

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 Prevention<sup>1</sup>. 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

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<sup>1</sup> 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](http://www.auschwitzinstitute.org/wp-content/uploads/2015/06/AIPR_National_Mech_Booklet_2015.pdf)

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 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.