocity prevention strategies have largely failed, such as in Syria. UNSC Resolution 2165 reaffirmed the primary responsibility of parties to the armed conflict in Syria to ensure the protection of civilians, and used the PoC framework to help authorise humanitarian access within

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[29] David Whetham, 'Drones to Protect' (2015) 2(19) International Journal of Human Rights 199-210; John Karlsrud and Frederik Rosén, 'In the Eye of the Beholder? The UN and the Use of Drones to Protect Civilians' (2013) 2(2) Stability: International Journal of Security and Development 1-10.

[30] Christopher Tuckwood, 'The State of the Field: Technology and Atrocity Response' (2014) 8(3) Genocide Studies and Prevention 81-86; Fiona Blyth and Patrick Cammaert, 'Using Force to Protect Civilians in Nations Peacekeeping Operations', in *Protection of Civilians,* edited by Haidi Willmot, Ralph Mamiya, Scott Sheeran and Marc Weller (OUP 2016) 322.

[31] EyeWitness to Atrocities, 'eyeWitness to Atrocities: Eliminating doubt, aiding justice', <www.eyewitness.global/welcome.html> accessed 8 July 2020.

[32] Global Centre for the Responsibility to Protect, 'The Relationship between the Responsibility to Protect and the Protection of Civilians in Armed Conflict' (Global Centre for the Responsibility to Protect, 9 May 2011) <www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3442-global-centre-for-the-responsibility-to-protect-the-relationship-between-the-responsibility-to-protect-and-the-protection-of-civilians-in-armed-conflict> accessed 27 March 2020; also see Emily Paddon Rhoads and Jennifer Welsh, 'Close cousins in protection: the evolution of two norms' (2019) 95 (3) *International Affairs* 597-617.

[33] Cecilia Jacob, 'Protecting Civilians: An Interview with Cecilia Jacob' (Oxford Research Group, 16 October 2019) <www.oxfordresearchgroup.org.uk/blog/civilian-protection-an-interview-with-cecilia-jacob> accessed 28 March 2020.

the country without the consent of Syrian authorities.[34] Similarly, under the rubric of PoC, UNSC Res. 2417 elevated the issue of starvation and conflict-induced food insecurity to the level of threat to international peace and security, and recognised that the wilful impediment of relief supplies might amount to a war crime.[35]

In view of the global pandemic, the PoC framework offers particular promise as a conceptual framework for missions tied to providing humanitarian and emergency relief, including medical support to address the threats posed by Covid-19. This makes the PoC framework a natural candidate to target when seeking to integrate the atrocity prevention agenda into the operations that will be deployed in the coming months and years. This is particularly true in relation to contexts in which specific populations are at risk of marginalization or victimization through action taken to prevent the spread of COVID-19, such as refugees and internally displaced persons.[36] In addition, there are particular threats associated with the pandemic for which applying both PoC and atrocity prevention perspectives would be advantageous, such as tactics of warfare that directly infringe upon access to urgently needed relief. This includes, for example, the intersection between the pandemic and food insecurity, with particular attention to the intentional starvation of civilians, as well as intentional deprivation of access to emergency and medical relief.

Further, because the majority of atrocities against civilians occur in situations of armed conflict, and in some such situation PoC mandates are often deployed, it is essential that PoC and atrocity prevention agendas are harmonised to the maximum extent possible. For example, the PoC framework's general focus on neutral and impartial action,[37] can at times conflict with the atrocity prevention agenda, particularly when effective atrocity prevention requires identification of (and action against) perpetrators.[38] On the other hand, PoC mandates have also been understood to require action that might be seen "partial", suggesting that the areas of divergence are not as stark as might appear at first glance. This makes it particularly important to explore opportunities to harmonise and integrate atrocity prevention work into missions and operations premised on PoC, and to develop strategies and recommendations for policy that is constructive for both agendas. This can and should encompass particular refinements to frameworks for dynamic conflict analysis and the identification of a range of policy instruments – including but not limited to deployments of military personnel – to address situations where particular populations are imperilled.

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[34] UNSC Res 2165 (14 July 2014) UN Doc S/RES/2165.

[35] UNSC Res 2417 (24 May 2018) UN Doc S/RES/2417. This, in turn, contributed to a push to amend the Statute of the International Criminal Court. See Federica D'Alessandra and Matthew Gillett (2019), 'The War Crime of Starvation in Non-International Armed Conflict', *Journal of International Criminal Justice*, 17 (4), 815-847.

[36] Kimberly Dozier, 'Refugee Boats Stranded at Sea Show How COVID-19 Is Making Threatened Groups More Vulnerable' (TIME, 29 April 2020), accessed 8 July 2020.

[37] Hugh Breakey, et al., 'Enhancing Protection Capacity: Policy Guide to the Responsibility to Protect and the Protection of Civilians' (UN University 2012) <https://collections.unu.edu/eserv/UNU:1619/R2P-POC-Overview-Document.pdf> accessed 28 March 2020.

[38] Individualisation of War Project, Oxford Institute for Ethics, Law, and Armed Conflict and European Institute Florence, 'Humanitarian actors' engagement with accountability mechanisms in situations of armed conflict', 21 January 2016 <https://iow.eui.eu/wp-content/uploads/sites/20/2016/06/Humanitarian-Actors-Engagement-with-Accountability-Mechanisms_Workshop-Report.pdf> accessed 8 July 2020.

(iv) Countering Terrorism and Violent Extremism

Counterterrorism (CT) and preventing and countering violent extremism (PCVE) are two interconnected policy priorities that present important areas of overlap with atrocity prevention issues. While CT efforts tend to focus on the tactical disruption of terrorist networks, the PCVE agenda aims to develop a strategic framework for eliminating the underlying drivers of violent extremism in the long term. In the past decade, transatlantic governments have prioritised the development of a holistic policy approach that combines elements of CT and PCVE best practices.

There are three primary areas of intersectionality between the CT-PCVE agendas and atrocity prevention. First, the role of non-state actors such as the Islamic State (IS) and Boko Haram in perpetrating mass atrocities has raised the prospect of more closely aligning CT-PCVE and atrocity prevention policy priorities. On the one hand, policymakers are increasingly relying on CT tools as a means of preventing or halting atrocity crimes.[39] On the other hand, atrocity prevention frameworks and upstreaming techniques may be used to more effectively deter and combat transnational terrorism.

Second, the PCVE agenda in particular naturally aligns with atrocity prevention objectives concerning the protection of minority groups. Many of the underlying socio-economic drivers of violent extremism—such as a lack of economic opportunities and the marginalisation of BAME communities—directly and indirectly contribute to the perpetration of atrocity crimes. Addressing the root causes of violent extremism, therefore, will have a positive impact on atrocity prevention efforts. As a result, the PCVE agenda should be leveraged to advance atrocity prevention objectives in specific country contexts where non-state actor violence is most prevalent. The pervasiveness of racism and intolerant language in the wake of COVID-19 underscores the urgency of this point.

Finally, COVID-19 has refocused attention on a potential increase in the use of biological agents by non-state actors, including terrorist groups (bioterrorism) or criminal perpetrators (biocrimes).[40] The far-reaching implications of the pandemic have exposed vulnerabilities in health systems that terrorists or criminals might seek to exploit in order to commit mass atrocities. Indeed, there is a very real concern that extremist terrorist organisations may seek to weaponise COVID-19 as a tool to spread fear among communities and exterminate certain minority groups.

Despite these areas of overlap, there are also points of tension between the CT-PCVE and atrocity prevention agendas, which have different aims and may at times call for conflicting courses of action. The use of armed drones, for example, might undermine efforts to build

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[39] Colin Thomas-Jensen, 'Fighting Fire with Fire: The Growing Nexus between Atrocity Prevention and Counterterrorism and its Implications for the Use of Force to Protect Civilians' (United States Holocaust Memorial Museum, 2018) <https://www.ushmm.org/m/pdfs/Colin_Thomas-Jensen_fellowship_paper_02072018.pdf> accessed 8 July 2020.

[40] Most incidents involving the illicit use of biological agents have featured individuals or groups with criminal motives, rather than those with political agendas. Empirical evidence suggests that terrorists have rarely been successful in employing bioagents. See, for example, W. Seth Carus, 'The History of Biological Weapons: What We Know and What We Don't' (2015) 13 (4) Health Security <https://pubmed.ncbi.nlm.nih.gov/26221997/> accessed 8 July 2020.

international consensus on atrocity prevention norms, particularly if targeting mistakes result in significant civilian casualties. In addition, governments face considerable bureaucratic challenges in aligning the atrocity prevention and CT-PCVE portfolios since the latter often requires access to sensitive intelligence reporting. The Research Council would be well placed to provide policymakers with recommendations for aligning these frameworks and ensuring that they do not work at cross-purposes, while integrating strategies aimed at upstreaming the prevention of violent extremism.

Key candidates for contextual analysis

As noted above, a second stream of research will focus not on thematic intersection between atrocity prevention and other leading frameworks for policy, but rather **applying atrocity prevention to concrete situations** in country or local contexts. Indeed, respondents indicated that the EU in particular is focusing on concrete country situations as a means for demonstrating the added value of the R2P doctrine.

There was agreement amongst our respondents that the Council could be most useful by focusing on **upstream prevention**, by looking at the so-called "amber" countries on the traffic light course. This would mean focusing contextual analysis on country or local contexts where atrocities have not yet peaked but where a heightened risk exists unless timely and decisive action is taken to protect civilians.

Some respondents also suggested that in particular contexts, combining a **thematic focus** and a specific **domestic context** may be valuable, such as, for example, combining a counter terrorism and atrocity prevention lens in the Sahel region, or assessing atrocity prevention through a gender lens in the context of Myanmar.

Alternatively, particular national or local contexts may be studied in connection with the targeted use of key **atrocity prevention tools**, such as sanctions or international criminal justice mechanisms. Sanctions, for example, present an opportunity to break through stagnant discussions presenting a false dilemma between inaction or the use of force, particularly as it does not require the approval of the Security Council, which has inhibited effective prevention action in a number of contexts. Further, sanctions hold particular promise for economically powerful countries, such as those in the transatlantic region.[41] They can also be effective in closing specific routes for the perpetration of atrocities. For example, the US government has authorised sanctions against those who commit human rights abuses through information technology ("GHRAVITY sanctions"), enabling the sanctioning of both governments and corporations that play an enabling role in atrocity crimes.[42]

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[41] *See, e.g.*, Stephen Pomper, 'Atrocity Prevention Under the Obama Administration: What We Learned and the Path Ahead' (USHMM, February 2018) <https://www.ushmm.org/m/pdfs/Stephen_Pomper_Report_02-2018.pdf> accessed 5 April 2020; Jeremy Farrall, 'The Use of UN Sanctions to Address Mass Atrocities' in Alex J Bellamy and Tim Dunne (eds), *The Oxford Handbook of the Responsibility to Protect* (OUP 2016).

[42] The White House, 'Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities' (Office of the Press Secretary, 23 April 2012) <https://obamawhitehouse.archives.gov/the-press-

Similarly, selected candidates for contextual study might be examined in connection with the potential of international criminal justice to contribute to atrocity deterrence and prevention. There is today little understanding of the specific ways that international criminal law institutions and proceedings – classically aimed at accountability – can impact upon the prevention and deterrence of atrocity crimes.[43] Further, experts have argued that policies on international criminal justice itself could be strengthened by aligning with atrocity prevention as a part of a single vision of crisis response.[44] In addition, the explosive growth in the field of international criminal justice – including the exploration of domestic trials for international crimes, transitional justice strategies, and new mechanisms, actors, and technologies aimed at evidence-gathering and accountability-[45] present important opportunities to examine how they can be leveraged to prevent and deter atrocity crimes, backed by empirical research and funnelled into specific policy recommendations.[46]

Three dimensions of the macro strand

The third research strand will **develop an overarching strategy** for advancing atrocity prevention goals and objectives in light of current geo-political realities. This strand can be understood as evaluating three dimensions of atrocity prevention: *internal*, examining how structures and processes within governments and organisations might be harnessed to develop a holistic approach to prevention; *systemic*, evaluating how both domestic and international structural elements intersect on prevention, and *geo-strategic*, examining how these structures and processes might be oriented and adapted in light of geo-political trends and developments.

Internal: First, this strand will evaluate the centralisation of authority and decisionmaking concerning atrocity prevention issues internal to particular institutional contexts and dynamics, both at the domestic and international levels. In particular, it will identify stakeholders that exert influence on the atrocity prevention agenda at the state level, within international and regional organisations (such as the UN, EU, AU, OSCE), and in civil society (*i.e.*, institutions or organisations that have particular sway with policymakers). This analysis will assist in directing the Council's substantive research towards the institutions and policymakers most likely to

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office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro> accessed 27 March 2020.

[43] See Dan Saxon, 'The International Criminal Court and the Prevention of Crimes', in Sharma and Welsh (n 6) 129, 154, 157-158.

[44] Anthony Dworkin, 'International Justice and the Prevention of Atrocity' (European Council on Foreign Relations 2014) <https://www.ecfr.eu/page/-/ECFR115_International_Justice_Report.pdf> accessed 5 April 2020.

[45] See Federica D'Alessandra, 'The Accountability Turn in Third Wave Human Rights Fact-Finding' (2017) 33 (84) Utrecht Journal of International and European Law 59–76. *See also* Federica D'Alessandra, et al., Handbook on Civil Society Documentation of Serious Human Rights Violations, Public International Law & Policy Group (2016) <https://bit.ly/3eqVzK9> accessed 3 April 2020.

[46] See our project '*Anchoring Accountability for Mass Atrocities*', in partnership with the Center for Genocide Prevention and the International Bar Association,<www.bsg.ox.ac.uk/research/research-projects/anchoring-accountability-mass-atrocities> accessed 3 April 2020.

advance the agenda in the current moment, and to identify gaps in implementation and operationalisation.

Systemic: The second dimension will examine atrocity prevention at the systemic level, assessing how various domestic and international structures and institutions fit together to advance the atrocity prevention agenda. The aim is to identify gaps in atrocity prevention that the Council could seek to fill, either in terms of the coverage and scope of structural prevention or in implementation and operationalisation of policy. In sum, this dimension will assist in furthering a "whole of system" approach to atrocity prevention, by assessing the systemic areas where prevention efforts are lacking and the ways in which preventive structures weave together (or fail to do so) to meet prevention needs.

Geo-Strategic: The third dimension of this research strand seeks to develop strategic recommendations as to the optimal "division of labor" for the atrocity prevention agenda. This will take into account particular government priorities and capabilities, particular individuals' own abilities and influence, and geo-political relations to assess which actors would be most influential in advancing particular components of a substantive agenda. Areas which may be considered relevant for this dimension may include, for example, which countries are expected to hold the seat/Presidency of the UN Security Council, which nations hold leadership positions in other international and regional institutions such as the General Assembly and Human Rights Committee, and opportunities to advance the agenda at upcoming fora such as the G7 Summit or the Paris Peace Forum. In addition, this stream will seek to foster smart, effective diplomacy on tactical issues, taking stock of particular coalitions and partnerships which may be built or developed to coalesce around particular action items. Finally, the stream will also derive strategic recommendations from the work of particularly effective members of civil society, examining opportunities to revive policy momentum on atrocity prevention issues. This may include not only the particular institutions which have demonstrated impact in prevention, but also those individuals who have made their voices heard, with a view to developing similar champions for the prevention agenda across institutions and platforms.

In addition, this strand will take into account how ongoing geo-political trends impact upon atrocity prevention work and priorities. The rise of illiberalism, for example, has had particular bearing upon both norms and institutions that have been at the core of atrocity prevention work, including the UN and the Responsibility to Protect.[47] It has further implications for the international support for and influence of international courts and other multilateral mechanisms

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[47] Karen E. Smith, 'The EU and the Responsibility to Protect in an Illiberal Era' (Dahrendorf Forum, 21 August 2018) <https://www.dahrendorf-forum.eu/wp-content/uploads/2018/08/EU-and-RTP-in-an-illiberal-era.pdf> accessed 15 July 2020; Michael J. Boyle, 'The Coming Illiberal Order" [2016] 58:2 Survival 40 (explaining that, in the "coming illiberal order", institutions such as the UN will be "retrofitted to suit the interests of newly dominant illiberal states", accompanied by a parallel set of institutions aimed at sidelining American interests, while concepts such as R2P will be "contested or reimagined").

aimed at accountability for mass atrocities.[48] Accounting for these trends may provide an impetus to consider how best to orient an atrocity prevention agenda in an era where human rights, multilateralism, and the liberal world order are in clear decline.[49] The third dimension of our research strand will seek to address these geopolitical trends to continue to advance the core goals of atrocity prevention in view of changing challenges and opportunities on an international stage.

III.   Conclusion and Next Steps

As we have noted, this project, and the consultations that comprised its preliminary phase, have been ongoing for some time, and have always targeted an important need in the atrocity prevention space: the need to foster greater knowledge-sharing and exchange within a siloed community that should be working towards shared goals. Yet the global pandemic has reoriented our recommendations and simultaneously heightened their urgency. Faced with exacerbated risk, reduced resources, and a fragmented international order, the atrocity prevention community can no longer afford to segregate the thinking done in the halls of academia from the conversations being held between practitioners in capitols and conferences around the world. The need for regular interaction, support, and exchange has truly never been greater. It is our aim that the Transatlantic Atrocity Prevention Research Council, together with the Inter-Governmental Network for Atrocity Prevention, will be able to rise to meet the challenges and needs presented by the current moment.

As next steps, we recommend that the Council, in consultation with transatlantic policymakers, convene targeted working groups around expressed areas of priority for policymakers, focusing in particular on the thematic frameworks of, as discussed above, (i) public health security; (ii) new technologies; (iii) peace operations; and (iv) counter-terrorism and violent extremism. We then recommend the convening of a preliminary meeting (either physical or virtual) between policymakers and Research Council representatives, focused on the intersection between Covid-19 and atrocity prevention, to explore initial research findings and share areas of heightened concern and focus as we navigate the new world of atrocity prevention in the midst of a global pandemic. This meeting would also serve to test the utility and format of presentations by Council and working group representatives around preliminary areas of concern, and to refine our approach to dialogue and exchange with representatives of government and international organisations. In short, this first and thematic meeting would serve as an incubator for the broader process of knowledge exchange between the Research Council and the Inter-Governmental Network.

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[48] *See, e.g.*, Anthony Dworkin and Mark Leonard, 'Can Europe save the world order?' (European Council on Foreign Relations, 24 May 2018) (explaining that the EU should "temper its expectations" for the ICC in view of the decline of the liberal rules-based order)
<https://www.ecfr.eu/publications/summary/can_europe_save_the_world_order> accessed 15 July 2020.

[49] 'Lessons from the rise of strongmen in weak states' (*The Economist*, 16 June 2018)
<https://www.economist.com/leaders/2018/06/16/lessons-from-the-rise-of-strongmen-in-weak-states> accessed 15 July 2020.

Going forward, we welcome discussion of both substantive and process-based opportunities to further develop this platform and our approach to interaction with government policymakers working in the atrocity prevention space. Our aim, as ever, is and will be to return the primacy of human life and dignity to the forefront of policy priorities, to optimally leverage the remarkable work being done at universities, think-tanks, and civil society organisations for maximum impact, and to re-invigorate the atrocity prevention agenda to meet the pressing challenges of today.

Working proposal

For the Creation of a

Transatlantic Intergovernmental Network on Atrocity Prevention[*]

With its Operations Coordinated by a Board Representing Contributing States

Observing that there are now 68.5 million fellow humans displaced from their homes, having either fled across international frontiers, or within their own countries--most having escaped from zones of civil conflict, not to avoid cross-fire, but because as civilians they were the actual targets;

Recognising that as was seen in the 1990s in the genocide in Rwanda and the ethnic cleansing in the former Yugoslavia, the mass atrocities now committed in Syria, South Sudan, Myanmar and elsewhere not only kill, injure and scar their immediate victims, they also destabilise regions, sow divisions in distant places, and weaken global security;

Foreseeing that global threats from pandemic disease and climate change, and the ways in which modern social media can be used to amplify false "us against them" narratives, the prospects for mass atrocities in the future may be greater than in the past;

Acknowledging that global institutions like the UN Security Council, which in the past provided the means for effective global action to respond to the threat of mass atrocities, may now be blocked from action because of the association of major powers with atrocity perpetrating parties,

Welcoming the contributions of multiple States to assistance programmes or other foreign deployments intended to benefit threatened populations living well outside these contributing States' borders, in support of humanitarian assistance, peacekeeping, stabilisation and reconstruction, countering violent extremism, and strengthening the rule of law;

Having seen that even beneficial programmes may not always prevent mass atrocities, but to the contrary can have the unintended consequence of empowering perpetrators; further *highlighting* the need for contributing States to incorporate atrocity prevention into their policies and

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[*] Ambassador Stephen J. Rapp, on a consultancy with Oxford University, contributed to this Annex.

programmes, and to coordinate with other such States to ensure that their actions collectively achieve the greatest protection for threatened communities;

Recalling that the United States in April 2012 established an Atrocity Prevention Board within its national security policymaking system and thereafter launched what became a semi-annual consultation process with six other States, there exists a foundation for a multi-State network to develop, deliver, and coordinate effective action to prevent atrocities;

Further Recognising that to achieve maximum effectiveness this network should include other like-minded, contributing States or unions of States; ensure participation in its meetings of officials having responsibility over the fullest range of each State's foreign deployment of its assets; be able to seek the cooperation, assistance, and advice of other States as well as intergovernmental (IGOS), nongovernmental (NGOs), and civil society organisations (CSOs), including those representing atrocity victims; have access to the most accurate and timely information about current and threatened mass atrocity situations as well as the best research about the impact of various tools for atrocity prevention; and have the benefit of staff to prepare for meetings of the network's coordination board and to follow-up on implementation of its recommendations;

Resolving to **create and operationalise a Transatlantic Network for Atrocity Prevention**, and *providing* answers as to the questions of who, what, when, and how, as follows:

Who?

1. *Build* on the 'coffee group' organised by the US government in 2012, which has included representatives of seven governments, those of the US, Canada, UK, Germany, Australia, Netherlands, and Denmark, that convened during high-level UN General Assembly sessions in New York starting in September 2012, and began in 2014 to meet a second time each year in one of the member's capitals;

2. *Form* a network of the States now represented in the group, to be known as the Transatlantic Network for Atrocity Prevention, with each member State designating a responsible government official as the primary representative to serve on the network's coordination board;

3. *Expand* the membership of the network according to **specific criteria**:

   a. Include **States that consistently deploy assets for programmes or activities intended to provide benefits to threatened populations living well outside these States' borders**, such as for humanitarian assistance, peacekeeping, stabilisation and

reconstruction, countering violent extremism, and strengthening the rule of law. In addition to states, the network could also include the European Union because it maintains a **common foreign and security policy that is implemented through a diplomatic service and by funding instruments that focus on goals like peace and stability**;

b. *Restrict* **membership to States with democratic and publicly-accountable governments that support universal values and international norms**. Of course, it is recognised that governments are obligated to give the highest priority to protecting their own citizens, and when they act abroad will need to justify these actions as serving this priority. Thus, political realities may make it impossible for leaders to act to support universal values in *all* of their foreign relations. But the State members of the network **will have publicly articulated policies that allow for external action to respond to distant violations of international norms**, particularly when these violations result in death, deprivation, and suffering at a scale that diminishes all of humankind;

c. *Allow* for other states to **join the network by similar commitments and actions**. The network should cooperate closely with and enlist the support of non-contributing States, but should itself consist only of those **States that are prepared to provide the assets** without which initiatives will not be realised even when there are many vocal supporters and willing implementing partners;

4. *Invite* the participation, during relevant portions of the coordination board's meetings, of the representatives of **IGOs, NGOs, and CSOs that are playing a leading role in identifying, documenting, and mobilising effective responses** in potential or ongoing mass atrocity situations.

What?

5. *Conduct* at each meeting of the coordination board a **focused examination**, or 'deep-dive,' into the current situation in one of the countries exhibiting warning signs for the outbreak of mass atrocities, **based on reporting from reliable sources on the ground, monitoring of open source communications** for messaging that appears to target particular populations, **and expert analysis** of political, social and cultural factors that may contribute to or inhibit the commission of atrocities. This examination should include an identification of individuals and organisations in country and in region that can act to

prevent the outbreak of atrocities and an analysis of what can be done to protect and empower these actors;

6. *Update* the analyses of the situations in other countries where atrocities are threatened or ongoing, with **particular emphasis on the impact of the interventions** by the States represented in the network and by those States and other actors over which they have influence. This should **incorporate the lessons learned** from past atrocity situations, particularly from reviews like the UN's Petrie and Rosenthal reports that revealed how efforts to preserve beneficial programmes undermined atrocity prevention and mitigation in Sri Lanka and Myanmar;

7. *Receive* reporting on the **impact of economic actors on the commission of atrocities** and review how measures such as financial sanctions, 'know your supplier' regulations, or voluntary initiatives like the 'Kimberley Process' have worked and can be improved to more effectively prevent or mitigate mass atrocities;

8. *Review* **developments on accountability for mass atrocities**, including for the establishment of truth, prosecution of perpetrators, reparation of victims, and appropriate reform and lustration in the security sectors. This should focus on current efforts to ensure that documentary, digital, and testimonial information is gathered, verified, analysed, and preserved for future accountability processes. It should study ongoing accountability efforts that have followed the commission of atrocities and analyse how these efforts have impacted the subject countries and whether they have had an effect on neighbouring countries facing the threat of future atrocities;

9. *Facilitate and make use* of research about what has worked and not worked to prevent atrocities with an **emphasis on 'upstream' programme interventions intended to assist countries in becoming more resilient and resistant** to the forces that would unleash the violence. This would include analysis of the impact of various programmes on structural, operational, and systemic factors that can contribute to or inhibit the commission of mass atrocities.

When?

10. *Conduct* regular meetings of the network's coordination board at least twice yearly, while providing for the possibility of special meetings of the board or for working groups tasked to deal with specific country situations or thematic issues. The regular meetings should be in-person, but should allow for the participation by video-link of relevant officials of member states or cooperating states or organisations to speak to items on the agenda;

11. *Schedule* the regular meetings for not less than two days, with the sessions to be closed except for the second morning when the board will brief and provide an opportunity for input from representatives of IGOs, NGOs, and CSOs that will be invited because of their significant contribution to the work of atrocity prevention;

12. *Encourage* member States to designate a high-level official as the primary representative to the board and to make available for participation appropriate officials responsible for the fullest range of each state's foreign deployment of its assets;

13. *Facilitate* policy processes at the national government level to prepare for the board's meetings, so that each member State's representative(s) will be able to speak to the **existence, capacity, and availability of assets that may be deployed to prevent or mitigate mass atrocities**.

How?

14. *Obtain* **up-to-date information from reliable sources**. The US Atrocity Prevention Board benefited from reporting by intelligence agencies, the coffee group included four state members of the 'Five-Eyes' intelligence-sharing partnership, and the US facilitated the invitation of participants from other States to confidential intelligence briefings. Given the expanded membership of the network, it may need to rely to a greater extent on unclassified sources. The network should seek information from organisations that are active and experienced in in gathering information in conflict zones such as those monitoring and analysing open-source digital communications and satellite imagery, documentation centres funded by states for accountability purposes, IGO-mandated fact-finding and investigative missions, NGOs and CSOs with eyes on the ground, and reputable journalists;

15. *Request* studies by schools of government or research institutes to **determine political, social and cultural factors that may contribute to or inhibit** the commission of atrocities in specific countries, and to evaluate the potential "upstream" programme interventions that could assist countries in becoming more resilient and resistant to the forces that would unleash the violence. The network should facilitate this research by identifying sources of State or foundation funding that could provide the necessary financial support;

16. *Ask s*ocial media companies to **study the spread through their services of messages of ethnic or religious hatred and incitement to violence and to report on the systems that they have put in place to restrict, moderate, or remove** such messaging while preserving it for accountability purposes;

17. *Seek to expand* the availability and participation in **training courses in atrocity prevention and mitigation** for the personnel of governments and their implementing partners who are likely to be deployed or engaged in policy-making as to countries where mass atrocities are threatened or ongoing;

18. *Make* **recommendations to governments** regarding policies, sanctions or regulatory actions, programmes of foreign assistance, or other deployments of assets to prevent atrocities, including proposing initiatives that would require resolution approval and implementation by IGOs, and proposing agenda items for discussion and action at meetings of the leaders of groups of states, such as the G7 and G20;

19. *Employ* **a small secretariat** to prepare for meetings, ensure that the necessary reporting and research is available, enable the links with outside participants, and follow-up as to the recommendations of the coordination board. This secretariat would also keep a record of prior reporting, research, discussions, recommendations and actions to maintain an institutional memory as the representatives of governments change. The individuals employed by the secretariat could be detailed from member states but should available for sufficient time to fully perform the necessary work and should be of sufficient rank and experience to be able to communicate freely with the key interlocutors.

Annex II.

Additional Framework of Relevance for Thematic Consideration

As set out in the briefing paper, our analysis included a review of a number of **additional policy frameworks** that presented opportunities for intersection with the atrocity prevention agenda. While ultimately narrowing our recommendations to four key areas for the Council's initial research agenda to be taken on by Oxford and McGill, our consultations highlighted a variety of other relevant frameworks (which are also identified as priorities by our 'targets of influence'), and which we encourage should be taken up by additional members as soon as the Research Council structure begins to expand.

(i) Sustainable Development

The current pandemic is doing incalculable damage to decades of work aimed at sustainable development and efforts to meet a 2030 deadline for the UN's Agenda for Sustainable Development. Efforts to reduce poverty, hunger, and inequality, while improving education, gender equality, and healthy communities face new hurdles tied to an unprecedented pandemic and an associated recession, the impacts of which are disproportionately felt and unevenly distributed. As the international community reels from the immediate need to respond to the pandemic and its effects, policymakers will likely move to discussing reconstruction as one of the next key priority areas for nations around the world.

The natural point of intersection for atrocity prevention and the Sustainable Development Goals is Goal 16, which aims to promote peaceful and inclusive societies. Despite the value of linking sustainable development with peace and security issues more broadly, SDG 16 remains broad in nature, encapsulating everything from efforts against homicide, human trafficking, corruption, organised crime, and discrimination. Though there were some concerns among consultation respondents about the strength of linkages between atrocity prevention and the Sustainable Development Goals, we recommend consideration of this area for thematic study in light of new policymaker priorities as a result of the pandemic. Overlap between work aimed at reconstruction and upstream atrocity prevention could be a productive and timely opportunity to align and harmonise these agendas.

(ii) Women, Peace and Security

We considered that integrating atrocity prevention with the Women, Peace and Security **(**WPS) framework may be of strong strategic value. Some experts have suggested that the R2P doctrine in particular could be further strengthened by incorporating a gendered lens into the doctrine,[50]

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[50] Alex J Bellamy and Sara E Davies, 'WPS and Responsibility to Protect' in Sara E Davies and Jacqui True (eds), *The Oxford Handbook of Women, Peace, and Security* (OUP 2018).

and the broader field of atrocity prevention could be significantly strengthened by including these perspectives. Integrating atrocity prevention and WPS may serve to strengthen both agendas, particularly in ensuring that atrocity prevention advocates avoid common stereotypes such as viewing women and girls solely as victims of violence, but rather as agents of change and empowerment within a society.[51]

Further, evaluating opportunities for expanding dialogue between these agendas may serve political interests: some 55 states addressed the need to enhance the role of women in atrocity prevention at the General Assembly's 2019 plenary meeting on R2P, and the WPS agenda has been featured as part of a number of Security Council resolutions, including Resolution 1325 (affirming the role of women in both prevention and resolution of conflicts, and urging gender perspectives in all UN peace and security efforts), Resolution 1820 (on the role of sexual violence in war), Resolution 1888 (mandating peacekeeping missions to protect against sexual violence in armed conflict), Resolution 1889 (reiterating the vital role of women in conflict prevention, and requesting that country reports to the Security Council provide information on the impact of situations of armed conflict on women and girls), Resolution 1960 (on strengthening prevention of and ending impunity for sexual violence), Resolution 2106 (on ending impunity for sexual violence in conflict), and Resolution 2122 (establishing reporting requirements on WPS issues). Further, a number of transatlantic governments have expressed their commitments to the WPS agenda, including the US,[52] the EU,[53] Germany,[54] France,[55] and Italy.[56] In addition, NATO has expressed its commitment to the WPS agenda, adopting a specific policy to support implementation of UN Security Council resolutions on WPS, and recognising the importance of integrating gender perspectives throughout NATO's essential core tasks of collective defence, crisis management, and cooperative security.[57]

(iii)   Conflict Prevention

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[51] Ibid, 12.

[52] *United States Strategy on Women, Peace, and Security* (June 2019) <www.whitehouse.gov/wp-content/uploads/2019/06/WPS_Strategy_10_October2019.pdf> accessed 29 March 2020.

[53] Council of European Union, *Council Conclusions on Women, Peace and Security* (10 December 2018) <www.consilium.europa.eu/media/37412/st15086-en18.pdf> accessed 29 March 2020.

[54] *Action Plan of the Government of the Federal Republic of Germany on the Implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security for the Period 2017 – 2020* < www.peacewomen.org/sites/default/files/170111_Aktionsplan_1325.pdf> accessed 5 April 2020.

[55] Ministère des Affaires étrangères et du Développement international, 'France's Second National Action Plan: Implementation of United Nations Security Council "Women, peace and security" resolutions 2015 – 2018' < www.peacewomen.org/sites/default/files/2014-2016%20WPS%20NAP%20France.pdf> accessed 5 April 2020.

[56] Ministero degli Affari Esteri e della Cooperazione Internazionale, 'Italy's Third National Action Plan, in accordance with UN Security Council Resolution 1325 (2000), 2016 – 2019' < www.peacewomen.org/sites/default/files/49123_f_PlanofAction132520162019%20(1).pdf> accessed 5 April 2020.

[57] NATO/EAPC, 'Women, Peace and Security: Policy and Action Plan (2018) < www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_09/20180920_180920-WPS-Action-Plan-2018.pdf> accessed 30 March 2020.

Of more than 100 instances of mass killing documented since 1945, more than two-thirds have occurred within a situation of armed conflict.[58] The high correlation between atrocity crimes and situations of armed conflict makes further integration of the atrocity prevention agenda within Conflict Prevention (CP) a powerful way to further its impact and reach. There is particular room for overlap in relation to structural measures to prevent both armed conflict and atrocity crimes, including economic measures to reduce inequality, governance measures aimed at building institutional capacity and reducing corruption, and security measures centered around ending impunity and strengthening the rule of law.[59] In addition, the CP framework has already been the subject of a number of intergovernmental initiatives, which would permit atrocity prevention policy and advocacy to draw upon and integrate with existing work. This includes, for example, the G8 Rome Initiative on Conflict Prevention, the Conflict Early Warning and Response Mechanism, the OSCE Conflict Prevention Center, and the Carnegie Commission on Preventing Deadly Conflict.[60]

The risk of conflation between CP and atrocity prevention frameworks, however, makes it essential that atrocity prevention advocates integrate and harmonise their agendas, ensuring that an atrocity prevention lens is applied throughout the conflict cycle.[61] Experts have recognised that efforts to prevent conflict will not necessarily reduce the likelihood of atrocity crimes, and point out that while most mass killing since 1945 occurred within the context of armed conflict, a third did not.[62] This makes it critical for atrocity prevention and CP frameworks to ensure that the unique perspectives and tools offered by each framework are complementary but distinct. One example of effective collaboration between the two agendas can be seen in USAID's release of an Atrocity Assessment Framework as a supplemental guidance to the State Department/USAID's Conflict Assessment Frameworks.[63] Such policymaker-oriented tools integrating the frameworks provide a valuable initial platform upon which the Council could build in seeking to further streamline and integrate these agendas so that they mutually reinforce one another, despite their unique aims.

(iv)   Stability Operations

Stability Operations (SOs), a form peacekeeping operation adopted after the cessation of hostilities, also has a number of natural areas of overlap with atrocity prevention. SOs are already recognised by US military doctrine as one of three components of Mass Atrocity Response

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[58] Alex J Bellamy, 'Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent' (The Stanley Foundation, February 2011) 2.
[59] Bellamy (n 56) 5.
[60] See Sharma and Welsh, *The Responsibility to Prevent,* 7.
[61] Bellamy (n 56) 8.
[62] Sharma and Welsh, *The Responsibility to Prevent*, 7-8.
[63] US Department of State/USAID, 'Atrocity Assessment Framework: Supplemental Guidance to State/USAID Conflict Assessment Frameworks' (Bureau of Conflict and Stabilization Operations, 27 July 2015) <https://2009-2017.state.gov/j/cso/archive/ap/241116.htm> accessed 26 March 2020.

Operations.[64] Within the US government, atrocity prevention work is itself housed within the State Department's Bureau of Conflict and Stabilization Operations,[65] and Canada's Peace and Stabilization Operations Program includes support for its atrocity prevention agenda, including by engaging with the Group of Friends on the Responsibility to Protect and the Global Network of R2P Focal Points (in fact, Canada's PSOP director general also serves as its national coordinator for the Global Network).[66] As a result, access to key policymakers working in atrocity prevention within national governments may well require arguments on intersection between SOs and atrocity prevention frameworks.

As with PoC and CP, however, there is a need to more systematically identify potential synergies (but also tensions) with mass atrocity prevention. This is particularly true in light of the high degree of correlation between fragile, unstable states and the commission of atrocity crimes. For example, even though the United Kingdom has a Joint Analysis of Conflict and Stability (JACS) tool, research has shown that JACS was not until recently used to analyse for warning signs of mass atrocity.[67]

(v) Children and Armed Conflict (CAAC)

Although the past few decades have seen substantial developments in the CAAC agenda, there has been very little discussion of the ways in which the atrocity prevention agenda may address or impact the specific needs and rights of children. In particular, reflecting the divergence of the frameworks for conflict prevention and atrocity prevention, the CAAC framework has aimed to address children's protection in armed conflict, while atrocity prevention advocates have rarely grappled with the specific issues of children in mass atrocity contexts. Yet the impact of mass atrocities was identified as early as the 1996 Machel Report, which recognised the children have been particular targets of ethnic cleansing and genocide.[68] This failure to engage with the particular needs of children is especially acute in light of the fact that children today make up nearly half the population of warn-torn countries and half of the global refugee population.[69] Not grappling with these issues equals to ignoring half of the story of how mass atrocities often take place.[70]

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[64] Sarah Sewall, Dwight Raymond, Sally Chin, 'MARO: Mass Atrocity Response Operations: A Military Planning Handbook' (Harvard Carr Center, 2010) <www.ushmm.org/m/pdfs/MARO-Handbook-091117.pdf> 23, accessed 30 March 2020.

[65] Bureau of Conflict and Stabilization Operations, 'Atrocity Prevention' (2018) <www.state.gov/wp-content/uploads/2018/12/Atrocity-Prevention.pdf> accessed 5 April 2020.

[66] Government of Canada, 'Peace and Stabilization Operations Program' <www.international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/psop.aspx?lang=eng> accessed 1 April 2020.

[67] UNA-UK, "UNA-UK Welcomes UK's Guidance Note on Atrocity Prevention," 16 July 2019 <www.una.org.uk/news/una-uk-welcomes-uk%E2%80%99s-guidance-note-atrocity-prevention>

[68] UNGA Resolution A/51/306 (26 August 1996), para. 24.

[69] Charu Lata Hogg, 'Strengthening Responses on Child Protection: The CAAC Framework' (NATO Open Publications, July 2018) <https://www.act.nato.int/images/stories/media/doclibrary/open201803-caac.pdf> accessed 5 April 2020.

[70] F. D'Alessandra, S. Ashraph, J. Sane, *Overcoming Barriers to Accountability for Crimes Affecting Children*, Oxford Programme on International Peace and Security (with Save the Children), forthcoming 2020.

In addition, there has been significant growth in the international architecture on children's rights, including twenty-nine action plans on the protection of children, and important monitoring and reporting mechanisms on grave violations committed against children in armed conflict.[71] There is also significant overlap between the CAAC agenda and other leading policy frameworks with implications for the atrocity prevention agenda, including issues of humanitarian access, PoC, CP, and WPS.[72] This may provide a unique opportunity for the Council to make recommendations on points of intersection between the frameworks, and to seek opportunities for further integration of their goals.

(vi)   Climate Change

Relatedly, it will be difficult for atrocity prevention advocates to be forward-thinking without considering how to integrate their agenda into the issue of climate change, which is likely to become the leading framework of the future for policymakers in the decades ahead. As is already evidenced, climate change has the potential to be an extraordinarily destabilising force, aggravating tensions around resources in ways that foster the creation of ethnic, political, or national scapegoats, heightening tensions over reduced access to basic needs, and raising the risk of violence. This stands to create security crises, particularly in societies where weapons are already in distribution amongst the population and cleavages divide the population along reinforcing lines. Further, the atrocity prevention community has not often grappled with issues of overlap with climate change, creating enormous space for policy and strategic recommendations in this area. Indeed, failure to integrate these agendas risks policymakers repeatedly side-lining atrocity prevention in order to address the climate crises of the future.

(vii)   Religious Freedom

At this preliminary stage, we would recommend that the Council avoid including the frameworks of Religious Freedom as an independent research stream in its initial research agenda. While the Religious Freedom agenda presents a number of potential intersections with atrocity crimes, including in relation to atrocity prevention in Iraq, the politicisation of the concept, particularly in the United States, may make it a risky first item for the research agenda of a new organisation. The 2020 Report of the UN Special Rapporteur on Freedom of Religion or Belief noted that claims of religious freedom are being used to roll back and seek exemptions to laws that provide protection against gender-based violence and discrimination.[73] Further, in a number of contexts, the concept of Religious Freedom has been used to justify the denial of rights to women and girls, particularly in relation to reproductive rights. This was borne out in our preliminary consultations as well,

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[71] Ibid 7.

[72] On intersection with WPS, see Katrina Lee-Koo, 'WPS, Children, and Armed Conflict' in Sara E Davies and Jacqui True (eds), *The Oxford Handbook of Women, Peace, and Security* (OUP 2018) <www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190638276.001.0001/oxfordhb-9780190638276-e-47?print=pdf> accessed 3 April 2020.

[73] Human Rights Council, 'Report of the Special Rapporteur on freedom of religion or belief' (2020) UN Doc A/HRC/43/48.

where it was raised that the concept of religious freedom risks jeopardising the widespread acceptance and interest in the Council's broader prevention agenda.

The importance of these issues to atrocity prevention, however, and in light of strong existing governmental interest in this agenda, we recommend ensuring that issues of religious freedom are incorporated and integrated into other research streams. This would enable the Council to ensure its work is relevant to policy priorities, whilst maintaining sensitivity as to perceptions of its work in this highly politicised space. The agenda is likely best integrated into a research stream focused particularly on CVE – an approach reflected, for example, by the UN Office on Genocide Prevention and the Responsibility to Protect, which recently created a plan of action for religious leaders aimed at preventing incitement to violence that could lead to atrocity crimes.[74]

(viii)   Minority Rights & Protection of Cultural Heritage

Despite the relevance of both minority rights and the protection of cultural heritage to issues of atrocity prevention, we suggest that the Council not create independent research streams focused on these frameworks as part of its initial research agenda, but rather fold these issues into the evaluation of other frameworks. As we consider how the advance the conversation around atrocity prevention, we suggest that these areas may not challenge existing thinking around atrocity prevention in the same way as other leading frameworks, such as counter-terrorism, arms control, or WPS. Extreme violations of minority rights are a critical issue within atrocity prevention today, and should be integrated into policy recommendations as part of the Council's work. The same is true for protection of cultural heritage, which made global headlines as part of IS campaigns in Iraq and Syria, but which likely can be usefully woven into other relevant frameworks being integrated with atrocity prevention, such as CVE and CT.

(ix)   Arms Control

Another policy framework which could shed new light on the atrocity prevention agenda is that of arms control. The proliferation of weapons—from small arms to chemical and biological weapons—directly enables the perpetration of atrocity crimes. As we have seen in Syria, Ukraine, and Northern Africa, among other places, the proliferation of these weapons often prolongs conflicts and has a disproportionate effect on civilian populations.[75] Preventing the widespread acquisition, stockpiling, and use of small arms and weapons of mass destruction, therefore, will be

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[74] United Nations Office on Genocide Prevention and the Responsibility to Protect, 'Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes' (2017) <www.un.org/en/genocideprevention/documents/Plan%20of%20Action%20Advanced%20Copy.pdf> accessed 30 March 2020.

[75] 'Arms and Atrocities: Protecting Populations by Preventing the Means,' (International Coalition for the Responsibility to Protect) <http://responsibilitytoprotect.org/ICRtoP%20draft%20-%20Disarmament%20and%20RtoP%20PAX%20FINAL.pdf> accessed 8 July 2020.

critical for any serious atrocity prevention efforts.

Moreover, the availability and presence of weapons relates to a number of risk factors for the commission of atrocity crimes, as identified by the UN's Framework for Analysis of Atrocity Crimes, including Risk Factor 5 (capacity to commit atrocity crimes), Risk Factor 7 (enabling circumstances or preparatory action), Risk Factor 10 (signs of intent to destroy a protected group), and Risk Factor 11 (signs of a widespread or systematic attack against a civilian population), as well as individual indicators within those risk factors.

These novel and context-based areas of overlap between the arms control and atrocity prevention frameworks would make for important areas of further study and directed policy recommendations, assisting in breaking through typical areas of conversation around prevention and responsibility.[76]

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[76] Exploring these two frameworks for intersection may be particularly valuable in light of the role of weapons sales to Saudi Arabia in furthering atrocity crimes in Yemen, as well as the unique efforts to avert violence in that context through provisions of the Arms Trade Treaty.