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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.auschwitzinstitute.org/wp-content/uploads/2015/06/AIPR_National_Mech_Booklet_2015.pdf) (2016: <http://www.auschwitzinstitute.org/wp-content/uploads/2016/01/2016-National-Mechanisms-Booklet-Electronic-Version.pdf>) (2017: <http://www.auschwitzinstitute.org/wp-content/uploads/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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