Introduction

Towards Evidence Based Atrocity Prevention

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Abstract

Atrocity prevention is a difficult and complex undertaking, one that needs concerted effort by multiple stakeholders to be successful. This article seeks to help bridge the acknowledged gap between the promise of atrocity prevention and its implementation by providing an introduction about lessons learned from various case studies. By doing so, it seeks to develop an evidence base of effective atrocity prevention efforts to benefit practitioners of atrocity prevention. To ensure the evaluation is as rigorous as possible, five principles were incorporated into the research. One, to apply a reasonableness test so as not to confuse association with causation. Two, use a mixed methods approach for data collection. Three, triangulate data with multiple sources. Four, validate data with participants and experts to determine a level of accuracy. And five, consider a counterfactual argument of what would have happened if the preventive action(s) had not occurred.

Keywords

atrocity prevention – responsibility to protect – UN – atrocity crimes – armed conflict
– evidence

* Ivan Simonovic is writing in his personal capacity and nothing here reflects the opinion of the Government of Croatia.

First they came for the Socialists, and I did not speak out—Because I was not a Socialist.

Then they came for the Trade Unionists, and I did not speak out—Because I was not a Trade Unionist.

Then they came for the Jews, and I did not speak out—Because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

MARTIN NIEMOLLER

Martin Niemoller's moving poem about Germany's failure to stand up to the Nazis and prevent the Holocaust reminds us that preventing genocide and other atrocity crimes is everyone's business.¹ Ultimately, atrocity crimes occur because individuals, groups, and governments choose to make them happen, choose to support them and to indulge hate speech and the "anti-civilian ideologies" that underpins it,² or at least choose to ignore warning signs.

Atrocities could not happen without the support, or at least the acquiescence, of local populations.³ Atrocity crimes also depend upon the passive acceptance or half-hearted resistance of outsiders, especially those that have the material and ideational capacity to make a difference but who, for one reason or other, choose not to. But it is this element of choice that makes atrocity *prevention* possible. Local, national, and international actors can choose to acquiesce in atrocity crimes or play the role of idle bystander. Alternatively, they can choose to listen to the warning signs and take resolute action to prevent atrocity crimes. Ultimately, as Niemoller reminds us, atrocity crimes happen – or are prevented – through the choices that individuals, groups, and governments make. But preventing atrocity crimes, and the hate, prejudice and discrimination that gives rise to them, is difficult. "There is nothing

1 By "atrocity crimes," we mean genocide, war crimes, ethnic cleansing, and crimes against humanity. We use the term interchangeably with "atrocities".

2 The concept of "anti-civilian ideologies" was developed by Hugo Slim, *Killing Civilians: Method, Madness, and Morality in War* (London: C. Hurst and Co., 2008).

3 See Robert Fisk, "Whether Armenia, the Nazis or ISIS – if you're going to commit genocide you can't do it without the help of local people", *The Independent*, 24 May 2018. Fisk draws inspiration from research on the Armenian genocide. See Umit Kurt, "Theatres of Violence on the Ottoman Periphery: Exploring the Local Roots of Genocidal Politics in Antep", *Journal of Genocide Research*, vol. 20, issue 3, 2018, pp. 351–371.

easy” about atrocity prevention, observed former UN Secretary-General Ban Ki-moon, “yet it can and must be done”. Atrocity prevention requires solidarity, compassion, skill, persistence, energy, and bravery, sometimes in the face of great risk and unimaginable evil. But just as human history is blighted by acts of brutality and inhumanity, so too is it marked by bravery and commitment to prevent atrocity crimes.

If there is one lesson to learn from the past few decades of experience with atrocity prevention, it is that trying to make a difference very often does make a difference.⁴ When atrocity prevention is consciously prioritized by international and/or national actors, crises can be averted, escalation prevented, and lives saved. Kenya, Cote d’Ivoire, Guinea, Gambia, and Kyrgyzstan stand out as recent examples. Conversely, when atrocity prevention is one of several priorities that actors pursue, the results tend to be more mixed as seen in Mali, the Central African Republic, and South Sudan. And when atrocity prevention is not prioritized by key actors – as was the case, tragically, in Syria, Yemen, and Myanmar and before that Rwanda – the results are worst of all.

Preventing atrocities is possible, but concerted action is required. As Elie Wiesel explained in his 1986 Nobel Peace Prize acceptance speech: “We must always take sides, neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented”.⁵ To be successful in atrocity crimes prevention, we must be impartial, but not neutral. Not neutral, because we should always take the side of the victims, but impartial, because we should always take the side of victims against victimizers, no matter who they are. To avoid repeating the horrors and mistakes of the past, we must prioritize atrocity prevention and learn from past experience. That is the purpose of these articles.

Recognizing a growing gap between the promise and practice of atrocity prevention, in 2015, the UN Secretary-General Ban Ki-moon committed to analyzing “relevant cases in order to produce a systematic assessment of atrocity crime prevention measures to date, with a view to distilling policy guidance for practitioners”.⁶ These articles were designed to help achieve this goal and contribute to a broader shift in focus from conceptual debates about the responsibility to protect to practical implementation of the principle. More specifically, it aims to provide much needed insight derived from the practice of atrocity

4 This is one of the principal arguments levelled throughout Alex J. Bellamy and Edward C. Luck, *Responsibility to Protect: From Words to Deeds* (Cambridge: Polity, 2018).

5 Elie Wiesel, ‘The Nobel Acceptance Speech Delivered by Elie Wiesel in Oslo on December 10, 1986’, PBS, 2002, available at <https://www.pbs.org/eliewiesel/nobel/>.

6 UN Secretary-General, *A vital and enduring commitment: implementing the responsibility to protect*, UN Doc A/69/981, 13 July 2015, para. 61.

prevention into the concrete steps required to adapt existing tools and practices to achieve more effective atrocity prevention. The goal is to contribute towards the development of UN system-wide guidance into what works best in atrocity prevention. That guidance, and the practice of learning lessons that goes with it, should become an active process that continues to develop and inform the work of the UN and other actors beyond the life of this project. In this introduction we will introduce the normative and political framework for atrocity prevention found in the principle of the Responsibility to Protect, reflect on contemporary trends in atrocities and attempts to prevent them, and outline the purposes and framework used in this series of articles. We return in the concluding article to identify the key lessons learned from more than a decade of experience in atrocity prevention, the challenges that lay before us, and pathways that might be taken.

1 The Responsibility to Protect

Stemming from the genocides in Rwanda in 1994 in which more than 800,000 people were killed and Srebrenica, a UN “safe area” in Bosnia, from which over 7,600 men and boys were taken and slaughtered by Bosnian Serb forces the following year, the Responsibility to Protect (R2P) is a disarmingly simple idea. It holds that sovereign states have a responsibility to protect their own populations from four crimes that indisputably “shock the conscience of humankind”: genocide, war crimes, ethnic cleansing and crimes against humanity.⁷ It requires that the international community assist individual states to fulfill their responsibility, because some states lack the physical capacity and resources of legitimacy needed to protect their populations from these crimes. Finally, R2P says that when states ‘manifestly fail’ to protect their populations from these four crimes, whether through lack of capacity or will or as a result of deliberate intent, the international community should respond in a ‘timely and decisive’ fashion with diplomatic, humanitarian and other peaceful means and, failing that, with all the tools that are available to the United Nations (UN) Security Council. This can include the use of military force, which is sometimes a tragic necessity to avert even larger tragedy. R2P calls specifically for the prevention of the four crimes and also – significantly – their incitement.

These are the three pillars of the Responsibility to Protect: (1) the primary responsibility of the state to protect its own population from genocide, war

7 This phrase borrowed from Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977).

crimes, ethnic cleansing and crimes against humanity; (2) the international community's duty to assist; (3) the international responsibility to take timely and decisive action to protect populations from these crimes when the state fails to do so. The principle is a simple one; it is the politics that surround it and the challenge of realizing its ambition in practice that is so difficult.⁸

The phrase 'responsibility to protect' – R2P – was first coined in 2001 by the inelegantly titled 'International Commission on Intervention and State Sovereignty' (ICISS), a group of retired politicians, diplomats and humanitarians chaired by former Australian Foreign Minister Gareth Evans and highly respected former Algerian diplomat Mohammed Sahnoun. The Commission was tasked by the Canadian government with the job of reconciling the tensions between state sovereignty and humanitarian necessity made abundantly obvious by NATO's 1999 intervention in Kosovo. Specifically, the Canadian government asked the Commission to find a way of avoiding repetitions of, on the one hand, cases like the 1994 Rwandan genocide, where the world stood aside and did nothing as 800,000 people were butchered in just 100 days and, on the other hand, cases like Kosovo where a group of states took it upon themselves to use force to protect people without a prior mandate from the UN Security Council and which was qualified by the independent group of experts as "illegal, but legitimate"⁹

The Commission's answer came in the form of R2P – a call for a shift away from sterile debates about the prerogatives of interveners and inalienable rights of sovereigns towards a focus on protection for vulnerable populations and the responsibilities of individual governments and the international community as a whole.¹⁰ The Commission argued that there was a duty to prevent as well as respond to these crimes and maintained that armed intervention should be reserved for the most severe cases and guided by a set of prudential criteria drawn from the Christian Just War tradition. This would ensure that force would only be used for the right reasons and only when likely to do more good than harm. R2P, Thakur explains, was "the ICISS answer to reconciling the neuralgic rejection of humanitarian intervention by the global South with

8 First set out in UN Secretary-General, *Implementing the Responsibility to Protect: Report of the Secretary-General*, UN Doc A/63/677, 12 January 2009.

9 For accounts of the rise of R2P see Alex J. Bellamy, *The Responsibility to Protect: The Global Effort to End Mass Atrocities* (Oxford: Polity, 2009) and Gareth Evans, *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All* (Washington, DC: The Brookings Institution).

10 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: IDRC, 2001).

the determination by the North to end atrocities".¹¹ In addition to the responsibilities to prevent atrocities and to react to them, it also included responsibility to rebuild and to provide help to societies to move on.

The journey of translating R2P from idea to political principle and diplomatic practice began with former UN Secretary-General, Kofi Annan. Annan welcomed the advent of R2P, describing it in his memoir as 'a brilliant innovation'.¹² He judged that by reframing debates about how the world should respond to mass atrocities and focusing on the responsibilities of sovereignty, R2P held the promise of reconciling two fundamental principles of the UN Charter that had all too often worked to opposite ends: state sovereignty and the protection of fundamental human rights.¹³ However, it was not easy: R2P was met with strong resistance by some countries. For example, because of the resistance of the President of the General Assembly at the time, the pivotal report of the ICISS that introduced the concept of R2P was not introduced to member states in the UN premises in New York, but across the road in the UN Plaza hotel. The Commission, the UN Secretary General Kofi Annan and Ivan Šimonović, on behalf of the Economic and Social Council of the UN, participated in the presentation of the Report.

The opportunity to elevate R2P from intellectual curiosity to international diplomacy came in 2004. With the UN besieged by a neo-conservative administration in the US, hamstrung by a membership deeply divided by the US-led invasion of Iraq, and engulfed in the oil-for-food scandal, Annan decided to promote debate about broad-sweeping UN reforms. In preparation for what became known as the 'World Summit', Annan commissioned a High-Level Panel to review options for reforming the UN. The Panel called for the adoption of R2P as a guiding principle.¹⁴ When Kofi Annan included the Panel's recommendations on R2P in his own blueprint for UN reform, a report entitled *In Larger Freedom*, the idea was placed squarely on the international agenda.¹⁵

In September 2005, more than 150 Heads of State and Government – the largest ever gathering at this level – arrived in New York to conclude

11 Ramesh Thakur, 'Review Article: The Responsibility to Protect at 15', *International Affairs*, vol. 92, issue 2, 2016, pp. 417.

12 Kofi Annan, *Interventions: A Life in War and Peace* (New York: Allen Lane, 2012), pp. 118.

13 *Ibid.*

14 High Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, UN Doc A/59/565, December 2004, pp. 65–6. For an account of the Panel's work see David Hannay, *New World Disorder: The UN After the Cold War—An Insider's View* (London: I. B. Tauris, 2008).

15 Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for all. Report of the Secretary-General*, UN Doc A/59/2005.Add.3, 26 May 2005.

negotiations on a blueprint for UN reform. After a long struggle, lasting until the gaveling of the document, in paragraphs 138 and 139 of the World Summit's Outcome Document, subsequently adopted as a General Assembly resolution, the UN's Member States committed themselves to R2P and its three "pillars". When compared to the ICISS Report, this articulation of R2P explicitly included aspects of prevention of atrocity crimes and reaction to them, but not the responsibility to rebuild. To a certain extent, however, rebuilding was implicitly included in the responsibility of states to help other states under stress to prevent atrocities if they can do it on their own. This commitment was subsequently reaffirmed by the Security Council in Resolution 1674 (2006), Resolution 1894 (2009), Resolution 2171 (2014) and Resolution 2220 (2015) – amongst others. In 2009, the General Assembly passed a unanimous resolution in which it pledged to continue its consideration of the implementation of R2P. Since then, the Secretary-General has issued a report on R2P each year and the General Assembly has debated it in an informal and interactive dialogue. In 2018, the Assembly held its second formal debate on the principle. More than 120 states participated, and all but a handful (notably Cuba, Egypt, Sudan, and Syria) noted their commitment to the principle and support for the UN Secretary-General's focus and strategy for prevention. Similar was repeated in 2019, with some states requesting to regularize formal debates in future.

Since 2009, R2P has also become part of the diplomatic language used, albeit unevenly and with patchy results, to prevent and respond to atrocity crimes. The practical use of R2P got off to a slow and discouraging start. In the almost five years between Security Council Resolution 1674 (2006) and Resolution 1970 on Libya (2009), the Council referred to the concept only once (though it did refer to R2P prior to Resolution 1674, in Resolution 1653 (2006) on the Great Lakes Region of Africa). This came in a highly contentious pre-ambular paragraph in Resolution 1706 (2006) on the situation in Darfur, where Sudanese government forces and their notorious allies the "Janjaweed" militia had let rip a reign of terror resulting in the death of some 200,000 people and forced displacement of over two million more. Several Council members were cautious about the inclusion of R2P in the resolution (China abstained) and about the diplomatic pressure that was brought to bear to secure it. The diplomatic victory over the passage of Resolution 1706 was pyrrhic.¹⁶

With the UN and its Member States so hesitant to implement their 2005 commitment to R2P, few – if any – anticipated the role that the principle

16 Colum Lynch, 'The Ten Worst UN Security Council Resolutions Ever', *Foreign Policy*, 21 March 2010, available at http://turtlebay.foreignpolicy.com/posts/2010/05/21/the_10_worst_un_security_council_resolutions_ever.

would play in the dramatic events of 2011. In February 2011, the 'Arab Spring' reached Libya. Protests there quickly turned into a major uprising that threatened to topple the dictator Muammar Gaddafi, who had ruled with an iron fist for over forty years. Gaddafi's forces responded to the challenge with typical brutality and the Libyan leader issued chilling threats of retribution reminiscent of the terms used to incite the Rwandan genocide nearly twenty years earlier. The following month, in March 2011, the Security Council responded to the unfolding crisis by throwing almost its entire portfolio of preventive measures at the situation in Libya in Resolution 1970. When the Gaddafi regime failed to comply with the Council's demands and looked likely to topple the rebel stronghold of Benghazi and commit a massacre there, the Council took the unprecedented step of authorizing the use of force against a state to protect civilians from imminent danger, enforce a no-fly zone, and enforce an arms embargo (Resolution 1973). NATO and its allies hastily arranged a coalition of the willing which prevented the fall of Benghazi and the widely anticipated massacre there. The conflict dragged on into a stalemate but eventually the regime collapsed and Gaddafi was himself killed, provoking a new storm of controversy.

A few days after the adoption of its landmark resolution on Libya, the Security Council unanimously adopted Resolution 1975 on Côte d'Ivoire. Having lost an election, the country's now former president, Laurent Gbagbo, refused to stand down. Following the advice of international election monitors, the Council declared Alassane Ouattara to be the country's President and authorized the use of force to protect the civilian population. UN forces already stationed in Côte d'Ivoire as part of the UNOCI operation deployed to oversee an end to the country's civil war and transition to a new, democratic government. Acting alongside French forces, the UN forces worked to stop the escalating violence, remove Gbagbo and allow the elected president to take his place at the head of the new government.

The Council's responses to the crises in Libya and Cote d'Ivoire demonstrated a newly found determination to act on the responsibility to protect populations from atrocity crimes, including through the use of force when necessary. But some responses proved highly controversial. Critics complained that the UN and especially NATO had overstepped their mandates by contributing to regime change, that they had used disproportionate force which increased civilian casualties and that they had ignored or outright rejected opportunities for further political dialogue. Russia in particular argued that the Libyan experience colored its thinking on the subsequent crisis in Syria, pushing it to resist Western pressure on the al-Assad regime on the grounds

that it might open the door to forced regime change.¹⁷ It is interesting to consider in this context whether if the R2P, as adopted by member states in 2005, had included the responsibility to rebuild, it would have made a difference in a longer term planning of the operation in Libya and its effects on the future of the country.

Although the Council has indeed been deadlocked on Syria and has failed to respond adequately to a crisis which has resulted in the deaths of more than 500,000 people and forced in excess of four million people from their homes, controversies about the implementation of protection mandates in Libya and Côte d'Ivoire did not inhibit the constructive use of R2P in other contexts. Resolution 1996, adopted in July 2011, established a UN peace operation for South Sudan and called upon the international community to aid the new government there to fulfill its responsibility to protect. Resolution 2014, adopted in October 2011, reminded the government of Yemen of its primary responsibility to protect its population. In its September 2011 Presidential Statement on preventive diplomacy, the Council again recalled its commitment to R2P. More recently, Resolution 2085 (2012) on Mali authorized an international mission to assist the government there in fulfilling its responsibility to protect, among other things. Resolution 2117 (2013) on small arms and light weapons recognized their capacity to result in the commission of R2P crimes, and Resolution 2121 (2013) on the Central African Republic underscored the government's responsibility to protect its own population. Nor were these temporary aberrations. In 2018, the Security Council's ongoing work on the DRC, CAR, Somalia, and Mali continued to reference R2P explicitly. Moreover, in Resolutions 2417 and 2419 (2018), the Council again reaffirmed the responsibility to protect.

Thus, in a remarkably short space of time, R2P was transformed from a concept proposed by an international commission into an international norm endorsed by the world's governments and usefully employed in more than a dozen situations. It is a principle that has come to frame how large sections of the world's governments think about the prevention of atrocity crimes and responses to them. Translating that principle into consistent practice has proven more difficult, however, and the practical record is mixed. That is primarily because R2P is not apart from world politics, it is a part of it. Even when actors agree on the substance of R2P as a principle, they may still disagree radically on the best way of achieving its ambitions or on whether doing so is more, or less, important than achieving other goals, such as stability and

17 Derek Averre and Lance Davies, 'Russia, Humanitarian Intervention and the Responsibility to Protect: The Case of Syria', *International Affairs*, vol. 91, issue 2, 2015, pp. 813–834.

order. Justin Morris coined the apt phrase “dual responsibility” to point to the fact that the world’s great powers have not just a responsibility to protect but also a responsibility to maintain international peace and security, and there are times in which the two imperatives might not correspond.¹⁸ Moreover, we tend to greatly exaggerate the international community’s capacity to influence domestic politics through means short of comprehensive interventions, which are themselves costly and risky undertakings.¹⁹

2 A Crisis of Protection

Rapid normative and institutional progress has not been matched where it matters most, in the lived experience of vulnerable populations.²⁰ Since around 2011, indicators of armed conflict, atrocities and global displacement have all moved in the wrong direction, prompting expressions of concern and alarm. Michael Ignatieff warned of a “new world disorder” characterized by a rise of “violence and hate”.²¹ Jennifer Welsh wrote of the return of history to world politics as barbarism (warfare unregulated by international humanitarian law), mass migration, geopolitical animosities, and increasing inequality threatened the rules-based order established after 1945.²² After declining some 72% after the 1990s, the number of major civil wars grew from four to eleven after 2011, with the cumulative battle deaths reaching levels in 2014 and 2015 not seen since the end of the Cold War.²³ Minor civil wars have also increased,

18 Justin Morris, ‘The Responsibility to Protect and the Great Powers: The Tensions of Dual Responsibility’, *Global Responsibility to Protect*, vol. 7, issues 3–4, 2015, pp. 401–424. Of course, there are also times when their national interests and their responsibilities under the UN Charter may not correspond. That has led to attempts to reduce the veto power of permanent members of the UNSC in cases of imminent atrocity crimes threats.

19 See, for example, Scott Straus, *Making and Unmaking Nations: War, Leadership and Genocide in Modern Africa* (Ithaca: Cornell University Press, 2015), pp. 326.

20 A point emphasized by the UN Secretary-General in his 2018 report on R2P. See UN Secretary-General, *Responsibility to Protect: from early warning to early action*, UN Doc A/72/884-S/2018/525, 1 June 2018.

21 Michael Ignatieff, ‘The New World Disorder’, *The New York Review of Books*, 25 September, 2014, available at <http://www.nybooks.com/articles/archives/2014/sep/25/new-world-disorder/?pagination=false> (accessed 15 April 2017).

22 Jennifer Welsh, *The Return of History: Conflict, Migration and Geopolitics in the Twenty-First Century* (Toronto: House of Anansi Press, 2017).

23 UCDP/PRIO Armed Conflict Dataset version 4-2016, available at <https://knoema.com/kkenmngg/ucdp-prio-armed-conflict-dataset-version-4-2016>.

reaching a level not seen since the mid-1990s.²⁴ Amongst the negative trends, the frequency and scale of atrocity crimes have increased dramatically. Since 2011, civilian populations in the Central African Republic (CAR), Democratic Republic of Congo (DRC), Myanmar, Iraq, Libya, South Sudan, Sudan, Syria, Yemen and elsewhere have experienced atrocity crimes. As a result, global trends show a sharp increase in “one-sided” violence against civilians, beginning in 2013; and whilst atrocity crimes declined in 2015 from their peak a year earlier, they remained at levels not seen since 2001.²⁵ In Syria alone, half a million people have been killed and more than ten million displaced by a civil war in which government forces and non-state armed groups have paid scant regard to their legal obligations towards civilians. Estimates suggest that in South Sudan, at least 50,000 civilians have already been killed in a civil war in which civilians are targeted more than opposing forces. In Myanmar, most than 10,000 Rohingya civilians were killed and half a million forcibly displaced in a campaign of terror lasting barely three months.

The increased incidence of atrocity crimes has contributed to a global crisis of displacement. Today, there are more refugees and displaced persons than at any point since the adoption of the United Nations Convention on Refugees in 1951. In 2016, the UNHCR estimated that there were some 21.3 million refugees, more than 40.8 million internally displaced people and more than 65 million people forcibly displaced from their homes by armed conflict and atrocity crimes.²⁶ A majority of the world’s displaced people come from countries that have recently experienced atrocity crimes, including Afghanistan, CAR, the DRC, Iraq, Nigeria, Somalia, South Sudan, Syria, Sudan, and Yemen. The flow of refugees from the Middle East caused a major refugee crisis in Western Europe that fundamentally undermined the European Union’s migration policies, created significant political discord, contributed to Brexit, and contributed to the rise of far-right extremism (across the region) and authoritarian government (in Hungary, for example). Closer to the epicentre of the crisis, huge refugee populations in Turkey and Jordan have added to political instability there. Globally, and with a few exceptions, states have responded to this crisis not by recommitting to refugee protection but by weakening their compliance with international refugee law.

²⁴ *Ibid.*

²⁵ Eric Melander, Therese Pettersson and Lotta Themner, ‘Organised Violence, 1989–2015’, *Journal of Peace Research*, vol. 53, issue 5, 2016. Also see Monty G. Marshall and Benjamin R. Cole, *Global Report 2014: Conflict, Governance and State Fragility*, (Vienna, VA: Center for Systemic Peace, 2014), pp. 18–19.

²⁶ UNHCR, *Global Trends: Forced Displacement in 2015* (Geneva: UNHCR, 2016).

This global crisis is principally caused by the increasing number of atrocity crimes and direct violations of International Humanitarian Law. From the use of chemical weapons against civilians in Syria, to the brazen atrocities committed by violent extremists in Syria and Iraq and the indiscriminate use of air power against civilian populated areas in Syria and Yemen, the deliberate targeting of civilians and violation of International Humanitarian Law has become a regular feature of many modern armed conflicts. Reported attacks on protected buildings, such as hospitals and schools, and on protected persons such as humanitarian workers have increased, including in 2016 when a marked humanitarian convoy in Syria was attacked most probably by the Russian air force. The besieging of civilian communities, denial of humanitarian relief and use of civilians as human shields have become commonplace features of the modern battlefields in places such as Aleppo and Mosul. In Syria and Yemen, the situation of civilians besieged or otherwise unable to flee conflict zones has become so dire since 2015 that many have reportedly confronted the very real danger of starvation and often die for want of basic medical assistance.²⁷

To understand precisely what is going on, we need to understand that violence is driven by different concerns in different contexts. Atrocity prevention therefore needs to be carefully tailored to specific contexts. Foremost amongst the drivers of contemporary atrocities is the lethality of new armed conflicts in the Middle East, in particular in Syria but also in Iraq and Yemen. The underlying causes of the armed conflicts that today plague the Middle East lay in crises of governance caused by the failure of authoritarian rulers to legitimize their rule or improve the lives of their populations and by the repeated self-interested interference of outside powers. They were triggered by forces unleashed by the 2003 US-led invasion of Iraq and 2011 Arab Spring.

Confronted by internal demands for reform, governments turned their guns on their own populations. Rebellions in Syria, Iraq and Yemen were all caused and then escalated by systematic discrimination against and violent abuse of individuals and groups not aligned to the government. They were further fuelled by external actors looking to exploit instability for their own advantage. In all of these conflicts, the deliberate targeting of civilians has been justified through the articulation of violent extremist ideologies that make no distinction between soldiers and civilians, ideologies that have gained in strength as the cycle of violence has escalated.

27 Rick Gladstone, "UN Warns of Starvation Peril in Rebel Side of Aleppo", *New York Times*, 10 November 2016, available at <https://www.nytimes.com/2016/11/11/world/middleeast/aleppo-un-starvation-risk-russia.html>.

The second cluster of violence relates specifically to the rise of violent extremism in the Middle East, parts of sub-Saharan Africa (parts of Nigeria, Somalia, Mali), parts of central Asia (Afghanistan, parts of Pakistan), Europe, and parts of Southeast Asia (Myanmar and The Philippines). Extremist violence unleashed by Islamist non-state armed groups such as 'Islamic State', al-Qaeda and its affiliates, Boko Haram and al-Shabaab overtly challenge established international norms and openly advocate atrocity crimes. Responses to violent extremism have also sometimes been quite bloody themselves. For example, since 2011, Boko Haram has been responsible for more than 11,000 deaths, more than 6,000 of which resulted from one-sided massacres of civilians. The Nigerian government's response has been no less brutal. Some 7,000 Boko Haram suspects have died in custody during that time.²⁸ Many of these conflicts have their roots in specific localities. For example, it was a combination of local political intrigues and heavy-handed policing that transformed Boko Haram from a small extremist sect into an armed militia capable of withstanding the attentions of the Nigerian army. In these contexts, political entrepreneurs exploit ethnic and religious divisions for their own ends and have developed extremist anti-civilian ideologies that reject fundamental principles of common humanity.

The third cluster of crises predate 2011 but remain unresolved. Conflicts in South Sudan, Sudan, Somalia, the DRC, Nigeria, CAR, Mali and Myanmar may have experienced peaks of violence in the past few years but their origins and much of their violence predate 2011. Colonial orders have yet to be fully replaced by legitimate state institutions capable of imposing the rule of law across their entire territory. Here, the rule of law is weak, and factions struggling for power have committed atrocity crimes and have sought to advance the interests of one part of the community at the expense of others.

The scale of these crises and their impact on the credibility of the rules-based international order has been exacerbated by two further factors. First, declining international resolve to stop them. States are seemingly less willing to uphold their legal obligations and shared responsibilities by acting collectively to prevent genocide and mass atrocities or respond to them by protecting populations in a timely and decisive fashion. There is evidence of declining compliance with fundamental tenets of International Humanitarian, Human Rights and Refugee Law, not just by the violent extremists and authoritarian states that perpetrate atrocity crimes but also by states of good standing

28 Wisdom Oghasa Iyekepolo, 'Boko Haram: Understanding the Context', *Third World Quarterly*, vol. 37 issue 12, 2016, pp. 2211–2228.

and even some champions of human protection. In the face of the crisis of human protection described earlier, some states have wound back their commitment to crucial norms and principles. The previous US Administration, for example, eased targeting restrictions on airstrikes aimed at protecting civilians from indiscriminate or disproportionate attacks. Several others have adopted refugee policies which, the UNHCR believes, contradicts their legal obligations under the Refugee Convention and associated protocol. Burundi and The Philippines are in the process of withdrawing from the International Criminal Court, and South Africa and The Gambia threatened to do likewise, placing this new institution under immense political pressure – largely because the Court, and the principles of legal accountability for atrocity crimes that it enshrines – have become political inconveniences. All too often, Security Council members have placed their own interests ahead of their global responsibilities. Russia and China are inhibiting a collective response to the bloodshed in Syria and trying to limit the UN's capacity to protect human rights, implement its Women, Peace, and Security agenda, and prevent sexual exploitation and abuse by peacekeepers. The US is also blocking timely and decisive action to protect civilians in Yemen and Gaza.

What is more, far from acting to prevent atrocity crimes, foreign actors have sometimes played significant roles in stoking some of the violence. Whilst, for example, the principal blame from the carnage in Syria must reside with the Syrian government, we must also recognize that a number of states and other actors actively fuelled the conflict and encouraged its escalation. This includes Saudi Arabia, Turkey, Qatar, Iran, Hezbollah, Russia, and the US but also – though to a lesser extent – the UK and France. There has been a significant increase in the involvement of outside states in civil wars. In 1990, only 4% of civil wars were “internationalized” through the direct involvement of other states. By 2015, that figure had increased to 40%.²⁹ Many of these civil wars were characterised by mass atrocities and experienced interventions by multiple external states. Some of these external actors – such as Russia in Syria and Saudi Arabia in Yemen – have used force in support of actors responsible for widespread and systematic atrocity crimes, have supported such uses of force, and have themselves directed attacks that have resulted in large-scale civilian casualties. Some of these attacks, such as the alleged Russian bombing of a UN aid convoy in Syria in September 2016 and repeated Saudi bombings of schools and hospitals in Yemen, may in themselves constitute war crimes.

29 Sebastian von Einseidel, “Civil War Trends and the Changing Nature of Armed Conflict”, UN University Centre for Policy Research, Occasional Paper 10, March 2017.

These and other states have also supplied the arms and ammunition used to commit atrocity crimes or have turned a blind eye to their transportation to the perpetrators of atrocities – in contravention of the spirit and letter of the Arms Trade Treaty. What is more, in Syria, Yemen, Myanmar, South Sudan, CAR, and elsewhere atrocity crimes are aided, at least in part, by the sense of impunity granted to perpetrators by states, including the permanent members of the Security Council that have blocked international accountability for atrocity crimes.

The basic fact of increasing violence is therefore not our only problem. Wherever we look, the forces that promoted the rule of law, human rights, human dignity and human protection and the sense of our common humanity that gave rise to mutual aid are in seeming retreat. Meanwhile, the forces of racism, xenophobia, nationalism, self-interest, and what Martin Ceadal called “warism” – ideas that are the very life blood of atrocity crimes – seem to be everywhere on the march.³⁰

Why has the world taken this turn? One of the most popular theories, is Pankaj Mishra’s thesis that what we are seeing is merely the latest phase of a backlash against modernization and globalization.³¹ Mishra maintains that Western style modernization uprooted traditional cultures and societies but failed to replace them with new locally grounded and legitimated ideas about how we should live. That was not much of a problem for those who benefitted materially from the global transformation, but it created a reservoir of resentment amongst those who did not benefit, those who are on the receiving end of the ever-widening inequalities between rich and poor. Extremist ideologues – entrepreneurs of disenchantment – exploited this resentment to their own advantage. Romantics responded to modernity with nationalism and mythology; anarchists, communists and fascists with wildly utopian visions of a world reordered; Islamists with dreams of the caliphate and the restoration of their own – extremist – accounts of sha’ria. In Mishra’s vision, today’s jihadists and white extremists are simply contemporary manifestations of the same forces that brought anarchist terrorism, socialism and fascism to the streets of Europe in the nineteenth and early twentieth centuries.

This account is illuminating inasmuch as it points to the inevitability of violent resistance to transformational change and shows that far from being unique and novel, the extremism of today draws from the same reservoirs of human resentment that drove extremism a century ago. But it is a one-sided

30 Martin Ceadal, *Thinking about Peace and War* (Oxford: Oxford University Press, 1987).

31 Pankaj Mishra, *Age of Anger: A History of the Present* (New York: Farrar, Straus and Giroux, 2017).

accounting that pays little attention to the goods wrought by modernization, not least among them sharp declines in poverty, and increases in both the quality and length of life. It is also too general in its explanation. It struggles to explain why this type of violence emerged in some times and places and not others undergoing similar transformations. Here, ideology may play a more significant role than this account suggests.

So too do local conditions. The rise of Boko Haram, for example, had next to nothing to do with industrialization and modernization and everything to do with local politics and the authorities' neglect over equal development of the country and horizontal equality of the identity-based groups and mistreatment of opposition activists. Likewise, it was not 'modernization' that sparked the Sunni rebellion in Iraq that eventually gave rise to Islamic State. After all, many of Iraq's Sunnis had profited under Saddam's modernization schemas. Rather, it was the collapse of Saddam's regime, their loss of privilege, wealth and security, and the sometimes brutal discrimination against them by the Shi'ite controlled government in Baghdad that drove their resentment; which were products of the US decision to invade in 2003.

Nonetheless, Mishra's account exposes how radical social and economic transformations can give rise to violent backlashes, although it was not always modernization that lay at the heart of the problem: local politics and foreign invasions have proven equally significant in recent times. Fragmentation, inequality, structural discrimination (especially against identity-based groups), instability and ideology provide us with a useful way of understanding violent extremism.

But violent extremism is only one of the things making our world more violent. Another, is the incomplete globalization of international society. By this, we mean the project of establishing a global order comprised of sovereign states capable of maintaining order within their boundaries without having to resort to mass violence. Many of the conflicts that give rise to genocide and mass atrocities today might be characterized as wars of state formation and consolidation – wars about what the boundaries of the state should be, what ideological and constitutional form it should take, and who should control it and on what basis. Of these many occur in countries where the states have barely – if ever – exercised legitimate control over the whole of their territory. In Sudan, South Sudan, Somalia, the DRC, CAR, Mali, and Myanmar there have been many more years of war than of peace since independence and atrocity crimes have been longstanding features of these wars in part because of their practical utility and in part because the association of peoples and territories lay at their core. In addition to these residual conflicts, the 'Arab Spring' gave rise to a new set of conflicts, caused in part by the failure of the Middle East's

authoritarian governments to build internal legitimacy and improve the lives of their peoples, and in part by external intervention.

This is happening in an era of *declining internationalism*, in which, as Peter Hayes put it, “onlookers [are too] preoccupied with their own, to them more pressing concerns” than to do what is necessary to protect shared international norms.³² This is a trend driven in part by stagnating and declining economies in the post Global Financial Crisis world, which has prompted governments to look inwards rather than outwards. These sentiments have encouraged states to retreat from the active promotion of global anti-atrocity norms abroad. By reducing expectations of foreign intervention, sanctions or censure, retreating internationalism has altered the balance of costs and payoffs associated with mass atrocities in favour of the payoffs. On the costs side, the chances of prosecution, intervention, sanctions and embargoes have declined. On the payoff sides, the chances of foreign support for perpetrators has increased in some cases. The decline of internationalism has elevated suffering by limiting the aid granted to vulnerable populations and the survivors of mass violence. Such heightened suffering will only add to the reservoir of resentment from where the ideologues of extremism draw their support.

3 Learning Lessons for Atrocity Prevention

To develop a better understanding of atrocity prevention in practice, we commissioned a series of studies to examine what happened in situations where there was a generally recognized and imminent risk of atrocity crimes. Specifically, we wanted to first identify specific atrocity risks and their intensity (and their contribution to the overall sense of risk). Second, to provide a comprehensive account of preventive actions undertaken by national, regional, and international actors. Third, to assess the impact of these actions on the dynamic of atrocity crime risks and the protection of vulnerable populations. And fourth, to articulate the conditions under which particular tools or mechanisms are effective, in the immediate, medium and longer term and consider how preventive actions might be best utilized in combination or in sequence. Eight cases (Burundi, Cote d'Ivoire, Central African Republic, Guinea, Kenya, Myanmar, South Sudan and Syria) were selected to allow for the comparison of preventive actions across similar situations. These all involved situations in which there was not only elevated risk of atrocity crimes, but also where it was commonly *understood* at the time that atrocity crimes were potentially

32 Peter Hayes, *Why? Explaining the Holocaust* (New York: W. W. Norton, 2017), pp. xv.

imminent or proximate. The purpose of the case studies is to assess preventive actions where the imminent threat was understood, rather than to assess the quality of early warning analysis and dissemination, though the value of early warning does figure prominently in some of the cases. Beyond that, cases were selected to ensure regional variation and in order to accommodate the widest possible range of existing prevention mechanisms, the role of different types of UN field presences, as well as the role of other actors.

To facilitate comparison, each article is organized in similar fashion around five main themes. First, atrocity crime risks and triggers. Using the UN's Framework of Analysis for Atrocity Crimes,³³ each article provides a brief assessment of the intensity of the most significant atrocity crime risk factors and potential triggers. Moreover, they describe the extent to which these risk factors were understood by relevant actors *at the time*.

Second, local sources of resilience and inhibitors to atrocity crimes. Again utilizing the UN's Framework of Analysis, especially considerations relating to the absence of mitigating factors and the specific inhibitors of risk identified by the UN Secretary-General in his 2014 report, this theme outlines the principal sources of local resilience (if any) or inhibitors to atrocity crimes.³⁴ These may be particular institutions, informal groupings, sets of practices, or individuals. The articles assess their contribution to reducing atrocity crimes risks and identify which were most important in terms of their overall impact on reducing atrocity crimes risks.

Third, preventive actions. The principal element of each of these case studies, this section comprises three elements: (a) charting what actions were taken and by whom;³⁵ (b) examining what effects these actions had; and (c) identifying what was achieved as a result.

Fourth, evaluation. Each of the articles provides an overall evaluation of preventive action. They explain which types of action proved most effective in terms of affecting the risk dynamics in the immediate term, medium or longer term. They ask whether particular actors were more or less effective than others, and what factors seemed to determine the degree of effectiveness.

Fifth, lessons. Each article identifies the primary lessons that might be more broadly applicable in other situations.

33 United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, (New York: United Nations, 2014).

34 UN Secretary-General, *Fulfilling our Collective Responsibility: International Assistance and the Responsibility to Protect*, UN Doc A/68/947, 11 July 2014, para. 43.

35 Entities that undertake preventive actions include national actors (comprising state institutions, political actors and groupings, civil society groups, private sector actors and significant individuals), regional actors (regional organizations, individual neighboring states, non-governmental bodies and significant individuals), and international actors.

Research included desk reviews and practitioner interviews. To support the research, the UN's Department of Political Affairs, Department of Peacekeeping Operations, Office of the High Commissioner on Human Rights, and Office for Genocide Prevention and the Responsibility to Protect concluded an interoffice arrangement to facilitate interview and other research activities. The United Nations Development Program, Office for Coordination of Humanitarian Affairs and Peace Building Support Office later joined this cooperative effort as well.

Prevention is notoriously difficult to assess because it involves studying non-events. It is difficult to know with any degree of certainty whether atrocities would have occurred without preventive interventions of one form or another. In recognition of this problem, we limited the scope of these articles to identifying and assessing the impact of actions intended to prevent atrocity crimes in situations where there was a commonly understood risk of imminent atrocities. By necessity, we adopted a non-experimental design. To ensure that the evaluation was as rigorous as possible, we incorporated five principles into the research.

First, apply a reasonableness test. It is important to not confuse 'association' with 'causation' but also to not assume that outcomes have singular causes. Complex social phenomena are usually multi-causal. We have therefore to look for contributing factors, those which might not have caused an outcome (singularly) but which nevertheless contributed to it. Commonly, the analysis in these case studies involved (a) identifying the preventive actions (inputs), (b) identifying the *direct effects* of those actions (outputs causally connected to the input), and then (c) identifying the *outcome* (what happened as a result of the output, often likely to be an association). Attributing causation at (b) is relatively straightforward (e.g. a round of preventive diplomacy produced an agreement to restrain violence; jamming a signal stopped a radio station airing hate messages; stopping an identified inwards flow of ammunition limited an armed group's capacity to fight) but identifying causation at (c) is more difficult owing the range of intervening variables which might have contributed (did the agreement "cause" the end of the violence or was it caused by other factors that themselves also caused the end of violence? Did the jamming have any discernible impact on violence? Did the armed group not fight because it lacked sufficient ammunition or because of another reason?). By applying the four other principles, it was possible to ascertain with a good degree of robustness whether the input (action) made a *positive contribution* to the outcome. In most cases, the input may not have been solely responsible for the outcome, but it did contribute towards it.

Second, utilize mixed methods. Where possible, authors utilized both qualitative (e.g. interview data, secondary literature, media reportage) and

quantitative data (e.g. statistics on the scale, type, timing and location of violence; economic statistics; indices etc.).

Third, triangulation. The case studies utilized different methods and/or data sources to study the same action, outcome, or association.

Fourth, validation. Initial findings and causal explanations were discussed with key informants, participants, and experts to ensure the accuracy of the data and establish the reasonableness of the interpretations. We also organized a validation workshop with the relevant UN officials to check and discuss the findings.

Fifth, consider the counterfactual. The articles also considered what was most likely to have happened had the preventive intervention under review not occurred and whether alternative explanations could have caused or contributed to observed relationships or outcomes.

By utilizing these simple guiding points, the case studies aim to present robust evidence on which to identify causal chains and draw lessons, though as with all kinds of research, there were limitations with respect to the availability of data and the inferences that could be drawn within the parameters of the project. Finally, in formulating conclusions and recommendations to improve atrocity crimes prevention, in addition to the findings of our researchers of selected eight country situations, we have considered our own field experiences in these countries, as well as results of other researchers in these and other relevant countries.

Biographies

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