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Preventing Mass Atrocities: Resilient Societies, State Capacity, and Structural Reform

The Responsibility to Protect (R2P) as affirmed in the World Summit Outcome Document in 2005 details a series of shared commitments to protect civilian populations from mass atrocity crimes. While the international spotlight has often focused on pillar three of the principle—that the international community has an obligation to intervene when there is a manifest failure by a state to protect its citizens—not enough attention has been focused on the prevention aspects of R2P. The ability of the state to prevent mass atrocities is inextricably linked to its capacity to manage the triggers of violence. In order to build a state's preventive capacity, there must be a process to develop good governance structures that will lead to institutional resilience.

As part of its 54th annual Strategy for Peace Conference, the Stanley Foundation convened some 30 government and international officials, mass atrocity specialists, and civil society representatives near Washington, DC, from October 16–18, 2013, to explore the strategic and policy dimensions of structural prevention mechanisms that states could incorporate into national policies to mitigate mass atrocity crimes. Participation reflected a diverse range of global perspectives and incorporated voices from across the Global North and South. Chaired by Donald Deya of the Pan African Lawyers Union, the dialogue aimed to go beyond the rhetoric of good governance to examine the weaknesses of specific sectors in the state and the resulting fragility of institutions that must be reformed and strengthened if a state is to prevent mass atrocities. Participants were invited to consider how an atrocity lens might focus broader objectives for structural prevention and to share experiences in navigating the political and institutional challenges of applying atrocity priorities to building resilient states through reforms of the political system and the security/judiciary sectors.

Participants considered three distinct yet interconnected policy analysis briefs commissioned by the Stanley Foundation. Dr. David Simon's brief, *Building State Capacity to Prevent Mass Atrocity Crimes: Implementing Pillars One and Two of the R2P Framework*, framed the dialogue analyzing the underlying structural weaknesses in fragile states that provide the ripened environment where mass atrocities and genocide can occur. The other briefs were *Getting Along: Managing Diversity for Atrocity Prevention in Socially Divided Societies*, by Dr. Pauline Baker, which illustrated broader lessons

This brief summarizes the primary findings of the conference as interpreted by the rapporteur, Daniel Solomon, and the roundtable organizer, Angela Bruce-Raeburn.

Participants neither reviewed nor approved this brief. Therefore, it should not be assumed that every participant subscribes to all of its recommendations, observations, and conclusions.

when states choose to emphasize citizenship over a collective nationalism, and *Law and Order: Tools for Building State Protection Capacity to Prevent Mass Atrocity Crimes*, by Dr. Sean McFate, which considered how improvement in law-and-order programs such as reforms in the security and judiciary sectors can avert atrocities.

Though the roundtable focused on the preventive capacity of national governments and multilateral organizations, participants drew on practical experiences to recommend whole-of-society approaches to preventive action. Participants considered how protracted political, social, and economic tensions might render a state incapable of preventing mass atrocities or protecting their populations.

Participants offered specific guidance on emerging dilemmas of preventive action, including how societies manage political inclusion and the role of minorities in ethnically divided societies, with discussion centered on the political choices Nigeria and South Africa faced when confronted by conflicts of ethnicity and nationalism. The participants grappled with several questions, seeking to analyze atrocity risk indicators such as:

- How socioeconomic conditions affect resilience to the extent that resources are often misused and misdirected away from vulnerable populations.
- How the judiciary sector seeks to transform laws to build trust and legitimacy.
- How professionalization of the security sector can transform the sector to defend rights rather than abuse rights.

Over the past decade, building resilient societies has emerged as an important objective of international development and humanitarian assistance. The limits of assistance-as-disaster-management have become increasingly clear, as vulnerable populations face ongoing threats, including structural inequalities, political instability, and internal conflicts. The principles of R2P outline the international community's responsibility to support states' efforts to prevent and respond to mass atrocities by assisting them in building their capacity to protect their own civilians. As a result, capacity building has gained currency among international practitioners of preventive action, but the tools for implementation have faced numerous challenges with varying levels of success.

Understanding Upstream Prevention

Participants began with some analysis of the prevention mechanisms as outlined by David Simon, noting that upstream atrocity prevention emerged from the debates that followed the UN sanctioned intervention in Libya in 2011 that led to the demise of Libyan leader Muammar Qaddafi.

After the Libyan crisis in 2011 there was an international outcry about unintended consequences of interventions in mass atrocity events and acceptance of the fact that these types of actions were extraordinarily difficult, even if it was an internationally led mandate. Participants agreed that the international community needed to consider the ways upstream atrocity prevention efforts should be developed before military interventions become necessary. The international community must "operationalize" the first two pillars of the R2P doctrine and focus on building the capacity to prevent mass atrocities rather than the will to intervene in them. In addition, one participant noted that it was important to focus on the theories and models of atrocity prevention, mainly to understand the conditions that lead to mass atrocities.

When Do Mass Atrocities Occur?

Mass atrocities occur when there is the will to commit them, the capacity to commit them (technological, institutional, political, and social capacity to mobilize force), and acquiescence to their occurrence (either active or passive, and willingness to accept mass atrocities as the status quo). A fourth element is the "crisis of mass atrocities which leads to the escalatory dynamic"—the will, the capacity, the acquiescence all combine to morph into a mass atrocity event. Atrocity crimes often have particular triggers that are ignored by the international community, and the calls for intervention come after atrocities have begun. It is imperative for the international community to be able to anticipate when crises could happen and that mass atrocities could be the result.

To prevent atrocities, international actors need to develop institutions, norms, and commitment to address them. For example, state institutions might generate atrocity prevention capabilities through the development of security institutions, such as a professionalized police force with a commitment to preserving norms of protection; creation of justice institutions that protect human rights equitably and fairly; and development of political processes that are democratic and inclusive of minority groups. When institutions and norms are in place, it is more

likely that competition for resources can be mediated through a dispute-resolution process that is nonviolent rather than violent, or political rather than extrapolitical. The state toolbox for prevention should focus on bolstering restraint and pushing for self-imposed mechanisms to strengthen its commitment to atrocity prevention that fuses institutions, norms, and commitments.

While the state is the primary actor in the generation of an atrocity prevention agenda, there is ostensibly a role for nonstate actors who have spoiled this process in the past. Though there was no consensus about the role of nonstate actors, some participants noted that they can also contribute to the conflict environment's capacity for atrocity prevention. If space exists for nonstate actors to comply with anti-atrocity norms, then there are fewer opportunities for atrocity escalation. In some cases the space for nonstate actors can be developed through long-range education programs and civil society empowerment. One participant suggested that civil society groups in collaboration with each other should dialogue over anti-atrocity norms and can act as a peer review mechanism to ensure accountability and compliance with the norms. Other participants expressed the need to focus on the state, suggesting that the enabling environment for the commission of atrocities rests on structural inequalities. However, the international community has consistently failed to respond to the protracted causal factors that lead to conflict but instead responds at the moment of the crisis.

Building Plural Approaches to Resilience

The building blocks of preventive resilience are fragile, much like the societies they support. Participants identified trust—in formal institutions, in informal social relations, and in international actors—as a prerequisite for sustainable resilience. Just as conflict corrodes the physical architecture of these familiar relationships, mass atrocities can shatter the social support, totally transforming the society left in its wake.

Mass violence reshuffles a society's building blocks, and variations between resilience and vulnerability become more difficult to identify. Multiple participants noted that international actors are often out of step with an atrocity's metastasizing violence, testing the adaptability of established preventive programs. Participants observed that international actors see building resilience as a preconflict task that loses its salience as mass atrocities escalate. In reality, a conflict-affected society is always in flux, leaving

few clean lines between “preconflict,” “conflict,” and “post-conflict” dynamics. Participants observed that building resilience, too, is an ever-present process that should mirror and oppose a conflict's dynamism. In many cases, however, the bureaucracy inherent in international programs—funding, personnel, and other static resources—may leave international actors unprepared for protracted violence.

In that vein, multiple participants highlighted adaptable and plural design as an integral characteristic of successful preventive action. Mass violence is a touchy subject for local and national governments, and government-imposed restrictions on this politically sensitive topic may limit both immediate and protracted preventive initiatives. One participant in particular cited a national government's unwillingness to engage international actors on preventive action, which the host government described as “too political.” Instead, international actors integrated preventive programs into a broader economic development agenda to which the host government gave tacit approval. Development actors have come to agree over time that prevention initiatives need to be undertaken and integrated into development agendas, but there is still no consensus about the strategy to accomplish this objective. Additionally, participants described analytic pluralism as an emerging, if underemphasized, dimension of preventive resilience.

Though participants did not agree on the appropriate place for socioeconomic concerns in formal definitions of the international preventive agenda, multiple participants concluded that socioeconomic inequalities, such as unequal access to services, limit a society's ability to withstand and forestall mass violence. Participants noted that socioeconomic factors interact with tangential inequalities in conflict-affected communities. In central Nigeria's Middle Belt region, for example, political exclusion preserves poverty cycles among local nonindigenous populations. When they intersect, these plural gaps may corrode a society's preventive resilience and hasten the emergence of mass violence between dominant and marginalized populations.

Reforming State Institutions to Build Resilience

As a mass atrocity transforms the affected society, perpetrators and survivors adapt to accommodate new environments, new scales of conflict, and shifting resources. The human experience of mass atrocity is always dynamic, and the international peacebuilding community has developed various mechanisms to deal with this dynamism.

Participants discussed the policy analysis brief written by Sean McFate. The draft brief highlighted security sector reform (SSR), justice sector reform (JSR), and disarmament, demobilization, and reintegration (DDR) as key pillars of this peacebuilding approach. These processes engage state and nonstate actors in the difficult task of protecting vulnerable civilians at all stages of a particular conflict. SSR builds civilian protection norms and practices into the strategic, operational, and tactical dimensions of a society's military, police, and other security forces.

Participants observed three dimensions of integrated prevention that may shape a more constructive approach to resilience and reform. The first dimension, *time*, refers to the evolution of resilience processes throughout conflict. In general, international peacebuilding actors look toward SSR, JSR, and DDR as post-conflict processes that may occur only after violence has ceased. Multiple participants, however, emphasized the inherent flexibility of this approach and the limits of waiting for a post-conflict “moment.”

The second dimension, *space*, describes the continuous interaction between all levels of a conflict-affected society, from local to international. Multiple participants cited a constructive trend toward local participation in preventive resilience but noted a necessary common ground between top-down and bottom-up partnerships. Participants also cited an emerging role of regional peacebuilding networks that may augment state and nonstate preventive capacity. Multiple participants described the integration efforts of Africa's regional bodies—the Economic Community of West African States and the African Union, in particular—as replicable models.

Under the third dimension, preventive actors facilitate integration across a society's multiple *sectors*. Multiple participants observed the necessary interdependence of preventive resilience: military accountability in the aftermath of Sierra Leone's second civil war, for example, required the simultaneous growth of justice systems to prosecute perpetrators. Participants identified the success of integrative actors such as hybrid legal officers who conduct civil society outreach on behalf of local, national, and international courts. To their credit, these actors view cross-sector, multilevel programs as a professional responsibility rather than a marginal benefit.

Multiple participants cited Ghana's efforts to develop preventive programs across formal and informal sectors, and to diffuse its preventive priorities throughout the West African region, as a model for integrated preventive resilience. The Ghanaian and Danish governments, in collaboration with the New York-based Global Centre for the Responsibility to Protect, established the R2P Focal Points Initiative in September 2010. This initiative strengthens informal links between officials tasked with national preventive programs. Since its establishment, the Ghanaian government has worked with international and regional bodies to develop local peacebuilding programs in northern Ghana, where ethnic politics have historically generated social conflict.

Law and Order: Tools for Building State Protection Capacity to Prevent Atrocity Crimes

Justice sector reform is an important component of reform that societies in conflict must undergo to build institutional confidence. In many cases, judicial reform can create a clash of values between local initiatives and international norms. One suggestion to mitigate the conflicts that may result from combining local and international norms was to identify points of commonality between international and local norms of justice and use those agreements to create entry points for further progress. In many instances, a successful hybrid approach could entail the blending of international programs with the development of “judicial integrators” (paralegals and court outreach officials) to identify local opportunities for collaboration.

There was no consensus among the participants on how to work most effectively with local groups while implementing an internationally led program because they recognized the inherent risk of failure. One participant noted that Ghanaian institutions provide an example of hybrid systems and that there was a common normative agreement on justice in Ghana. However, the lack of confidence in the judicial sector limited its effectiveness, and the potential for political interference perpetuated confidence gaps. Another issue was corruption, which corrodes the justice sector's effectiveness, affecting accessibility to remedies. This participant suggested that the issues noted above had debilitating effects on the justice sector and, therefore, the international community should refrain from creating hybrid systems. Instead, the international community should emphasize building institutional confidence among the civilian population.

McFate's draft brief also examined the inherent moral hazards associated with DDR and SSR, which led participants to consider the reasons why many of these programs fail. One major problem is that DDR and SSR programs are extremely political, and when they involve purely technical processes, they are likely to fail. The fact is, the security sector is mostly comprised of hard-security institutions rather than human-security-focused bodies with a wide mandate. Reforms might occur at any level, from management to operations at the ground level, and are almost never integrated properly. Another major problem for successful implementation of SSR is the train-and-equip mentality, which is a remnant of the Cold War. Train-and-equip processes do not address cultural and social norms. McFate noted that these processes may be fraught with seemingly irresolvable problems but are necessary for atrocity prevention in the long term.

One of the participants commented on the experience of Argentina with SSR. The process succeeded there because it focused on the legal framework for defense, rather than just the train-and-equip element of preserving security. It drew distinct areas of operation among security sector bodies: the military focused on defense; it did not focus on justice and was not responsible for internal policing.

The participants reflected on the process of integration of DDR, SSR, and JSR systems in both pre-conflict and post-conflict scenarios, recognizing that many of these tools were designed for a post-conflict environment. International actors tended to think about SSR, DDR, and JSR as post-conflict processes, but they can be utilized at any time of the conflict.

One of the participants offered the example of Venezuela to illustrate how use of reforms in a pre-conflict stage could save lives in the long run. In Venezuela, structural factors for mass violence—repression of opposition, politicization of the military, and military involvement in internal security—have existed and continue to exist. This represents a hypothetical opportunity for preventive SSR, DDR, and JSR measures to be implemented.

Getting Along: Managing Diversity for Atrocity Prevention in Socially Divided Societies

In well-designed programs, collaborative efforts reinforce the unique functions of formal and informal organizations. Roundtable participants discussed

how structural improvements in the political sector that focused on crafting inclusive politics for heterogeneous societies are a potential tool to mitigate incidences of mass atrocities. A core element that often shapes societies that have high risk for atrocities to occur is group grievance, which has the potential for escalation through extrajudicial means.

Pauline Baker's policy analysis brief centered on divergent processes of formal citizenship, which define and structure the terms of inclusion and exclusion. Citizenship is the ultimate protection against mass atrocities. As a legal concept, citizenship protects the ability to shape identity. Multiple participants, however, observed an ongoing interaction between formal citizenship and the general landscape of political belonging, including religious identities, cultural norms, and ethnic politics. These interactions determine a society's resilience against mass violence, as both formal and informal exclusion fray the loose bonds of social trust.

As an example, participants focused on Nigeria as a "laboratory" of balancing competing ethnic groups because of its experimental solutions to protracted conflicts of identity politics. The division of Nigeria along ethnic lines dates to the country's colonial period, when the British practiced "divide-and-rule" politics. After independence, the Nigerians sought to balance the patronage politics of ethnic division by experimenting with provincial administrations. Nigeria then adopted the principle of "political character," which mandated that each province should represent Nigeria's ethnic parts, which eventually favored one ethnic group over another. The indigene versus nonindigene divide asserted that certain populations have provincial privileges over others, which led to a structural mechanism of exclusion of the group unable to demonstrate the strength of its indigenous roots.

Nigeria then attempted rotational power sharing between the northern and southern states. The ruling political party determined that rotational system was the fairest way to split governance, but conflict has plagued the rotational system, creating constitutional crises in Nigeria after elections. One participant disagreed with this characterization of the problems associated with the rotational system, saying it did not exist in the national constitution of Nigeria but was a creation of the party system.

Given the task to construct opportunities for lessons learned in managing ethnic and political conflict, the participants contrasted Nigeria with South

Africa's attempts at managing ethnic diversity after apartheid. South Africa focused on the legal and civic benefits of citizenship rather than on ethnically inclusive institutions, as in Nigeria. One participant cautioned the group about the drawbacks to the citizenship model, arguing that the group cannot "romanticize" the "nonracialism" of South Africa's constitutional agenda, as state-sponsored killing also emerges in countries where citizen-oriented federalism exists. Another problem with the citizenship model was the ongoing xenophobia in South Africa, which focused on those who fell outside the boundaries of citizenship, such as migrant workers. The rising tide of xenophobic activities should prompt a reconsideration of the value of civic rights versus human rights.

One participant noted that social-cohesion literature suggests that stronger identity politics creates less resilient societies and that international actors should engage more with local political parties. Some participants argued that international actors who engaged with local parties would face serious ethical questions. A good example of this dilemma is the role of the International Criminal Court (ICC) in the Democratic Republic of Congo. The ICC engaged with local populations about the role of the court, which prompted debates between communities that supported the involvement of the ICC in the country's domestic political affairs and those that did not. Some of the participants challenged the notion that international actors should encourage debate about nonethnic/noncitizenship issues.

Another participant noted increasing effort among Latin American countries to lessen group marginalization in atrocity prevention activities by working with various federal ombudsmen to strengthen group classification practices. As a result, internal government actors were able to assess efforts to mitigate group marginalization. However, concerns remained among the participants about the dangers of the ombudsman model because of the inherent risks of using ethnicity as a basis of political identity for historically marginalized groups. While some participants acknowledged the dangers of this model, they believed that understanding group grievance was a necessary basis for reconciliation.

Assessing the relationship between citizenship and ethnicity, one participant contended that it was time for everyone to simply recognize their differences in order to move past the basic illusion of a civic commons.

Looking Forward

There was consensus among the participants that there should be a mix between top-down and bottom-up approaches to building resilience. For example, in SSR, professionalization efforts focus on elite institutions as opposed to unifying ground-level stakeholders in the work of civil society.

Participants drew on divergent experiences in economic development, humanitarian aid, and civil society outreach to identify priorities for future preventive action. They expressed the importance of specific pathways for strategic, operational, and programmatic integration, and suggested the development of integration mandates for preventive actors and institutions, such as the human-security agenda of the Economic Community of West African States. These prevention actors would bridge disparate preventive programs while maintaining their ability to target specific stages, levels, and sectors of conflict.

Participants underscored continued gaps in the practical understanding of preventive resilience beyond general capacity-building objectives. Published and draft documents discussed at the conference highlighted specific outcomes for cross-sector reform and legal consultation, but participants identified a continued need to understand what it is specifically across time that makes a society resilient against mass violence and how external actors may tailor preventive resilience to meet these needs.

Participants also highlighted the risk of unintended consequences as a gap in the collective understanding of preventive resilience. As a collaborative effort, preventive resilience walks a fine line between productive incentives and unconditional support, and participants expressed interest in how to mitigate these risks.

Participants

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The Stanley Foundation

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