The Stanley Foundation

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.