

# ALLIES AGAINST ATROCITIES

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

This policy brief is a precis to a longer report that explores the capabilities and gaps of key national and institutional actors in preventing and responding to mass atrocities. The full report contains more detailed findings and recommendations for transatlantic partners to strengthen cooperation on the prevention of mass atrocities. This policy brief and the full report have been written by Lee Feinstein, dean of Indiana University's School of Global and International Studies and former US Ambassador to Poland, and Tod Lindberg, research fellow at Stanford University's Hoover Institution. The assertions, opinions, and conclusions in the report are those of the authors. They do not necessarily reflect those of the United States Holocaust Memorial Museum or the Stanley Foundation.

**A GENERATION AFTER RWANDA AND BOSNIA**, many of the world powers that apologized for their lack of an early and effective response to genocide during the 1990s have yet to organize themselves sufficiently to act early and effectively to prevent or stop mass atrocities.

As responses to past atrocity crimes show, averting and halting atrocities requires a coordinated and sustained effort by local, regional, and international actors. A multilateral response is necessary, one that the transatlantic region has a critical role to play in shaping and leading. The governments of the transatlantic community already devote significant resources and political capital to the prevention and amelioration of crises and conflicts, as well as to the pursuit of international development agendas. Without better cooperation among themselves and their like-minded cousins, efforts to address mass atrocities will continue to be reactive, slow, and devastating to human life and potential.

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

### US Government Efforts to Institutionalize Prevention

We applaud President Obama's declaration in 2011 that the prevention of genocide and atrocity crimes is "a core national security interest and a core moral responsibility of the United States." He broke new ground and put the United States at the forefront of institutionalizing atrocity prevention efforts at the domestic level. His administration established an ambitiously named Atrocities Prevention Board (APB) aimed at coordinating early warning and action throughout the US government. The APB has established patterns of cooperation within the US government over a period of five years, convening on a monthly basis representatives of 11 different government agencies that previously did not prioritize atrocity prevention.<sup>1</sup> This structure has proven bureaucratically resilient and as effective as could be expected in its early years.

With its emphasis on upstream prevention rather than crisis response, the APB has proven itself ill-equipped to prevent atrocities in countries, such as Syria, that have already gone over the brink. The magnitude of the crisis in Syria and its ramifications for the security of the region push it outside of the APB's scope. However, when evaluated as an instrument to focus interagency attention on at-risk countries that have not typically been at the top of the agenda, the APB has created both a focal point consisting of various supportive actors within government and a capacity to push for new prevention efforts. The APB's successes are difficult to measure, but preventive efforts in Burundi and Kenya, including peace messaging, youth engagement, and preventive diplomacy, stand out as having directed greater resources to these countries at high risk of violence that has had a deterrent impact in the short term, even if their long-term impact remains to be seen.

Despite the advances by the US government, transatlantic cooperation is fundamental to preventing atrocities. The United States cannot advance this agenda on its own, and, as a war-weary United States is engaged in a presidential campaign courting nativism and isolation, we cannot assume that the United States will always remain committed to preventing, stopping, and punishing mass atrocities.

### The Imperative for Transatlantic Cooperation

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

Some of the responses in countries at risk of atrocities have proven controversial. For example, the United States, the United Kingdom, and France—backed by the endorsement of the Organization of Islamic States and the UN Security Council—acted swiftly to stop the threat by the Qaddafi regime in Libya to eliminate its opponents “like rats.” Yet, that “model” intervention and the initial impulse to respond to a credible threat of mass killing were not met by the equally essential resolve to stay the course and rebuild. It is a sad commentary that we now debate whether more lives have been lost in the ensuing disorder in Libya than were saved by the intervention to prevent a massacre.

There is growing recognition within the transatlantic community that the failure to prevent and halt atrocities is a first-tier security challenge, amply demonstrated by six years of global lassitude and indifference to crimes against humanity and spreading war in Syria. The crisis that began in 2011 with the decision of the Assad regime to open fire on peaceful protesters demanding political reform has resulted in the death of 250,000 people and in the largest displacement crisis since World War II, with millions of civilians fleeing to neighboring Middle Eastern countries and to Europe. The subsequent civil war also has destabilized the region, contributing to the rise of the self-proclaimed Islamic State and its record of perpetrating atrocities, culminating with the recent declaration by US Secretary of State John Kerry that its targeting of religious minorities constitutes genocide. The crisis in Syria began, in short, with atrocities and has consistently demanded more engagement and response by the international community, particularly the transatlantic powers.

Meanwhile, international acceptance of the cornerstone concept of atrocity prevention, the responsibility to protect, is at a crossroads. When the current Secretary-General of the United Nations, Ban Ki-moon, entered office, he placed

at the center of his agenda the principle that mass atrocities occurring in one country are the concern of all countries. Yet, as the Security Council considers its choice for a new Secretary-General in 2016, it is unclear if atrocity prevention will remain a priority. This shift, coupled with the upcoming change in US leadership, calls into question whether the atrocity prevention agenda will maintain strong political support.

Exacerbating such challenges, Russia is seeking to reinterpret the concept as a pretext for intervention in its sovereign next-door neighbor, Ukraine. Russia and China also seem increasingly willing to use their veto power as permanent members of the United Nations Security Council to block effective action to halt atrocities and ensure accountability for perpetrators.

Given this increasingly difficult political landscape, it is tempting to see the adoption by the UN General Assembly of the “responsibility to protect” doctrine in 2005 as the high-water mark in international efforts to establish a new principle that conditions a state's sovereign rights on its capacity and willingness to protect citizens within its own borders against mass atrocities. However, we recognize that the international community has made important strides since 2005. To continue on this trajectory, we call on the United States and its Atlantic partners to affirm their willingness to act in their own capacity to prevent atrocities and to work together to develop coordinated strategies, policies, and processes to that end.

The transatlantic imperative now is to find practical ways to work together, despite differences in perspective, and to put the emphasis more squarely on preventing atrocities before they have occurred than on crisis response once atrocities have begun. We must work together to identify countries and populations at risk. We must undertake a full inventory of the resources at our disposal to defuse atrocity risks. And we must be prepared to act in concert at the earliest opportunity. Difficult decisions inevitably lie ahead. Political will is the essential element in any international effort sufficient to prevent mass atrocities. The absence of political will, however, is reinforced by the absence of international capacity. When there is a will, there is a way. But, when the way forward is not apparent, the chance of generating political will in the face of opposition is lower; the absence of capacity feeds the disinclination to act.

<sup>1</sup> These include, in addition to the Departments of State and Defense and the National Security Council, Treasury, the intelligence community, USAID, Justice, and Homeland Security, not to mention occasionally diplomats, USAID staff, and law enforcement officials on the ground in such places as South Sudan, Mali, Sierra Leone, Burundi, and Kenya.

## RECOMMENDATIONS for Enhancing Transatlantic Cooperation

We highlight the following recommendations for transatlantic governments to strengthen their collective capacity to prevent atrocities.

### I. DEVISE AND IMPLEMENT COORDINATED TRANSATLANTIC ATROCITY PREVENTION EFFORTS:

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

### 2. INTERNATIONALIZE ATROCITY PREVENTION EFFORTS:

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

### 3. IMPROVE FINANCIAL SANCTIONS:

We recommend that the United States launch an international initiative to target perpetrators and enablers of atrocities with crippling economic sanctions. In the United States, a specific executive order authorizing sanctions for crimes against humanity, which would correspond with other such EOs for counternarcotics and counterterrorism activities, would provide the US Treasury Department with an important tool—one employed effectively in recent years to bring Tehran to the nuclear negotiating table. We encourage the State Department Office of the Coordinator for Sanctions Policy to address atrocity prevention as a core part of its mandate. We call on the United States government to convene

an international conference of our transatlantic partners and their like-minded and capable cousins to coordinate efforts to punish enablers of crimes against humanity and mass killings.

### 4. DEVELOP AN INTERNATIONAL LEGAL FRAMEWORK ADEQUATE TO THE CHALLENGE OF ATROCITY PREVENTION:

After the Bosnia war, the mainstream view of European and US law deemed the Kosovo intervention to be legitimate but not legal, due to the absence of a UN Security Council Resolution and a cramped understanding of what constituted self-defense. This remains the mainstream view today, even when exigent circumstances exist and even when it is clear that the United Nations Security Council will not reach agreement to authorize action, either under Article VI or Article VII. Over the past quarter century, however, a pattern of practice has developed that can provide the basis for action that is both legitimate and credible under international law. The time has come to move beyond a framework that presents the alternatives as doing nothing or acting illegally. The transatlantic community should take the lead in convening experts in international law and legal policy to develop a more effective framework. As a preliminary step, the United States and its transatlantic partners, as well as UN and international officials, should ready international prevention efforts as if the UN Security Council will give its approval to action. This will serve both to build pressure on the Security Council and to ready capacity to take steps outside a Security Council mandate if necessary.

### 5. PRIORITIZE CIVILIAN PROTECTION IN MILITARY RESPONSES

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