

Written evidence from Protection Approaches (HUM0017)

Submitted by Dr. Kate Ferguson

Executive summary

1. The FCO's three new human rights priorities (democratic values and the rule of law, strengthening the rules-based international system, and human rights for a stable world) present an approach to policy rooted in the UK's legal and treaty based commitments. This is to be applauded. However, UK foreign policy currently lacks focus with regard to the gravest and most substantial breaches of human rights, namely mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity, war crimes.) This submission seeks to draw attention to a series of recommendations that would strengthen the UK's response to mass atrocity crimes.
2. The UK's responses to early warning signs in Syria, Iraq, Burundi or the Central African Republic could have been different had atrocity prevention been a national priority and explicitly integrated into foreign policy. Current policy fails to recognise and respond to pre-atrocity situations in a timely and effective manner. This leads to greater human and financial costs later down the line. This submission suggests the FCO's three new human rights priorities could be strengthened with regard to prevention mass atrocities and protecting civilians from those crimes in the following ways:
 - by applying an atrocity prevention lens to ensure policy has civilian protection at its heart¹
 - by utilising a matrix for identifying risk factors and warning signs similar to that use by the Offices of the Special Advisors to the UN Secretary General for the Prevention of Genocide and for the Responsibility to Protect²
 - by establishing a cross-cabinet coordinated policy response mechanism
 - by acknowledging atrocity prevention as national interest and therefore a national priority

About Protection Approaches

3. Protection Approaches works to end identity-based mass violence, particularly mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity, war crimes). For more information please see www.protectionapproaches.org Protection Approaches is a not-for-profit NGO with charitable objectives currently seeking charity status with the Charity Commission. Protection Approaches is registered with Companies House as a not-for-profit company in England and Wales with registered number 09304012.
4. This submission has been prepared by Dr. Kate Ferguson, Director of Protection Approaches. Dr. Ferguson is an experienced research and analyst in the fields of atrocity prevention and civilian protection. She is Research Associate for the Partnership for Conflict, Crimes & Security Research at the University of Cambridge, and lectures on Human Rights at the University of East Anglia. She has a PhD and BA. Hons. in History from the University of East Anglia, and an M.Phil in Russian and East European Studies from the University of Oxford.

Rationale

5. Many of the world's current humanitarian and human rights crises can be seen as consequences of repeated international failures to prevent mass atrocity crimes. Civilians in Syria, Iraq, Burundi, Myanmar/Burma, Central African Republic, and Yemen continue to live under the

¹ Alex Bellamy, [Mass Atrocities and Armed Conflict; Links, Distinctions and Implications for the Responsibility to Protect](#), The Stanley Foundation, February 2011

² [Framework for Analysis for Atrocity Crimes: A Tool for Prevention](#), United Nations, 2014

threat of these crimes while others flee or lose their lives. The UK Government has acknowledged its responsibility to protect civilians from mass atrocity crimes but has so far failed to integrate atrocity prevention into its main policy streams such as the Building Stability Overseas Strategy. The Government's reiterated its commitment to the Responsibility to Protect the Strategic Defence review yet until mass atrocity prevention is recognised as being distinct from conflict prevention this commitment will remain a rhetorical one.

6. In situations where a state manifestly fails to protect its citizens from mass atrocity crimes the UK has a responsibility to respond. In Syria this threshold has long been met; in Syria the Assad regime is committing war crimes and crimes against humanity against its own civilian population. In Myanmar the Rohingya Muslims have become one of the most vulnerable and marginalised groups in the world. Burundi is descending into a state of identity-based violence where the threat of mass atrocities is imminent. Civilians in Central African Republic, Yemen, and Iraq are at daily risk of mass atrocity crimes. Communities in the Sudans remain acutely vulnerable, including in Darfur. It appears that the lessons of history have not been learned, despite the high profile commemorations that are attended each year to mark the human tragedies of Rwanda, Srebrenica, the Holocaust.
7. As a permanent member of the UNSC, the UK has a crucial role to play in ensuring these lessons are learnt and acted upon. The UK has been as good supporter of the R2P at the UN level and contributes financially to the UN Secretary-General's Special Advisors for the Prevention of Genocide and for R2P. However, the UK is falling behind other states on the national level and needs to integrate the R2P principle into national policies and processes. There is an urgent need for a UK R2P-focussed policy, with emphasis on early warning, in order to draw attention to emerging mass atrocity situations and enable the UK, through the Building Stability Overseas Strategy and its position at the UNSC, to implement pillar two responses.
8. This submission seeks to draw attention to a series of recommendations that would strengthen the UK's response to mass atrocity crimes:
9. The absence of an explicit commitment of atrocity prevention and mechanism for responding to early warning signs has meant the UK's policy towards crises in Syria or CAR were inadequate; crucially the failure to identify or heed warnings of mass atrocity violence left the UK hamstrung. The consequence in Syria has been dire: 250,000 have died, 90 percent at that hands of their government; the region has been destabilised; the rise of ISIS is directly related to the failure of the international community to respond in Syria; and the cost to the UK exceeded. Applying an atrocity prevention "lens" to policy making, risk assessments, and fundings decisions would place civilian protection at the heart of UK foreign policy and enable FCO efforts overseas to focus on the root causes and common processes that lead of identity-based mass violence and mass atrocity crimes. Similarly, utilising a risk matrix of the triggers, warning signs, and indicators of this particular kind of mass violence, such as the framework of atrocity crimes designed by the UN Offices for Genocide Prevention and R2P, would enable FCO officers in the field to identify situations of concern long before violence begins. This would save lives and money.
10. The consequences of the absence of such an approach can be seen in the UK's policy towards the Central African Republic (CAR) before identity-based mass violence began to spiral in 2014: CAR had long been high on the watch lists of organisations using a 'mass atrocity' lens; in 2012 CAR was considered to be one of the states where there was the greatest risk of genocide. By contract on the risk matrix that was published in the Stabilisation Unit's Business Plan of April 2013, CAR did not even appear; in December 2014 as UN Commission of Inquiry into the situation in CAR stated that 99 percent of the Muslim population of Bangui has been

forcibly displaced or killed. Crimes committed by the anti-balaka are widely considered to constitute a "policy of ethnic cleansing" against CAR's Muslims. A 'mass atrocity lens' within the BSOS would have ensured CAR was identified as "at risk" and prioritised within UK policy accordingly.

11. Furthermore, the UK appears to be lagging behind the United States in its reluctance to acknowledge atrocity prevention as a matter of national interest and therefore a national priority. The Foreign Affairs Select Committee should open an inquiry into the potential for the UK government to establish a similar cross-cabinet, multiagency mechanism to strengthen the UK's prevention and protection policies. FCO, DfID, MoD, and Home Office all have a role to play in ensuring that the UK upholds its responsibility, as too do the police, security services, army, and NGOs. For example, the failure (or reluctance to) prosecute individuals suspected of committing mass atrocity crimes resident in the UK illustrates the inconsistent application of a commitment to tackling these grave crimes.³ A joined up approach to atrocity prevention and civilian protection would ensure the UK Government was able to respond earlier and in a more efficient manner to warning signs.
12. Promoting the position of R2P Focal Point from the civil service to a cabinet position, to by creating a cabinet portfolio for atrocity prevention and civilian protection from mass atrocities would elevate the challenge to the sphere of parliamentary and public interest and increase transparency and accountability.
13. The UK makes admirable contributions to the humanitarian consequences of mass atrocity crimes, most notably the refugee communities hosted by Syria's neighbour and more recently similar financial support for Burundian refugees in Burundi's neighbours. Refugees of mass atrocity crimes must be understood as an R2P responsibility, whether they are in refugee camps across the border of where the violence takes place or in Calais. The refugee exodus from mass atrocity affected-states such as Syria, Iraq, and Yemen underlines the need for a more effective commitment to atrocity prevention. The consequences of atrocity crimes and identity-based mass violence destroy communities, ruin economies, destabilise entire regions; in an increasingly globalised world, these consequences stretch further than ever before.

Recommendations:

14. Foreign Affairs Select Committee

- a) Open an inquiry to investigate the extent to which the UK is upholding its commitments to preventing mass atrocities and protecting civilians at risk of such violence, with a view to considering the potential to establish UK mechanism similar to US Board for Prevention of Mass Atrocities
- b) Call on political parties to appoint a spokesperson for civilian protection/prevention of mass atrocities
- c) Scrutiny of UK atrocity prevention and civilian protection measures through the work of the Foreign Affairs Select Committee

15. UK Government

- a) Recognise that mass atrocity prevention is distinct from conflict prevention and should therefore be identified as a separate policy challenge
- b) Acknowledge the prevention of mass atrocities is a matter of national interest and therefore a national priority

³ An FOI request submitted by the author indicates that in the period between May 2013 and July 2015 141 people have had their asylum or nationality applications turned down 'on account of serious reasons for considering they were involved in war crimes or crimes against humanity.' To our knowledge no charges have been brought against these individuals.

- c) Integrate a mass atrocity prevention “lens” or risk matrix into FCO decision making, particularly in determining where funds are allocated and how to respond presciently to early warning signs
- d) Mainstream the concept of the ‘Responsibility to Protect’ civilians from mass atrocity crimes throughout its human rights work overseas, particularly in states with a history of identity-based mass violence
- e) Promote the position of R2P focal point to the cabinet to improve transparency and accountability
- f) Initiate an EU initiative, inline with recommendations of the EU Task-force Report on the EU and the Prevention of Mass Atrocities, with particular reference to the current refugee crisis, counter extremism, and the rise of radical right as well as external crises

16. UK at the United Nations

- a) Continue to support proposals for voluntary restraint of veto powers by UNSC permanent members in contexts of mass atrocity crimes and work actively towards making the ACT proposal a reality
- b) Increase the UK’s role and capacity as a diplomatic broker at the UN and on the UNSC
- c) Take the lead in building greater, more skilled and dynamic peacekeeping capacities via the United Nations

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