

United States Genocide and Mass Atrocities Prevention Policy

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Recognizing challenges related to the U.S. government's response to genocide, the Genocide Prevention Task Force (GPTF) released a bipartisan report in December 2008. Co-chaired by Madeleine Albright and William Cohen, the report provided a series of concrete proposals for policy makers to strengthen U.S. government capacities to better prevent and respond to genocide and mass atrocities.

In follow up to these recommendations, President Obama signed Presidential Study Directive 10 which supported the development of new mechanisms and tools within the bureaucratic system to improve prevention and response efforts. Despite the relatively slow nature with which bureaucratic changes take place, there have been some significant developments. The list below is not exhaustive, but includes some of the most critical.

Atrocities Prevention Board

The Atrocities Prevention Board (APB) – responsible for coordination and prioritization of atrocities prevention, and for carrying forward the recommendations of PSD-10 – met for the first time in April of 2012.

The APB consists of representatives of the Departments of State, Defense, Treasury, Justice, and Homeland Security, the Joint Staff, USAID, USUN, the Office of the Director of National Intelligence, the Central Intelligence Agency, and the Office of the Vice President. Each agency involved with the APB has its own team that deals with the strategies and tools necessary to make atrocity prevention stronger, although the number of staff committed to this effort varies widely by agency.

Once a week, the sub-APB, made up of working level staff from the participating agencies, meets, led by the Director of War Crimes and Atrocity Prevention at the National Security Council (NSC). Once a month, the APB meets at the assistant-secretary level.

Despite challenges and public criticisms related to the 2011 intervention in Libya and debates around action in response to violence in Syria, the APB has been an important catalyst in supporting atrocities prevention assessments and early action by the U.S. government in Burundi and Guinea, and it helped to raise the alarm in response to the outbreak of atrocities in Central African Republic and Mt. Sinjar in Iraq.

Department of State

State contributes significantly to the prevention agenda and helps to provide the additional capacities necessary to move the work forward. The Office of the Under Secretary for Civilian, Security, Democracy and Human Rights (J) represents an effort to better integrate related streams of functional work carried out by State. In addition to atrocities prevention, J is also responsible for engagement related to counterterrorism/countering violent extremism, democracy and human rights, and other issues.

Within J, the Bureau for Conflict and Stabilization Operations serves as the in-house secretariat for atrocities prevention. CSO supports the State Department's efforts through conflict analysis, strategic planning, and operational support for local partners.

USAID

USAID's Office of Conflict Management and Mitigation (CMM) "provides analytical and operational support to USAID overseas missions, development officers and program partners to enable [it] to better

address the causes and consequences of violent conflict.” CMM has developed a Conflict Assessment Framework along with a supplemental guidance document more specific to atrocity prevention.

The Complex Crises Fund (CCF) is the only mechanism of its kind that provides global, flexible funding to enable USAID to respond to emerging and unforeseen crisis outside of planned development programming cycles. CCF focuses on countries or regions that demonstrate a high or escalating risk of conflict and instability. CCF resources have been used to prevent and respond to atrocities in Central African Republic and Burundi as result of engagement by the APB.

The Office of Transition Initiatives (OTI) is also involved in work related to prevention. OTI provides short-term assistance targeted at key political transition and stabilization needs, including by promoting reconciliation, and fostering peace and democracy. OTI and CCF complement one another, and they are both viewed as critically necessary prevention tools for USAID. All of these offices and mechanisms – CMM, CCF, and OTI – are coordinated under USAID’s Bureau for Democracy, Conflict, and Humanitarian Assistance.

Training

PSD-10 contained training requirements for all participating APB Departments and Agencies, which followed on a similar recommendation by the GPTF Report. The State Department has created a two-day course available through the Foreign Service Institute on “awareness of early warning indicators, available tools, and current efforts to promote human rights and democratic values.” USAID has also developed a 45-minute online module with key atrocity prevention concepts and risk factors/warning signs that is also available to personnel at State. Building on the USAID module, State’s Bureau for Conflict and Stabilization Operations has developed a follow-on training with more in-depth information on scanning tools, analysis and prevention strategies.

A variety of training opportunities have been made available through the Department of Defense. The Pentagon’s Joint Knowledge Online platform offers a course on Mass Atrocity Response Operations and on protection of civilians designed to familiarize students with basic concepts. Various military academies – including West Point’s Center for Holocaust and Genocide Studies – offer courses.

Director of National Intelligence Annual Threat Assessment

Beginning in 2012, the Director of National Intelligence has included risks of mass atrocities in his Annual Threat Assessment to the U.S. Congress. Although, the Intelligence Community had been publishing an Atrocities Watchlist since 1997, the GPTF Report found that it rarely addressed situation not already well known by policymakers. The list has been improved by increasing the number and type of statistical models, developing a more formal and structured expert survey, and pay closer heed to a number of regular NGO lists and academic publications.

Additionally, the Intelligence Community completed its first ever National Intelligence Estimate (NIE) on the Global Risk of Atrocities in response to both recommendations from the GPTF Report and PSD-10. These efforts have helped to better focus the IC on the collection of information specific to atrocity risks, have helped to better connect and educate policymakers, and have served as foundational information for convenings of the APB.

Key Current Challenges

Transparency

One of the greatest critiques of the APB has been its lack of transparency. The gap in discussing the efforts of the APB with both Congress and the public has opened the structure up to increased criticism

and has kept it sidelined from engaging constructively in debates about the value of prevention. While the NSC staff is unable to brief Congress on the work of the Board, the Agencies and Departments that participate must better articulate their work. Fortunately, over the past eighteen months, transparency has begun to improve, particularly concerning engagement with non-governmental organizations. However, given the important role that Congress plays in policymaking and funding, transparency gaps have resulted in limited understanding of and support for the APB on Capitol Hill.

Funding

Numerous analyses have underscored the need for the APB specifically to have a small amount of funds available to support prevention efforts. Without any resources the Board is managing an unfunded mandate, and has the difficult task of getting Agencies and Departments onboard with activities that will cost them money to implement. Resources for the APB would ensure more effective prioritization of prevention efforts, and enable the APB to financially support critical work, and help to get the interagency bought in further.

However, it is important to note that Congress has repeatedly reduced key related resources – including the Complex Crises Fund at USAID and the Bureau for Conflict and Stabilization Operations at State – which has in turn limited some of the most important tools in the prevention toolbox. The GPTF Report contained several recommendations related to funding, but financial and personnel resources are inadequate and below the encouraged levels.

Attempts to Institutionalize Atrocity Prevention – 2016

As noted earlier, since 2008 a variety of mechanisms and tools have been created to advance atrocity prevention even as gaps remain. However, unless there is broader prioritization and institutionalization by decision makers, including the U.S. Congress and future Presidents, the agenda is at risk.

Congress

In February 2016 – after years of work from the community of non-governmental organizations – Senators Ben Cardin (D-MD) and Thom Tillis (R-NC) introduced the Genocide and Atrocities Prevention Act, S.2551, of 2016. Among other things, the bill would permanently authorize the Atrocities Prevention Board and establish the Complex Crises Fund. As of June 10, 2016, the bipartisan bill had the support of 25 Senators. However, it lacks a House companion bill, and prospects for passage during the last months of an election year are unlikely. It's worth noting that generating support on the House side has been more challenging in part because of limited transparency and a lack of education on the APB and prevention.

Presidential Executive Order

In May 2016, President Obama issued Executive Order (EO) 13729, “A Comprehensive Approach to Atrocity Prevention and Response,” that fulfills the commitment made in April 2012 when the APB officially began its work. The EO publicly articulates the structure and functions of the APB, and directs U.S. agencies to take on a broader atrocity prevention strategy. While it supports institutionalization of the Board, it is not legally binding, and could be ignored or repealed by future Administrations. There are also gaps that exist between the articulation of this work in the PSD-10 report and the EO, causing problems for full implementation of the agenda given that the EO will supersede all previous policy guidance and documents.

Obama Administration – Atrocity Prevention/Response Case Studies, 2008-2011

U.S. Involvement in Cote d'Ivoire – 2011

In 2011, Cote d'Ivoire had a fair and free election that resulted in the victory of Alassane Ouattara over sitting President Laurent Gbagbo. However, when Gbagbo refused to leave office escalating tensions between rival groups put the country at risk for a potential civil war. President Obama joined the African Union, the Economic Community of West African States, and the United Nations Security Council in recognizing President Ouattara as the rightful leader of Cote d'Ivoire. President Obama also strongly condemned the continuing acts of violence against unarmed civilians, particularly women, and called on all leaders to reject violence.

Libya – 2011

U.S. engagement in Libya – in collaboration with an international coalition authorized by the United Nations Security Council – was seen as a pivotal moment for the Obama Administration's embrace of the responsibility to protect and mass atrocity prevention. President Obama stressed that both strategic interests and American values pushed him to order military action designed to prevent the mass slaughter of innocent Libyans in Benghazi in direct response to a clearly articulated threat from then-Libyan President Muammar Qaddafi.

The aftermath of the military intervention in Libya – that resulted in the extrajudicial killing of Qaddafi, the creation of what is largely considered a failed state, and the spread of weapons and increased instability throughout the region – has raised questions about the application of force in supporting atrocity prevention goals. President Obama himself has criticized the lack of a plan for “the day after.” The intervention in Libya is now seen as a longer-term challenge to the responsibility to protect and is credited with the inability of the international community to take more effective collective action in response to violence against civilians in Syria.

Obama Administration – Atrocity Prevention/Response Case Studies, 2012-Present

Central African Republic – 2012-present

In late 2012, when mass violence broke out in Central African Republic the U.S. led the international community in helping to mitigate atrocities and prevent further violence. The APB played a pivotal role in catalyzing U.S. efforts to protect civilians and prevent further violence. Tools like the Complex Crises Fund were leveraged to support peacebuilding programs, which have led to voluntary disarmament, dramatic positive increases in community relations, and commitments to reintegrate and safeguard minorities. Challenges remain, but after years of devastating violence, the Central African economy is growing, the country held a successful constitutional referendum, and political power transitioned in 2016 following elections.

Burundi – 2013-present

Recognizing the possibility for the outbreak of violence around Presidential elections scheduled for July 2015 coupled with a history of atrocities, the Atrocities Prevention Board took action over a year in advance of the vote. The Board initiated a months-long review process that involved an expert interagency team traveling to Burundi to understand the likely drivers of future conflict and identify opportunities to improve diplomatic engagement. Programs to facilitate local and national dialogue, deploy civilian conflict experts, and build resiliency followed.

Although the Board has not been able to prevent all violence given the will of Burundi's President to escalate the political crisis, work has been and is being done –thanks to the early engagement and mobilization of the APB –to support actors working for peace, stymie the escalation of tensions, and it is notable that atrocities, particularly violence along ethnic lines, have not broken out.