

SUDIKOFF ANNUAL INTERDISCIPLINARY SEMINAR ON GENOCIDE PREVENTION

Tools and Strategies to Prevent Mass Atrocities Committed by Violent Extremist Organizations

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27 May 2016

Background

The international architecture around the Responsibility to Protect (R2P) was established to prevent four mass atrocities: genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P doctrine reinforces the obligation of every state to protect its citizens from mass atrocities and prevent incitement to such violence, as well as the responsibility of the international community to take collective (and potentially coercive) action when a state manifestly fails to protect its population.

By definition, the emphasis of R2P has been on the responsibility of *states* to prevent mass atrocities and protect their populations from heinous crimes. The initial R2P paradigm was borne out of concerns about repressive governments committing atrocities against innocent civilians.¹ Yet, states do not have a monopoly on such violence. Increasingly, violent extremist organizations (VEOs) such as ISIL and Boko Haram have carried out mass atrocities as a central element – not just an unintended consequence – of their strategy and vision of an ideal society.

ISIL's systematic human rights abuses and violations of international law are widely documented by multilateral institutions, civil society, and governmental observers. In August 2014, the UN High Commissioner for Human Rights condemned the human rights situation in ISIL-controlled areas of Iraq and Syria, pointing to the group's actions "targeting men, women and children based on their ethnic, religious or sectarian affiliation" and "ruthlessly carrying out widespread ethnic and religious cleansing in the areas under their control."² Almost two years since the High Commissioner's statement, ISIL has continued on the path of destruction and wanton violence – massacring Yazidis, Christians, Turkmen, Shia, and other ethnic and religious minorities; enslaving women and girls; abducting children; indiscriminately killing journalists; and persecuting the LGBTI community – in what has been officially designated by the United States as genocide, crimes against humanity, and ethnic cleansing.³ Likewise, in Northern Nigeria, Boko Haram has executed thousands of innocent civilians, indiscriminately detained and persecuted non-Muslims, destroyed schools and hospitals, and abducted women and girls to be used in suicide missions. The most notorious instance was the April 14, 2014 abduction of

¹ David Jason Karp, "Forward": in *Human Rights Protection in Global Politics*, edited by David Jason Karp and Kurt Mills, (London: Palgrave Macmillan, 2015) 8-13.

² United Nations Human Rights Office of the High Commissioner, "Iraq Civilians Suffering 'Horrible' Widespread and Systematic Persecution," <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14961&>.

³ Carol Morello and William Branigin, "Kerry Declares Islamic State has Committed Genocide," Washington Post, March 17, 2016, https://www.washingtonpost.com/world/national-security/kerry-declares-islamic-state-has-committed-genocide/2016/03/17/35eaa5e6-ec3e-11e5-a6f3-21ccdbc5f74e_story.html.

276 girls from the Government Girls Secondary School in the Borno State.⁴ With nearly 11,000 deaths attributed to Boko Haram in 2015 alone, this militant group has eclipsed ISIL as the world's deadliest terrorist organization.

Challenges of Applying a State-Centric Model to VEOs

By their very nature, VEOs are less connected to the international system, and therefore, are not as vulnerable to traditional measures in the atrocity prevention toolkit. In addition, the international community has struggled conceptually “with how to fit non-state actors into formulations and norms first developed solely with states and governments in mind.”⁵ As a result, there are significant challenges to applying state-centric atrocity prevention tools and strategies to such actors.

- 1) Broad, sectoral economic sanctions are not as effective when dealing with VEOs because these groups have less exposure to the formal economic sector, including the international banking system. Instead, they tend to rely on informal or illicit economic activity – including trafficking in persons, commodities, drugs, and artifacts – to fund their operations. This activity is more difficult to regulate and eradicate; that said, the international community has made significant progress developing targeted sanctions and dismantling the smuggling and criminal networks used by ISIL and related groups.
- 2) Symbolic gestures – such as denying officials visas or instituting travel bans, rejecting formal state visits, kicking countries out of international and multilateral organizations (e.g., the G-8, African Union, etc.), and naming and shaming – are geared towards state actors. VEOs are impervious to such actions, as they already fall outside of these institutions and are rarely sensitive to international criticism. In some cases, international condemnation may be a badge of honor or legitimacy for such groups.
- 3) While conditioning or cutting off security cooperation, military aid, and/or economic assistance can be effective leverage over states, they are not relevant for VEOs, which never had access to such forms of international cooperation in the first place.
- 4) Training and capacity building efforts that attempt to foster understanding and a sense of ownership of humanitarian norms within VEOs are hindered because of prohibitions on talking to, negotiating with, or providing material support to organizations on terrorist lists.⁶ Because of the legal and reputational risks of meeting with or training organizations on these lists, humanitarian and human rights groups often avoid engagement altogether.
- 5) In the international panoply of conventions and norms governing human rights obligations, the responsibilities of governments are more specific, demanding, and

⁴ Nicholas Ibekwe, “ICC Lists 8 Possible War Crimes Against Nigerian Military, Boko Haram,” Premium Times, November 14, 2015, <http://www.premiumtimesng.com/news/headlines/193142-icc-lists-8-possible-war-crimes-against-nigerian-military-boko-haram.html>.

⁵ David Jason Karp, 8-13.

⁶ “Armed Non-State Actors: Current Trends & Future Challenges,” DCAF Horizon 2015 Working Paper No. 5 (2015): 1-23.

binding – making dealing with the offenses of VEOs all the more difficult. These actors may refuse to respect the applicability of international humanitarian or human rights law or do not feel bound by those rules.⁷ In certain instances, the eradication, enslavement, rape, and torture of non-believers or minorities may in fact be a defining feature of extremist groups’ strategies and objectives, and justified with selective and distorted reference to religious texts. For example, in ISIL’s apocalyptic worldview, “it is not just permissible to kill enemies and unbelievers, but it is a religious duty to do so.”⁸

CT, CVE, and R2P

Strategies to address the threat posed by VEOs have relied on a mix of kinetic and non-kinetic approaches to deprive these groups of legitimacy, territory, recruits, and the means and materials to carry out their campaigns of terror. These approaches have fallen under the rubric of countering terrorism (CT) or countering violent extremism (CVE). For example, the United States’ counter-ISIL strategy features a combination of conventional CT tactics and CVE efforts, including: 1) eliminating ISIL’s leadership and shrinking its safe havens; 2) cutting off the flow of foreign fighters that fill its ranks; 3) building the military, intelligence, and governance capacity of coalition partners; 4) stemming access to financial resources; 5) dealing with the underlying grievances (many of which are the same structural conditions associated with risk for mass atrocities)⁹ and conflicts that have given rise to ISIL; and 6) undermining ISIL’s narrative and ideological appeal. The provision of humanitarian assistance to conflict-affected citizens displaced by ISIL, the Syrian regime, and other warring parties is also a critical element of the response.

While the predicament of Yazidis massacred and stranded on Mount Sinjar in many ways precipitated the United States’ air strikes in Iraq, protection has not featured prominently in the anti-ISIL campaign. To date, the response has focused on degrading and defeating ISIL so the group cannot harm the *security and stability of the United States and its allies*. Protecting the populations in their destructive path has often been a byproduct – but certainly not the main driver – of such efforts. The same can be said about assistance to Nigeria to root out Boko Haram and to Kenya to deal with the threat posed by Al Shabaab.

Overall, dealing with the physical and psychological threat that violent extremists pose to communities and societies has been a missing component of CT and CVE strategies and efforts to date. CVE strategies are an important element of precluding the emergence of violent extremist groups and building the resilience of individuals and communities to extremist ideology. Meanwhile, CT efforts are essential to slowing the momentum of terrorist groups and degrading their ability to plan and conduct attacks. However, the international community needs to bridge the gap between CT and CVE and develop non-kinetic options for protecting civilians from genocide and other heinous crimes perpetrated by VEOs.

⁷ Ibid, 1-23.

⁸ Matthew Levitt and A.J. Beloff, “Genocide or not, civilians need protection from ISIS,” The Hill, March 11, 2016, <http://thehill.com/blogs/pundits-blog/international/272648-genocide-or-not-civilians-need-protection-from-isis>.

⁹ Alex Bellamy, “Reducing Risk, Strengthening Resilience: Toward the Structural Prevention of Atrocity Crimes,” *Stanley Foundation, Policy Memo*, April 1, 2016, <http://www.stanleyfoundation.org/publications/pab/Risk-Resilience-BellamyPAB416.pdf>.

Recommendations to Address Threats by VEOs under the R2P Rubric

The rise of threats from VEOs requires the reframing of R2P along the three pillars. Under Pillar 1, it should be made clear that states have a responsibility to protect their populations from mass atrocities, including taking every possible step – consistent with international humanitarian law and international human rights law – to prevent the emergence of VEOs and to limit their ability to do harm if they do gain traction. This duty requires states to address the underlying drivers that contribute to radicalization and recruitment, including state violence and human rights abuses committed by the government and security forces; social marginalization and alienation; and local conflicts that are exploited by violent extremist groups.

Under Pillar 2, the international community has an obligation to support states in their efforts to prevent mass atrocities committed by VEOs. In practice, such assistance could include support for community policing and counter-terrorism tactics that adhere to human rights standards and fall within the rule of law; hardening border security to prevent the influx of weapons and foreign fighters; creating early warning systems to monitor an increase in violent sentiment and the spread of extremist ideology, on- and offline; improving intelligence capabilities and information sharing to map and identify emerging threats to particular communities; programs to address the legitimate political, economic, and social grievances of marginalized populations; dismantling smuggling and criminal networks; outreach and messaging campaigns to discredit the narratives and propaganda used by violent extremists to radicalize and recruit fighters; efforts to track money flows and prevent resources from filling the coffers of extremist groups, without disrupting legitimate, peaceful civil society and economic activity; and establishing off-ramps for extremists seeking to disengage from violence.

Finally, applying a R2P lens to VEOs points to a few unique tools and approaches that should be contemplated under Pillar 3:

- 1) The international community should seek to build and institutionalize the capacity to conduct life-saving operations, such as the rescue mission on Mount Sinjar, which delivered food, water, and urgent supplies to trapped Yazidis and lifted others to safety.
- 2) The international community should embed civilian protection in the mandate of multinational security forces and bilateral security partners (e.g., the Peshmerga) fighting to eject VEOs from disputed territory. This step would require adopting a “protection mindset” – putting mitigating civilian harm at the center of military strategy and tactical decisions – and proactively addressing security threats (e.g., unexploded ordnance) to allow for the safe return of civilians to their homes.
- 3) The international community should consider creating “safe havens” and hardening defenses to protect civilians from attacks perpetrated by VEOs.

These efforts should be primarily defensive. Yet, such interventions are not without political and security risks. In conflict environments, carrying out such operations may require the use of force in order to effectively protect vulnerable populations from violent extremists. Careful consideration should therefore be given to the prospective second and third order effects of intervention, including whether taking action will ultimately put more lives at risk. Opening up

the R2P dialogue to debate the merit of such interventions will empower the international community to address the threat of mass atrocities wherever it emerges – from state and non-state actors alike.

This seminar was made possible by the generous support of the Sudikoff Family Foundation, which funds the Museum's Sudikoff Annual Interdisciplinary Seminar on Genocide Prevention.