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Felice D. Gaer
Director

Samantha Power
Special Assistant to the President &
Senior Director for Multilateral Affairs & Human Rights
National Security Council

Stephen Pomper
Director for War Crimes and Atrocities
National Security Council

October 7, 2011

Dear Ms. Power and Mr. Pomper,

We write on behalf of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI) to share with you a number of recommendations regarding US genocide and mass atrocity prevention strategy. We hope that you will consider these recommendations as a contribution to the interagency review mandated by Presidential Study Directive No. 10 on Mass Atrocities, which we understand is nearing completion.

On October 4, 2011, JBI hosted an expert consultation on US genocide and mass atrocity prevention strategy in New York. Participants at the meeting have had significant experience working inside and outside the government on mass atrocity prevention (see list appended). The following is a summary of recommendations that emerged from the discussion.

Composition and Structure of the Atrocity Prevention Board

The Atrocity Prevention Board (APB) should have a two-tiered structure: (a) a working group that meets at frequent, regular intervals, for example every other month, and (b) a board of senior officials, including the Undersecretary of State for Global Affairs, the Undersecretary of Defense for Policy, comparable officials at the National Security Council, the Assistant Secretary of State for Democracy, Human Rights and Labor, and the Assistant Secretaries of State of the regional bureaus. These senior officials should convene regular periodic meetings, as well as emergency meetings when called for by the working group.

- The working group coordinators should convene country-specific discussions prior to official meetings of the APB and should regularly engage with civil society organizations to ensure that they are able to share relevant information that will be taken into account at full meetings of the APB.
- The APB should have the power to call a meeting at the highest level (National Security Council, Deputies Committee) to address situations of particular concern.
- The APB should be mandated to make recommendations to these high-level officials regarding the specific actions that should be taken with regard to at-risk countries.

Early Warning

The APB should be mandated to develop a list of risk factors for mass atrocities. All ambassadors should be required as part of their mandate to submit periodically an evaluative report on the presence of such risk factors, to be considered by the working group, and, as appropriate, the APB, and the presence or absence of such risk factors should be discussed in a section of the annual State Department Country Reports on Human Rights.

- The APB should be mandated to develop a list of risk factors for mass atrocities. These risk factors should, where possible, be explicitly articulated in the language of international human rights. In compiling this list, the APB should take into consideration JBI's *Compilation of Risk Factors and Legal Norms for the Prevention of Genocide*.¹
- The State Department should develop a training handbook for Foreign Service Officers on mass atrocity warning and prevention. The handbook should outline the list of risk factors for mass atrocity developed by the APB and provide guidance on the procedure for evaluating their presence or absence. FSOs should receive training on the handbook and risk factors.
- All country-specific US ambassadors/chiefs of mission should be required to submit, on a quarterly or semi-annual basis, a report to the working group of the APB evaluating the presence or absence of each of the risk factors for mass atrocity in the APB list. The APB should consider these reports in formulating policy recommendations to be transmitted to high-level officials.
- FSOs responsible for producing the annual State Department Country Reports on Human Rights Practices should be instructed to include a section in each report evaluating the presence or absence of risk factors for mass atrocity in the country.

Early Prevention

Once a country has been identified as "at risk," the APB should compile a list of possible policies and actions that could provide leverage in negotiations and mitigate the risk of mass atrocity.

- Once the APB has identified a country as being of concern for potential mass atrocity, the APB should conduct a review of all sources of aid currently provided to the country in question by the United States and international financial institutions – including development aid, military aid, and aid intended to support counter-terrorism activities. All aid grants to the country in question should be evaluated to determine whether such aid could have a positive or negative effect on mitigating the risk of mass atrocity. The APB should make recommendations that aid programs to countries of concern be authorized, discontinued, or modified based on this review. All new grants proposed after the APB has conducted a review of the country in question should similarly be evaluated by the APB prior to the authorization of such grants.
- The FSO handbook on genocide and mass atrocity prevention should include a list of possible preventive actions that can be taken when risk factors for atrocity are detected

Preventive Diplomacy

The APB should be authorized to make specific policy recommendations to high-level officials regarding situations of urgent concern, as well as to send delegations to countries of concern to aid members of the Board in making such recommendations.

- The APB should be empowered to recommend to high-level officials that the Administration take specific actions and/or create a diplomatic mission, designate an envoy, or empower a diplomat to

¹ The JBI *Compilation* can be downloaded at <http://www.jbi-humanrights.org/files/jbi-compilation-updated.pdf>.

address situations of urgent concern, as well as the timeline according to which such actions should occur.

- The APB should be empowered to undertake overseas country assessments in countries of concern at its discretion.

Military Options

The United States should support deployment of UN and regional peacekeeping forces to address situations of concern, particularly under circumstances in which it is possible to obtain the consent of the host country.

- The United States should support preventive deployment of UN and regional organization peacekeepers to countries of concern, as in the case of the United Nations Preventive Deployment Force (UNPREDEP) in Macedonia.
- The United States should support deployment of UN and regional organization peacekeepers to address the threatened commission of mass atrocities by non-state actors where the state where the atrocities are occurring is incapable of preventing the commission of the atrocities but willing to consent to the deployment of such a mission, as in the case of the United Nations Mission in Sierra Leone (UNAMSIL).

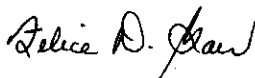
Multilateral Engagement

The United States should seek to increase the information- and burden-sharing capacity of the United Nations and regional organizations.

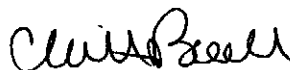
- The APB should establish informal information networks with UN officials, other members of the UN Security Council, and foreign officials.
- The US should invite the UN Undersecretary for Political Affairs to hold “horizon scanning” consultations at the UN Security Council when it holds the Council presidency. Information provided at such consultations should be shared with the APB.
- The United States, unilaterally and through the UN Security Council, should engage from an early stage with regional organizations that have the capacity to or require assistance engaging in mediation, prevention, intervention, and peacekeeping in countries of particular concern.
- The United States should convene an Arria Formula meeting of members of the Security Council on the Secretary General’s Report on the Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect.

On behalf of all participants at JBI’s expert consultation on US genocide and mass atrocity prevention strategy, we thank you for your consideration of these recommendations. We are prepared to elaborate further on the recommendations outlined here, and can be reached at jbi@ajc.org or (212) 891-1315 if you wish to discuss them further. We look forward to continuing to work with you on these important issues in the future.

Sincerely,



Felice D. Gaer
Director
Jacob Blaustein Institute for the
Advancement of Human Rights



Christen Broecker
International Human Rights Officer
Jacob Blaustein Institute for the
Advancement of Human Rights

APPENDIX

Expert Meeting on U.S. Genocide and Mass Atrocity Prevention Strategy
October 4, 2011 12:00PM-4:00PM
Jacob Blaustein Institute for the Advancement of Human Rights
165 E. 56th Street, New York, NY 10022

List of Participants

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