

From promise to practice

Strengthening the UK's approach to atrocity prevention and R2P

A report based on UNA-UK's delegation visit to the United Nations and Washington DC

Alexandra Buskie

The Responsibility to Protect and preventing mass atrocities – UNA-UK briefing report no. 3



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About UNA-UK

UNA-UK is the UK's leading source of independent analysis on the UN, and a UK-wide grassroots movement. UNA-UK believes that a strong, credible and effective UN is essential if we are to build a safer, fairer and more sustainable world. We call for strong government support for the UN and demonstrate why the UN matters to people everywhere.

UNA-UK's Responsibility to Protect (R2P) Programme seeks to foster understanding, support and leadership in the UK on R2P and atrocity prevention. The three-year programme began in 2012 with the generous support of the Joseph Rowntree Charitable Trust and focuses on elevating the issue of atrocity prevention in UK policy making. We seek to do this through commissioning and undertaking original research, convening experts, parliamentary outreach and lobbying, government advocacy and public campaigning.

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About this report

The content of this report is based on UNA-UK's delegation trip to New York and Washington DC in March 2015. The delegation comprised UNA-UK's Chairman, Sir Jeremy Greenstock, Baroness Fiona Hodgson of Abinger (Con), Lord Jack McConnell of Glenscorrodale (Lab) and Alexandra Buskie, UNA-UK's Peace and Security Programmes Officer. This report has been written by Alexandra Buskie with the input of the delegation members.

During the trip, UNA-UK met with the UN Deputy Secretary-General, the Joint Office for the Special Advisers for the Prevention of Genocide and R2P, the Global Centre for R2P, the UK Mission in New York, the International Peace Institute, current and former members of the Atrocities Prevention Board, the United States Institute of Peace, the US Holocaust Memorial Museum and United to End Genocide.

UNA-UK would like to thank Victoria Holt and Mike Flores of the US Department of State for facilitating our meetings in Washington DC, as well as the UK Mission to the UN in New York, the UK Embassy in Washington DC, the UK Foreign & Commonwealth Office, the US Holocaust Memorial Museum, Humanity United, the Global Centre for the Responsibility to Protect and the International Coalition for the Responsibility to Protect for their assistance in organising this trip.

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Executive summary

It is now 10 years since all member states at the United Nations agreed that they had a “primary responsibility to protect” populations from genocide, war crimes, crimes against humanity and ethnic cleansing (collectively referred to as atrocities, atrocity crimes or R2P crimes) at the 2005 World Summit. After a decade of promotion and trial, what are the areas of contention and opportunity at the UN, how are other states putting atrocity prevention into practice and how could the UK improve its approach? This report records and builds on the findings of UNA-UK’s March 2015 trip to New York and Washington DC under its Responsibility to Protect (R2P) Programme.

The UK and R2P

The UK is publicly committed to R2P but needs to do more to ensure that its wider systems and policies are working as effectively as possible. UK policy on conflict prevention and stabilisation does not currently mention atrocity prevention as a specific goal and UNA-UK has gained the impression that the UK prefers to use “Protection of Civilians” language rather than R2P.

Atrocity crimes are morally unacceptable. They can destabilise countries, regions and the wider world; people flee their homes and require outside assistance; economic growth is reversed for entire regions and violence crosses borders. R2P puts the focus on the responsibility of the state to prevent atrocities from taking place in the first instance, and establishes a residual responsibility for the international community to assist and respond. R2P is a moral imperative, a security policy and a framework for action.

Protection of civilians, conflict prevention and atrocity prevention/R2P are similar and mutually supportive but not synonymous. Atrocity prevention stands out for the following reasons:

- Atrocities often take place during armed conflict. However, atrocity crimes are not an inevitable feature of conflict. Atrocity prevention should be a separate, parallel activity to that aimed at resolving a conflict.
- One third of atrocities take place outside situations of armed conflict. While preventing the occurrence of conflict will contribute to preventing atrocities, policy needs to also target the prevention of atrocities outside of situations of armed conflict.
- Atrocities are crimes defined in international law, while armed conflict – undoubtedly negative and undesirable – is not unlawful in itself.
- Conflict prevention policies seek to deter the use of violence across a broad range, while the cessation of atrocities may require the use of military means in extreme cases.
- Atrocities are carried out against specific populations on the basis of their identity.

These distinctions mean that conflict prevention policies need to be complemented by an atrocity prevention lens that takes the particular dynamics of atrocities into account. Failing to mention the prevention of R2P crimes as a specific goal in UK policy means that the UK is capable of overlooking the distinct characteristics of these crimes.

R2P at the United Nations

In the decade following the adoption of R2P at the 2005 UN World Summit, the principle has quickly moved from theory to systematic practice at the UN. The Security Council has explicitly referenced R2P in 35 resolutions, while the Secretariat has worked to improve its capacity to prevent atrocity crimes. However, the implementation of R2P has not been without controversy, and the debates following NATO's action in Libya has left some in the UK feeling that R2P is toxic at the UN. During the trip, UNA-UK's delegation found that:

- Support for R2P has not been diminished by the intervention in Libya and member states continue to support the development and implementation of the concept.
- The Secretariat is taking positive steps to institutionalise prevention, particularly through the work of the Joint Office of the Special Advisers on the Prevention of Genocide and R2P and the Human Rights Up Front Initiative.
- However, it is clear that there remains significant challenges with responding to atrocity in "high stake" situations, like Syria, and that debates continue around the enforcement of R2P to halt ongoing atrocities and ensure accountability.
- Member states are perceived to be paying lip-service to prevention.
- Establishing this new norm will need more effort from member states to improve both the UN's and their own policies for atrocity prevention.

The US approach to atrocity prevention

The Obama Administration has taken steps to try to ensure that atrocity prevention issues are squarely on the table of decision makers in all major departments. This has been done by establishing a strong, public, normative commitment to atrocity prevention and through the creation of an Atrocities Prevention Board (APB). During the trip, UNA-UK's delegation found that:

- The real power of the APB is its integrative, inter-agency, coordinating function.
- The sub-APB, a working-level board made up of the APB's constituent departments, has succeeded in establishing a kind of 'muscle memory' that improves the way in which departments work together to lay the groundwork for the APB decision-makers.
- The Central Intelligence Agency (CIA)'s involvement in the creation of specific early warning and analysis frameworks for atrocities has been crucial for the success of the Board's analytical work, helping to identify specific sources and rationales driving the threat or commission of atrocities.
- The inclusion of departments not traditionally involved in this work, such as the Treasury, has allowed the APB to explore innovative methods for addressing atrocities, beyond military intervention.
- There is a greater accumulation of knowledge in involved departments on this issue, which is reported to be changing the behaviour of the Administration in its response to some cases.

However, challenges remain:

- The lack of public information reviewing the Board's successes and added value has negative implications for its longevity and institutionalisation. Its budget-neutral stance also means that there is little incentive for Congress to ask for more information.
- There needs to be clearer information on how better analysis leads to better action.
- What gains the Board may have made behind the scenes have been overshadowed in the public eye by the appalling situation in Syria.
- The Board remains highly personalised and there is still a lack of buy-in from certain departments and Regional Bureaus within the State Department.
- The Board's timidity in sharing information and reports reviewing its work also makes it difficult for other UN member states to learn from the Obama Administration's experience.

Lessons learned

The differences between US and UK bureaucracies suggest that not all lessons are applicable to the UK. However, if the UK were prepared to intensify its action on R2P and atrocity prevention, there are a number of lessons to derive from the US experience:

- Normative clarity on the place of atrocity prevention in the definition of national interest and recognition of the moral and security imperatives of preventing atrocities.
- A government-wide review of current practices and the establishment of processes which support the prioritisation of atrocity prevention and the coordination of the government's approach, in order to ensure that the normative commitment is backed up by action.
- Retention of the label of R2P in atrocity prevention, as the US example suggests, is not essential. However, framing an initiative through the lens of R2P would serve to bolster the norm internationally and help to provide an example to domestic and international constituencies of what R2P looks like in practice. Nonetheless, the focus should be on outcomes rather than labelling.

Recommendations to Her Majesty's Government**Strategic**

- The UK Government should state in the next National Security Strategy and Strategic Defence and Security Review that the prevention of atrocities is an explicit objective of UK foreign policy and in the UK's national interest.
- The UK Government should set out criteria and decision-making processes for UK engagement in preventive and responsive activities, including how it defines "intervention" and humanitarian intervention and the role of Parliament in deciding when and where to intervene.
- The UK Government should consider how atrocity prevention fits in with existing UK strategies on conflict prevention, stabilisation, counter-insurgency, counter-terrorism and counter-extremism strategies.
- Parliamentary committees, including the Joint Committee on the National Security Strategy and the Defence, Foreign Affairs and International Development Select Committees should scrutinise the Government's position on atrocity prevention. They should review the Government's understanding of the policy tools available to undertake prevention and the coordination and decision-making structures in place for putting these tools into practice.

Operational

- The National Security Council should define its role in preventing atrocities, including by considering how it will:
 - Administer the Conflict, Stability and Security Fund (CSSF) in a way that supports atrocity prevention activities;
 - Coordinate atrocity prevention across Government;
 - Foster a shared understanding of atrocity prevention across Whitehall.
- The UK Government should appoint a Minister in the Foreign & Commonwealth Office (FCO) with responsibility for atrocity prevention and R2P issues, in essence becoming the R2P Focal Point. This could be an addition to the Parliamentary Under-Secretary with responsibility for conflict issues.
- The FCO should define the role of the R2P Focal Point and ensure that they are adequately resourced and supported.
- The UK should undertake a cross-Government review to examine its ability to prevent atrocities and investigate how to:
 - Include specific indicators for atrocity in its early warning frameworks;
 - Ensure that investments in upstream prevention by the Department for International Development, FCO, Ministry of Defence and the Stabilisation Unit help tackle the root causes of atrocity as well as conflict;

- Ensure that the Government’s response to crises acknowledges the need to prevent atrocities and protect groups at risk, before, during and after conflict;
- Improve knowledge and understanding of atrocity prevention through the creation of tool kits and training for officials across Whitehall.

At the United Nations, member states should:

- Consider how to support the Secretariat’s ability to identify and respond to atrocities, including the Secretary-General’s ability to refer matters to the Security Council, the use of briefings and Arria formula meetings to discuss situations where bad behaviour needs to be called to account and continued financial support for the UN Office of the Special Advisers for the Prevention of Genocide and the Responsibility to Protect.
- Continue to support the use of R2P language in UN Security Council Resolutions.
- Support the adoption of a resolution noting the Secretary-General’s 2015 report on R2P 10 years since its endorsement. The UK should push to include language that sets out a vision for R2P in the next 10 years.
- Engage constructively in discussions to improve the working methods of the Security Council, including the debates surrounding the use of the veto in situations of mass atrocity.

1. Introduction

It is now 10 years since all member states at the United Nations agreed that they had a “primary responsibility to protect” populations from genocide, war crimes, crimes against humanity and ethnic cleansing (collectively referred to as atrocities, atrocity crimes or R2P crimes) at the 2005 World Summit.¹ Heralded by some as a major diplomatic breakthrough at the time, R2P has been advocated as an important principle that guides the prevention and response to the threat and commission of atrocity crimes. It has also been heavily criticised by certain quarters in politics and academia as being – at best – empty rhetoric or – at worst – a Trojan horse for great power interests. After a decade of promotion and trial, where is R2P today and what are the areas of contention and opportunity?

This report records and builds on the findings of UNA-UK’s March 2015 trip to New York and Washington DC under its Responsibility to Protect (R2P) Programme. The programme focuses on the quality of the UK Government’s engagement with the principle of R2P and the prevention of atrocity crimes. UNA-UK believes that UK policy should reflect developments at the UN and match or exceed the best practice of member states. The UK’s policy on R2P and atrocity prevention has, overall, been less than impressive in recent years. The failure to back up its positive public commitments at the UN with national action, a lack of awareness of the place of atrocity prevention in UK interests and policy across government, and the more recent disengagement with the principle in favour of the language of “Protection of Civilians” (POC) means that the UK is currently perceived by many at the UN as not having the ambition or leadership to pay more than occasional lip-service to this important concept.

In considering how to support the UK in improving its track record, UNA-UK led a small parliamentary and civil society delegation to the US in March 2015. The delegation comprised UNA-UK’s Chairman, Sir Jeremy Greenstock, Baroness Fiona Hodgson of Abinger (Con), Lord Jack McConnell of Glenscorrodale (Lab) and Alexandra Buskie, UNA-UK’s Peace and Security Programmes Officer.

The aims of the trip were:

- To understand the status of R2P at the United Nations, both within the Secretariat and among member states;
- To investigate whether the view of R2P in the UK reflects the reality at the UN;
- To learn lessons from the US experience of putting atrocity prevention into practice in its own strategies and policies through the creation of an inter-agency Atrocities Prevention Board (APB) by the Obama Administration in 2012;
- To produce recommendations for the UK Government and Parliament, including in the context of the forthcoming Strategic Defence and Security Review.

What follows is a summary of the findings of this trip, with background information that establishes the delegation’s baseline understanding of the issues before travelling. It begins with a brief overview of the UK’s engagement with R2P and the issue of atrocity prevention, before moving into the status of the principle at the UN and then an examination of the APB in the US. The final section sets out recommendations for UK policy and practice.

¹ See paragraphs 138 and 139 of the World Summit Outcome Document, available at <http://responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/398-general-assembly-r2p-excerpt-from-outcome-document>.

2. The UK and R2P

The UK has declared at the United Nations that it is “fully committed to implementing the Responsibility to Protect” and that this principle “should be an important governing principle of all countries’ work across the conflict spectrum, as well as on human rights and development”.²

This strong public commitment to the principle is welcome. The UK has also demonstrated leadership on tackling one particular atrocity crime through its Prevention of Sexual Violence in Conflict Initiative. However, if the UK is to live up to its commitment to R2P, it has not done enough to ensure that its wider systems and policies are working as effectively as possible to prevent atrocities of all kinds.

A recent report³ commissioned by UNA-UK found that:

- The terms R2P, genocide prevention or atrocity prevention are not mentioned in the Building Stability Overseas Strategy (BSOS), the UK’s major strategy to prevent conflict and promote stabilisation. The prevention of R2P crimes is therefore not an explicit goal of the UK’s stabilisation, conflict prevention or development policies;
- The UK’s early warning system focuses on general indicators of state resilience and structural pressures that do not look specifically for the risk of atrocity crimes;
- The UK has established an R2P Focal Point (a position in government which should work to promote the principle across foreign, development and security policy) but there is no public information on what the role, responsibilities or mandate of this position are;
- The UK has not updated its stance on unilateral humanitarian intervention without Security Council authorisation to reflect the 2005 agreement on R2P.⁴

UNA-UK has gained the impression that some in the UK policy-making establishment regard R2P as tarnished internationally after the intervention in Libya, preferring to use POC language. However, these two principles are not synonymous and, while they are mutually supportive, there are important differences. It weakens the impact of the R2P concept if another term is used in order to avoid areas of political resistance to it.

POC is concerned with the protection of civilians in armed conflict, limiting the principle to situations where conflict is ongoing, but also setting out a broad agenda for protection that goes beyond R2P crimes. On the other hand, R2P is concerned with preventing and halting specific crimes regardless of whether they are taking place within or outside situations of armed conflict.

The added value of R2P’s atrocity prevention lens

Atrocity crimes are morally unacceptable. They can destabilise countries, regions and the wider world; people flee their homes and require outside assistance; economic growth is reversed for entire regions and violence crosses borders. R2P puts the focus on the responsibility of the state to prevent atrocities from taking place in the first instance, and establishes a residual responsibility for the international community to assist and respond. R2P is a moral imperative, a security policy and a framework for action.

² Statement by Ambassador Peter Wilson, UK Mission to the United Nations, at the UN General Assembly Interactive Dialogue on R2P, 2013, available at www.gov.uk/government/speeches/uk-fully-committed-to-implementing-the-responsibility-to-protect, accessed 2 June 2015.

³ Ralph, Jason (2014), *Mainstreaming the responsibility to protect in UK strategy*, United Nations Association – UK, available at www.una.org.uk/sites/default/files/UNA-UK%20Policy%20briefing%202%20-%20Professor%20Jason%20Ralph%20-%20Mainstreaming%20R2P%20in%20UK%20strategy.pdf.

⁴ See also Ralph, Jason (2015), *Policy Brief: The UK and R2P, Asia Pacific Centre for the Responsibility to Protect*, available at <http://r2pasiapacific.org/index.html?page=222072&pid=191756>, accessed 8 July 2015.

“Failing to mention the prevention of R2P crimes as a specific goal in conflict prevention and stabilisation means that UK policy is capable of overlooking the distinct characteristics of R2P crimes”

Failing to mention the prevention of R2P crimes as a specific goal in conflict prevention and stabilisation means that UK policy is capable of overlooking the distinct characteristics of R2P crimes. The relationship between atrocity crimes and armed conflict is complex and still not well understood. R2P crimes most frequently take place in the context of armed conflict and the root causes of R2P crimes are related to circumstances of conflict.⁵ However, not all cases of armed conflict lead to atrocity crimes, and not all atrocity crimes are perpetrated within an armed conflict. There are therefore a number of key differences that should be taken into account by conflict prevention and stabilisation policies.

First, since atrocity crimes are not an inevitable part of armed conflict, efforts to prevent atrocities should continue after conflict has broken out. In some cases, atrocity takes place under the cover of armed conflict, but is not directly linked to the root causes of that conflict.⁶ Hitler’s extermination of the Jews is a prominent example of this, as is ISIS’s treatment of the Yazidis in Iraq during the current conflict in the region.

Second, while the majority of atrocities take place during situations of armed conflict, one third of cases take place at other times.⁷ These can be in the form of state-directed suppression, communal violence or post-war retribution.⁸ Examples of atrocity crimes taking place outside situations of armed conflict include those currently taking place in Democratic People’s Republic of Korea (DPRK) or Eritrea, the pogroms against the Rohingya in Burma, the 2007/2008 post-election violence in Kenya, and the killing of Uzbeks in Kyrgyzstan in 2010. Efforts to prevent atrocities need a long-term, structural and comprehensive approach to reducing the risk of armed conflict generally, as well as a two-pronged specific approach aimed at preventing atrocities outside armed conflict and preventing those engaged in armed conflict from perpetrating atrocities.⁹

Third, atrocities are crimes defined in international law. Armed conflict – undoubtedly negative and undesirable – is a phenomenon that is regulated by international law but is not necessarily unlawful in itself. Atrocities are always unlawful, no matter which party of a conflict undertakes them. The perpetrators of atrocities can systematically target specific groups on the basis of identity or status as non-combatants for particular political ends.¹⁰ The criminal element of atrocities calls into question some approaches to conflict prevention that value impartiality (as opposed to neutrality).¹¹ In today’s context, there are blurred lines between atrocity, insurgency, terrorism and extremism, as demonstrated by groups like ISIS, Boko Haram, the Lord’s Resistance Army or the 969 group in Burma. It is not always desirable to treat perpetrators of atrocity crimes in the same way as parties to a conflict: for instance, the enforcement measures taken by member states of the Security Council might need to target particular individuals, rather than a larger entity or a state.

Fourth, conflict prevention policies seek to deter the use of violence across a broad range. The prevention or cessation of atrocities may, in extreme cases, require the use of military means to enforce the protection of targeted groups. This was recognised by member states in the 2005 World Summit Outcome Document, which states “we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis... should peaceful means be inadequate and national authorities manifestly failing to protect their populations”.¹²

Finally, atrocities are carried out against populations on the basis of their identity. Genocide is a crime perpetrated against members of a particular national, ethnic, racial or religious group; crimes against humanity target the civilian population in a widespread and systematic manner; war crimes cover a diversity of groups, including combatants and non-combatants protected under international humanitarian law; ethnic cleansing, while not having a formal legal definition, is understood to be a purposeful policy against a particular ethnic or religious group to remove them from a particular geographic area through physical removal, dilution through resettlement of other groups or rape, acts which can constitute crimes against humanity or even genocide. The UN’s Framework of Analysis for Atrocity Crimes refers to potential victims of atrocity crimes collectively as “protected groups”.

5 See discussion in Rieke, Ruben, Sharma, Serena and Welsh, Jennifer (2013), “A Strategic Framework for Mass Atrocity Prevention”, p.2, available at www.acmc.gov.au/wp-content/uploads/2014/09/3-2013-A-Strategic-Framework-for-Mass-Atrocity-Prevention.pdf, accessed 4 June 2015.

6 Reike, Ruben, Sharma, Serena and Welsh, Jennifer (2013), “A Strategic Framework for Mass Atrocity Prevention”, available at www.acmc.gov.au/wp-content/uploads/2014/09/3-2013-A-Strategic-Framework-for-Mass-Atrocity-Prevention.pdf, accessed 4 June 2015.

7 Bellamy, Alex (2011), “Atrocities and armed conflict: Links, distinctions and implications for the Responsibility to Prevent”, Policy Analysis Brief, The Stanley Foundation, available at www.stanleyfoundation.org/publications/pab/BellamyPAB22011.pdf, accessed 4 June 2015.

8 Bellamy (2011), p.3.

9 Woocher, Lawrence (2012), “The Responsibility to Prevent: Toward a Strategy”, *The Routledge Handbook of the Responsibility to Protect*, p.31.

10 See the UN’s “Framework of analysis for atrocity crimes: A tool for prevention” (2014), available at www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf, accessed 4 June 2015.

11 Reike et al (2013), p.3.

12 UN General Assembly, 2005 World Summit Outcome: resolution / adopted by the General Assembly, paragraph 139, 24 October 2005, A/RES/60/1, available at: www.refworld.org/docid/44168a910.html, accessed 17 August 2015.

These distinctions lead advocates of R2P and atrocity prevention to argue that conflict prevention activities need to be complemented by an atrocity prevention lens, which directs attention to the particular dynamics of atrocity crimes, such as key perpetrators and motivations, the permissiveness of the environment and protected populations.¹³ The overall approach needs to reduce the risk of armed conflict generally, while also including steps to minimise atrocities outside armed conflict or to reduce the potential for atrocities during conflict.¹⁴

The UK's current policy on conflict prevention and stabilisation risks overlooking these distinctions, failing to incorporate an atrocity prevention lens that can extend or sharpen the reach of conflict prevention policy. It is also problematic for R2P as an emerging or aspiring norm that those speaking in support of the principle internationally are not acknowledging the prevention of atrocity crimes as an explicit goal in their own policy. Failing to communicate this goal to Government officials, Parliament and the general public in the UK means that R2P only enters the debate in the context of military intervention. This trend potentially undermines the international impact of R2P as a principle focused on deterring criminal behaviour and preventing atrocities rather than one associated with military responses.

The UK's present position on R2P fails to stand up to its commitments. The Government appears uncertain about the overall status of R2P amongst other UN member states and unwilling to implement the intended agenda, preferring to use POC language. It also risks overlooking the particular dynamics of atrocities by failing to mention their prevention as a goal of stabilisation and conflict prevention.

To what extent does the UK's current practice reflect the mood at the UN? What can the UK learn from the US Government's efforts to embed atrocity prevention into foreign policy through the creation of the APB? The next sections consider these questions in turn.

¹³ Ibid; Bellamy, (2011), p.2.

¹⁴ Woocher (2012), p.31.

3. R2P at the United Nations

In the decade following the adoption of R2P at the 2005 UN World Summit, R2P has quickly moved from theory to institutionalisation and practice at the UN. Every member state has acknowledged its responsibility to prevent atrocity crimes and protect populations under threat, both at home and internationally. However, the breadth of supportive rhetoric for the principle does not imply agreement about its implementation. Indeed, putting R2P into effective practice is a central challenge for advocates of the principle. The Secretary-General's 2009 report on *Implementing the Responsibility to Protect* outlined a framework for putting R2P into practice, delineating three mutually reinforcing 'pillars';

- Pillar I emphasises a state's obligation to protect all populations within its own borders;
- Pillar II outlines the international community's role in helping states fulfil this obligation through international assistance and capacity building;
- Pillar III identifies the international community's responsibility to use appropriate diplomatic, humanitarian, peaceful or coercive means to protect civilian populations where a state manifestly fails to uphold its obligation.

Since 2009, the Secretary-General has released a report every year exploring a different facet of the principle, from outlining the role of regional organisations to deeper explanations of the policy tools available under each of the pillars.¹⁵

The preventive focus of R2P means that the implementation of the principle is rarely debated publicly; the emergencies that feature in the media represent a small percentage of what R2P is all about. The UN Human Rights Council's Universal Periodic Review mechanism, the capacity building and training efforts of the UN Office of the Special Advisers for the Prevention of Genocide or the day to day work of the Office of the High Commissioner for Human Rights are not necessarily labelled under R2P but form part of the international framework for preventing atrocity crimes.

A situation generally only reaches the Security Council once it has reached a crisis point where atrocities are imminent or ongoing. The Council has explicitly referenced R2P in 35 resolutions, authorising robust measures to prevent or deter atrocities in Libya, Cote d'Ivoire, the Central African Republic (CAR), South Sudan and Syria, among others. Thematic resolutions on threats to international peace and security caused by terrorist acts, on conflict prevention, on genocide prevention, policing in UN peacekeeping operations and on small arms and light weapons have also made explicit reference to R2P.

The implementation of R2P has not been without controversy, most notably during the intervention in Libya, which was authorised by Security Council Resolution 1973 in 2011 authorising "all necessary measures" to protect civilians. Although NATO's subsequent operation had the support or acquiescence of Council members, it was later criticised by BRICS countries for going beyond the mandate and for targeting regime change. The controversy that followed the intervention in Libya has painted the action in the popular mind with a similar brush to the interventions in Afghanistan and Iraq, leaving some to feel that R2P has become tarnished and toxic.¹⁶ The current situation in Libya post-intervention, as well as the failure of the Council to agree on timely action to protect civilians in Syria, has done little to improve the view of R2P among sceptics.

¹⁵ For a summary of these reports, see <http://responsibilitytoprotect.org/index.php/about-rtop/core-rtop-documents>, accessed 17 August 2015.

¹⁶ See for instance Rieff, David, 7 November 2011, "R2P, RIP", *The New York Times*, available at www.nytimes.com/2011/11/08/opinion/r2p-rip.html?_r=0, accessed 27 July 2015.

How can the belief that R2P is a 'toxic brand' be reconciled with the reality that it is still being referred to, supported and developed by a wide range of member states and by the UN Secretariat? During UNA-UK's delegation to the UN, we heard a number of positive stories about the continued support for R2P and atrocity prevention. However, there remain significant concerns regarding enforcement in situations where prevention has failed.

Positive stories at the UN

Support for R2P has not been diminished by the intervention in Libya

The overwhelming sense from the Secretariat, member states and civil society in New York was that there needs to be a distinction between the controversies surrounding the use of force and the value of R2P as a norm. It was clear that most member states we interacted with did not feel that R2P was to blame for the way Resolution 1973 was interpreted. It is true that it has raised a number of questions around the role of the Council in overseeing the interpretation and implementation of its mandate and on the responsibilities of the intervening parties (in this case, NATO) to report back to the Council on their activities and plans.¹⁶

The idea that the Council was somehow misled into authorising force in Libya is also a myth. There was clear agreement in the Council and within the Arab League that something had to be done to stop Gaddafi and that coercive force was an appropriate measure. What was badly handled in the eyes of some rising powers was the authorisation for a blanket use of force and NATO's decision to arm rebel groups. It was felt that the resolution needed more provisions balancing the use of force, such as mediation and the creation of a ceasefire, and that better reporting back from NATO to the Council would have created better faith between the two organisations. Referral to the International Criminal Court (ICC) should also simply have been threatened rather than acted upon, since serving the indictment meant that the Council lost leverage it might have had if mediation had been specified.

Overall, it appears that the disagreements in the Council surrounding the Libyan intervention are not being pinned onto R2P. Indeed it has not prevented the Council from continuing to refer to R2P in relevant resolutions, including those establishing peacekeeping mandates. More troubling is the growing disunity amongst the five permanent members (P5) and how this has affected the Council's ability to take decisive action to protect civilians where it is clearly necessary, such as in Syria. There has been little willingness to compromise and apparently little effort to avoid a breakdown of diplomatic relationships.

Member states continue to participate in developing the concept

The Council's continued engagement with R2P is mirrored by wider development of the concept by the Secretariat and member states.

The General Assembly continues to discuss R2P annually at the Informal Interactive Dialogues in September, with each dialogue focused on the annual report from the Secretary-General. The dialogue of 2012 was judged by some civil society organisations to have been one of the most fruitful, particularly with the contribution of Brazil through its 'Responsibility while protecting' concept note. This concept note focused on the procedures for implementing protection, rather than the principle of protection itself, showing that Southern states were in a mood to continue contesting the implementation of R2P as formulated, rather than rejecting the very basis of the principle.

These annual dialogues have demonstrated the strength of the R2P principle. It is felt that the Secretary-General's reports have substantively added to the discussions around R2P each time and that the dialogues are good for building consensus, airing concerns and sharing best practice. Such discussions have helped to move R2P beyond discussion of the label and repetitive debates about military intervention and into more detailed elaboration of the policy tools available to the UN system and member states to prevent atrocities.

However, as noted below, the extent to which such positive engagement at the UN level is reflected in the policy of member states in their national capitals remains to be seen.

¹⁷ See for instance, Brazil's 'Responsibility while protecting' concept note and the Secretary-General's 2012 report on *Timely and decisive action*.

Positive efforts at the Secretariat to institutionalise prevention

In discussions with our delegation the Secretariat demonstrated assertiveness and confidence about the status of R2P. 2015 is seen as a critical year for the principle, given the 10 year anniversary and the commemoration of 20 years since the genocide in Srebrenica. There is some concern that R2P could lose traction if gains are not protected this year, particularly in terms of implementation. However, from the very top of the Secretariat, we saw a desire to institutionalise the concept further into the UN system and to challenge any pushback from member states on human rights norms. This is reflected in the Sustainable Development Goals framework, with Goal 16 on promoting peaceful and inclusive societies and in two clear examples of the Secretariat's efforts to 'walk the talk' on prevention: the Joint Office of the Special Advisers for the Prevention of Genocide and the Responsibility to Protect and in the Secretary-General's Human Rights Up Front initiative (HRuF).

Joint Office of the Special Advisers for the Prevention of Genocide and the Responsibility to Protect

Since the creation of the Joint Office for the Special Adviser for the Prevention of Genocide and R2P in 2007,¹⁸ the role of the Special Advisers is perceived by civil society and some member states to have grown both in capacity and assertiveness. The Joint Office recently published a unique Framework of Analysis for Atrocity Crimes, which is advanced as a tool kit for preventing atrocities. The Framework both seeks to inform early warning across the UN system and beyond, and is a compact document that can help with education and awareness-raising throughout the UN system about the specific risk factors for atrocity crimes. The Framework also informs the criteria for the HRuF initiative (see below).

Human Rights Up Front initiative

The work to translate the principles of R2P through to the work of the entire UN system comes under the new HRuF initiative, which was introduced by the UN Secretary-General Ban Ki-moon in 2013 in follow up to the report of the Internal Review Panel on UN action in Sri Lanka.¹⁹ This report found that the UN systematically failed to respond appropriately to the threat to civilians in the Sri Lankan civil war.

HRuF aims to be a systematic response to these failings. Announced in November 2013, HRuF affirms the UN's collective responsibility to prevent serious violations of human rights and seeks to outline how the UN system as a whole can complement member states' efforts to protect human rights.²⁰ According to those working to roll out HRuF, this entails three main areas of change:

- Cultural change in the UN: bringing human rights into the centre of everything the UN does and embedding the protection of human rights as a responsibility for all staff in every agency and department.
- Change in operational practices: the UN's early warning system is complex and there has historically been a lack of information sharing between different agencies. The HRuF initiative aims to support the establishment of simple mechanisms for reporting, analysing and reviewing information from different UN sources at a country level and bringing that information to higher levels of the system if needed.
- Change in political engagement: aiming to bring back the moral component of the UN's work. This includes providing member states with clear information about populations at risk of serious violations of human rights. This has the potential to strengthen the Secretary-General's prerogative to bring issues of concern to the attention of the Security Council through Article 99 powers as well as increased use of Arria formula and horizon scanning meetings in the Council.

With such wide-ranging and far-reaching aspirations, HRuF is understood to be a long-term endeavour focusing on the internal organisation and culture of the UN system as a whole. As such, it is difficult to perceive the impact the initiative has had in practice. One example of a potential success story is the action taken by the UN Mission in South Sudan (UNMISS) to open its bases across the country to around 100,000 civilians fleeing ethnic violence in December 2013. The Special Representative and Head of UNMISS, Hilde Johnson, has since stated that the decision to shelter those seeking protection was taken in line with the HRuF initiative.²¹

¹⁸ The Joint Office was created by amalgamating the Office of the Special Adviser for Genocide Prevention, which has existed since 2004, with a newly created role of Special Adviser for R2P. See www.un.org/en/preventgenocide/adviser/ for more details.

¹⁹ See United Nations, 'Human Rights Up Front' Initiative, www.un.org/sg/rightsupfront/, accessed 10 June 2015. See also United Nations (November 2012), *Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka*, available at www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf, accessed 10 June 2015.

²⁰ The Secretary-General's original statement on HRuF outlines six actions that will help to place the protection of human rights at the heart of UN strategies and operational activities. See www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.shtml.

²¹ "Rights up front and civilian protection: An uneven first year", *ICRtoP Blog*, 25 November 2014, <http://icrtoptopblog.org/2014/11/25/rights-up-front-and-civilian-protection-an-uneven-first-year/>, accessed 27 July 2015.

While UNMISS was already in the country with a POC mandate, it is hoped that the HRuF initiative will help to prioritise this goal.

Continuing challenges at the UN

Enforcement issues

A recurring theme in our discussions in New York was the question of halting atrocities once they have already begun in earnest; what leverage can R2P have without agreement on how to act in the Security Council and how can bad behaviour be held to account?

The UN's lack of enforcement measures without the authorisation of the Council is a key challenge for R2P, particularly during a period of general disagreement amongst the P5. While R2P is not being held responsible for the perceived misinterpretation of the mandate for the intervention in Libya, it is clear that the use of coercive measures to protect populations – even with Security Council authorisation – can still be controversial. Familiar debates about the justifications for the use of force, the means that should be employed and the ends that should be permitted (some member states perceive it as taking sides against a government when it fails to protect its populations, with potential suggestions of regime change) still persist at the UN, despite R2P's existence.

Nevertheless, the current focus on early prevention and accountability is fruitful and could lend credibility to attempts at enforcement in future scenarios. It is generally understood that increased efforts to implement pillars I and II can reduce knee-jerk opposition to proposed action that seeks to enforce pillar III when necessary.

Syria

Directly linked to the challenge of enforcing and implementing R2P in the most extreme of cases is the appalling situation in Syria. While the existence of the principle can do little to change P5 views on the preferred way to respond to the crisis, the tragedy of Syria is still perceived as a glaring failure for R2P. The UN and member states continue to uphold their responsibilities to a certain extent – in maintaining the semblance of a political mechanism, in sending international aid to those countries dealing with the flow of refugees, in supporting the Human Rights Council's Commission of Inquiry, in documenting the crimes taking place – but this has had little effect on the actual conflict.

The UN Office for the Coordination of Humanitarian Affairs has reported that the Damascus Government has essentially ignored one of the few resolutions the Security Council has agreed on Syria, Resolution 2139 on humanitarian access, and continues to use barrel bombs in residential areas and even chemical weapons with impunity. The Council has also failed to threaten to refer the case to the ICC. Syria continues to fragment, with the threat of destabilisation spreading to neighbouring countries and the growth of ISIS seriously undermining hope for a peaceful resolution to the crisis in the near future.

It was noted by many we spoke to that the key to making diplomatic progress on Syria was engaging Russia. The Joint Office noted that the Russian Foreign Minister, Sergei Lavrov, had used the term "genocide" to describe what was happening to Christian minorities in the Middle East, including in Syria, a term the Office deemed as a potential opening point for further discussions.²² Nevertheless, it is clear that R2P in itself can do little to convince the P5 and the wider Council to implement their international responsibility to respond to atrocities when there are strong differences in their policy and political approaches.

Member states are perceived to be paying lip-service to prevention

When asked about how member states are approaching R2P and atrocity prevention, Secretariat representatives felt that most states were still paying lip-service to prevention.

The UK was perceived to be disengaged in an area where it ought to be playing a leading role in mobilising support for the R2P principle and its implementation. Comparisons were drawn with the Prevention of Sexual Violence in Conflict initiative launched by the former Foreign

²² "Russia's Lavrov says crimes against Mideast Christians 'genocide', Yahoo! News, 2 March 2015, <http://news.yahoo.com/russias-lavrov-says-crimes-against-mideast-christians-genocide-204225504.html>, accessed 27 July 2015.

Secretary, William Hague, which focused on improving accountability for a particular kind of atrocity crime.

The APB was viewed from New York as a positive step, but many voiced concern that there was little information about its real purpose and impact. The multilateral contribution of the Board was described as being disappointing, even though there seemed to be an interest among like-minded states in hearing lessons learned.

Nevertheless, the Secretariat had noticed differences in the way the US reacted to some cases of atrocities, such as the CAR, the DPRK, Burma and Burundi, with the Board encouraging action much earlier and providing a catalyst for the Government to think about how to tackle these issues innovatively. It was felt that the Obama Administration had gone further in developing active policies for the implementation of R2P than other Western states and that the sole fact of stating that atrocity prevention was in the national interest was an important development. It was felt that the act of naming something as an atrocity risk gave decision-making an urgency that could help to speed up policy activities.

Two of the main messages the Joint Office was keen to underline for member states in taking R2P and atrocity prevention forward were; first, to put atrocity prevention on the level of political responsibility, as part of the national interest; and second, to review their own systems and departments for usable instruments to respond to the threat of atrocities and devise exercises for employing them in situations of risk.

Conclusions

Overall, the view from the UN confirms that R2P is not a toxic label. There are demonstrable efforts to institutionalise the principle and its preventive aims throughout the UN system. It is also clear that member states are willing to actively participate in discussions that are based on reports seeking to develop the principle. The Security Council also continues to refer to R2P in relevant resolutions, reaffirming the principle at the highest level.

However, it is clear that there are serious challenges in terms of the enforcement of the principle. Where the Security Council cannot agree, it is of little help for engendering action. While it is hoped that, by institutionalising prevention, the UN system and member states will be able to act before a situation reaches the Security Council's agenda, this is simply not possible for all cases. Improving mechanisms for ensuring accountability for past crimes may help to improve the credibility of sanctions against perpetrators short of the use of military force.

Establishing a new norm is not just the work of a decade. Nor is it confined to the politics and institutions of the UN. If the consistent prevention of atrocities is to become a reality, individual member states must also take up the mantle. While there are a small number of initiatives seeking to improve the practice of atrocity prevention within other member states and among certain regions,²³ the US's current experience of setting up the APB is unique in its organisation and focus. The next section will consider the findings of UNA-UK's delegation during their meetings in Washington DC.

²³ See for instance, the R2P Focal Points initiative (www.global2p.org/our_work/r2p_focal_points), the International Conference of the Great Lakes Region (www.icglr.org/index.php/en/genocide-prevention), Ghana's National Peace Council (www.wanep.org/wanep/files/2014/aug/2014-august-policy-brief-ghana-national-peace-council.pdf) or the Latin American Network for Genocide and Atrocity Prevention (www.auschwitzinstitute.org/what-we-do/latin-american-programs/).

4. The US approach to atrocity prevention

The Obama Administration has taken steps to try to ensure that atrocity prevention issues are squarely on the table of decision makers in all major departments through the creation of an Atrocities Prevention Board. While this Board does not explicitly reference R2P in its mandate or any of its reports, the aims and parallels are clear. The APB aims to highlight atrocity prevention at the highest Government level and brings together policy experts from a range of Government departments at the senior and middle levels, encouraging inter-agency discussion and information sharing on mass atrocity prevention. Based within the White House, the APB has direct access to senior administration officials and to the President himself.

Although the idea for the Board can be traced back to the Clinton Administration's establishment of the position of the Ambassador-at-Large for War Crimes and an Atrocities Prevention Inter-agency Working Group, the real momentum for the Board came from the 2007 Genocide Prevention Task Force. Jointly convened by the American Academy of Diplomacy, the US Holocaust Memorial Museum and the US Institute of Peace, the Task Force was co-chaired by former Secretary of Defence William Cohen and former Secretary of State Madeleine Albright. Their 2008 report *Preventing Genocide: A Blueprint for US Policymakers* aimed to provide a roadmap for Government on how to address atrocity crimes, recognising that the phenomenon was not a necessary part of conflict and could be prevented. It placed significant emphasis on the need for early warning capabilities, on investment in timely prevention and on high-level political attention to atrocity prevention.²⁴

Upon entering Government, President Obama appointed Samantha Power as Special Adviser for Multilateral Affairs. Power's 2003 book *A Problem from Hell* was often cited as one of the catalysts for the Genocide Prevention Task Force and Power had a reputation for advocating more pro-active US responses to international atrocities. After establishing a clear political commitment to genocide prevention in the 2010 National Security Strategy,²⁵ Obama issued Presidential Study Directive 10 (PSD-10) in August 2011, which declared that atrocity prevention was "a core national security interest and core moral responsibility" of the United States.²⁶ Using the Genocide Prevention Task Force's recommendations, it established a comprehensive inter-agency review of the Government's atrocity prevention capabilities, examining existing protocol, inter-agency cooperation and tools needed for atrocity prevention and mandating the creation of the Board.

PSD-10 stated four primary purposes for the Atrocities Prevention Board and claimed that "by institutionalising the coordination of atrocity prevention, we [the US Government] can ensure:

1. That our national security apparatus recognises and is responsive to early indicators of potential atrocities;
2. That departments and agencies develop and implement comprehensive atrocity prevention and response strategies in a manner that allows 'red flags' and dissent to be raised to decision makers;

²⁴ Available at www.usip.org/genocide-prevention-task-force/view-report.

²⁵ *National Security Strategy*, The White House, May 2010, available at www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf, accessed 27 July 2015.

²⁶ Press Release: *Presidential Study Directive on Mass Atrocities*, The White House, 4 August 2011, available at www.whitehouse.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities, accessed 1 May 2015.

3. That we increase the capacity and develop doctrine for our foreign service, armed services and development professionals, and other actors to engage in the full spectrum of smart prevention activities; and
4. That we are optimally positioned to work with our allies in order to ensure that the burdens of atrocity prevention and response are appropriately shared."²⁷

The early communications from the President about the Board were public-facing, announcing its creation at the US Holocaust Memorial Museum in April 2012, the same day that the Board met for the first time.²⁸ It provided an opportunity for the President to declare atrocity prevention as a national interest and outline his commitment to making "never again" a reality. The Board was advertised to civil society as an entry point for them to affect policy. The uncertain follow-on to this public beginning has led to heavy criticism and disappointment from outsiders, who feel the Board is not transparent enough about its activities to date.

Numerous members of the Obama Administration had started their careers during the 1990s and, having seen the effects of inaction in the face of atrocities, were keen to see the Board acting as the eyes, ears and conscience of the US Government. The Central Intelligence Agency (CIA) was mandated to establish a framework for early warning and analysis for atrocities, creating a watch list and a list of potential triggers. The Board was to bring together senior officials in each department each month to heighten awareness of atrocity prevention in their departments and mobilise resources, as well as to share information on the work they were already planning on atrocity prevention. These meetings would force the agencies to focus on situations showing the early signs of risk and on forgotten situations. The Board was also mandated to undertake reviews in the law, regulation and practices of each agency with a view to discovering practical steps they each could take to deter atrocity crimes in specific situations.

The APB is budget-neutral and draws staff from its constituent departments and the White House. These departments include:

- Director for Multilateral Affairs and Human Rights, National Security Council (Chair of the APB)
- Office of the President
- US Agency for International Development (USAID)
- US Mission to the UN
- Joint Chiefs of Staff
- CIA
- Office of the Director of National Intelligence
- Homeland Security
- Department of Justice
- Department of Defence
- Department of State
- Treasury

The Board meets monthly at Assistant Secretary level, taking around two hours to focus in on a specific case and review continuing atrocity situations. During these meetings, participants from each department go through a checklist, asking what each department is doing to combat a specific case of risk, sharing analysis and viewpoints. A Sub-APB of working-level staff from each of the constituent departments meets weekly, chaired by the Director of War Crimes and Atrocity Issues at the National Security Council. These discussions focus on structural atrocity issues, such as the establishment of training programmes or tool kits.

The APB is mandated to report annually on its activities to the President, but this report has not so far been made public. As such, public information about the track record of the Board is scarce. Two external reports seeking to review the performance of the Board have suggested that the results have been mixed.²⁹ While in Washington DC, UNA-UK's delegation met with current and former members of the Board, members of the Sub-APB, the Chair of the Board, Steven Pomper, Senior Director for Multilateral Affairs and Human Rights at the National Security Council, as well as a number of civil society organisations. As with the reports examining the performance of the Board, UNA-UK's findings were mixed. While there

²⁷ *Ibid.*

²⁸ Press Release: *Remarks by the President at the United States Holocaust Memorial Museum*, The White House, 23 April 2012, available at www.whitehouse.gov/the-press-office/2012/04/23/remarks-president-united-states-holocaust-memorial-museum, accessed 1 May 2015.

²⁹ See Norris, J and Malknecht A (June 13 2013), "Atrocities Prevention Board: Background, performance and Options", Centre for American Progress, available at www.americanprogress.org/wp-content/uploads/2013/06/AtrocitiesPrevBoard.pdf; and Finkel, James P (September 2014), "Atrocities Prevention at the Crossroads: Assessing the President's Atrocity Prevention Board after two years", Centre for the Prevention of Genocide Occasional Paper 2, available at www.ushmm.org/m/pdfs/20140904-finkel-atrocity-prevention-report.pdf.

are numerous positive examples of how the Administration is trying to work coherently and concertedly on atrocity prevention, and although we heard many anecdotal examples of how the Board changed the behaviour of the Administration towards certain situations, the Board itself has produced little formal public evidence of its successes. This creates a challenge in terms of the future institutionalisation of the Board and in terms of learning clear and concrete lessons from the experience for the UK.

Positive stories about the APB

Normative commitment

The APB began with a strong, public, normative commitment to atrocity prevention. This has been a sign-post to everyone in the Administration and internationally that the issue is a meaningful priority for the President. It demonstrates the Administration's desire to act preventively, using the full range of policy tools, rather than just falling back on an "all or nothing" military stance to responding to atrocity crimes.

The downside of this has been that the public beginnings of the APB created expectations that the Board has been unable to fulfil, particularly due to its lack of public reporting or Congressional oversight.

Coordination and clarifying responsibility

The real power of the APB is claimed to be its integrative, inter-agency, coordinating function. The White House's role as Chair of the Board is understood to be simply coordinating activity that is already happening, asking questions like: what is the best and quickest way to sanction human rights abuses? How can the US Government make this more effective? Who in Government does this?. The APB is not an operational body but rather raises the level of awareness of a situation characterised by the risk of atrocity, sometimes providing a way to bypass stalled regional processes. It requires agencies and departments to consider who is responsible for action and how they should act.

'Muscle memory'

Those involved with the Board have spoken positively about the utility of frequent meetings, particularly the weekly meetings at the sub-APB level, in establishing a kind of "muscle memory" that improves the way in which departments work together, coordinate activities and consider all of the policy tools available across Government.

Anecdotally, members of the sub-APB claim that they are better able to "prepare" a menu of prevention tools for decision makers tailored to each situation and have a quicker response time simply because they know each other. They understand the issues and are working within a shared framework of values that precludes debate on "why" action should be taken and focuses on "what" and "how" things should be done.

The sub-APB was particularly lauded as enabling participants to establish the infrastructure and lay the groundwork for the APB decision-makers. Participants praised this working-level body to be the part bringing the most value to the Board, able to suggest clear policy options for decision makers and creating a catalyst for action that would not be there if departments were not as well coordinated.

Ripple effects of the Board

The ripple effects of the focus on atrocities within the different departments are also a valuable output from the Board.

First, the inclusion of departments not traditionally included in discussions about human rights abroad – such as the Treasury – has allowed the APB to explore new and innovative methods for addressing atrocities, beyond military intervention or aid. Sanctions on individuals reported to be responsible for inciting hatred in Burma was one such example. Encouraging the establishment of terms of operation with large multinational corporations so that they agree to suspend their activities in certain countries at risk at the sight of atrocities was another example.

"They understand the issues and are working within a shared framework of values that precludes debate on 'why' action should be taken and focuses on 'what' and 'how' things should be done"

Second, the focus of the Board has provided a catalyst for further work across the different departments involved. USAID is in the process of writing tool kits and online manuals for field officers focusing on how development practitioners can contribute to atrocity prevention, while the CIA has produced a specific framework for the prevention of atrocity crimes.

Third, the creation of the Board has had an effect on training. For instance, the National Defence Academy established simulation training that requires senior officers to consider what they would do if they were working in a situation characterised by atrocities, pushing them to think about how to use their existing tools to reduce risk.

The sum of these parts is that there is a greater accumulation of knowledge across departments about the issue. Members of civil society reported that the Board has to some extent changed the way the Administration has responded to some situations – such as Burma or the CAR.

Early warning and analysis

The Board also undertakes analytical work in its weekly and monthly meetings, with a focus on those situations deemed of medium risk.

The narrow focus of the Board means that members are concentrating on the same issues. The CIA's involvement in the creation of specific early warning and analysis frameworks for atrocities is understood to have been crucial for the success of the Board's analytical work. The perceived added value of these analytics is that they allow the Board to understand the dynamics of atrocity risk in country situations. This is deemed important for a number of reasons.

First, it includes the potential for atrocities to take place within ongoing conflicts. The example of South Sudan was given as a case where, although there were diplomatic efforts to stop the wider war, the continuing atrocities should not have been ignored. The APB pushes atrocity prevention onto the agenda, alongside other interests like conflict prevention, trade, children's rights, maternal health etc., in an attempt to ensure that the US Government is both protecting and preventing simultaneously.

Second, atrocity indicators show that atrocities are the consequences of a leader's choice to target a group for political gain. These analytics can help to show the specific rationale for the commission of atrocities and the source of the strategy, giving an insight into how that strategy might be deterred. The case of Burma was given as an example of where, while the overarching narrative was one of democratisation, the analytics showed the rationale for certain atrocities being incited and committed, pointing to specific people who had clear things to gain. The Board pushed to put individuals inciting violence on a sanctions list, which became public knowledge, opening the perpetrators to public ridicule in national media outlets and online.

Challenges for the APB

Proving added value and effectiveness

While anecdotal accounts suggest the APB is adding value, there is little tangible evidence of this.³⁰ The Board has said it is walking the balance between contributing meaningfully to policy discussions without slowing them down by identifying risk early, prioritising cases and proposing concrete steps to mitigate these risks by identifying and mobilising experts and policy tools that are generally overlooked by the regional bureaus of the US Government. However, there is little evidence publicly available about how this has made a difference on the ground and little information on how the Board measures the effectiveness of their activities in shifting the risk of atrocity in a specific case.

Syria

What gains the Board may have made behind the scenes have been completely overshadowed in the public eye by the tragedy in Syria and now Iraq. The failure of the international community to act to protect civilians in Syria and prevent the atrocities committed by ISIS in both Syria and Iraq has left many questioning the utility of a Board claiming to prevent such atrocities and to

³⁰ See for instance, speech by Sarah Sewall, 30 March 2015, "Charting the US Atrocities Prevention Board's Progress", Council on Foreign Relations, available at www.cfr.org/human-rights/charting-us-atrocities-prevention-boards-progress/p36332, accessed 3 July 2015.

have moved the US to a more effective approach. This has made members of the Board timid about sharing their successes publicly and with allies.

Transparency

Compounding the Board's wariness about sharing evidence of their added value publicly is the low level of public information and transparency provided about the Board's activities. This is the main critique of the Board from civil society organisations, which argue for more public reporting, hearings and communications in order for them to be able to engage with the Board more formally.

The lack of public information on the work of the Board also means that there is a low level of interest in Congress. As a budget-neutral body, Members of Congress are in the dark about what the Board is doing and how effectively, with little incentive to try and find out. It also means that there is little awareness within Congress about the issue of atrocity prevention, with a general ambivalence towards the issue and a lack of understanding about the different tools that can be used, leading to debates about preventing atrocities becoming framed as "all or nothing" military interventions.

Institutionalisation

While the Board's focus on internal inter-agency coordination does not necessarily need to be public facing, the lack of information about the added value of the Board has implications for its longevity and institutionalisation. Anecdotal accounts suggest that it remains highly personalised, its main proponent in the White House, Samantha Power, having moved to the US Mission in New York. There is still a lack of buy-in from certain departments and from the Regional Bureaus within the State Department.

While some NGOs suggest that the Board should become a permanent bureau in the State Department, others argue that this would lead to it losing its cross-departmental character and coordinating function.

Sharing lessons internationally

The Board's timidity in sharing information and reports reviewing its work also makes it difficult for other UN member states to learn from the Obama Administration's experience. While expectations of the US are high, member states will hardly seek to emulate the US by improving their own approach to atrocity prevention if there are no examples of the Board's added value.

The fact that the Board is not explicitly labelled as linked to R2P is understandable from a domestic perspective and does not seem to undermine any international understanding of what the Board does. However, the Board needs to work more to improve its openness to multilateral information sharing and coordination, even if it is under the rubric of R2P.

Moving from analytics to action

Finally, while participants in the Sub-APB were eager to underline the positive impact of the analytical side of the Board's work, there needs to be clearer information on how better analysis leads to better action. Access to information about early warning is rarely the problem for states looking to take action to prevent atrocities; the key stumbling block is usually translating this knowledge into policies on the ground that can be measured and evaluated.

Conclusions

Despite the mixed record of the Board, the overall impression was positive. The Board is clearly forcing the constituent departments to consider how to improve their approach to atrocity prevention and is providing a forum for officials to think constructively about putting R2P into practice. The off-shoot initiatives from the individual departments in terms of training and tool kits is positive for raising awareness about atrocity prevention beyond those taking part in the Board's meetings, and the fostering of strong working relationships across departments is helpful for a more coherent approach to preventing the risk of atrocities.

"There needs to be clearer information on how better analysis leads to better action"

Improved understanding and analytics of particular cases where there may be a risk of atrocities is useful, but it is difficult to quantify to what extent better information has led to better policy. The APB needs to put together a dossier of positive success stories in order to prove its added value. The inability of the international community to stop the atrocities in Syria and Iraq should not prevent the Board from reflecting on the cases where it has had a positive effect on US policy. Not only would this provide civil society evidence of the Board's work, it would give Congress information that might help to foster better understanding and support for atrocity prevention. It would also demonstrate to other UN member states that there is action behind the rhetoric. Better communications about the Board's successes would contribute to the wider debate about the utility of an atrocity prevention policy lens working in concert with conflict prevention efforts and encourage other states to undertake similar reviews to understand how they could ensure their own systems are working with an atrocity prevention lens.

5. Lessons learned

The US experience in establishing the APB provides a number of general lessons for governments considering how to ensure their own policies and capacities are geared to prevent atrocities:

- The work of the Genocide Prevention Task Force was key in providing a platform for change. The Task Force was made up of respected bipartisan participants and was well drafted, presenting clear recommendations in a timely manner.
- That the Task Force's recommendations were acted on is testament to the strength of personalities in the administration at the time. Although there are efforts to institutionalise the Board, it remains highly personalised.
- The normative clarity provided by the inclusion of atrocity prevention in the Obama administration's 2010 National Security Strategy is extremely important to the US's focused efforts on atrocity prevention. Indeed, the sole fact that atrocity prevention is mentioned and included in policy statements at all is relatively unique. Such a statement precludes all debate about 'why' or 'where' the US should focus on atrocities and forces departments to consider 'how' and 'what'. With atrocities thematically deemed as a threat to US national interests, their prevention everywhere comes within that remit, rather than just in particularly important or 'hot spot' regions already on the radar.
- Without the APB, Obama's political statement would be little more than rhetoric. The weekly and monthly meetings of the Board force each department to consider how they approach atrocity prevention, providing a catalyst for work that aims to improve US capacity. This has been in the form of the incorporation of particular atrocity indicators into early warning frameworks and the creation of specialised training and field manuals. The Board has also provided the momentum for the proliferation of knowledge and understanding about atrocity prevention across the agencies involved.
- The inter-agency, coordinating character of the Board is key to understanding its value added. It is not a boutique office that is working in a silo but a forum for collecting and coordinating already existing activities and expertise.
- While full transparency and oversight is perhaps not needed for this kind of internal, coordinating body, proving effectiveness, evaluating impact and ensuring longevity does require there to be some level of publicly available information and strategic communications about the activities of the Board.
- Better reporting of case studies that consider success and failure of the Board's activities would be extremely helpful for improving the implementation of R2P internationally. Sharing their own perspective of lessons learned with like-minded states would also be welcomed.

“What is required first is normative clarity on the UK's definition of national interest and the inclusion of atrocity prevention in this”

The differences between the US and UK bureaucracies suggest that not all lessons are applicable to the UK. Indeed, the need for a specific atrocities prevention board to coordinate activity across Whitehall departments might not be required if atrocity prevention was simply better represented in existing UK policy frameworks and institutionalised in a way that confirms its status as a policy priority in decision-making bodies. What is required first is normative clarity on the UK's definition of national interest and the inclusion of atrocity prevention in this. The US example of publicly acknowledging this at the highest level should be a lesson that the UK takes forward in its next National Security Strategy and Strategic Defence and Security Review.

The UK would then need to set out a vision of how this interest would be protected by the whole Government, rather than just attributing it to one department. Instigating a review of current practices and asking how they could be improved – as the PSD-10 did in the US – is also a useful lesson to the UK. There is only so much this paper can recommend to elevate the issue of atrocity prevention without a more detailed review of UK capacities, processes and decision-making structures. Putting meat on the bones of a rhetorical commitment to R2P requires the Government to take practical steps to evaluate its track record so far and identify gaps. The US experience also suggests that taking the findings of such an evaluation forward requires not only political leadership, but personal leadership from within the Government.

The US example raises questions over the importance of using the term R2P. Framing an initiative through the lens of R2P would serve to bolster the norm internationally and help to provide an example to domestic and international constituencies of what R2P looks like in practice. However, it is clear from the UN Secretariat's support of the aims of the APB that labelling it "R2P" is not essential, so long as the three pillars are broadly reflected in the understanding of atrocity prevention. Following from the US example, administrative efforts to embed R2P and atrocity prevention in national foreign policy should focus on outcomes rather than the label. Nevertheless, the political argument for R2P still needs to be made, domestically and internationally, because the moral imperative embedded in the R2P framework and the normative value of a principle endorsed by all UN member states needs constant reinforcement.

6. Recommendations to Her Majesty's Government

Strategic

- The UK Government should state in the next National Security Strategy and Strategic Defence and Security Review that the prevention of atrocities is an explicit objective of UK foreign policy and in the UK's national interest.
- The UK Government should set out criteria and decision-making processes for UK engagement in preventive and responsive activities, including how it defines "intervention" and humanitarian intervention and the role of Parliament in deciding when and where to intervene.
- The UK Government should consider how atrocity prevention fits in with existing UK strategies on conflict prevention, stabilisation, counter-insurgency, counter-terrorism and counter-extremism strategies.
- Parliamentary committees, including the Joint Committee on the National Security Strategy and the Defence, Foreign Affairs and International Development Select Committees should scrutinise the Government's position on atrocity prevention. They should review the Government's understanding of the policy tools available to undertake prevention and the coordination and decision-making structures in place for putting these tools into practice.

Operational

- The National Security Council should define its role in preventing atrocities, including by considering how it will:
 - Administer the Conflict, Stability and Security Fund (CSSF) in a way that supports atrocity prevention activities;
 - Coordinate atrocity prevention across Government;
 - Foster a shared understanding of atrocity prevention across Whitehall.
- The UK Government should appoint a Minister in the Foreign & Commonwealth Office (FCO) with responsibility for atrocity prevention and R2P issues, in essence becoming the R2P Focal Point. This could be an addition to the Parliamentary Under-Secretary with responsibility for conflict issues.
- The FCO should define the role of the R2P Focal Point and ensure that they are adequately resourced and supported.
- The UK should undertake a cross-Government review to examine its ability to prevent atrocities and investigate how to:
 - Include specific indicators for atrocity in its early warning frameworks;
 - Ensure that investments in upstream prevention by the Department for International Development, FCO, Ministry of Defence and the Stabilisation Unit help tackle the root causes of atrocity as well as conflict;
 - Ensure that the Government's response to crises acknowledges the need to prevent atrocities and protect groups at risk, before, during and after conflict;
 - Improve knowledge and understanding of atrocity prevention through the creation of tool kits and training for officials across Whitehall.

At the United Nations, member states should:

- Consider how to support the Secretariat's ability to identify and respond to atrocities, including the Secretary-General's ability to refer matters to the Security Council, the use of briefings and Arria formula meetings to discuss situations where bad behaviour needs to be called to account and continued financial support for the UN Office of the Special Advisers for the Prevention of Genocide and the Responsibility to Protect.
- Continue to support the use of R2P language in UN Security Council Resolutions.
- Support the adoption of a resolution noting the Secretary-General's 2015 report on R2P 10 years since its endorsement. The UK should push to include language that sets out a vision for R2P in the next 10 years.
- Engage constructively in discussions to improve the working methods of the Security Council, including the debates surrounding the use of the veto in situations of mass atrocity.

This report records and builds on the findings of UNA-UK's March 2015 delegation to New York and Washington DC under its Responsibility to Protect (R2P) programme.

The UK is publicly committed to R2P but needs to do more to ensure that its wider systems and policies are working as effectively as possible to reduce the risk of genocide, war crimes, ethnic cleansing and crimes against humanity (atrocity crimes).

In considering how to support the UK in improving its track record, UNA-UK sought to investigate the overall status of R2P at the United Nations, both within the Secretariat and amongst member states, and to learn lessons from the US experience of putting atrocity prevention into practice through the establishment of an Atrocities Prevention Board.

This report details the delegation's findings and advances recommendations to the UK Government for strengthening its approach to R2P and atrocity prevention.

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