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Preventing and Responding to Mass Atrocities

March 18, 2013, 1:30 - 3:00 pm

Speakers:

- **Sarah Mendelson**, Deputy Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, USAID
- **Ida Sawyer**, Country Representative of the Democratic Republic of Congo, Human Rights Watch
- **Cameron Hudson**, Senior Advisor, Committee of Conscience, U.S. Holocaust Memorial Museum

Facilitator:

- **David Abramowitz**, Vice-President, Policy and Government Relations, Humanity United

David Abramowitz introduced the panelists and framed the session: Since the Genocide Prevention Task Force issued its report in 2008, the Obama Administration has embraced efforts to prevent and respond more effectively to mass atrocities. These efforts have led to the establishment of the inter-agency Atrocity Prevention Board and the Conflict and Stabilizations Operations Bureau at the Department of State (DOS). Yet specific situations remain difficult to address. What structures have been established to prevent mass atrocities? How are they functioning? Are there innovative ideas, technological or otherwise, that can address these problems? How can funders play a useful role?

Cameron Hudson noted that civil society has been happy to see the Obama Administration's commitment to atrocity prevention and the progress that has already been made towards codifying atrocity prevention as a priority in key documents that guide and inform policy decisions. In August 2011, the President released Presidential Study Directive 10 (PSD-10), which has been the central document around which the government organizes atrocity prevention policies both as a core national security interest and a moral responsibility for the United States. PSD-10 requires all governmental agencies to review their internal policies/ procedures/tools/methodologies and to contribute to atrocity prevention by identifying missing structures/gaps and ways to improve this. This process has brought non-traditional agencies into discussions on atrocity prevention, such as the Department of Homeland Security, The Treasury Department, and the Justice Department.

However, there remains a debate on the balance between procedural efforts versus political will.The Atrocity Prevention Board is a senior-level policy-making body that carves out time to examine cases of atrocities on the horizon -- looking at what might happen next. Looking at the "cases that are not yet cases" and making those a priority is crucial. But the Board has only met 11-12 times in the year since it was created.

Hudson noted that we are at a critical time in the life of atrocity prevention -- we have the next four years to demonstrate the value of this work and to show the next Administration that this initiative should be continued. There are a number of important steps to take moving forward:

- We need to ensure that atrocity prevention remains a bipartisan effort. This is not a unique effort to this administration – President Bush did something similar but it did not have the results we hoped for – and we want to make sure that these efforts are a success.
- We need to centralize atrocity prevention efforts so that this informs regional decision-making processes across government agencies.
- Not enough people within the U.S. government understand what atrocity prevention really is – more people use a *conflict* prevention lens than an *atrocity* prevention lens. A few important initiatives have begun to train and educate government staff. The U.S. government needs to continue to allocate financial resources and staff resources to this – we should advocate for this from the outside.
- We need to forge global allies and networks in atrocity prevention efforts. U.S. leadership is necessary but not sufficient. We need to promote diplomatic engagement to help other nations understand the reforms we have undertaken and promote similar efforts.

Ida Sawyer began by sharing that Bosco Ntaganda has surrendered himself to the U.S. Embassy in Kigali. Ntaganda been responsible for some of the worst atrocities in Eastern Congo so if he is brought to justice this will send an important message. Sawyer provided an overview of the human rights situation in Eastern Congo and what the international response has been, focusing on the U.S. government in particular:

- Human Rights situation in Eastern Congo:
    - The Rwandan-backed M23 Rebellion began in April 2012 and has been led by Bosco Ntaganda and others on the U.S. sanctions list. They have been responsible for many war crimes and yet have continued to receive military support from the Rwandan government, which includes weapons, training, recruitment, etc.
    - The rebellion gained international attention last year when the group took control of the city of Goma in Eastern Congo and brutally occupied the city for ten days. Talks between the government and the M23 have not had great results.
    - In-fighting within the M23 has begun over the past couple of months (between the Sultani Makenga and Ntaganda factions), which was sparked by differences of opinion over peace talks.
    - The Ntaganda faction was defeated over the weekend and the officers fled to Rwanda. It has yet to be seen if Rwanda will transfer Ntaganda and the other officers to the Hague. Rwanda has signed onto the “peace framework agreement” signed by a number of African leaders, which pledged to support regional justice efforts and to not harbor individuals named on sanctions lists so it is possible they will.
    - Other miliita groups are becoming more active as they take advantage of the security vacuum in Eastern Congo. Some are allied with the M23 or the army.
    - There has been a steep rise in inter-ethnic violence over the past year. At least 500 civilians, mostly women and children, were killed and homes have been burned. The Congolese response has been to ignore inter-ethnic violence or to incorporate militias into the army and give them access to wealth rather than hold them accountable for their crimes.

- International Response to Date:
    - Since the 2006 elections in the DRC, donors assumed the country was on the "right path" and so disengaged politically. Since then there have been fewer efforts to pressure the government to address systemic challenges and abuses. There were deeply flawed elections in 2011 but the international community did not step in and recognized Joseph Kabila as President despite reports of wide-spread abuses.
    - The U.S. government has focused on specific issues like conflict minerals and sexual violence. The impact of these programs is limited because they don't address the bigger underlying problems like widespread impunity, corruption, the fact that the army is made up of militias more loyal to former militia leaders, or interference by neighboring countries. There has been little coordinated effort to address these systemic issues.
    - One key development is that Rwanda's closest allies have "woken up" to their role in the rebellions in Eastern Congo. Key donors including the United States have publicly denounced Rwandan support to the M23 and have cut or made conditional their aid to Rwanda.
- Future Steps:
    - While public statements are helpful, more needs be done to hold the Rwandan government accountable for their actions in Eastern Congo, including possible sanctions on Rwandan officials.
    - Another initiative as follow up to the framework agreement is the possible deployment of an African-led international brigade with a more robust peace enforcement mandate that could go after the M23 and other militia groups. A key contribution would be if this brigade had the mandate to arrest specific individuals wanted for war crimes or crimes against humanity. This presents opportunities for international donors to play key advocacy roles. The United States could agree to assist DRC President Joseph Kabila with the creation of this brigade in return for key national reforms in the DRC, which are sorely needed. There has been some indication that his government would be willing to cooperate on internal reforms.
    - One recommendation coming from Congolese civil society (and that was included in a UN mapping report) is to form a special mixed chambers to prosecute the worst war crimes. This should be within the Congolese justice system with mixed Congolese and international personnel. President Kabila has instructed his Minister of Justice to work on the creation of such a body this year. This presents donors with an important opportunity to end the cycle of impunity and human rights abuses in Eastern Congo.

Sarah Mendelson began by providing an introduction to the U.S. policy context: In 2010 the Obama Administration launched the Quadrennial Diplomacy and Development Review (QDDR), which calls for USAID to "develop policies, strategies, and tools to support the human rights movement." USAID is now focused on "open-source development" – a new strategy designed to leverage new technology and engage problem solvers globally to advance development and human rights goals.

Mendelson noted that PSD-10 identified the need to increase the application of science and technology to atrocity prevention. USAID has teamed up with Humanity United to build the Tech Challenge for Atrocity Prevention, which awards cash prizes of up to $10,000 to innovative solutions in 5 categories: third party enablers, safe documentation of evidence, secure communications, identify indicators of vulnerability, gathering and verifying info from hard to access areas. USAID is also exploring doing a series of "match-making" events to bring together finalists, donors, NGOs, and policymakers to discuss piloting and scaling of the submitted proposals. They are also exploring the notion of doing a Grand

Challenge for Development around one particular problem like atrocity prevention and are looking for a bilateral partner for this.

Questions & Answers:

One participant asked the panelists to clarify the difference between conflict prevention and atrocity prevention.

Hudson responded that these concepts are still evolving and as we think through lessons learned from other contexts these concepts will become clearer. Atrocity prevention and looking at conflicts through an atrocity lens involves taking a long-term systematic look at the nature and drivers of violence. The most recent research looks at 1,000 civilian deaths within a year as a definition of "mass atrocity." We tend to look at mass atrocity as state-directed but in contexts like Eastern Congo complicate this notion. Think of it from a systems point of view – how are local-level circumstances and variables linked to national or regional drivers, and how are those factors used to incite violence on a mass scale?

A participant commented that there are hard lessons coming out of Kenya that could apply to Congo. Broad prevention work in Kenya has lead to situation that could be described as a "peace-ocracy," or the forceful imposition of peace. The Kenyan media doesn't dare to criticize the current status quo for fear of returning to the previous state of conflict.

Mendelson replied that she had a different perspective on Kenya and that she didn't feel that the Kenyan media was holding back in their comments. International journalists were looking for problems in the elections whereas much too little focus in Zimbabwe on this.

Another participant asked the speakers about monitoring and evaluation in the field of atrocity prevention and then asked how the panelists would look at Kabila and his regime and insulate that from the realities of victors' justice? What about the responsibility to protect?

Hudson replied that a continuing challenge in the atrocity prevention field is that we are all trying to prevent something from happening. How do you prove the counter-factual -- that your efforts prevented something from happening? Date-certain events allow governments to organize around these events with certainty. There is also the broader issue within prevention that we need to have better systems in place for early warnings. On the Responsibility to Protect -- over the long-term there may be difficulties in language and how we conceive about these issues. The U.S. government doesn't talk much about Responsibility to Protect, for instance. We are pushing for a more international approach to these issues to ensure international language and conversation going forward.

Sawyer responded that the ICC on its own will not solve everything – you need to look at long-term intractable problems (security forces, justice sector, provincial and local level elections, putting in place new disarmament, demobilization and reintegration (DDR) programs for militia groups, etc.). The mixed chambers initiative in Eastern Congo could make an important difference and could help improve the capacity of the Congolese justice system. The international presence should help counter political interference and avoid victors' justice. Theoretically they would have jurisdiction over all crimes that took place in Congo so they could prosecute Rwandan officials as well.

A participant asked the panelists to speak about the women's movement in Congo.

Sawyer replied that the peace-talk delegations have each included token female delegates but they were not key players. Most of the "real deals" happen behind closed doors with male government officials and rebel leaders and rarely include non-military perspective let alone a women's perspective.

Another participant asked the panelists to speak a bit about the situation in Zimbabwe.

The panelists responded that the space for civil society and human rights in Zimbabwe is shrinking as we speak. There are increasing detentions, interrogations, etc. The "rule by law" atmosphere and culture of fear in the country is contributing to this. There is very little coverage of this by the mainstream international press. It is key to support convenings of Zimbabwean activists outside of the country.

The panelists were asked to speak about any recommended priorities or actions for funders. Where should the money go given the obstacles and opportunities that you see?

Sawyer responded that one gap is the lack of protection not just for human rights defenders (HRDs) but for witnesses or victims of abuses who are threatened by their perpetrators seeking to avoid persecution. They don't fit within the typical definition of a HRD or journalist so they can fall through the cracks. Another area is that the mixed court, which will need a lot of support (financially, ensuring qualified personnel is involved, etc.). Finally, supporting local human rights groups is key in Eastern Congo. Any support to bring greater and more in-depth media coverage of could also help ensure U.S. engagement is as strong as it could be. What can we learn from the KONY2012 movement to apply to the Eastern Congo context? We need support in movement building – we need to show that U.S. constituents have a stake in this.

Hudson noted that the field of atrocity prevention is still very under-developed and needs more strong research and fieldwork backing it up. There is still too little known about mass atrocities to inform the policy process and the policymakers' toolkit. Don't overlook the building blocks of the field.

Mendelson replied that she felt witness protection is probably better done by coalitions of governments but that they have costed-out the mixed court in the DRC and it is not that expensive. She also urged for core support to indigenous NGOs, particularly in environments with intense political pressure. Finally she noted that donors can send important messages to HRDs about taking care to ensure their own physical and cyber security and urged participants to support local monitoring efforts to support advocacy efforts.