

REDUCING THE RISK OF MASS ATROCITIES

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS
SECOND SESSION

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REDUCING THE RISK OF MASS ATROCITIES

WEDNESDAY, NOVEMBER 14, 2018

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:59 a.m., in Room 2200, Rayburn House Office Building, Hon. James P. McGovern [co-chair of the Commission] presiding.

Mr. MCGOVERN. Good morning, and welcome to the Commission's hearing on reducing the risk of mass atrocities. This is the second hearing in a series that aims to identify ways Congress can contribute to preventing large scale, deliberate attacks against civilian populations.

I extend a special welcome to our distinguished panel of witnesses, some of whom have traveled from New York, Indiana, and Wyoming to join us today. We very much appreciate your dedication and look forward to benefiting from your expertise.

We decided to hold these hearings because we were appalled that the international community, of which the United States is part, was unable to halt the terrible human rights and humanitarian crisis in Syria and Burma, in spite of the warning signs, the images of the victims, and the stories of the survivors. We knew, we were told, but in the end, we did not act, or our actions – or the actions that we took were not effective.

What more should we have done? What more can we do in the future to prevent these kinds of mass atrocities?

Everyone agrees that prevention is the goal. How do we get there?

Today, we will start by asking how do we reduce the risk that atrocities will be committed.

A lot of good work has been done to identify risk factors for mass atrocities. It turns out that many, perhaps most, of those risk factors, the root causes of violence, tend to be local in nature. They include institutionalized racial, ethnic, and religious discrimination and exclusion.

But these risks don't always lead to mass atrocities. The relationship between risk factors and mass atrocities is not automatic. Root causes may be conducive to violence, but they are not sufficient in and of themselves.

Sometimes people figure out ways to manage or overcome these risks in their communities before violence explodes. Or the strategies come out of having already experienced and survived atrocities.

These approaches are the focus of the hearing today: peace-building, education, redesigning institutions, engaging with key actors like the private sector, sanctions to change incentives.

The witnesses will discuss some of these approaches, why they work, and how they can be better integrated into American diplomacy and aid programs. So I look forward to their recommendations.

I believe that the work we will hear about today is critically important to institutionalizing an atrocity prevention lens in our foreign policy.

[The prepared statement of Co-Chair McGovern follows:]

**PREPARED STATEMENT OF THE HONORABLE JAMES P.
MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS
HUMAN RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Reducing the Risk of Mass Atrocities

Wednesday, November 14, 2018

10:00 – 11:30 a.m.

2200 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good morning and welcome to the Commission's hearing on "Reducing the Risk of Mass Atrocities." This is the second hearing in a series that aims to identify ways Congress can contribute to preventing large-scale, deliberate attacks against civilian populations.

I extend a special welcome to our distinguished panel of witnesses, some of whom have traveled from New York, Indiana and Wyoming to join us today. We very much appreciate your dedication and look forward to benefitting from your expertise.

We decided to hold these hearings because we were appalled that the international community, of which the United States is a part, was unable to halt the terrible human rights and humanitarian crises in Syria and Burma – in spite of the warning signs, the images of the victims and the stories of the survivors. We knew, we were told -- but in the end we did not act, or the actions we took were not effective.

What more should we have done, what more can we do in the future, to prevent these kinds of mass atrocities?

Everyone agrees that prevention is the goal. How do we get there?

Today we will start by asking how we reduce the risk that atrocities will be committed.

A lot of good work has been done to identify risk factors for mass atrocities. It turns out that many, perhaps most, of those risk factors – the “root causes” of violence – tend to be local in nature. They include institutionalized racial, ethnic and religious discrimination and exclusion.

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The witnesses will discuss some of these approaches, why they work and how they can be better integrated into American diplomacy and aid programs. I look forward to their recommendations.

I believe the work we will hear about today is critically important to institutionalizing an “atrocities prevention lens” in our foreign policy.

I will now introduce our panel.

Mr. MCGOVERN. And so I now want to introduce our panel.

Dr. Bridget Moix is the senior U.S. representative and head of advocacy for Peace Direct.

I am going to give your short titles. All your resumes will be entered into the record.

Jack Mayerhofer serves as Chief of Staff for the Auschwitz Institute for Peace and Reconciliation.

Jai-Ayla Quest is the Program officer for Mass Violence and Atrocities at the Stanley Foundation.

Vasu Mohan serves as the International Foundation for Electoral Systems' Regional Director for Asia Pacific and technical lead on election, conflict, and security.

And George A. Lopez is the Reverend Theodore M. Hesburgh Chair Emeritus in Peace Studies at the Kroc Institute, University of Notre Dame.

And I appreciate all of you being here today.

And, Ms. Moix, we will begin with you. And put your microphone on.

STATEMENTS OF BRIDGET MOIX, SENIOR U.S. REPRESENTATIVE AND HEAD OF ADVOCACY, PEACE DIRECT; JACK MAYERHOFER, CHIEF OF STAFF, AUSCHWITZ INSTITUTE FOR PEACE AND RECONCILIATION; VASU MOHAN, INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS (IFES); JAI-AYLA QUEST, PROGRAM OFFICER, STANLEY FOUNDATION; AND GEORGE A. LOPEZ, REV. THEODORE M. HESBURGH, C.S.C., PROFESSOR EMERITUS OF PEACE STUDIES, KROC INSTITUTE FOR PEACE STUDIES, UNIVERSITY OF NOTRE DAME

STATEMENT OF BRIDGET MOIX, SENIOR U.S. REPRESENTATIVE AND HEAD OF ADVOCACY, PEACE DIRECT

Ms. MOIX. Thank you very much, Chairman McGovern, and thanks to the Commission for organizing this important and timely hearing.

I have worked on the issues of prevention of mass atrocities for a number of years, and it is really important to see the leadership of Congress. So thank you so much for organizing this and inviting my colleagues and me to be here.

On behalf of Peace Direct, I am honored to share some of our experience and understanding of what works to prevent mass atrocities, particularly what we have learned through Peace Direct's 15 years' supporting and partnering with local people on the front lines of violent conflict.

For those of you who may not know us yet, Peace Direct is a nonprofit, international, nongovernmental organization working with local people to stop violent conflict and build lasting peace in some of the world's most dangerous war zones.

Unlike many large international organizations, we do not design or implement programs from the outside. Rather, we seek out local people who are

already doing heroic work to interrupt violence and foster peace in their communities, and we partner with them to support and strengthen their work.

We believe these local peacebuilders are a critical missing link in the world's effort to prevent mass atrocities and the most untapped resource for peace-building globally.

Today, I want to share three examples of how local peace-building can help prevent atrocities, along with three lessons from our work and specific recommendations for Congress.

I would also like to request that the executive summary of our recent report "Atrocity Prevention and Peacebuilding" from a consultation with local civil society around the world be entered into the record with my testimony today.

Mr. MCGOVERN. Without objection.

Ms. MOIX. Thank you.

So three examples of how local peace-building prevents atrocities. First, in the case of Burundi, we see the importance of long-term investments in locally-led, community-based peace-building to help prevent mass atrocities.

While the current situation in Burundi remains deeply concerning, the country has not erupted into mass violence, as some feared it would. We credit the Burundian people, first and foremost, for helping to prevent broad-scale violence, along with important investments by the international community over the years to support community-based peace-building.

Peace Direct has supported local peace-building initiatives in Burundi for around 8 years now, particularly through the work of a network of citizen monitors who report and respond to incidents across the country in their own communities to tamp down violence.

Despite stalled high-level peace processes and increasing requirements for international organizations to operate in the country right now, this work of violence prevention and peace-building in communities by Burundians themselves has not stopped.

Second, in Sudan, we find an example of how building community resilience over time can help protect civilians in moments of high atrocity risk. For some years now, we have worked with a local organization called the Collaborative for Peace in Sudan, which supports local peace committees.

In one example, the local peace committees were able to intervene in a dispute between two groups in South Kordofan, an area out of bounds for most of the international community. They were threatening war against each other and had already mobilized their fighters.

Not only did the peace committees succeed in brokering a peace agreement to stop the fighting, they were also able to relocate 1,000 people from internally displaced persons' camp, as well as all the students in a nearby school, in order to remove innocent people from harm's way.

Finally, a third example in Pakistan, where we see the power of young people, particularly young women, to resist extremism and promote peace.

For more than ten years now, Peace Direct has supported Aware Girls, an organization working with young people and led by young women in Taliban

stronghold areas to promote nonviolence and reduce recruitment into armed groups.

Aware Girls began with just a few volunteers and now supports a youth peace network of over 500 young people across northwest Pakistan and into Afghanistan. They engage with their peers who are at risk of being recruited by armed groups and help them to instead become leaders in their communities through nonviolent social organizing.

Aware Girls have documented testimonies of young people who attest that they were ready to become suicide bombers before they became involved with Aware Girls programs. They estimate they have prevented some 200 suicide bomb attacks, representing thousands of lives saved.

In the process, they have also built a network of young peace leaders who are helping to transform their communities and strengthen the prospects for a more tolerant, nonviolent future.

Now, three lessons from our work and our research with peace-builders and specific recommendations for Congress.

The first lesson we have learned is to go local and move upstream. We know that the global effort to prevent and stop atrocities will require a collective multisector approach inclusive of intergovernmental institutions, governments, civil society organizations and networks, academia, and local people.

Robust peace-keeping and rapid interventions have shown some promise, but they are reactive, attempting to stop mass violence only once it is under way.

Effective prevention requires longer-term, earlier action that focuses on local capacity-building and support for actors on the ground.

The U.S. and other international actors should engage more directly with local communities in the design of atrocity prevention strategies and programs and ensure that those most directly impacted by the violence are at the center of long-term prevention efforts.

Congress can specifically support more recognition and engagement with local peace-builders by passing the Global Fragility and Violence Reduction Act of 2018, H.R. 5273.

This bipartisan legislation requires a coordinated strategy within the U.S. Government and with other key stakeholders, including local civil society, young people, women, those who have been marginalized, to develop and implement evidence-based measures that will reduce violence in specific conflict contexts.

We urge Congress to pass this legislation.

The second lesson is to invest wisely in prevention. The World Bank and United Nations recently concluded that investing in preventing the outbreak of violence would be economically beneficial to the tune of an average net savings between \$5 billion and \$70 billion per year.

Yet the prevention of violent conflict remains massively underfunded. What funding is available for prevention and peace-building rarely reaches the frontline actors or contributes to long-term community resilience. It is usually too late, too little, and too difficult for local civil society actors to access.

Congress can play a significant role in improving the U.S. Government's capacities to help prevent mass atrocities by supporting and increasing annual funding for USAID and State Department programs that invest in human rights, good governance, conflict mitigation, and peace-building, particularly where they provide more flexible, core organizational and longer-term support to local actors.

Supporting local actors to prevent violent conflict from escalating into mass atrocities and humanitarian disasters would save precious lives and money and reduce the pressure for our military to deploy again and again to conflict zones.

The third and final lesson for today is a reminder to first do no harm. To play a leadership role in protecting human rights and preventing mass atrocities globally, the U.S. should first ensure that it is not adding fuel to the fire where violence is underway or promoting policies that may unintentionally undermine the protection of civilians or increase the risks of large-scale violence.

In many places where our partners work, weak or abusive governments are a key risk factor in the potential for mass atrocities. In some cases, the governments are actively involved in perpetrating atrocities and may perceive local peace-building as a threat.

How the U.S. Government engages with those governments, its diplomatic, development and military relationships, and how it uses its voice to advocate for, or undermine, human rights and peace-building is critical.

The U.S. Government should make the prevention of mass atrocities and protection of civilians a top priority in its conduct of foreign policy and its engagement with other states.

As one vital step, we urge you to provide strong leadership in reviewing U.S. arm sales policies and specific weapons transfers and to halt any weapon sales that could contribute to the mass suffering of civilians. For example, as we see in Yemen today.

In closing, I would like to again thank this Commission and the co-chairs for the bipartisan leadership you are demonstrating, that ending the mass suffering of innocent civilians is not a partisan issue, and is one to which Congress remains committed.

We at Peace Direct understand that building peace and preventing violence around the globe begins at home, and we look forward to working more with Congress to strengthen local peace-building here in our own country and abroad.

Thank you.

[The prepared statement of Ms. Moix follows:]

PREPARED STATEMENT OF BRIDGET MOIX

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on

Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

Statement of Dr. Bridget Moix Testimony to the House of Representatives Tom Lantos Human Rights Commission Peace Direct

Chairman McGovern and Chairman Hultgren, Members of Congress, congressional staff, colleagues, on behalf of Peace Direct, I want to thank you for the invitation to speak to you today as part of this important and timely hearing on preventing mass atrocities.

Each year, indiscriminate killings and mass violence devastate communities around the globe and take the lives of thousands of innocent children, women, and men. While the large majority of mass atrocities occur within the context of ongoing wars, such attacks can also occur outside the context of armed conflict, in repressive societies with abusive governments or fragile states with poor governance and little accountability for human rights violations. Mass killings of innocent civilians can even occur in our own country, as we have tragically seen again recently. Reducing the risks of mass atrocities is thus an urgent challenge that should seize us all and in which this body has a particularly important role to play.

I am honored today to speak with you about our experience and understanding of what works to prevent mass atrocities, and particularly about what we have learned through Peace Direct's fifteen years of supporting and partnering with local people on the frontlines of violent conflict. For those of you who may not know Peace Direct, we are a non-profit international non-governmental organization working with local people to stop violent conflict and build lasting peace around the world. We are headquartered in London with a small office here in Washington, DC. We work directly with local grassroots peacebuilding organizations in 12 conflict-affected countries, and we conduct research and advocacy on local peacebuilding. We believe, and our experience confirms again and again, that local people are the experts on the problems they face and that they are best suited to develop the solutions their communities need.

Unlike many large international organizations, we do not design or implement programs from the outside. Rather, we seek out local people already doing heroic work to interrupt violence and foster peace in their communities in some of the most dangerous war zones around the world – places like Syria, Sudan, Yemen, Democratic Republic of Congo (DRC), Burundi, Zimbabwe, Pakistan, Sri Lanka, and the Philippines. We support these local peacebuilders and their communities to develop, expand, and increase the impact of their work, strengthening local resilience to violence and helping reduce the risks of future violence.

Although the focus of news reporting on conflict is often on governments and armed groups engaged in the violence, we have never failed to find remarkable civil society organizations, associations, informal networks, and individual leaders organizing at the community level, even in the midst of horrific violence, to stop violence and build peace in every conflict zone around the world.

One of our strategies is to conduct mappings of civil society peacebuilding capacity in conflict-affected countries, some of which is published on our website www.peaceinsight.org. These mappings prove that a far greater local peacebuilding capacity exists than the international community is aware of or engages with. In recent mapping exercises in Mali and Eastern DRC, most civil society organizations had not received any external support and were operating well below the field of vision of most donors and policymakers. For instance, just in South and North

Kivu in Eastern Congo, an initial mapping exercise that we commissioned identified 271 local organizations actively working on peacebuilding, 270 of whom are interested in scaling up their efforts to reintegrate ex-combatants into their communities.

We believe these local peacebuilders are a critical missing link in the world's efforts to prevent mass atrocities and the most untapped resource for peacebuilding globally. Some key capacities and advantages that local actors have are:

- A deep understanding of culture, history and context for interpreting and responding to early warning signs and access to critical information in real time.
- The trust of local communities to address the earliest stages of conflict, engage in reconciliation, and mitigate the risk of atrocities.
- Local knowledge to develop self-protection strategies and prevent gender-based violence.
- Insight into weak governance institutions and how to address gaps, improve accountability, and strengthen state-society relations.

Local peacebuilders are leading in preventive efforts to build resilience and address root causes of mass atrocities. They are often the “canary in the coal mine” for early warning. One of the most effective and cost-efficient ways to help reduce the risks of mass atrocities, then, is to invest in local peacebuilders and their work at the community level, and to help link it up to national and international prevention efforts. Unfortunately, the international community often ignores the importance of local solutions, and as a result trivializes and marginalizes the contributions of local peacebuilders.

Today, I want to share three examples of how local peacebuilding can help prevent atrocities, along with three recommendations from our experience and research for strengthening local peacebuilding as a critical part of the global community's atrocity prevention toolbox. I will also offer specific steps Congress can take to advance those recommendations.

Three Examples of How Local Peacebuilding Prevents Atrocities

1. **Burundi** – Burundi has recently been held up as an example of both the challenges and successes of investing in atrocities prevention, including through efforts by the US government and the Atrocities Prevention Board. While the current situation in Burundi remains deeply concerning, the country has not erupted into mass violence following the highly contested 2015 elections as some feared it would. We credit the Burundian people first and foremost for helping to prevent broad-scale violence, along with significant investments by the international community following the Arusha Accords and in recent years to support community-based peacebuilding in the country. These investments helped rebuild social cohesion at the local level after decades of traumatizing cycles of mass atrocities. They strengthened leadership and resilience of local populations to resist mobilization to violence and seek nonviolent paths of managing crises. Peace Direct has supported local peacebuilding initiatives in Burundi for more than 8 years now, particularly through the work of young people educating their peers on nonviolence and a network of citizen monitors who report and respond to incidents in their communities to tap down violence. Despite stalled high-level peace processes and increasing requirements for international organizations to operate in the country, this work of violence prevention and peacebuilding in communities by Burundians themselves has not stopped. Their experience offers important lessons in how long-term investments in locally-led peacebuilding can build social resilience and help prevent mass atrocities.
2. **Sudan** – For some years now we have worked with a local organization called the Collaborative for Peace in Sudan, which supports local peace committees in some of the hardest to reach areas of the country. The peace committees are local groups that include

leaders from different ethnic groups who meet regularly and organize together to directly intervene when conflicts erupt and help resolve disputes. An independent evaluation found that by supporting these local peace committees over five years and providing small amounts of rapid response funds, they were able to intervene and resolve 32 disputes involving multiple tribes in South and West Kordofan, before they escalated into violence. These local peace committees can function with quite small resources, but they do need funds for vehicles, gas, and other basic transportation. In one example local peace committees were able to intervene in a dispute between two groups in South Kordofan, an area out of bounds for most of the international community, who were threatening war against each other and had mobilized their fighters. Not only did the peace committee succeed in brokering a peace agreement to prevent fighting, but they also relocated 1,000 people from an IDP camp as well as all the students in a nearby school, in order to remove innocent people from harm's way. This is a good example of how building community resilience over time through the establishment of peace committees led to the protection of civilians in a high atrocity risk situation.

3. **Pakistan** – Finally, an example from Pakistan which speaks to the power of young people, particularly women, in pushing back against extremist violence. For more than ten years now, Peace Direct has supported Aware Girls, an organization working with young people, particularly young women and girls, in Taliban strong-hold areas to promote nonviolence and reduce recruitment into armed groups. Aware Girls was founded by two remarkable young women, Gulalai and Saba Ismail, who opted out of extremism and chose instead to mobilize other young people to build peace. Aware Girls began with just a few volunteers and now supports a network of over 500 young people across Northwest Pakistan and across the border in Afghanistan, who are directly intervening with their peers who are at risk of being recruited into armed groups and providing them with an alternative path to become leaders in their communities through nonviolent social organizing. They have documented testimonies of participants in their programs who attest that they were prepared to become suicide bombers until they discovered through Aware Girls' programs that there was another option for belonging and leadership. To date, Gulalai and Saba estimate that Aware Girls has prevented 200 potential suicide bomb attacks, suggesting thousands of civilian lives saved. In the process, they have also built a network of young peace leaders who are helping to transform their communities and strengthen the prospects for a more tolerant, nonviolent future.

Three Lessons from Local Peacebuilders to Prevent Atrocities

In addition to directly supporting local peacebuilders and their work, Peace Direct also conducts research with local civil society to better understand what works to prevent violence and advance peace. In 2017, as part of our Local Voices for Peace project, which has been supported by the US Institute of Peace, we held a four-day online consultation with over 90 civil society practitioners and experts around the world on peacebuilding approaches to preventing atrocities. We learned a great deal through this dialogue about what local people who experience the realities of atrocities believe needs to be done to prevent violence, and what they are already doing to build resilience in their communities. A full report of the findings of the peace exchange are available online and I would like to request that the Executive Summary of the report be entered into the record with my testimony today.

Today I will share just three key lessons from our experience and research with local peacebuilders, as well as specific recommendations from Peace Direct for Congress.

1. **The first lesson is to go local and move upstream.** We know that the global effort to prevent and stop atrocities will require a collective, multi-sector approach inclusive of intergovernmental institutions, governments, civil society organizations and networks, academia, and local peacebuilders. Robust peacekeeping and rapid interventions have

shown some promise, but they are reactive, attempting to stop mass violence only once it is underway. Effective prevention requires longer term, early action that focuses on local capacity building and support for actors on the ground: those who experience the early warning signs of possible mass atrocity and genocide. Getting ahead of mass atrocities to prevent the killing before it starts means investing earlier to strengthen the capacities of societies find nonviolent solutions when conflicts arise and to resist the dehumanizing processes that mass atrocities require.

Local peacebuilders utilize a diverse range of strategies and approaches, tailored to their specific contexts, to help prevent mass atrocities. These include creating opportunities for dialogue and understanding across ethnic, religious, and other groups; promoting grassroots reconciliation and addressing root causes of violence; preventing and responding to sexual and gender-based violence; supporting youth as positive peace leaders in their communities; and developing early warning and response systems.

Donors and policymakers should support (politically and financially) these kinds of inclusive and adaptive local efforts to prevent violence and strengthen community resilience over the long term. The US and other international actors should engage more directly with local communities in the design of atrocity prevention strategies and programs, and ensure that those most directly impacted by violence are at the center of long-term prevention efforts.

Congress can specifically support more recognition and engagement with local peacebuilding actors by passing the Global Fragility and Violence Reduction Act of 2018 (H.R. 5273). This bipartisan legislation requires a coordinated strategy within the US government and with other key stakeholders, including local civil society, to develop and implement evidence-based measures that will reduce violence in specific conflict-affected countries. Specifically, the bill requires that the Administration create “interagency plans to ensure appropriate local actors, including governance and civil society entities, and organizations led by women, youth, and under-represented communities have roles in developing, implementing, monitoring, evaluating, and updating relevant aspects of each such pilot country plan.” We urge Congress to pass this legislation.

2. **The second lesson is to invest wisely in prevention.** The World Bank and United Nations recently concluded that investing in preventing the outbreak of violence would be economically beneficial, with average net savings between \$5-70 billion per year (Pathways to Peace, 2018). Yet, the prevention of violent conflict remains massively underfunded while the costs of violent conflict to the global community escalate, now exceeding \$14 trillion per year. What funding is available for prevention and peacebuilding rarely reaches those frontline actors or contributes to long-term community resilience. Despite broad recognition that effective foreign assistance in conflict contexts requires flexible and integrated funding mechanisms and multi-year timelines, much of the donor funding available for atrocity prevention is too little, too late, and too difficult for local civil society actors to access.

Donor funding structures should be more focused on strengthening local capacities for atrocity prevention by investing in longer-term programming, core organizational support and rapid response funding instruments in the full cycle of conflict, from its root causes to ongoing atrocities to recovery. International donors should establish and invest in innovative financing structures to support locally-led prevention, as recently recommended by the World Bank and UN. In addition, the private sector can play a key role in supporting local peacebuilding by mobilizing new investments that can catalyze and help scale grassroots efforts in sustainable ways.

Over recent years, the US government has developed a number of funds and programs within USAID and the State Department which are improving the investments of tax payer dollars toward long-term prevention and building societal resilience against atrocities. Investments in human rights, democracy, governance, conflict management, and peacebuilding are vital to preventing violence today and saving lives and dollars in the future. They should be at the forefront of our civilian capacities and any reform efforts within State and USAID.

Congress can play a significant role in improving the US government's capacities to help prevent mass atrocities by supporting and increasing annual funding for these civilian programs and providing oversight that helps ensure funding reaches and includes local peacebuilders to lead the design, implementation, and monitoring of programs. Supporting local actors to prevent conflicts from escalating into mass atrocities and humanitarian disasters would save precious lives and treasure, and would reduce the pressures for our military to deploy again and again to foreign conflict zones.

3. **The third lesson is a reminder to first Do No Harm.** To play a leadership role in protecting human rights and preventing mass atrocities globally, the US should first ensure that it is not adding fuel to the fire where violence is underway, or promoting policies that may unintentionally undermine the protection of civilians and increase the risks of large-scale violence.

In many places where our partners work, weak or abusive governments are key risk factor in the potential for mass atrocities. In some cases, governments are actively involved in perpetrating atrocities and may perceive local peacebuilding efforts as a threat. How the US government engages with those governments, its diplomatic, development, and military relationships, and how it uses its voice to advocate for, or undermine, human rights and peacebuilding is critical.

As one example of which this body is well aware, the US has been criticized for the sale of weapons to Saudi Arabia that continue to be used against civilians in Yemen. Congress, and this Commission in particular, has a critical role to play in ensuring oversight for US involvement in wars, including weapons sales. We urge you to provide strong leadership in reviewing US arms sales policies and specific weapons transfers to ensure we are not increasing the risks of human rights abuses and mass atrocities or fueling violence against civilians. We urge you to halt any weapons sales that could contribute to the mass suffering of civilians in Yemen or elsewhere. If we are serious about our commitment to upholding human rights and the commitment of "never again," then the US government should make the prevention of mass atrocities a top priority in its conduct of foreign policy and its engagement with other states.

In closing, I would like to again thank this Commission and its Co-Chairs for the bipartisan leadership you have steadily shown to supporting human rights and promoting more peaceful and just relationships around the world. Earlier this year, and thanks to many of you, the House of Representatives passed the Elie Wiesel Genocide and Atrocities Prevention Act, demonstrating that ending the mass suffering of innocent civilians is not a partisan issue and is one to which Congress remains committed. Thank you. We hope to see the Senate pass this bill soon as well, and to continue building on the growing momentum around these issues in the next Congress.

At Peace Direct we increasingly understand that the work of building peace and preventing violence around the globe begins in our own backyards, and we look forward to working more with Congress to strengthen local peacebuilding here and abroad.

Mr. McGOVERN. Thank you very much. Mr. Mayerhofer.

**STATEMENT OF JACK MAYERHOFER, CHIEF OF STAFF,
AUSCHWITZ INSTITUTE FOR PEACE AND RECONCILIATION**

Mr. MAYERHOFER. Thank you very much, Chairman McGovern.

My name is Jack Mayerhofer, and I am the chief of staff at the Auschwitz Institute for Peace and Reconciliation. And I would really like to thank you and the Tom Lantos Human Rights Commission very much for holding this hearing.

AIPR is a nongovernmental organization that provides education, training, and technical assistance to governments for the prevention of genocide and other atrocity crimes. We believe at AIPR that genocide prevention is an achievable goal, that there are signs and symptoms, and there are viable options to take if we are committed to doing so. And so we take a very early and upstream approach to prevention.

To date, in our work, we have worked with more than 4,300 government officials from over 80 states to assist our partners however we can with the tools and trainings so that they themselves can do the work of prevention at the national level, addressing their locally identified areas of risk to reduce marginalization.

Our longest-running and largest programs take place at a global level at Auschwitz and at the regional level in East Africa and in Latin America, where AIPR serves as the technical secretariat to Latin American Network for Genocide and Mass Atrocity Prevention.

Now, to speak more specifically about what this work actually looks like in practice, this work begins with consultations with our partners in government to understand where are the largest areas of concern as identified by the local actors and then to develop training and educational programs that support those government officials in addressing them.

We believe that for prevention to be sustainable, it must happen first and foremost at home at the national level. And as this Commission has noted in previous hearings, we agree that there is no one-size-fits-all formula, and a tailored and local approach must be used.

So to provide a very concrete example of this work, I will speak briefly about a case in Tanzania, where we work with what is called the Tanzanian National Committee for the Prevention of Genocide, or the TNC.

This is an interministerial government body dedicated to atrocity prevention that critically also includes experts from civil society and grassroots organizations. We commonly refer to this type of institution as a national mechanism for atrocity crimes prevention whose responsibilities are primarily horizon-scanning for risks and then coordinating a whole-of-government approach for addressing them.

The Tanzanian National Committee identified one particular area of concern in the eastern regions of Morogoro and Kiteto, where conflicts between farmers and pastoralists had developed over competition for land.

Now, while this initially started as a professional dispute, because in this region farmers and pastoralists came from different ethnic communities, it quickly took on the form of identity-based violence with attacks and killings happening on both sides.

So when looking at this through an atrocity prevention lens, the TNC saw the risk factors present of identity-based social divisions, low levels of economic development, as well as unequal and discriminatory access to public goods.

So while this was not at a level where genocide was imminent, the TNC did recognize that certain identity-based violence risk factors were present and prioritized addressing them at the earliest stage possible.

So after consulting with our partners, we organized a series of trainings for the TNC bringing in a wide range of experts that addressed this very issue. And following these programs, the TNC themselves went on to implement what are called peace fora, or local mediation programs, that were facilitated by members of the TNC but driven by the local community members involved in the conflict to ensure that the solutions that came out of it were enduring and sustainable.

Now, this work has gone to drastically reduce the attack rate in these regions and has been replicated in other areas of Tanzania and with state partners throughout the Great Lakes region.

Now, this is just one of the forms that early upstream prevention can take: government and civil society actors taking early, concerted action, to address identified risk factors before they can escalate.

Now, finally, to conclude, I would like to give just a few comments regarding how Members of Congress and what parliamentarians can do to support this type of atrocity prevention work.

When we speak about legislators and atrocity prevention, we often speak about three key areas: passing legislation and allocating resources, educating and advocating for specific human rights issues, and providing oversight to atrocity prevention policy.

So first and most obviously, legislators can pass legislation, like the Elie Wiesel Genocide and Atrocities Prevention Act, and ensure that budgets include development aid that supports early upstream prevention. Elected officials can initiate delegation visits, and institutionalize or create new bodies that are dedicated to atrocity prevention like a national mechanism, an all-party parliamentary group, or a subcommittee on crisis prevention, as we see in Canada, in the United Kingdom, and in Germany.

It should be noted here how crucial the support of legislators is for these national mechanisms. We have seen around the globe that without the necessary resources it is very difficult for them to carry out the work that they have been tasked to do.

Elected officials can also contribute to atrocity prevention through advocacy and education. They can use their speaking privileges to prevent an issue from disappearing from the public conscience, like, for example, when Senator William Proxmire delivered 3,211 speeches over a period of 20 years urging the U.S. Senate to ratify the Genocide Convention.

And finally, elected officials can also use their position to clarify misconceptions on public discourse. For example, explaining that early prevention does not include coercive military force.

And lastly, parliamentarians and Members of Congress can contribute to atrocity prevention to their oversight powers. Legislators can submit questions to government and organize hearings where government officials are asked how a given policy will either reduce or possibly exacerbate existing risk factors. And they can, of course, request reports from government on how provided recommendations are actually being implemented and keep a record of that progress.

So these are just a few brief examples of the way that legislators can support atrocity prevention work. And I thank you very much.

[The prepared statement of Mr. Mayerhofer follows:]

PREPARED STATEMENT OF JACK MAYERHOFER

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

Statement of Jack Mayerhofer
Chief of Staff
Auschwitz Institute for Peace and Reconciliation

Thank you very much Chairman McGovern, my name is Jack Mayerhofer and I am the Chief of Staff at the Auschwitz Institute for Peace and Reconciliation, AIPR, and I would like to thank you, Chairman Hultgren, and the Tom Lantos Human Rights Commission for inviting me to speak today.

AIPR is a nongovernmental organization with offices in New York, USA, Buenos Aires, Argentina, Kampala, Uganda, and at the former Nazi concentration camps at Auschwitz. We provide education, training, and technical assistance to governments for the prevention of genocide and other atrocity crimes. At AIPR, we believe that atrocity prevention is an achievable goal, that is there are signs and symptoms and viable options to prevent them, if we are committed, and so we approach this work taking a very early and upstream view to prevention.

As some of the materials for this hearing rightly noted, while much of the global attention has been focused on crisis and conflict response, we advocate for taking a much earlier and long-term approach to prevention. Genocide does not occur overnight. Instead it is a process, and that means that that process can be interrupted at different stages throughout its development. Equally important, genocide *prevention* is also a process, one that must be sustained and not simply a one-off engagement.

To date, we have worked with over 4,300 government officials from more than 80 States to assist our partners with the necessary tools and training so that they can do the work of prevention at the national level, addressing their locally-identified areas of risk in order to reduce marginalization.

Our longest running program, the Raphael Lemkin Seminar for Genocide Prevention, is a week-long training seminar for government officials that takes place at Auschwitz. In addition, we have two regional programs in East Africa and in Latin America. Through AIPR's Africa Programs, led from our office in Kampala, we work with governments throughout the Great Lakes Region, to provide State institutions with the necessary tools to recognize and respond to risk factors such as marginalization and discrimination. In Latin America, AIPR serves as the technical Secretariat to the Latin American Network for Genocide and Mass Atrocity Prevention, an inter-governmental Network of 18 States that cooperates for training and policy making on atrocity prevention.

More recently, the Auschwitz Institute has established an Educational Policies Program that engages with educators and Ministries of Education to develop curriculum and teaching tools targeted at younger generations, in order to build a more democratic, tolerant, and resilient society upstream, at an earlier stage. One of the States where this work is currently taking place is El Salvador.

Finally, AIPR also engages with Members of Parliament and Congress around the world to assist those elected officials in their work contributing to atrocity prevention.

Now to speak more specifically about what early State-action for atrocity prevention looks like in practice. This work begins with consultations with our partners in government to understand where are the areas of greatest concern, as identified by the local actors, and then to develop training and educational programs to provide the necessary support to those State officials to respond to them. For prevention to be sustainable, we believe that it must happen first and foremost at home. As this Commission has already noted in past hearings, there is no one-size-fits-all formula for preventing atrocities, instead a local and tailored approach must be used.

To provide a concrete example of this work, I will speak briefly about the case of Tanzania, where we work with what is called the Tanzanian National Committee for the Prevention of Genocide, or the TNC. This is an inter-ministerial government body dedicated to atrocity prevention that includes representatives of the Ministries of Justice, Foreign Affairs, Defense, Interior, and Prime Minister's office among others. Crucially, there is also participation from experts from different civil society and grassroots organizations. We commonly refer to such institutions as National Mechanisms for Atrocity Crimes Prevention¹. There are inter-agency or inter-ministerial government bodies whose responsibilities are primarily horizon scanning for risks and coordinating a whole of government approach for addressing them. To be completely successful, National Mechanisms should work to respond to areas of concern both at home and abroad.

The Tanzanian National Committee identified one particular area of concern in the eastern regions of Morogoro and Kiteto where conflicts between farmers and pastoralists had developed over competition for land. While initially this was a professional dispute, because pastoralists and farmers in this region happened to come from different ethnic communities, it quickly took on the form of identity based violence with attacks and killings happening on both sides. When looking at this through an atrocity prevention lens, the TNC saw the risk factors present of identity-based social divisions, low-levels of economic development, and discriminatory and unequal access to goods between groups. While this was not at a level where the commission of genocide was

¹ Auschwitz Institute for Peace and Reconciliation – Booklet on National Mechanisms for Atrocity Crimes Prevention, 2015 Edition. http://www.auschwitzinstitute.org/wp-content/uploads/2015/06/AIPR_National_Mech_Booklet_2015.pdf

imminent, the TNC recognized that certain identity-based violence risk factors were present and prioritized addressing them at the earliest stage possible.

After consulting with our partners, we organized a series of trainings for the TNC with a wide range of experts that addressed this very issue. Following these programs, the TNC then went on to implement what are called “Peace Fora,” local level mediation programs that were facilitated by members of the TNC, but driven by the community members themselves in order to establish sustainable and enduring solutions. This has drastically reduced the attack rate throughout these regions and is something that the TNC has gone on to replicate in other areas in Tanzania as well as share with neighboring States in the Region. This is one of the forms that early prevention can take, governments and civil society actors taking early, concerted action, to address identified risk factors before they can escalate.

Regarding the role of the private sector and prevention, we have had the opportunity to work with the Stanley Foundation on a number of programs on this topic. We agree entirely with their analysis, and would also like to add that a crucial contribution in this field can also be made by law firms, when considering the keen insight and research they often have on this topic. White & Case LLP, for example, has been one of the leading actors in this field. Other best practices can be seen with Kosmos Energy LTD on the subject of transparency and government relations, as well as Nestlé Colombia regarding supply chain due diligence.

Finally, I’d like to conclude with a few comments regarding how members of Congress and parliamentarians around the world can support atrocity prevention work. When we speak about the legislative role in atrocity prevention, we often speak about three main areas:

- 1) Passing legislation and allocating resources
- 2) Advocating and educating for certain human rights issues
- 3) Providing oversight and accountability on atrocity prevention policy

First and most obviously, legislators can ratify international treaties on prevention and human rights issues such as the Genocide Convention, but also the ICCPR, ICESCR, Convention on the Rights of the Child, and the Convention Against Torture among others. Speaking about domestic legislation, they can pass bills like the Elie Wiesel Genocide and Atrocities Prevention Act in the United States. It should be noted here how important it is that this legislation include dedicated funding for atrocity prevention implementation as well as the institutionalization of either the Atrocities Prevention Board or the Task Force. Removing the Task Force from such legislation would weaken the United States’ ability to coordinate a timely and whole of government response to situations at high risk. Similar legislation is currently being considered in other countries as well, for example in Uganda, Kenya, and Paraguay.

Members of Congress can ensure that approved budgets include development aid that supports upstream prevention globally. In addition, elected officials can initiate delegation visits and fact finding missions in areas of concern to collect information and raise the profile of that marginalized group. They can establish early warning systems, allocate resources for the care of victims, and call for the appointment of R2P Focal Points. They can create or institutionalize new bodies that are dedicated to atrocity prevention, such as national mechanisms, All Party Parliamentary Groups for Genocide Prevention, or sub-committees on crisis prevention, as has been done in Canada, the United Kingdom, and Germany.

It should be noted here in particular just how essential the backing of legislation is to the ability of a national mechanism to fulfil its mandate. As we have seen in different cases around the world, without the necessary resources, it is very difficult for these inter-ministerial bodies to carry out the work that they are tasked to do.

Elected officials can also contribute to atrocity prevention through advocacy and education initiatives. Legislators can designate a given month to raise awareness for atrocity prevention more largely, as has been done through the Canadian parliament. This can be used to educate the larger public on the importance of these issues. Members of Congress can use their speaking privileges to prevent an issue from disappearing from the public conscience, like when Senator William Proxmire delivered 3,211 speeches over a period of 20 years, urging the US Senate to ratify the Genocide Convention. Finally, elected officials can also use their position to clarify misconceptions in the public discourse. I've had many conversations over the years with legislative and executive branch officials who believe that the Responsibility to Protect focuses almost entirely on coercive military intervention. In these conversations, Libya is often highlighted as a quintessential example of R2P in action, when in fact it is the rare exception. Legislators can dispel these false notions explaining that early prevention in fact does not include coercive military force, as well as providing positive-counter examples of R2P in practice.

Lastly, parliamentarians and Members of Congress can contribute to atrocity prevention through their oversight powers. Legislators can submit questions to government and organize hearings to ask State officials how a given policy will either reduce or exacerbate existing risk factors. They can request reports from government on how recommendations that have been provided are actually being implemented, and keep a record of that progress. Finally, legislators can help avoid unintended consequences of free trade agreements by asking a series of atrocity prevention specific questions before approving a given piece of legislation such as, "how will this reduce or increase inequality between groups, how will this improve or deteriorate an existing lack of access to basic goods and services, how will this affect, negatively or positively, political instability in a given country" among other possible risk factors.

These are just a few brief examples of ways that legislators can support the work of government and civil society in promoting early prevention.

Mr. MCGOVERN. Thank you very much. Mr. Mohan.

**STATEMENT OF VASU MOHAN, INTERNATIONAL FOUNDATION
FOR ELECTORAL SYSTEMS (IFES)**

Mr. MOHAN. Respected chairman and distinguished members of the Commission, on behalf of the International Foundation for Election Systems, IFES, I thank the Tom Lantos Human Rights Commission for holding this critical series, and I deeply appreciate this opportunity to testify.

My testimony today will focus on the link between political empowerment of vulnerable and marginalized communities and the prevention of mass atrocities.

"The will of the people shall be the basis of the authority of government, and this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

This article from the Universal Declaration of Human Rights provides the foundation for IFES' work over the past three decades in 145 countries.

We at IFES promote international electoral integrity and democratic inclusion by providing technical assistance to election officials and empowering all people to participate in electoral and political processes.

As people in society gain a voice in who governs them and how they are governed, we increase the chance that government serve the interests of all people and protect them from discrimination, intimidation, and violence.

Sadly, mobilizing groups of people to commit acts of hate against others has become an all too common tactic in electoral politics today, as has state-sponsored intimidation and violence. The use of social media to propagate disinformation and hate and overall shortage of credible verification mechanisms has added a further layer of complexity to this problem.

Together, these harmful trends violate the rights to equality and dignity, the right to safety of person, the right to assemble and associate, and the right to participate in government.

What political leaders often fail to recognize is that once set loose, these powerful negative forces are difficult to rein back in, and they may lead to hate crimes, communal violence, and even mass atrocities.

I want to draw your attention to two broad strategies that IFES uses in our work and that we have learned from to prevent hate crimes and sectarian violence in elections. One approach is designing inclusive electoral systems, institutions, and processes. The other is increasing the leadership capacity of election authorities to counter hate speech and promote electoral security for all.

A well-designed electoral system can help mitigate conflict and create opportunities for accommodating rights of minorities and other vulnerable and disenfranchised populations. Conversely, a system that does not take into account disenfranchisement and exclusion, or actively promote inclusion, could result in severe harm and instability.

In designing electoral systems, we consider questions such as what requirements should be imposed on political parties contesting in post-conflict elections in countries with deep sectarian divisions? Should regional, ethnicity or religion-based parties be accommodated, and if so, at what level of government and what might be the risks?

Should certain individuals such as those under war crimes investigations be banned from running for office? Should codes of conduct for political parties include provisions that punish the use of disinformation, hate speech, or incitement to communal violence, and how should these codes be enforced?

In terms of the electoral process itself, do all people, particularly women in marginalized communities, have safe and equal access to the entire electoral and political process, beginning with the voter registry, that is inclusive and representative of the entire population? Can they run for office safely?

In a recent IFES white paper on countering hate speech in elections, we recommend several ways in which electoral institutions can address challenges to election security. I would like to highlight five lines of action.

One, election commissions should build broad-based partnerships that leverage existing mandates, capabilities, and resources of government institutions, independent agencies, media, and civil society.

Two, election commissioners should speak out against hate speech and raise awareness of its consequences, which in turn can help mobilize a positive public response.

Three, the election commission should engage relevant security agencies and civil society, particularly those representing vulnerable groups in election security efforts.

Four, effective and timely adjudication of cases involving hate speech and incitement to violence during election campaigns is essential to promote accountability and electoral justice.

Five, election commissions can raise awareness and educate voters through voter education programs, as well as long-term civic education programs. These will raise civic and media literacy levels and reduce the public's vulnerability to hate speech, disinformation, and calls to violence during elections.

In all these endeavors, deep local knowledge, wisdom and understanding are critical.

We ask Congress to consider the following. In the design of electoral assistance programs supported by U.S. Government, sufficient emphasis should be placed on, and resources allocated to, analyzing the potential for hate speech, hate crimes, and violence against disenfranchised groups, and devise interventions that could counter and support networks of national champions for electoral security and democratic inclusion.

When designing programs that address reconciliation and marginalization, consider the important role played by electoral and political processes in potentially exacerbating hatred and discrimination on the one hand, or providing a venue for constructive civic engagement and political empowerment on the other.

Lastly, we as Americans should set a high standard for ourselves, exerting every effort to eliminate any form of hate speech or intimidation from our own electoral process.

As Dr. Martin Luther King, Jr., said, "Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that."

We need to deeply understand this interconnectedness, that diversity is a strength and not a liability, and make our policies reflect that.

Think of society as a body with millions of cells of extraordinary diversity and forms and function, all collaborating to make the existence of the human being possible.

Could institutions then inspire societies and nations to think of themselves similarly and seek a future where the dignity of each individual is respected, and where all people are able to safely assemble, associate, and participate in government, so that truly the will of the people forms a basis of the authority of government?

Thank you again for this opportunity to testify.

[The prepared statement of Mr. Mohan follows:]

PREPARED STATEMENT OF VASU MOHAN

House Foreign Affairs Committee
Tom Lantos Human Rights Commission



Hearing
on
Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

Statement of Vasu Mohan
Regional Director, Asia-Pacific, Technical Lead, Election, Conflict and Security
International Foundation for Electoral Systems (IFES)

Chairmen McGovern and Hultgren, and other distinguished Members of the Commission – on behalf of the International Foundation for Electoral Systems (IFES), I deeply appreciate this opportunity to testify, and thank the Tom Lantos Human Rights Commission for holding this critical hearing series. My testimony will focus on the connection between the political empowerment of minorities and vulnerable groups and the prevention of mass atrocities.

“The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” This phrase from the Universal Declaration of Human Rights (UDHR) provides the foundation of IFES’ work. As a global leader in democracy promotion, IFES advances good governance and democratic rights by providing technical assistance to election officials; empowering the underrepresented to participate in the political process; and applying field-based research to the electoral cycle. For more than three decades, IFES has worked in over 145 countries to ensure there is a vote for every voice.

The ability for people to participate in elections free from the fear of harm is essential to inclusive, credible elections, and protected by the right to human security and universal suffrage. As all people in society gain a voice in who governs them and how they are governed, we increase the chances that governments serve the interests of all people and protect them from discrimination, intimidation, and violence.

At their core, elections are an exercise in non-violent conflict management, a contest of which ideas, policies and approaches serve society better. They are an alternative to violence as a means to determine who governs. However, because they are at the nexus of power and influence, those seeking power at any cost for self-interest and gain often use any means available to them to win elections. Sadly, mobilizing groups of people to commit acts of hate against others has become an all too common tactic in electoral politics today as has state-sponsored intimidation and violence. The use of social media to propagate disinformation and hate and the overall shortage of credible verification mechanisms have added a further layer of complexity. What political leaders often fail to realize is that once set loose, these powerful negative forces are difficult to rein back in and they may lead to a spiral of violence and even mass atrocities. These harmful trends violate the right to equality and dignity, and the right to personal safety, the right to assemble and associate, the right to participate in elections.

In today's testimony, I will cover two important factors that connect the election process and political violence:

1. Designing Inclusive Electoral Systems, Institutions and Processes
2. Role of Election Management Bodies (EMBs) in Preventing Hate Speech and Electoral Violence

I. Designing Inclusive Electoral Systems, Institutions and Processes

Electoral Systems

A well-designed electoral system can help mitigate conflict and create opportunities for accommodating rights of minorities and other vulnerable or disenfranchised populations. Conversely, a system that does not take into account disenfranchisement and does not promote inclusion, could result in severe harm and instability.

The main role of election systems is to translate the votes cast into seats in legislatures. Some systems favor large parties and some ensure that small parties also receive seats in legislatures. Some systems support intra-party cohesion and others create competition between members of the same party and lead to factions. Some systems require cross-party collaboration to form alliances needed to form government. And others lead to parties forming around ethnic or religious lines. In general, winner-take-all systems tend to favor dominant communities and exclude minority voices.

The following are examples of two systems that could enhance greater inclusion in democracies that face deep ethnic, religious or linguistic divisions. One is closed-list proportional representation (PR) and the other is reserved seats for ethnic, linguistic or other minorities.

1. Closed-list PR delivers highly proportional election results; is relatively invulnerable to gerrymandering; and is simple for both voters and electoral officials. South Africa's transitional 1994 election is often cited as a good example of this system and its benefits. This system also allows parties to place women or ethnic minorities in winnable places on their party list. But proportionality alone will not encourage accommodation or mitigate inter-ethnic tensions. Consider the case of Bosnia and Herzegovina (BiH). The different ethnic groups in BiH are represented in Parliament in proportion to their numbers in the community as a whole. Parties can rely exclusively on the votes of members of their own community for their electoral success, and therefore there is little incentive for them to behave accommodatively on ethnic issues. In fact, the incentives work in the other

direction. As it is easy to mobilize support by playing the “ethnic card,” major parties in BiH have every incentive to emphasize ethnic issues and sectarian appeals.

2. Reserved seats for ethnic, linguistic or other minorities is another electoral system design that promotes conflict management. This system explicitly recognizes the overwhelming importance of group identity in the political process, and mandates this in the electoral law so that ethnic representation, and the ratio of different ethnic groups in Parliament, is fixed. Many countries reserve a few seats for such groups: e.g., Jordan (Christians and Circassians), India (historically marginalized “scheduled” castes and tribes), Pakistan (non-Muslim minorities), Colombia (“black communities”), Slovenia (Hungarians and Italians), Taiwan (Aboriginal community). However, it is often argued that a better strategy is to design structures that nurture a representative and integrated Parliament naturally, rather than to impose members who may be viewed as “token” parliamentarians with representation but with no genuine influence.

The process of electoral system design should be transparent and include input from a wide range of stakeholders. A broad-based and inclusive process builds public confidence. Regardless of the system chosen, certain measures that impact party formation and behavior might also have an impact on protecting minority voices and mitigating or preventing violent conflict. For instance: What requirements should be imposed for parties contesting post-conflict elections or elections in countries with deep sectarian divisions? Should there be requirements for broad-based support across ethnic/geographic/religious spread? Should regional, religious-based, etc., parties be accommodated and if so, at what level of government and what are the risks? Should certain individuals such as those under war crimes investigations be banned from holding party office? Should codes of conduct for political parties include provisions that punish use of disinformation, hate speech, or incitement to communal violence and how should these codes be enforced?

Electoral Process

Equally important for promoting inclusive democracy is safe and equal access to the entire electoral process for all people, particularly marginalized communities, beginning with a voter registry that is inclusive and representative of the entire population. Often, socially marginalized communities also tend to be politically marginalized and have barriers to access the voter registry. It is imperative that EMBs make every effort to include as large a percentage of eligible voters as possible. Identifying and removing barriers to disenfranchised groups from accessing polling places must become a standard part of electoral operations. Some strides are being made in terms of access to persons with disabilities through polling station accessibility audits, which provide a good model. Voting recognizes people as full citizens of their countries. Voting makes their voices heard. And registration and voting give them an opportunity to continue further into the political arena as election officials, civil servants and even elected representatives – all steps that are extremely important to achieve equality, non-discrimination and security. A word here about the importance of a robust and effective electoral dispute resolution system that prosecutes violations of electoral laws. Deterrence and rule of law matter in a society and that starts with elections. If political actors know they can get away with electoral violations, they have less incentive to stop once in office. Prosecution for electoral crimes is extremely low globally. This sets a precedent for impunity. If the rules governing the resolution of election claims are unclear or do not provide for effective remedies, or if arbiters are biased or poorly trained, the adjudication process can destabilize governments, undermine public trust, and engender violence. EMBs and those responsible for regulatory frameworks should ensure the compliance of electoral justice systems with international and regional public law obligations and promotion of effective and fair adjudication.

Electoral Institutions

When it comes to formation of institutions such as EMBs and adjacent institutions that also have an impact on elections such as media commissions, human rights commissions, ministries of information, police and civil service – the more credible, competent and inclusive they are, the more

they can contribute to genuine elections. In post-conflict and divided societies, institutions need to engender the trust of the various groups they seek to serve. A few important considerations:

1. EMB composition, who selects them and how inclusive this process is, is extremely important. Minorities should be reflected in senior positions in these institutions if gaining their trust is a priority. For example, the chairman of the Commission on Elections of the Philippines comes from the minority Muslim community, a fact that greatly enhances public trust in the institution that must deliver a referendum relating to the Muslim Mindanao region next year. One of the three commissioners in the Election Commission of Sri Lanka comes from the minority Tamil community. In both cases, the individuals chosen are accomplished and competent which makes their role in the EMB much more than merely representative;
2. EMBs should ensure that they act independently, free from any political interference, as well as project this independence clearly;
3. EMBs should have adequate powers and checks and balances through effective election dispute resolution and complaints and appeals processes on these powers; and
4. EMBs should implement election management activities with competence as well as impartiality.

In terms of structure, there are three broad models of EMBs – independent, governmental and mixed. The independent model, where the EMB is not an entity that answers to the executive, is highly recommended for countries emerging from conflict or facing deep sectarian divisions. This model promotes trust especially as the EMB may need to protect the safety and security of any groups facing electoral discrimination or violence.

In cases where there is deep distrust between communities or conflict of interest such as in referenda, some international involvement may boost trust. Examples include Namibia (1989), Cambodia (1993), South Africa (1994), Timor-Leste (Popular Consultation in 1999 and Constituent Assembly in 2001), Afghanistan (2004), and more recently, related to the Bougainville referendum, where the referendum committee chair is an international election management specialist from Ireland. In other cases, fully national EMBs have overseen post-conflict transitions such as Burundi (2005). In most cases today, national EMBs organize elections in deeply divided societies. The Kosovo election commission has 11 members – the chair is a Supreme Court justice, six members are appointed by the six largest parties in the National Assembly (i.e., Albanian), one by Serbian parties in the Assembly, and three by the Turkish, Roma, Ashkali, Bosniak, and Egyptian parties in the Assembly.

II. Role of EMBs in Preventing Hate Speech and Electoral Violence

Electoral Institutions have a critical role to play in protecting the right of minorities and preventing elections from being used as a platform to spread hate and incitement to violence. I recently co-authored an IFES white paper to help EMBs better understand the range of issues surrounding hate speech during the electoral cycle and the regulatory and non-regulatory options that may be brought to bear.

The IFES approach to this topic is based on international standards, foremost the UDHR and the International Covenant on Civil and Political Rights; but also International Convention on the Elimination of all Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on Rights of Persons with Disabilities, United Nations Declaration on the Rights of Indigenous Peoples, and Convention on the Prevention and Punishment of the Crime of Genocide.

EMB should be aware of the full set of national constitutional provisions, articles of law, regulations, and key court rulings that address hate speech, along with any international obligations and where they fit into the hierarchy. By doing so, EMBs can better understand their obligations

and limitations under the law, the legal options available to them, and the mandated responsibilities of other institutions with which they might partner.

EMBs should always consider:

1. What can they as electoral institutions do directly under the law to combat hate speech?
2. What other government agencies and independent bodies have responsibilities to counter hate speech and with which they might collaborate on and coordinate a response?
3. What legal reforms might be needed to address gaps or inconsistencies in the law or to provide greater clarity?

EMBs need to be aware that regulatory responses to hate speech are controversial in that they involve restrictions on access to information, free speech, and even political and electoral rights. Fundamental guarantees such as free speech and anti-discrimination can come into conflict with each other and can be difficult to balance. As such, EMBs will need to tread carefully. Moreover, regulatory responses are fraught with a range of other potential problems, including definitional issues, implementation and enforcement challenges, and politicization and abuse of the law. EMBs will face additional considerations including the centrality of free speech and competing ideas to election campaigns, the need to maintain neutrality and treat candidates equally, the application of appropriate and proportionate penalties, and the need to provide for a safe electoral environment.

We also unequivocally state that incitement of hate directed against women, a phenomenon that has been exacerbated globally by social media, in the electoral process is indeed hate speech, as some national and international definitions tend to leave gender/sex out of the definition. Here it is important to refer to IFES' comprehensive violence against women in elections (VAWE) framework to address physical and psychological violence and intimidation against women.

It is the fundamental duty of an EMB to provide for a safe electoral environment. Globally, electoral violence is both widespread and diverse. In 2014, 27 countries spanning five continents experienced it, including states with long-standing democratic institutions (e.g., India) and those beset by fragility and conflict (e.g., Afghanistan). Too often, election campaigns provide a backdrop to violence and the commission of hate crimes (e.g., Nigeria, Kenya, Ethiopia, Sierra Leone, and Zimbabwe). Hate speech during campaigns does not automatically trigger electoral violence. Much depends upon contextual factors, such as history of violence in the country, prejudice and discrimination against minorities or certain marginalized communities, tenuous rule of law, corruption, abuse of state resources, weak judicial and electoral justice mechanisms, lack of independent media, and widespread disinformation and propaganda.

Hate speech during electoral campaigns increases the *risk* of electoral violence. EMBs, security actors, and others responsible for providing a safe electoral environment must be prepared to mitigate and manage this risk. To effectively mitigate and manage this risk, EMBs need to understand the links between hate speech and other variables in the electoral process, including electoral violence, electoral security and electoral integrity.

- **Electoral violence** is “any harm or threat of harm to any person or property involved in the election process, or the process itself, during the election period.”
- **Electoral security** is the process through which electoral stakeholders, information, events and property are protected from harm or threat of harm.
- **Electoral integrity**, as defined by the Kofi Anna Foundation's Global Commission on Elections, Democracy, and Security, refers to “any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle.”

Hate speech, which is often accompanied by intimidation and incitement, can trigger physical and psychological violence that directly undermines electoral security and electoral integrity. Hate speech may lead to actions that are clearly defined as offenses in law and that may qualify as a “hate crime.” In other instances, the speech itself may carry criminal penalties. Integrating hate speech

countermeasures into a more comprehensive electoral security and integrity strategy will require dedicated leadership, focused attention, and adequate resources.

In some cases, hate speech and hate crimes may be unleashed as an election tool by manufacturing offense as was demonstrated in Jakarta's gubernatorial elections in 2017, where hardline organizations were able to mobilize mass support to defeat a candidate who was seen as offending the majority religion. George Cherian, a professor in the Department of Journalism at Hong Kong Baptist University, has coined the term "hate-spin" to describe "a double-sided technique that combines hate speech (incitement through vilification) with manufactured offense-taking (the performing of righteous indignation)." His insightful book, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, examines how politicians in India, Indonesia and the United States (U.S.), three of the world's largest democracies, "have orchestrated the giving of offense and taking of offense as instruments in identity politics, exploiting the democratic and free speech space to undermine those very values." Hate speech can also be used as a suppression tool against women and other marginalized groups, undermining free, fair, and inclusive democratic processes.

EMBs can use a combination of the following strategies to address hate speech and incitement to communal violence during elections:

1. **Engage other stakeholders:** Making inroads against hate speech will be contingent upon forming strategic partnerships and alliances and working collaboratively. To achieve greater scope, scale, and sustainable success, EMB strategies to counter hate speech will need to leverage the existing mandates, capabilities, and resources of government institutions, independent agencies, media, and civil society.
2. **Model good behavior:** The baseline of any EMB strategy to combat hate speech should be to ensure that it does not engage in or tolerate discrimination or hateful speech toward any individual or group by the members of the institution or any of its election staff (permanent and temporary). This modeling behavior will extend to human resources practices, internal and external communications, the substance of regulations, the provision of services, the content and delivery of public information and voter education messages, the handling of complaints and appeals, and advocacy directed at electoral reforms.
3. **Speak out against discrimination and hatred:** As public officials, EMB chairpersons and commissioners have a platform from which to speak out against hate speech. By speaking out, EMB leaders can help raise awareness of hate speech and its consequences, which, in turn, can help mobilize a public response. EMB leaders, especially when they have public confidence, are well-positioned to explain the dangers of hate speech and incitement to hatred to the electoral process and democracy.
4. **Open space for pluralistic public dialogue:** EMBs are in a position to create opportunities and promote activities that expand public dialogue and debate during election campaigns. This may involve providing airtime to a diverse set of stakeholders. EMBs should support public forums, such as televised candidate debates, town hall meetings, and roundtable discussions, that are designed to promote issue-based discussions.
5. **Contribute to learning:** EMBs face a challenge in designing and delivering better strategies, programs, and messages during elections when information is lacking about the extent to which various electoral stakeholders understand hate speech and how this affects their mindsets and behaviors. Investments in public opinion surveys and focus groups can help EMBs better understand how, in what manner and to what extent speech impacts behavior. Research is also essential to understanding what counterstrategies are effective in a given context.
6. **Monitor, collect and report data:** The monitoring, collection, and reporting of data on the occurrence of hate speech, as with instances of electoral violence, will also be essential to developing and putting into place effective risk-mitigation strategies and security plans,

as well as informing investigation and adjudication processes. Government agencies and civil society actors may be involved in this process.

7. **Mitigate risk through security planning:** EMBs should apply available data on hate speech to mitigate electoral violence and safeguard the security of all electoral stakeholders. EMBs will need to engage various security actors in joint security planning and implementation. When police act as perpetrators or supporters of hate speech in elections, EMBs will need to collaborate with human rights commissions or police oversight commissions to hold them accountable. EMBs should also engage organizations and service providers addressing gender-based violence to effectively respond to the differential forms of violence against women and men in the electoral process.
8. **Adjudicate effectively and responsibly:** If EMBs are responsible for adjudicating cases involving hate speech and incitement to hate during election campaigns, EMBs will need to avoid the pitfalls encountered by other judicial and administrative bodies. These include slow adjudication, broad interpretation, inconsistent jurisprudence, political bias, legal overreach and abuse, disproportionate penalties, and non-compliance with international obligations.
9. **Train electoral stakeholders:** Typically, EMBs are involved in training a range of electoral stakeholders from their own personnel to political party representatives, candidates and their surrogates, nongovernmental organizations, police, and the media. Training programs should integrate themes relating to human rights, voting rights, non-discrimination, gender equality, protected and prohibited speech, what constitutes hate speech and incitement of hatred, and obligations under national law and international instruments.
10. **Raise awareness and educate voters:** Public information campaigns and voter education programs provide accurate information that dispels myths and misconceptions. Such efforts can help voters identify and address intolerance in their own lives and recognize and resist hate speech purveyed by officials, candidates and their supporters, and the media. Longer-term civic education is also important to raising civic literacy levels and reducing the public's vulnerability to hate speech and calls to violence.
11. **Advocate for a better legal framework to combat hate speech:** If domestic legislation is inadequate to the task of countering hate speech during the electoral period, if it presents challenges with respect to implementation, or if it fails to meet international obligations and best practices, the EMB should lend its unique perspective and expertise to legal reform efforts. Some EMBs shy away from electoral reform advocacy, citing the lack of any legal mandate to engage in such activities. At a minimum, however, EMBs should be able to engage in "information sharing" and "awareness raising" with lawmakers.

III. Recommendations:

We ask the U.S. Congress to consider the following:

- IFES recommends that in the design of electoral assistance programs supported by the U.S. government, sufficient emphasis be placed on and resources allocated to (1) analyzing the potential for hate speech, hate crimes and violence against disenfranchised groups in elections and (2) devising interventions that could encourage and support both EMBs and networks of national champions for electoral security and democratic inclusion;
- IFES also recommends that when designing programs that address reconciliation and marginalization, the U.S. government consider the important role played by the electoral and political processes in both potentially exacerbating hatred and discrimination as well providing a venue for positive civic engagement and political empowerment; and
- IFES recommends that we, as Americans, set a high standard for ourselves, exerting every effort to eradicate any form of hate speech or intimidation from our own electoral process.

As Dr. Martin Luther King, Jr. said “Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.” We need to deeply understand this love, this interconnectedness. Diversity is our strength. If we think of society as a body – we see millions of cells, with extraordinary diversity of forms and functions, all collaborating to make the existence of the human being possible. The principle that governs the functioning of the human body is not uniformity but rather unity in diversity. Could institutions then inspire societies and nations to think of themselves similarly and rise above sectarianism, and even nationalism, and seek a future where the dignity of each individual is respected and all people are able to safely assemble, associate and participate in government – so that truly the will of the people forms the basis of the authority of government?

Chairmen McGovern and Hultgren, thank you again for this opportunity to testify. On behalf of IFES, we are honored to partner with the U.S. Government and Congress, international aid organizations, and of course, people all over the globe in support of more peaceful and credible elections worldwide.

Mr. MCGOVERN. Thank you. Ms. Quest, welcome.

STATEMENT OF JAI-AYLA QUEST, PROGRAM OFFICER, STANLEY FOUNDATION

Ms. QUEST. Good morning.

To the co-chairman and the members of this Commission, thank you for the invitation to testify here today and for your commitment to protecting human rights and preventing mass atrocities.

My name is Jai-Ayla Quest, and I am the program officer for our Mass Violence and Atrocities team at the Stanley Foundation. We are a nonpartisan operating foundation based in Muscatine, Iowa, since 1956. For over 60 years, the Foundation has been committed to improving multilateral and collective action for a secure and just peace. My team focuses specifically on working across sectors to inform policy decisions that help strengthen societal resilience to mass violence and atrocities. Today, I will discuss what we have learned about the role of the private sector in these efforts.

Prevention is a process, and today we focus on the upstream phase of prevention, long before the outbreak of atrocities. During this phase, there is time to build partnerships, to analyze the local context, and to develop prevention plans. This is also the phase where atrocity prevention and peace-building actions greatly overlap.

Although some private sector actors play negative roles in both the commission and enabling of atrocities, and as such require oversight and accountability, our focus at the Foundation has centered on the positive role the business community can have in peace-building and resilience.

A few things are clear regarding prevention and the private sector. First, prevention is far more cost-effective than response.

Second, the health of the economy is directly tied to a country's level of peacefulness.

And third, there is not just a moral reason for the private sector to be involved in atrocity prevention. Peace is good for business.

We acknowledge that the private sector actors and atrocity prevention experts do not share expertise and language. Therefore, it is important to be clear about critical prevention measures that all actors must participate in to strengthen societal resilience, including ensuring that the rule of law is respected and that all human rights are protected without discrimination; establishing legitimate and accountable national institutions; eliminating corruption; managing diversity constructively; and supporting a strong and diverse civil society and pluralistic media.

For the private sector, commitments to do no harm are a step in the right direction, but it can do more. Supporting human rights alone is not sufficient. It is essential to also actively counter atrocity prevention – atrocity-specific risk factors.

We know the private sector consists of multiple levels and different sizes and types of actors with varying abilities to contribute to prevention and resilience. Large enterprises have more resources to invest in prevention and more influence on leaders and policy than small or medium-sized entities.

Chambers of commerce and business associations have more leverage within the business community and can engage with governments and society as a neutral actor. Yet local business owners have a large stake in community stability and resilience and therefore may be more motivated to make peace a priority.

What are some positive examples of a business role in prevention?

In 1988 to 1991 in South Africa, the Consultative Business Movement facilitated the transition away from apartheid and contributed to stability by creating spaces for dialogue and fostering trust and consensus-building among private sector actors, media, civil society, and political parties.

In the 1990s, the Group of Seven in Northern Ireland, created by the Confederation of Business Industry and other business associations, used media and publicity campaigns to demonstrate the value of a peace dividend, arguing for the resolution of conflict to spur economic growth.

In 2007, the Kenya Private Sector Alliance, or KPSA, encouraged the end of electoral violence and played a proactive prevention role in 2012 by working with telecommunication companies to promote peace messaging and counter hate speech leading up and to during the elections.

In general, here are some ways private sector actors can take proactive roles in prevention, including:

- Assessing the current or potential impact of business operations on communities and eliminating any practices that increase risks for atrocities.
- Developing and implementing inclusive business practices with a particular focus on building strong relationships with local communities, following fair employment practices, hiring women, providing services equally, and using land and natural resources responsibly.
- Taking anticorruption measures and ensuring transparency and accountability, providing accountable private security, and providing conflict resolution and transformation training, along with business opportunities, for former combatants.
- Taking an active role in mediation and peace processes and engaging in strategic partnerships with governments and civil society.

Government can connect businesses to their role in prevention, including by:

- Setting regulations and urging businesses to have clear standards for human rights and atrocity prevention, holding businesses accountable to international law, and encouraging their participation in voluntary initiatives and bench-marking processes.
- Supporting a strong international framework by urging other governments to improve regulations, committing to international codes

of conduct, and building on commitments to the Sustainable Development Goals.

- Incorporating atrocity prevention into investment, sustainability policies and standards, and working with civil society to assess risks and identify key partners and opportunities within the private sector to engage in early prevention.

In conclusion, public and private actors can play an important role in atrocity prevention, but these efforts must always be informed and guided by local context and expertise.

Furthermore, peace is not just a goal reserved for some other countries or regions, but rather requires diligence and priority in all nations. In fact, Europe, North America, the Asia Pacific and South America all became less peaceful over the last year.

Finally, while there is an important role for private sector actors around the globe, governments do and always will bear ultimate responsibility for preventing atrocities and generating conditions for peace. It, therefore, remains important for government actors to foster policy and diplomacy that encourages constructive business engagement in building resilience and pursuing peace.

Thank you.

[The prepared statement of Ms. Quest follows:]

PREPARED STATEMENT OF JAI-AYLA QUEST

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

Statement of Jai-Ayla Quest
Program Officer, Mass Violence and Atrocities
The Stanley Foundation

Introduction

To the co-chairmen and the members of this commission, thank you for the invitation to testify here today and thank you for your commitment to protecting human rights and preventing mass atrocities.

My name is Jai-Ayla Quest, and I am the Program Officer for our Mass Violence and Atrocities team at the Stanley Foundation. We are a nonpartisan operating foundation based in Muscatine, Iowa, since 1956. For over sixty years the foundation has been committed to improving multilateral and collective action for a secure and just peace. My team focuses specifically on informing policy decisions that help strengthen societal resilience to mass violence and atrocities. We do this by working with diverse stakeholders to strengthen institutions and mechanisms for

preventing atrocities. Today I'll discuss the work we have done exploring the role of the private sector in helping to prevent atrocities.

Prevention is a process. Long before the outbreak of atrocities, there are structural conditions that may make institutions weak and society more vulnerable to atrocities, including institutional and social discrimination against particular groups, horizontal economic inequality, and unequal protection for marginalized groups under the law.

As our focus in this hearing is on early or upstream prevention – actions that can be taken before the threat of violence and atrocities to address these structural issues in order to increase resilience, reinforce stability and secure peace. During this phase there is time to build partnerships, to analyze the local context and to develop prevention plans. This is also the phase where atrocity prevention and peacebuilding actions overlap; both contribute to a society's ability to deal with pressures and shocks and reduce the risk for mass violence or atrocities.

The Private Sector and Prevention

Although private sector actors do play negative roles in both the commission and enabling of atrocities—and as such require oversight and accountability—our focus at the foundation has centered primarily on the positive role the business community can have in peacebuilding and strengthening societies to avoid atrocities.

What have we learned about prevention and the private sector? A few things are clear. First, prevention is far more cost-effective than response. “Even in the most pessimistic scenario...the average net savings is close to US\$5 billion per year. In the most optimistic scenario, the net savings is almost US\$70 billion per year.”² Second, the health of the economy is directly tied to a country's level of peacefulness. Third, there is not just a moral reason for the private sector to be involved in atrocity prevention, peace is good for business. “The economic impact of violence on the global economy in 2017 was \$14.76 trillion in purchasing power parity (PPP) terms. This figure is equivalent to 12.4% of the world's economic activity (gross world product) or \$1,988 for every person.”³

Importantly, private sector actors and atrocity prevention experts do not share expertise and language. Therefore, it's important to be clear about critical prevention measures that all actors must participate in to strengthen societal resilience. These measures include:

- Ensuring that the rule of law is respected and that all human rights are protected, without discrimination
- Establishing legitimate and accountable national institutions
- Eliminating corruption
- Managing diversity constructively
- Supporting a strong and diverse civil society and pluralistic media⁴

² United Nations & World Bank Group, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (World Bank Publications, 2018).

³ Institute for Economics & Peace, *Global Peace Index 2018: Measuring Peace in a Complex World* (Sydney: June 2018), page 3. Available from: <http://visionofhumanity.org/reports>.

⁴ United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes* (United Nations, 2014), page 3.

For the private sector, commitments to “do no harm” are a step in the right direction. However, private sector actors can be more proactive in contributing to prevention and strengthening societal resilience. We know there’s a strong connection between safeguarding human rights and atrocity prevention, but they are distinct. So efforts to incorporate human rights into business practices are positive, but supporting human rights alone is not sufficient, and it is essential to counter atrocity-specific risk factors that are relevant to the business environment through efforts connected to those listed above.

It is important to recognize the private sector is not a homogenous group; rather it consists of multiple levels and different types of actors, including small- and large-scale local businesses, national businesses, international businesses (i.e., multinational corporations), business associations, business philanthropy, and illegal businesses. Within a national context, there is a hierarchy of business arrangements, ranked from smallest to largest: (1) individual corporations, (2) sector-specific conglomerates, (3) the larger business community, and (4) the business community with the addition of the informal private sector.

This diverse group of private sector actors has different capabilities and capacities to contribute to prevention and resilience. The larger the enterprise, the more resources it has to invest in prevention and the more influence it can have on policy and decision makers. However, any one entity can only do so much; therefore, one of the greatest areas of potential is with chambers of commerce and business associations. Associations have more leverage with governments and more capacity to reduce risks for atrocities and stabilize operating environments than individual business actors. However, local business owners have a greater stake in community stability and resilience and therefore arguably greater motivation to make peace a priority. Therefore, business actors at all levels have good reasons to be involved in prevention.

What are some positive examples of a business role in prevention?

In 1988-1991 in South Africa, the Consultative Business Movement facilitated the transition away from apartheid and contributed to stability by creating spaces for dialogue and fostering trust and consensus building among private sector actors, media, civil society, and political parties.

In the 1990s the Group of Seven in Northern Ireland, created by the Confederation of Business Industry and other business associations, used media and publicity campaigns to demonstrate the value of a “peace dividend”, arguing for the resolution of conflict to spur economic growth.

In 2007 the Kenya Private Sector Alliance (KEPSA) encouraged the end of electoral violence, and played a proactive prevention role in 2012 by working with telecommunication companies to promote peace messaging and counter hate speech leading up to and during the elections.

In general, there are a number of positive, proactive actions businesses and private sector entities can take, including:

- Assessing the current or potential impact of business operations on communities and eliminating any practices that increase risks for atrocities.
- Developing and implementing “inclusive business practices” in line with corporate social responsibility standards that include provisions for gender equality and environmental protection, with a particular focus on building strong relationships with local communities, following fair employment practices, providing services equally, and using land and natural resources responsibly.
- Taking anti-corruption measures, ensuring transparency and accountability to employees and the community.

- Providing accountable private security and providing conflict resolution and transformation training along with business opportunities for former combatants when relevant.
- Taking an active role in mediation and peace processes, and engaging in strategic partnerships with governments and civil society.

Relatedly, there is an important role for government actors in connecting businesses to their roles in prevention. In addition to lawmaking, legislators can use their unique roles in education, advocacy, and oversight in the following ways:

- At the National Level: Set regulatory frameworks and urge businesses to have clear standards for human rights and atrocity prevention, hold businesses accountable to international law, and encourage their participation in voluntary initiatives and benchmarking processes (such as the UN Global Compact). By bringing business to the table, government actors can foster connections between the private sector, civil society, and the government (on prevention).
- At the regional and international level: governments can support a strong international framework by urging other governments to improve regulations to international code of conduct standards, like the United Nations Global Compact and Universal Declaration of Human Rights, and by building on the commitments to the sustainable development goals.
- At the national and international level: engage local business actors at risk of influence by perpetrators of atrocities, incorporate atrocity prevention into investment sustainability policies and standards, and uphold domestic and international institutions involved in atrocity prevention and peacebuilding (including development and foreign affairs agencies).
- Fundamentally, governments can support the prevention and peacebuilding communities by working with civil society to assess risks and identify key partners and opportunities within the private sector to engage in early prevention. (Business leaders have the power to influence further buy-in from other private entities in engaging in prevention.)

Conclusion

In conclusion, public and private actors can play an important role in atrocity prevention, but these efforts must always be informed and guided by local context and expertise.⁵ Furthermore, peace is not just a goal reserved for some countries or regions, but rather requires diligence and priority in all nations. In fact, Europe, North America, the Asia-Pacific, and South America, all became less peaceful over the last year.⁶ Finally, while there is an important role for private sector actors around the globe, governments do and always will bear ultimate responsibility for preventing atrocities and generating the conditions for peace. It therefore remains important for government actors to foster policy and diplomacy that encourages constructive business engagement in building resilience and pursuing peace.

⁵ International Alert: Local Business, Local Peace

⁶⁶ Global Peace Index 2018

Mr. MCGOVERN. Thank you. And last but surely not least, Mr. Lopez. Welcome.

STATEMENT OF GEORGE A. LOPEZ, REV. THEODORE M. HESBURGH, C.S.C., PROFESSOR EMERITUS OF PEACE STUDIES, KROC INSTITUTE FOR PEACE STUDIES, UNIVERSITY OF NOTRE DAME

Mr. LOPEZ. Thank you very much, Congressman McGovern and your colleagues, for inviting me this morning.

I have the great privilege of following distinguished colleagues who have offered so many good insights that my focus as a scholar-practitioner of targeted economic sanctions is to try to bring this particular technique to a new level of concern, not only to the Congress, but to U.S. decision-makers generally.

I am going to advocate the decision-makers expand their thinking beyond the simply targeting of dictators who we know often are directly responsible for giving the orders for atrocity prevention, and to move beyond what often happens much after the fact, and that is, holding perpetrators directly accountable, to suggest a new strategy of focusing on enablers, that is those who directly and indirectly support a regime engaged in mass atrocities.

At the same time, I am going to advocate some other dimensions of what makes targeted financial sanctions especially effective from the cases of the past.

Targeted and smart sanctions are no stranger to the U.S. Congress and the U.S. Government, more generally. These measures have become a preferred policy mechanism of choice in a variety of circumstances ranging from countering nuclear proliferation, to dealing with terrorists, to also trying to improve human rights. I don't need to go into the diversity of these measures or a variety of different cases, but I want to say here two important things.

The first, it is important that in the last five years, the ability of the United States Treasury, in particular, to reach deeply into the financial markets of other countries and of the holdings of those countries and national government elites in a variety of international banks has proved significant in changing the choices that are available to those decisional elites, especially if they want to be norm violators or perpetrators of atrocities.

So freezing financial assets that go after the national government, qua government, but also built along the lines that go after the individuals within government and their holdings overseas, and those persons who work as designees of theirs, have become especially appropriate.

In particular, many of us associated with international affairs can point to the various times of our failure to mobilize these techniques effectively, whether it is beginning in the early phases of the Yugoslav disasters during the war, Rwanda, or Liberia up until about 2001, certainly in the case of Darfur and Sudan, we have ineffectively used these techniques.

Oddly, maybe in terms of a bitter irony, our most successful case for applying these techniques quickly and with strength and with force is when

Gaddafi announced he was heading towards Misurata to essentially eliminate the opposition that had emerged there.

A combination of not only quick action by the United States and the European Union in bolstering the attempt by Security Council to condemn this, and then call for sanctions, was actually preceded by the United States, in three days before Council action, which freezing Gaddafi assets in many different places.

Essentially, within a week's time, we cut off \$36 billion in Libyan funds, locked down in a variety of locales, that affected not only the Gaddafi regime as government, but key members of its support structure and family.

The international community's action led to the ability of – to lock down the prospect that he would go to Chad and hire mercenary troops, buy weapons from various sources, or even hire a commando unit he was negotiating with in South Africa to come protect the Libyan palace.

Of course, the situation in Libya got out of hand for other reasons. But we shouldn't lose focus on the power of these techniques to really perpetrate a big stumbling block for the regime to mobilize against those who would it eliminate through violent means and lead to an atrocity.

I would like to argue that this focus on the Libyan case, though, falls short for us in what we might have needed in other cases. In particular, by the focus on the central power structure of the regime, forgets the many business, private, civil society, and militia-based organizations that play a role at the local level in the perpetration of these mass atrocities.

The human rights community has come up with the term "enablers" of atrocities in this regard, and we have not targeted financial sanctions as directly as we can against enablers.

The argument is often that they are very difficult to identify and we don't want to overreach in targeted financial sanctions to throw a net over those who may not be involved in these dynamics.

I would suggest that, in the past, that argument might have carried some weight when we were relying only on the intelligence agencies of individual countries to supply the list of people who might be aiding and abetting the mass atrocities.

Now, when we look at the work at a variety of research and NGO organizations, what we see in groups from International Alert, International Crisis Group, the Global Center for R2P, and the kleptocracy focus of groups like the Enough Project, Sentry, and the Hudson Institute, is many of these support structures of the people who will engage in mass atrocities are already well-known. Not the least of which is the folks that engage in this do so as part of an ongoing criminal or kleptocratic enterprise.

So I think it is most important to see now that we have the capacity to identify enablers and we have the tools that have gone after leaders that can now go after enablers.

What else do we need?

Well, the first dynamic is to understand the conditions under which targeted financial sanctions are most effective. This is a role for Congress and certainly a role for the larger American government.

First, we have learned that targeted financial sanctions work best when they are a tool in service of a wider policy clearly articulated with regard to its goals, its process, and the desired outcome. When sanctions become the policy rather than a tool to the policy, they tend to fail.

Secondly, although sanctions are meant to enrage a target and constrain it, it also must leave an opening for direct engagement with the target, such that not only the economic measures can squeeze and lead to the potential for behavior change, but diplomacy and negotiation can in fact have that delivered in particular ways.

The idea of singularly punishing and isolating a target leads inevitably to sanctions failure, or falling far below its mark.

Lastly, if sanctions are to be effective in their targeted use, we need to make sure that the target understands the initial measures may only be the start, that the threat of new sanctions and showing the targets that they are on an escalatory cycle as human rights abuses, which could include everything from ICC indictment to other measures, ramps up the prospect that you might have greater success over time.

Lastly, I would like to mention three policy measures that I think must happen, and Congress can help in this.

The first is this notion, again, about targeting. I think the process of throwing a very large net over a number of folks who might be associated with the emergence of conditions for mass atrocities early on is essential.

We do this in other areas of security concern. That is, governments nationally or locally have the ability to declare a kind of martial law in their area as they see riots, demonstrations, and violence breaking out. It is a controlled law for dealing with the prospect of limiting future escalation.

Sanctions legislation can in fact contribute to this in setting the conditions under which Treasury and State can name temporarily a broad array of actors who will have the ability to appeal that their name is on a specially-designated person's list, but whose assets can be controlled for a limited time so they don't contribute to the emerging conditions of genocide or related mass atrocities.

Secondly, it is very important that the coordination between U.S. policy, regional and higher-level organizations like the U.N. Security Council, their panel of experts and others, continues the intelligence process of feeding information about what these actors who are enablers may be doing as the violence breaks out and as conditions worsen.

And thirdly and most importantly, I think many of us on this panel would advocate for reinvigoration of the Atrocity Prevention Board. That is, we need at the highest level of U.S. Government a coordination across agencies and the different arms of government that play a role in not only making targeted financial sanctions work, but having a clear, full government policy of why we would be early intervenors, given the history of atrocity occurrence in the past.

Thank you very much.
[The prepared statement of Mr. Lopez follows:]

PREPARED STATEMENT OF GEORGE A. LOPEZ

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

Statement of George A. Lopez⁷
Rev. Theodore M. Hesburgh, C.S.C., Professor Emeritus of Peace Studies
Kroc Institute for International Peace Studies,

I am grateful to Congressman James P. McGovern [MA-02] and Congressman Randy Hultgren [IL-14], co-chairs of the Lantos Commission, for inviting me to share these ideas with you this morning. In particular, I want to build from the smart, on-point statements of my colleagues already presented to address an aggressive, proactive dimension that targeted economic, particularly financial sanctions can contribute to atrocity prevention.

In this testimony, I argue that to have any realistic hope of halting or preventing mass atrocities through the imposition of smart sanctions requires a significant change in policy thinking and action. Decision-makers must expand their thinking beyond the targeting of dictators and the few perpetrators of atrocities (most of whom are identified after the fact). I urge a focus on the immediate elite supporters of a killing regime, those who directly or indirectly support and authorize mass atrocities. I urge use of in-depth intelligence to focus our resources on constraining the less visible actors, and especially on those processes and products that significantly enable these abuses to occur and sustain the direct perpetrators' violence over time. Such action requires a more rapid and deeper analysis of the tools and techniques that are being, or soon will be, used to kill large numbers of people. It also demands some risk-taking by policymakers to cast a wider net of controls and sanctions quickly on material and actor targets than has been the case in the past.

I will begin with an overview of the type of targeted sanctions available to U.S. policymakers as an effective tool for accomplishing these objectives. Secondly, I will turn my attention to why expanding our focus to those actors and entities that enable the atrocities of perpetrators is critical

⁷ This testimony draws in part from my prior published work on the question of sanctions application to the prevention and mitigation of mass atrocities as appearing in: Chapter 8 in *Reconstructing Atrocity Prevention*, Edited by: Sheri P. Rosenberg, Tiberiu Galis, Alex Zucker. September 2015; Cambridge University Press, <http://www.wildy.com/isbn/9781107094963/reconstructing-atrocity-prevention-hardback-cambridge-university-press>; <http://www.globalr2p.org/media/files/lopez-sanctions-brief-1.pdf>; and then in slightly different form for the Kroc Institute's May 2018 edition of *Peace Policy*, <https://kroc.nd.edu/news-events/news/preventing-mass-atrocities/>.

for mitigation and prevention. Thirdly, I will mention the conditions under which the success of targeted sanctions can be maximized. Finally, I will suggest some bold uses of targeted sanctions that can be employed with the proper political will to achieve a new level of success in order to prevent and mitigate against mass atrocities.

Mobilizing Smart/Targeted Financial Sanctions for Atrocity Prevention

The development and institutionalization of ‘smart’ or ‘targeted’ economic sanctions is well-known and amply utilized by U.S. policymakers. They include sanctions regarding currency and financial activities, trade in goods and services, arms, travel bans, and other measures. For our purposes this morning, I focus almost exclusively on targeted financial sanctions (TFS) because these are the most rapidly implemented in today’s economy. These measures deny access to overseas financial markets by the target government’s national bank and other government entities, as well as private banks, financial firms, and companies, investors in prohibited materials, and the individuals and shadow companies operating these entities.

Targeted financial sanctions include:

- freezing financial assets held outside the country by [a] the national government, [b] regime members in their individual capacity, [c] those persons designated as key supporters or enablers of the regime;
- freezing financial assets held outside the country by individuals and entities not represented in the categories above who comprise militias or other non-governmental agents engaged in prohibited activities;
- suspending credits, aid, and loans available to the national government, its agencies, and those economic entities within the nation who deal with monies involving international financial institutions;
- denying access to overseas financial markets, often to the target government’s National Bank and other governmental entities, as well as to designated private banks, financial firms, and companies, banks, investors and individual designees;
- and restricting the trade of specific goods and commodities that provide power resources and revenue to the norm-violating actors, most especially highly traded and income producing mineral resources.

In practice, targeted financial sanctions work best when they are imposed by a coalition of United Nations Security Council resolutions and equally strong measures imposed by regional and national governmental actors, especially the United States. But their record of failure has been high in improving human rights and especially in mitigating the most terrible cases of mass atrocities over the past quarter century. In at least four cases—Yugoslavia, Rwanda, Liberia (until 2001), and Sudan/Darfur—multilateral and U.S. sanctions resulted in little or no reduction in atrocities. Some, but not all, of the lessons from those cases have been thoroughly examined and illustrate the failure to act as early warning signs emerged and misplaced understandings of the brutality of ongoing wars, combined with too little international or U.S. resolve. These factors led to a meager application of the multiple intervention tools, including sanctions, that were needed to thwart the premeditated killing plans.

It is a bitter irony indeed that the case in which TFS made a significant contribution to preventing an impending atrocity occurred in response to Libyan dictator Muammar Gaddafi’s plans to level the opposition city of Misurata in what would be the opening phase of a multi-year violent conflict that itself had no management or stabilization plan after initial atrocity prevention. The Security Council expressed directly a concern with stifling Gaddafi’s announced intentions to massacre the opposition by noting in resolutions 1970 and 1973 that the concept ‘Responsibility to Protect’ [R2P] was the guiding framework for both the sanctions and later for the imposition of a no-fly zone. Without question, national sanctions imposed by the United States and the European Union

locked down the bulk of the identifiable assets of the Gaddafi regime and gave a needed boost to the UN targeted financial sanctions, asset freeze, travel ban and arms embargo.

By cutting off nearly half of Gaddafi's usable monies—about \$ 36 billion in Libyan funds were locked down in the first week of sanctions—the international community immediately denied the dictator the monies to import heavy weapons from various sellers, to hire foot soldier mercenaries from Chad, or to contract with elite commando units from South Africa and elsewhere. These constraints prevented the Libyan war from being longer and deadlier than it would have been had they not been successfully imposed and enforced. Tripoli, for example, was not destroyed in an all-out battle and Libyan cities were spared the terrible death, destruction, and massive population displacement that was inflicted on Syrian cities by Bashar al-Assad's tanks and air force.

Of course, this sanctions episode also included massive NATO bombing as an enforcement action that ultimately helped the Libyan rebels overthrow the Gaddafi government. And this case of stifling mass atrocities gave way, unfortunately, to an all-out civil war among various forces in Libya that continues to this day.

Adding Enablers to Those Designated for Targeted Financial Sanctions

The lessons of both the multiple failed and the temporarily successful Libyan case show that in employing targeted financial sanctions we need a more precise, but also agile, strategy of tactical application of these measures. Specifically, we must move beyond targeting the 'leader' and the 'killer-on-the-ground' with sanctions (although these must indeed continue) to cast a broader and deeper net to target the individuals, networks, and entities that the best available evidence-based findings link to the direct perpetrators of atrocities. The aim here is to change the basic dynamics when atrocities are underway and expand who and what we stifle and thwart even before violence against civilians unfolds. I argue that we must also focus on a new category of actor—the enabler—and the materials they provide to the mass atrocity equation as also being listed for targeted financial sanctions. By exploring the scope and examples of enabling, we recognize that mass atrocities are organized crimes involving diverse persons and entities, which should make crippling the means (such as money, communications networks, and other resources) to organize and sustain such actions a high priority.

While atrocities vary in cause and method and perpetrators are generally both creative and resourceful, we can identify a core set of activities that enable and sustain the violence. By developing the correct categories to target the third parties engaged in those activities, it may prove possible to decrease or interrupt the perpetrators' access to the necessary means. This may, in turn, alter their calculus for committing atrocities against civilians. Targeting the enablers is not a panacea, but it should lead to a better understanding of the dynamics of atrocities and present a practical lever with significant untapped potential to halt the world's worst crimes.

In 2010, a working group from Human Rights First and United States Institute of Peace identified three essential elements to enabling. First, a third party provides resources, goods, services, or other practical support—directly or indirectly—to the perpetrator of ongoing atrocities. Secondly, this support is a critical ingredient that empowers or sustains the commission of the atrocities, without which the atrocities would not have taken place to the same extent. Thirdly, the third party knew, or clearly should have known, about the atrocities and about the ways in which its goods or support were likely to contribute to the commission of these crimes. This includes the large financial reserves accumulated by violent actors, with special attention to the diverse form such assets now take (from sovereign wealth funds to shadow holding companies). Often such enterprises are linked to substantial networks of illicit extraction or trafficking of natural resources that generate revenue for the enabler and perpetrator alike.

Countries, commercial entities, and individuals may all be enablers. There are many other examples in the recent past in which third party governments provided weapons to their allies or proxies even when it was clear they were being used to commit crimes against humanity.

Countries involved in questionable trading chains or opaque transshipment practices involving weapons, vehicles, or other forms of equipment may also be enabling atrocities in less direct ways.

Uncovering those who are linked economically and/or politically to a killing faction or leadership in a country is no longer the work of only the intelligence agencies of the most powerful states. Now there are a number on-going investigative units within NGOs and research centers that have been consistently able to pinpoint the allies and enablers of violent actors and establish early warning indicators of likely atrocity development. Some of the most well-known, high capacity groups include International Alert, International Crisis Group, and the Global Centre for the Responsibility to Protect [R2P]. To these should be added groups studying kleptocracies, including the Hudson Institute and the Sentry project of the organization, ENOUGH. Thus, there is little excuse for inaction on the basis of lack of knowledge regarding what individuals and entities are enabling mass killings.

How to Increase the Potential for Financial Sanctions to Work

From the past 25 years of various sanctions cases, we learn that for targeted financial sanctions to prevent mass atrocities, they must be planned and implemented by those imposing the sanctions in a manner that ensures their success. Specifically, targeted sanctions are most effective when they are one tool among a variety of others that are coordinated to achieve violence prevention. Too often, the vigor put into sanctions implementation and maintaining their coercive strength becomes the essence of the policy, rather than the sanctions being in service to a larger policy where the diplomats are manipulating and using other tools as well. Thus, imposers need a full schematic of the prevention of mass atrocities and a wider range of actions for which sanctions play their particular role, but they should not rely on sanctions to singularly accomplish prevention. From our colleagues here this morning we've heard some of those complementary tools and I would reinforce their prescriptions.

Secondly, for sanctions to be effective they must not only enrage the targets and deny them resources, but find ways to directly engage them politically and diplomatically in a concentrated manner that changes their behavior in exchange for the sanctions relief. To a certain degree, this claim changes much of the equation that considers TFS as punishment, and a threat and isolation strategy operates between the imposers and the targets. That strategy assumes that coercive economic action speaks for itself, such that speaking directly and frequently between the parties defeats the goal of target capitulation. Such an approach actually reinforces the willingness of the target to suffer and encourages its resistance to the sanctions and the powers that levied them. We want the opposite: to be in continual dialogue with enablers and perpetrators regarding their political and social behavior.

Thirdly, research and practice indicates that both the threat of sanctions and escalatory steps in imposition of sanctions that are laid out transparently are rather effective in producing some changed behavior from a target. While rapid, comprehensive financial action produces important constraints on perpetrators, the ability to have the target understand the escalating pain and to see the resolve in the plan of the imposers of sanctions adds to the first two important dimensions I've noted above.

Finally, for every strong financial stick used economically and diplomatically, there should be a corresponding carrot which may change the behavior of some perpetrators and enablers. To astutely use economic incentives and sanctions relief to disrupt the coalition of enablers and perpetrators that carry out atrocities is an important strategy to keep in mind. This can be particularly effective in light of my suggestion below for preemptive action in the application of TFS.

New Policy and Action Approaches that Maximize TFS impact

Let me conclude by sharing a few ideas, most of which are outside the box of the normal application of TFS, but can be of particular utility for atrocity prevention. The first casts the largest possible net 'to catch' suspected enablers and presumed perpetrators at the start of targeted financial sanctioning. This largest net approach should come with the provision that there will be a prompt and fair due process for those designated persons and entities that claim ignorance to provide evidence that they should not be sanctioned due to their innocence.

Until now the use of TFS has had to await strong evidence verifying a direct connection between actors and atrocities. Given the deteriorating set of events that we know predict large-scale killings, I'm advocating that strong pre-emptive action of TFS be implemented. Much like executive leaders can declare martial law and control travel during riots, or for national security reasons and concern about terrorism some individuals can be arrested and detained for short periods of time before due process rights commence, the U.S. and others should be able to impose strict TFS for short time periods. An appropriate appeals and clarification process would be available to all so that if innocent actors are caught in the net, their sanctions can be revoked and their assets restored.

Secondly, TFS need to be more integrated with other U.S. tools that alert would-be enablers and perpetrators to the reach of legal and political mechanisms that are being applied to them in their potential and actual behavior. Thus, warrants for arrest on suspicion of aiding and abetting the impending perpetrating of atrocities, whether it be by local courts or the ICC, should accompany the designation of individuals on a sanctions list. An even tougher set of approaches to both state and non-state actors involve the myriad political, economic, or legal mechanisms that can be used against countries, commercial entities, or individuals to deter or dissuade their actions. In its bilateral relationships, the U.S. can bring pressure to bear on enabling governments through public or private condemnations, by suspending business or cultural exchange programs, by withdrawing diplomatic representation, by reducing aid and other forms of support, or by implementing a wide range of other smart sanctions tools.

Finally, in order for the US.. to apply TFS effectively and promptly, and to venture into the pre-emptive approach I have called for, demands high-level diplomatic knowledge and leadership. To ensure this, the U.S. Congress should take action to ensure the re-invigoration of the Atrocity Prevention Board which has languished over the past 18 months as changes continue to unfold in the U.S. State Department. Clear, strong, and coordinated TFS must be the product of a focused and fully-staffed office of professionals knowledgeable about the process of mass atrocities and how U.S. policy can prevent them.

Respectfully submitted,

George A. Lopez

Mr. MCGOVERN. Well, thank you very much. And I want to apologize. I have just been called to a leadership meeting, but I appreciate your statements very much.

And one of the challenges is to get us to focus on prevention and not always on reaction, which it seems like a no brainer, but it – unfortunately, when you look back under Republican and Democratic administrations, we tend to want to like manage things and not involve ourselves until all hell has broken loose.

And you have come up with a lot of suggestions here. Let me just, if you could, what is the single most important thing that we could do next year to address some of the concerns that this hearing is all about? I mean, you have lots of ideas here, but if there is one, what is the most vital thing we can do?

Ms. MOIX. Well, I guess for Congress next year, the Global Fragility and Violence Reduction Act is legislation that is live, that has already got bipartisan support, that would begin to move the U.S. Government towards more strategic prevention-type work to reduce violence. So that, I think, is a simple step that Congress could take.

Mr. MAYERHOFER. Thanks. I would also agree, including development aid that is going to be addressing upstream structural prevention abroad. It is one of the most important things that the U.S. Congress could do.

Mr. MOHAN. In addition to the two points that were raised, focusing on the political empowerment of vulnerable populations in all of the assistance provision that we do would be a critical step.

Ms. QUEST. I would say working across sectors and bringing civil society and business actors to the conversation to use evidence to inform whatever policy decisions are made.

Mr. LOPEZ. And I would continue echoing the need for a reinvigorated atrocity prevention board at the highest level.

Mr. MCGOVERN. I appreciate it. I wish you all were in our government right now formulating our foreign policy.

I am going to turn this over to my co-chair, Congressman Randy Hultgren, who has been a real stalwart on this Commission, and who is one of the people I admire most in this Congress in that he has stuck with these issues. And he will take over from here.

Mr. HULTGREN. [Presiding.] Well, thank you. Good to be with you. I am grateful to my co-chair and Commissioner Johnson for being with us today.

I may have to hand it over to you in a little bit, if that is all right, if you are able to stick around as well. I have got a hearing going on the same time as well, so unfortunately I won't be able to stay the whole time.

But good morning, and I really do want to thank all of you for joining us with the Tom Lantos Human Rights Commission's hearing on reducing the risk of mass atrocities.

Mass atrocities are large-scale, deliberate attacks against civilians that are systematically perpetrated because of an extremist ideology, such as racism, or as a strategic objective by one group against another, like property-grabbing. They often include war crimes, crimes against humanity, ethnic cleansing, or genocide.

Atrocities such as these usually do not occur as a complete surprise or without warning. They come within the context of years of built-up tension, hate-filled rhetoric, violence, and intense planning.

Mass atrocities do not happen by accident or simply as a by-product of war. They are calculated and strategic to create the greatest amount of suffering conceivable.

ISIS sought to annihilate Yazidi communities in Iraq through genocide, viewing them as less than human.

The Burmese military continues to seek the destruction of Rohingya communities by driving them from their homes, burning their villages, and perpetrating unthinkable levels of sexual violence.

The ongoing war in Yemen targets the food and medical supplies of civilian populations as a strategy of war, even purposely attacking hospitals, schools, and humanitarian workers. The result is a country on the edge of a man-made famine, a context in which no one suffers worse than children.

So what can we do? The only good news is that since these atrocities are created by us, by humans, we can prevent them from ever taking place.

The multiple agencies and civil society organizations around the world are helping us to better identify the signs indicating that a particular situation could be on the cusp of a mass atrocity, and how we can avoid it.

The U.S. Government is also continually exploring ways that we can better prevent these things from happening. One small way Congress has sought to contribute to the discussion is by introducing H.R. 3851, also known as War Crimes Rewards Expansion Act. This bill provides awards for aiding in the arrest or conviction of war criminals facing prosecution in national court jurisdictions, including under applicable U.S. law, in addition to international tribunals.

Co-Chair McGovern and I co-sponsored this bill to create greater incentives to hold individuals accountable for committing atrocities. It passed the House earlier this year, and we are hoping it will pass the Senate in the coming weeks.

Thanks again to our expert witnesses for your work, first and foremost, but also for taking time out of your busy schedules to talk with us and share about effective prevention strategies and about a framework for how we can all better work together to stop this kind of violence from taking place in the world.

So thank you all. I look forward certainly to working with you in the next couple of weeks, and then after that, maybe in some different role. But grateful that you are all here.

With that, I am going to yield to my colleague from Georgia.

[The prepared statement of Co-Chair Hultgren follows:]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS
AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS
COMMISSION**



Tom Lantos Human Rights Commission Hearing

Reducing the Risk of Mass Atrocities

Wednesday, November 14, 2018

10:00 – 11:30 a.m.

2200 Rayburn House Office Building

Opening remarks as prepared for delivery

Good morning. I would like to join my Co-Chair in welcoming you to the Tom Lantos Human Rights Commission's hearing on Reducing the Risk of Mass Atrocities.

Mass atrocities are largescale, deliberate attacks against civilians that are systematically perpetrated because of an extremist ideology such as racism, or as a strategic objective by one group against another, like property grabbing. They often include war crimes, crimes against humanity, ethnic cleansing or genocide. Atrocities such as these usually do not occur as a complete surprise or without warning. They come within the context of years of built-up tension, hate-filled rhetoric, violence, and intense planning.

Mass atrocities do not happen by accident or simply as a by-product of war. They are calculated and strategic to create the greatest amount of suffering conceivable. ISIS sought to annihilate Yezidi communities in Iraq through genocide, viewing them as less than human. The Burmese military continues to seek the destruction of Rohingya communities by driving them from their homes, burning their villages and perpetrating unthinkable levels of sexual violence. The ongoing war in Yemen targets the food and medical supplies of civilian populations as a strategy of war, even purposefully attacking hospitals, schools and humanitarian workers. The result is a country on the edge of a man-made famine, a context in which no one suffers worse than children.

So, what can we do? The only good news is that since these atrocities are created by us, by humans, we can prevent them from ever taking place. Multiple agencies and civil society organizations around the world are helping us to better identify the signs indicating that a particular situation could be on the cusp of a mass atrocity, and how we can avoid it. The U.S. government is also continually exploring ways that we can better prevent these things from happening.

One small way Congress has sought to contribute to the discussion is by introducing H. R. 3851, also known as the War Crimes Rewards Expansion Act. This bill provides awards for aiding in the arrest or conviction of war criminals facing prosecution in national court jurisdictions – including under applicable U.S. law - in addition to international tribunals. Co-Chair McGovern and I cosponsored this bill to create greater incentives to hold individuals accountable for

committing atrocities. It passed the House earlier this year, and we are hoping it will pass the Senate in the coming weeks.

Thanks very much to our expert witnesses for taking time out of their important work to testify today. I look forward to hearing more about effective prevention strategies, and about a framework for how we can all better work together to stop this kind of violence from taking place in the world.

Mr. JOHNSON [presiding]. Thank you, Mr. Chairman. And thank you, members of the panel, for coming and presenting today. We appreciate the time and expertise that you all have and what you have shared today.

Mass atrocities devastate populations, both by the innocent lives lost and the displacement of the citizenry. Loss of family land, native languages, and cultural traditions are also costs of large-scale violence.

The United States as a global leader has a responsibility and should lead the charge to curb mass atrocities around the world.

I was impressed with a trip to Rwanda that I took about a month and a half ago. And there, back in 1994, there was a 100-day spurt or spasm of mass atrocity, over a million people killed, without intervention by the U.S., the U.N., or any other entity, until that devastation had reached that point.

And so I listen with interest in terms of how to prevent that kind of episode from happening again, and all of the tactics and strategies that you all have spoken of to try to get at it and prevent it from happening or to stop it while it is happening.

[The prepared statement of Rep. Johnson follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY C. “HANK” JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA AND MEMBER OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

**TLHRC Hearing – Reducing the Risk of Mass Atrocities
November 14, 2018**

**Rep. Henry C. "Hank" Johnson
Member of the Tom Lantos Human Rights Commission
Remarks for the Record**

Mass atrocities are ravaging our global communities. These large scale and deliberate attacks don't just cause massive loss of life—they have a profound impact on the populations they affect. They render communities increasingly vulnerable to racism, violence, property seizure, and broken government. These brutalities, often carried out at the hands of government, ensue long-lasting humanitarian, political, and national security consequences.

In response to these atrocities, it is imperative that the international community fuse their efforts to reduce the burden on at-risk populations. Here in Congress, H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, seeks to do just that by establishing a task force for interagency coordination.

With this legislation, the State Department, USAID, and the Department of Defense are just a handful of the agencies slated to collaborate in strengthening mass atrocity prevention and response efforts. These agencies must prioritize engagement with civil society and create new approaches to stabilize vulnerable communities. I look forward to hearing from this panel of experts on how our institutions can effectively cooperate to do so.

I am hopeful that our government, with the assistance of the international community, will continue to explore process-oriented approaches and implement effective measures to detect, prevent, and respond to mass atrocities. The security of our world is at stake.

I am so pleased that this Commission continues to illuminate the tragedies affecting our world, and I look forward to working together to bring lasting change to human rights protections.

Mr. JOHNSON. Ms. Moix, how does – I don't know if you are familiar or not with the current reorganization efforts of the current administration with respect to the State Department, but do you see any impact that those efforts to redesign the State Department would affect the ability of the State Department to conduct atrocity prevention and response?

Ms. MOIX. Yeah, thank you for that question. Other colleagues may have responses as well. I am somewhat familiar with the reorganization of State Department, and also USAID is going through this. And I think there is both opportunity and concern and challenge.

The opportunity is that, for instance, in USAID, there is the creation, likely, of a new bureau that is focused on conflict prevention. They will actually have prevention as a focus of our development assistance. That is very encouraging. That really is what we have been talking about in terms of using development assistance earlier, upstream, in situations so you don't reach the kind of crisis that you did, for instance, in Rwanda, and being smarter about development assistance.

The challenges, I think, are that some of the core governance, democracy, human rights, peace-building funding, really – and structures within the State Department are at risk as well. So the J Bureau in the State Department that houses a lot of these functions in the past, there is a lot of uncertainty about what is happening, where all those offices and programs and funding will end up.

So I hope that this body will pay close attention to that reorganization and really advocate for ensuring that those long-term investments to support that local development of democracy, human rights, peace-building capacities in countries will be a priority in the reorganization. But others may have more informed responses.

Mr. LOPEZ. If I may, I would add to that that one of the casualties of the reorganization was the particular sanctions division of experts that worked on sanctions for counterterrorism, nuclear proliferation, and the like. And that was to be reorganized under other thematic areas but really has not yet, and that group went by the wayside very early in Secretary of State Tillerson's reorganization.

So that much more of the focus of the diplomatic part of dealing with sanctions imposition has now fallen to Treasury. And many of us think that Treasury does fine work in its own lane of identifying the techniques we should apply, but that if you are going to have engagement and a diplomatic wing to the imposition of sanctions, but also the choice of targets, the work of that study group and the work of those experts was very, very important in other cases for the United States.

So we need a more robust dynamic there, especially if it combines with, as Bridget has said, some of the decline in the human rights staff in particular areas in State.

Ms. QUEST. And I would just add that the State Department is the entity within our government that offers the most peaceful tools and non-military solutions that we have for engaging in early prevention. And within the State Department we have experts who are able to do those early assessments, provide

training to the rest of governments, actors and representatives to ensure that atrocity prevention remains an important goal.

So I just want – I would just say that, you know, in any sort of reorganization, we would want to ensure that those capacities retain their value and that support for those important roles remain.

Mr. MOHAN. Just one quick point to add to that is the importance of cross-agency collaboration and making this a priority ahead of all types of assistance programs. So it is not just the structure and the funding. In addition to that, different entities, as they are designing approaches to countries, should collaborate and have a strategy aimed at identifying, looking at early warning signs and prevention.

Mr. MAYERHOFER. And just to add onto that, as Jai mentioned in her testimony, unfortunately, today at this moment, we need actually more investment in upstream and early prevention, in that things are looking scary in a number of different places, and so any reduction in resources, either personal or financial, for the parts of the U.S. Government that can do upstream structural prevention, that needs to be, we think that needs to be increased to do upstream prevention better.

Mr. JOHNSON. Thank you.

Mr. Mayerhofer, since you just finished, H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, seeks to establish a task force to strengthen mass atrocity prevention and response efforts. This task force would include the USAID, Department of Defense, Department of Justice, and the Department of Homeland Security, among others.

How do you anticipate these entities will work together to accomplish the goal? And are there any missing components of the atrocity prevention framework that these entities should give attention to?

Mr. MAYERHOFER. Thank you very much. And that is a great question and something really important to look at.

So the creation of the task force, we see that in the field of atrocity prevention, interagency or interministerial government institutions for prevention as one of the best practices that states can do to have high-level coordination of coming up with a whole of government response to what states can do.

We do think that atrocity prevention requires a whole of government approach, it requires a whole of society approach, and that regardless of what ministry or agency you are in, each one has something to contribute to atrocity prevention, both at home and abroad, reinforcing human rights issues both at home and abroad.

And so with the task force, what I would be interested to hear is to what extent the task force will be engaging with and taking into account, also civil society and institutions that are working here within the U.S. as well as abroad.

I think that is also a critical element that I was mentioning in my testimony earlier. Some of the best practices that we have seen, for example, in East Africa, as well as in cases in Latin America, are interagency government institutions that look both abroad and at home, that work with members of civil society. And so I

think that is one of the good practices that can also be implemented and be made very useful here in the United States as well.

Ms. MOIX. If I could just add, I spent two years in USAID as an atrocity prevention fellow, and so I was involved in some of the working-level interagency work around the Atrocities Prevention Board. And the concerns that George raised about the potential dissolution of the Atrocities Prevention Board, lack of leadership at this point, is a real concern because this kind of interagency structure is very important.

So the passage of the Elie Wiesel bill is very important, and thank you to the House for passing that. We hope the Senate will pass it and that it will be signed into law. Because now I think with the future of the APB uncertain, this task force legislated is really important.

I agree that the missing component is civil society. The APB was not very transparent with civil society here in the U.S. trying to work together with, you know, our organizations and others. They tried but it was very difficult, and even less so in terms of engaging local civil society to do preventive approaches early on.

So I think there might be an opportunity now with the passage of this legislation and potential changes coming in the NSC and the APB to maybe improve some of those processes and engagement.

Mr. MOHAN. We work with the disabilities rights communities. Often they use the slogan, "nothing about us without us." I think in the same context applies to any sort of human rights support and intervention. And I think that in addition to the, you know, engagement of civil society here and civil society in countries where we seek to prevent mass atrocities, it is extremely important to hear the voices of these vulnerable communities and people directly.

So to the extent that there are congressional trips or robust fact-finding missions, I think those would serve an important component of this.

Ms. QUEST. I would just reiterate everything I have heard. Ensuring that civil society has a voice, and most importantly, that the local communities who are affected by policy decisions have a voice. And bringing in the private sector to the conversations, because their role is massive as well. And, yeah, again, just the interagency process being fundamental to a key prevention strategy.

Mr. JOHNSON. All right. Thank you.

Ms. Quest, you note that there is a strong connection between safeguarding human rights and atrocity prevention, but they are distinct. Please elucidate a little bit more about that relationship between safeguarding human rights and atrocity prevention and the distinction between the two. And why isn't supporting human rights alone sufficient?

Ms. QUEST. This is a really good question. And it is key. In the atrocity prevention field, obviously human rights and protecting and safeguarding them is fundamental and irreplaceable as one essential element of prevention. But ensuring that institutions are strong and provide equal access to all groups, majority and minority groups, and ensuring that they have access to justice, access to equal opportunity, ensuring that corruption isn't enriching or benefiting one

group over another, managing diversity constructively, these are all important elements that take those core human rights one step further. And understand that within the types of atrocities that are committed, war crimes, crimes against humanity, genocide, it is often identity of one group or another that is targeted.

And so, therefore, paying attention to how identity groups are represented and able to access the institutions equally as others would, is what takes that focus on human rights to that next level of atrocity prevention and applying that atrocity prevention lens, as we like to say, to ensure that it goes far enough.

Ms. MOIX. If I can add, I think it is a really interesting question because we struggle a lot with definitions and clarity in this field. And when we talk to local civil society peace-builders, you know, what they say is we don't care what you call it necessarily, we want the violence to end and the abuse to end. And for instance, in this consultation that we did with local civil society, they really talked about peace-building and prevention as a spectrum and a wide array of activities.

Human rights work, fundamental, but also trust-building, engaging in reconciliation and grassroots healing across communities. Rwanda is a really important example for that. The work of engaging youth and empowering them to be leaders for peace rather than becoming engaged with violence. Peace education, which Auschwitz Institute has done a lot of work on. There is a whole spectrum of activities that are part of the peace-building and prevention of atrocities frame that include human rights, but I think also expand upon it, as Jai was saying.

Mr. JOHNSON. Okay. My last question. Ms. Quest, you recommend that private sector actors assess the impact of business operations on communities and eliminate any practices that increase the risks of atrocities.

Can you provide us examples of some kinds of practices that could increase the risks of atrocities?

Ms. QUEST. Certainly. The first thing that comes to mind is how are your employees hired? Are there certain groups that are privileged over others?

Business actors do a great deal to empower citizens by giving them access to jobs and money and, therefore, contributing back to society. And if only certain groups are enjoying those benefits over others, that might not be a direct intent of the business. But if it is not something that is being taken into consideration during those hiring practices, it might be an unintended negative consequence of their business activities. That is one key thing that comes to mind.

But there are also ways that businesses can be more proactive in addressing some of these potential consequences. So not just paying attention to how they are hiring practices, but actively seeking policies that ensure that multiple groups are represented in hiring and that as promotions are offered, that it is not privileging one group over another. This is another example of something they can proactively do after undertaking those assessments.

Mr. MOHAN. Just to add onto that, specifically businesses that relate to media, large media houses or social media, through which a lot of hate speech and incitement to violence is disseminated and communities are incited. I think they

also have an additional role to play. In addition to good business practices, but to also recognize the power that they have. These are no longer, these are no longer unknowns. We have seen what can happen on social media.

And social media companies and platforms, also mass media, larger companies, they have a certain you know, they have a potential to both, you know, play a very positive role and a proactive role in not just reporting news, but also how they report on hate speech and incitement to violence. So there is a whole range of activities that these large for-profit corporations can do to be more responsible custodians of their platforms.

Ms. MOIX. If I can just add, because I know this is a series of hearings, and this could actually be a really interesting topic for a hearing in terms of the role of the private sector in preventing atrocities and mass violence. And, you know, part of what we have seen is that the problem with government money, which is often what we are trying to mobilize for our local partners, is that it is very hard – it is not flexible money, it is not easily accessible, there are a lot of strings attached to it, it doesn't come in multiyear funding.

Private actors that want to invest in prevention and peace-building have much more flexible funding to offer. And when they are engaged and active and want to be part of the solutions, they can play a really important catalytic role.

So I think there is more and more work, and thinking, around this. The U.N. and World Bank did a report recently called "Pathways to Peace" where they talk about innovative financing for peace and the role of the private sector. And we are increasingly looking at that and how can private investors become part of this work.

Mr. JOHNSON. Are there private investors and businesses that are currently cooperating and collaborating with human rights associations to employ best practices in this area?

Ms. MOIX. Yes, there are, and others may have more examples. I will just say, from our experience at Peace Direct, we have a fabulous corporate partner that was a small start-up company. They are named Away. It is a travel brand. And they came to us because they believed in our mission of supporting local people building peace around the world and preventing violence and wanted to partner with us. And they have been fabulous at really saying, how can we support you and your work, not just financially, but really as a partner in what you do.

So I think there are more and more, you know, young investors and people coming up in the business world who see their work should have more than just a financial outcome; they really want to have an impact in the world. And we should figure out how to engage more with them.

Mr. LOPEZ. With all of that good positive happenings that Bridget and Jai have pointed out, there are also many larger corporations that feel that their relationship with an existing regime is primarily economic. And they need, in a sense, a template to use.

This is what is so critical about large-scale private investors developing a critical consciousness of what it means to be an enabler. And through the work of

a number of agencies, beginning with Human Rights Watch, USIP, and others in 2010, extending to the work of some of these other organizations, you can provide a corporation with the kind of analysis that it can do internally with the links of the groups it has on the ground, not only whether its hiring practices and others are non-discriminatory, but really the insight that they can derive from their linkages with other local suppliers, with their linkages with the government, with their linkages to the military, what is happening with their product and investment, and how in many respects they may be giving cover for those with longer-term bad intentions.

And that kind of critical corporate social responsibility is often welcomed by a group, but it needs to know the astute kind of linkages it needs to track out that aren't part of its normal fare when it is doing business in another country.

Mr. JOHNSON. Is that a role that government should undertake?

Mr. LOPEZ. I think it could be undertaken directly. I think it is probably more incumbent on many of us in the NGO and civil society sector to find a way in which these corporate actors would be more welcoming to what we do. So the extent to which Congress can encourage that there is an expertise in the existing community of human rights activists, those committed to the prevention of mass atrocities, and encourage greater linkages between the work of groups like these at the table with those corporate actors, Congress can help lead the way in those suggestions and empowering that in many different ways.

Mr. MOHAN. Also, to stress the importance of public-private partnerships in developing countries. A good example, in Indonesia, as it is looking to go to polls in 2019, the election supervisory body has entered into a collaboration with various social media platforms, and together they are addressing the harmful effects of communal politics and disinformation ahead of their elections. So there is a strong private sector engagement, but one which is led by and supported by a state entity, which is a very good example.

Mr. MAYERHOFER. Could I just add onto that? On the question of the private sector, in terms of what can be done, I do think there are couple of different areas in terms of what corporations can do in terms of transparency, particularly in terms of the extractive industries, what they can do in terms of, for example, making public their contracts, and sometimes in even cases, the payments they are making to governments in the extractive industries.

And just like Jai was mentioning earlier, in terms of doing an analysis or a risk assessment of whatever investment or business they might be bringing to a certain community and asking the questions, how might that either reduce existing risk factors or possibly exacerbate them, is an important question that businesses can ask themselves.

And I think one interesting thought or idea, for example, that came out of some of this work was in terms of hiring local security that corporations often do. For example, to protect a mine or somewhere over there doing something with the extractive industry, and not only somebody just hiring local security for that, but ensuring they have the proper human rights training, and then also in some cases,

even having that provide security for the local community as well, if it is not a secure area.

I think in terms of some interesting examples, Cosmos Energy has been very good on transparency in terms of publishing contracts they are doing, as well as the Nestle Corporation in Colombia has done a lot of creating a certification system to ensure that none of their products are going to reinforce or coming from gross human rights violators.

Mr. LOPEZ. Let me add one, if I may, other legislative action I think would be critical. We have seen a rollback of some of the transparency provisions in the Dodd Frank Act, particularly with extractives, but also in other sectors of the economy. And this is where, either willingly or unwillingly, American corporations play a role in encouraging the lack of transparency of kleptocratic elements of a government that are often associated then with future atrocities.

And we had strong provisions in that Act. Some of them have been rolled back. Some of them are yet on the drawing table, for yet to be rolled back. And I think Congress needs to take a strong stand in this particular Act, which it served the United States well for a number of years before certain challenges have come to it in the last couple of years.

Ms. QUEST. And I would just quickly add to that. One of the unintended consequences of some of these key policy decisions is that if businesses feel they are too constrained, sometimes they will just leave. And we don't want to encourage that either, because there is opportunity for peace and productivity and growth in economic opportunities. So we want to ensure that restrictions and regulations on the private sector don't discourage their involvement, but rather generate that proactivity and assessment of their actions, so that they are not contributing to the negative things we want them to avoid, but rather just working on the positive aspects of their involvement. So that is really important.

But also, as government actors, setting expectations for these businesses is really important, be it through different financing mechanisms, or when economic opportunities are opened or sanctions are dropped, ensuring that human rights and the prevention lens are incorporated into whatever opportunities arise; that it is not just a free for all and any business can come in, but that there are expectations of that business once, you know, new decisions are made in terms of explorations or opening up shop somewhere.

And then you asked about ways that businesses can find out about the role that they can play or learn more, and there are certain fora for that type of information. So the U.N. Global Compact is a voluntary membership opportunity for businesses to commit themselves to the prevention and human rights practices that we think are critical.

And there are bench-marking organizations out there too that rank businesses against one another. So providing, you know, constructive competition for them to be proactive in peace-building and in prevention. So just to name a few, in case that is helpful.

Mr. JOHNSON. Yeah, this is a fascinating discussion. I am happy to be able to sit here and ask more than five minutes' worth of questions and to have panelists responding to each other and playing off of each other's comments. That is very productive.

What I have learned, or what hits home to me about this discussion today, is how important the business sector or the private sector is in terms of mass atrocity prevention. Because if there is prosperity that is flowing, people are too busy to be committing atrocities. And so government, business – and our government, foreign governments, the business sector, the private sector, the communities that you all serve in, the non-profit human rights arena, all of these entities working together, I think we can solve these problems.

So I appreciate you all coming to testify today. I am sorry we don't have any other people here to question you, and I have got to depart for another engagement.

So I am going to gavel the hearing to a close, and thank you all for your testimony today. And thank you all, staffers and others, who have come to learn something.

Thank you.

[Whereupon, at 12:15 p.m., the Commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

Reducing the Risk of Mass Atrocities

Wednesday, November 14, 2018

10:00 – 11:30 a.m.

2200 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on local and national-level strategies to reduce the risk of mass atrocities around the world.

“Mass atrocities” are large-scale deliberate attacks against civilians, and include genocide, crimes against humanity and war crimes. After World War II the international community vowed never again to stand by in the face of genocide and mass atrocities. But since then these crimes have been committed in many countries and contexts, resulting in the suffering and deaths of hundreds of thousands of people. Millions more have been forced to flee, generating profound humanitarian, political, and national security consequences.

This hearing will explore different approaches employed by civil society actors to prevent atrocities by identifying and countering patterns of systematic violation of human rights, reducing the risk of the outbreak of violence or armed conflict or limiting its escalation, and improving social resilience. These approaches are process-oriented and prioritize engagement with key actors, education, strengthening institutional capacities and changing incentives at the local and national level. Witnesses will draw on cases of success and failure to identify best practices and offer recommendations for policymakers.

This is the second in a series of hearings designed to reflect on the challenges to successful prevention and identify opportunities for Congress to improve U.S. government capacities to detect and respond to emerging humanitarian and human rights crises around the world.

Panel I

- **Bridget Moix**, Senior U.S. Representative and Head of Advocacy, Peace Direct
- **Jack Mayerhofer**, Chief of Staff, Auschwitz Institute for Peace and Reconciliation
- **Jai-Ayla Quest**, Program Officer, Stanley Foundation
- **Vasu Mohan**, International Foundation for Electoral Systems (IFES)
- **George Lopez**, Rev. Theodore M. Hesburgh, C.S.C., Professor Emeritus of Peace Studies, Kroc Institute for Peace Studies, University of Notre Dame

This hearing will be open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via the Commission website, <https://humanrightscommission.house.gov/news/watch-live>, and will also be available for viewing on Channel 51 of the House Digital Channel service. For any questions, please contact Kimberly Stanton at 202-225-3599 or Kimberly.Stanton@mail.house.gov (for Mr. McGovern) or Jamie Staley at 202-226-1516 or Jamie.Staley@mail.house.gov (for Mr. Hultgren).

Sincerely,

/s/

James P. McGovern, M.C.
Co-Chair, TLHRC

Randy Hultgren, M.C.
Co-Chair, TLHRC



Tom Lantos Human Rights Commission Hearing

Witness Biographies

Reducing the Risk of Mass Atrocities

Panel I



Dr. Bridget Moix is the Senior U.S. Representative and Head of Advocacy for Peace Direct. Dr. Moix has worked for over 20 years on international peace and conflict issues. Prior to joining Peace Direct, she served as Atrocity Prevention Fellow with USAID's Office of Conflict Management and Mitigation and spent nine years lobbying on U.S. foreign policy and peace issues with the Friends Committee on National Legislation. Over the years she has served with the Quaker United Nations Office, Oxfam America, American Friends Service Committee, and the World Policy Institute. She worked with local peace-building organizations in Mexico and South Africa. Dr. Moix holds a

Ph.D. from George Mason University's School for Conflict Analysis and Resolution and a Masters degree in International Affairs from Columbia University. She has taught graduate and undergraduate courses in peace-building and conflict resolution at a variety of academic institutions.



Jack Mayerhofer serves as Chief of Staff for the Auschwitz Institute for Peace and Reconciliation (AIPR). Prior to joining AIPR in January 2014, Mr. Mayerhofer worked with Peace is Loud in New York and with the Center for the Study of Genocide, Conflict Resolution, and Human Rights at Rutgers University in Newark. As Chief of Staff, he is in charge of developing and overseeing all activities of the Executive Office at the Auschwitz Institute. In addition, he has also worked on AIPR's Africa programs, organizing training programs for government officials

throughout East and Central Africa, and he leads the Auschwitz Institute's engagement with legislators for atrocity prevention. Mr. Mayerhofer earned a B.A. in French and

Applied Linguistics from the Pennsylvania State University and an M.S. in Global Affairs from Rutgers University.



Jai-Ayla Quest is the Program Officer for Mass Violence and Atrocities at the Stanley Foundation. As a member of the mass violence and atrocities team, Ms. Quest works with diverse stakeholders at local, national and international levels to inform policy decisions that strengthen societal resilience to mass violence and atrocities. Her team seeks to establish regional networks for prevention, engages different policy sectors to focus on resilience, and promotes evidence-based policy solutions. Ms.

Quest joined the foundation in 2015 after graduating with her M.A. in international security from the Josef Korbel School of International Studies at the University of Denver. Prior to graduate school, she worked on safe-water and sanitation projects at PATH in Seattle, Washington. She received her B.A. in international relations from the University of Southern California.



Vasu Mohan currently serves as the International Foundation for Electoral Systems' (IFES) regional director for Asia-Pacific and Technical Lead on election, conflict and security. For the past two decades, Mr. Mohan has worked on democracy, governance and human rights promotion with a focus on post-conflict elections and democratic inclusion of ethnic and religious minorities. He has been with IFES since 2001 in the headquarters and the field and supervised programs and field offices in over 22 countries including Burma, Fiji, Nepal, Papua New Guinea and

Sri Lanka, partnering with a range of international, regional and national stakeholders. Mr. Mohan has also worked in several countries including Afghanistan, Kenya and Georgia on election violence mitigation efforts. He is co-author of the IFES White Paper [Countering Hate Speech in Elections: Strategies for Electoral Management Bodies](#), [Gender Equality and Election Management Bodies: A Best Practices Guide](#), and [Sehr: A New Dawn Breaks](#), a book highlighting IFES' Muslim Women's Initiative in India. He is currently working on a translation of vignettes from the history of his native Sri Lanka from Tamil into English.



George A. Lopez is the Rev. Theodore M. Hesburgh, C.S.C., Chair Emeritus in Peace Studies at the Kroc Institute, University of Notre Dame. An expert on peace-building and economic sanctions, since 1992 Dr. Lopez has advised various international agencies and governments regarding these issues and has written or edited 11 books and more than 50 articles. From October 2010 through July 2011, he served on the United Nations Panel of Experts for monitoring and implementing United Nations sanctions on North Korea. From September 2013 to July 2015, he was the Vice President of the United States Institute of Peace in Washington, D.C.

**Prepared Statement of the Honorable Steve Cohen, A Representative in
Congress from the State of Tennessee and A Member of the Tom Lantos
Human Rights Commission**

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Reducing the Risk of Mass Atrocities

November 14, 2018 – 10:00 a.m.
2200 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Congressman Steve Cohen
Member of Congress
U.S. House of Representatives

“Never again.” That is what the international community pledged after the Second World War, to never idly stand by as genocide and mass atrocities occur.

However, since the Second World War mass atrocities have been committed in many countries, resulting in the suffering and deaths of hundreds of thousands of people. Millions more have been forced to flee, generating profound humanitarian, political, and national security consequences.

At this time, 68.5 million people have been forcibly displaced globally, of whom 25.4 million are refugees. This is the highest level of displacement on record.⁸

Almost every two seconds, a person is forcibly displaced as a result of conflict or persecution.⁹

Today as mass atrocities are happening around the world including Myanmar, Yemen, and Syria, just to name a few, the United States and the international community still struggle to develop a coherent and comprehensive response to mass atrocities committed by state and non-state actors.

⁸ <http://www.unhcr.org/en-us/figures-at-a-glance.html>

⁹ Ibid

I am proud that the House of Representatives passed H.R.3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2018, that I cosponsored, establishes a Mass Atrocities Task Force and states that it is U.S. policy to regard the prevention of genocide and other atrocity crimes as a core national security interest and a core moral responsibility.

There is more that Congress can and should do to prevent mass atrocities and I believe that this hearing is very timely.

I want to thank the panel for coming to testify today. Your views are very important to our work.

Atrocity prevention and peacebuilding

Key insights and lessons from a global
consultation convened by Peace Direct

Executive Summary



Višegrad Bridge: Bosnia and Herzegovina



About this summary report

This summary report puts forward analysis and recommendations emerging from a consultation on atrocity prevention and peacebuilding. In late 2017 Peace Direct held a four-day online consultation in which 96 civil society practitioners and experts from across the globe reflected on how local peacebuilding approaches contribute to preventing and halting mass violence and rebuilding communities in the aftermath of violence.

Without question, the international community, including governments, the United Nations, and regional organisations carry a primary responsibility to prevent and stop atrocities. However, as this Brief demonstrates, local civil society and locally-led peacebuilding approaches also play a critical role, one which is too often overlooked. Participants in the consultation, selected specifically because of their experience with community level peacebuilding, lend a vital, unique, and often missing local perspective from policy conversations about atrocity prevention. We hope the outcomes of this consultation will lead to increased support and strengthening for those peacebuilding efforts.

Peace Direct extends a very special thank you to our guest experts and participants for their commitment and hard work in contributing to this report, and to all those who engaged proactively in the online consultation with respect and without judgement. The viewpoints presented here represent the consensus of participants and experts.

This summary report summarizes key findings and recommendations from the consultation, but a full report can be found here: www.peacedirect.org/publications/atrocity-prevention-consultation

Summary of key findings and recommendations



Atrocity crimes – systematic violence perpetrated against civilians – continue to have devastating impacts on populations in Central African Republic (CAR), Democratic Republic of Congo (DRC), Iraq, Myanmar, South Sudan, Syria, Yemen, and beyond. The failure to act promptly in the face of these growing crimes, despite strong international norms and legislation, reflects the limitations of the international system to prevent and stop such violence.

Robust peacekeeping and rapid interventions have shown some promise, but they are reactive, attempting to stop mass violence only once it is underway. Effective prevention requires longer term, early action that focuses on local capacity building and support for actors on the ground: those who experience the early warning signs of possible mass atrocity and genocide. Indeed, local peacebuilders have long engaged in efforts to

bridge divisions in their communities and find local solutions to conflict, despite much hardship.

The global effort to prevent and stop atrocities will require a collective, multi-sector approach inclusive of intergovernmental institutions, governments, civil society organisations and networks, academia, and local peacebuilders.

Peacebuilding approaches to preventing atrocity crimes

The peacebuilding and atrocity prevention fields of work have historically been considered different, but related fields. A key difference between the fields, and a reason the distinction is often made at the policy and funding levels, is that atrocity prevention is rooted in accountability frameworks such as international criminal justice and human rights, while peacebuilding stems from conflict resolution and prevention frameworks that seek long-term sustainable changes.

Yet, a principal finding of this consultation is that, in practice, on the ground in conflict settings, the distinction matters little. Ultimately, they share common goals, tools, and approaches. The common mission of both fields of work, to prevent violence and mass atrocity, overrides most differences. Indeed, local peacebuilders have worked to prevent genocide, war crimes, crimes against humanity and ethnic cleansing long before these terminologies existed. As we heard repeatedly, "It's the work that matters, not the labels."

Though not exhaustive, below are some peacebuilding approaches identified in this report that can contribute to the prevention of atrocities:

- **Building trust and enhancing opportunities for dialogue**, often between minority and majority ethnic and religious communities, to address the earliest stages of conflict, root causes of conflict, and long-term disputes over grievances, inequalities and trauma that can lead to atrocities.

"Because atrocities are correlated with conflict, stopping conflict may be one of the most important ways to prevent atrocities."
Mugahed Al-Shaibah (Yemen):

- **Designing and implementing peace education programmes that seek to tackle divisions within communities.** These programmes can, for example, contribute to diminishing hate, discrimination, bias and the "dehumanisation of the other" that can unpin the origins of atrocities, promote reconciliation and reduce recurrence of atrocities, and diminish the stigma of sexual and gender-based violence on victims and communities.

- **Developing non-violent self-protection strategies.** In the face of impending violence and atrocities, communities worldwide have developed innovative and nonviolent strategies – dependant on the local context and history – including by forming peace communities and neighbourhood watches (some of "ancient" origin), engaging in direct negotiations or mediation with armed forces, and developing early warning capacities to hide and flee from imminent atrocities, among others.

"Local people with valuable practical ideas are not included most of the time in policy related discussions due to their ethnic, language, religious, and geographical bias."
Fazeeha Azmi (Sri Lanka)

- **Engaging in grassroots reconciliation and healing**, between former insurgents and their communities, to diminish intergroup tensions, deep societal divisions, systematic discrimination and societal trauma that fuel identity-based grievances, contribute to dehumanisation and exclusion, through a variety of strategies including cohabitation, building trust and tolerance.
- **Preventing sexual and gender-based violence.** This entails forming networks and coalitions to advocate for legislation, leading in early warning and response, and facilitating training and education to promote gender equality and the changing of bias and negative attitudes toward women affected by SGBV crimes.

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Obstacles peacebuilders face in their efforts to prevent atrocities

- **Limitations of working in the context of active atrocities**, especially in communities where groups who are already marginalised and socially and economically disenfranchised cannot organise, advocate or defend themselves.

- **Big-power proxy wars**, where civilians are caught in violent conflicts supported and fuelled by international actors positioning for regional and global influence, coupled with negligent attention and action by regional actors, mean that civilian protection is simply not a priority. The sale of weapons by big powers, and the trade in small arms, only fuels violence further. Local peacebuilding efforts are dwarfed, derailed, and often overwhelmed in these contexts.

- **Insufficient or weak institutional governance** is a common challenge, therefore there may be a lack of policies and programmes to address the deep social divisions that communities face with respect to their religious and ethnic identities, especially in certain countries and contexts where atrocities have previously taken place. In many cases, governments are actively involved in perpetrating atrocities and may perceive local peacebuilding efforts as a threat.

- **The constraints on civil society are ever increasing** with some governments imposing legal barriers on civil society to operate as well as some making direct threats on the physical security of organisations, including harassment, intimidation, attacks, and even death.

"If locally-led civil organisations actively engage the youth, women, children, and community leaders in building trust and cohesion, then conflicts become locally owned and local knowledge is harnessed in preventing major atrocities."
Qamar Jafri (Pakistan)

- **The prevalence of non-state armed groups**, who may be motivated by local disputes and use them to compel violence against civilians, and recruit children and youth to their forces.
- **Hate speech in the media** heightens tensions and anger and capitalises on social and economic divisions within a society.



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Recommendations

- **"Stopping violent conflict can stop atrocities"** is what we heard from consultation participants. Peacebuilding addresses the earliest stages of conflict, root causes of conflict and inequalities that can lead to atrocities. Peacebuilding reinforces atrocity prevention.

- **Take advantage of the early-warning capacities of local communities.** They are especially well prepared to prevent violence before it breaks out and prevent atrocities (in peace or war times). They can be counted on for access to critical information in real time and for observing and documenting signs of impending violence.

- **Engage directly with local communities in the design of atrocity prevention and peacebuilding efforts.** Local communities should lead the design these efforts. Governments and donors should therefore engage in participatory conflict analysis, where "key people" and not "more people" is a priority, and which ensures that there is a proper baseline assessment of the local context.

- **Include all voices in prevention strategies, peacebuilding activities as well as dialogue and peace processes.** This inclusion, especially with the most marginalised groups, is critical to assuring lasting peace. In this same spirit, including government and military (who are often perpetrators of violence) is also important.

- **Improve the funding structures for peacebuilding and atrocity prevention in a way that is not limiting.** Donor funding structures – governmental, intergovernmental and private foundations – should be focused on local capacity building for atrocity prevention by investing in longer-term programming, core organisational support and rapid response funding instruments in the full cycle of conflict, from its root causes to ongoing atrocities to its aftermath.

- **Raise global awareness of massive violations of human rights.** The international community should increase efforts to raise awareness in intergovernmental forums. These efforts should be paired with support to victims, families, and human rights defenders speaking out about the risk of atrocities and SGBV crimes.

- **Undertake advocacy where the Global North is playing a role in fuelling atrocities.** Civil society in the Global North should address its advocacy efforts to the role the private sector plays in fuelling atrocities, shine a light on war profiteering and the trade of small arms and weapons, lobby politicians to ensure their governments' proposed policies do not escalate conflicts, and back solidarity campaigns that support the messages and hopes of local peacebuilders.

- **Provide incentives for governments to reform institutions and address disputes that could lead to conflict and mass atrocities.** This will include: prosecuting the perpetrators of atrocity crimes and bring them to justice; and encouraging warring parties to come to the table through mediation.

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What is atrocity prevention?

Atrocity prevention refers to a broad range of tools and strategies which aim to prevent the occurrence of mass killings and other large scale human rights abuses committed against civilians. The terms "mass killings" or "mass atrocities" do not have formal legally accepted definitions but are commonly understood to refer to large-scale, intentional attacks on civilians.

What is peacebuilding?

A variety of official and unofficial definitions can be elaborated for peacebuilding. United Nations (UN) Secretary-General Boutros Boutros-Ghali's 1992 report, *An Agenda for Peace*, defined peacebuilding as action to solidify peace and avoid relapse into conflict. The 2000 Report of the Panel on UN Peace Operations (also known as the Brahimi Report) defined it as "activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war." In 2007, the UN Secretary-General's Policy Committee agreed on the following conceptual basis for peacebuilding to inform UN practice: "Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritised, sequenced, and therefore relatively narrow set of activities aimed at achieving the above objectives."

The United States Institute of Peace provided financial support for the convening described in this report and the report itself. The opinions, findings, and conclusions or recommendations expressed in this report are those of the author(s) and do not necessarily reflect the views of the United States Institute of Peace.

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About Peace Direct

Peace Direct works with local people to stop violence and build sustainable peace. We believe that local people should lead all peacebuilding efforts, and this report is the third in a series canvassing local views on violent conflicts around the world in an effort to highlight local capacities for peace and local expertise.

For more information on this series of reports, please contact us.

www.peacedirect.org
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The Auschwitz Institute for Peace and Reconciliation, Building Resilience to Genocide - Ten Practical Measures



the auschwitz institute
for peace and reconciliation

Policy Brief in Prevention

Building Resilience to Genocide Ten Practical Measures

Introduction

Reducing the threat posed by genocide in our world is more achievable than ever before. New research on genocide prevention offers fresh insights and practical steps to reduce risk. The development of mass atrocity risk lists, for example, provides specific information as to the countries in which genocide prevention efforts might be effectively targeted. Accompanying these advances, there has also been a greater allocation of resources dedicated to prevention in recent years. This includes the establishment of the United Nations Office on Genocide Prevention and the Responsibility to Protect, the Atrocities Prevention Board within the United States government, and a proliferation of non-governmental organizations focused on prevention.

This upsurge in research and resources could have a profound impact. Yet to do so, efforts must be focused on the most effective approaches to reducing the risk and incidence of genocide. This brief provides recommendations on practical, evidence-based measures that can build resilience to genocide in at-risk states. Recommendations are targeted toward policymakers and practitioners within national governments, intergovernmental organizations, and non-governmental organizations working to prevent genocide and mass atrocities.

Genocide Prevention as a Process

Essential to this endeavor is understanding that prevention, like genocide itself, is a long-term process and not a single event. At any given point, the likelihood of genocide occurring in a country can be understood as a “risk profile,” comprising risk factors and resilience

factors. Risk factors, such as the persecution of a vulnerable minority, increase the likelihood of genocide over time. Resilience factors, such as an impartial and independent legal system, reduce the likelihood of genocide over time.

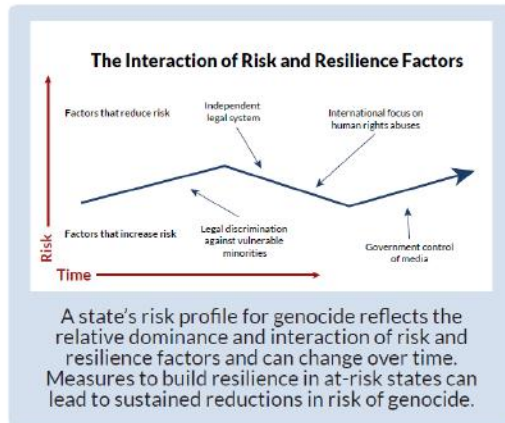
Resilience factors are particularly important, as the elimination of risk factors is not always feasible through the implementation of government policies. Factors such as discrimination against a minority population or economic challenges can be deeply entrenched in at-risk states. Some of the risks associated with these long-term factors, however, can be offset by resilience factors. Putting in place robust measures to respond to discrimination, for example, or to provide opportunities for



Armenian Genocide Memorial, Montebello, California. It is estimated that more than 250 million civilians were victimized by genocide and mass atrocities during the twentieth century.



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young people at risk of joining a militia, can have a protective effect. Over time, using such measures can reduce a state's risk profile for genocide.

An Evidence-Based Approach

Understanding genocide prevention as a process of reducing risk over time enables a focus on practical measures that can have a real impact. This policy brief presents ten such measures, developed through careful analysis of historical case studies in which a potential genocide was averted.

Previously, most research in this field has focused on case studies of genocide. In these cases, however, risk factors dominated and resilience factors were inoperable or ineffective. This has limited analysis of the role of resilience factors.

By contrast, the research that informs this brief has focused on historical cases in which a genuine risk of genocide was averted. Using this dataset of cases, in which resilience factors were effective, has led to new research findings. The following measures are therefore the result of close analysis of factors that have contributed to reducing the potential for genocide in at-risk states in the past. Each has been identified as reducing risk of genocide in multiple case studies, indicating their potential effectiveness

in contemporary situations. These practical measures, when used appropriately, have real potential to increase stability and decrease risk of genocide in at-risk states.

Measures to Reduce Risk

A Localized Focus Can Have a National Impact

Utilize Local Agency

Local agency, with appropriate support, can make a crucial difference in building resilience to genocide. Vulnerable minorities are inherently those most heavily invested in their own protection. Despite the relative weakness of their position and the risks that may be associated with taking action, vulnerable minorities are often able to identify a pathway with the potential to improve their position.

In the past, when such minorities have received appropriate external support, the actions they have undertaken have proven effective in reducing or even eliminating their risk of genocide. For example, vulnerable minorities have been able to bring their plight to the attention of international media and the United Nations, leading to a stronger international response to their persecution. It is important to qualify this measure by highlighting that in no way should vulnerable minorities at risk of genocide be expected to somehow "save themselves," no matter how dire the circumstances. Nevertheless, it suggests the need for greater prioritization of local perspectives in genocide prevention. Working with vulnerable groups to identify potential protective measures could lead to the development of important initiatives. These measures are likely to be context-specific rather than cross-situational, and therefore different from those identified through external analyses. Moreover, past examples suggest that such proposals are likely to be feasible with even limited support.

Intensively Manage Local Areas of High Risk

Within states at risk of genocide, there are typically localities in which the risk is particularly elevated. The nature of these regions can vary widely – they may be urban or rural, areas in which unrest has previously occurred, or potentially sites of religious or other significance. They may be areas in which the vulnerable minority resides in relatively sparse numbers, lacking the protection afforded by concentration. Alternatively, they may be areas in which the minority is heavily concentrated, thereby being perceived by the government or local population as posing a threat. Despite their diversity, both governments and the minority groups themselves can readily identify these “hotspots.” Intensive management to reduce risk of escalation in these locations can work towards the prevention of escalation more broadly.



In the early 1980s, the Baha'i minority in Iran experienced increasing persecution. Experts feared the escalating violence could lead to genocide. In response, the Baha'i community, led by many in the diaspora, mounted a concerted campaign to bring global attention to the situation. International condemnation at the United Nations, by the United States and other countries, helped ease the repression experienced by the Baha'i, reducing the risk of genocide.

Historically, a common escalatory pathway begins with a local incident sparking a wider cycle of violence. Moreover, governments seeking to create an escalatory dynamic will often target such hotspots. They may provoke an incident that is then used to justify a disproportionate response. In high-risk circumstances, governments may target a hotspot for a “trial massacre,” as these localized outbreaks of violence escalate the conflict more broadly.

Through intensive management, preventing localized escalations in areas where they are most likely thereby functions to prevent a broader escalation of conflict.

Ensure Robust and Sustained Reactions to Local Escalations of Risk

Local incidents of violence, irrespective of their origin or nature, can trigger a broader escalation of the risk of genocide. An incident may take the form of a protest that escalates into a riot, a violent episode perpetrated by one party to the conflict that triggers a wider outbreak of violence, or a massacre. Such events can break down previously established norms related to an “acceptable” level of violence, creating an escalatory dynamic. They can be used by governments to justify broad retaliatory or repressive measures targeting the vulnerable minority. Moreover, they can trigger a process in which political leaders are effectively rewarded by the violence.

For example, a population disturbed by continued violence may lend greater support to the government in the hope of deterring future outbreaks. Localized violence may also reduce scrutiny related to ongoing domestic issues. In either case, future incidents become incentivized. As the risk of genocide increases, governments also use trial massacres as a barometer to gauge international reactions.

In each of these cases, a robust international reaction raises the costs of the escalatory dynamic. This may include strong rhetorical condemnation, demands for investigations and legal redress, as well as policy responses. Appeasement, or a relatively muted reaction, gives a clear signal to potential perpetrators that escalation is a viable option. While a strong initial response is crucial, sustaining that response over the longer term is equally, if not more, important, though rarely recognized as such. The time period during which governments in at-risk states

review the international reaction to violent incidents is one of months or years, not days. An initial outcry is thus of limited value, should the incident in question not have a sustained impact on international relations.

Instead, the incident should remain part of the diplomatic conversation for an extended period of time and include a focus on the need for perpetrators to be brought to justice (nationally or internationally). There should be sustained attention on human rights and the need for mass atrocity risk reduction. A domestic or international inquiry into the incident and a focus on ensuring that any resulting recommendations are implemented should ideally be part of this process. This level of robust and sustained reaction, coming from as many sources as possible, can directly impact governmental decision-making processes regarding further violence.

Work with Governments of At-Risk States

Aid Governments in Implementing Domestic Proposals to Reduce Risk

Historical evidence demonstrates that there are opportune moments to work with governments in at-risk states, aiding them to implement domestic initiatives that may reduce the risk of genocide. Well before the kind of radical ideologies that result in genocide develop, governments commonly have periods during which they are actively seeking to reduce tensions through peaceable means. These efforts can be stymied, however, by a lack of resources or an absence of the required external support. The windows of opportunity then close and more radical solutions are considered. Strong diplomatic relations with at-risk states can aid in the identification of opportune moments for cooperative initiatives to build resilience to genocide.

Working with governments in this way offers numerous advantages. First, it capitalizes on the expertise of local officials with respect to identifying strategies for building resilience that are likely to be feasible and effective. Second, working alongside national-level initiatives reduces the potential for criticism drawing on sensitivities to Western impositions. Nonetheless, independent analyses should ascertain that proposed actions are widely perceived as genuine measures to reduce risk (including by the vulnerable groups themselves) and are not likely to have otherwise unforeseen consequences. The best opportunities are likely to arise in states exhibiting a low or moderate risk of genocide, rather than those on the cusp of a crisis. While these states typically do not attract the attention or resources associated with crisis intervention, this type of support can lead to long-term and structural reductions in risk.

Build Deep Relationships with States Exhibiting Low to Moderate Risk Indicators

Engaging and building multifaceted relationships with states at low to moderate risk of genocide can have multiple benefits. Governments that foster these relationships can use diplomatic means to encourage at-risk states to pursue policies that reduce risk. They can offer markers of acceptable behavior within a community of friendly countries. States are also more likely to accept assistance



Memorial to Dimitar Peshev, Kyustendil, Bulgaria. As a member of the national parliament, Peshev prevented the Jews of Bulgaria from being deported to Nazi concentration camps during the Holocaust. His campaign prevented the genocide from reaching Bulgaria and saved the lives of around 48,000 Bulgarian Jews.

in managing internal challenges from those that they perceive as “friends.” This assistance may include mediation services, capacity building, independent election oversight, or other activities associated with pillar two of the Responsibility to Protect.

In the event of a crisis, states with deep relationships are likely to have better local sources of intelligence to enable rapid and accurate assessment. Their multifaceted relationships, moreover, may provide sources of leverage that can be used to help resolve the crisis. Relationships between civil society organizations (both internal and external to the country) and at-risk states offer many similar advantages.

Strong relationships are a cornerstone of effective knowledge-building and advocacy. In times of crisis, those relationships can be used to facilitate access, obtain knowledge, and provide beneficial assistance. In the event of escalating risk of genocide, tension can arise between the value of maintaining and building relationships and the need to clearly signal the unacceptability of discriminatory or persecutory policies toward vulnerable groups. In these circumstances, the benefits and costs of the relationship should be carefully analyzed on a case-by-case basis.

Minimize Perceptions of Threat

A key driver of risk escalation occurs in situations where a government perceives a threat to its continued existence by a vulnerable group. It is critical to note that, in this situation, the reality of an objective threat assessment is secondary in importance to the perception of an action or event as being threatening to the government.

For example, an attempt by a state to intercede diplomatically on behalf of a minority group in another state might be perceived by the latter power as infringing upon its sovereignty. This might take place in spite of any genuine

humanitarian motives behind this diplomacy. Similarly, an appeal by a persecuted minority for international assistance might be perceived as a dangerous act of disloyalty or as part of a longer-term plan for secession.

Such perceptions of threat play a crucial role because they allow a government to reinterpret their persecutory actions as self-defense, breaking down important psychological barriers to instigating violence. Governments themselves also actively manipulate perceptions of threat. By portraying vulnerable groups as threatening, they can build support for eventual genocide within the wider population.

Conducting relations with at-risk states in such a way as to minimize any perceptions of threat reduces the risk of these escalatory processes. This requires sound knowledge of local conceptions of sovereignty, and specific areas of sensitivity to avoid. Where possible, a strong emphasis on working cooperatively and careful diplomatic language can minimize perceptions of threat. This does not negate the need for robust responses to outbreaks of violence or ongoing persecution, but highlights the necessity of careful framing for such responses.

The Importance of Words and Deeds

Build Relationships between the Vulnerable Group and Others

Bystanders can play a crucial role in preventing genocide. They may be individuals or groups within an at-risk state or external actors with the capacity to raise the costs associated with conflict escalation. Whether internal or external, however, bystanders are often motivated by an affinity with the vulnerable group. Internally, this may arise from individuals having personal or professional relationships with members of the vulnerable group. It may arise from groups perceiving a common interest, such as minority groups in a society building relationships with

one another. Externally, it may arise from a diaspora community maintaining relations with the core; or another group or state perceiving a commonality of experience or outlook.

These relationships that extend beyond the group are beneficial to those at risk. Bystanders may choose to advocate with, or on behalf of, vulnerable groups, and can be very effective in doing so. Historically, bystander agency has played a vital role in building the resilience of vulnerable groups in circumstances of low to moderate risk. Bystander agency has also directly prevented genocide in multiple instances. There is no one clear path through which internal or external bystanders have reduced the risk of genocide, but many different paths. This highlights the fact that the key element to reduce risk is not a specific bystander action, but relationships themselves. Building and strengthening relationships between the vulnerable group and others, both internal and external to the at-risk state, increases the protective potential of such relationships.

Challenge Narratives

Narratives play a very important role in creating – or combating – the conditions that lead to genocide. Risk of genocide is often closely aligned with the presence of dominant narratives that mischaracterize a nation's history, misrepresent vulnerable groups, justify persecutory policies, and promote polarization. Challenging these narratives can stall attempts to build support for genocide within the broader population.

The role of the press is crucial. Working to maintain the rights of a free press to challenge laws and policies that inhibit the press, and to challenge the political persecution of media activists, is an important component of enabling the presence of a plurality of narratives. Working to safeguard or promote digital freedom and unfettered internet access further supports

this goal. In some societies, segments of the population may gain the majority or the totality of their external information from a single source, such as the radio. Awareness of such local realities can further subvert attempts to present a singular narrative. In circumstances of high risk of genocide, countering propaganda needs a multipronged approach. Propaganda not only presents misinformation as fact, but makes an emotional appeal based upon it.

Therefore, effectively combatting it requires both informational and emotive components.

Policy Approaches in Circumstances of High Risk

Avoid Idle Threats

During periods of risk escalation, or when a state is at high risk of imminent genocide, the response of the international community can play a crucial role in determining whether this risk escalates into genocide, or whether there is a process of stabilization and risk reduction. Strong and sustained signals from the international community are essential and such signals must be unequivocal in their condemnation.

Yet, at the same time, it is imperative to avoid threatening intervention in specific circumstances unless there is a genuine



Sophie Scholl, along with her brother and a small group called the "White Rose," illegally published pamphlets challenging Nazi ideology in 1942-1943 in Germany. Caught distributing them at the University of Munich, Scholl was executed for treason. Allied forces obtained a smuggled copy of one such leaflet, and later dropped millions of copies over Germany, challenging the dominant narrative of the Nazi party.

commitment to action. When leaders identify a “red line,” beyond which there will be a specific policy response and fail to adhere to their own statements, this indicates to regimes that they can pursue genocidal policies with impunity. As such, this dynamic may directly contribute to the onset of massacres and/or genocide. Leaders should avoid this style of rhetoric unless they are absolutely committed to following through on the proposed course of action, should circumstances warrant.

Facilitate Refugee Corridors

In periods of crisis, the inability of vulnerable groups to flee markedly increases the risk of genocide. Governments pursuing policies of forced migration or ethnic cleansing, which are then stymied in their attempts, are more likely to radicalize these policies further to the point of massacre or genocide. Governments that themselves seek to curb such flight are quite likely to have already decided upon mass killing as a possibility. In these extreme circumstances, facilitating refugee corridors is likely to be most effective at saving lives in the short-term and offers a better prospect of allowing the crisis to pass without escalation to the level of mass killing.

In the current international environment, this can be a challenging undertaking. It must also be recognized that such policies need to be managed carefully and discreetly in such a way that governments of at-risk states do not actively pursue a policy of expulsion or ethnic cleansing in response. Nonetheless, the ability of vulnerable groups to flee a crisis is crucial to both saving lives and potentially avoiding escalation.

Conclusion

Preventing genocide is an urgent yet daunting challenge. Using proven and practical measures to build resilience in at-risk nations offers a clear path forward. Doing so will save countless lives.

Further Reading

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Page 6: *Sophie Scholl, 1942*. Image in the public domain. <https://goo.gl/qBhjvu>

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**Samantha Capicotto and Rob Scharf, National Mechanisms for
the Prevention of Atrocity Crimes**

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**The Auschwitz Institute for Peace and Reconciliation, Pursuing
Institutionalization of the Atrocity Prevention Agenda**

2017

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**The Auschwitz Institute for Peace and Reconciliation, Integration
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2018

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**Sheri P. Rosenberg, Getting Down to Business: Uncovering the
Roles Played by Enterprises in Enabling and Preventing Atrocity
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The Stanley Foundation, Policy Memo: The Power of the Private Sector in Preventing Atrocities and Promoting the Responsibility to Protect



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Policy Memo

DATE: November 11, 2016

SUBJECT: The Power of the Private Sector in Preventing Atrocities and Promoting the Responsibility to Protect

Key Recommendations

- Create opportunities for private sector, state, and civil society actors to develop a shared understanding of their respective roles within atrocity prevention, including opportunities for coordination and collaboration.
- Conduct case studies for private sector, state, and civil society actors to map relevant stakeholders and relationships in at-risk country contexts—both past and present—and identify opportunities to engage the private sector in prevention.
- Develop a toolkit for private sector actors to use at key points on the atrocity prevention spectrum, from upstream to proximate action.

Past events have demonstrated that business can play a positive role in preventing atrocities. For example, private sector actors curbed widespread violence during Kenya's 2012–2013 elections and blocked the Tunisian government from identifying oppositionists through social media during the Arab Spring in 2011.

Although private sector actors have important power and influence in communities at home and abroad, they have been minimally engaged by civil society, governments, and multilateral institutions as potential partners in atrocity prevention. Discourse has typically centered on the private sector's history of enabling or perpetrating atrocities. At this roundtable, participants

On October 26–28, 2016, experts and policymakers from academia, government, international organizations, and civil society gathered at the Airlie Center outside Washington, DC, to participate in the Stanley Foundation's [57th annual Strategy for Peace Conference](#). This year's conference featured autonomous roundtables where experts focused on policy ideas, challenges, and recommendations in four key global issue areas: climate change, genocide prevention, nuclear security, and global governance.

This policy memo captures the major discussion points and policy recommendations from the roundtable "The Power of the Private Sector in Preventing Atrocities and Promoting the Responsibility to Protect," chaired by Conor Seyle, research director at One Earth Future, and organized by Carrie DuLaney. Jai-Ayla Sutherland served as the rapporteur. A more detailed policy dialogue brief is forthcoming.

broadened the narrative, exploring how private sector actors can contribute to preventing atrocities and making a case for why it is in their interest to do so. They agreed that the successful implementation of the Responsibility to Protect (R2P) requires a whole-of-society approach, with the private sector playing a positive role.

Yet there is currently no consensus about how the private sector, states, and civil society can productively work together to prevent atrocities. This uncertainty remains an obstacle to developing relationships across fields. Private sector actors are mostly excluded from atrocity prevention discussions, leaving them unaware of how they can contribute to preventing atrocities. State actors often do not know how to engage with the business community in at-risk contexts. Because civil society has generally held a negative perception about the private sector's role in atrocities, it has been hesitant to engage in dialogue and advocacy to push businesses toward prevention activities.

Development of a Common Language

From the beginning, participants emphasized the importance of developing a shared language between the atrocity prevention and private sector communities. Both groups have well-developed discourses with specific terminology and practices, but they can only work together if they determine how to effectively communicate. In particular, participants stressed that both communities need to be precise and specific in the terms they use for two reasons: First, the capacities and incentives of different types of private sector actors vary tremendously; second, atrocity prevention is distinct from peacebuilding. Representatives at the roundtable came to the following working definitions of atrocities and the private sector for this conversation:

Atrocities

There are two kinds of definitions of atrocities: (1) a legal definition, which includes crimes against humanity, war crimes, and genocide, derived from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court, and (2) a broader, nonlegal definition that describes atrocities as large-scale, deliberate attacks on civilians. These definitions share important elements, stipulating that violence is large-scale, systematic, intentional, and targeted toward civilians. Participants established that atrocities occur within or outside of conflict situations.

Private Sector

The private sector consists of multiple levels and types of actors, including small- and large-scale local businesses, national businesses, international businesses (i.e., multinational corporations), business associations, business philanthropy, and illegal businesses. Within a national context, participants proposed a hierarchy of business arrangements, ranked from smallest to largest: (1) individual corporations, (2) sector-specific conglomerates, (3) the larger business community, and (4) the business community with the addition of the informal private sector. Participants also mentioned parastatal entities—corporations controlled partly or wholly by governments—as part of the landscape in specific countries.

Participants consistently recognized the diversity of the types of businesses and the respective roles they can play in the prevention ecosystem. In particular, they drew a distinction between indigenous businesses and multinational corporations. Local businesses have a direct stake in their communities, as they must maintain operations and a reliable customer base to succeed. Because indigenous businesses are wholly integrated into and dependent on their local communities, they directly suffer the social and economic consequences of an outbreak of violence. Multinational corporations have larger reach than their local counterparts, including access to multiple markets and greater opportunities to drive behavior change. Although they often have in-country staff, their leadership may have less of a stake in and direct contact with local communities, causing the corporation as a whole to not feel the effects of atrocities as intensely and immediately as local business actors. The discussion consistently returned to the tension between multinational and local businesses, raising the question of which type of private sector actor is best suited for effective prevention activities—indigenous businesses, with their deep knowledge of and influence on the local landscape, or multinational corporations, with their significant economic weight—and which should be most intensively targeted by outreach from the atrocity prevention community.

Private Sector Engagement

To generate business interest in prevention, atrocity prevention actors must appreciate key business motivations, helping businesses understand why it is in their interest to be positive players in atrocity prevention and giving them concrete incentives to engage. Fundamentally, private sector actors face a strong economic incentive to maintain peace and stability: Atrocities cause enormous economic harm to businesses by disrupting their activities. All businesses need to manage and mitigate risk, ensuring they maintain a stable operating environment. Large corporations are accountable to their shareholders, and they need to protect their reputations. The onset of atrocities imperils every element of business success.

Atrocity prevention experts in and outside of government should help private sector actors understand where they can have an impact in atrocity prevention and why their role is important. This education and training about atrocity prevention should focus, in particular, on the risks and warning signs of atrocities, including structural factors and triggering events, that business may be uniquely placed to influence.

Governments and multilateral institutions must hold businesses that operate within their borders accountable to relevant international frameworks, such as the United Nations Guiding Principles on Business and Human Rights, and existing regulatory mechanisms. They should also work to provide private sector actors with positive alternatives to engaging with perpetrators or in practices that enable atrocities.

Private Sector Action Across the Phases of Prevention

In discussing engagement strategies, participants identified an atrocity prevention spectrum, ranging from upstream prevention activities that strengthen societal institutions to reduce overall risk to specific actions taken when atrocities are imminent. At all phases of prevention, the atrocity prevention community must develop robust engagement strategies with the private sector. Participants emphasized the importance of identifying and understanding which specific decision makers to engage within private sector entities, agreeing that top-level leadership buy-in

is crucial. Business associations—collectives of individual businesses across sectors and at all levels in a country—may be particularly strong partners to engage throughout the spectrum because of their interest in maintaining a vital economy within their own borders and their ability to act as a larger group.

The narratives and strategies for engaging business should differ on the basis of the stage of prevention. In the upstream phase, businesses should not be approached with requests to “prevent atrocities”—a discourse with which they are unfamiliar and one with a potentially adversarial tone. Rather, private sector actors should be encouraged to develop and implement “inclusive business practices,” in line with some corporate social responsibility standards, with a particular focus on building strong relationships with local communities and atrocity prevention experts. Such sustained engagement will allow businesses to develop an understanding of the structural conditions that mitigate atrocity risks and the roles and responsibilities of different atrocity prevention actors.

Participants agreed that it would be difficult to get businesses to act—even after they have been successfully engaged—before there are definitive signs of impending violence. However, the barrier for engagement in atrocity prevention activities need not be high at this early stage. The private sector can lower risks by contributing to the construction of just and stable societies—with minimal inequality between social groups—through its compliance with the ethical business practices in human rights and social responsibility frameworks, including fair employment practices, equitable service provision, and responsible approaches to land and natural resource use. Participants mentioned that some businesses are already contributing to prevention without viewing their policies and practices through this frame.

Upstream efforts form the building blocks for engagement at times of acute crisis. As violence escalates, business actors need to understand and implement concrete and targeted actions to prevent atrocities. In these instances, using the language of “atrocities” is warranted because of the severity of the situation, the limited time horizon for response, and the specific tools required for prevention. Businesses are more likely to step up to engage in prevention activities in a crisis if a foundation of mutual understanding and trusting relationships with local communities and atrocity prevention experts has already been built and maintained.

As risk evolves along the spectrum toward more acute threats of an atrocity outbreak, the available options for private sector engagement narrow, and repercussions from a failure to prevent rise. In these situations, businesses can coordinate with other actors in the atrocity prevention community on proximate measures to stem the violence, from implementing robust security plans to protect local communities to promoting peace messaging campaigns to limit the use of speech that incites violence. Even as a crisis worsens, a clear space for private sector actors may emerge; in some contexts, for example, business actors are viewed as less partisan than their state or civil society peers, enabling them to engage in high-level diplomacy with key regional or international mediators.

Additional opportunities for private sector actors to participate in prevention include investment in peacebuilding ventures, analysis of supply and value chains to ensure they are not indirectly or

directly enabling atrocities, and the development of voluntary agreements or principles, as appropriate for a specific sector or business community, for action in atrocity contexts.

Next Steps

Participants cited a need to better identify and promote the specific roles private sector actors can play at all phases of atrocity prevention. Important barriers to private sector engagement remain, including the need to provide a persuasive argument to private sector actors that they have a stake in prevention, even at its earliest stages; develop a common language that can be readily adopted and used by businesses and the atrocity prevention community for continued communication and information sharing; and establish a pragmatic set of tools for prevention that leverage the unique strengths of the private sector.

Studies of past and current atrocities can help illuminate the role that the private sector should play in at-risk contexts. Cases should be jointly identified and analyzed by private sector and atrocity prevention actors, giving them a shared understanding of lessons learned. If these exercises can help atrocity prevention experts identify key businesses and provide them with specific prevention tools, it will increase the likelihood that private sector actors are willing and able to actively engage in preventing atrocities.

The analysis and recommendations in this policy memo do not necessarily reflect the view of the Stanley Foundation or any of the conference participants but rather draw on the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

For further information, please contact Jennifer Smyser at the Stanley Foundation, 563-264-1500 or jsmyser@stanleyfoundation.org.

About the Stanley Foundation

The Stanley Foundation advances multilateral action to create fair, just, and lasting solutions to critical issues of peace and security. The foundation's work is built on a belief that greater international cooperation will improve global governance and enhance global citizenship. The organization values its Midwestern roots and family heritage as well as its role as a nonpartisan, private operating foundation. The Stanley Foundation does not make grants. Online at www.stanleyfoundation.org.

The Stanley Foundation, Preventing Mass Atrocities: A Roadmap for Legislators



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Policy Memo

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SUBJECT: Preventing Mass Atrocities: A Road Map for Legislators

No society is immune to changing dynamics that can lead to mass atrocities. Although all individuals share a responsibility to prevent these worst forms of violence, legislators are uniquely placed to counter threats to peace and security and have authority and influence to strengthen societal resilience to mass violence and atrocities at home and abroad. Legislators can engage at all stages of violence—before, during, and after—to prevent, stall, and halt mass atrocities, prioritizing action based on which inhibitors of atrocity crimes are most weak in the specific country.¹ This policy memo provides general guidelines legislators can follow to strengthen societal resilience and prevent mass atrocities at home and abroad. The guidelines were identified and discussed during the roundtable “Global Parliamentarians: The Role of the Legislative Branch in Building National Mechanisms for Atrocity Prevention,” held April 13–14, 2017, in The Hague, Netherlands.

Legislation

Ratify and Respect International Law Through Domestic Statutes

Legislators should ratify existing conventions on international criminal law, human rights, and humanitarian assistance and pass, respect, and enforce implementation laws in accordance with these international treaties. At the national level, the law should recognize international crimes such as war crimes, crimes against humanity, and genocide. National law should also recognize the universality of human rights, help to prevent structural discrimination, and ensure inclusivity and access to justice for all, especially for minorities, LGBTQI+ individuals, and indigenous groups. Legislators should support international institutions dealing with these issues, such as the International Criminal Court, UN peacekeepers, and regional organizations.



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Support and Strengthen Justice Institutions

Legislators should allocate adequate funds and resources to prevention and accountability mechanisms, especially the courts, in order to enforce laws that protect individuals from discrimination and violence. As a best practice, violators of human rights and humanitarian law should be prosecuted locally whenever possible; this requires that justice institutions and mechanisms are not only established prior to and after conflict but also that they are sufficiently supported by the government.

Support Atrocity Prevention Mechanisms

Parliamentarians should legally institutionalize national mechanisms to prevent mass atrocities.² These mechanisms depend on consistent, cross-governmental engagement to assess risk and sources of national resilience, provide early warning for atrocities locally and globally, train civil servants on prevention, incentivize the promotion and advancement of the atrocity prevention agenda, make policy recommendations for prevention and protection, and communicate important issues across government. Lawmakers should ensure that the executive branch has adequate funding for atrocity prevention work and institute oversight mechanisms for this process. By legally constituting such mechanisms, lawmakers can ensure the processes are not interfered with because of changes in administrations. Existing models of these mechanisms can be found in greatest numbers in the Great Lakes Region of Africa and in Latin America.

Advocacy

Pressure Decision Makers and the Public to Support Prevention and Speak Out Against Violations of Human Rights and Commissions of Atrocities

Legislators have special speaking privileges and public profiles, giving them capacity to influence other lawmakers, all branches of government, and the general public via the media. This influence can be used to mobilize political will and push specific preventive action onto public and private agendas nationally, regionally, and globally. In the past, legislators have used this influence to advocate for protecting civilians and refugees, upholding principles of human rights and collective action at home and abroad, and supporting international law domestically and internationally.

A Champion for Prevention: Members of parliament can champion specific issues. There is no requirement for a majority coalition of legislators to be committed to a theme or topic to keep it alive in parliament. Just one legislator can put atrocity prevention on the agenda and raise it in parliamentary and legislative discussions and the media. This is one of the strategies that led to the United States' ratification of the Genocide Convention.

Advocate for International Human Rights and Humanitarian Treaties

Legislators should hold themselves and their governments to high standards of respect for human rights and civilian protection. While the executive branch is often responsible for signing international treaties, representatives from the legislative branch can privately and publicly encourage executive leaders to support key international agreements. Important treaties include those that protect the rights of children and civilians in times of peace and conflict, and others that prohibit discrimination against gender, racial, ethnic, religious, or political groups; the use of torture; and the commission of war crimes, crimes against humanity, and genocide.

Urge the Executive Branch to Appoint a Focal Point for the Responsibility to Protect and Atrocity Prevention

Legislators can encourage the appointment of a Responsibility to Protect (R2P) focal point, which is an important step in committing the government to the prevention of mass atrocities. R2P focal points are senior-level officials who are responsible for promoting R2P domestically and participate in the Global Network of R2P Focal Points to support international cooperation.³ Since 2010, 59 countries have appointed R2P focal points, representing all regions of the world. Legislators, as key national actors, can also encourage their own governments to be robust participants in regional networks for atrocity prevention, such as the Latin American Network for Genocide and Mass Atrocity Prevention, wherever they exist. The global and regional networks complement one another by encouraging global sharing and commitments to prevention while also bolstering region-specific capacity building and policy development.

Establish Nonpartisan, All-Party Legislative Groups

All-party parliamentary groups, such as those in Canada and the United Kingdom, can convene regularly or as needed to address specific issues requiring focus and action to prevent mass atrocities. Some examples include using legislative influence to advocate on behalf of local diaspora groups to challenge human rights abuses abroad or encouraging the adoption of national policies that help reduce the consequences of violence and atrocities abroad, such as accepting greater numbers of refugees or retracting arms deals. All-party groups do not require substantial resources and can increase effectiveness by working with local civil society organizations or sharing resources to support prevention domestically and internationally.

The Hazara All-Party Parliamentary Group from the UK Parliament was able to make a strong contribution toward improving the condition of the Hazara minority in Quetta, Pakistan. Hazara constituents in the United Kingdom approached their members of Parliament and asked them to take action toward improving the treatment of the Hazara population in Pakistan and Afghanistan. Through the creation of an all-party parliamentary group, UK parliamentarians were able to raise the issue with an incoming prime minister of Pakistan, as well as investigate whether World Bank funds dedicated to the Hazara population were in fact reaching them. Through the advocacy work of this all-party parliamentary group, the attack rate on Hazaras in Quetta was reduced from 61 in 2012 to 3 in 2016.

Education

Educate the Public and Other Lawmakers on Past, Ongoing, and Potential Atrocities and Opportunities for Action

As individuals and as a collective, legislators must engage one another and the public to raise the profile of past, current, and future risks for atrocities, as well as the tools available for taking action to prevent, halt, and rebuild after violence. This includes working with the news media and educators to ensure that accurate reflections of history, current issues, and positive policy options are properly reflected in school curricula, public statements, and reporting.

Despite the imminent need for action on atrocity prevention, a general lack of public education on the topic renders it difficult for atrocity prevention to be a central focus for legislators. By dedicating a specific day and holding public remembrances to commemorate a past atrocity,

legislators can begin to introduce this as a relevant issue to the public and build an atrocity-prevention-sensitive constituency that is more likely to request and demand that their legislators support prevention policy at home and abroad.

Broaden the Discussion About Costs

Numerous costs are associated with the failure to prevent mass atrocities. In human and financial terms, the expense of responding to outbreaks of mass violence far outweighs what is needed to invest in societal resilience and prevention. For governments that claim moral high ground and support global norms of prevention and protection of human rights and civilians but fail to act to prevent atrocities, there is also great political and moral cost. Lawmakers can expose these realities to decision makers and the general public and propose options for action and policy change to generate support for prevention.

Encourage National Action to Address Domestic Histories of Atrocities

By taking accountability for, memorializing, and making reparations for past domestic atrocities, legislators can help their government repair wrongs against its citizens. Recent atrocities are one of the greatest indicators for future violence. Supporting locally led and inclusive processes dealing with truth, memory, and justice can help move communities toward reconciliation and healing, and are important for strengthening the fabric of society and helping prevent further episodes of mass atrocities.

Change the Narrative on R2P

Using advocacy and legislative powers to combine words and action, lawmakers can counter the negative perception some global actors have of R2P, which is sometimes viewed, incorrectly, as a military instrument or cover for regime change. Lawmakers can authorize nonmilitary development and prevention assistance and provide public support to peaceful and diplomatic engagements that invoke the principles of R2P without the use of force. Legislators can also spend time publicly clarifying and describing the key pillars of R2P, which only consider military action as a last resort.

Oversight

Supervise Policymaking and Implementation Nationally and Internationally

As individuals or through ad hoc or formal committees, legislators have an important responsibility to oversee the development of policy as well as its implementation to ensure governments are not using their authority to discriminate or directly harm specific groups of people.

Look for Unintended Negative Consequences of Foreign Aid and Assistance

Foreign aid and investment, if administered unequally, can undermine societal resilience by favoring certain groups over others and result in elevated levels of tension and inequality between groups. Legislators should review aid programs by domestic and international development institutions to ensure they are implemented equitably and fairly. Developing a set of questions informed by atrocity prevention principles can help aid and development programs avoid strengthening risks for atrocities.⁴

Hold Governments Accountable for Their Foreign Policies

Legislators must urge governments to be accountable to universal standards of human rights and humanitarian principles in foreign policymaking. When necessary, speaking privileges can be used to draw attention to policies and action that run counter to these principles and directly or indirectly contribute to increased risk for ongoing atrocities.

Identify Enablers and Perpetrators of Atrocities at Home and Abroad

Government and nongovernment actors commit atrocities, including national leaders, foreign governments, and armed nonstate actors. Others may directly or indirectly, knowingly or unknowingly, enable atrocities to occur, such as investors, multinational corporations, illicit and criminal organizations, and businesses. Legislators should identify and raise awareness around national actors that are contributing to atrocities or elevated risks for atrocities locally and in other countries and hold them accountable for their actions. Legislators should block arms sales to governments that are responsible for atrocities, such as those being committed by Saudi Arabia in Yemen as of 2016 and 2017 with weapons provided by the United States.

Conclusion

Although there has been significant progress in the development of best practices for preventing mass atrocities, these crimes continue to devastate societies around the globe. At the same time, nationalism and xenophobia are rising throughout Europe and North America. These troubling trends demonstrate the imperative for legislators to strengthen national commitments to the prevention of mass atrocities and engage with all stakeholders—including global institutions and networks, other nations, different governmental departments, civil society, and experts—to realize peace, stability, and resilience by addressing the risk factors for atrocities wherever they arise. Members of parliament play a critical role in shining the spotlight where risks for atrocity crimes exist, providing the resources to address risks, and supervising the implementation of policies to ensure a comprehensive and thorough approach to preventing mass atrocities.

Resources for Atrocity Prevention

Policy Tools and Resources

- *Reducing Risk, Strengthening Resilience: Toward the Structural Prevention of Atrocity Crimes* (English: <https://www.stanleyfoundation.org/publications/pab/Risk-Resilience-BellamyPAB416.pdf>)
- *The First Response: Peaceful Means in the Third Pillar of the Responsibility to Protect* (English: <https://www.stanleyfoundation.org/publications/pab/Bellamy3rdPillarPAB116.pdf>) (Spanish: <https://www.stanleyfoundation.org/publications/pab/BellamyPAB-Spanish2016.pdf>)
- *Framework of Analysis for Atrocity Crimes* (English: https://www.un.org/en/genocideprevention/documents/publications-and-resources/Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf) (Spanish: <https://www.stanleyfoundation.org/publications/other/Marcodeana%CC%81lisisparaCRI%CC%81MENESATROCES.PDF>)
- *National Mechanisms for the Prevention of Genocide and Other Atrocity Crimes* (2015: http://www.ushmm.org/publications/2015/06/AIPR_National_Mech_Booklet_2015.pdf) (2016: <http://www.ushmm.org/publications/2016/01/2016-National-Mechanisms-Booklet-Electronic-Version.pdf>) (2017: <http://www.ushmm.org/publications/2017/05/2017-National-Mechanisms-Booklet.pdf>)

- *Advocate, Educate, Legislate: The Role of Parliamentarians in the Prevention of Mass Atrocities* (English: <http://www.globalr2p.org/media/files/2017-parliamentarians-brief.pdf>)
- *In the Shadow of Syria* (English: <http://www.thehagueinstituteforglobaljustice.org/wp-content/uploads/2017/05/In-the-Shadow-of-Syria-final-1.pdf>)
- *Field Guide: Helping Prevent Mass Atrocities* (English: <https://www.usaid.gov/sites/default/files/documents/1866/Field%20Guide%20Mass%20Atrocities.pdf>)
- *Enforcing the Responsibility to Protect: The Role of Parliament in Safeguarding Civilians' Lives* (English: <http://www.ipu.org/conf-e/128/res-1.htm>)

Institutional Resources

- ASEAN Parliamentarians for Human Rights: <http://aseanmp.org/>
- Parliamentarians for Global Action: <http://www.pgaction.org/>
- Elie Wiesel Network: <http://www.egam.eu/ewn/>
- Inter-Parliamentary Union: <http://www.ipu.org/english/home.htm>
- Genocide Alert: <http://www.genocide-alert.de/>
- The Stanley Foundation: <https://www.stanleyfoundation.org/index.cfm>
- Auschwitz Institute for Peace and Reconciliation: <http://www.auschwitzinstitute.org/>
- The Montreal Institute for Genocide and Human Rights Studies: <http://www.concordia.ca/research/migs.html>
- The Hague Institute for Global Justice: <http://www.thehagueinstituteforglobaljustice.org/>
- The Global Centre for R2P: <http://www.globalr2p.org/>
- All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity: <http://www.preventiongenocide.org/>

¹ United Nations, *Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect*, report of the UN secretary-general, July 2014, <http://responsibilitytoprotect.org/N1446379.pdf>, p. 11.

² Auschwitz Institute for Peace and Reconciliation, *National Mechanisms for the Prevention of Genocide and Other Atrocity Crimes: Effective and Sustainable Prevention Begins at Home*, 2015 ed., http://www.auschwitzinstitute.org/wp-content/uploads/2015/06/AIPR_National_Mech_Booklet_2015.pdf.

³ Global Centre for the Responsibility to Protect, "Global Network of R2P Focal Points," http://www.globalr2p.org/our_work/global_network_of_r2p_focal_points.

⁴ USAID, *Field Guide: Helping Prevent Mass Atrocities*, April 2015, <https://www.usaid.gov/sites/default/files/documents/1866/Field%20Guide%20Mass%20Atrocities.pdf>.

The analysis and recommendations included in this policy memo do not necessarily reflect the view of the Stanley Foundation or any of the conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

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