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From Building Bombs to Building Futures

**A new
U.S. approach
to mass
atrocity
prevention**



**WIN WITHOUT WAR
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EXECUTIVE SUMMARY

Mass atrocities – including war crimes, crimes against humanity, ethnic cleansing, gender and sexual-based violence, and genocide – are some of the darkest expressions of humanity. While the United States helped establish the United Nations and later international norms and institutions to help prevent a recurrence of the horrors of the early 20th century, in practice its reactive policy posture and inconsistent application of prediction, prevention, and accountability tools has ultimately undermined the U.S.' stated commitment to atrocity prevention as a core national security priority.

This report analyzes U.S. efforts to predict, prevent, and seek accountability for mass atrocities in Burma, Kenya, and Syria. These case studies – while representing different regions, time periods, and contexts from which mass atrocities threatened to or did emerge – reveal that in practice, U.S. policymakers appear to frequently equate conflict prevention with crisis response. U.S. attempts to muddle through situations rather than pursue an affirmative, comprehensive strategy undermines the coherence of the U.S. approach to preventing mass atrocities.

In only one case, during the political violence surrounding the 2007 elections in Kenya, did the U.S. mount an effective diplomatic campaign and sustained programming that helped to deescalate the situation and build resilience in the long-term. But even in that case, the U.S. response only occurred after an initial outbreak of organized violence, and its success in de-escalating violence was due to its policy alignment with the demands of local and regional civil society. Moreover, the U.S. has spent the last 30 years militarizing its approach to international engagement, increasing the the political power of the defense industry in concert with the perceived short-term political benefits of using hard security tools over soft power.

As this report's case studies reveal, the resulting U.S. posture toward atrocity prevention remains largely reactive in nature. More often than not, the United States takes action only once a situation has become so dire, the intense political pressure to act can no longer be ignored. This approach leaves policymakers with a false binary tradeoff in moments of crisis: do nothing or take military action.

It does not have to be this way. The U.S. response to violence and mass atrocities needn't be a debate between trying (and failing) to bomb our way to peace, and ignoring mass atrocities that impact the long-term security of people globally, including in the United States. The U.S. government has many other options and tools, including diplomacy, development, peacebuilding, and transformative justice mechanisms, to take advantage of and build upon if it truly seeks to end conflict and prevent mass atrocities.

Reorienting the U.S. approach to violence to effectively prevent mass atrocities requires an overhaul of U.S. foreign policy away from reaction and toward proactively identifying and ameliorating the leading indicators of potential insecurity and violence today – climate shocks, human rights abuses, and inequality. Ultimately this approach should be seen as supporting the pursuit of U.S. influence around the world, albeit in a more constructive and peaceful way rooted in supporting and uplifting people and civil society acting for positive change locally. The Biden administration and Congress have immediate, and popular opportunities to begin reforming the U.S. approach to violence.

Based on interviews with current and former U.S. government officials, as well as NGO practitioners, this report presents a conflict prevention and peacebuilding framework, rooted in the atrocity prevention principles of prediction, prevention, and peacebuilding, to focus on addressing the structural causes of insecurity writ large. The recommendations provide immediate opportunities for both the Biden administration and Congress to implement this strategy, but time will tell if policymakers can muster the political will required for a fundamentally new approach that serves human security in the 21st century.

INTRODUCTION

Following the horrors of two world wars and the Holocaust, the United States helped create the United Nations (UN), in part to ensure that mass atrocities and a genocide on this scale never happened again. While the UN has never lived up to its ideals, in part because of Orientalism, imperialism, and other forms of systemic oppression, its failures to prevent harm informed a cycle of attempted reforms in the 1990s, largely culminating in the creation of the International Criminal Court (ICC) in 2002 and the Responsibility to Protect (R2P) doctrine in 2005.¹ And while the intentions behind R2P may be noble, its execution has been a story of unintended consequences and reactive policymaking with little to no long-term planning or investments.²

The folly of reactive policymaking

R2P remains a reactive norm, pushing states to act, if they do act, only once enough civilians have been killed. When coupled with the myriad challenges facing the world, and the United States' over-reliance on military power as the basis of its national security, it becomes clear why policymakers often only prioritize what rises to the level of crisis. This tendency to lurch from crisis to crisis is reinforced inside the United States government, where various parts of the executive branch lobby for resources and influence over policy decisions, rather than creating a unified, mutually-reinforcing strategy across government. This approach has ultimately hamstrung previous administrations' ability to take early decisive action to end the violence or terminate the conflict.³

While military force has been somewhat successful in halting ongoing crimes against humanity, the use of force does little to prepare for the day after violence ends or to prevent the reemergence of violence, nor does it set up a framework for long-term conflict mitigation. The U.S. government, and the international community's consistent prioritization of a negotiated settlement between warring parties above all else often fails to focus on addressing long-standing grievances and societal fissures that drive intra-state conflict. The failure to focus on resolving or exacerbating pre-existing threats to human security ultimately undermines any negotiated peace.

Focusing on mitigating the immediate crisis of the day ultimately undermines the development of a coherent, comprehensive U.S. strategy to addressing violent conflict. It also fundamentally prevents a focus on investing adequate diplomatic and financial resources to mitigate situations that have not yet reached a crisis-point. In doing so, it keeps the U.S. government on the back foot, an ill-prepared fixer and often complicit in violence, rather than a preventer of conflict and human suffering.

A false choice between war and doing nothing

The experiences of Bosnia, Libya under Qaddafi, and the Yazidi genocide by the self-described Islamic State all reveal the folly of waiting for a crisis to emerge. The United States' failure to create a coherent, comprehensive strategy from the outset in these situations, in favor of an incremental approach, slowly undermined the political viability of using non-military tools to resolve conflict. Should 'muddling through' fail to mitigate violence, there is even greater political pressure to act – to do *something* – in the face of ongoing violence. Facing such pressure, the U.S. government often perceives it has two options: militarily intervention, which often exacerbates civilian harm in the long-term, or “doing nothing.”⁴

One reason this false, binary choice exists is the U.S. government's focus on short-term goals and military gains in national security policy making. This is in part a response to the U.S. political cycle, in that it is politically beneficial for policymakers to show results to the public. Prioritization of what is achievable in two, four, and six year increments takes precedent. The reality remains, however, that if the U.S. government wants to stop lurching from crisis to crisis and make progress on addressing the existential threats humanity faces, it must end its avoidance of long-term investments in lasting solutions to violence and threats to human security.

Ultimately, if the United States wants to prevent the outbreak of mass atrocities, one of the most effective approaches would be to focus on ways to prevent violence and armed conflict *in general*.

1 - R2P is an international norm requiring states to protect their populations from genocide, crimes against humanity, ethnic cleansing, and war crimes. It also deems it the responsibility of the international community to prevent a mass atrocity, including through force, if the local government is unable or unwilling to do so. R2P seeks to hold states accountable for guaranteeing minimum standards for its populations, including basic health services, food, shelter, physical security, and other essentials of modern life.

MASS ATROCITIES: DOES AND SHOULD THE U.S. CARE?

As mass atrocities represent some of the most grievous human rights violations in the world, supporting atrocity prevention is in line with the core – though at times merely rhetorical – U.S. foreign policy of upholding universally-recognized human rights. The U.S. also helped develop the United Nations in support of this goal, and was a core drafter of the Universal Declaration of Human Rights (UDHR) and other international covenants making up the so-called rules-based international system of today. Its leadership role in the UN has been a boon to U.S. international influence and power over the last half century, despite bipartisan consternation about the U.S. being held accountable.

U.S. atrocity prevention tools are oriented around predicting, preventing, and creating accountability for mass atrocity violence. The U.S. government administers various direct-service programs and provides foreign governments with millions of dollars each year to improve people's safety and health, and expand democratic freedoms in support of this goal.

The Pursuit of Military Power over Atrocity Prevention

While the U.S. government has rhetorically and diplomatically supported atrocity prevention efforts, it has not allowed those goals or the principles that drive them to organize U.S. national security. Instead, the U.S. has significantly militarized its approach to preventing violence and human rights abuses since the establishment of the UN, and particularly in the last three decades.

U.S. counterterrorism (CT) policy has focused on a disrupt and defeat model, which prioritizes the (now often-remote) extrajudicial killing of claimed "enemy combatants" – essentially any teenage male present in areas where the U.S. government believes non-state armed groups that perpetrate terrorism are active. In the process, the

Defining Mass Atrocities, Atrocity Prevention, and Threats to Human Security

Mass atrocities are deliberate and large-scale attacks on civilians, which include war crimes, crimes against humanity, ethnic cleansing, and genocide. In this report, "mass atrocities" refers to deliberate and large-scale attacks on civilians by governments or non-state actors, including war crimes, crimes against humanity, gender and sexual-based violence, genocide, and ethnic cleansing. Many of the major cases of mass atrocities in the last 30 years were all perpetrated during political stalemates or outbreaks of civil conflict, contentious events like elections, and/or in the midst of long-standing ethnic and socio-economic tensions.

Atrocity Prevention is the process by which government and nongovernment actors identify precursors to mass killings or other large scale human rights abuses against civilians, and utilize a variety of tools and strategies aimed at preventing them.

Threats to Human Security consist of the cross-cutting threats that human beings face to their physical, economic, and social-psychological well-being. They include: climate shocks, pandemics, political polarization, gross violations of human rights, ethnic tensions, and previous history of conflict, among others.

the U.S. government has committed alleged war crimes and other atrocities, just as it did during its covert wars in Latin America during the Cold War. Similarly, the United States has prioritized military relationships and tools, both bilaterally and at the UN – where it has led the creation of new international bodies to

increase international prioritization of CT, and actively provided political cover for abusive military partners.

This obsessive focus on public messaging and military partnerships as the key tool for violence prevention for at least the last twenty years has severely distorted U.S. national security spending priorities, with more than half of all discretionary spending in the United States now going to the Pentagon and its corporate contractors.

Even ostensibly non-militarized forms of programming to address violence, like "Countering Violent Extremism" or CVE, rely on military concepts to allegedly prevent violence. These approaches, which are implemented by U.S. government actors and partners at home and abroad with similar impacts, effectively dehumanize diverse communities into monoliths worthy of suspicion. Such programs have been shown to not only lead to government profiling of individuals based on their appearance or associations, but also fuel xenophobia and hate violence.

Impacts of a Military-First Approach to Violence

This approach to violence and mass atrocities has further securitized recipient countries' approaches to violence and dissent, as well as practitioners' responses to human rights crises. The over-reliance on security assistance and cooperation in U.S. national security-making also contributes to lopsided governance in recipient countries, with foreign militaries receiving an outsized amount of resources compared to other parts of the state. Countries receiving U.S. foreign military training programs are twice as likely to experience a military coup d'état in the future.⁵

The continued U.S. reliance on military solutions to conflict gives cover for human rights abusers the world over, increasing the likelihood of, or U.S. complicity in, mass atrocities.

Despite ongoing, varied, and blatant patterns of abuses, the U.S. has consistently scapegoated universal human rights to maintain the perceived benefits of security cooperation. Such actions, along with the defunding of international bodies, undermine the United States' influence internationally as well as the very legitimacy of international law and norms upon which U.S. power relies.

Political Will for Military-First Approaches, Not Atrocity Prevention

The continued U.S. reliance on military solutions to conflict gives cover for human rights abusers the world over, increasing the likelihood of, or U.S. complicity in, mass atrocities.⁵ The continued emergence of mass atrocities, and the United States' role in facilitating them or its failure to prevent them, ultimately boxes policymakers into choices that have few good options and much larger political costs than those associated with taking early preventative action, such as the current debate about the U.S. withdrawal from Afghanistan. There are better policy options early on, but there must be political will to make the long-term investments needed to capitalize on them.

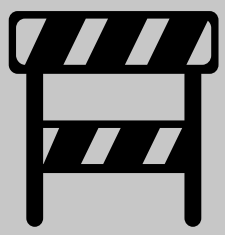
In this environment, generating political will that can counter militaristic forces inside and outside government has been a major roadblock to effective atrocity prevention. Although this challenge is not unique to the United States, it is especially prominent given the influence of monied interests in the U.S. political system and the national security establishment's obsessive preoccupation with the United States remaining the sole superpower. That preoccupation dehumanizes the impacts of U.S. foreign policy abroad and has played a pivotal role in the United States being party to some of the worst atrocities in the last several decades.

Yet, polling consistently reveals a public soured on the United States' series of endless conflicts in pursuit of military domination and combating threats to U.S. power. It also shows broad support for prioritizing nonmilitary tools to positively impact human security at home and abroad. This report's three case studies will show that elevating mass atrocity prevention approaches in U.S. national security is essential to addressing the urgent transnational threats to human security – the climate crisis, kleptocratic techno-authoritarianism, and global pandemics.

Key Institutional Obstacles to Successful Atrocity Prevention

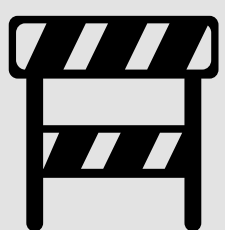
The U.S. government is often aware of potential threats to human security and the potential likelihood of mass atrocities thanks to diplomacy, expansive government intelligence operations, and nongovernmental organizations. More often than not, however, the United States falls into crisis response mode, trying to stop violence after it has already occurred. A data-driven approach would require the U.S. government to take preventative diplomatic and nonmilitary action to swiftly address or mitigate the threats to human security that drive conflict. Interviews with former executive branch officials revealed three key reasons that the U.S. remains stuck in a crisis response posture to violence, all related to lacking political will in both Congress and the executive branch:⁶

Not wanting to take bad news to the president.



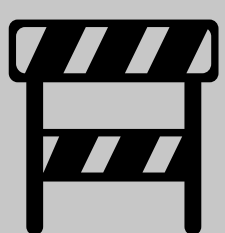
In a world of constant ongoing crises and countless priorities for the U.S. government, interviews with former government officials revealed that there is a persistent incentive for bureaus or embassy staff to water down the likelihood of atrocities to make the news seem less dire or that current U.S. programming is adequate. Failure is rarely rewarded, creating career incentives or political pressure to show positive progress in programming and not elevate information that could discredit the current approach. Such an unwillingness to admit defeat or that U.S. policy may be contributing to the potential of violence ultimately undermines the U.S. government's ability to institute a course correction and act in time to prevent violence.

Lack of attention and institutional capacity.



The Early Warning Project identifies the top 30 countries in the world at high risk of experiencing atrocities in the next few years. Formulating and implementing atrocity prevention plans for 30 countries is challenging due to time and current resource constraints, even in administrations keen to engage in violence prevention. While the U.S. government will always have to prioritize certain countries and issues, the overemphasis on military solutions to conflict overall undermines deep investments in the frontline diplomatic agencies — State, USAID, and the UN — that can actually prevent and affect these emerging crises. Ending the Pentagon's dominance in the U.S. government's approach to conflict is essential, not only to free up resources to expand State and USAID capacity, but also to incentivize early preventative action across the international system.

Failure to mobilize long-term resources.

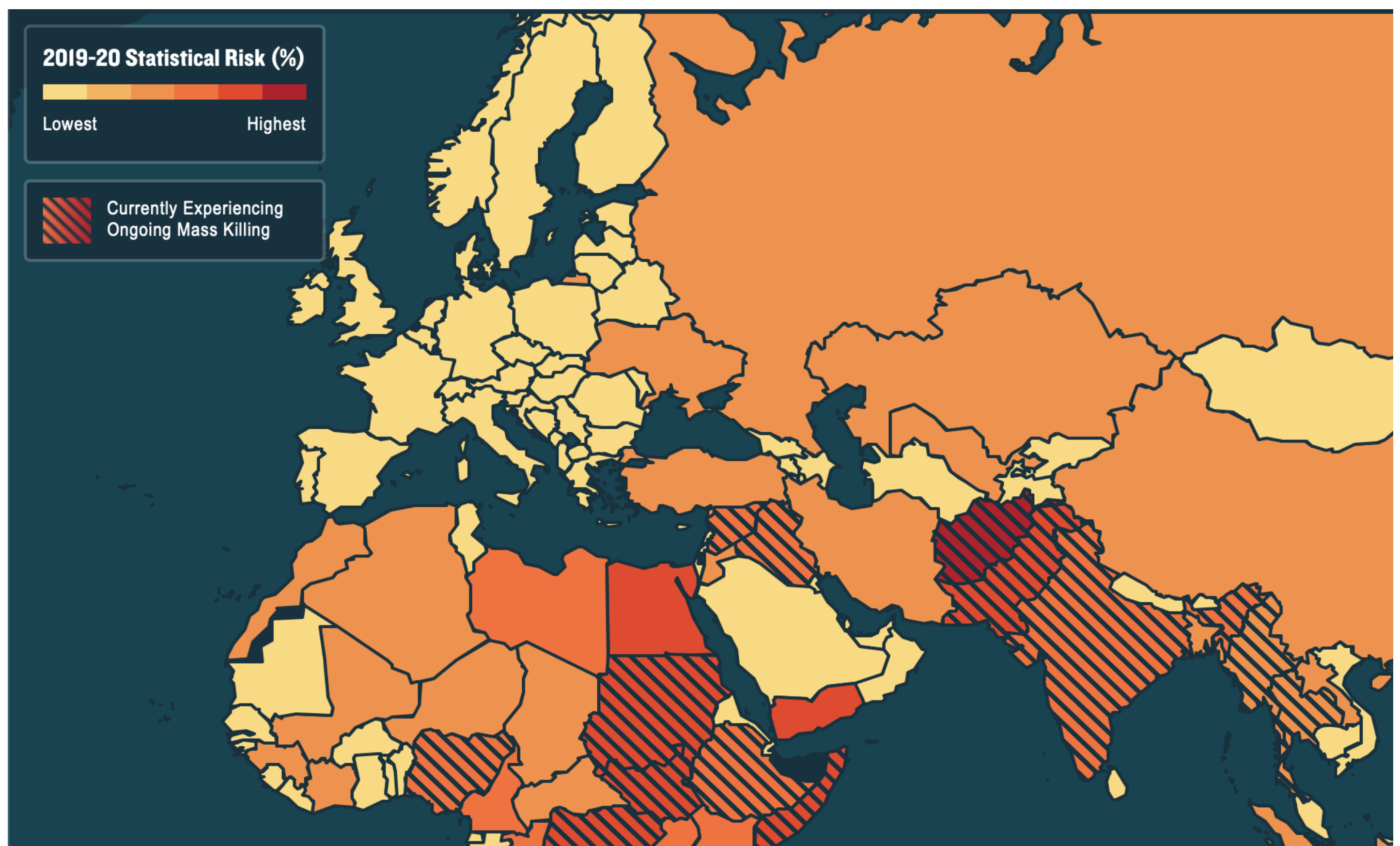


Policymakers can take the wrong lessons from history and decide that past failures mean prevention will not work, or the international and political context may sway decision makers away from early, nonmilitary action. Since 9/11, this challenge has only been exacerbated with members of Congress and foreign policy officials focused on short-term results in the face of a security challenge undergirded by long-standing threats to human security around the world. Policymakers must begin to approach systemic challenges like atrocity prevention with systemic solutions that help address the inequities and human rights violations that lead to the eventual outbreak of violence. Mobilizing sustained resources now to tackle current threats to human security will ultimately help rid policymakers of facing an apparent binary choice between military action and doing nothing later on.

PREVENTING MASS ATROCITIES: CURRENT U.S. APPROACHES

Thankfully, despite the U.S. government's focus on military solutions to political violence, support for genuine atrocity prevention continues to grow both inside and outside government. In fact, there are promising signs of broad bipartisan congressional support for a new approach to state fragility and conflict.⁷ The U.S. government already has many tools available to predict, prevent, and hold perpetrators of mass atrocity violence accountable; the failures of the past lie in the U.S. government's de-prioritization of, and inconsistent investment in, these tools.

Congressional support for conflict prevention does not necessarily mean agreement on reducing the footprint of the U.S. military, however. Rather than a comprehensive approach, policymakers have sought to invest in these tools in the context of military intervention or security cooperation in ongoing operations. That has not only skewed results, but often undermined any potential accountability for abuses because of direct U.S. involvement. Congress and the Biden administration have the opportunity to build on these existing efforts, while also fundamentally reforming the U.S. approach to violence by installing a truly diplomacy-first, military-last posture for U.S. engagement in the world. But they can only do so if they invest in and build upon existing prediction, prevention, and accountability tools that, if prioritized, would help center conflict prevention and peacebuilding in U.S. foreign policy.



Early Warning Project: Map of Statistical Risk of Mass Atrocities

Prediction Tools

Research has shown consistently that certain conditions, such as human rights abuses, coordinated hate speech, or economic downturn, are all indicators that violence or mass atrocities may occur.⁸ Very often, an instance of isolated violence or a confluence of these indicators can escalate into mass atrocities, particularly if the political or economic environment is zero sum between actors or groups. If the U.S. government hopes to effectively predict the likelihood of a mass atrocity, it must focus on predicting the outbreak of initial violence that is often the precursor to a mass casualty event.

Early Warning Systems (EWS) and Violence Prediction Frameworks • Thanks to the vast amount of data available, government and nongovernmental actors' ability to predict violence continues to increase. Predicting atrocities relies primarily on what are known as EWS, which generally analyze quantitative data about a country to determine its likelihood of experiencing violent conflict and atrocities. The UN and governmental, as well as nongovernmental EWS have documented numerous factors that increase a country's propensity for atrocities.⁹

Overall, prediction data cross-references dozens and up to hundreds of factors.¹⁰ It focuses on major themes,

including but not limited to:¹¹

- the state of human rights;
- the state of the economy;
- previous instances of or existing violence;
- public perceptions of the government;
- upcoming contentious events;

The U.S. government then uses that data in combination with internal analytical frameworks to identify specific risk factors for violence or conflict, and design preventative actions the U.S. can take to mitigate violence. Some examples of these frameworks include:

- Electoral Violence Assessment Framework used by the Conflict and Stabilization Operations bureau (CSO) at the U.S. Department of State (State);
- National Intelligence Estimates;
- CIA Political Instability Task Force; and
- Election Security Framework at USAID¹²

Rather than using these risk factors to identify potential conflict on an ongoing basis in a given country, however, the U.S. government's resources are focused on mitigating these factors only around periodic, predictable events, like elections.



What's missing in the United States' prediction tools?

The U.S. government is not centralizing information adequately to ease collaboration and avoid interagency competition. There is also a lack of clarity and overlap between CSO and USAID within the State Department, which leads to unhelpful inter-bureau competition that undermines effective collaboration. Instead of acting proactively, the United States instead waits for predictors to turn into crises before attempting to mitigate violence, which is largely due to the marginalization of diplomacy and development tools in the interagency process.

Moreover, career incentives within the executive branch all point towards allowing U.S. foreign assistance and security cooperation to continue in service of perceived priorities, often rooted in maintaining military hegemony, rather than assessing the United States' own role in creating insecurity. Without a flip in priorities and a focus on aligning U.S. national interests with the actual human security needs of people around the world and at home, the United States will continue to play a detrimental, or at best unhelpful, role in addressing the drivers of conflict around the world.

Prediction Tools Inside Government	
Intelligence Community (IC)	1) Proprietary EWS 2) The Political Instability Task Force at CIA, which focuses on state fragility and failure to inform atrocity prediction 3) Ad hoc classified data and information from accross the IC to inform governmental discussions on atrocity predictions
State Department	1) Proprietary EWS at Democracy, Rights, & Labor (DRL) Bureau* 2) Propreitary EWS at USAID Office of Conflict Management and Mitigation (CMM) 3) Famine Early Warning System (FEWS) Net at USAID
<i>*As of writing, State is revamping its EWS by looking at new data points such as media and internet blackouts, the prevalence of pro-government militias, and mobilizations against minorities, and climate change.</i>	

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Prediction Tools Outside Government	
United States Holocaust Memorial Museum’s (USHMM) Early Warning Project	Looks at over 25 long-established data points, including trade openness, regime type, and infant mortality rate, to rank all countries in the world on their likelihood of atrocities over the following two years.*
Regional and Country Specific EWS	Examples include: - Enough Project and Digital Globe - The Sentry - Yemen Data Project
Human Rights Documentation	Examples include: - WITNESS, Human Rights Watch and Amnesty International - UN High Commissioner for Human Rights; Experts, and Rapporteurs
<i>*Theoretically, this timeline gives policymakers and civil society a window to mount effective interventions to prevent violence in countries most at-risk for atrocities.10</i>	

Prevention Tools

Prevention tools are focused on helping address the local drivers of conflict in order to avert an outbreak of violence or prevent ongoing violence from escalating into a mass atrocity. Most often, the U.S. government's approach to prevention will occur in a place that is already experiencing low-levels of violence that could escalate into crimes against humanity or genocide. The U.S. government's main engagement is often reactive and government-focused, rather than focused on building broader, long-term societal relations. In countries with a U.S. military presence or significant bilateral security cooperation, multiple administrations have avoided consistently addressing threats to human security. Allowing military goals to trump the need for broader societal engagement ultimately undermines long-term strategic U.S. interests.



The Atrocity Prevention Board (APB) • In 2008, civil society groups, along with former Secretaries of State and Defense, Madeleine Albright and William Cohen, respectively, issued a report recommending the U.S. government create an interagency committee to lead atrocity prevention.¹³ President Barack Obama issued Presidential Study Directive-10 in 2011, creating a standing interagency committee, the APB.¹⁴ It defined atrocity prevention as a core national security issue, and the APB was tasked with identifying gaps in government atrocity prevention efforts and making recommendations about how the president could address those gaps.

Under Obama, the APB did not have budgetary powers, the ability to steer policies, or to require the implementation of policy within executive branch agencies. Its mandate also did not include atrocity prevention in general but solely focused on fragile countries labelled at-risk for atrocities, effectively cordoning off the APB's jurisdiction from countries where the U.S. was militarily intervening. Doing so sent the bureaucratic signal that atrocity prevention was a side project, not a core, overarching national security objective.

Nevertheless, its existence did create buy-in for the concept across the U.S. government. The IC, for example, conducted the first national intelligence

estimate on the risk of atrocities, thanks to the discussions held in the APB. Many agencies also focused more attention on atrocity prevention via staff training, analysis on lessons learned in past atrocity prevention scenarios, and new partnerships with the UN and the private sector. The Trump administration renamed the board the Atrocity Early Warning Task Force (AEWTF), and its activities have been limited since 2017.



Peacekeeping • The deployment of foreign peace forces can help keep fragile peace, but not in the midst of an ongoing conflict as was the case in Bosnia. A lack of long-term investments, troop commitments, and accountability for sexual assault and other abuses undermine peacekeeping's effectiveness. Since the 1990s, the number of U.S. personnel participating in peacekeeping operations has dwindled as presidents have de-prioritized these operations and focused on unilateral U.S. military missions.¹⁵ Unilateral U.S. military action has consistently failed to understand and address long-standing challenges to peace in the societies it is bombing. Under the Trump administration, the United States owed nearly \$1billion in unpaid dues as of mid-2020.



Support for Civil Society and Civil Resistance • Fostering close relationships with local civil society and communal leaders is a critical aspect of ensuring U.S. efforts are in line with the needs and goals of local changemakers. Historically, U.S. programming has focused on humanitarian relief, the implementation of large-scale development projects, or political party and electoral capacity building. In recent decades it has focused on doing so in countries where the U.S. is at war or party to a civil conflict. Although there have been efforts to localize USAID's approach to assistance as part of the agency's reorganization, the Trump administration's approach failed to address funding barriers or tie in to a larger diplomatic strategy.



Targeted Sanctions • Economic sanctions have been used for decades to change adversarial regime behavior. If used strategically, and as part of a larger diplomatic strategy, sanctions can be an effective violence prevention and accountability tool. Yet the recent U.S. track record on sanctions shows a proclivity to devastate foreign economies and harm civilian populations living under these regimes. The U.S. president unilaterally imposes sanctions through the International Emergency Economic Powers Act (IEEPA). Congress often provides sanctions authorities for specific countries in the face of emerging or ongoing violence. While the U.S. imposes targeted sanctions on individuals and entities found to commit grand corruption and human rights abuses under laws like the Global Magnitsky Act,¹⁶ it also has pursued broad-based, sectoral sanctions – with and without international support – that have collapsed foreign economies and sparked humanitarian crises, as it has done in Iraq, Venezuela, Syria, and Iran. Rather than changing regime behavior and halting violence, such sanctions have been found to feed authoritarianism, which often serves to solidify regime power and abuses.¹⁷

Naming and Shaming • Both the executive branch and Congress call out state violence around the world. While it may seem basic, foreign governments, particularly governments that rely on U.S. military support, are often extremely sensitive to foreign scrutiny. Shining light on abuses and following that up with diplomatic action has been found to be particularly effective in changing regime behavior. Yet, both the executive branch and Congress are inconsistent in naming and shaming abuses, and are least likely to name and shame a military partner, even if that partner's actions foment conflict.



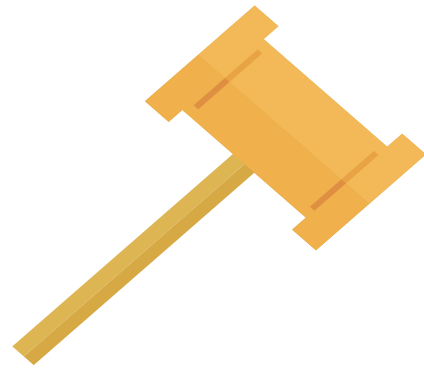
What's missing in the United States' prevention tools?

To have a chance at preventing or mitigating violence, the U.S. should not wait to act until there is a crisis, as it does now. Even where there are clear predictions of violence or evidence that U.S. security assistance and cooperation has a negative effect, the U.S. government often remains in a response-oriented posture and loathe to change tactics, given the number of crises around the world. The current subordination of State and USAID to Pentagon interests within the interagency also reinforces this dynamic.

Additionally, Congress has often abdicated its oversight role in deference to the executive branch, and to the U.S. military in particular. Given the political power of the defense industry, Congress has also prioritized hard security tools over soft power tools, further limiting nonmilitary agencies' ability to resource and lead U.S. government responses. This environment creates an atrocity response approach rather than centering atrocity prevention as a national interest in broader U.S. national security strategy. Without a fundamental review of the consequences of the United States' current militaristic and reactive approach to violence, the U.S. will not be positioned to take proactive action.

Accountability Tools

Forms of accountability for committing atrocities vary widely from well-established international judicial proceedings to locally led efforts at transitional justice. In addition to sanctions, mentioned above, these mechanisms rely on various frameworks, but they all have similar goals: holding perpetrators accountable for their crimes and providing victims and survivors of atrocities with justice. While the U.S. government helped develop UN accountability mechanisms, its failure to participate in and hold itself accountable to these institutions has undermined their credibility and power.



The International Criminal Court (ICC) • The Rome Statute of the ICC established the court and went into force in 2002. The ICC is an independent international court that investigates and prosecutes individuals for mass atrocities and other crimes under international law. Despite playing a pivotal role in establishing the court, the U.S. has failed to accede to the court's jurisdiction; while Pres. Bill Clinton did sign on to the Rome Statute in 2000, Pres. George W. Bush reversed the decision. A critical challenge to the ICC's ability to pursue justice is its reliance on treaty member states to facilitate arrests of perpetrators of crimes in order to bring them to trial. Otherwise, only a vote by the UN Security Council can refer a case to the ICC.¹⁸ Multiple administrations, with the assistance of Congress, have sought to prevent the United States and its allies from being subject to investigations by the ICC. The Trump administration recently went so far as to issue sanctions on ICC prosecutors and staff after it announced an investigation into the U.S. role in apparent war crimes in Afghanistan,¹⁹ setting a dangerous precedent.

The International Court of Justice (ICJ) • Every UN member state is an automatic member of the ICJ, which was established by the UN Charter. The ICJ resolves legal disputes between member states when both states agree to an ICJ investigation (unless states agree to abide by compulsory jurisdiction, which the U.S. did until it withdrew its agreement to do so in 1985). If member states do not agree to an ICJ investigation and/or decision, the court can offer advisory opinions that are non-binding determinations. The United States also remains a signatory to approximately 80 treaties that mandate cooperation with the ICJ. As a result, the United States must still abide by and enforce ICJ rulings.²⁰ The Trump administration sought to end U.S. compliance with treaties and international agreements that would put the United States under ICJ jurisdiction.

Universal Jurisdiction • Universal jurisdiction allows countries to prosecute and convict foreign nationals who commit crimes against humanity and other atrocities, no matter where the crimes were committed. It does not matter if the accused is not a citizen of the country where the case is being tried. Universal jurisdiction relies on the legal interpretation that some crimes pose such a great threat to humanity as a whole that no location should become a safe haven due to jurisdictional limitations.²¹ Some countries like Spain, Germany, and the Netherlands utilize universal jurisdiction as an accountability mechanism for mass atrocities, most often relying on evidence brought by the diaspora and refugee communities residing in their countries. Special prosecutors pursue cases but frequently cannot extradite the accused, who are often in the country where they committed the atrocities. Thus far, the United States has only sought to use universal jurisdiction in cases of torture of U.S. citizens.²² U.S. officials have also challenged the validity of universal jurisdiction as a violation of state sovereignty enshrined under the UN Charter.²³

What's missing in the United States' accountability tools?

While State also funds and supports many transitional justice efforts around the world, which involve local accountability and reconciliation efforts in post-conflict environments, these are not necessarily a focus of U.S. diplomatic strategy. There has also been a failure to use other forms of U.S. assistance to change behavior. DoD security assistance and training programs in particular claim to transfer norms of professionalism, human rights, and civilian control to militaries as a means of bolstering the stability of the state. In fact, these programs have been shown to foment military coup d'état²⁴ and have generally had a negative correlation with cooperative behavior from recipient nations.²⁵ The United States' unwillingness to hold itself accountable to all aspects of international law and subject itself to international accountability mechanisms undermines these institutions and norms overall.

ATROCITY PREVENTION IN PERSPECTIVE

While there are many examples of mass atrocities and U.S. foreign policy interventions, the case studies explored in this report are the Rohingya genocide in Burma (2017), the election violence in Kenya (2007), and the atrocities committed by the Syrian government and its allies, including Russia and Iran, during the Syrian war (2011-present). These countries were chosen for the varied U.S. approaches to, and effects of, U.S. policy interventions.

The case studies show the United States' inconsistent crisis management approach to atrocity prevention often fails to address local drivers of conflict, either fueling more conflict or kicking the can down the road on underlying structural challenges that precipitate violence. The United States' prioritization and application of its atrocity prevention tools – prediction, prevention, and accountability – has been inconsistent and ad hoc at best. While the context of these countries' mass atrocity events differs, the lessons learned from these cases provide useful evidence to inform the U.S. approach moving forward.



Key Findings

- 1 BURMA**
In Burma, prediction was robust, in that the U.S. government was aware years prior that there was a high-level of risk that atrocities were likely to occur, and yet prevention did not occur.
- 2 KENYA**
In Kenya, prediction was also robust, and while violence did break out following the election, the U.S. took decisive preventative action to halt and prevent further violence. The U.S. also established robust programming focused on youth and dispelling misinformation for future election cycles.
- 3 SYRIA**
In Syria, little to no prediction occurred, and while some diplomatic prevention and accountability steps were taken, the overall approach largely relied on military and other coercive tools that exacerbated and elongated the violence. U.S. military intervention was discussed extensively in the case of Syria and limited airstrikes have been inconsistently used in response to certain instances of apparent crimes against humanity – though these strikes did not halt violence.



LESSONS LEARNED FROM BURMA: A PREDICTION SUCCESS, A PREVENTION FAILURE

What happened?

The Burmese government has persecuted, dehumanized, and attacked the Rohingya, an ethnic, Muslim minority for decades.²⁶ In 2017, the Tatmadaw – the Burmese military – with assistance from non-state armed groups killed 6,700 Rohingya in a single month in Rakhine State. Almost 700,000 Rohingya fled the violence to Bangladesh. Predictions of atrocities were robust and many in the international community were aware that the likelihood of genocide was high. Accountability efforts were ongoing, but the February 2021 military coup d'état threatens to sideline these efforts. Gambia has pursued a case against the Burmese government at the ICJ.

Experts fear the junta government will not cooperate with the findings of the court, however, though there are still international efforts to pursue a case at the International Criminal Court, which is investigating. The Trump administration only sanctioned mid-level military officers for the violence and failed to make a legal determination that the violence constituted genocide. In response to the February, 2021 military coup, the Biden administration has announced it will impose new sanctions on ten military officers and three of their businesses. While punitive measures for the recent coup are important, a focus on political change should not allow accountability for the genocide to fall by the wayside, especially since the plight of the Rohingya people did not improve under civilian government.

Why did prediction succeed?

Since the 1962 military coup d'état in Burma, the U.S. has sanctioned the Burmese government to varying degrees. For decades prior and in the lead-up to the

2017 genocide, there were dozens of warning signs, from a concentrated campaign of hate speech inciting violence in state media and on social media, to the eviction of aid and humanitarian agencies from Rohingya-majority Rakhine State.

This confluence of decades of state violence and organized xenophobia against the Rohingya led the Early Warning Project to consistently rank the Rohingya in Burma as high-risk for genocide for three consecutive years prior to 2017. Advocacy and human rights organizations conducted years of government advocacy warning of this threat. Unlike other cases of mass atrocities, civil society and the U.S. government – as well as other governments around the world including the UN – had ample prediction data to take early action to prevent violence against the Rohingya.

If prediction succeeded, why did prevention fail?

Following incremental democratic reforms by the military junta in 2010, including the release of Aung San Suu Kyi – a regime critic and political party leader that had been under house arrest for 21 years – and the installation of a pseudo civilian-led government, the Obama administration began lifting sanctions in 2011. These surface-level reforms allowed continued military control of the economy and levers of state power, but these reforms were seen by the Obama administration as regime liberalization. The administration assumed that early small democratic changes would eventually lead to larger changes.

In 2012, the U.S. government reopened the USAID mission in Burma – a critical gesture of legitimacy for the military controlled government.²⁷ Disturbingly, the



normalization of relations between the U.S. and Burma came at the same time the Burmese government committed crimes against humanity and ethnic cleansing against the Rohingya in 2012, with at least 70 killed and 125,000 displaced. This violence would be a precursor to the 2017 genocide²⁸ and should have been a clear indicator of the need to adapt U.S. policy in the face of the violence. For their part, bipartisan members of Congress joined advocacy organizations and urged then-Secretary of State John Kerry to take early action to change U.S. policy toward the regime to prevent mass violence against the Rohingya in 2014.^{29,30} Congress also extended sanctions on Burma between 2011-2013.³¹

Unfortunately, the Obama administration largely failed to take early action. Based on interviews with former officials and advocates, two critical factors were at play: the political pressure to show success on democratization through nonmilitary means – proof that an alternative approach to regime change wars could achieve democratic reforms – and the Pentagon's

desire to foster a military alliance with the Burmese military that could purportedly counter the regional influence of China as part of the administration's 2011 "pivot" to East Asia.

It wasn't that the U.S. government did not have leverage to push for an end to government targeting of the Rohingya. For example, the U.S. government already required U.S. companies to report investments of \$500,000 or more in Burma, which would have allowed the U.S. government to prohibit investment in extractive industries controlled by the Tatmadaw.³² Economic assistance under the USAID mission was also a critical political win for the Burmese government. Threatening to end or condition assistance on the basis of respect of human rights, inclusive governance, and military divestment from the economy could have impacted the regime's calculus in the lead up to the genocide. Instead, the Obama administration lifted existing restrictions, allowing U.S. aid to the Burmese government and military, as violence against the Rohingya persisted and intensified.³³

Rohingya Migration



There are an estimated 3.5 million Rohingya dispersed worldwide. Before August 2017, the majority of the estimated one million Rohingya in Myanmar resided in Rakhine State, where they accounted for nearly a third of the population.



Key Takeaways from the U.S. Approach to the Rohingya Genocide in Burma

Acquiescing to institutional and political pressure to show success undermines taking early action to prevent violence and long-term U.S. strategic goals.

- Despite robust data indicating a mass atrocity, other concerns, predominantly military and political calculations, overruled taking early action on these early warning signs in the Obama administration's decision to normalize relations.
- The Obama White House de-prioritized human rights in the short-term for the perceived benefits of security cooperation against China, undermining the United States' ability to achieve its long-term democratization and human rights goals.
- Yet, Burma cannot be an effective U.S. counterweight to China if it continues to repress segments of its population and disenfranchise certain communities – an approach that could ultimately push individuals to seek other, possibly violent, routes to achieving individual and community security.
- In the face of the coup this year and uncertain international accountability efforts, U.S. policy towards Burma faces a choice between accountability or again allowing perceived security concerns to trump human rights.

Democratic openings do not preempt the chance of violence.

- Democratic change is a long-term process that often takes one step forward and two steps back. Burma reflects the need for the U.S. government to take a holistic approach to understanding the context and motives in which an authoritarian government takes steps to liberalize.
- Liberalization should not be equated to democratization, respect for the rule of law, or civilian control of the military. This phenomenon is well illustrated by Burma's recent military coup, a major backslide in democratization after nearly 10 years of civilian government rule. Instead, U.S. policymakers should welcome liberalizing steps, while also employing positive and negative levers of influence to facilitate progress, in order to mitigate potential harm to civilians.
- Ultimately, ignoring state violence against a minority in favor of rewarding progress in other areas undermines the stated goals of the U.S. government.

Accountability in the near and long-term is essential to preventing further violence.

- Despite progress at the ICJ and an opening of an ICC investigation into the 2017 genocide, hundreds of thousands of Rohingya remain unable to return to their homes, and state violence against Rohingya and other ethnic minorities continues in northern Burma today. With the recent military coup, indications that another genocide may be on the way only grow.
- The Trump administration did as little as possible to hold the regime accountable in order to preserve a security relationship to “counter” China. Congress has played an important role in pushing the executive branch to do more. The Biden administration is signaling it may pursue a different course, with an invocation of the Foreign Assistance Act restrictions and targeted sanctions, but details of a larger strategy remain scarce.
- The case of Burma reveals the importance of Congress taking continued action, specifically mandating repercussions, such as curtailing the military relationship, where possible, to create the political space and pressure for the executive branch to act to prevent further violence.



LESSONS LEARNED FROM KENYA: MIXED SUCCESS IN PREDICTION, PREVENTION, AND ACCOUNTABILITY

What happened?

Although the case of Kenya is not one where violence was prevented on the whole, it is considered a semi-success given that eventual U.S. diplomatic efforts, in support and following the leadership of Kenyan civil society, helped mitigate the occurrence of a mass atrocity. Several weeks after a contested presidential election in December 2007, politically-motivated ethnic violence erupted when the now-defunct Electoral Commission of Kenya called the election for the incumbent, Mwai Kibaki of the Party of National Unity (PNU).³⁴

Opposition leader and presidential candidate Raila Odinga reacted by calling for mass demonstrations in protest of the result and claimed election fraud. Opposition supporters targeted Kikuyu people, the community that Kibaki hails from, and reprisals against other ethnic communities perceived to be affiliated with the opposition party followed. Initial violence escalated, with police shooting hundreds of protesters, some on television, which contributed to the outbreak of more violence. Over 1,000 Kenyans died, while over 500,000 were displaced in the days following the election.

Given Kenya's track record of past electoral violence, Kenyan civil society and the international community were prepared to mobilize quickly. Despite that knowledge, it does not appear that the Bush administration took proactive, public diplomatic action

as recommended by the State Electoral Violence Assessment Framework, which is employed by the Conflict and Stabilization Bureau to map potential risks of electoral violence and make recommendations to policy principals.³⁵

Why did U.S. efforts help prevent an outbreak of further violence?

Although the U.S. government failed to act prior to the outbreak of violence, it did marshal significant diplomatic resources afterwards. Weeks after the violence, then U.S. Assistant Secretary of State for African Affairs, Dr. Jendayi Frazer, joined an international delegation urging the two sides to reconcile and negotiate, which included former UN secretary-general Kofi Annan, former Ghanaian President John Kufuor, South African business leader Cyril Ramaphosa, and Tanzanian President Jakaya Kikwete. Meanwhile, the African Union mobilized to establish the Panel of Eminent Personalities as a mediation body to broker a deal between the two sides.³⁶





President George W. Bush sent then-Secretary of State Condoleezza Rice to push Odinga and Kibaki to negotiate a power-sharing agreement, bolstered by the offer of U.S. economic aid for Kenya, should a deal emerge.³⁷ This high-level diplomatic push by the U.S. government bolstered the efforts of local civil society that were leading on creating actionable steps towards sustainable peace. The United States also helped push for a presidential statement from the UNSC, which expressed concern over the violence and support for the Panel of Eminent Personalities' mediation efforts.³⁸

The mediation efforts resulted in a peace agreement in February 2008 that established a power-sharing deal between Kibaki and Odinga³⁹ and transitional justice mechanisms, including the Waki Commission; the Truth, Justice, and Reconciliation Commission; and the Independent Review Commission on the General Elections. The agreement included several successful large-scale governance reforms that addressed local drivers of conflict, including the adoption of a new constitution that devolved power locally, established a bill of rights, and instituted land reform to redistribute economic power. Parliament passed security sector reform laws to address the police violence that caused a significant number of deaths.⁴⁰

These U.S. efforts were successful for two primary reasons. First, they bolstered the ongoing efforts of local civil society organizations, which were the first to mobilize to de-escalate violence. As soon as violence broke out, multiple sectors of civil society began to mobilize to resolve the conflict. Religious leaders, the private sector, former diplomats, peacebuilders, and others mobilized around different strategies, including getting prominent faith leader Archbishop Desmond Tutu to speak out for peace and seek to mediate the electoral impasse. Civil society also organized and advocated for local and international truth and justice mechanisms that could serve as a deterrent for further

violence, calling for a vote recount, as well as worked with international NGOs to help protect civilians from harm.

Second, and relatedly, the U.S. diplomatic role focused on supporting the regional efforts for mediation, rather than dictating the terms of a peace accord. Rice made clear that her visit to Kenya was not to dictate an outcome, but support and provide backing for the mediation efforts of the Panel of Eminent Personalities. The U.S. supported those efforts by clearly aligning with civil society demands and outlining what the U.S. sought – a mediated resolution and inclusive reconstruction. Rice used carrots – economic aid and warm diplomatic relations – and leverage – the United States' ability to influence the position of the UNSC as well as naming and shaming – to help resolve the crisis.

Why did accountability fail?

Despite the success of mediation efforts focused on resolving the immediate conflict, implementation of accountability mechanisms after the fact remained lacking. A core reason for this was that the perpetrators of violence, or their allies, maintained binding decision-making power over whether or not to implement the recommendations of these justice commissions. For example, although the Waki Commission required the government to set up a hybrid national/international tribunal to prosecute officials implicated in violence, parliament voted against establishing the tribunal. That meant that international accountability through institutions like the ICC was the only option. But this effort ultimately failed as well, thanks to Kenyan government interference. Security sector reform laws were also not fully implemented, with police corruption and violence remaining a consistent issue. As of 2013, the public prosecutor had opened 5,000 cases trying individuals for abuses, but these resulted in only 14 convictions.⁴¹



Key Takeaways from the U.S. Approach to 2007 Electoral Violence in Kenya

Decisive U.S. diplomatic efforts, aligned with local demands, have significant positive impacts.

- Although the U.S. government did not take proactive measures to mitigate the possible outbreak of violence, it did take high-level diplomatic action once violence occurred.
- The Bush administration's approach – aligning its tactics to be in support of local and regional efforts for violence mitigation, offering clear incentives and sticks, and employing naming and shaming bilaterally and via the UNSC – provided critical political pressure that supported the efforts of the Panel of Eminent Experts.
- The U.S. government's impact in Kenya was successful largely because it supported, rather than dictated, the efforts of Kenyan and regional civil society, demonstrating the potential of coordinated early action to positively impact challenges to human security before violence breaks out.

Civil society is essential to mitigating ongoing violence.

- One of the key reasons violence was quickly interrupted and ultimately halted was the capacity and vibrance of Kenyan civil society. This certainly had to do with these actors' experience with electoral violence in previous election cycles. It was also a result of deep investments in civil society by international donors.⁴²
- Given the historic weakness of political parties in Kenya, often a result of divisions along ethnic lines, civil society became seen as one of the “only viable options” for building international and domestic support for societal change and public opposition to the ruling regime.⁴³
- The U.S. has a critical opportunity to support and increase the capacity of civil society, in Kenya and elsewhere, as a critical component of addressing institutional and systemic drivers of conflict.⁴⁴

Require the recommendations of accountability mechanisms to be binding on the post-conflict government.

- Transitional justice and sustainable peace require a balancing act between accountability and reconciliation. But without some form of lasting accountability, such as holding the instigators of violence – in this case, high-level government and opposition figures – accountable, the likelihood that violence will recur significantly increases.
- The work of the Waki and the Truth, Justice, and Reconciliation Commissions focused on identifying and addressing the underlying threats to human security that drove the violence. Given that the political parties of Kibaki and Odinga both played a role in driving the violence, they had no political incentive to advance those non-binding recommendations and hold themselves accountable.
- Without a larger scale reform to expand the power of international institutions like the ICC, which the U.S. should support, the U.S. can play a critical role in ensuring that post-conflict transitional and restorative justice mechanisms are structured to be meaningfully independent and are empowered to implement their recommendations to help stymie a reemergence of violence.



LESSONS LEARNED FROM SYRIA: AN ATROCITY PREVENTION FAILURE

What happened?

In March 2011, peaceful pro-democracy protests erupted in Deraa in reaction to the arrest and torture of teenagers who had spray-painted revolutionary slogans. Syrian security forces open fired on protesters,⁴⁵ sparking nationwide protests calling for president Bashar al-Assad's resignation. Hundreds of thousands took to the streets by July 2011.⁴⁶ Security forces continued using indiscriminate force against protestors, spurring communities to take up arms in self-defense that eventually led to the emergence of organized rebel brigades and Syria's descent into a brutal civil war.⁴⁷ In 2015, Russia and Iran intervened on Assad's behalf, sending ground forces and conducting ongoing airstrikes, killing hundreds of thousands of civilians. The regime and its backers have engaged in a strategy of collective punishment of the civilian population in order to detract support from the rebels. This has included the repeated use of chemical weapons, indiscriminate airstrikes, mass enforced disappearance, detention, the torture of civilians, and the targeting of hospitals and aid workers. At least half a million people have died and, as of fall 2018, 91.4 percent of all civilian casualties have been the result of pro-Assad actions in the conflict.⁴⁸

A blindsided U.S. government despite clear threats to human security

In the lead up to the Arab uprisings in 2011, there were clear threats to human security that led to unrest and mass protests against the ruling regimes across the region. Syria experienced five years of intense droughts

preceding the uprising in 2011, resulting in mass displacement of farmers to urban areas. This rapid urbanization increased food insecurity and put intense economic pressure on local economies, stressing the precarious social compact the ruling regime had used, in addition to regular brutality, to maintain power. Neither the U.S. government, nor the international community, appeared to view this climate shock as a precursor to violence. The regime's track record of brutality and human rights abuses against dissenters should have been a clear indicator of not only the likelihood that mass violence would erupt, but also the lengths the regime would go to preserve its power in the face of popular protests. Instead, interviews with former officials suggest that the U.S. government perceived Assad as a reformer and softer on the opposition than his father had been. As a result, the U.S. government believed that the regime would eventually compromise with reforms, rather than punish civilians to diminish support for the opposition, and that it had limited international backing for sustained conflict.

A prevention and accountability mixed bag

The United States' approach to prevention and accountability for the Syrian war was militarily-driven under both the Obama and Trump administrations. Actions on prevention and accountability only took place once violence had broken out, rather than proactive early action. At the beginning of the conflict, the violence was perceived as "low-level atrocities" by the international community, and it was believed that rhetorical support for the protestors and their demands, and coercive measures like limited



sanctions would lead the regime to compromise. Both the Obama administration and Congress took this approach in an attempt to mitigate further violence. Tragically, those efforts did not work. Amidst the initial violence, the Obama administration drew the now-infamous “red line” in 2012, threatening the use of military force should the regime use or move chemical weapons. When reports emerged in August 2013 of the apparent use of chemical weapons in Eastern Ghouta and Moudamiyat al-Cham, the Administration came under pressure to “enforce” its “red line” through military force. After initially preparing to militarily intervene, overwhelming public opposition to the intervention in the U.S. combined with a diplomatic opening with Russia resulted in the diplomatic agreement to remove chemical weapons from Syria in 2013.⁵¹

While this historic diplomatic success removed a dangerous stockpile of deadly chemical weapons, it did not prevent the regime from continuing to commit apparent war crimes using chemicals not banned under the Chemical Weapons Convention, namely chlorine, nor did it shorten or lessen violence overall. In fact, the U.S., along with the UK and France, conducted limited airstrikes under the Trump administration to hold the regime “accountable” for the continued use of chlorine attacks on civilians.⁵² These strikes did not deter the regime, however, reflecting the limits of using force without or in lieu of a larger diplomatic strategy.

While a direct military intervention against the Assad regime was avoided, Obama authorized covertly arming Syrian rebel forces in 2013. He did so despite a CIA study he commissioned that determined arming rebels has not hastened the end of violence or caused regimes to give up in other historical cases in which the U.S. had done so – except in the complicated case of Afghanistan that had serious repercussions decades later.⁵³ Vetting and end-use controls were largely absent in the covert provision of U.S. weapons to Syrian rebels, facilitating the proliferation of U.S. weapons across Syria to violent

groups, such as al-Qaeda and the self-described Islamic State in Iraq and Syria.⁵⁴

Furthermore, threats to the survival of Russia’s sole overseas military base outside of the former Soviet Union in Latakia – the maintenance of which was a core Russian national interest – encouraged Russia to become more involved in militarily and politically propping up Assad in 2015. Both the United States and Russia’s responses – in addition to efforts by Saudi Arabia, Iran, Turkey, the UAE, and others – ultimately prolonged the conflict and human suffering, instead of holding Assad accountable for his crimes.

While the U.S. and its European allies were successful in establishing the “International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011” (IIIM) to preserve evidence for potential prosecutions, it has not influenced regime behavior because there is little hope of accountability through the UN given Russia’s role in the UNSC. While Europe has semi-successfully pursued the use of universal jurisdiction to prosecute Syrian regime officials, the U.S. only pursues this approach in regard to torture, and achieving standing in U.S. courts also remains a challenge.

Moreover, the Obama administration’s disengagement from the UN-led peace process severely undermined political backing for the UN process and also limited the United States’ ability to influence long-term peace. Instead, the U.S. government, including Congress, has relied on a myriad web of sanctions regimes against the Syrian regime and its backers. While targeted sanctions could have influence, this over-application and layering of U.S. sanctions has, at this point, harmed the ability of regular Syrians to recover economically and limited incentives for the regime to take action because of the layers of requirements that it and its backers would have to fulfill for relief.



Key Takeaways from the U.S. Approach to Syrian War

Ignoring non-traditional threats to human security undermines prediction efforts.

- While there were ample indicators that threats to human security could lead to the outbreak of violence, the U.S. government was not tracking them.
- Only more recently have policymakers begun to understand the role climate change plays in the outbreak of conflict, as well as forced displacement, food insecurity, and economic downturns. The acceleration of the climate crisis means that climate impacts will only grow more severe.
- Building community resilience in the face of these shocks will be essential to mitigating violence and preventing atrocities in the 21st century.
- Without focusing on climate and its knock-on effects as key indicators for violence prediction moving forward, the U.S. will continue to misidentify or fail to understand the true drivers of conflict. Doing so will ultimately prevent the United States from taking early action to prevent violence.

More weapons and military force do not mitigate violence or achieve accountability.

- The case of Syria shows that failing to utilize diplomacy and development early on and then resorting to the use of force as the only option is more likely to elongate and exacerbate violence.
- Even in the face of congressional opposition to a U.S. military intervention and a CIA study that said arming rebels was highly unlikely to change the outcome of the war, the Obama administration moved forward with lethal assistance to rebels anyway. This did not mitigate violence; instead it provided political support for a continuation of the conflict and invited other countries to add more fuel to the fire.
- The Syrian government's reaction to the Trump administration's repeated limited airstrikes, which was to continue bombing civilians with barrel bombs, reveals that such half measures with no correlating diplomatic strategy are more likely to embolden a violent regime, rather than act as a deterrent.
- U.S. occupation and securing of oil fields in eastern Syria, itself a violation of international law, has done little to change the military balance of power in the conflict, deter Syrian or allied attacks on civilians elsewhere, or translate into leverage at the negotiating table.

The political pressure to do something is much greater in the face of mass violence, but so are the political costs of getting the intervention wrong.

- The brutality and expansive nature of the violence in Syria created immense political pressure for the U.S. government to *do something* in response. How could the United States claim to be the protector of the free world, while standing idly by while civilians were slaughtered? Yet this mentality fails to reckon with the limits of U.S. military power to achieve its diplomatic ends.
- Advocates urging military action against the regime largely did not have a plan for the day after the regime fell. Furthermore, the political costs of a failed military intervention – as revealed by the disastrous aftermath of regime change operations in Iraq and Libya – were immensely high.
- Political pressure for military intervention pushed both the Obama and Trump administrations to embrace half-measures to placate this pressure and minimize the costs of muddling through the conflict. As ever, civilians in Syria paid the price.
- The case of Syria shows why the U.S. government must get out of the reactive posture of waiting to do something in the face of violence or a mass atrocity. The political costs of taking proactive early action are lower in the long run; not opposed by the public according to poll after poll; and if employed meaningfully have a higher likelihood of saving lives.

A New Approach to Violence Writ Large: Conflict Prevention and Peacebuilding

Investing in Prediction, Prevention, and Accountability

It is clear from the case studies that the United States has frequently failed to effectively prioritize prediction, prevention, and accountability in its approach to mitigating conflict. In all three cases, the U.S. remained reactive, rather than proactive, ultimately limiting its policy options in outbreaks of mass atrocities. Overall, these three cases show the U.S. is often able to predict violence – having ample technology and intelligence to identify structural and context-specific indicators of violence – but it lacks the political will necessary to effectively take early action to interrupt cycles of conflict.

While U.S. policymakers view atrocity prevention policy as a priority, it remains separate from larger questions about U.S. national security and grand strategy. Mass atrocities do not represent a singular threat to U.S. security that requires its own unique institutions and structures to be effectively addressed. In fact, that siloing has prevented decision-makers from viewing such events as a symptom of larger underlying problems that current U.S. foreign policy has failed to address. As a result, USAID and State pursue atrocity prevention, but their efforts are often piecemeal, uncoordinated, and without large-scale political buy-in needed to elevate and prioritize them over security cooperation.

Once violence escalates into armed conflict there are few options to respond – unless there is a robust local civil society and sustained international attention. Even then, there is no guarantee that deescalation and accountability efforts will be successful. The reality is that once violence begins and the longer it continues, the harder it will be to meaningfully resolve. Instead of trying to constantly respond in the midst of a crisis and as violence is occurring, the U.S. should take early action to mitigate or resolve *indicators* of potential conflict and stop responding to violence with more violence.

A holistic new approach to violence and armed conflict, rooted in conflict prevention and peacebuilding, is needed if the U.S. is to effectively center preventing mass atrocities in its foreign policy. Rather than continuing to invest in legacy weapon systems and unnecessary new branches of the military, the U.S. government should seize the opportunity to reform the U.S. approach to conflict by focusing on mitigating and, where possible, resolving transnational threats to human security this century. Thankfully, rather than requiring an entire new toolbox to address these challenges, this approach would instead leverage and expand existing programming and diplomatic initiatives to advance a whole-of-government approach to focusing U.S. nonmilitary interventions on the holistic precursors to violence.

Ultimately this approach would help eliminate the current false tradeoff between “doing nothing” and militarily intervention to prevent or halt a mass atrocity. In the face of mass casualty events there is enormous political pressure to act, and even higher perceived political costs in making the wrong decision. This approach would flip these considerations on its head, facing fewer perceived political costs to taking preventative action, but a larger political upside in the face of success. While the results of these interventions have a longer time horizon and thus require a longer view than the U.S. political cycle may allow, poll after poll shows that the American public desires a less militarily interventionist foreign policy, but still supports U.S. engagement in the world. Public support, plus the cost-effectiveness of this approach and its ability to improve the well-being of working people around the world should win political support from policymakers across the ideological spectrum.

EFFECTIVELY PREVENTING MASS ATROCITIES REQUIRES THE UNITED STATES TO:

Stop using a crisis management approach to violence

To have a chance of preventing mass atrocity events, the United States must change its overall approach from crisis management to making long-term bets to address underlying and existential challenges to human security. While these issues may not always seem urgent in the moment, addressing them is necessary to prevent future violence, including mass atrocities, in addition to improving stability and communities' well-being in the long-term.

Reform its approach to insecurity and violence writ large, rather than incrementally

Rather than trying to respond to certain instances of ongoing violence that could escalate into a mass atrocity, preventing the outbreak of violence in the first place should be the primary goal of U.S. foreign policy. The underlying factors that determine the likelihood of a mass atrocity are not dissimilar from those that determine the likelihood of an isolated outbreak of violence. In fact, low-levels of or "low intensity" violence are often critical precursors to a mass atrocity. The U.S. must engage in proactive diplomacy and capacity building to actually prevent violence.

Focus on local, flexible investments for civil society and economic empowerment, not military assistance

Instead of trying to constantly respond to crisis to address violence as it occurs, an approach focused on investments in local civil society and economic empowerment, even when there is no immediate threat of significant violence, is needed to be able to nimbly help address indicators of conflict as they arise. Without the U.S. demilitarizing its approach to conflict, even reinvesting resources in programming and diplomatic capacity to facilitate local solutions to these challenges will not be enough.

TOOLS FOR A NEW APPROACH

PREDICTION

Prediction tools are currently used by policymakers to identify countries at-risk of experiencing an atrocity in the near-future, often focusing on when an atrocity might occur rather than preventing those factors from existing in the first place. Critically, these tools flag threats to human security that lay the foundation for the outbreak of violence in the future. From human rights abuses to climate shocks to organized hate speech, these challenges often underlie drivers of unrest or violence by pitting different groups against each other and creating a zero-sum game that is fraught with the potential for escalation. Trying to pinpoint exactly when an atrocity might happen and acting accordingly creates an environment that breeds indecision and inaction. Instead, the U.S. government's prediction tools should be seen as a key tool for policymakers to take action to address threats to human security as soon as they are identified, instead of waiting for a country to be categorized as at-risk of atrocities.

Prediction is a tool to facilitate taking early action to address threats to human security as soon as they are identified, instead of waiting for a country to be categorized as at-risk of atrocities.

Improving current prediction tools

Prediction tools get better and more accurate every year as more data related to indicators of violence become available. They can be improved to ensure a whole-of-government approach that prioritizes ameliorating the conditions that lead to violence.

The U.S. government should consolidate the current, disjointed EWS used by various government agencies to create a centralized prediction early warning system used across government. According to former government officials, USAID, State, and the IC, all have different ways of identifying countries at risk of violence, prioritizing different data and with some relying on data classified to the public. While having a diverse set of indicators available is important, the lack of congruence creates frequent arguments over whose list of countries should be prioritized. Further, the lack of resilience indicators in identified countries further

limits the identification of the best prevention tool. A centralized EWS and expanded data set of both violence and resiliency indicators would ease the collaboration to identify, design, and implement interventions to mitigate threats to human security.

The prevalence of classification, and according to former government officials, over-classification of government data in general, also prevents transparency in the executive branch's prediction approach. It makes the activities of other entities that rely on such data, like the APB, opaque and publicly unavailable. At minimum, members of Congress and their staff must be given access to this data in order to provide effective oversight, as well as collaborate with the APB. Additionally, a database that is publicly available and only classifies information that must absolutely be classified would allow greater cooperation with civil society and integration with tools outside of government, such as the USHMM Early Warning Project.

Despite growing bodies of violence prediction data, a key issue decision makers have to grapple with is that they remain unable to exactly predict when an atrocity will occur. This uncertainty frequently delays action by the U.S. government to address the underlying conditions that fuel insecurity. There must be a shift from discussions on if a mass atrocity is imminent, to discussions around how to address indicators of violence and build future resiliencies. Instead of attempting to identify the exact day an atrocity might occur, this new approach to prediction would trigger U.S. government action and U.S. diplomacy for multilateral action as soon as the EWS identifies violence indicators in a country.

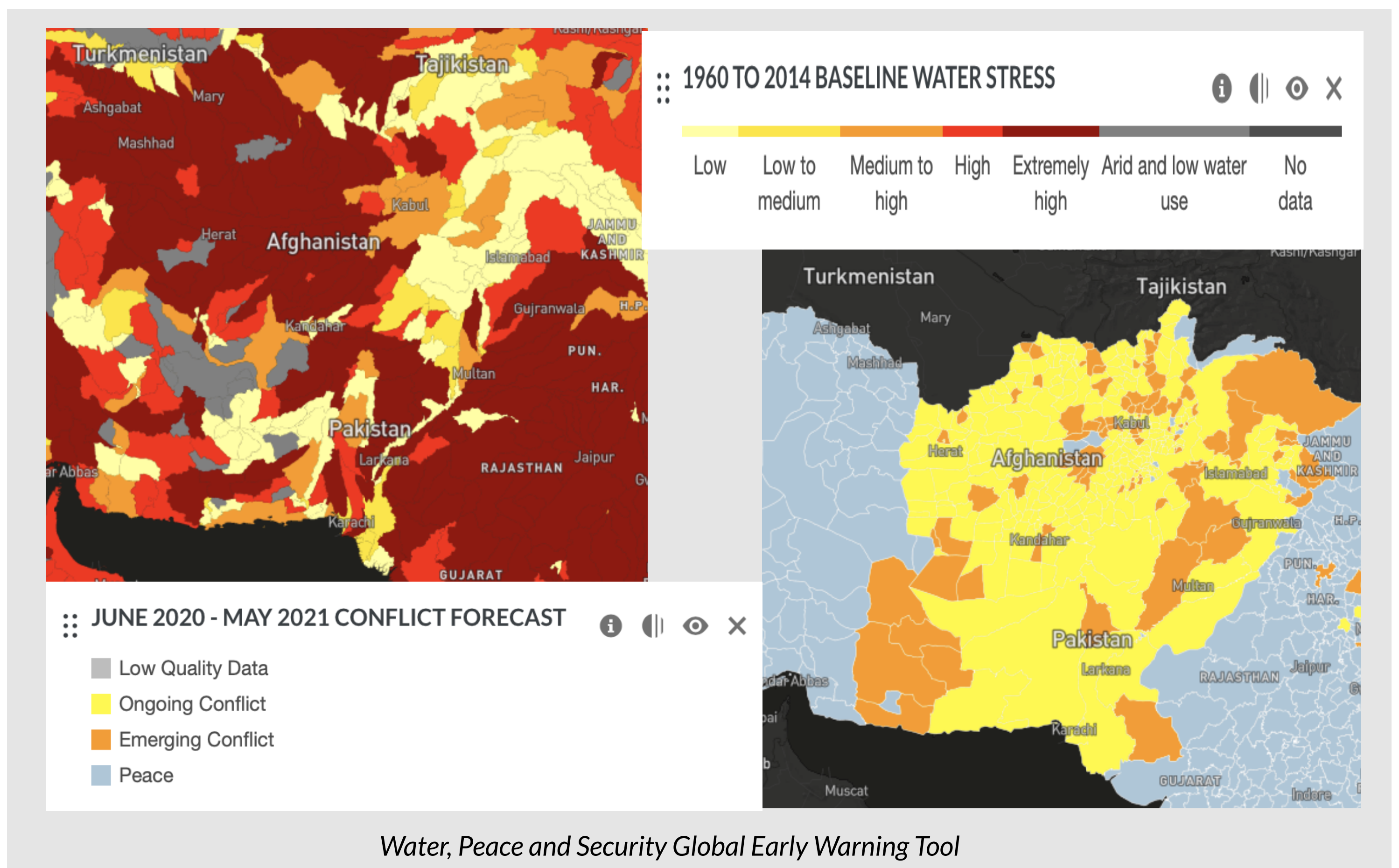
There must be a shift from discussions on if a mass atrocity is imminent, to discussions around how to address indicators of violence and build future resiliencies.

Prioritizing new indicators of violence

Preventing violence requires that the U.S. government looks at today and tomorrow's most pressing issues to identify flashpoints that could fuel conflict and violence. Elevating indicators related to climate change and the occurrence of sexual and gender-based violence (SGBV) are especially critical towards increasing the government's ability to predict violence.

TOOLS FOR A NEW APPROACH: PREDICTION

Climate shock indicators. As the climate crisis fuels higher temperatures, issues like water scarcity, food shortages, and climate-related displacement will become more widespread. Climate-driven resource competition, particularly in light of global crises like the coronavirus pandemic, is likely to become a more prevalent driver of violence and conflict. New tools like Peace Rising use a variety of geospatial data sets and other factors to track and identify areas that have experienced and are likely to experience climate change, such as flooding or droughts. Looking at intermediate variables such as displacement and food insecurity, this tool aims to identify the linkages between climate change and conflict to help target humanitarian and development interventions three to five years before atrocities may occur.⁵⁵ Similarly the Water, Peace and Security Global Early Warning Tool focuses on how water and food shortages can predict the next outbreak of violent conflict. This tool, run by the Government of the Netherlands and NGO partners,



uses four variables pertaining to water, as well as sanitation, agriculture, and pre-existing violence to predict the likelihood of violence twelve months in advance. Based on this data, WPS works with local partners to begin dialogues and mobilize local governments or authorities to prevent conflict in the regions that are most at-risk in the next year. Investments in such tools could prove invaluable to the U.S. government as the climate crisis deepens across the globe.⁵⁶

Sexual and gender-based violence (SGBV) indicators. Using the existence or history of SGBV as an indicator of potential conflict and mass atrocities is relatively new – in large part due to lack of reporting of these abuses by survivors. SGBV is a critical indicator: one study found that the treatment of women in a given society – their physical security, access to resources, and equality – is a strong indicator of how likely a country is to experience conflict.⁵⁷ Much like climate data, this data is not tracked widely enough, nor has it been tracked long enough to be considered in tracking tools like the USHMM Early Warning Project. Even so, databases like WomanStats are collecting data on women’s physical, economic, and legal security as well as security in the family, in the community, and at the polls.⁵⁸

It is essential that future violence prediction efforts, including a centralized U.S. government EWS, include these indicators. To support the availability of data, the U.S. can also increase funding for the documentation of these abuses. Increasing collaboration by centralizing U.S. government information and focusing efforts on robustly identifying insecurities and tangible diplomatic and peacebuilding interventions, prediction efforts will more effectively inform a proactive prevention that has thus far been lacking.

TOOLS FOR A NEW APPROACH

PREVENTION

Despite robust data on potential violence indicators, the United States most often engages in atrocity prevention after an outbreak of violence, rather than prior with the goal of addressing the violence indicators. There are a range of approaches and tools the United States can employ to proactively prevent the outbreak of violence and address these threats to human security. Ultimately, employing these tools effectively requires the United States to employ a diplomacy and development-first approach to violent conflict and other security challenges. This requires a dramatic expansion of the United States diplomatic corps to exponentially increase U.S. engagement with civil society and community leaders, instead of the United States' current government-centric approach to diplomacy. Thankfully many of these tools and frameworks already exist, it is merely a task of prioritizing and expanding the capability of the U.S. government to employ them.

Peacebuilding

Preventing violence at the root and empowering local actors to build and maintain peace is essential to ensuring that violence does not recur. Peacebuilding approaches focus on addressing the root causes and local drivers of conflict. The term covers a whole host of activities that seek to build lasting trust, dialogue, and interconnection between communities in conflict to not only interrupt current cycles of conflict, but prevent further outbreaks of violence in the long-term.

It also focuses on being sensitive to existing conflict, trauma, and cultural dynamics that exist in the communities where violence must be mitigated. This means crafting policies and programs that take into account existing conflict or histories of conflict, do not worsen it, and ideally lessen the conflict in the community. Sensitivity to trauma means implementing policies and programs that take into account existing trauma in a community that could prevent violence mitigation from being successful. For example, reconciliation programs should be designed in partnership with local civil society and designed to build bridges based on similar experiences, or to avoid exacerbating pre-existing divisions in a community. And finally, all programming and policies must be created

understanding the cultural context of the community in order for it to be successful. Locally-driven solutions and engagement of local civil society and community leaders are essential to this approach.

Peacebuilding efforts require long-term, flexible investments that are prioritized in U.S. engagement with fragile or at-risk nations. But this does not mean an entirely new system needs to be created within the U.S. government. In fact, the U.S. government already funds some peacebuilding efforts, such as the Complex Crisis Fund (CCF)⁶⁰ and the new Conflict Prevention and Stabilization (CPS)⁶¹ bureau at USAID. These functions are often de-prioritized within interagency in favor of more tangible, short-term – often militarized or humanitarian – interventions. Even within the State Department itself, functional bureaus like CPS and the Democracy, Rights, & Labor are often marginalized by the regional bureaus whose interests revolve around maintaining rather than disrupting the diplomatic relationship. A key to engaging effectively to prevent violence is to empower the State Department's peacebuilding and conflict prevention function bureaus to lead in the interagency process, but also to ensure thematic, not purely political goals, drive State Department engagement.

The U.S. government can also reform existing development interventions by requiring programs to include an atrocity prevention analysis in their creation. Addressing threats to human security using peacebuilding means addressing both context-specific and transnational challenges that underlie political violence and armed conflict. Instead of focusing on and funding solutions for one issue present in a community, the U.S. government must design a comprehensive approach that relies on the expertise of local nongovernment stakeholders.⁶²

For example, to mitigate hate speech online, the answer is not simply internet restrictions, but increased resources for local peace education, which attempts to end the dehumanization of groups through in-person dialogues or informational videos on social media. A comprehensive approach would also try to tackle the underlying issues that might be fueling hate speech, such as economic or political inequalities, through funding to increase the capacity of political parties or local governance mechanisms, or development financing to empower local entrepreneurs. Yet, one-off interventions will not solve these challenges. Building cohesion within

TOOLS FOR A NEW APPROACH: PREVENTION

communities, long-term opportunities for public engagement, and accountable governance requires such programs to take a multi-sector approach and receive long-term, flexible funding to make a sustained impact.

A peacebuilding framework centers local voices and facilitates funding of local civil society and community organizations. A recent report written by the United States Holocaust Memorial Museum examines the complexities of civil society's role in preventing atrocities. Frequently, governments, especially authoritarian states, police civil society's activities, either making them inefficient in atrocity prevention efforts or co-opting them into perpetuating violence.

Forms of civil society that are seen as “nontraditional” and informal can be vital to engaging in violence prevention efforts in these scenarios. Formal NGOs are not always best suited to prevent violence. Therefore, when looking to invest in civil society that can influence others to prevent or stop violence, it is essential to identify and listen to the needs of partners who are as localized as possible. For example, a group as small as a neighborhood watch, who can monitor the situation in their community and report early warning signs for precursors to violence, can play a significant role in stemming violence and preventing atrocities.

This framework must also include supporting and utilizing local dispute mechanisms. For example, village courts in Bangladesh are structured to focus on starting dialogues and reconciling problems between communities. Not only is this work essential for accountability, it is also vital to prevent violence from recurring. While U.S. programs are improving their support for local actors and efforts overall, more must be done to increase funding flexibility and ease the administrative and political burden of accepting U.S. grants.⁶³

Current USAID or State funding mechanisms give out million dollar grants, and even smaller grants are often too large for most local NGOs to manage effectively. Local organizations, particularly in rural areas, also do not have the administrative capacity to manage such grants.

The U.S. government's goal should be building local organizational capacity, not funding one-off programs or isolated policy goals.

Instead, small, flexible grants should be prioritized. Flexible grants allow for reallocation of money when circumstances change and prioritizing funding for programmatic goals rather than a particular program. The U.S. government's goal should be building local organizational capacity, in line with long-term human security frameworks like the UN Sustainable Development Goals, not funding one-off programs or isolated policy goals.

This is essential to ensuring that local actors can design programs to local contexts, while also ensuring they have the flexibility to adapt these programs as circumstances change. Many international peacebuilding organizations like Peace Direct and Saferworld facilitate localized funding by receiving foreign government grants and then regranting \$5,000 to \$10,000 increments to a variety of local organizations to implement locally-identified peacebuilding efforts.⁶⁴ Another approach is to focus on establishing community foundations, which empowers local communities to grant money to local organizations.

These creative and nimble funding approaches are essential to effectively addressing precursors to violence because those who reside in the communities are the first to know when there is a threat to the safety of the community. Hate speech, human rights abuses, and lack of economic opportunity are often localized challenges that can be best addressed by empowering local actors to make change in their own societies – something the U.S. often fails to do.



TOOLS FOR A NEW APPROACH: PREVENTION

Select Laws and Proposals to Advance Conflict Prevention and Peacebuilding in the U.S. Government

Name	Description	Priority Next Steps
Elie Wiesel Genocide and Atrocity Prevention Act	Passed in 2019, the law seeks to uphold U.S. obligations to the 1949 Genocide Convention,[lxv] and creates an ongoing consultative process with civil society in identification of at-risk countries and prevention efforts. It also increases atrocity prevention training for government officials stationed abroad. The intended effect of the law is to increase education and institutional knowledge of identifying precursors to violence – essential to ensuring a whole-of-government approach.	Atrocity prevention education should happen not just for State, USAID, and DoD, but all government agencies involved in foreign policy and national security – the Treasury Department, the Department of Homeland Security and the FBI’s International Human Rights Unit – to increase cohesion amongst these agencies approaches to violent conflict and human rights abuses.[lxvi]
Global Fragility Act (GFA)	Passed in 2019, the GFA requires the U.S. interagency to create a strategy to address fragility in a handful of pilot countries in order to prevent conflict. It authorizes appropriations for up to \$230 million per year for five years in at least five at-risk or fragile countries for three funding mechanisms: the Prevention and Stabilization Fund, the Complex Crises Fund, and the Multi-Donor Global Fragility Fund.[lxvii]	Congress must conduct robust oversight to ensure the pilot countries chosen will be driven by data, not by purely military or political interests, and that the strategy focuses on local consultation and implementation. This would undermine the law’s purpose and may prevent the positive impacts of implementing a fully conflict prevention and peacebuilding strategy for the most in-need countries. The U.S. government should no longer allow perceived U.S. security cooperation interests to trump long-term priorities.
Youth, Peace, and Security Act (H.R. 6174 in 116th Congress)	A legislative proposal that would create a coordinator position in USAID to ensure all bureaus include the role of youth when creating overseas strategies for conflict prevention and violence mitigation, and expand youth engagement in peacebuilding abroad.	Reintroduce, mark-up, and pass the Youth, Peace, and Security Act, and provide appropriations for full implementation across U.S. international engagement
The Global Peacebuilding Act (H.R. 5948 in 116th Congress)	A legislative proposal that would transfer \$5 billion from the Pentagon’s Overseas Contingency Operations fund to a multilateral, public-private international peacebuilding fund.	Following the end of the Budget Caps Act of 2011 (BCA) in FY2022, which created a firewall between defense and nondefense spending, Congress should expand upon efforts like the Global Peacebuilding Act to reallocate money from DoD to peacebuilding efforts at State, USAID, and international institutions to ultimately double the 150 budget.

TOOLS FOR A NEW APPROACH: PREVENTION

Select Laws and Proposals to Advance Conflict Prevention and Peacebuilding in the U.S. Government

Name	Description	Priority Next Steps
Atrocity Prevention Board/Atrocity Early Warning Task Force	During the Obama administration, the APB served as the coordinating body for atrocity prevention in the interagency. The Trump administration renamed the APB, created under the Obama administration, the Atrocity Early Warning Task Force (AEWTF), and there has been a 92 percent decrease in meeting frequency from the APB to the AEWTF.[lxviii]	Congress should pass legislation establishing the APB in law to prevent the institution from being subject to political whims of the White House and create institutional buy-in, which has been identified as a key obstacle for the APB's effectiveness. Its purpose should be an early alert system to the President and Congress that can mandate agency actions to address precursors to violence, harms created by current U.S. policy interventions, and ensure the implementation of a whole-of-government prevention agenda.
Naming and Shaming	A low-cost tool that is essential for conflict prevention. Naming and shaming governments and non-state actors that perpetuate threats to human security or threaten to commit atrocities can be an immensely effective prevention tool. Presidential, Secretary of State, or congressional statements undermine impunity by raising the perceived costs of perpetrating violence and signaling potential accountability for abuses.	Currently, Congress and the executive branch wait too long to name and shame, often waiting until right before or after an atrocity has occurred. Instead, naming and shaming should occur at the first sign of threats to human security to be an effective prevention measure. Additionally, naming and shaming must occur regardless of geopolitical interests and policymakers should call out abuses wherever and whenever they exist. Policymakers frequently worry about how naming and shaming will affect relationships leading them to selectively use this tool, but in the long-term it is better to criticize a regime for low-level violence than attempting to stop an atrocity.
Right to Assist (R to A)	A framework that emphasizes the need for foreign investment in peaceful civil resistance through strengthening civil society. It calls for increased investments in nonviolent civil resistance education and to fund local organizations with small grants to build their capacity to engage in civil resistance.	Implementation requires investments in local actors working to improve their communities and not superimposing U.S. interests in these grants. U.S. funding puts a large administrative burden on grant-receiving organizations inherently leading to most funding being channeled through large international NGOs. Instead, the U.S. should look to fund community foundations which can take on that administrative burden, and build local capacity to accept and handle large, governmental grants.[lxix]

TOOLS FOR A NEW APPROACH ACCOUNTABILITY



Accountability in terms of conflict prevention should be focused on raising the costs for future actions that undermine human security and mass atrocities. It can take various forms, from reparations to criminal trials. For the U.S. to play a credible role in international justice efforts aimed at preventing further conflict and building sustainable peace, it must hold itself accountable for the abuses it has perpetrated and seek to serve as a model for what it expects from other countries.

For the U.S. to play a credible role in international justice efforts aimed at preventing further conflict and building sustainable peace, it must hold itself accountable for the abuses it has perpetrated and seek to serve as a model for what it expects from other countries.

Unfortunately, the U.S. government has historically struggled with holding itself and others accountable for atrocities and war crimes. From facilitating genocide in Guatemala in the 1980s to unacknowledged war crimes and civilian casualties in Afghanistan and Somalia today, the United States has thus far failed to lead by example on accountability.

To credibly lead on the transformative accountability approaches that follow, the United States must first subject itself to the jurisdiction of international justice institutions, such as the International Criminal Court, stop shielding its allies from international pressure to do the same, and participate in restorative justice for its past and current abuses that threaten human security. This should not only be limited to abuses in times of armed conflict; it must include the United States' role in fueling violence through weapons sales policies, as well as U.S. industry and the Pentagon's role in fueling the climate crisis. With a top-down decision within the U.S. government to hold itself accountable to these same standards and mechanisms, the U.S. can also increase its diplomatic ability to hold perpetrators accountable.

There are many tools and laws open to the U.S. government to better engage in accountability, and transitional and restorative justice mechanisms that can be more robustly implemented. Accountability and justice are essential elements of effectively addressing

the local drivers of conflict that lay the foundation for mass atrocities.

Transitional & restorative justice mechanisms

In order to build sustainable peace, it is essential to provide justice for victims of mass atrocities, while also mending societal divisions that contribute to violence. Transitional justice frameworks provide opportunities for post-conflict societies to design efforts that suit local needs. The UN defines transitional justice as judicial and non-judicial ways society seeks to hold perpetrators accountable, give victims justice, and achieve reconciliation in a community. Such efforts can include fact-finding missions, truth commissions, criminal trials, and reparations, domestically and internationally.⁷⁰

Restorative justice complements the efforts of transitional justice – ensuring the reintegration of the perpetrators of violence back into the community. Restorative justice programs promote reconciliation by having victims and perpetrators meet, perpetrators make amends through apologies, reparations, or other means, and then the reintegration of victims and perpetrators in society, often with support from faith institutions or other support groups as was the case in Rwanda.⁷¹ The key component to restorative justice is making amends within the community to provide a basis for resolving underlying issues that contributed to the outbreak of the initial violence.⁷² Too often, as this report's case study of Kenya showed, the United States stops funding or programs soon after violence has ceased, when in reality, the road to justice and reconciliation is long and just getting started. The U.S. has also largely avoided funding mental health and trauma recovery programming despite the insidious effects that U.S. military interventions have had on civilians. These efforts must be expanded and supported for years, if not decades, following conflict to lower the likelihood that violence will recur.

Sanctions

Transitional and restorative justice mechanisms can be complemented by other tools like targeted sanctions regimes. The Global Magnitsky Human Rights Accountability Act (GloMag) provides authority for the executive branch to make individual sanctions

PREDICTION, PREVENTION, AND ACCOUNTABILITY

determinations on the basis of human rights abuses and participation in corruption.⁷³ The law revokes or bans visas from being issued and allows the executive branch to freeze the assets of sanctioned individuals or entities. Global Magnitsky was expanded by Executive Order in 2017 to no longer require the president to declare a national emergency to issue GloMag sanctions.

Unlike broad sectoral sanctions that often harm civilian populations, GloMag sanctions are targeted, focusing on individuals or businesses who are documented as committing gross violations of human rights or acts of grand corruption.⁷⁴ The evidence necessary for a sanctions determination is incredibly high, impeding their misuse for political ends. As a result of their targeted nature, GloMag sanctions have been shown to be more effective than other forms of sanctions to change behavior.⁷⁵ The U.S. government should increase funding for NGO documentation of such efforts and use GloMag sanctions as a first step in diplomatic initiatives focused on ending corruption or improving a foreign government's human rights practices. Given their targeted nature, these sanctions can be implemented in a way that does not harm a country's wider civilian population, but they continue to require significant attention to the specific context of each country to prevent civilian harm. For instance, rather than broad-based sanctions on the Myanmar Economic Holdings,

Ltd. controlled by the Burmese military – which could have unintended effects on the civilian population – sanctioning its subsidiaries, including oil, jade, gemstones, and timber businesses would target these businesses' profits that directly fund the Burmese military.⁷⁶ This did not occur following the genocide, however, in large part because of the perceived political costs – the desire of the Pentagon to continue security cooperation with the Burmese military as a means of 'countering' China. Such a tradeoff continues the larger trend of the U.S. prioritizing perceived security interests over accountability for mass atrocities. This trend must change if the United States want to be seen as a credible actor for peace.

Moreover, as the use of congressionally-mandated sanctions has increasingly become seen as a strategy rather than a foreign policy tool, Congress must reckon with the effect of sanctions and whether or not they achieve their policy goals. Sectoral and blanket sanctions that harm the civilian population as well as sanctions that do not offer specific and realistic behavioral changes are ineffective at best and devastating at worst. Sanctions can be used to exact behavior change and can be part of an overall accountability strategy. But, to fit into a new approach of atrocity prevention, the executive branch and Congress must stop relying on them as the primary tool and start using them selectively.

Universal Jurisdiction and Aiding and Abetting War Crimes

Universal jurisdiction is the principle that states may prosecute individuals who step foot in their jurisdiction, and who have violated international law, because violations of international law harm humanity as a whole and it is therefore in a state's interest to ensure international law is upheld.⁷⁷ Generally, it only applies to the most gross violations of international law, such as crimes against humanity and genocide. Many universal jurisdiction cases have been discussed in the context of Syria, with European courts prosecuting members of the Syrian military. The United States has supported these efforts through measured public statements, funding NGOs and others who collect evidence used in these cases, and by participating in Eurojust. Established in 2000, Eurojust is a venue for criminal justice cooperation within Europe, as well as with the United States, where prosecutors from participating nations share information and resources on crimes that affect two or more countries.⁷⁸ This model could be used in other regions to shore-up accountability and strengthen international justice mechanisms.

The United States also has the ability to exercise universal jurisdiction but generally only does so in the context of a U.S. citizen affected by torture. Despite this narrow use, U.S. prosecutors have the power to bring more cases to the U.S. court system, like the one seen in the Syria case study of this report.⁷⁹ Doing so, however, would open up the possibility that U.S. government officials or personnel could be tried for aiding and abetting atrocities in universal jurisdiction cases in other countries. This reality should not be used as an obstacle to the United States fully submitting itself to same international accountability standards that it seeks to hold others to; in fact, the U.S. government can only be a credible actor for justice internationally if it submits its own actions to scrutiny. Doing so would create an important incentive for the United States to stop assisting states and individuals who violate international law and human rights with weapons, security assistance, and other support to avoid legal accountability.

DESIGNING A NON-MILITARIZED APPROACH TO THE SAHEL

This proposed new approach can be put in place immediately to address a looming crisis in the Sahel, a biogeographic region of Africa located below the Sahara and above the tropical savannas to the south. This region in northwest and northeast Africa includes parts of Senegal, Nigeria, Niger, Chad, Sudan, Mauritania, Mali, Burkina Faso, and Eritrea.⁸⁰

The region has long been characterized by a mixing of climates, as the desert region gives way to fertile ground. As the climate crisis worsens, the Sahel faces increasingly severe climate shocks. From the 1970s to the 1990s, the region experienced an intense drought. Since the 1990s, short periods of drought have been followed by short periods of heavy rainfall, leading to land degradation. This pattern, combined with globally rising temperatures, has resulted in food insecurity and water shortages throughout the region.

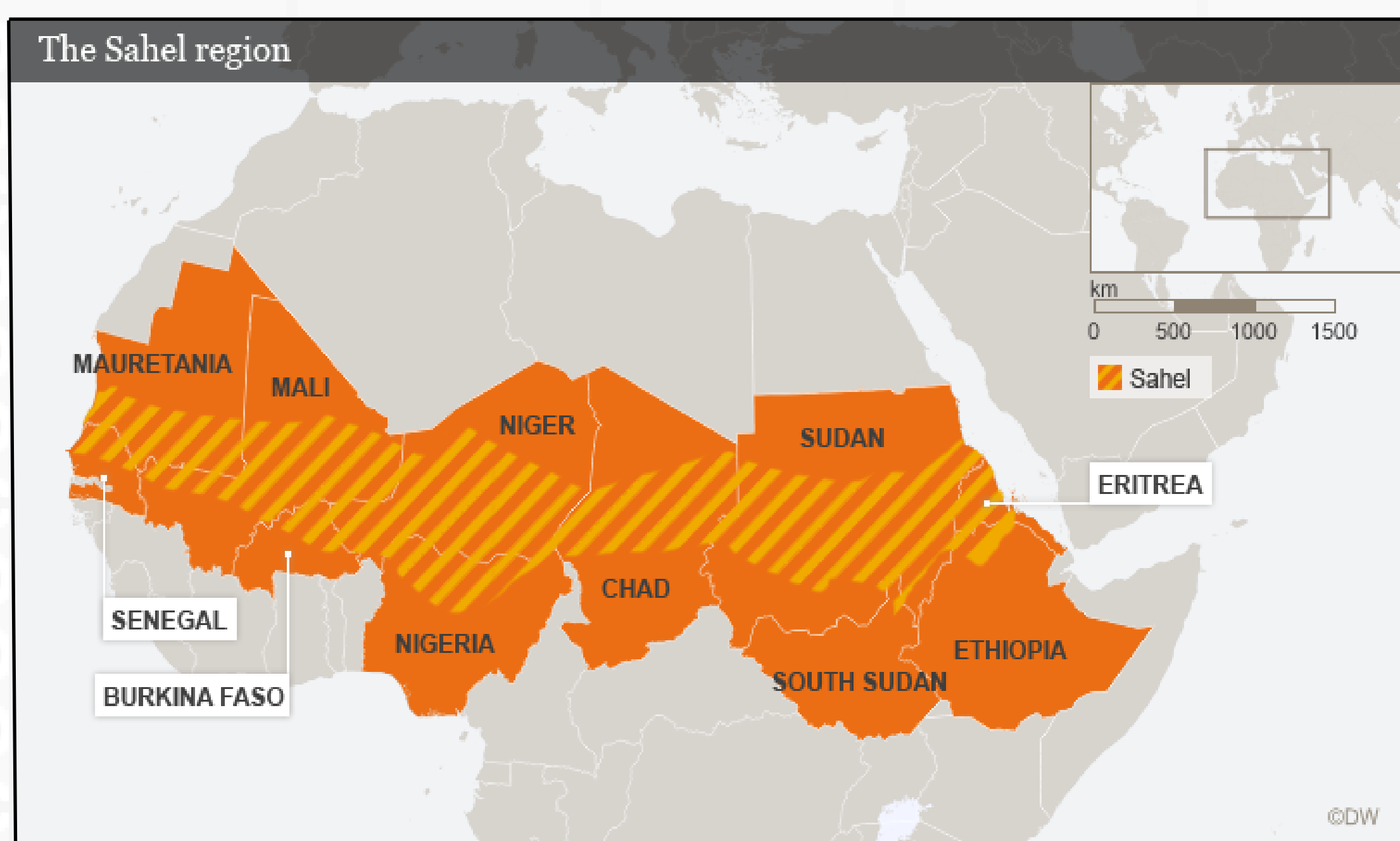
Moreover, in 2019, over 4.2 million people were displaced in the Sahel due to armed conflict in the Lake Chad basin region.⁸¹ This conflict has compounded existing food insecurity from climate-induced droughts and soil degradation, leaving close to 10 million people food insecure. Diminishing resources, ensuing economic downturns, and rapid urbanization have all contributed to conflict and the rise of various violent groups vying for power.

The international response to the insecurities in the Sahel thus far has largely been a militarized one.

While international peacebuilding and humanitarian organizations (in addition to local and regional civil society networks) are active, these interventions are often secondary to the use of military force by states in the Sahel or international forces, including the United States. U.S. troop deployments, lethal strikes, and partner military trainings have largely been conducted non-transparently and with little congressional oversight.

First-hand accounts by former U.S government officials note the failings of the securitized approach to the region, and the negative effect of approaching the region solely through the lens of counterterrorism.⁸² As a result, U.S. and international interventions have largely failed to mitigate the influence or contain the spread of violent groups that perpetrate terrorism or commit mass atrocities, with violence by such groups in the Sahel rising 250 percent between 2018 and 2020.⁸³ In fact, in some cases like the December 2020 military coup in Mali, U.S. assistance is enabling more violence and repression.

Clearly, the military-first approach is not working. With the onset of the COVID-19 pandemic and its exposure of institutional and governance inequities in the region, U.S. policymakers have an opportunity to institute a conflict prevention and peacebuilding-first approach to address the immediate health crisis, while also working towards building sustainable peace.



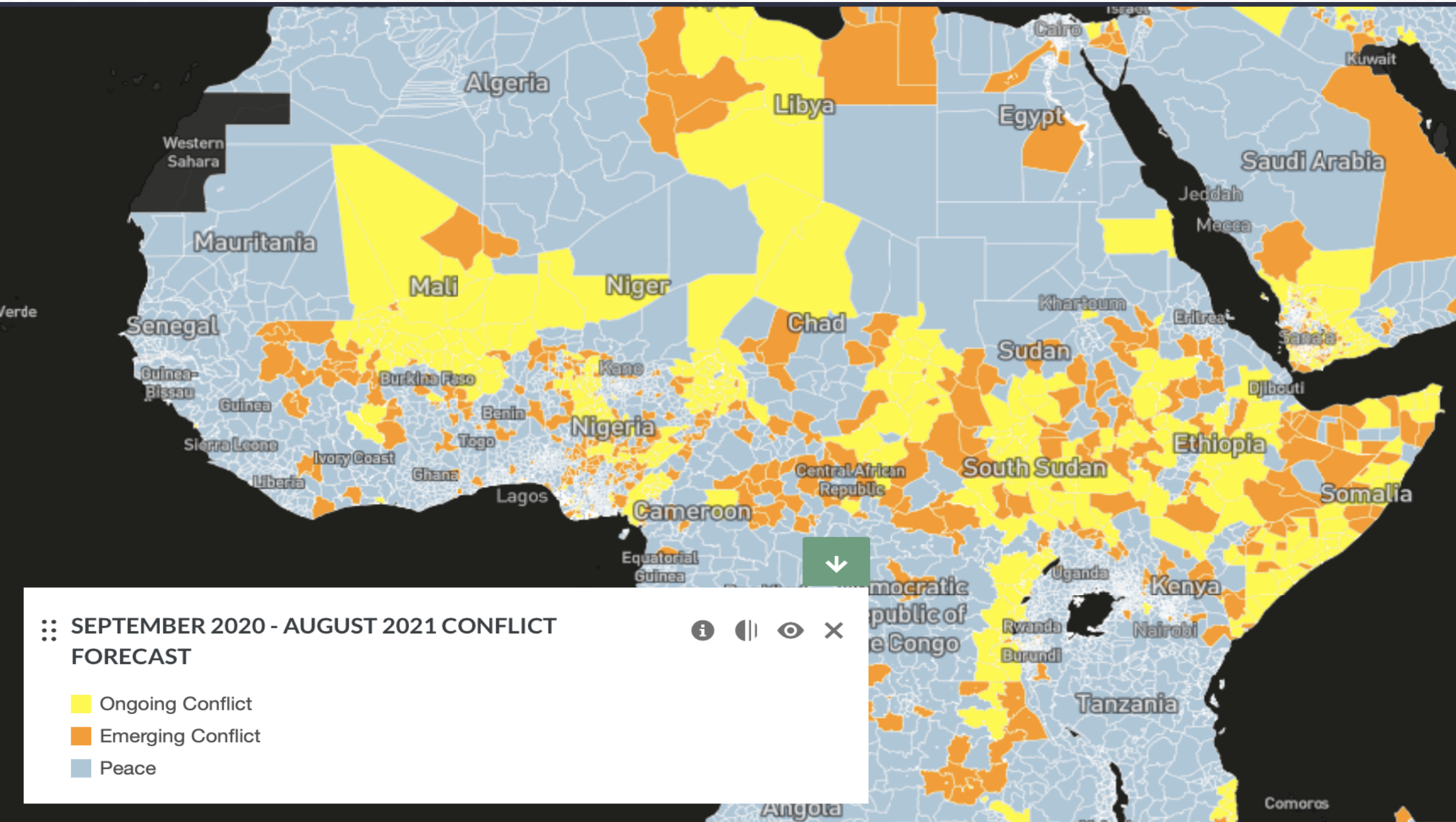


U.S. PRIORITIES IN A PREDICTION, PREVENTION, AND ACCOUNTABILITY APPROACH TO THE SAHEL

(1) Prediction Tools Indicate the Need for Early International Action

Various EWS have found the Sahel to be an at-risk region for mass atrocities. In addition to severe climate drivers of conflict, the EWP ranks five out of the nine countries in the Sahel region in the top 40 countries most at-risk of atrocities in the near future. Sudan is ranked number seven. The Water, Peace, and Security Tool predicts emerging conflict in six of the nine countries in the Sahel.⁸⁴ Weak and corrupt governance in the region is a critical factor driving violence and food insecurity. The lack of national and coordinated regional responses to national and regional climate shocks has exacerbated violence in the region. Using both the traditional EWS as well as climate prediction tools, it is abundantly clear the Sahel is at-risk of mass atrocities.

Besides U.S. military involvement, the U.S. government has invested nonmilitary resources that have mostly been focused on responding to food insecurity, community displacement, and humanitarian relief.⁸⁵ USAID has conducted multiple assessments on food insecurity and the intersection of food insecurity and gender.⁸⁶ Beyond food insecurity analysis, State’s most recent efforts have often focused on counterterrorism efforts.⁸⁷ While the humanitarian assistance the U.S. provides is critically important, it does not address the root causes of violence in the Sahel region. The United States should focus programming and diplomatic resources on addressing underlying indicators that predict conflict in the region, including climate change, mass displacement, and zero-sum politics, rather than focusing on mitigating violence later on.





(2) Align Prevention Efforts in Support Of Local Leadership

Continuing to pursue a one-size-fits-all military first approach, or supporting U.S. allies and partners in doing the same, is more likely to exacerbate violence in the Sahel. Merely providing food and using lethal force against violent actors will not sufficiently mitigate future violence long-term. Instead, the U.S. government should reorient its approach to the Sahel to be in line with the Four People's Pillars of the People's Coalition for the Sahel, the policy priorities of a broad coalition of Sahel civil society and peacebuilders.⁸⁸ As the case of Kenya showed, the U.S. is often most successful in addressing violence when it works in support of the advocacy of local civil society, social movements, and peacebuilding leaders.

Any militarily-focused response in the Sahel should focus on gathering early warning intelligence for prevention efforts, aimed at identifying possible indicators of community- and gender-based violence. Working toward building community resilience requires the U.S. to focus on helping to remove obstacles to peacebuilding, and prioritize efforts to build social cohesion and dialogue with *all* parties in the conflict.

While each country in the Sahel has similar issues related to poor governance and underlying dynamics that are fueling violent conflict,⁸⁹ the countries are not a monolith, and U.S. policy interventions should be tailored to local contexts through ongoing engagement with local civil society actors and flexible, small grant-making to allow programs to adapt to new developments.

(3) Center mitigating climate shocks directly and through an equitable global solution to the climate crisis

Addressing insecurity and violence as a result of the climate crisis requires large-scale, international

cooperation. Temperatures will continue to rise and weather will continue to become more extreme, putting everyone in the world in danger — making the most vulnerable even more so. It is not enough to only fund climate adaptation. Countries around the world must focus on climate mitigation, preparing resources to address the resulting insecurity and provide refuge for those seeking safety from climate displacement. Given the urgency of the situation in the Sahel, particularly with the spread of COVID-19, national efforts to better manage the effects of the climate crisis must be prioritized while international efforts continue to address the climate crisis at-large.

Overall, State and USAID should employ technology, like Peace Rising, to help determine the climate risks and warning signs to target diplomatic engagement, as well as aid and development assistance. The U.S. government can also provide small-medium governmental and nongovernmental grants for water conservation and sustainable development initiatives. The U.S. International Development Finance Corporation could, for example, work with local, and rural entrepreneurs for small-scale private sector green technology initiatives – taking lessons from Yemen's solar revolution⁹⁰ during its ongoing internationalized civil conflict – helping to create jobs and facilitate more equitable access to resources for communities in the region.

Internationally, the situation in the Sahel makes clear why the United States must center addressing the climate crisis in its foreign policy. Mitigating climate impacts and seeking to prevent a temperature rise of 1.5°C,⁹¹ requires the United States to apply a whole-of-government approach to this truly existential crisis. Without a domestic Green New Deal, the United States won't be positioned to lead the pursuit of a Global Green New Deal. At minimum, the U.S. must fully fund its share in the Green Climate Fund, which provides the Global South with resources to invest in climate-resilient development. While new domestic



and international socio-economic compacts are necessary to prevent the worst effects of the climate crisis from coming to fruition, it is not enough. A reorientation of U.S. foreign policy decisions to focus on how climate impacts different policy arenas is essential – nowhere could the U.S., and, as a result, the world, benefit more than by integrating climate change into its approach to violent conflict.

(4) Addressing Youth Disenfranchisement Through Sustainability

Youth are a powerful force for change in their society. Disenfranchised youth, whether economically, politically, socially, or some combination thereof, are also

often the most susceptible to alternatives to peaceful change. Nearly one quarter of the world’s 1.8 billion youth are currently affected by conflict, and the massive potential of generating peace cannot be understated.⁹² In the Sahel, 65 percent of the population of Chad, Burkina Faso, Niger, Mali, and Mauritania are under the age of 30.⁹³ Instead of continuing to provide millions in grants of security assistance to regional governments to address violent conflict in the Sahel, the United States should pivot these resources to focus on building social and economic opportunity for youth to become agents for peace. Congress can spearhead these investment efforts through legislative initiatives like the YPS Act or the YouthBuild International Act.⁹⁴

Key Takeaways for Enacting a Conflict Prevention and Peacebuilding Approach to the Sahel

Overall, the U.S. approach to violence mitigation in the Sahel must pivot to emphasize diplomatic engagement and support the ongoing work of local civil society and peacebuilders on the ground, through direct and ongoing consultation with networks like the People's Coalition for the Sahel. Focusing on facilitating reconciliation and peace processes in the Sahel region on the national and local levels is of critical importance in a long-term strategy for conflict prevention. As seen most recently in Mali, peace and reconciliation efforts can crumble quickly, and long-term violence mitigation relies on long-term investments by governments, regional stakeholders, and the international community. As the effects of the climate crisis worsen in the Sahel, attempting to bomb away the violence, while failing to address the underlying drivers of conflict, could prove to have disastrous costs to human life and long-term stability in the region. Instead, the U.S. can play a critical facilitator role in centering the demands of civil society actors working across borders to deescalate violence and build sustainable peace in the Sahel.

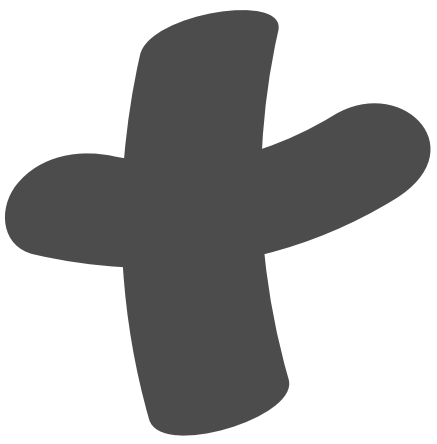
In addition to the priorities identified above, U.S. policy can positively impact the situation in the Sahel by:

- Creating a timetable for a coordinated withdrawal of troops from the region and pushing European allies, particularly France – who is the most directly involved militarily – to do the same. Redirecting funding to multilateral and local peacebuilding efforts.
- Placing an immediate moratorium on new security assistance and cooperation for the Sahel, at least until a regional peace agreement is implemented.
- Reassessing U.S. material support laws and clarifying exemptions for international and local humanitarian and peacebuilding actors to operate across frontlines of the conflict, to ensure those most vulnerable receive the assistance and protection they need.
- Working with Sahelian civil society, along with European allies and the rest of the international community, to establish an international political strategy to address violence and resilience in the long-term through inclusive conflict resolution and reconciliation, effective accountability systems for abuses, and tackling the inequality and local grievances fueling conflict through local capacity building.

RECOMMENDATIONS FOR CONGRESS

Members of Congress, across party lines, are beginning to understand the failures of the current military-first approach to violent conflict and support a reorientation towards prevention and peacebuilding. To be successful, policymakers will need to build on existing efforts to end detrimental securitized approaches to violence. Regardless of the administration, Congress should refocus its funding and authorization efforts to:

Double the State Department and USAID budgets to hire more diplomats, and peacebuilding and development practitioners to expand the local networks of the U.S. government around the world. This should include funding for:



- Expanding the nonmilitary footprint of the United States, which is essential to effectively building trust and working relationships with hyper-localized actors and advocates, such as religious leaders, businesspeople, and informal and formal grassroots organizations
- Expanding the capacity of and/or establish international affairs offices, including personnel deployed around the world.
- Investing in a green diplomatic, development, and peacebuilding corps to establish lasting global cross-cultural connections, promote cooperation, and help solve local climate challenges.

Redirect Pentagon spending to fund conflict prevention and peacebuilding.



- Begin to transform U.S. national security budget priorities by immediately reducing the historically-high Pentagon budget by at least 10 percent, and redirect those savings to provide a down payment for rebuilding a climate resilient social and economic society.
- Scale down the Pentagon's mission sets and objectives. Cancel irrelevant, nonfunctional, and fossil fuel consuming weapons and equipment contracts to reduce the Pentagon's budget by \$200 billion - \$350 billion per year, with the goal of saving up to \$2 - \$3.5 trillion over 10 years.
- Fully fund international institutions and equitable public-private trust funds to coordinate global action on conflict prevention and peacebuilding.

Oversee full implementation, enforcement, and expansion of existing laws and associated appropriations to help institutionalize conflict prevention and peacebuilding as the core U.S. approach to violence and insecurity around the world.



- Conduct robust oversight of the Biden administration's implementation of the Global Fragility Act (GFA) and the Elie Wiesel Act, including ensuring that the administration is not siloing these efforts, meeting reporting and consultation deadlines, and publicly identifying the personnel leading these efforts and the specific countries selected for pilot efforts.
- Expand the GFA's mandate to require an end to unconditional military assistance and security cooperation to all pilot countries selected and establish a mechanism for Congress to add additional countries.
- Establish the Atrocities Prevention Board in law, providing ongoing appropriations for budget and

staff, as the key coordinating hub and oversight body to help facilitate congressional oversight of a global conflict prevention and peacebuilding strategy to address violence – the recommendations of which should be mandatory across government.

- Prioritize investments in youth-focused, local programs like the Youth Peace and Security Act (YPS) and the YouthBuild International Act that help create economic opportunities for youth.

Invest in prevention and peacebuilding institutions and civil society by providing flexible grants for programming that proactively, and in crisis moments, help address local drivers of conflict.



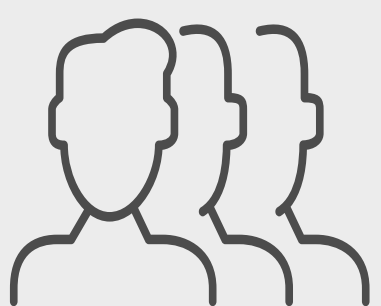
- Increase funding and seek to empower the Bureau for Conflict Prevention and Stabilization (CPS) at USAID to lead the interagency process and U.S. government approach to violence and conflict.
- Mandate flexible funding for CPS, as well as other USAID and State Department programming, to tackle the roots of conflict with local solutions and implementing partners.
- Direct State and USAID to prioritize thematic funding that focuses on building civil society and community organizing capacity that allows local implementers to decide the best solutions.
- Authorize appropriations to co-fund the establishment of multilateral-funded community foundations to further expand accessibility and agency in peacebuilding and development solutions.
- Push the executive branch through appropriations and oversight to make State and USAID the chief form of U.S. engagement abroad, with military engagement only with congressional authorization.

End the executive branch's wide authority to institute far-reaching sanctions regimes by requiring Congress to affirmatively approve the issuance of non-Global Magnitsky sanctions.



- Require public U.S. government reporting and analysis on the impact of U.S. sanctions on the lives of people and civil society in other countries, and whether or not sanctions have achieved U.S. policy ends.
- Pass legislation like the Congressional Oversight of Sanctions Act, which requires congressional approval of any new sanctions under the International Emergency Economic Powers Act (IEEPA) and provides much-needed transparency on the impact on sanctions.
- Continue seeking and supporting the efforts of civil society to submit cases for Global Magnitsky sanctions to hold corrupt and human rights abusing actors accountable.

Hold regular foreign delegation meetings, hearings, and briefings with administration officials *and* atrocity prevention experts, civil society, and members of impacted communities.

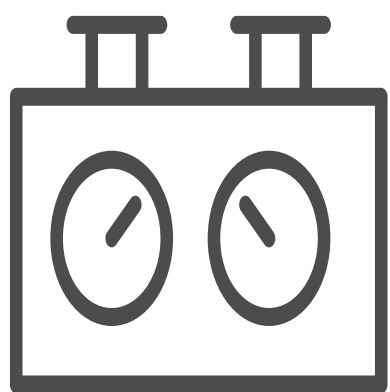


- Establish informal and formal channels with local civil society and community leaders to increase congressional knowledge of local contexts and policy impacts to determine policy priorities.
- Hold public hearings on these issues that also include subject matter experts and members of impacted communities, to identify gaps and redundancies in the government's approach and to help build institutional buy-in for this approach across government.
- Require a declassified annual National Intelligence Estimate on Violent Conflict and Atrocities to inform these discussions and seek outside analysis of government reporting.

RECOMMENDATIONS FOR THE BIDEN ADMINISTRATION

The Biden administration has the opportunity to leverage existing, bipartisan support in Congress and reorient U.S. national security making towards crisis prevention and mitigation from a crisis-response approach. To do so, it must be bold and not seek to return to the past. It should do so in the following ways:

Submit a presidential budget request (PBR) that supports a climate-centric national security strategy, doubles the international affairs (150) budget, and cuts the Pentagon and nuclear weapons budget by \$200-\$350 billion per year.



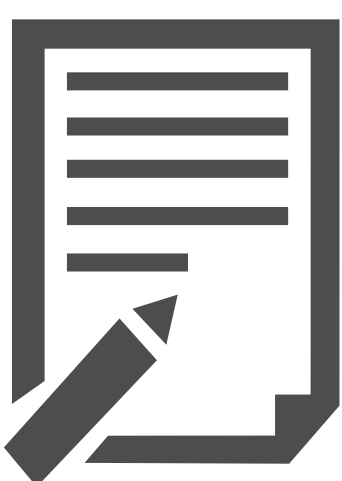
- Release a PBR that responsibly reduces the Pentagon's budget by more than \$200 billion per year and doubles the international affairs budget – prioritizing programming and expanding the diplomatic ranks necessary to carry out the strategy proposed in this report.
- Create a clear White House commitment to rectifying national spending priorities in Fiscal Year 2023 by conducting town halls and a public narrative campaign to create political pressure for a bold reorientation of U.S. security spending.
- Develop a comprehensive national security strategy centered on rapidly and equitably addressing the climate crisis domestically and internationally by prioritizing conflict prevention, development, and peacebuilding as key tools.

Empower State and USAID to lead the U.S. interagency efforts on crisis prevention and mitigation, with the Treasury, U.S. Trade Representative, the Intelligence Community, and the Pentagon in support.



- End Department of Defense management and oversight of security assistance and cooperation programs, and reinstitute that mandate at the State Department.
- Seek to resolve flawed norms and incentives within the bureaucracy at State, USAID, and the Pentagon, through internal engagement by the president and his cabinet secretaries, to default to not providing military sales and military cooperation in policy decisions.
- Establish the internal expectation that all policy decisions uphold all aspects of international law, protect and uplift civilians and civil society, and are based in dialogues with a diverse set of impacted stakeholders.

Sign and seek the ratification of the Rome Statute to join the ICC, recommit to the ICJ, and seek U.S. ascension to all international covenants that uphold inclusive and accountable international governance.



- Re-sign and seek the ratification the Rome Statute to become a member of the ICC, the International Treaty Banning Nuclear Weapons, the UN Convention on the Laws of the Sea, the Arms Trade Treaty, and other relevant conventions and agreements.
- Fully fund the UN and other international bodies, and subject the U.S. to the same standards of international law and norms that the U.S. advocates for other countries to follow.
- Cooperate with the ICC investigations into the U.S. role in civilian harm in Afghanistan and other conflicts — past and present — to indicate our commitment to accountability to the world.

Transparently drawdown U.S. military operations and focus State and USAID funding approaches on flexible grant making, in varying increments to ensure accessibility for local civil society, their international partners, and community foundations to empower local changemakers.



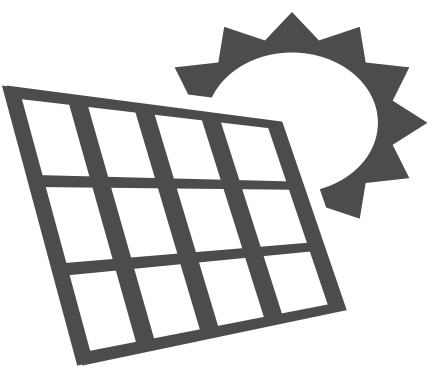
- Replace its near permanent war footing since 9/11 with a conflict prevention and peacebuilding strategy by unilaterally ending U.S. military operations and replacing them with a bilateral and multilateral diplomatic and peacebuilding surge.
- Reform State and USAID grants and programming to increase localization and access to small, under-resourced partners through creative flexible funding solutions, like sustained, multi-year micro-granting, equitable, bilateral and multilateral public-private partnerships to ensure U.S. funding supports, rather than dictates, local outcomes.
- Design grants and programming based on thematic challenges, such as peacebuilding, transitional justice, and capacity building programs, instead of tangible specific outcomes, to make funding more sustainable and adaptable in complex security environments.
- Seek to clarify material support laws to create clear exemptions for both humanitarian and peacebuilding activities that often require interaction with sanctioned actors.
- Incorporate more robust anti-corruption in bilateral and multilateral efforts to help depoliticize aid ensure it is going to those who can make the most sustainable impact.

Use targeted sanctions as a tool, not as a diplomatic strategy.



- Unilaterally undo, via national security waiver if necessary, any broad, unilateral sectoral sanctions instituted over the last four years.
- Proactively conduct and publicly release a report analyzing whether U.S. sanctions regimes on Cuba, Venezuela, North Korea, Iran, Russia, and China have achieve their policy goals, as well as sanctions' impacts on civilians and democratic change in these countries.
- Seek the creation of similar analysis on the effects of multilateral sanctions.
- Identify and increase resourcing for other prevention and accountability measures that can help address atrocity indicators before they escalate further.
- Enforce and support the congressional the expansion of the human rights and other good governance controls in the Foreign Assistance Act and the Arms Export Control Act to ensure U.S. assistance is no longer a blank check for impunity.

Seek cooperation and justice in addressing the truly existential, transnational threats of this century, and resist further investments in militarization, climate-devastating technology, and other corporate international interests in the name of so-called "great power" competition that are more likely to fuel than mitigate conflict.



- Invest in diplomacy, international and domestic law, and other multilateral solutions to address serious concerns with the actions of U.S. competitors like the government of China.
- Seek cooperation on areas of mutual destruction with other world powers, including nuclear nonproliferation and disarmament; a just, international mitigation and transition response to the climate crisis through a Global Green New Deal; and protections against unethical technology and Artificial Intelligence.
- Stop arming and militarily assisting human rights abusing regimes in the name of "great power competition", "countering China," counterterrorism, or building security.
- Do not inflate the security challenge that rising powers pose to U.S. security in public rhetoric or strategic documents, and avoid demonizing and dehumanizing China, which only serves to fuel anti-Asian American Pacific Islander sentiments and hate violence, and undermine those working on change .
- Offer clear equitable alternatives to exploitive, influence-buying development initiatives like the Belt and Road by prioritizing micro-granting to entrepreneurs, small-businesses, and worker-owned collectives via institutions like the U.S. International Development Finance Corporation.

FOR BOTH CONGRESS AND AN INCOMING ADMINISTRATION

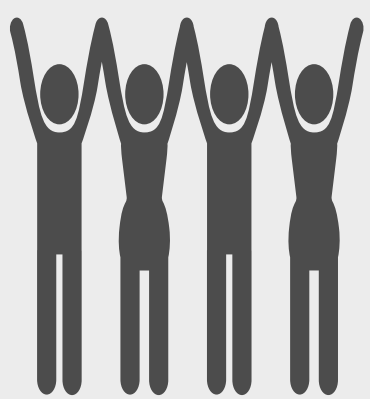
A unified approach across government will be most effective at implementing a global conflict prevention and peacebuilding strategy as the core U.S. approach to violence and violent conflict. As both Congress and the Biden administration develop a new national security strategy rooted in diplomacy and cooperation, they should seek to:

Enforce and expand existing human rights controls in foreign assistance norms and arms control law, and require congressional approval for all security cooperation, assistance, and weapons sales.



- Pursue and support legal reforms to the arms transfer, use of force/war powers, and national emergency processes to require Congress to affirmatively vote to approve rather than disprove these activities.
- De-prioritize these military tools by issuing a year-long moratorium on new U.S. weapons transfers and security cooperation, as well as initiating a responsible wind-down of current U.S. military operations under the 2001 and 2002 Authorizations for the Use of Military Force in favor of diplomatic, development, and peacebuilding tools.
- Reinterpret previous State Department guidance that only affirmatively subjects foreign military training to pre-vetting for human rights and require pre-vetting for the offer of all foreign assistance and defense exports.
- Start seeking robust enforcement of the human rights controls in the Foreign Assistance Act of 1961 (FAA), the Arms Export Control Act, and the Leahy Laws.
- Congress should amend the Leahy Laws to define the term “assistance” according to the definition within 502(b) of the FAA, making its pre-vetting requirements apply to all foreign assistance.

Establish a unified national security budget and appropriations process that truly addresses global insecurity and avoids agency budget and policy vacuums.



- Begin a process to create unified authorization and appropriations legislation that account for a more holistic approach to U.S. defense and foreign policy.
- Pass legislation, like the BREATHE Act that prioritizes building economic empowerment and peace through community solutions to the systemic insecurity faced by Black, Indigenous, and communities of color; eliminate wasteful Pentagon programs; and establishes a Commission on Budgeting for National Security and International Affairs to recommend changes to U.S. national security budgeting to ensure it more effectively considers the overall balance of security challenges, solutions, and tools

Promote peaceful conflict resolution and accountability by supporting and reforming multilateral institutions.



- Seek to fully submit the United States government and its allies to the jurisdiction of UN human rights, anti-corruption, and criminal justice bodies to hold itself and its partners accountable to the same standards and enforcement mechanisms that uphold U.S. power.
- The Biden administration should request, and Congress should appropriate full funding for UN institutions – including the International Criminal Court and Human Rights Council – and end the practice of conditioning U.S. funding on U.S. support for multilateral policy decisions.
- The administration should seek, and Congress should vote, to support U.S. ratification of international treaties, such as the UN Convention on the Law of the Sea, that set the international norms that help decrease conflict.

CONCLUSION

For decades, the United States has rhetorically and diplomatically voiced support for atrocity prevention. Yet, in practice, the United States has largely failed to act early on the threats to human security that could make preventing atrocities a reality. It is clear the current U.S. atrocity prevention agenda has been frustrated by a reactive mindset amongst policymakers and a misguided perception of the political costs of preventative, nonmilitary engagement before a crisis emerges. Other issues including lack of funding and prioritization of these tools within the interagency process, the rising influence of the defense industry in policymaking and its relationship to the United States' over-investment in hard security tools, and disinterest in long-term multilateral cooperation. All of these challenges have, time and again, shifted the question from atrocity prevention to atrocity response.

Committing the United States to focusing on addressing precursors to violence is essential to having a chance at building the local resilience and capacity necessary to addressing human insecurity before a mass atrocity occurs. In the immediate term, the U.S. government should continue to improve its prediction tools by prioritizing untraditional indicators of violence like climate shocks and SGBV. Effective atrocity prevention means increasing USAID and State funding substantially, and positioning these agencies to lead U.S. international engagement. It also means the U.S. must no longer seek to go it alone internationally and instead, hold itself, its allies, and all perpetrators of atrocities accountable if it seeks to arrest cycles of violence and deter future atrocities. That means fully cooperating with international justice mechanisms and continuing to invest in local transitional justice efforts. If the United States continues to fund and fuel atrocities through weapons sales, security assistance, and supporting regimes that commit atrocities, it has no authority in the international sphere to bring perpetrators to justice.

Effectively engaging in atrocity prevention requires a fundamental shift in how the U.S. government approaches violence and conflict mitigation. The approach presented in this report provides a framework for a paradigm shift in U.S. foreign policy that may seem aspirational or unrealistic. Yet, the reality is the United States is already spending billions of dollars on security assistance and cooperation with foreign militaries that is often a key driver of instability and impunity for human rights abuses. These 20th century tools create harms that perpetuate violence, directly undermining stated U.S. national security objectives. The time for muddling through and hoping for the best is over. In the face of growing, transnational threats to human security that will continue to drive insecurity and violence, Congress and the executive branch must prioritize early, comprehensive action to prevent mass atrocities. Until it does so, U.S. foreign policy will remain disjointed and ineffective in building human security at home and abroad.

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