

Written evidence from Protection Approaches (SAM0023)

Executive summary

- 1. This submission addresses the questions set out in the terms of reference regarding recent political developments in the region relating to the rule of law and human rights and more particularly the work of the FCO in the region, especially in promoting the rule of law and human rights, tackling climate change and encouraging UK/ South American trade.**
2. It builds upon previous submissions of evidence to the Committee and recent recommendations made by the Committee regarding the pressing need for Her Majesty's Government to set out cross-departmental coordination of UK contributions to the effective prediction and prevention of, and where necessary responses to, identity-based violence and mass atrocity crimes.
3. Protection Approaches believes certain recent developments and more historical trends in South America should be serious cause for alarm for all those concerned with the human rights of particular populations within some Latin American States, the region's medium and long-term stability, and British interests in the region. Short and medium-term atrocity risks are rising in the region and any analysis of UK-Latin American policy should include analysis of if and how UK decision making may increase or decrease those risk factors.
- 4. This submission is made with particular reference to the deeply troubling situation in Venezuela which, at the time of writing (1st May 2019), was still unfolding by the hour following Juan Guaidó's announcement of an 'uprising' on April 30th.**

About Protection Approaches

5. Protection Approaches works to assist the UK in better predicting and preventing identity-based violence, particularly mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity and war crimes). It runs the only research and policy programme in the UK on atrocity prevention and coordinates the UK Civil Society Mass Atrocity Prevention Working Group. Protection Approaches is registered charity in England and Wales, charity number 1171433 For more information please see www.protectionapproaches.org.
6. This submission has been prepared by Dr. Kate Ferguson, Co-Executive Director and Head of Research & Policy. Dr. Ferguson is an experienced analyst in the fields of atrocity prevention, violent extremism, and civilian protection. She is Chair of Policy at the European Centre for the Responsibility to Protect, University of Leeds and an Honorary Research Fellow at the University of East Anglia. She is a member of the Centre for Science & Policy's Network for Evidence and Expertise at the University of Cambridge and the British Academy Women's Network on the Responsibility to Protect. Dr. Ferguson holds a PhD from UEA on the dynamics of modern mass

atrocities, and an M.Phil in Russian and East European Studies from the University of Oxford.

Rationale

7. South America is a rich and vibrant region with a rich and varied past. It is also a region that has experienced the trauma and suffering of mass atrocity crimes. One legacy of this difficult past can be seen in the region's leadership in the fields of human rights, justice and accountability, and of reconciliation. However, South America, like all regions, is facing growing and urgent challenges to this hard won progress. As the UK prepares to build new and develop existing relationships outside of Europe, the new "Global Britain" has an opportunity –we would say a responsibility– to ensure this process progresses in a manner that advances the interests of not only the British people but the people who live within the borders of current and future international partners.
8. Foreign Office work in the South America region would benefit from the integration of an upstream, cross-cutting agenda of identity-based violence and atrocity prevention. Such an approach should be embedded in HMG architecture, connecting Britain's national stated commitments to its country and regional desks, Embassies, the UK office at the UN.
9. **There is serious risk, for example, if HMG does not urgently integrate an atrocity-prevention sensitive approach into its assessment of and engagement with Venezuela, that windows of opportunity for Britain to help mitigate serious risks of future atrocities could be missed.** The need for (and benefit of) a coordinated, cross-cutting approach that is applied across the UK's internationally-facing departments –rather than on an ad-hoc basis–, is necessary to enhance British contributions to early prevention, far cheaper in terms of lives and money, and to help protect Britain from repeating past mistakes. Such an approach would be in-keeping with the Foreign Affairs Committee's own core recommendation to Government that HMG set out a cross-cutting atrocity prevention strategy by April 2019¹

Warning signs in South America

10. Protection Approaches is frequently asked by Parliament and by those in Government 'where is the next Myanmar?' or 'where will the next Syria be?' The reality is that no atrocity situation emerges quite like those that came before. However, we know that there are certain common red flags that when raised indicate the increased likelihood of identity-based mass violence or mass atrocity crimes.
11. As we have repeatedly sought to emphasise, and as the Committee itself has drawn attention to in successive inquiries, many of the risk factors of identity-based violence and mass atrocities are distinct from the risk factors of conflict between two armed parties. Many of these risks factors are present in countries in South America, including but not only Venezuela and Brazil. However, this commentary is intended

¹ [A more comprehensive atrocity prevention strategy more critical than ever, say MPs, 10 Sept 2018](#)

to be illustrative of the need to view regional trends as well as specific national crises in the South American continent through a lens of mass atrocity prevention

12. Many countries in Latin America witnessed atrocity crimes during the second half of the twentieth century. More recently, a number of states have made world-leading efforts to confront their past, including a series of prosecutions and apologies. Governments and courts in Guatemala, Argentina, Colombia and El Salvador have moved to acknowledge and in some cases punish state-sanctioned violence during cold war-era campaigns against leftwing insurgents. **Efforts by the Brazilian state and by private agribusiness to remove indigenous groups from their land continue, posing significant challenges regarding human rights, corruption, organized crime and environmental rights.**² Bolsonaro **himself has declared** “It’s a shame that the Brazilian cavalry wasn’t as efficient as the Americans, who exterminated the Indians.”
13. The steadily deteriorating political and humanitarian situation that exists in Venezuela and the wider region, combined with the potential for escalation of both domestic and international tensions, poses an immediate challenge for the international community amidst the ongoing risk of further atrocity crimes in the country. More than 3 million refugees and migrants have left Venezuela since the crisis began³; more than 8,000 extrajudicial executions have been recorded since 2015⁴; and almost 90% of Venezuelans are currently living below the poverty line.⁵
14. In Venezuela, the consequences of deepening economic and political crisis are serious cause for alarm. Political opponents of the government are facing persecution, arbitrary detention, and torture. **In May 2018, the panel of independent international experts designated by the Secretary General of the Organization of American States (OAS) found that reasonable grounds exist to believe that crimes against humanity have been committed in Venezuela dating back to at least February 12, 2014.**⁶ In its report the previous year, the OAS indicated that there was “evidence that points to the systematic, tactical and strategic use of murder, imprisonment, torture, rape and other forms of sexual violence, as tools to terrorize the Venezuelan people in a planned campaign to quash opposition to the Regime.” According to the Global Centre for the Responsibility to Protect, ‘Venezuelans face the ongoing risk of potential mass atrocity crimes.’⁷
15. The May 2018 OAS report identified patterns of violence against groups, based on the Venezuelan state’s conceptualisation of political identity.
 - 8,292 extrajudicial executions recorded since 2015
 - 131 murder victims of the 2014 and 2017 protests where the perpetrator has been identified as a member of the state security forces and/or the colectivos

² <https://www.theguardian.com/commentisfree/2018/dec/31/tribes-brazil-genocide-jair-bolsonaro>

³ UNHCR-IOM RMRP report (2018) at <http://reporting.unhcr.org/node/21600>

⁴ OAS report (2018, p.xi) at http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-031/18

⁵ OHCHR (2018) at https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf (note that this references the 2017 ENCOVI study and an 87% figure – this has risen to 92% for 2018)

⁶ <http://www.oas.org/documents/eng/press/Informe-Panel-Independiente-Venezuela-EN.pdf>

⁷ <http://www.globalr2p.org/regions/venezuela>

- more than 12,000 Venezuelans arbitrarily detained, imprisoned or subject to other severe deprivation of physical liberty since the 2013 Presidential elections
 - more than 1300 political prisoners who have been or still are detained because of their opposition to the Government
 - a widespread and systematic pattern of abuse targeting an identified segment of the civilian population in Venezuela.
16. In September 2018, Peru, Paraguay, Chile, Argentina, and Canada requested that the International Criminal Court (ICC) investigate the alleged crimes of the Maduro regime in Venezuela in order to establish whether they constitute crimes against humanity as defined in Article VII of the Rome Statute.⁸
 17. Deep political uncertainty in Venezuela is now being fuelled by domestic and international rumour regarding the objectives of the United States government and other international actors. Debate in the UK regarding the current crisis in Venezuela has so far followed this trend. Little discussion has focussed on the ongoing human rights abuses, the current and medium-term risks of escalation, or modes by which the UK and its international partners should contribute to receding temperatures in Venezuela and focus on alleviating the desperate conditions.
 18. Lack of clarity regarding the UK's own position or policy on how it upholds its responsibility to help protect populations from the risks of atrocity crimes contributes to this sense of unease and uncertainty in domestic British discourse and internationally.
 19. Amidst recent concerns about the possibility of US-led military intervention in Venezuela, the ongoing political struggle between Maduro and opposition leader Juan Guaidó, now recognised as interim president by more than 50 governments, has the potential to provoke further unrest and serious human rights violations within the country. Violence on the streets and calls from Guaidó for an uprising have heightened tensions within Venezuela and triggered an international escalation of rhetoric between the US, Russia and other stakeholders.
 20. From the point of view of the FCO, Venezuela is not a country in conflict and a conflict prevention strategy is not appropriate. Wider HMG approaches to building stability and promoting human security abroad currently exclude assessment of specific indicators relating to identity-based violence and risks of atrocity; do not encourage a joined-up approach to prevention of future atrocities; nor coordinate through a clear mechanism how Government's internationally facing departments engage.
 21. Should the situation in Venezuela, or any Latin American state suddenly escalate, it is unlikely that HMG would be adequately prepared to mobilise across Government to ensure that UK engagement prioritized prevention and protection. What contingency plans, for example, have FCO made regarding the possibility of a rapid escalation or rhetoric or action on the part of the US in Venezuela? Or, should signs point to

⁸ <https://www.icc-cpi.int/venezuela>

Nicolás Maduro orchestrating further violent crackdowns on opposition and perceived opposition groups?

22. The international community has many options, including preventive diplomacy, supporting fact-finding missions and referrals to the international criminal court, expanding targeted economic sanctions and embargos. Individual states such as the UK should exercise this responsibility via bilateral and regional trade policy, overseas development assistance and diplomacy. **With respect to Venezuela what should be at the forefront of decision-making is the human rights catastrophe facing Venezuelans.**

UK Trade & South America

23. While the successful promotion of international trade is evidently a matter of national interest so too is the pursuit of global stability, security and development. The absence of a cross Government mechanism tasked with viewing UK decision-making through a security and development or human rights “lens” has resulted in a trade policy that is at times inconsistent - or in direct contradiction to—the UK’s development policy and its stated national and international commitments to human rights. These mistakes can be avoided as the UK seeks as it prepares to pursue new bilateral trade agreements with South American states.
24. Any mechanism or office tasked with viewing UK policy challenges through a prevention lens would have to respond to warning signs and initiate processes of sharing information, scrutinising government policy, and communicating with other prevention stakeholders here in the UK and abroad. Likewise, any regional or country DIT teams tasked with viewing UK policy challenges and opportunities in Latin America should be expected to monitor indicators of risk and coordinate with DfID, FCO and the Cabinet Office.
25. Any such a mechanism or clarification of policy would not limit the freedoms of the UK government in its bilateral trade activities nor the promotion of British business. Rather it would work to highlight potential inconsistencies of policy, draw attention to potential points of leverage, and ensure appropriate consideration is given to any potential causes for concern.
26. **In developing its relationship with South America, FCO should coordinate with the Department for International Trade and other departments to ensure that the UK pursues coherent trade policy that reflects HMG’s stated human rights commitments and responsibilities. As suggested by the Parliamentary Committee on International Trade, ‘mechanisms for ensuring effective co-ordination within government should be considered.’⁹**

Building on past recommendations of the Committee

27. Mass atrocities are gross, widespread and systemic violations of human rights, often linked to identity. While they can take place in conflict situations, such as in Syria and Yemen, they also occur outside them, such as in Myanmar and North Korea.

⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmintrade/667/667.pdf>

Therefore, preparing for and enhancing British approaches to their prevention requires analysis both of areas such as Cameroon and the DRC where many risk factors for conflict and atrocity are present, but also areas such as Brazil, Egypt and Nigeria where hate speech and compromised state institutions give rise to the risks of peacetime atrocities.

28. The Committee has already found the Government lacking in its approach to mass atrocities, and specifically in response to crises in Syria and Burma/Myanmar. In response to the Committee's report; *Global Britain: the UK's responsibility to protect and humanitarian intervention* the Foreign Office rejected the core recommendation that HMG adopt a cross-departmental atrocity prevention strategy on the basis that 'Atrocity Prevention is an important strand of our conflict prevention agenda.' FCO states that while 'atrocities do not always occur in the context of armed conflict...the tools to prevent and respond to both atrocity situations and armed conflict are substantively alike, and often the best way to prevent atrocities can be to prevent conflict.'
29. There is growing consensus and concern that this important preventative lens is missing in HMG thinking and that as a result Britain is failing to fully uphold its stated responsibilities to help prevent the very gravest crimes. Following inquiries into UK policy in Burma, both the FAC and International Development Committee (IDC) have repeatedly recommended that Government prioritise its approach to mass atrocity prevention.¹⁰ The FAC concluded that '[t]here was too much focus by the UK and others in recent years on supporting the 'democratic transition' and not enough on atrocity prevention'.¹¹ The March 2018 [report](#) of the Joint Committee on the National Security Strategy (JC-NSS) has similarly highlighted that HMG should consider improving its approach to tackling instability overseas in order to provide a more suitably '[joined-up, effective and efficient](#)' approach to UK national security challenges.¹² The broader 'strategic' recommendations of the JC-NSS should be understood as reinforcing the need to take on board lessons offered by the more case-specific FAC, and IDC reports.
30. The absence of a clearly articulated strategy has led at times to incoherent policies, as identified by the Foreign Affairs and International Development Select Committees regarding UK policy in Burma. Our own research and successive inquiries by parliamentary committees for Foreign Affairs, International Development, International Trade, and the National Security Capability Review have found that the strategies, policies and responses that are in place leave gaps in how HMG currently global challenges, including the promotion of human rights.
31. It is evident that there are gaps in current UK approaches to predicting violent crises and that, once the point of violence has been reached, lack of strategic and departmental clarity obscures where responsibility for decision making lies.

¹⁰ House of Commons Foreign Affairs Committee, *Violence in Rakhine State and the UK's response*, First Report of Session 2017–19 / House of Commons; International Development Committee, *Bangladesh and Burma: the Rohingya crisis*, Second Report of Session 2017–19

¹¹ FAC, *Violence in Rakhine*, p.3

¹² Joint Committee on National Security Strategy, *NSCR 2018 report*, p.31-33

Specifically, while HMG rightly recognises the important of preventing armed violence and conflict, UK policy currently does not acknowledge that contemporary mass violence often includes –and is motivated by– the deliberate intention of destroying or removing civilian populations. This means that the deliberate violent targeting of civilians continues to be treated, if at all, by HMG as a by-product of armed conflict rather than a distinct challenge, and very of the primary driver of wider armed conflict. **A practical consequence of this approach is that HMG is vulnerable to a) missing the early warning signs of atrocity situations, and b) finding itself without policy options for upholding its stated responsibilities to help prevent atrocities. The case of Venezuela could well fall between these gaps.**

32. The absence of specific mass atrocity related expertise in the UK Government further encourages reliance upon reactive and inconsistent policies aimed at alleviating suffering and contributing to civilian protection. **The absence of a publicly available strategy or action plan leaves the UK open to criticism at home and abroad regarding the extent to which HMG is committed to and is upholding its states responsibility to protect populations from atrocities.**
33. **As the Foreign Office looks to South America we urge country officials and the Multilateral Directorate to coordinate with intelligence, DfID, and DIT in undertaking a medium-longterm risk assessment of those indicators relating to atrocity crimes. Effective prevention of these vast and complex crimes does not begin once the point of violence has been reached but rather with the timely and consistent response to early warning signs such as those on ready display in Venezuela.**
34. **Without an explicit policy commitment, articulated strategy, or mechanism situated within Government, HMG leaves itself vulnerable to repeating mistakes in Venezuela and Brazil it has made before elsewhere.**

ANNEX 1. Common risk factors, as set out by the United Nations in its Framework of Analysis for Atrocity Crimes; A tool for Prevention (2014), include but are not limited to:

- situations of political instability caused by abrupt or irregular regime change or transfer of power; political instability caused by growing nationalist, armed or radical opposition movements; political tension caused by autocratic regimes or severe political repression; economic instability caused by severe crisis in the national economy; social instability caused by resistance to or mass protests against the state authority of policies; social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.
- Past record of serious violations of international human rights and humanitarian law, particularly when current political discourse assumes earlier patterns of conduct
- Weakness of state institutions, particularly when there are high levels of corruption or poor governance. Absence or inadequate external or internal mechanisms of oversight and accountability where victims, past or present, can seek recourse for their claims and the absence of an independent and impartial judiciary
- Political motives, particularly those aimed at the attainment or consolidation of power; economic interests including those based on the safeguard and well-being of elites or identity groups or control over the distribution of resources; real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause; ideologies based on the supremacy of certain identity or an extremist version of identity; politicization of past grievances, tensions or impunity; social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge
- Capacity to commit atrocity crimes; availability of personnel and or arms and ammunition, or of the financial resources, public or private; for their procurement, presence of or links with other armed forces or with non-state armed groups
- The absence of certain mitigating factors such as a free diverse and independent national media; lack of interest and focus of international civil society actors or of access to international media; lack of interest, reluctance or failure of United Nations Member State or international or regional organisations to support a state to fully exercise its responsibility to protect populations from atrocity crimes or to take action when the state manifestly fails that responsibility; lack of early warning mechanism relevant to the prevention of atrocity crimes¹³

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¹³ For more see https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.49_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf