

Why We Fail: Obstacles to the Effective Prevention of Mass Atrocities

ALEX J. BELLAMY AND ADAM LUPEL



Cover Photo: An aerial view of burnt out and destroyed villages on the outskirts of Abyei town, central Sudan, in this photo released by UNMIS. May 24, 2011. © HO/Reuters/Corbis.

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ABOUT THE AUTHORS

ALEX J. BELLAMY is Director at the Asia Pacific Centre for the Responsibility to Protect, Professor of Peace and Conflict Studies at University of Queensland, and Nonresident Senior Adviser at the International Peace Institute.

Email: a.bellamy@uq.edu.au

ADAM LUPEL is Director of Research and Publications at the International Peace Institute.

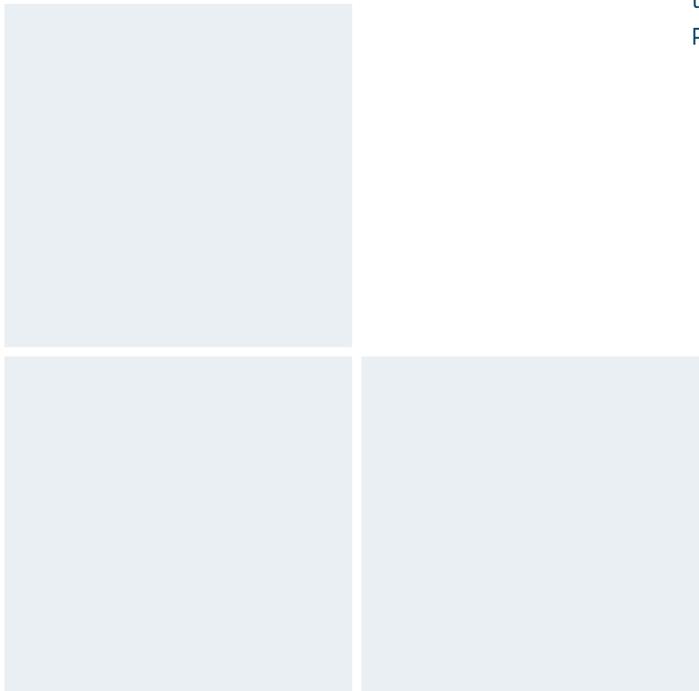
Email: lupel@ipinst.org

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Executive Summary

While the United Nations system has developed an extensive body of policies, principles, and institutions dedicated to preventing mass atrocity crimes, the killing of unarmed civilians remains a reality, especially in the context of civil war, and at times even in countries with a significant UN presence. Why does atrocity prevention fail? What are the principal obstacles to effective prevention efforts? And what strategies are needed to improve the UN's ability to respond?

This report seeks to address these questions. It identifies the main obstacles to the UN's effective prevention of atrocities in three contexts.

- The first section identifies some of the general limitations associated with atrocity prevention and distinguishes between institutional failure on the part of the UN and the failures that stem from the reluctance of member states to act preventively or to commit the necessary resources and political capital. In addition, it is acknowledged that there are significant limits to what outsiders can do to prevent atrocities when parties are determined to commit crimes.
- The second section examines the challenges to preventive action in situations where the UN has a limited presence. This includes the challenge of translating data and analysis pointing to the risk of atrocity crimes into credible, actionable early warnings; the challenge of avoiding conflicting priorities among UN teams; and the related, perennial problem of effective coordination.
- The third section considers the challenges presented by situations where the UN has a more substantial field presence, focusing especially on multidimensional peacekeeping operations that are often specifically mandated to protect civilians. The principal obstacle to the prevention of atrocity crimes by UN peacekeepers is the limited capabilities that are made available to them, including their capacity to gather and analyze accurate intelligence.

At the heart of the challenge confronted by the

UN is the problem that its response to the problem of atrocity crimes remains largely ad hoc. Although the organization is improving its practices through initiatives such as “Human Rights up Front,” these do not prioritize the problem of atrocity crimes. In conclusion we suggest that there is a need to develop a comprehensive, system-wide strategy for the prevention of atrocity crimes.

Introduction

In the twenty years since the Rwandan genocide, the international community embodied in the United Nations system has developed a considerable range of policies, principles, and institutions dedicated to the goal of preventing similar tragedies of equal and lesser scale. With the establishment of the International Criminal Court (ICC) in The Hague and the protection-of-civilians agenda in the UN Security Council, among many other developments, the norm of civilian immunity has made progress in the past two decades. Yet, the specter of mass atrocities has become all too prevalent once again. From Syria and Iraq to South Sudan and the Central African Republic (CAR), unarmed civilians have been killed with shocking frequency and at times in countries with a significant UN presence. Why does atrocity prevention fail? What are the principal obstacles to effective prevention efforts? And what strategies are needed to improve the UN's ability to respond?

Ten years ago, at the 2005 World Summit, UN member states pledged to work together to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity and to protect vulnerable populations.¹ Through their commitment to the responsibility to protect (RtoP), states promised to protect their own populations from these atrocity crimes, encourage and assist others to do the same, and help states “under stress” before atrocities break out.² Since then, the UN secretary-general and member states have emphasized the centrality of prevention to the implementation of RtoP and pledged their support for the goals of prevention.³

In November 2013, the secretary-general

1 United Nations General Assembly, *2005 World Summit Outcome*, UN Doc. A/RES/60/1, October 24, 2005, paras. 138–9.

2 We use the phrase “atrocity crimes” to refer to the four crimes associated with RtoP: genocide, war crimes, ethnic cleansing, and crimes against humanity.

3 The centrality of preventing atrocity crimes is a recurring theme in the secretary-general's reports on RtoP. See especially the 2009, 2010, 2013, and 2014 reports. For example, in 2012, Russia argued in the General Assembly that: “[I]n order to implement Responsibility to Protect, we agree...that priorities should be given to

announced the “Human Rights up Front” initiative and action plan, which aimed, among other things, to make the organization better able to fulfill its responsibility to prevent atrocity crimes. In announcing the action plan, the secretary-general noted that the General Assembly, the Security Council, the Human Rights Council, and other UN bodies had further defined the human rights responsibilities of member states and the UN system, “with a special emphasis on their role to prevent armed conflict and to protect people from atrocities and egregious crimes.” He continued, “when people face such risks, they expect the UN to act, and the organization’s performance is rightly measured by this benchmark.”⁴

Yet, despite some clear signs of progress, it has proved difficult to translate principled commitments to the prevention of atrocity crimes into effective international action.⁵ In Sri Lanka, for example, the UN responded inadequately to civilian destruction despite advance warning from its Department of Political Affairs (DPA).⁶ An internal review of the UN’s performance in that case judged that, “when confronted by similar situations, the UN must be able to meet a much higher standard in fulfilling its protection and humanitarian responsibilities.”⁷ In announcing “Human Rights up Front,” the secretary-general acknowledged this “systematic failure” to protect in Sri Lanka.⁸

In Syria, clear warnings issued by the UN and others at the start of the crisis in 2011 failed to galvanize collective action to stem the tide of conflict, which resulted, ultimately, in atrocities on a massive scale. The UN also was criticized for responding too slowly and timidly to the onset of

atrocities in CAR in 2013.⁹ As with Syria, the organization’s capacity to respond to the evolving situation in CAR was constrained by the limited interest of its member states. And, most recently, in Iraq it appears that relatively little was done to prevent the onslaught by “Islamic State,” characterized by widespread attacks on the civilian population, despite the widely acknowledged general threat of violent conflict and atrocities.

The UN’s track record in preventing atrocities can be improved only once the problems confronting its efforts are better understood. Without a targeted approach to preventing atrocities based on a sober assessment of the challenges, institutional capacity gaps will remain unaddressed and practices of prevention will remain largely ad hoc. This makes preventive activities less effective and efficient than they otherwise might be and limits the extent to which the organization can learn and adapt.¹⁰

Therefore, we identify the main obstacles to effective atrocity prevention by the UN. Recognizing that the context plays an important role in shaping what might be considered feasible or effective, we do this in three parts:

- In the first section, the report identifies the general limitations associated with atrocity prevention and distinguishes between institutional failure on the part of the UN and the failures that stem from the reluctance of member states to act preventively or to commit the necessary resources and political capital.
- In the second section, the challenges to preventive action in situations where the UN has a limited presence are examined. In Sri Lanka,

strengthening preventive mechanisms allowing one at an early stage to highlight/detect problematic situations and prevent large scale atrocities.” International Coalition for the Responsibility to Protect, “Statement Delivered on Behalf of the Permanent Mission of the Russian Federation to the United Nations General Assembly Informal, Interactive Dialogue on the ‘Responsibility to Protect: Timely and Decisive Response,’” (unofficial transcription), September 5, 2012, available at http://responsibilitytoprotect.org/Russia%20Statement%20Transcribed_.pdf.

4 Ban Ki-moon, “Renewing Our Commitment to the Peoples and Purposes of the United Nations,” speech given at UN headquarters, New York, November 22, 2013.

5 On the progress and challenges, see Adam Lupel and Ernesto Verdeja, eds., *Responding to Genocide: The Politics of International Action* (Boulder, CO: Lynne Rienner, 2013). In a review of this book, Hugo Slim aptly remarked that, while we are not at “never again,” we have surely achieved “not every time.” See *International Affairs* 90, No. 2 (2014): 443–445.

6 United Nations Secretary-General, *Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka (Petrie Report)*, November 2012, available at www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf.

7 United Nations Secretary-General, *Internal Review Panel*, para. 88.

8 Ban, “Renewing Our Commitment.”

9 Médecins sans Frontières criticized the UN’s efforts as too bureaucratic and risk averse. See Médecins sans Frontières, “Where Is Everyone? Responding to Emergencies in the Most Difficult Places,” Geneva: Médecins sans Frontières, July 2014, p. 4. It should be noted that the UN has a peacebuilding support mission (BINUCA) deployed in CAR.

10 On the importance of learning and adaptation, in the context of UN peacekeeping, see Thorsten Benner, Stephen Mergenthaler, and Philipp Rotmann, *The New World of UN Peace Operations: Learning to Build Peace?* (Oxford: Oxford University Press, 2011).

Iraq, and Syria, for example, the UN's presence pre-conflict was limited to political officers and civilian teams focused on political, humanitarian, and/or development matters.

- In the third section, the challenges presented by situations where the UN has a more substantial field presence are considered, focusing especially on multidimensional peacekeeping operations that are often specifically mandated to protect civilians, as in South Sudan.

At the heart of the challenge confronted by the UN is the problem that its response to atrocity crimes remains largely ad hoc. Although the organization is improving its practices through initiatives such as “Human Rights up Front,” these do not prioritize the problem of atrocity crimes. This challenge was recognized by the secretary-general in his 2009 report on RtoP, where he observed that “the principles relating to the responsibility to protect need to be integrated and mainstreamed in the ongoing work of the organization.”¹¹ In conclusion, we argue that the secretary-general's call should be revisited through the development of a comprehensive, UN system-wide strategy for the prevention of atrocity crimes.

Inherent Limits to Preventing Atrocities

Preventing atrocities is difficult and demanding. Even if there were abundant enthusiasm, consensus, and resources available for atrocity prevention by the UN, it would likely still prove impossible for the organization to prevent every such crime. This section identifies four general limitations to atrocity prevention. This is done to draw an important distinction between failures that result from inadequacies within the organization itself and those attributable to the reluctance of member states to take the necessary action. It also

helps to contextualize the more specific analysis that follows and sound a note of caution about what can be expected realistically.

LIMITATIONS OF OUTSIDE ACTION

There are significant limits to what outsiders can do to prevent atrocity crimes. Many internal conflicts are not readily susceptible to outside mediation whether because one or more of the parties have embarked implacably on a course of action leading to atrocities (as in the case of Rwanda or Iraq [i.e., Islamic State]) or because a situation is so complex and fraught with danger as to defy easy resolution (as in the case of Syria or South Sudan).¹²

International efforts can facilitate prevention where there is local will and capacity, and the levels and types of resilience can be different in different parts of a country producing different patterns of violence, but the so-called “structural” or “root” causes of genocide and mass atrocities are often not easily influenced by external actors.¹³ While outsiders can play important enabling and facilitative roles, foreign assistance cannot by itself achieve structural change except through massive intervention and even then there are inherent limits and high risks.¹⁴

As Scott Straus observed, “[i]n the long-run... domestic actors are likely to be more effective than international ones at prevention.”¹⁵ Well-targeted programs can, however, support local sources of resilience to genocide and mass atrocities and change the cost-benefit calculations of would-be perpetrators. But although concerted international action can sometimes prevent mass atrocities (e.g., as in Côte d'Ivoire, Kenya, and Libya), the primary explanation as to why some countries with relatively high risk avoid such crimes, while others do not, typically rests within the country itself.¹⁶

From the UN's perspective, this problem is

11 United Nations General Assembly, *Implementing the Responsibility to Protect: Report of the Secretary-General*, UN Doc. A/63/677, January 12, 2009, annex para. 1. See also para. 68.

12 Edward C. Luck, *UN Security Council: Practice and Promise* (London: Routledge, 2006), p. 8.

13 On the significance of differences within countries, see Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2008).

14 See Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places* (London: The Bodley Head, 2009). On the limits of intervention, see Roland Paris, “The ‘Responsibility to Protect’ and the Structural Problems of Preventive Humanitarian Intervention,” *International Peacekeeping* 21, No. 5 (November 2014): 569–603.

15 Scott Straus, *Making and Unmaking Nations: War, Leadership and Genocide in Modern Africa* (Ithaca, NY: Cornell University Press, 2015), p. 326. Also see, Stephen McLoughlin, *The Structural Prevention of Mass Atrocities: Understanding Risk and Resilience* (London: Routledge, 2014).

16 Stephen McLoughlin and Deborah Mayersen, “Reconsidering Root Causes: A New Framework for the Structural Prevention of Genocide and Mass Atrocities,” in *Genocide, Risk and Resilience: An Interdisciplinary Approach*, edited by Bert Ingelaere, Stephan Parmentier, Jacques Haers, and Barbara Segaert (Basingstoke, UK: Palgrave, 2013).

compounded by the fact that it tends to be confronted by the world's most difficult cases.¹⁷ Situations usually reach the UN Security Council only when others have tried, and failed, to resolve them. As a rule of thumb, where conflicts have an easy remedy, solutions tend to be found without the need for the UN. The world body tends to assume the lead only on those crises for which others have no solution. In such circumstances, a modest success rate might partly reflect the sheer difficulty of the cases presented to the UN system.

FINITE RESOURCES

Atrocity prevention operates in a world of finite global capacity and competes with other cherished goals for resources. This problem of limited resources is compounded by the ongoing climate of financial austerity. Many major donors to the UN have cut national budgets and have imposed austerity measures on their own populations, putting pressure on their support for external activities. Unsurprisingly, the UN continues to cut its budget—e.g., by nearly 1 percent for 2014–15.¹⁸ The secretary-general has asked the whole system to find savings, principally through cuts to personnel and reductions to the budget for special political missions.

Other research suggests that member states are close to their collective capacity to contribute peacekeepers and police for UN missions.¹⁹ The harsh reality, therefore, is that in the near-term the prevention of atrocity crimes will not be able to call on significant new resources.

What is more, although member states often do manage to find resources to support new or expanded missions when necessary, concerns about resource limitations and overstretch do play

a role in shaping decisions about the prevention of imminent atrocities in marginal cases.²⁰ As such, major efforts to prevent atrocities will have to draw on resources dedicated to other fields of work, as envisaged by the “Human Rights up Front” initiative, which suggests that prevention can be strengthened by adding a human rights dimension to existing work—an approach consistent with the notion of adopting an “atrocity prevention lens” within the UN system.²¹

Of course, case-for-case, the prevention of atrocities is cheaper than responding to atrocities and rebuilding societies afterward, as the Carnegie Commission on Preventing Deadly Conflict found in relation to conflict prevention more generally.²² But things are not so simple in practice. According to some critics, a fully comprehensive approach to atrocity prevention, comprising efforts to reduce the underlying structural and systemic sources of risk as well as to respond to imminent emergencies, would require determined action to raise living standards, improve governance institutions, and resolve disputes in every country thought to be harboring factors associated with risk, rather than in only those countries where risks are imminent or violence present. Pursued holistically, they argue, the costs of implementing this agenda on a global scale could be substantial.²³

These concerns need to be set against substantial evidence pointing to the massive costs associated with violent conflict.²⁴ The mathematics are further complicated by the fact that—as the secretary-general pointed out in 2012—in most situations “preventive” and “responsive” action are not easily distinguished from one another.²⁵ Most often, as demonstrated later in this report, international

17 For instance, see Michael Gilligan and Stephen John Stedman, “Where Do the Peacekeepers Go?” *International Studies Review* 5, No. 4, (2003): 37–54; and Kyle Beardsley and Holger Schmidt, “Following the Flag or Following the Charter? Examining the Determinants of UN Involvement in International Crises, 1945–2002,” *International Studies Quarterly* 56, No. 1 (2012): 33–49. Using different datasets, both papers find that scale and potential for escalation are key determinants of whether the UN Security Council will engage with an issue.

18 Michelle Nichols, “UN General Assembly Approves \$5.5 Billion Budget for 2014/2015,” Reuters, December 27, 2013, available at www.reuters.com/article/2013/12/27/us-un-budget-idUSBRE9BQ0JX20131227.

19 Donald C. F. Daniel, “Contemporary Patterns in Peace Operations: 2000–2010,” in *Providing Peacekeepers: The Politics, Challenges, and Future of United Nations Peacekeeping Contributions*, edited by Alex J. Bellamy and Paul D. Williams (Oxford: Oxford University Press, 2013).

20 Authors’ interview with a UN official, New York, March 2015.

21 For more on this topic, see Alex J. Bellamy, “Operationalizing the ‘Atrocity Prevention Lens’: Making Prevention a Living Reality,” in *Reconstructing Atrocity Prevention*, edited by Tibi Galis, Sheri Rosenberg, and Alex Zucker (Cambridge, UK: Cambridge University Press, forthcoming 2015).

22 Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict* (New York: Carnegie Corporation, 1998).

23 See Benjamin A. Valentino, “The True Costs of Humanitarian Intervention,” *Foreign Affairs*, November/December 2011.

24 For a useful overview of research on the costs of armed conflict, see Small Arms Survey, “Insecurity and Violence in the post-2015 Development Agenda,” background paper prepared for UNDP at the occasion of the Global Dialogue on Rule of Law and Post-2015 Development Agenda, New York, September 26–27, 2013, available at www.genevadeclaration.org/fileadmin/docs/MDG_Process/UNDP%20AVR%20post%202015%20Paper_withSASLogo_FIN.pdf.

25 Valentino, “True Costs of Humanitarian Intervention.” See also, United Nations, *Responsibility to Protect: Timely and Decisive Response: Report of the Secretary-General*, UN Doc. A/66/874-S/2012/578, July 25, 2012.

engagement with specific crises includes elements of both prevention and response, sliding up and down a continuum of mindsets and measures rather than being easily distinguishable as one or the other. While the critics' claims are disputable, they do remind us that a carefully targeted approach, even to "upstream" or "structural" prevention, is necessary.

PREVENTION IS POLITICAL

Atrocity prevention is a decidedly political activity. It is both enabled and constrained by politics. It can generate acute controversies and disputes by, for instance, requiring that some states be identified as being at risk of atrocities and demanding actions that some governments might object to.²⁶ As such, the sorts of engagement called for by the Carnegie Commission, as well as the secretary-general's own discussion of prevention, entail a significant degree of intrusion into the domestic affairs of states, which is not likely to be always welcome.²⁷ As Edward Luck pointed out, "in the nation-state era, there will be limits to both the practicality and the wisdom of formally breaching the proper boundaries of sovereignty."²⁸

Typically, states jealously guard their sovereign prerogatives and are sensitive about perceived incursions on their rights or criticisms of their conduct or domestic conditions. As such, they rarely invite assistance or look kindly on external efforts to prevent atrocities within their jurisdiction. As a result, it is false to assume that preventive action will always be less contentious than intervention once atrocities have erupted.²⁹ The general unwillingness of states to recognize atrocity risks at home and cooperate with international actors constitutes a significant barrier to effective early prevention, much of which must be done with the support and consent of the state. This, of

course, can make prevention a politically sensitive and sometimes highly contentious undertaking.

The fact that the international community is composed of sovereign states that pursue their own interests (however defined) and privilege domestic over foreign concerns also creates structural obstacles for atrocity prevention. The UN's activities are overseen by political (as opposed to judicial) organs comprised of sovereign member states whose ideologies, interests, allegiances, and preferences influence their positions.³⁰ Most significantly, these states are often unwilling to commit more than very limited resources to the prevention of atrocities in foreign countries.

The central issues here are often labeled "political will," though that term can be used to obscure as much as to illuminate. One facet of the problem is that states sometimes judge that their own interests are best served by not preventing atrocity crimes. For example, the link between Russia's obstinate support for Bashar al-Assad's regime in Syria and its political, strategic, and economic interests in the region are well known.³¹ But the West has also sometimes put its own interests ahead of the prevention of atrocities. For example, in the 1980s and 1990s, the United Kingdom helped to fund, arm, and even train the Khmer Rouge in exile, the United States provided military support to Guatemala throughout the atrocities of its civil war, and France continued to aid the government in Kigali, even as the Rwandan genocide began to unfold.³² The UN's position on Sri Lanka in 2008–9 was made particularly difficult by the collusion of the world's major powers in shielding the Sri Lankan government from blame. This collusion derived from a shared interest in the elimination of the Tamil Tigers (LTTE). Historically, the UN has struggled to assert its primacy in situations where

26 The political and controversial nature of atrocities prevention is a central theme of Jennifer Welsh and Serena Sharma, eds., *The Responsibility to Prevent* (Oxford: Oxford University Press, forthcoming).

27 The central argument advanced by Ruben Reike, "The 'Responsibility to Prevent': An International Crimes Approach to the Prevention of Mass Atrocities," *Ethics & International Affairs* 28, No. 4 (2014): 451–476.

28 Edward C. Luck, "Sovereignty, Choice, and the Responsibility to Protect," *Global Responsibility to Protect* 1, No. 1 (2009): 20–21.

29 Reike, "Responsibility to Prevent."

30 As Luck argued, the UN is not above global politics but is conditioned by the prevailing political context. See Luck, *The UN Security Council*, p. 8. See also, Edward C. Luck, "The Responsibility to Protect: Growing Pains or Early Promise?" *Ethics and International Affairs* 24, No. 4 (Winter 2010): 349–365.

31 For example, see Simon Adams, "Failure to Protect: Syria and the UN Security Council," Occasional Paper No. 5, New York: Global Centre for the Responsibility to Protect, March 2015, available at www.globalr2p.org/media/files/syriapaper_final.pdf.

32 See Commission for Historical Clarification, "Guatemala Memory of Silence: Report of the Commission for Historical Clarification: Conclusions and Recommendations," February 25, 1999, available at www.aaas.org/sites/default/files/migrate/uploads/mos_en.pdf; Tom Fawthrop and Helen Jarvis, *Getting Away with Genocide: Elusive Justice and the Khmer Rouge Tribunal* (Sydney: University of New South Wales Press, 2005); and Daniela Krosiak, *The French Betrayal of Rwanda* (London: Hurst and Co., 2007).

the interests of powerful states, especially permanent members of the Security Council, are engaged (e.g., US on Iraq; Russia on Chechnya).

Another facet of the problem of “political will” is that states are self-interested actors that prioritize the well being of their own citizens. As such, they are generally reluctant to commit extensive resources to prevent atrocity crimes in other countries. The issue here is not whether governments support atrocity prevention as a goal but the depth of their support relative to their other goals—including cherished domestic objectives such as health care and social welfare. Political and diplomatic capital is also a finite resource. Sometimes, states may judge that trade-offs have to be made to achieve the greatest good or least harm overall. For example, at the outset of the crisis in Darfur, several states decided not to press the government of Sudan too hard, fearing that this action might jeopardize negotiations to end the government’s war with the Sudan People’s Liberation Movement/Army (SPLM/A) in the south.³³

These different political considerations have a significant effect on the fortunes of atrocity prevention because not only do the UN’s primary organs play a critical role in determining the mandates and policies, but also the effectiveness of the UN’s resolutions and the work of its Secretariat, missions, and country teams depend to a great extent on their capacity to persuade member states to implement their decisions.³⁴ Although the UN Secretariat, agencies, funds, and programs can work preventively without specific mandates from the political organs, the UN has limited material resources at its direct disposal for atrocities prevention and therefore relies almost entirely on the good will of member states to provide the (sometimes extensive) resources required.³⁵ As a

result, even the implementation of Security Council decisions has historically been inconsistent.³⁶

THE PLAGUE OF UNCERTAINTY

Atrocity prevention—like conflict prevention more broadly—is plagued by the problem of uncertainty, what Colin Keating describes as the “prevention dilemma.”³⁷ This dilemma stems from the fact that despite significant advances in conflict forecasting, early warning models remain insufficiently accurate to provide a firm foundation for confident action. The presence of high-risk factors can be identified, but it is very difficult to ascertain that atrocities are going to happen until they do. This is a problem that, as Keating points out, exacerbates governments’ predisposition to risk averseness arising from concerns about their capacity to influence events on the ground at a reasonable price, opportunity costs, and the political dangers associated with preventive action.

As a result, although early action is imperative for effective prevention, there is seldom a sufficiently strong evidentiary basis on which to marshal international action in advance of the actual commission of atrocities.³⁸ Often, the best that can be achieved is an early response to atrocities that might prevent further escalation, as in Kenya in 2007–8 and, through the Organization for Security and Co-operation in Europe (OSCE), in Kyrgyzstan in 2010.

The role of confidence in enabling preventive action was shown by the fact that lessons learned from Kenya in 2008 spurred a genuinely preventive approach to that country’s 2013 elections that made that exercise a largely peaceful affair despite the presence of the same centrifugal forces that had caused violence five years earlier. It is that sort of precision about the triggers and timing of potential

33 Paul D. Williams and Alex J. Bellamy, “The Responsibility to Protect and the Crisis in Darfur,” *Security Dialogue* 36, No. 1 (2005): 27–47.

34 This is a problem that confronts even the Security Council. As the editors of *The United Nations Security Council and War* noted, because it “does not in practice command the automatic obedience of states” the council must persuade member states to implement its decisions. See Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum, “Introduction,” in *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, edited by Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum (Oxford: Oxford University Press, 2010), p. 30.

35 For example, see Michael Barnett, “Partners in Peace? The United Nations, Regional Organizations and Peacekeeping,” *Review of International Studies* 21, No. 4 (1995): 411–433; and Ian Hurd, *After Anarchy: Legitimacy and Power in the UN Security Council* (Princeton: Princeton University Press, 2007), p. 14.

36 For a study of compliance with resolutions on civil war, see James Cockayne, Christoph Mikulaschek, and Chris Perry, “The UN Security Council and Civil War: First Insights from a New Dataset,” New York: International Peace Institute, September 2010; and Christoph Mikulaschek and Chris Perry, “When Do Civil-War Parties Heed the UN? Findings from the IPI Security Council Compliance Database,” New York: International Peace Institute, December 2013.

37 Colin Keating, “The Role of the UN Security Council,” in *Responding to Genocide: The Politics of International Action*, edited by Adam Lupel and Ernesto Verdeja (Boulder, CO: Lynne Rienner, 2013), p. 182.

38 One significant exception from the 1990s was the deployment of the UN preventive mission in Macedonia, UNPREDEP. On this subject, see, Abiodun Williams, *Preventing War: The United Nations and Macedonia* (Lanham, MD: Rowman & Littlefield, 2000).

atrocities that is needed to give leaders sufficient confidence to act. Sometimes, circumstance and past experience provides such clarity, as with South Sudan's 2011 referendum, Qaddafi's imminent attack on Benghazi in 2011, and Kenya's 2013 election. In such situations preventive action is more likely. Most cases, however, have a much greater degree of uncertainty about whether, when, and where atrocity risks might be actualized; and this is a significant obstacle to decisive preventive action. Of course, having a field presence with a dedicated atrocity prevention component would help, but, as discussed in the next section, due to the limited nature of most UN country teams, missions are generally not configured to take early action on the occasion of a rapidly developing crisis involving possible atrocities.

Obstacles under a Limited UN Field Presence

In some situations, such as Darfur (2003), Sri Lanka (2008–9), and, more recently, Libya (2011) and Syria (2011), atrocities erupt in places where the UN has only a limited field presence. Often, in these situations, the UN's in-country efforts are focused on humanitarian or development issues and are not necessarily configured for responding to the rapid onset of a protection crisis. In these situations, the UN's capacity to directly influence events on the ground is generally limited to (1) employing diplomatic means to persuade the parties to avoid violations of international humanitarian law, (2) providing humanitarian assistance to vulnerable populations, and (3) encouraging the wider UN membership to adopt or support measures to prevent atrocity crimes (either direct measures targeted at the parties or indirect measures to protect populations). This in itself raises important questions about the configuration of field missions in situations judged to contain the risk of atrocity crimes and the UN system's capacity to identify those situations in advance and configure appropriate missions.

In this section, we focus on the third of these

elements—the UN's capacity to encourage member states to support preventive action. We do this for two main reasons: First, the success or failure of diplomatic entreaties depends mainly on the willingness of the parties themselves to reach an agreement and abide by it. When the parties are not willing to resolve their differences through negotiation, there is relatively little that outsiders can do in the short term to force them into this position. Sometimes, external pressure might encourage or coerce compliance, but this then becomes more a function of the UN's capacity to persuade its membership to exert such pressure than of its peacemaking skills per se. Second, over the past few decades, the UN's humanitarian agencies and their partners have become quite effective in the provision of humanitarian assistance to vulnerable populations. The main challenges in relation to humanitarian assistance relate to enduring problems of access, security, and protection that plague the sector as a whole.³⁹

The UN's recent record in this area is a mixed one. At one end of the scale, the organization joined the African Union in supporting successful diplomatic action to prevent the escalation of atrocities in Kenya in 2007–8.⁴⁰ At the other end, events in Sri Lanka in 2008–9 marked “a grave failure of the UN to adequately respond to early warnings and to the evolving situation during the final stages of the conflict and its aftermath, to the detriment of hundreds of thousands of civilians and in contradiction with the principles and responsibilities of the UN.”⁴¹ In that case, relatively little was done by the UN to prevent atrocity crimes until the final stage of the crisis when the secretary-general intervened directly.

In most cases, the UN's recent performance in atrocity prevention has fallen somewhere between these extremes. For example, in Syria and CAR, UN officials tried—and largely failed—to persuade the parties to comply with international humanitarian law; they succeeded, however, in persuading the organization's political organs to adopt a wider set of measures, though in the case of Syria these have fallen well short of what would have been

39 See Alex J. Bellamy and Hugo Slim, “Introduction: Humanitarian Action and the Responsibility to Protect,” *Global Responsibility to Protect* 6, No. 2 (2014): 117–125.

40 See Kofi Annan, *Interventions: A Life in War and Peace* (New York: Penguin, 2013), pp. 189–202.

41 United Nations Secretary-General, *Internal Review Panel*, para. 80.

necessary to prevent atrocities, and in CAR many judged that they were too late and too limited.

The UN also succeeded in marshalling significant humanitarian responses to both crises. However, responses to the plight of Syrians have been plagued by access problems, only partly addressed by the UN Security Council's unprecedented decision to authorize the delivery of aid without the government's consent (Resolution 2165 [2014]), and humanitarian action in CAR was criticized for its timidity in the face of the escalating crisis.⁴²

These problems are hardly surprising given the generic limitations identified earlier, but, when viewed alongside the "systematic failure" in Sri Lanka, they do suggest potential weaknesses in the UN's approach to atrocity prevention.

Since the turn of the twenty-first century, in situations where the UN has had a limited field presence, some recurring problems have limited the organization's capacity to contribute effectively to atrocity prevention. These are problems associated with early warning, inattention to atrocity risks, coordination, and engagement with member states. The remainder of this section explores these issues in more detail.

EARLY WARNING WITHOUT CONFIDENCE

One of the critical issues to emerge in a number of cases is the UN's inability to translate concerns and analysis about the likelihood of atrocity crimes into clear warning and advice. This is a derivative of the "prevention dilemma" noted earlier: the difficulty of persuading governments and publics to commit attention and resources (political and material) to addressing crises that have not yet arisen.

Arguably the clearest example of this was provided by the internal review panel's report on the UN response to the crisis in Sri Lanka. The panel found that the UN system generated ample evidence and analysis to predict that a militarized crisis in the Wannu region of Sri Lanka would pose serious dangers to the civilian population. Evidence also suggested that this risk included the danger of

war crimes, ethnic cleansing, and crimes against humanity. These signals were not translated into clear early-warning assessments and were not systematically incorporated into policy planning. In the opinion of the review panel, that was because "the analysis and understanding of the conflict within the UN as a whole was inadequate."⁴³

Although Sri Lanka offers the most clearly documented case of the difficulty that the UN confronts in translating early-warning analysis into effective policy, it is not the only example. Although Kofi Annan's diplomatic efforts to resolve the crisis in Kenya, in 2007–8, were widely lauded, some analysts have pointed out that there were clear warning signs of likely communal violence identified before the event by some foreign officials based in Nairobi, but they were not picked up or acted on until after atrocities were committed.⁴⁴

Likewise, although the UN had an integrated peacebuilding office (BINUCA) with conflict prevention and human rights components in CAR, which identified the risk of atrocity crimes associated with the escalation of conflict between the anti-balaka militias and those loyal to the government as early as late 2012 (prompting a decision to withdraw non-essential staff), it was not until September/October 2013 that the UN Special Adviser on the Prevention of Genocide and the UN High Commissioner for Refugees began to publicly discuss the commission of atrocity crimes and risk of genocide. By that stage, the anti-balaka militias had already embarked on a systematic campaign of ethnic cleansing and crimes against humanity that has resulted in the forced migration of approximately 80 percent of the country's Muslim population.⁴⁵ As in Kenya, the UN adopted policies and messaging about preventing atrocities in CAR only after atrocities had been perpetrated.

More recently, threats of atrocities by jihadist extremists in Iraq also were predicted, yet there was little discernible effort to prevent them until atrocities were perpetrated and the Yazidis confronted with a credible threat of genocide.

42 Médecins sans Frontières, "Where Is Everyone?," p. 4.

43 United Nations Secretary-General, *Internal Review Panel*, para. 59.

44 See Serena K. Sharma, "The 2007–08 Post-Election Crisis in Kenya: A Success Story for the Responsibility to Protect?" in *Responsibility to Protect: From Principle to Practice*, edited by Julia Hoffmann and André Nollkaemper (Amsterdam: Pallas Publications/Amsterdam University Press, 2012), pp. 27–38.

45 See Global Centre for the Responsibility to Protect briefings on CAR, available at www.globalr2p.org/regions/central_african_republic.

One of the principal reasons for this inability to consistently translate analysis pointing to the risk of atrocity crimes into credible warnings seems to be the gap between the collection and analysis of data that could warn of future atrocities and its proper assessment and utilization for atrocity prevention purposes at UN headquarters. The work of collecting and analyzing data that could warn of future atrocities is done mainly by DPA, the Office of the UN High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), and the UN Development Programme's peace and development advisers within UN country teams. The gap between analysis and utilization partly derives from the following:

- the multiplicity of agencies and departments that have (not always entirely consistent) mandates relating to protection and other atrocity considerations;
- the devolved nature of UN engagement with individual states where field presence is limited; and
- the lack of a defined focal point within UN headquarters capable of collecting and assessing information and analysis from the field and providing authoritative advice to the organization's senior leadership.

As the UN's lead agency on human rights, OHCHR plays a direct role in monitoring and assessing situations only when it is specifically mandated to do so in its "host country agreements," but even then it does not specifically consider the risks associated with atrocity crimes. Furthermore, until recently, there has been no commonly understood framework for evaluating the risk of atrocity crimes.⁴⁶

Although the UN Office on the Prevention of Genocide and RtoP has strengthened its analytical capacity, it has not yet developed the sort of capacity or operational networks that would be necessary to fulfill this role systematically—nor is such a role widely envisaged for the office owing primarily to its limited capacity. However, the office has provided training to peace and develop-

ment advisers on RtoP and the risks associated with atrocity crimes. It also maintains links with interested peace and development advisers once they are deployed in the field. In addition, a "Human Rights up Front" working group has been established to help fill the UN's information collection, transmission, and analysis gap. Moreover, the initiative also has given rise to regular regional review discussions that are partly designed to ensure that serious human rights violations and atrocity crime risks are systematically identified and prioritized at an earlier stage.

CONTENDING PRIORITIES

Although the UN has specific responsibilities relating to the prevention of atrocity crimes and the protection of vulnerable populations, little clear guidance or procedures exist on how to avoid conflicting priorities and ensure that, when it is needed, a focus on atrocity prevention comes to the fore. This is one of the principal purposes of the "Human Rights up Front" initiative. But one concern raised earlier is that although a central purpose of the initiative is to prevent atrocities, it is based exclusively in a human rights approach. At the outset it has not included a specific focus on atrocity prevention or guidance as to when, and how, it should be prioritized.

How this manifests in practice is that atrocity prevention is usually only one among a "mosaic of considerations" guiding how the UN responds to emerging crises.⁴⁷ Sometimes, as in the work of the Peacebuilding Support Office and the Peacebuilding Commission, specific atrocity prevention considerations are absent entirely, even though there is strong overlap in both the strategic goals and functional areas covered by peacebuilding and atrocity prevention.

As mentioned earlier, when crises emerge in situations where the UN has a limited field presence, the organization's engagement with the host country is usually guided by agreements with the government relating to development and humanitarian concerns. This can pose acute problems especially in situations where the government is responsible for creating some of the

⁴⁶ This has been addressed by the publication of a "framework of analysis" by the joint office. See United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, New York, July 2014, available at www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf.

⁴⁷ United Nations Secretary-General, Internal Review Panel, para. 77.

atrocities risks, because the UN's operations depend on the cooperation and goodwill of that same government. In this context, the perceived need to preserve existing programming, including the delivery of urgently required humanitarian aid, can sometimes override atrocity prevention considerations.

Former emergency relief coordinator Sir John Holmes argues that field missions need to take difficult decisions about what to prioritize in a context where promoting atrocity prevention might backfire resulting in a loss of host-state cooperation or humanitarian access without delivering commensurate gains in the form of protection. This, in his view, would leave vulnerable civilians in a worse situation overall.⁴⁸ This dilemma is especially acute in a context where the UN's country team has no specific mandate relating to atrocity prevention or where the UN as a whole has no specific framework for addressing these risks.

The devolved nature of UN engagement and the absence of an atrocity-specific focus within the institution compounds the problems of early warning described earlier. It means that although the system might (and frequently does) generate analysis indicating the possibility of future atrocity risks, it is difficult to translate this analysis into actionable warnings. The OHCHR focuses relatively consistently on the human rights dimensions of unfolding crises, but it often has only a limited field presence (e.g., in Sri Lanka, there was only a single human rights adviser who was not consulted on major decisions; the UN's pre-crisis engagement in Syria did not have a human rights component). Where the OHCHR did have a more significant presence, for example through BINUCA in CAR, its work did not directly

address problems associated with atrocity prevention.⁴⁹

As a result, the UN has tended to lack the flexibility needed to quickly reorganize its country teams to make them better able to fulfill its protection responsibilities when atrocity risks emerge. Moreover, there is little evidence of contingency planning by country teams and headquarters, to take account of potential risks and identify appropriate strategies. In rapidly deteriorating situations, a critical need exists for UN staff to focus on core duties, yet atrocity prevention only rarely comes to the fore among the contending priorities. Some headquarters staff and senior officials have reported that country teams and field missions have not always alerted them to the risks of atrocities or provided sufficiently compelling analysis.⁵⁰

Some member states, including non-permanent members of the Security Council, have complained that they were not always adequately informed about developing situations in which there was a risk of atrocity crimes. Sometimes, crucial pieces of information emerge too late to be acted upon. Political problems also can create reticence within the organization about publicly identifying responsibility for civilian casualties and about confronting armed groups for their failure to comply with international humanitarian law. Although in some cases, such as Syria, the UN was quick to publicly identify and attribute responsibility for atrocity crimes, in others—such as South Sudan and CAR—it was relatively slow to do so.⁵¹

Another consequence of the failure to take full account of atrocity risks is that the protection of populations has not been a significant factor in relation to decision making about when the UN should withdraw staff from conflict-affected areas.

48 See the very thoughtful discussion by John Holmes, *The Politics of Humanity: The Reality of Relief Aid* (London: The Bodley Head, 2013), pp. 85–130.

49 An additional problem, stemming from this, was associated with significant time gaps in the secretary-general's reporting on BINUCA's work. In May 2012, the secretary-general noted that the security situation in CAR was "improving" (United Nations Security Council, *Report of the Secretary-General on the Situation in the Central African Republic and on the Activities of the United Nations Integrated Peacebuilding Office in that Country*, UN Doc. S/2012/374, May 29, 2012). This assessment was not formally updated until his May 2013 report, despite a significant deterioration in both the security and human rights situations nearly six months earlier (United Nations General Assembly and United Nations Security Council, *Children and Armed Conflict: Report of the Secretary-General*, UN Doc. A/66/782-S/2012/261, April 26, 2012).

50 Authors' interviews with UN officials, New York, March 2015.

51 It is more difficult to evaluate the UN's private messaging with governments and other armed groups, owing to the absence of publicly available information. In the case of Sri Lanka, the internal review panel found that the country team did not confront the government directly with the fact that some of its actions, such as the denial of humanitarian access, were contrary to its international legal obligations. Moreover, in the few instances where the UN raised concerns privately with the government, it did not elaborate on the government's legal obligations under international humanitarian and human rights law. See United Nations Secretary-General, *Internal Review Panel*, paras. 47 and 52. However, there are examples of assertive private diplomacy yielding positive results. Anecdotal evidence suggests that the UN's first special adviser on genocide prevention, Juan Méndez, made a critical personal intervention in Côte d'Ivoire, which may have prevented atrocity crimes.

As the UN's internal review panel on Sri Lanka concluded: "the relocation of international staff out of the conflict zone made it much harder for the UN to deliver humanitarian assistance to the civilian population, to monitor the situation, and to 'protect by presence.'"⁵² In Sri Lanka, and more recently in CAR, the UN was criticized for withdrawing international staff on security grounds, although the populations they were working with were judged by some within the UN system to be at serious risk from atrocity crimes.

In the wake of the tragic 2003 bombing of UN headquarters in Iraq, the security of UN staff has been subject to heightened scrutiny, with good reason. However, as the Security in Iraq Accountability Panel, chaired by Martti Ahtisaari, concluded, this does not mean that the organization can avoid all risk. The challenge is to ensure adequate security precautions are put in place corresponding to the particular mission at hand.⁵³ Withdrawing international staff from Sri Lanka and CAR left the affected civilian populations there to their fate. It significantly reduced whatever protection could have been afforded to them and limited the UN's capacity to provide accurate and detailed information to member states.

While many challenges remain, the UN is beginning to address the question of prioritization under the auspices of the "Human Rights up Front" initiative. Through its regular regional review meetings, the UN is developing criteria to guide assessments of which country situations should be considered under the rubric of "Human Rights up Front," which may facilitate prioritization as well as contribute to early warning.

PROBLEMS OF COORDINATION

Coordination is a long-standing issue across a whole range of UN activities and a question that lies at the heart of the "Human Rights up Front." Numerous deficiencies in the UN approach to atrocity prevention have been associated with problems of coordination, resulting in four particular challenges.

First, sometimes an absence of leadership and

responsibility occurs. The Internal Review Panel on Sri Lanka found that "it was unclear who had overall leadership or responsibility for the UN response to the escalating crisis."⁵⁴ This created confusion among UN headquarters, the country team, and member states about who was responsible for what and what the overriding objectives of UN action ought to be. This problem is sometimes amplified by the fact that UN engagement with developing crisis situations has sometimes used a number of different coordination mechanisms that are not always well cohered.

Second, UN in-country leadership (usually the resident coordinator, reporting to the UN secretary-general through the UNDP administrator) is not always provided with adequate advice and support by headquarters. The resident coordinator is often triple-hatted with responsibilities that also include acting as the humanitarian coordinator (with support from the Office for the Coordination of Humanitarian Affairs [OCHA]) and as the designated official with responsibility for staff safety and security. Country heads of the various UN entities report to their own regional offices. The resident/humanitarian coordinator is therefore often confronted with the challenge of having to juggle simultaneous mandates that sometimes impose contradictory demands. This places a premium on clear guidance from UN headquarters on priorities and support in achieving those goals. However, some UN officials in the field indicate that they sometimes receive relatively little guidance from UN headquarters on identifying and responding to emerging atrocity risks.⁵⁵

Third, as situations evolve and escalate, the lack of a coordinated system-wide response makes it more difficult for field missions to adjust themselves to reflect the new circumstances. For example, neither the mandate nor staffing of BINUCA's human rights component was altered to respond to the serious deterioration of conditions on the ground from late 2012.

Fourth, the UN sometimes does not communicate to parties or the wider membership with a single voice. Inconsistencies undermine the

52 United Nations Secretary-General, *Internal Review Panel*, para. 12.

53 United Nations Secretariat, *Summary of Main Findings and Conclusions of the Report of the Security in Iraq Accountability Panel (SIAP)*, New York, March 3, 2004, available at www.un.org/News/dh/iraq/SIAP-report.pdf.

54 United Nations Secretary-General, *Internal Review Panel*, para. 61.

55 Authors' interviews with UN officials deployed in field missions, September 2014.

credibility of messages, and hence impair the effectiveness of communication among the various parts of the UN and the relevant parties in the field. This problem was especially pronounced in Sri Lanka where the sending of inconsistent messages undermined demarches pointing to civilian casualties caused by government action. Mixed messages also have been a problem in Darfur (with respect to international criminal justice), South Sudan (with respect to cooperation with the government and its complicity in atrocities), East Timor (with respect to pre-referendum threats of violence), and Bosnia (in relation to the consequences that would result from attacks on safe areas).

INFORMING AND ENGAGING MEMBER STATES

One of the principal goals of preventive action by the UN Secretariat is to engage the organization's member states to persuade them to adopt measures to prevent atrocities and protect vulnerable populations. Research shows that international action is more likely when the international community is provided with timely and accurate information about the potential or actual commission of atrocity crimes. Conversely, when information is sketchy, conflicted, or inaccurate, galvanizing a decisive international response becomes much more difficult.⁵⁶ This is exemplified by recent experiences in Sri Lanka, CAR, and South Sudan, as well as Syria to some extent.

Although significant progress has been made to improve the flow of information and analysis to member states about the risks and commission of atrocity crimes, perhaps best exemplified by the UN's detailed reporting on civilian casualties in Syria, this remains a largely ad hoc process. Some aid agencies, for example, suggest that part of the reason for the world's late response to the unfolding crisis in CAR was the slowness of UN humanitarian agencies and DPA to properly assess the situation and advise member states.⁵⁷

There was a delay of nearly twelve months between the identification of credible atrocity risks

by field personnel in CAR and the launch of a concerted effort by officials in New York to bring the situation to the attention of member states.⁵⁸ Likewise, although the threat of genocide posed by jihadist extremists in Syria and Iraq was well understood (e.g., Simon Adams identified this threat clearly, as early as November 2012), the UN did not raise the issue publicly with member states—or communicate atrocity-specific analysis and advice to them—until after the threat began to be realized in Iraq, in mid-2014.⁵⁹ A number of reasons explain why the UN sometimes finds it difficult to provide accurate and timely information to member states about the risks of atrocity crimes.

First, in some situations it may simply lack the field presence and analytical capacity to identify the warning signs. UN capacity for atrocity-specific analysis remains very modest. Not only do field missions not provide the Office of the Special Adviser on the Prevention of Genocide and RtoP with regular information about emerging risks and challenges, but also those agencies and departments possessing greater analytical capacity, such as DPA and OHCHR, do not systematically examine risks relating to atrocity crimes. This problem is being partly addressed by the “Human Rights up Front” working group focused on information sharing and analysis.

Second, the UN Secretariat is notoriously conservative when it comes to predicting atrocities. Stemming from the “dilemma of prevention” noted earlier, a pervasive culture of conservatism makes analysts and senior officials reluctant to brief on emerging threats for fear of being proved wrong or of needlessly offending member states and thus generating negative political repercussions. The organization's senior officials are nominated by states, with many of the most senior positions apparently “quarantined” for particular states (e.g., the head of the Department for Peacekeeping Operations [DPKO] is traditionally French; in recent times, the head of OCHA has traditionally been British; and the head of DPA has been

56 This is one of the central theses of Alex J. Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (Oxford: Oxford University Press, 2012).

57 For example, see “Calls Mount for UN Force in Central African Republic,” Inter Press Service, November 26, 2013, available at www.ipsnews.net/2013/11/calls-mount-u-n-force-central-african-republic/.

58 See for example, Hayes Brown, “Doctors Without Borders Calls Out ‘Utter Failure’ to Act in Central African Republic,” *ThinkProgress*, February 18, 2014, available at <http://thinkprogress.org/world/2014/02/18/3299951/msf-car-neglect/>.

59 Simon Adams, “The World's Next Genocide,” *New York Times*, November 15, 2012, available at www.nytimes.com/2012/11/16/opinion/the-worlds-next-genocide.html?_r=0.

American—all nominated by their respective governments).

Further down the ranks, the Secretariat tends to reward officials that do not raise difficult points or challenge more senior staff. All this makes the system highly conservative. This dynamic of concern for the positions of member states is pervasive and runs from the top down. In some situations, perceived political imperatives dictate a degree of self-censorship on the part of the UN. That is, despite repeated calls for the Secretariat to tell member states what they need to hear rather than what they want to hear, there is still a tendency to hold back information judged unlikely to be well received by member states.⁶⁰ As such, when it comes to atrocity crimes, there is no embedded “precautionary principle” similar to that found in public health.

Third, member states are often not receptive to engaging with the UN Secretariat on emerging atrocity risks. This can make it difficult for UN officials with protection mandates to secure the access to decision makers and visibility that they need. Public and private briefings on emerging risks strain relations with the state concerned making cooperation with that state more, rather than less, difficult to manage. This is an especially acute issue where ongoing humanitarian operations depend on the cooperation of the government, but it also has an impact on the capacity of UN diplomats to engage constructively with the relevant government.

Situations also occur when the wider membership or parts of it are unwilling to receive briefings on an emerging situation. For example, several UN Security Council members were unwilling to receive formal briefings on the situation in Sri Lanka. Similarly, the Security Council only rarely accepts briefings from the Special Adviser on the Prevention of Genocide, though his invitation to

brief the Council on Burundi in 2015 was a welcome development. In some situations, officials clearly judge that the costs of trying to engage member states would likely exceed the anticipated payoffs.

Barriers to Effective Prevention by Peacekeeping Operations

Studies have repeatedly shown that, overall, peacekeeping operations make a positive contribution to protection. Compared to similar cases where no peacekeepers are deployed, the deployment of peacekeepers reduces the overall number of expected civilian casualties, the duration of armed conflict, the number of battlefield deaths, and the likelihood that violent conflict will re-emerge.⁶¹ A recent study by the UN Office of Internal Oversight Services (OIOS) found that the preventive and political work of UN peacekeeping operations has “notable and positive results” for the protection of civilian populations. Thus: “Civilians invariably attach high value to missions’ physical presence, which evidence suggests had a huge deterrent impact and avoided violence that otherwise would have occurred... The value of such deterrence is unquantifiable but enormous.”⁶²

Naturally, some missions are more effective than others, but there is little doubt that, collectively, vulnerable populations are better served by the deployment of peacekeepers than by their non-deployment.⁶³ Over the past few years, considerable progress has been made by the UN to improve implementation of civilian-protection mandates, especially in relation to the provision of guidance and support to missions in the field.⁶⁴

The challenge of atrocity prevention—and the expectations associated with it—are somewhat different in situations where multidimensional

60 This problem was identified most clearly by the internal review panel on Sri Lanka, which judged that some UN leaders argued against the release of civilian casualty data and analysis pointing to potential government culpability for war crimes partly on the grounds that there was little support for this among member states.

61 For a survey of relevant studies, see Anke Hoeffler, “Can International Interventions Secure the Peace?” *International Area Studies Review* 17, No. 1 (2014): 75–94. On battlefield deaths, see Lisa Hultman, Jacob Kathman, and Megan Shannon, “Beyond Keeping Peace: United Nations Effectiveness in the Midst of Fighting,” *American Political Science Review* 108, No. 4 (November 2014): 737–753.

62 United Nations General Assembly, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, UN Doc. A/68/787, March 7, 2014, para. 68.

63 For a study comparing deployments with non-deployment cases, see Virginia Page Fortna, *Does Peacekeeping Work? Shaping Belligerents’ Choices after Civil War* (Princeton, NJ: Princeton University Press, 2008).

64 United Nations General Assembly, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations*, UN Doc. A/68/787, March 7, 2014.

operations are deployed to countries with a high risk of atrocity crimes. Yet there are also significant points of overlap with the considerations described earlier. Effective and timely two-way communication between the field and decision makers in New York can often be a challenge; while peacekeeping operations are nowadays relatively well coordinated, they do not have a specific focus on atrocity prevention and may sometimes prioritize other goals; and while member states are typically more engaged when there is a peacekeeping mission—not least because the situation is on the Security Council’s agenda—this can sometimes serve to magnify the opportunity costs associated with raising atrocity prevention concerns.

Recognizing that the challenges are complex and multilayered, we identify in this section four sets of the most pressing concerns, namely: the gap between expectations and capabilities; a tendency to avoid the use of force; intelligence gathering; and competing priorities and insufficient political support.

CAPABILITY GAPS

One of the central limitations to the prevention of atrocity crimes by UN peacekeepers is the capabilities that are made available to peacekeepers to accomplish the protection mandates they are given. While local populations and some member states expect peacekeepers to protect populations from atrocities, UN peacekeeping missions rarely have

sufficient capacity to do so.⁶⁵ This capability gap is caused by a combination of demand-side and supply-side factors. On the demand side, host states are typically reluctant to consent to the intervention of a large and well-equipped peacekeeping force unless they calculate that it is in their interests to do so, which is rare. On the supply-side, the UN Security Council is reluctant to mandate, and fund, large peacekeeping operations, and troop-contributing countries are increasingly stretched.⁶⁶ As a result, most operations do not have the capabilities needed to provide comprehensive protection to civilian populations.

This is evident if we use two common rules of thumb to calculate the necessary force size for civilian protection operations.⁶⁷ The first is based on the assumption that 2–10 troops are required for every 1,000 inhabitants within a crisis zone. The second method is based on the protection force being at least the size of the largest indigenous armed force. On these indicators, it is clear that UN peacekeeping operations remain significantly under-staffed (see table 1), barely making it to the minimum number of troops required.

The problem confronted by UN peacekeeping is more acute than these figures suggest, because the minimum “rules of thumb” relate to the number of soldiers deployed with relevant force enablers, such as helicopters, ground transportation, weaponry, intelligence capabilities, communication assets,

Table 1: Ideal and Actual Sizes of Peacekeeping Operations with Civilian Protection Mandates

Region	Affected Pop.	Mission	Required Size: Method 1	Required Size: Method 2	Actual Size (July 2014)
Darfur, Sudan	c.6 million	UNAMID	12,000–60,000	40,000–45,000	15,362
South Sudan	c.8 million	UNMISS	16,000–80,000	40,000	11,389
Mali	c.6 million	MINUSMA	12,000–60,000	15,000–30,000	9,139

65 This section draws, in part, from Alex J. Bellamy and Paul D. Williams, “Protecting Civilians in Uncivil Wars,” in *Protecting the Displaced: Deepening the Responsibility to Protect*, edited by Sara E. Davies and Luke Glanville (Leiden: Martinus Nijhoff, 2010), pp. 127–162.

66 See Alex J. Bellamy and Paul D. Williams, eds., *Providing Peacekeepers: The Politics, Challenges, and Future of United Nations Peacekeeping Contributions* (Oxford: Oxford University Press, 2013). Specifically on the West, see Alex J. Bellamy and Paul D. Williams, “The West and Contemporary Peace Operations,” *Journal of Peace Research* 46, No. 1 (2009): 39–57.

67 Michael O’Hanlon and Peter W. Singer, “The Humanitarian Transformation: Expanding Global Intervention Capacity,” *Survival* 46, No. 1 (2004): 97, n.7.

and hospital support. Rarely do UN peacekeepers have access to sufficient enablers. For example, one study found a 40 percent shortfall in the number of helicopters deployed in peacekeeping operations, compared to the number judged necessary by the Security Council. Thus, the UN-AU Mission in Darfur (UNAMID) had only five of its authorized twenty-four helicopters, and the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) only had nineteen of the twenty-nine authorized.⁶⁸ Even the number of helicopters authorized to these missions is well below the ratio of soldiers to helicopters found in North Atlantic Treaty Organization (NATO) operations. Beyond helicopters, UN operations tend to lack the transportation capabilities they need to make them responsive to rapidly emerging threats and challenges, especially if these occur outside their immediate area of deployment.

The result is that even relatively large peacekeeping missions are seldom able to provide protection throughout their area of operations or to respond quickly and effectively to emerging situations beyond their immediate areas of deployment. Consequently, military protection efforts usually focus on specific geographic areas, be they “safe havens/areas/zones,” “safe corridors” for transit, or undesignated areas close to the peacekeepers’ bases. The rationale for designating safe areas is that through the concentration of force, peacekeepers can carve out secure areas.⁶⁹

The problem with this approach is that it only protects those civilians that are able to make it into the safe zone, encourages displacement as civilians flee their homes for the security of the safe zone, and facilitates the concentration of civilian populations making them more vulnerable to atrocities if the peacekeepers fail to defend the zone (as happened in Srebrenica in 1995). In addition, protecting civilians in one area leaves them vulnerable to violence elsewhere: by default, creating “safe zones” renders other areas “danger zones.”⁷⁰

RETICENCE TO USE FORCE

An equally important limitation relates to the unwillingness of troop-contributing countries to allow their forces to take proactive measures to prevent atrocity crimes. Part of the problem is that the policies and practices associated with the protection of civilians by UN peacekeepers are not related specifically to the goals of atrocity prevention and neither has this link been established by troop-contributing countries. While the presence of UN peacekeepers is judged to have a significant deterrent effect on would-be perpetrators of atrocity crimes, when “civilians are actually being harmed, evidence demonstrates that [peacekeepers] performance is highly ineffective.”⁷¹ That is primarily because UN peacekeepers remain deeply reluctant to use force to protect civilians even when they have the mandate to do so.

A 2014 report by OIOS found that missions with civilian-protection mandates responded to attacks on civilians only 20 percent of the time and that responses rarely involved the use of force.⁷² In the remaining 80 percent of cases, UN peacekeeping missions with protection mandates did not respond to reported attacks on civilians. During the reporting period (2010–2013), UN peacekeepers suffered no casualties as a result of interposing themselves between attackers and their civilian victims, despite interposition being an option indicated by the UN’s operational concept for peacekeeping. In none of the ten largest incidents of attacks on civilians evaluated by the report had UN peacekeepers used force during the incident. This was primarily because they were not present at the time of the attack, but even where they were present, peacekeepers never opted to use force despite being authorized to do so. Shows of force to deter anticipated attacks were also extremely rare, though there were some documented examples.⁷³ The result is that, although UN peacekeeping has an effective and inherent deterrent effect, it is ineffective at protecting civilians once an attack commences.

68 Jake Sherman, Alischa Kugel, and Andrew Sinclair, “Overcoming Helicopter Force Generation Challenges for UN Peacekeeping Operations,” *International Peacekeeping* 19, No. 1 (2012): 77–92.

69 Mary Kaldor, *New and Old Wars* (Cambridge: Polity, 1999), p. 125.

70 Ian Johnstone, “Dilemmas of Robust Peace Operations” in *Annual Review of Global Peace Operations 2006* (Boulder, CO: Lynne Rienner, 2006), p. 7.

71 UN Office of Internal Oversight Services, “Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations,” March 7, 2014, para. 70.

72 *Ibid.*, para 19.

73 UN Office of Internal Oversight Services, “Evaluation of the Implementation of Protection of Civilians Mandates in United Nations Peacekeeping Operations,” March 7, 2014, para. 23.

The OIOS identified six reasons to explain this reticence to use force to protect civilians and prevent atrocity crimes:

1. Differences of view in the Security Council and among troop-contributing countries, especially with regard to the degree of risk that should be assumed by peacekeepers, the level of violence sufficient to warrant a forcible response, and the relationship between protection and the other principles of peacekeeping (consent, impartiality, minimal use of force).
2. A de facto dual line of command through which troop-contributing countries try to minimize the risks faced by their troops by, among other things, issuing “national caveats” effectively excluding the use of force.
3. Confusion about the responsibility of missions to act when host governments are unable or unwilling to fulfill their responsibility to protect.
4. A pervasive self-image—probably driven by the material facts documented above—that UN operations are weak and outnumbered, making force an unrealistic option.
5. Fear of incurring penalties if the use of force is subsequently judged excessive.
6. A problem that tactical-level guidance does not adequately address ground realities and complexities.⁷⁴

Combined, these factors create powerful disincentives for risk taking to protect civilians, which further compound those derived from capability limitations.

INTELLIGENCE GATHERING AND ANALYSIS

To conduct kinetic operations to prevent atrocities, military forces require access to accurate and timely intelligence to establish good situational awareness and a capacity to predict when and where atrocity

crimes will be committed. The aforementioned point that UN peacekeepers are hardly ever able to respond during an attack on civilians because they are seldom present indicates that there are serious flaws in the capacity of missions to acquire, assess, and use information to predict—and prevent—atrocity crimes. It is perhaps unsurprising, therefore, that several member states pointed to the UN’s limited capacity for intelligence gathering as a key limitation to the implementation of its protection-of-civilians mandates.⁷⁵

The effective implementation of protection mandates imposes a heavy burden on intelligence gathering, which is generally regarded as beyond the capacity of most UN peacekeeping operations to deliver. In addition to building a capacity to generate human intelligence on the emergence and direction of risks to civilian populations, UN operations also require detailed information about armed groups—their intentions, plans, supply lines, financing, locations, and equipment. All this basic information is required to enable peacekeepers to anticipate attacks and prepare adequate responses.⁷⁶ Yet, in practice, intelligence capacity falls well short of this goal.

There have been significant advances in recent years, spurred most recently by the report of the Expert Panel on Technology and Innovation in UN Peacekeeping.⁷⁷ The gathering of human and open-source information is now done systematically and there are some examples of UN missions using advanced technology to monitor situations—such as the use of vehicle-mounted radar by the UN Interim Force in Lebanon (UNIFIL) and the employment of ground surveillance radar by the Irish quick-reaction force of the UN Mission in Liberia (UNMIL).⁷⁸ The expert panel also judged that static closed-circuit television capability was “an absolute requirement for all UN camps and installations.”⁷⁹

74 Ibid., paras. 30–52.

75 United Nations, *Security Council Issues Presidential Statement Reaffirming Commitment to Protection of Civilians in Armed Conflict*, UN Doc. SC/11274, February 12, 2014.

76 Max Kelly with Alison Giffen, “Military Planning to Protect Civilians: Proposed Guidance for United Nations Peacekeeping Operations,” Washington, DC: The Henry L. Stimson Center, September 2011, pp. 78–9, available at www.stimson.org/images/uploads/research-pdfs/3_-_Military_Planning_To_Protect_Civilians_2011.pdf.

77 United Nations, *Performance Peacekeeping: Final Report of the Expert Panel on Technology and Innovation in UN Peacekeeping*, New York, December 22, 2014, available at www.performancepeacekeeping.org/.

78 See *ibid.*, p. 56; and Walter Dorn, “United Nations Peacekeeping Intelligence” in *The Oxford Handbook of National Security Intelligence*, edited by Loch K. Johnson (Oxford: Oxford University Press, 2010), pp. 275–295.

79 United Nations, *Performance Peacekeeping: Final Report of the Expert Panel on Technology and Innovation in UN Peacekeeping*, New York, December 22, 2014, p. 56.

The more sophisticated types of information-gathering equipment are sometimes embedded within the troop contributions offered by advanced developed states and are not available across UN peacekeeping operations. Furthermore, member states with sophisticated intelligence-gathering technology have generally proven reluctant to share that technology and the information they gather from using it with the UN.

Recently, DPKO has begun to trial the use of unarmed, unmanned aerial vehicles (UAV) in eastern Democratic Republic of the Congo (DRC) and Mali. There, subcontracted UAVs have been used to gather information on the movements of militia and arms transfers, respond to reports about potential threats to civilians, and provide UN humanitarian agencies with information about the accessibility of roads.⁸⁰ In other missions, Western troop-contributing countries are embedding UAV capabilities within their contributions, such as the Dutch and Swedish contingents in the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

Although a potentially important development, the use of unmanned aerial vehicles will not by itself resolve the UN's intelligence problems for a number of reasons. On the one hand, the unmanned aerial vehicles that the UN has at its disposal in the DRC have a limited range and their use is constrained by weather and geography. The platform being trialed in Mali has a significantly greater range, however. On the other hand, UAVs can only provide certain types of information and can only contribute directly to protection if they are supporting a maneuverable force capable of responding quickly to emerging situations outside its immediate areas of deployment.

Thus far, UAVs have been used more for force protection than for civilian protection. In addition, a range of political, legal, and other issues will need to be addressed, such as the extent to which information extracted from UAVs should be supplied to the UN Security Council's sanctions committee, the UN human rights monitors, or the International Criminal Court. While there is a clear case for using this information in these ways, doing

so runs the risk of undermining the perceived impartiality of UN peacekeepers, making them more susceptible to attack and potentially fraying relations with host states. South Sudan, for example, has already refused to permit the UN to deploy UAVs with UNMISS, despite their potential utility for civilian protection.

BALANCING COMPETING PRIORITIES

In practice, atrocity prevention is only one of a number of objectives that a UN peacekeeping operation is mandated to achieve. Not only does this reduce the singular importance of atrocity prevention, but it also raises the prospect that robust action to prevent atrocities might make it more difficult for the mission to achieve its other goals. In practice, therefore, missions might make tradeoffs by judging that there is more to be lost than gained by responding to threats of atrocity. Whatever one thinks of the merits of the individual concerns listed below, there is little doubt that, in practice, peacekeepers have to make tradeoffs among their multiple priorities.

In this regard, it is worth pointing out that it has proved difficult to eliminate threats to civilians entirely through the use of force and that using force against militia groups may make it harder to secure their cooperation in the future. Cases where outside forces succeed in eliminating threats are rare—the British assault on the West Side Boys in Sierra Leone, NATO strikes against the Bosnian Serbs, and the defeat of the M23 militia in the DRC by MONUSCO's Force Intervention Brigade—provide the best examples, but the former involved a small and politically insignificant militia group, the second came in the context of wider military reverses on the ground, and the latter succeeded in eliminating one militia but not the many others who continued to pose a threat. More often, groups are weakened by the use of force but may regroup and return to attacks on civilians.

Although its earlier use of force succeeded in weakening the DRC rebel group the Democratic Forces for the Liberation of Rwanda (FDLR) and restricting its freedom of movement, the UN Mission in the DRC (MONUC, the predecessor of MONUSCO) neither destroyed the militia nor

80 "Unarmed Drones Aid UN Peacekeeping Efforts in Africa," *New York Times*, July 2, 2014, available at www.nytimes.com/2014/07/03/world/africa/unarmed-drones-aid-un-peacekeepers-in-africa.html.

81 Victoria K. Holt and Tobias C. Berkman, "The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace Operations," Washington, DC: The Henry L. Stimson Center, 2006, pp.166–7.

forced it to disarm.⁸¹ The FDLR responded by negotiating an alliance with the DRC government, prompting the 2008 conflict with the rebel group the National Congress for the Defence of the People (CNDP), which had devastating effects on the civilian population. The point here is that military efforts by themselves are unlikely to eliminate threats to the civilian population and might make it more difficult for the mission to secure other goals, such as a peace agreement with a particular militia group, humanitarian access to affected civilian populations, and cooperation on the implementation of sanctions, embargos, elections, and other initiatives mandated by the Security Council.

In this context, peacekeeping missions might be encouraged to make tradeoffs in relation to civilian protection—setting aside protection considerations in return for cooperation on other matters on the grounds that the former would be unlikely to enhance the prevention of atrocities and that the latter would be feasible and could make a positive difference. These tradeoffs are further encouraged by the general reticence to use force, as described earlier.

Other related concerns have emerged, including the gap between those countries that champion robust protection and those that actually provide the troops to accomplish it. Several major troop-contributing countries, including India and Pakistan, object strongly to the use of force for civilian protection, partly because they are concerned about the safety of their troops and partly because of their commitment to the traditional principles of peacekeeping.

Indeed, UN officials working in peacekeeping have expressed concern privately about the potential for a robust approach to politicize the issue and hence threaten a hard-won consensus on the protection of civilians. Another concern is that the Security Council might be encouraged to see peacekeeping primarily as a panacea for a range of protection issues and that UN member states and local actors would expect peacekeepers to provide more physical protection than they are capable of doing. While the former might lead to more peacekeeping deployments into situations that are not suited to peacekeeping, the latter risks weakening public faith in peacekeeping by raising

expectations far beyond anything that could be achieved by blue-helmeted peacekeepers.

Conclusion

Although UN member states have repeatedly committed themselves to doing more to prevent atrocity crimes and protect vulnerable populations, the reality is that atrocity prevention confronts significant challenges. Not least, it must compete with other priorities for attention and resources. There are many reasons why the UN sometimes fails to prevent atrocities. Sometimes the UN fails simply because a party is so determined to commit atrocities that there is little besides full-scale war that would stop it; at other times, the organization's member states are unable to reach agreement about preventing atrocities or find sufficient will to adopt the required courses of action. It is possible, however, to discern ways in which the UN's own practices and procedures sometimes inhibit effective atrocity prevention.

A principal issue, and a recurring theme in the preceding analysis, is that in its engagement with troubled states and societies, the UN often has multiple concerns and, sometimes, competing priorities. As a result, because the system typically addresses atrocity risks in an ad hoc fashion—seeing them as extensions of its work on the protection of civilians, human rights, or humanitarian affairs—it is sometimes the case that atrocity prevention concerns are not prioritized, even when atrocities are imminent. As a result, UN country teams, civilian missions, and peacekeeping operations are seldom configured for atrocity prevention, even when there is evident risk, and they are not reconfigured when the evidence of risk mounts.

This creates key gaps between what the organization is expected to do in terms of preventing atrocity crimes and what it is configured to do, both in the field and at headquarters. In particular, the system lacks the procedures needed to determine situations in which atrocity prevention ought to be prioritized and the appropriate response to such situations. While the “Human Rights up Front” initiative has helped improve the system's capacity, the UN still lacks a strategy for atrocities prevention. The secretary-general

recognized the need for a common strategy for implementing RtoP in his 2009 report on the subject:

The United Nations and its range of agencies, funds and programmes have in place critical resources, activities and field operations that are already making important contributions to the elimination of these man-made scourges. They could do that much more effectively if goals relating to the responsibility to protect, including the protection of refugees and the internally displaced, were mainstreamed among their priorities, whether in the areas of human rights, humanitarian affairs, peacekeeping, peacebuilding, political affairs or development. Each of these areas of United Nations activity has much to bring to the common effort. The emphasis of the present report is therefore on forging a common strategy rather than on proposing costly new programmes or radically new approaches.⁸²

Such a UN strategy, which could be associated with and build on “Human Rights up Front,” could be articulated by the UN secretary-general.

A comprehensive UN strategy for atrocity prevention ought to be able to address five key considerations:

- First, it ought to provide the basis for a more systematic and comprehensive approach to early warning and assessment. The system should have within it the capacity to collate relevant information and provide atrocity-specific analysis and advice about risks and appropriate forms of response.
- Second, a strategy should provide guidance on how the system can mainstream atrocity prevention into its daily work to ensure that UN headquarters has mechanisms to support prevention goals and the systematic integration of atrocity prevention concerns into planning processes.
- Third, it should provide guidance on how to determine when atrocity prevention ought to be prioritized, including the necessary procedures for making such identifications and communicating this both through the system from

headquarters to the field and to member states.

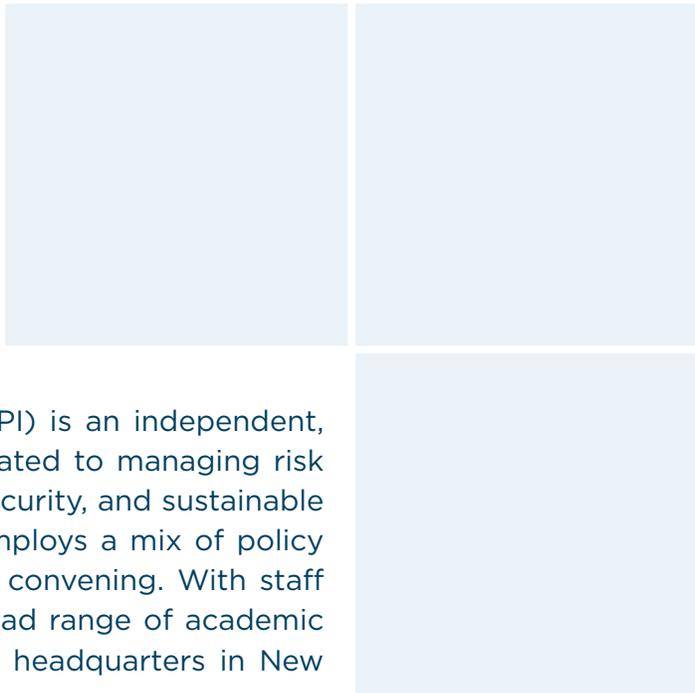
- Fourth, it ought to provide guidance on how the organization can better direct its diplomatic engagement, public messaging, monitoring and assessment, and partnerships to respond effectively to emerging threats of atrocity crimes.
- Fifth, a strategy for atrocity prevention ought to provide advice on the most appropriate configurations for the UN’s field presence in countries experiencing risk of atrocity crimes.

As we have noted throughout this report, UN missions in the field often confront crises for which they are not properly configured or resourced. While recognizing that decisions about the composition, mandate, and size of field missions are determined by political bargaining, it is important to understand that the organization’s capacity to respond effectively to emerging threats of atrocities is shaped to a great extent by the nature of its field presence and that, as a result, atrocity prevention analysis and related considerations ought to be considered at the mission design stage. This is not a matter of crystal-ball predictions of where atrocities will occur but of developing a system whereby long-term risk factors may be weighed against mitigating factors and paired with vigilance for the short-term triggers that precipitate violence to determine what missions need to be configured with atrocity prevention in mind from the start.

The key is that atrocity prevention should not be considered as one competing priority among others but as a central mission of the UN, as integral to development and humanitarian affairs as it is to human rights and the maintenance of international peace and security. A system-wide commitment to atrocity prevention means a commitment to act early. As Secretary-General Ban Ki-moon has said, “we owe this [commitment] to the millions of victims of the horrific international crimes of the past—and those whose lives we may be able to save in the future.”⁸³

82 United Nations General Assembly, *Implementing the Responsibility to Protect: Report of the Secretary-General*, UN Doc. A/63/677, January 12, 2009, para. 68.

83 Ban Ki-moon, “Foreword,” in *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, by United Nations Office on Genocide Prevention and the Responsibility to Protect, New York, July 2014, available at www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf.



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777 United Nations Plaza
New York, NY 10017-3521
USA
TEL +1-212-687-4300
FAX +1-212-983-8246

Freyung 3
1010 Vienna
Austria
TEL +43-1-533-8881
FAX +43-1-533-881-11

51-52 Harbour House
Bahrain Financial Harbour
P.O. Box 1467
Manama, Bahrain
TEL +973-1721-1344