

**Civil Society Assessment<sup>1</sup>**  
**of the 2020 Report to Congress Pursuant to Section 5 of the**  
**Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441)**

**Prepared for the United States Congress**

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## Executive Summary

This Assessment assembles the input of a wide variety of civil society actors engaged in the field of genocide and other atrocity prevention and mitigation to convey their input to the [2020 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018](#) (the Report) by the current administration. The Assessment includes three different approaches for engaging with the 2020 Report (through substantive, structural, and procedural concerns), examining issues identified by civil society actors as needing specific attention.

This assessment was compiled based on the input received from members of the [Prevention and Protection Working Group](#) (PPWG). PPWG is a coalition of human rights, religious, humanitarian, anti-genocide, and peace organizations and scholars dedicated to improving U.S. government policies and civilian capacities to prevent violent conflict, avert mass atrocities, and protect civilians threatened by such crises. The [Friends Committee on National Legislation](#) serves as the working group's coordinator. PPWG members met several times and solicited input from a wide variety of actors to formulate this Assessment.

The [Elie Wiesel Genocide and Atrocities Prevention Act](#) (the Act or the Elie Wiesel Act) specifically identifies atrocity prevention and response as a critical national security interest of the United States. The Act clearly lays out the sense of Congress and the American people that the U.S. Government should be engaged in affirmative efforts to respond to, mitigate, and prevent mass atrocity events, regardless of where they may occur and what other national security interests may or may not be implicated. As the mechanism by which the United State Congress evaluates the executive branch's compliance with the Elie Wiesel Act, the annual Report is a critical piece of information to identify the success of those efforts. This Assessment is the method by which the civil society community can provide its feedback on that Report.

PPWG wishes to emphasize that the civil society community is not a monolithic entity and, as such, this Assessment represents a collection of commonly agreed upon issues, not the full potential response to the information included in the report. Individual and collective members of the civil society community may disagree with some of the elements of this assessment or may wish to highlight additional or different issues under each of the below categories in their own meetings with U.S. Government representatives.

The first section of the Assessment addresses the substantive issues related to atrocity prevention under the Elie Wiesel Act. This includes the ongoing concern about the lack of a public list of countries and regions experiencing a current mass atrocity event or at risk for a future atrocity event; the need to include non-strategically important countries in the work of the Atrocity Early Warning Task Force (the Task Force); the importance of designating ongoing mass atrocity events publicly; the critical need to engage with allies, partners, and global and regional actors in multilateral approaches to atrocity prevention; the importance of transitional justice and accountability; the need to identify and prepare for heightened global risk factors; and the need to protect local civilian populations who engage with the U.S. Government in atrocity prevention and mitigation activities.

The second section focuses on the structure of the Task Force and how it might be improved to better accomplish the goals of the Act, including personnel and staffing issues; training and curricular design; public reporting and engagement; identifying and reporting on barriers to performance of the Act's requirements; and specific funding information.

The third section includes discussion of the process by which the Task Force, the U.S. Congress, and the civil society community can work together, including report structure; congressional engagement; country and desk officer briefings; and local NGO engagement.

Finally, the Assessment includes specific recommendations that PPWG believes will improve the ability of the U.S. Government to reflect the values it aims to uphold in its role as a global leader.

## 1. Substantive Challenges to Implementing the Act

The administration identified several ongoing activities directly in support of the intent of the Elie Wiesel Act. These reports were welcome and represent a critical part of the Executive Branch's obligation to report to Congress. Many of these actions generated positive responses from civil society organizations and prompted further questions and recommendations. We wish to recognize those actions and convey our appreciation to the U.S. Government staff who put in the time and effort to push for these programs and activities and to include them in their briefings of the civil society community, as well as those which made it into the Report. Despite the inclusion of some of these actions, the Report still falls well short of identifying the full breadth of substantive engagement undertaken by the current administration and the information required by the Act. This section will address issues of concern identified by the civil society community, any corresponding questions or recommendations, and the gaps and missing details in the Report that PPWG organizations feel are important to highlight.

A. *Public Identification of Countries and Regions at Risk of Atrocities*: As identified in subsections 5(a)(1)(D) & (E) of the Act, Congress has required the administration to provide a “global assessment of ongoing atrocities, including the findings of such assessment and, where relevant, the efficacy of any steps taken by the Board or relevant Federal agency to respond to such atrocities” and to report on “countries and regions at risk of atrocities, including a description of specific risk factors, at-risk groups, and likely scenarios in which atrocities would occur.” The 2020 Report, like the 2019 Report, still does not include this assessment of ongoing atrocities or list of at risk countries or regions. The reference to the use of the State Department's Atrocity Early Warning Assessment, the U.S. Holocaust Memorial Museum's (USHMM) [Early Warning Project](#), and the intelligence community's (IC) Annual Mass Atrocities Risk Assessment in Section II does not fulfil the requirements of the Act.

Reporting on the response to ongoing atrocities is an essential part of the Task Force's obligations and represents the crux of accomplishing the Elie Wiesel Act's goals. Civil society organizations recognize the tension that exists in publicly discussing ongoing mitigation and response activities to ongoing atrocities and in identifying countries and regions that are deemed to be at risk for mass atrocity events, including the possibility that it will make diplomatic engagement to mitigate or prevent atrocities more difficult and may actually bring greater harm to civilians. The career staff of the constituent offices, agencies, and departments in the Task Force are well regarded by the civil society community and we recognize their genuine concern for the countries and peoples impacted by their work. However, the plain language of the Act requires that these assessments and lists be provided in the report to Congress.

This reporting requirement is not just to ensure that the administration is fulfilling the atrocity prevention activities required by the Act, but also represents a significant accountability measure to allow Congress and civil society to evaluate the work of the Executive Branch in fulfilling the will of the American people. Part of the value of providing such a list is the effect it can have in mobilizing public opinion and global response to issues. The public release of the list also would represent an important method by which Congress and the American public can hold the U.S. Government accountable. Putting this designation and prioritization behind

a classification barrier defeats many of the benefits of creating such a list. Other such lists, including the Trafficking in Persons Report,<sup>2</sup> the Country Reports on Human Rights,<sup>3</sup> and the Proliferation Compliance Report,<sup>4</sup> have all been issued without major incident.

For example, a public list allows the civil society community to engage on countries of specific interest and concern, bringing in additional expertise and information upon which the U.S. Government can rely when pursuing atrocity prevention activities. On the USHMM's Early Warning Project (specifically referenced by the Report), the top 10 countries include, in order of current ongoing atrocity event or risk, Afghanistan, Yemen, Pakistan, South Sudan, Democratic Republic of the Congo, Egypt, Sudan, Somalia, Cameroon, and Ethiopia.<sup>5</sup> Of those 10 countries, only Pakistan, South Sudan, and DR Congo were addressed by the Report, and Pakistan and DR Congo were mentioned only a single time each as part of a list of activities. If the U.S. government, either through the Task Force or any of the relevant offices, agencies, or departments, has undertaken no action in response to the clear and publicly identified ongoing atrocity events or significant risk of future mass atrocities in any of the seven countries not addressed in the Report, it is critical that Congress is aware of this, as well as civil society organizations and the American people. Accountability must include holding our own government to the highest possible standards when it comes to preventing mass atrocity events.

The Task Force and the U.S. Government's efforts as a whole will also benefit from increasing the amount of information made public about the Task Force's efforts. Increasing general public awareness of the Task Force's activities will help engage the American public on the important work of atrocity prevention by the U.S. Government.

Some of this information, including some of the countries identified in the list above, will obviously need to be included in the classified section of the report. However, it is crucial to recognize, as was stated in the [2019 Civil Society Assessment of the Administration Report](#) (2019 Assessment), that the Act permits classification of materials in the report only "if necessary." Necessary does not mean that it would simply make things easier on the reporting entity, nor that it would make things easier for the administration in accomplishing the purpose of the Act. Necessary must be read to mean that it is critical to national security or IC actors that the information remain private. The lack of specific response to widely known, ongoing, significant mass atrocity events or at risk situations is of significant concern to civil society organizations. The 2020 Report includes no reference to actions undertaken by the Task Force and its constituent offices, agencies, and departments which were actively reported on to the civil society community during the regular engagement the Task Force had with PPWG from September 2019 to June 2020, which suggests at least some further information on Task Force activities could be publicly reported.

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<sup>2</sup> See [Trafficking in Persons Report, 20<sup>th</sup> Edition](#), U.S. State Department, June 2020

<sup>3</sup> See [2019 Country Reports on Human Rights Practices](#), U.S. State Department, March 11, 2020

<sup>4</sup> See [2020 Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments](#), U.S. State Department, June 2020

<sup>5</sup> "Countries at Risk for Mass Killing 2019-2020: Statistical Risk Assessment Results" available online at <https://earlywarningproject.ushmm.org/storage/resources/917/Statistical%20Risk%20Assessment%202019-2020.pdf>

Overclassification of information is a pervasive issue in government, and it is not the assertion of the civil society community that the Task Force needs to solve this issue. Rather, it is the recommendation of PPWG that the annual report to Congress must comply with the bare minimum standards clearly laid out in the Act and that a complete lack of inclusion of countries and regions at risk, the risk factors, at-risk groups, and the likely scenarios of potential atrocity events represents a failure to meet those standards. PPWG recommends that each annual report from the Task Force include three categories that address the items required by the Act: 1) Fully public reporting of all required information; 2) Partially public and partially restricted reporting on all required information; and 3) Fully classified reporting on all required information. These categories would allow for a robust engagement by Congress, civil society, and the American people in line with the intent of the Elie Wiesel Act. Each country included in future reports in this fashion should have clearly detailed the activities undertaken to address the identified risks, the funding allocated, and the planned future engagement.

- B. *Non-strategic Country Focus:* The 2020 Report spends significant time focusing on China, and, to a significantly lesser extent, Burma/Myanmar, South Sudan, and Iraq and Syria. Each of these countries, for a variety of foreign policy and national security reasons, represents a heightened interest by the United States that tends to draw significant attention. However, the vast majority of the 30 countries on the USHMM's Early Warning Project list of states currently experiencing or most at risk for a mass atrocity event do not represent a significant national security or foreign policy interest to the United States. This should not reduce or limit in any way the attention, resources, and efforts by the Task Force to mitigate or prevent mass atrocity events in these countries, as the Elie Wiesel Act's statement of policy recognizes that atrocity prevention itself is a national interest.<sup>6</sup> Further, such countries where other U.S. national security or foreign policy interests are not driving factors may represent unique opportunities for early intervention and upstream prevention, given the lack of countervailing interests. As with any office, agency, or department asked to accomplish so significant a task with a still understaffed roster, limited funding, and internal resistance, the temptation and natural inclination is to focus on those countries that generate interest from the foreign policy and national security communities within the U.S. Government. PPWG calls upon the Task Force to continue to engage with all countries identified under the relevant assessments as experiencing or being at risk of a mass atrocity event. The geopolitical importance of a country to the United States' interests should have no influence on the level of attention, engagement, and resources it receives from the Task Force, given its objectives as identified by the Elie Wiesel Act. At a minimum, the U.S. Government should be discussing such countries with other like-minded states or multilateral organizations which might be motivated to take on more significant roles with U.S. support.
- C. *Designation of Ongoing Genocide or Mass Atrocity Events:* The Act anticipates a detailed assessment of ongoing atrocities as identified by the Task Force, the release of that assessment in the annual Report, and the steps taken by the Task Force or relevant agency to respond. Neither the 2019 nor 2020 Reports included such an assessment or the following requirements. In its efforts to engage with allies and partners around the world, including with international and regional organizations, the United States' role as a leader on atrocity prevention issues is based not just on the programmatic activities it undertakes, but also the public statements it

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<sup>6</sup> See [Elie Wiesel Genocide and Atrocities Prevention Act of 2018](#), Section 3. Statement of Policy

makes on these issues. In light of this reality, the ongoing refusal of the United States Government, and the U.S. State Department in particular, to call out clear instances of mass atrocities and to use the terminology of genocide, war crimes, or crimes against humanity, as appropriate under international laws and norms, is at best a failure of leadership and at worst a dereliction of its duties under domestic and international law.

For example, the continued refusal to term the actions of Myanmar against the Rohingya people since 2016 as a genocide represents a disconnect between this administration's actions and its stated intent to "hold perpetrators of genocide and mass atrocities accountable."<sup>7</sup> Key U.S. State Department bureaus sent Secretary Michael R. Pompeo a report in 2018 that provided clear justification for using stronger language than the legally useless (and generally disfavored) term "ethnic cleansing."<sup>8</sup> Since then, 33 legal and human rights experts<sup>9</sup> and over 80 international advocacy organizations<sup>10</sup> have urged Secretary Pompeo to identify the actions of the Myanmar government and the Tatmadaw as a genocide against the Rohingya people. While the 2020 Report references the commendable anti-corruption efforts in Myanmar, it is an egregious absence that no reference to the ongoing genocide of the Rohingya population is included. In fact, the Rohingya population is not mentioned once in the entire report.

The effect of the U.S. Secretary of State standing in front of the Seal of the United States and publicly declaring an action to be a mass atrocity, crime against humanity, war crime, or genocide has been significant over the decades. However, the process for making that determination and the decision to publicly announce that a determination has been made, as evidenced by the above example of Myanmar, has been inconsistent.<sup>11</sup> Using the resources of the inter-agency Task Force to assist in making this determination as well as coordinating the whole-of-government response undertaken by the U.S. Government will greatly increase the effectiveness of U.S. atrocity prevention efforts.

The Task Force should create a formal process to monitor the risk or presence of a mass atrocity event, using a set of metrics and standards created in conjunction with advice from CSO, NGO, and academic experts. The Task Force should utilize this process to monitor countries on the statutorily required list, as well as considering queries and concerns from in-country officials who, based on the trainings provided under the Act, may request an evaluation of a situation in their postings.

Once such a determination has been made, the Task Force should communicate the determination to the appropriate departments, agencies, and offices of the U.S. Government and serve as the coordinating body for the whole-of-government response to the triggering

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<sup>7</sup> [2020 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018](#), U.S. Department of State, August 7, 2020

<sup>8</sup> ["The U.S. considered denouncing Myanmar for 'crimes against humanity.' It didn't happen."](#) Washington Post, November 15, 2018

<sup>9</sup> ["Advocacy Letter - Secretary Pompeo: Make a Determination that Myanmar Committed a Genocide,"](#) Refugees International, August 18, 2020

<sup>10</sup> ["Advocacy Letter - Call it Genocide: Act for the Rohingya,"](#) Refugees International, July 16, 2020

<sup>11</sup> See "By Any Other Name: How, When, and Why the US Government Has Made Genocide Determinations," Todd Buchwald & Adam Keith, U.S. Holocaust Memorial Museum – available at [https://www.ushmm.org/m/pdfs/Todd\\_Buchwald\\_Report\\_031819.pdf](https://www.ushmm.org/m/pdfs/Todd_Buchwald_Report_031819.pdf)

determination. To the extent possible, the Task Force should coordinate with the appropriate agencies and departments to make public that such a determination has been reached and the efforts being taken by the U.S. Government to address the triggering situation.

- D. *Multilateral Cooperation*: Section 5(a)(2) of the Act requires that the U.S. government identify its recommendations for “enhancing multilateral mechanisms” and “strengthening relevant regional organizations” requirements that implement the Act’s policy statements in Sections 3(2) and 3(3). The 2020 Report’s Section III addresses a few instances of multilateral engagement. While there are additional reasons why the current administration has focused on China, the civil society community greatly appreciates the efforts of the administration to call attention to the plight of the Uyghur population in Xinjiang Province. However, given the global political realities of that specific example, the opportunity for the United States to undertake specific *preventative* action in China appears to be limited. Given the stated goal of the Act in preventing atrocities, the focus of the Report on the administration’s response to situation in China represents the critical need to include a comprehensive report on all multilateral efforts. The list of “additional State multilateral efforts to support transitional justice” in “Tab 3” is unavailable to the civil society community and thus cannot be evaluated.

One specific example of multilateral engagement that should be unobjectionable to the U.S. Government and enjoy bipartisan agreement is the support of The Gambia in its ongoing case against Myanmar before the International Court of Justice (ICJ).<sup>12</sup> While the United States is no longer a party to the Statute of the ICJ, there are numerous ways that it could officially and unofficially make known its support of the premise that international organizations, and especially the ICJ (which has oversight of the Convention on the Prevention and Punishment of Genocide, which the United States ratified), should be able to find nations in violation of the Genocide Convention when their actions clearly rise to that level. This would not even necessitate the U.S. Government finding that a genocide exists in Myanmar, as discussed in Section 1.C., but simply that the U.S. Government support the principle that no state should be able to violate this core principle of international law and that international organizations have a valid role to play in making such a determination.

- E. *Transitional Justice and Accountability*: The United States has a longstanding commitment to international justice, dating back to the signature of the [London Agreement of 1945](#), which established the International Military Tribunal at Nuremberg, and playing a leadership role in subsequent prosecutions. Not only has the U.S. long promoted the perspective of individual accountability for genocide, war crimes, and crimes against humanity, but multiple administrations from both sides of the political aisle have recognized the importance of transitional justice systems to prevent future outbreaks of atrocities in at-risk communities. Multiple administrations have likewise recognized that international justice mechanisms such as the International Criminal Court (ICC) are an essential multilateral tool and have found it useful to support ICC investigations and cases that address situations that fall within the U.S. national interest.

Section 3(3)(C) of the Act requires that the U.S. whole-of-government strategy for atrocity prevention include the “effective use of foreign assistance to support appropriate transitional

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<sup>12</sup> See the International Court of Justice Case Page at <https://www.icj-cij.org/en/case/178>.

justice measures, including criminal accountability, for past atrocities.” The work of the [Office of Global Criminal Justice](#) at the U.S. State Department is an excellent example of programs that should be examined carefully to evaluate their possible additional benefit in atrocity prevention efforts. GCJ has been especially effective at working with local communities to encourage and enhance local ownership of transitional justice and accountability mechanisms, which generally leads to positive outcomes and greater investment in prevention of future possible atrocity events. PPWG encourages the Task Force to adopt this model and build in local community engagement in its efforts to improve transitional justice and accountability for atrocity events.

However, given the Act’s focus on cooperative approaches to transitional justice and accountability, the civil society community views with alarm the recent Executive Order<sup>13</sup> and IEEPA designation<sup>14</sup> of International Criminal Court (ICC) officials by President Donald J. Trump and Secretary of State Pompeo. The International Criminal Court is not a perfect international organization, any more than the United States government is a perfect domestic government. There are real issues that need to be addressed in reforming the ICC and the Court itself and States Parties are currently conducting that exercise, furthered recently by the final report<sup>15</sup> of the [Independent Expert Review Group of the International Criminal Court](#). At a minimum, the use of visa restrictions and IEEPA sanctions against Prosecutor Bensouda and Director Mochochoko by the U.S. government sends conflicting signals to our allies and partners around the world as to future U.S. actions and support for global accountability for mass atrocities, in which the ICC plays an integral role.

There is room for legitimate disagreement with the ICC, and the civil society community is not making any assertion as to how the U.S. Government under the current administration should undertake steps to address those disagreements. PPWG and its civil society members do, however, strongly condemn the use of sanctions intended to punish individuals who are actively engaged in the commission of mass atrocities, some of which are identified in the 2020 Report, against international civil servants who are actively working to hold to account those same violators of international law.

As was emphasized in the 2019 Assessment, effective atrocity prevention and mitigation requires cooperation with international organizations and regional actors to allow the United States to exercise influence in regions of the world where it would be politically sensitive and challenging for the U.S. Government to act alone. We renew our recommendation that future reports should specifically address the steps being taken by the U.S. Government to improve the international tools and institutions that all states can use to prevent and mitigate mass atrocity events in order to fulfill the reporting requirements of Section 5(a)(2). We also call on the Task Force to promote and give primary consideration to addressing the issue of atrocity prevention and mitigation through the lens of cooperative responses at the regional and

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<sup>13</sup> [Executive Order on Blocking Property of Certain Persons Associated with the International Criminal Court](#), The White House, June 11, 2020

<sup>14</sup> [Blocking Property of Certain Persons Associated with the International Criminal Court Designations](#), U.S. Department of the Treasury Office of Foreign Assets Control, September 9, 2020

<sup>15</sup> [Independent Expert Review of the International Criminal Court and the Rome Statute System, Final Report](#), September 30, 2020

international level, and we strongly recommend that the U.S. Government increase its engagement with international organizations, international financial institutions, and transitional justice mechanisms. This should include removing the sanctions on ICC personnel and recalling the Executive Order identifying the ICC's investigation "as an unusual and extraordinary threat to the national security and foreign policy of the United States."<sup>16</sup>

- F. *Identification of and Response to Heighted Global Risk Factors*: The current global pandemic related to the coronavirus (COVID-19) represents a significant aggravating factor for at-risk populations.<sup>17</sup> COVID-19 is just the most recent, visible such risk factor, as populations regularly face heightened risk in times of famine or drought, extended natural disasters, famine or rainy seasons, internal troop movements, and internal political unrest to name a few. These risk factors are critical to track when evaluating which countries might be experiencing heightened opportunities for mass atrocity events. PPWG strongly recommends that the Task Force develop and publicly release a list of monitorable aggravating factors, include them in U.S. government employee trainings, and highlight the importance of identifying these factors' presence and reporting them to the Task Force and to senior level political and career officials.

In the short term, PPWG strongly recommends that the Task Force publicly address what additional efforts, if any, it has taken in light of the specific situation of COVID-19 to mitigate the potential for increased risk of mass atrocity events.<sup>18</sup> Public foreign aid funding should be designated specifically with the purpose of addressing the increased risk of COVID-related mass atrocity events. Public health and atrocity prevention actors are working hand-in-hand around the world and the U.S. Government should take a leadership role in reinforcing those actors, supporting them with supplies, funding, and personnel, and calling local government actors' attention to the heightened risks facing their populations.

In the long term, PPWG strongly encourages the Task Force to develop operational and mitigation plans related to the current, ongoing, and future impact of climate change on potential mass atrocities. Mass migration, famine, loss of arable land, and increased density of urban populations centers are all currently being driven by climate change and are only going to get worse under current scientific estimates.<sup>19</sup> One of the fundamental roles that the Task Force can play is marshalling the whole-of-government approach to address global issues when they are still able to be influenced at much smaller budgetary and personnel levels. Climate change is perhaps the single greatest challenge facing humanity in the coming decades and it will, without question, have a serious impact on atrocity mitigation and prevention efforts. We do not, of course, believe that it is the responsibility of the Task Force to coordinate the entirety of the U.S. Government's response to climate change. However, the Task Force should undertake to address this issue in the context of atrocity prevention before the potential of thousands upon thousands of preventable deaths becomes a reality.

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<sup>16</sup> See supra note 13.

<sup>17</sup> See, e.g.: [COVID-19 and local peacebuilding](#), Peace Direct, April 8, 2020

<sup>18</sup> [Humanitarian Crises in a Global Pandemic](#), The Lancet, August 2020

<sup>19</sup> Id, as well as [COVID-19, Displacement and Climate Change](#), UNHCR, June 2020; [In Harm's Way: International protection in the context of nexus dynamics between conflict or violence and disaster or climate change](#), UNHCR, December 2018

G. *Protection of Local Civilian Populations:* When working in-country with local non-governmental organizations, at-risk populations, and/or aid workers, the U.S. Government can, at times, create a situation of increased risk for these actors. The Task Force should include in future reports its efforts, including specific guidance developed for in-country U.S. government employees, on how to avoid or mitigate such risk. This should include specific plans for ensuring both physical and digital security of such individuals, to be applied when relevant security concerns are identified. When acting to try to mitigate or prevent mass atrocity events and working with local actors, which is a commendable and appropriate goal, it is still the responsibility of the United States to ensure that it first does no harm to those individuals.

## 2. Structural Challenges to Implementing the Act

In addition to substantive issues, PPWG identified and wishes to raise several issues related to the structure of the Atrocity Early Warning Task Force specifically and the various U.S. Government offices, agencies, and departments engaged in the whole-of-government approach to mitigating and preventing mass atrocity events under the Elie Wiesel Act. While institutional structure and design is not the forefront of most individuals' minds when it comes to foreign policy and human rights, the civil society community and our colleagues and friends in government service are well aware of the critical role it can play in actually accomplishing those objectives. This section addresses several structural and organizational issues raised by the 2020 Report or absent from it but which PPWG members thought deserved specific reference.

A. *Task Force Personnel and Agency Staffing*: Currently, the National Security Council (NSC) has taken the lead on coordinating Task Force activities, with the Bureau of Conflict and Stabilization Operations at the U.S. Department of State (State CSO) serving as the "secretariat" for the Task Force. The first Report indicated that the Task Force would be attended by deputy level representatives, while the second Report makes no mention of staff assigned from various offices, agencies, or departments at all other than to indicate the participating government entities. While PPWG has no desire to further increase the burdens on the leadership of the relevant departments and agencies, we do believe they should be represented by individuals at the Assistant Secretary-level or higher, as designated by the leadership of those departments and agencies. Leadership engagement at this level ensures that the Task Force can call upon individuals with the ability to move quickly to address issues of incipient risk of an atrocity event. PPWG also calls on the political leadership to speak publicly and frequently about the importance to the U.S. national security interest of atrocity prevention.

Support for the Task Force's designated representatives is critical to accomplishing the whole-of-government oversight and coordination anticipated by the Act. A clearly defined organizational chart and agreed upon allocation of staff from appropriate agencies and departments should be created to institutionalize the primary role of the Task Force in leading the U.S. Government's efforts to prevent, mitigate, and respond to atrocity events.

Additionally, the relevant departments and agencies need to be appropriately staffed to support the implementation of the prevention and response efforts identified by the Task Force. Ensuring that agencies and departments have the necessary staff is part of why Congress established dedicated funding for atrocity prevention and increased funding for the Complex Crises Fund and Conflict Stabilization Operations line items in Fiscal Year 2019. The Administration should aggressively fill vacancies that exist in these offices and should ensure that all such activities are appropriately staffed, including creating new positions as necessary.

B. *Staff Training, Curricular Design, & Public Release of Curriculum*: While the ongoing training efforts by the U.S. State Department and U.S. Agency for International Development are well received, PPWG remains committed to the ideal of a whole-of-government approach to training on atrocity prevention, mitigation, and response issues. The 2019 and 2020 Reports both emphasized the excellent work being done by many of the offices, agencies, and departments outside of State and USAID. PPWG agrees with this assessment, but is concerned

that, lacking a government-wide approach to training, there cannot help but be differences in standards and metrics that are used to identify and report potential warning signs and ongoing events to the Task Force. The Task Force should affirmatively undertake an effort to coordinate a government-wide training regime, available to all offices, agencies, and departments engaged in atrocity prevention efforts or deployed in settings where warning signs or indicators of ongoing atrocity events may be present.

The content of the trainings provided to the relevant agency and department staff should be made publicly available, to the fullest extent possible. Local CSOs and NGOs work closely with U.S. government employees overseas and often contribute critical information and understanding to the work of those employees. Understanding of the processes and standards in which they have been trained will be greatly improve the ability of those on-the-ground voices to know how to communicate information appropriately and in a fashion in which it can be immediately used. In addition, those training documents and standards may also double as educational resources for the local NGOs themselves, as they often provide services and support to at-risk populations. For instance, knowing what signs of discrimination of a minority population might be an early warning indicator for an increase in the risk of an atrocity event can be applied just as easily by a local CSO volunteer as by a U.S. government employee.

The content and structure of the trainings provided to U.S. government employees in this field, will, of necessity, be constantly evolving. CSO, NGO, and academic experts and local voices in the at-risk communities in which U.S. government employees will serve should be consulted for insights into newly evolving norms, indicators, and context which should be incorporated into future versions of these trainings. For example, significant work is being done to identify how dangerous speech capable of leading to or inciting atrocity events is being spread via social media. Staff engaging in curricular design should make use of these communities' expertise and cutting-edge research to ensure that the trainings are as up-to-date as possible. Training should also include mitigation and response measures that can be used in incipient or ongoing atrocity situations, with special focus on engaging with local voices to provide such input and to be engaged with as U.S. Government actors respond.

Finally, training should include evaluation of past atrocity prevention efforts, with analysis of the barriers to performance and less than optimum outcomes that were observed, along with successful case studies.

- C. *Public Reporting and Engagement:* The work of the current administration to address atrocity prevention on a whole-of-government approach is worth reporting on, even if there were not a statutory requirement to do so. One of the significant failures of the Atrocity Prevention Board (APB), the Task Force's precursor entity, was its inability to communicate to the rest of the government, let alone to the general public, the importance of the work in which it was engaged. PPWG welcomes the U.S. Government's specific recommendation in the 2020 Report to improve public messaging on the U.S. Government's actions related to atrocity prevention. However, if this recommendation was made at any point prior to the immediate publishing of the 2020 Report, the Task Force has not followed through in actually undertaking these efforts.

Recognizing that finding ways to speak publicly about situations which involve sensitive political negotiations and require certain diplomatic approaches can be challenging, the civil society organizations represented by PPWG stand ready and willing to assist. Dozens of organizations included in the regular briefings by Task Force staff to PPWG have public education missions, outreach staff, and communications teams all designed to share information related to atrocity prevention with appropriate audiences. PPWG members are more than able to provide opportunities for U.S. Government officials to engage in robust dialogue, debate, and discourse on atrocity prevention efforts. We fully recognize that many of PPWG's members may disagree with specific actions taken (or the lack thereof), but we also commit to provide free and fair forums for engagement with informed and passionate communities who represent exactly the audiences that the U.S. Government should be seeking to engage.

At a minimum, the Task Force should work to create a website that identifies the history of atrocity prevention activities in the U.S. Government, the current structure under which those activities are pursued, the Task Force's sources of authority, including the Elie Wiesel Act, the participating government offices, agencies, and departments, the designated representatives from each of those entities and the appropriate institutional contact information, and the annual reports filed by the Task Force. Ideally, such a website would also include regular updates of ongoing atrocity prevention efforts, including when funding is being utilized to respond to emergency situations, reports from country desks, evaluations of past actions and lessons learned for future activities, the training curricula addressed in Section 2. B. above, and the ways that the American people can get involved in promoting and supporting atrocity prevention at home and abroad.

- D. *Reporting Barriers to Performance:* The Act specifically requires the Report to include "the legal, procedural, and resources constraints faced by the Department of State and the United States Agency for International Development throughout respective budgeting, strategic planning, and management cycles regarding support for atrocity prevention activities." No one assumes that the U.S. Government systems and programs as currently instituted are perfect in how they address atrocity prevention issues. These systems and programs, for the most part, were not designed to even consider these questions, let alone take on the significant challenge of trying to engage in mitigation or prevention. The Task Force should honestly and thoroughly address the legal, procedural, and resource constraints U.S. atrocity prevention efforts face from the existing institutional structure of the U.S. Government. Systems that were not designed to address these issues can still be improved upon, but only if there is an honest assessment of those systems. This improvement is crucial to building an effective approach to atrocity prevention and maximizing the long-term impact of resources designated for atrocity prevention goals.

PPWG recognizes that such an endeavor would likely require additional personnel and funding to allow for an appropriately thorough review and that coordination between agencies and departments will be essential to accomplishing this. We remain committed to working with the Task Force to petition Congress for additional funding to support these efforts, which we believe to be in line with the intent of the Act.

- E. *Reporting Funding Levels and Allocations:* PPWG welcomes the addition of general funding information in the 2020 Report. However, the vague nature of this information often does not make clear to what office, department, or agency it was allocated and, even when it does, it does not specify the program for which it was allocated or which budget source it came from. The reporting requirement on funding expended is designed to support and assist the administration in accomplishing the goals of the Act. Without clear indications of where the funding referenced in the Report came from, it is impossible for Congress to evaluate whether there are sufficient levels of support in the appropriate budget lines.

PPWG has long advocated for the increase of funding levels for specific atrocity prevention programs and remains committed to doing so. Detailed reporting on funding sources, allocation to specific offices, agencies, or departments, and which specific programs have been funded will allow Congress and the civil society community to continue to support these important efforts with the funding needed for personnel and programs.

### 3. Procedural Issues Related to the Implementation of the Act

As the civil society community seeks to support the atrocity prevention goals of the Elie Wiesel Act, several issues related to the appropriate procedures for engaging with the Task Force, Congress, and global actors deserve specific attention. This section addresses some of the questions that civil society have identified as being worthy of specific responses from the Task Force or Congress (or potentially both), which should make all parties involved better able to achieve the intended purpose of the Act

- A. *Structure of the Report:* In several sections above, PPWG has identified specific elements that are required to be included in the annual report, but have not yet been included or have been included with less than complete information. We recommend that the Task Force develop a specific format for the Report that addresses specifically each required element which can be used repeatedly for the annual report. This will allow both civil society and Congress to carefully but quickly analyze the report, identify any necessary additions needed, and respond to the Task Force's needs in accomplishing its atrocity prevention mission.
- B. *Congressional Engagement:* The report represents a starting point for the conversation that should be taking place between the Task Force, as the focal point for the whole-of-government approach for atrocity prevention, and the U.S. Congress. That engagement should not be solely a written report that gets filed and then forgotten. PPWG recommends ongoing briefings, similar to those mentioned in the 2020 Report, but with public participation, including civil society organizations with specialized experience in the countries and regions in question. Members of Congress and their staff should also be briefed on any special activities undertaken by the Task Force in response to urgent or emerging crises. Such regular and special reports will allow for Congress to move quickly, should additional support be needed to designate or release funds for atrocity prevention activities. Both of these meetings should also include a regular check on what steps global and regional actors are taking and where U.S. Government actions may be synchronized to maximize impact or where another actor may be better situated to provide in-country support and the U.S. can provide assistance in some other fashion.
- C. *Country and Desk Officer Briefings:* The challenge in coordinating responses between different offices, agencies, and departments is one of the primary reasons for the existence of the APB initially and now the Task Force. Engaging the hard working country and desk officers of the relevant offices, agencies, and departments on a regular schedule should be a priority for the Task Force. Buy-in from these U.S. Government employees is critical to overcoming the understandable but regrettable bureaucratic in-fighting that often results in implementation struggles with cross-cutting issues like atrocity prevention.
- D. *Consultation with Local Nongovernmental Organizations:* Sub-national threats are an especially critical piece of the puzzle in accomplishing global atrocity prevention. PPWG has provided numerous country and region specific briefings informed by our members who have staff in-country, often made up of members of the communities in question. These briefings are essential to ensuring that potential issues are identified far enough in advance that effective prevention measures can be undertaken. The Task Force should formalize a process by which

it actively seeks out and receives such information, including from local civil society organizations beyond those introduced through PPWG.

#### 4. Recommendations

PPWG is grateful for the ongoing consultations with the Task Force and looks forward to continued engagement. However, there remain areas of concern to the civil society and NGO communities about how the Task Force may better implement the requirements of the Act and comply with the intent of the United States Congress and the American people represented by its passage. This section includes recommendations of particular concern to the civil society community on how the Task Force may address those concerns. PPWG members met several times and solicited input from a wide variety of actors to create these recommendations. This section does not include all recommendations from the above Assessment.

- A. *Public Release of Designated Countries List Recommendation:* The Task Force should publicly release, either in whole or in part, the list of countries and regions designated as at-risk. This list should be regularly updated and additions or subtractions from it should be announced publicly, subject to intelligence and classification limitations. Each annual Report should include the most current list at the time of filing.
- B. *Global Assessment of Atrocities and Reporting of U.S. Government Responses:* The Task Force should create a formal process to monitor the risk or presence of a mass atrocity event, as defined by the Act. When a determination has been made that a situation of increased risk or actual atrocity event is present, the Task Force should notify the appropriate departments, agencies, and offices of the U.S. Government and should serve as the coordinating body for the U.S. Government response. To the extent possible, such determinations and the steps being taken to address the situation should be announced publicly by the appropriate department, agency, or office.
- C. *Multilateral Engagement:* The U.S. Government, through the Task Force, should increase its engagement with international organizations and international financial institutions on atrocity prevention efforts. That engagement should be detailed in specific language included in the public section in future reports.
- D. *Transitional Justice and Accountability:* The Task Force should examine ways that it or U.S. agencies and departments can support transitional justice measures and mechanisms as an important aspect of atrocity prevention, including supporting individual criminal accountability for atrocities. The Task Force should proactively engage with local, regional, and international organizations to support transitional justice and accountability. These efforts should be detailed in future reports.
- E. *Task Force Staffing:* The Task Force should be composed of individuals at the Assistant Secretary-level or higher (as designated by the leadership of the respective departments or agencies), should have a clearly identified organizational structure including support staff, and participating agencies and departments should provide individuals to fill those support roles. Offices within supporting agencies and departments should be appropriately staffed as well.
- F. *Whole-of-Government Training:* The Task Force should affirmatively undertake an effort to coordinate a government-wide training regime, available to all offices, agencies, and

departments engaged in atrocity prevention efforts or deployed in settings where warning signs or indicators of ongoing atrocity events may be present.

- G. Curricular Release and Design:* The training courses and documentation designed for U.S. Government employee trainings should be released publicly, to the fullest extent possible. Training courses should be updated regularly (at least every other year) and the curricular design process should include input from local communities, CSO and NGO experts, and academic specialists.
- H. Reporting Barriers to Performance:* The Task Force should record and evaluate the legal, procedural, and resources constraints faced when engaging in atrocity prevention activities and should include that analysis in each annual report, along with recommendations for overcoming those constraints.
- I. Consultation with Local Actors:* The Task Force should engage directly with in-country actors from civil society and non-governmental organizations in countries and regions identified as experiencing or being at risk for an atrocity event prior to making decisions on which actions to pursue to mitigate or prevent atrocities in that community.