

**Civil Society Recommendations<sup>1</sup> on implementation of  
The Elie Wiesel Genocide and Atrocity Prevention Act**

**Prepared for the United States Atrocity Early Warning Task Force**

**Executive Summary**

The various agencies and departments participating in the Atrocity Early Warning Task Force (the Task Force) have been engaged on the issues of prevention, mitigation, and response to mass atrocity events over the nine months since the [first legislatively mandated Elie Wiesel Genocide and Atrocity Prevention Report](#) (the Report) was released. PPWG [provided an assessment of that report](#) and those agencies have continued to consult with civil society (CSOs) and non-governmental organizations (NGOs) during that period, as required by the [Elie Wiesel Genocide and Atrocity Prevention Act](#) (the Act). 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 CSO 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 document includes recommendations on how the Task Force may address those concerns.

These recommendations have been 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 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 create these recommendations.

These recommendations fall into several broad categories:

- Identification of At-Risk Countries and Global Assessment of and Reporting on Responses to Atrocity Events;
- Internal Coordination and Inter-Agency Cooperation;
- Training; and
- Multilateral Cooperation and Accountability Efforts.

The recommendations are highlighted in the Executive Summary by category, and the analyses supporting these recommendations are included in the full text.

**Recommendations**

**Identification of At-Risk Countries and Global Assessment of and Reporting on Responses to Atrocity Events:**

*Recommendation 1: The Task Force should 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.*

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<sup>1</sup> By D. Wes Rist, deputy executive director, American Society of International Law. All views expressed herein represent the combined input of the Prevention and Protection Working Group members and do not necessarily represent the official positions of any individuals or organizations.

Recommendation 2: *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.*

**Internal Coordination and Inter-Agency Cooperation:**

Recommendation 3: *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.*

Recommendation 4: *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.*

**Training:**

Recommendation 5: *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.*

Recommendation 6: *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.*

**Multilateral Cooperation and Accountability Efforts:**

Recommendation 7: *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 future reports.*

Recommendation 8: *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.*

## 1. Identification of At-Risk Countries and Global Assessment of and Reporting on Responses to Atrocity Events

The Act includes several different responsibilities in Section 5: Reports that should be expanded upon or addressed for the first time in the upcoming report.

- A. *Public Release of Designated Countries List:* PPWG recognizes the need for and greatly values the contributions that the intelligence community (IC) can make to government personnel in understanding the current at-risk states and contributing factors they have identified. However, the Task Force has yet to make public the “countries and regions at risk of atrocities” as required by the Act. The Act permitted use of a classified annex in the reporting requirements only “if necessary.”

Releasing such a list, even a redacted one, is a critical step for the United States’ efforts to prevent mass atrocity events. Not only will such a list provide notice to the countries in question that the United States is aware of and monitoring the situations in the designated regions, it will also allow for external actors, including international organizations, CSOs and NGOs to provide input and feedback on the countries and regions selected, as well as those not identified. Making public the states that the U.S. Government is monitoring under the Act’s obligations may also have a chilling effect on potential perpetrators, as past willingness of the U.S. Government to call out atrocities and genocidal acts has demonstrated.

In addition, the requirement of a prioritization of countries for whom intervention at an early stage may represent significant opportunities for de-escalation and prevention is essential. Part of the value of providing such a list is the effect it can have in mobilizing public opinion and global response to issues. Putting this designation and prioritization behind a classification barrier defeats many of the external benefits of creating such a list. The public release of the list also represents an important method by which Congress and the American public can hold accountable the U.S. Government.

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.

*Recommendation 1: The Task Force should 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 Ongoing Atrocities and Reporting of U.S. Government Responses:* 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. The initial Report included no such assessment or the following requirements.

The U.S. Government has been a leading voice on calling out mass atrocity events in past. 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 has been inconsistent.<sup>2</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 United States and serve as the coordinating body for the whole-of-government response to the triggering 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.

*Recommendation 2: 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.*

## **2. Internal Coordination and Inter-Agency Cooperation**

The Act emphasizes the importance of the Task Force (as successor entity to the Atrocity Prevention Board) and the whole-of-government approach to atrocity prevention. The initial Report identified several entities within the U.S. Government that engage in work related to or directly addressing atrocity prevention, however, the Report only asserted that Task Force would convene the “relevant Federal departments and agencies.” Coordination on such complicated issues as atrocity mitigation and response, let alone prevention, will always be challenging withing a government the size of the United States. It is thus critical that the Task Force regularly engage with the need to evaluate its own processes and the ways in which it engages with the relevant government agencies and departments.

- A. *Task Force 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 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.

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<sup>2</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)

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.<sup>3</sup> 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. The CSO and NGO communities also look forward to the engagement by the Task Force with the U.S. Government colleagues addressing the recently passed Global Fragility Act.

*Recommendation 3: 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.*

- B. *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.

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.

*Recommendation 4: 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.*

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<sup>3</sup> See <https://www.state.gov/wp-content/uploads/2019/05/FY-2020-CBJ-FINAL.pdf>

### 3. Training

The development and implementation of new training regimes by the appropriate agencies and departments addressing atrocity prevention has been significant, with agencies and departments exceeding the requirements of the Act. PPWG strongly supports these ongoing training efforts and looks forward to working with these agencies and departments to further build upon their successes.

- A. *Whole-of-Government Training*: 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 report 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.

*Recommendation 5: 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.*

- B. *Curricular Release and Design*: 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 greatly improve the ability of those on-the-ground voices 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 actions, with analysis of the barriers to performance and less than optimum outcomes that were observed, along with successful efforts.

*Recommendation 6: 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.*

#### **4. Multilateral Cooperation and Accountability Efforts**

The Act specifically charges the Task Force with working with “partners and allies” and undertaking bilateral and multilateral efforts to improve global atrocity prevention efforts. It also specifically tasks the U.S. government with supporting transitional justice and accountability mechanisms that address past atrocity events.

- A. *Multilateral Engagement:* The international community has increasingly focused on prevention as a critical element in mitigating and responding to atrocity events. While the U.S. should continue to take a leadership role in addressing these challenges, it should also increase its participation in the international, regional, and domestic systems that allies and partners have designed in these spaces. The Act requires that the Task Force undertake efforts to improve the efficacy of these institutions’ responses to atrocity prevention. The Task Force should focus on multilateral engagement as a way to dramatically increase the reach of its own efforts at atrocity prevention, as well as a method by which the overall purpose of the Act can be accomplished.

Effective atrocity prevention and mitigation necessitates working across borders to address global issues, sometimes in regions of the world where it would be politically sensitive and challenging for the U.S. Government to act alone. Further enhancing participation in and strengthening the international tools and institutions that permit states to work together to accomplish atrocity prevention activities is critical to lasting and effective success in this field. 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.

*Recommendation 7: 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 future reports.*

- B. *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 provide 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.

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 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 activities. OGJC 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.

*Recommendation 8: 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.*