The Stanley Foundation

Policy Memo

DATE: November 3, 2015

SUBJECT: Nonstate Actors as Perpetrators and Enablers of Mass Atrocity Violence

---

On October 14–16, 2015, the Stanley Foundation gathered experts and policymakers from academia, government, international organizations, and civil society organizations at the Airlie Center in Warrenton, VA, for its 56th annual Strategy for Peace Conference. The conference featured autonomous roundtables focused on policy challenges in four key global issue areas: Climate Change, Human Protection from Mass Atrocities, Nuclear Security, and Global Governance.

This policy memo captures the major discussion points and policy recommendations from the roundtable on "Nonstate Actors as Perpetrators and Enablers of Mass Atrocity Violence," chaired by Ambassador Stephen J. Rapp, former international prosecutor and US ambassador for War Crimes Issues, Office of Global Criminal Justice, US Department of State. Additional information about this roundtable and others held as a part of the 56th annual Strategy for Peace Conference is available on our Web site: http://www.stanleyfoundation.org/spc-2015.cfm.

Violent Nonstate Actors as Perpetrators and Enablers of Atrocity Crimes

Recent world events have highlighted the threat posed by violent nonstate actors that perpetrate mass atrocity crimes, including genocide, crimes against humanity, ethnic cleansing, and war crimes. As part of the conference, 29 participants convened for a roundtable titled, "Nonstate Actors as Perpetrators and Enablers of Mass Atrocity Violence," which considered the range of nonstate actors that operate as direct perpetrators or third-party enablers of atrocity violence, identifying the varied motives and means that drive their actions and the policy responses available for prevention and protection. Within this discussion, participants examined the immediate policy challenges posed by terrorist groups and networks as perpetrators of atrocity violence and the relationship between atrocity prevention, counterterrorism, and preventing and countering violent extremism.

Responsibility

Rooting their discussion in existing political and normative frameworks for the prevention of mass atrocity crimes and protection of populations under threat, participants considered the roles and responsibilities held by violent nonstate actors under the Responsibility to Protect principle, which was agreed on by all UN member states in the 2005 World Summit outcome document and holds sovereign states and the international community responsible for preventing and halting genocide, war crimes, ethnic cleansing, and crimes against humanity. Participants argued that the language in the outcome document identified the entire international community as a bearer of both prevention and protection

responsibilities. Thus, nonstate actors share in an affirmative responsibility to ensure the protection of populations that may be impacted by their operations.

Recognizing this responsibility, however, can raise political challenges. Some participants pointed to political pushback in response to fears of legitimizing nonstate actors by engaging them on their protection responsibilities, as well as the sensitivities inherent in efforts to deny the means of perpetration to groups operating in other states.

These sensitivities point to the diversity of violent nonstate actors and the way in which variations in motives, means, and tactics—as well as positions within wider political constellations—shift parameters and policy options for prevention and response.

Discernment
In order to identify these parameters and their implications for effective policy response, participants outlined the spectrum of potential nonstate perpetrators and enablers and the complex interplay between contextual drivers, motives, justifications, means, and tactics that gives rise to violent, civilian-targeted strategies.

Some participants pointed to the history of productive humanitarian engagement with violent nonstate actors, suggesting that those that control territory or aspire to statehood may wish to demonstrate suitability to join the international community and operate by its established standards. At the same time, participants highlighted the increasing profile of nonstate actors that explicitly reject the existing order and flout its norms and standards as an expression of opposition.

Participants emphasized that nonstate actors, like states, are not monolithic. Stark differences that impact motives, objectives, and strategies lie not only between but also within groups. Participants distinguished between motives and justifications at the group and individual levels. The leadership of a group may operate on one set of motives but then invoke a different set of justifications. These justifications may, in fact, draw heavily on the contextual drivers of a conflict, which key deeply into the motives that compel their recruit base.

While these complexities create challenges for assessment, they also create multiple entry points for engagement, whether at the level of elite interests or member-based motives and grievances. For example, if elite interest cannot be countered, addressing contextual drivers can stifle recruitment and cut off human capital as an important means of perpetration.

In considering entry points for policy response to violent nonstate actors, participants sought to identify key differences between violent nonstate actors and state perpetrators of atrocity crimes that impact the potential for effective prevention and protection. Among these differences, some participants noted that violent nonstate actors are often the party of "lower capacity" in an asymmetric conflict. Operating against an established state apparatus and often outside of legitimate supply lines, nonstate actors must invest heavily in mobilizing the means to execute their strategies, including human and financial capital, arms, fuel, and so on. The degree to which violent nonstate actors rely on creative processes of acquisition, including recruitment of foot soldiers and specialists (e.g., engineers and medical professionals), creates openings to interrupt such processes with significant impact. For instance, violent nonstate actors rely on social media and new communications technologies in support

of recruitment and operational execution. Participants stressed this is an obstacle because of the efficiency with which the tools are operated, but it also presents opportunities for interruption by the international community.

Challenges

Noting differences between nonstate actors and state perpetrators of atrocity crimes, participants stressed significant challenges that impede the ability to identify how policies can be developed to address these differences, as well as the specific drivers, motives, and means involved in nonstate actor atrocity perpetration.

In particular, several participants pointed to the common policy approach taken by individual states and the international community that seeks to isolate and contain violent nonstate actors, blocking all engagement with blacklisted actors. While these actions stem from a desire to withhold legitimacy and stifle support for violent nonstate actors, participants argued that such policies also prevent proper assessment and analysis that would help states and the international community better understand— and thus more effectively counter—the nonstate actors in question. One participant noted that for civil society researchers, visiting the Web sites of a blacklisted nonstate actor to investigate its recruitment strategy can attract negative attention from state authorities. Others spoke to the need to lift blocks that prevent engaging with nonstate actors for education and training to encourage compliance with human rights standards and international humanitarian law.

A second challenge raised by participants pointed to the inability to effectively impact the operations of global networks with isolated national responses. This problem extends beyond the difficulties in directly countering transnational networks of perpetrators. It applies also to addressing the supply chain provided by transnational criminal networks that sustains their activities, as well as those of nonstate actors operating in more isolated contexts with local ambitions. One participant emphasized that while perpetrating groups come and go, the criminal networks that have supplied the means of their violence have remained largely intact over many decades, redirecting their routes with ease in response to isolated national regulations and enforcement. Participants stressed that coordinated global efforts are required to dismantle these enabling networks and strengthen the ability to hold actors along the entire supply chain accountable for their actions.

As an additional challenge, participants pointed to the role of the private sector where it acts as an indirect enabler of atrocity violence. In particular, they noted the disconnect between the interests and language of the business sector and human rights actors representing the state or civil society. Approaching operations and commerce with entirely different systems of evaluating risk and internalizing costs, state and civil society actors struggle to speak the language of their audience when engaging with the private sector, which may inadvertently enable atrocities through what it views as basic operations. Suggesting that human rights actors have a greater investment in the quality of the relationship with the private sector, participants highlighted the need to find better ways to communicate common interests.

Atrocity Prevention, Counterterrorism, and Preventing and Countering Violent Extremism

Participants noted that the last decade has seen an overall increase in mass atrocity crimes committed by nonstate actors. Correlated with this rise, recent events have also reflected an increase in the use of atrocity tactics by terrorist organizations that seek to increase their public profile through widespread and systematic attacks against civilians.

Participants therefore focused on terrorist organizations as a specific type of violent nonstate actor and the implications of their use of atrocity tactics in discussing the relationship between atrocity prevention, counterterrorism, and the countering/prevention of violent extremism. For the purposes of the discussion, participants defined counterterrorism as the full range of activities undertaken by states to address the threats posed by terrorism. The emerging agenda for countering violent extremism (CVE) has introduced the importance of human rights to counterterrorism efforts and has added a focus on community engagement and upstream structural investments to address the contextual drivers that fuel recruitment to terrorist organizations. Participants described preventing violent extremism (PVE), another commonly invoked framework, as encompassing a prevention focus similar to CVE but without the kinetic components of the wider counterterrorism agenda.

Real world events have forced a practical convergence of these agendas. Participants also noted important conceptual overlaps between CVE/PVE and atrocity prevention. Research into risk factors that promote individual participation in violent extremism, for example, has identified state repression, absence of civil liberties, and perception of a threat to religion as core risk indicators, all of which have important implications for atrocity prevention and civilian protection.

These overlaps led many participants to encourage more-effective coordination and information sharing among atrocity-prevention and CVE/PVE actors. However, participants argued strongly against merger or conflation of the atrocity-prevention and CVE/PVE agendas and insisted on the need to preserve the independent integrity of atrocity prevention and avoid its cooptation.

While welcoming CVE's integration of human rights concerns and its official recognition of the insufficiency of existing counterterrorism approaches, several participants pointed to long-range contradictions between counterterrorism and atrocity-prevention objectives that have been left unresolved in the development of CVE/PVE. It was generally agreed that atrocity-prevention principles can (and should) usefully inform the developing CVE/PVE agenda, but that a coordinated relationship needs to be conscious and careful not to subsume atrocity prevention under other labels. It should also be managed in a manner that ensures the overriding primacy of atrocity-prevention objectives, human rights, and international humanitarian law.

Addressing Violent Nonstate Actors: Guiding Principles and Recommendations

Participants outlined the following guiding principles and recommendations to frame and support the international community's approach to the distinct challenges presented by violent nonstate actors that perpetrate or enable mass atrocity crimes.

Guiding Principles
- Ensure that overriding respect for human rights and international humanitarian law sets the parameters for all responses to violent nonstate actors, including efforts to counter terrorist groups and violent extremism.

- Draw on atrocity-prevention principles to inform the prevention of violent extremism while preserving the distinct integrity of the atrocity-prevention agenda.

- Prioritize multilateral approaches, involving regional and global actors wherever possible, and increase cross-sectoral collaboration and engagement.

- Engage civil society and empower individuals in all efforts to build community buy-in and inclusivity.

- Focus on long-term objectives over short-term gains.

- Develop a clear division of labor; tailor solutions to actors responsible for implementing them as well as intended targets.

Recommendations

Preventive efforts to address contextual drivers
- Increase the resources available for effective structural prevention that is guided by atrocity prevention, conflict prevention, and human rights principles.

- Mobilize moments of change for key structural investments such as the development of constitutions, anticorruption commissions, and police reform.

- Invest in addressing impunity and expand access to justice through means such as mobile, mixed/hybrid, and special courts, and cases involving high profile perpetrators.

- Work with communities to better understand and respond to their indicators of security.

Targeted policy approaches
- Build analytical capacities for evaluating existing data.

- Distinguish group leaders from recruits and differentiate their motivations; focus on motives over justification.

- Increase flexibility for constructive engagement with violent nonstate actors that encourages a better understanding of motives and means, and enables education and training on human rights and international humanitarian law.

- Increase cooperation with banks and other financial institutions to better monitor enabling resource flows.

- Increase engagement between counterterrorism and atrocity-prevention communities to strengthen shared strategies and objectives.

Areas for additional research and analysis to improve policy development
Enhance investment in research and analysis to better identify the challenges and opportunities to address violent nonstate actors, particularly in the following areas:

- The distinctive challenges presented by violent nonstate actors.

- Supply chains and the economic incentives of enablers.

- Religion and/or ideology as justification or motivation for violence.

- Use of new media and communications technologies by violent nonstate actors.

- The effectiveness of existing tools when applied to nonstate actors, distinguishing between those that are ineffective and those that are underutilized, and areas where new tools are needed.