

Written Evidence from Protection Approaches (BUR0023):

Executive Summary

1. This submission sets out a series of recommendations that would place Her Majesty's Government in a position from which to a) contribute to the collective responsibility to protect the Rohingya Muslim populations from identity-based violence and mass atrocities and b) better predict and prevent future atrocities in the region.
2. This submission surveys the UK's own response to ongoing atrocities against the Rohingya. Evidence presented here and by others make plain that today's crisis could have been prevented and indeed was predicted. This submission therefore sets out a series of recommendations to address the gaps between the UK's strong rhetorical commitments to prevent atrocities and the absence of a joined up, whole of government strategy charged with the prediction and prevention of mass atrocities.
3. **This submission provides:**
 - Immediate recommendations for Government action
 - Immediate recommendations for bilateral action
 - Longer term recommendations for Government
 - Recommendations for the Foreign Affairs Select Committee

About Protection Approaches:

4. Protection Approaches is the only organisation in the UK that works specifically to assist the UK in better predicting and preventing identity-based mass violence, particularly mass atrocity crimes (genocide, ethnic cleansing, crimes against humanity and war crimes). Protection Approaches is registered charity in England and Wales, charity number 1171433 For more information please see www.protectionapproaches.org.
5. This submission has been prepared by Dr. Kate Ferguson, Director of Research & Policy and Managing Director of Protection Approaches. Dr. Ferguson is an experienced analyst in the fields of atrocity prevention, violent extremism, and civilian protection. 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 Network on the Responsibility to Protect. She is Editor of Refugee History and Honorary Research Fellow at the University of East Anglia where she lectures on human rights. She has a PhD from UEA, and an M.Phil in Russian and East European Studies from the University of Oxford.

Rationale

6. Violence and conflict has plagued Myanmar for decades, much of which is directed by the state and its army against ethnic and religious minorities. Since before 2012, the Rohingya have been subject to a systematic process of identity-based violence and persecution that likely constitute crimes against humanity.
7. Other organisations including Amnesty International and Human Rights Watch are best placed to talk about what is happening on the ground, having well documented the persecution and atrocities committed against the Rohingya both before and since the outbreak of organized violence in 2012. From this wide pool of evidence, we have learned of horrifying accounts of torture, rape and arson at the hands of state and non-state actors

perpetrated against the Rohingya, as a Muslim minority group¹².

8. This submission surveys the UK's response to the crisis and current capacity and capabilities to improve or enhance its protection of populations in Myanmar from the gravest crimes.

9. In addition to the recommendations set out below, there is a clear need for the UK government to understand the violence from the viewpoint of local peace building and monitoring initiatives in the field, and working with diaspora groups here in the UK.

10. After two months of the most recent and extreme violence and mass displacement of the Rohingya, there still remains no UN Security Council resolution. The crisis faced by the Rohingya is a true test case for whether or not the international community have learned the lessons not just of the Holocaust, but of Rwanda, Bosnia, and Sudan. The UK government must work to uphold an international rules-based system, including but not limited to the 2005 outcome document on the Responsibility to Protect but also the UK's commitment to the principle of 'never again'.

11. When a state fails to protect their populations from mass atrocity crimes the responsibility to ensure the safety of groups at risk falls to the international community. This includes the United Kingdom. The responsibility to protect people from all forms of identity-based violence begins at home but extends around the world.

12. This commitment was set out at the 2005 World Summit, where the UN member states unanimously acknowledged the shared responsibility to protect people around the world from atrocity crimes. Successive UK governments have reiterated their commitment to this shared responsibility. Preventing conflict and building stability overseas is enshrined in numerous UK policy strands as being fundamental to the national interest³.

13. The UK stands firm in its rhetorical commitment to learn the lessons of the Holocaust, and of the international failure to prevent genocide and ethnic cleansing in Bosnia, Rwanda, and Sudan. Earlier this year a report was published conceived by the late Jo Cox MP and Conservative MP Tom Tugendhat to bring 'fresh thinking on how to prevent mass atrocities.' Over the summer, the Conservative Party launched its Declaration Against Genocide and Identity-Based Violence - a strong document that acknowledges the challenge as a party priority but one that stands above politics. And last week (October 17th) MPs from all parties took the opportunity to condemn the violence against the Rohingya and stand in solidarity with the victims.

14. Continued rhetorical commitment to protect vulnerable populations from atrocity crimes demonstrates that this is an issue of conscience not of politics and a priority that stands above parties. However, as last week's debate underlined there is a frustration that once the point of violence has been reached that very little can be done. In fact, there are a range of tools and strategies that the UK can employ at all levels of its government and across departments that can enhance its capacity to predict, build resilience to prevent and place the UK in a position where it can better uphold its responsibility to protect.

¹ Human Rights Watch, [All You Can Do is Pray: Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State](#), 2013

² Amnesty International, [My world is finished: Rohingya Targeted in Crimes Against Humanity in Myanmar](#), 2017

³ [2005 World Summit Outcome](#) United Nations General Assembly September 2005

15. First, there is a reluctance to acknowledge the challenges posed by mass atrocities or other forms of identity-based violence as being distinct from the agenda of preventing conflict. UK efforts to address mass atrocities too often fall between the cracks of conflict prevention, tackling violent extremism, and international development; or between DFID and FCO. While two thirds of atrocity crimes occur during armed conflict, the rest—including the violence taking place in Myanmar, do not.

16. As a result, after consistently topping global risk analyses for half a decade, the UK did not integrate atrocity prevention strategies into its Myanmar policy.

17. Applying an atrocity prevention “lens” does not mean reinventing the development or conflict prevention wheel. It simply means adapting or augmenting existing strategies in such a way that would help close gaps and encourage consistency. It can also mean integrating atrocity prevention concerns into existing human rights mechanisms as recommended by the new UN secretary general in his first report on the implementation of the Responsibility to Protect⁴. The absence of such an approach leaves gaps; an atrocity prevention strategy across government would help close these gaps and facilitate early preventative, upstream action and—once the point of violence has been reached—codify the manner in which the UK can act⁵

18. The failure to protect the Rohingya from the latest episode of violence was not one of early warning. Unchecked hate speech, lack of government control over security forces, presence of non-state and pseudo-non-state armed groups, growing nationalist support of the military and increased incidences of identity-based attack, were all serious indicators of the escalating violence against the Rohingya.

19. However, by enhancing its monitoring of the early warning signs that are distinct from the indicators of traditional conflict and instability, the UK would have been more alert to these indicators and therefore have been able to better predict and perhaps prevent the latest episode of identity-based mass violence. The UK does not currently integrate an index of risk factors for identity-based violence even through this would help predict incidence of violence extremism, mass atrocities, institutional violence, campaigns against LGBTQ+ communities, and other manifestations.

20. The gaps between early warning and early action need to be prioritised. Once half a million people have been displaced by a systematic campaign of identity-based violence, options for the International community on how best to protect them are invariably limited because the failure to protect has already occurred.

21. The UK’s capacity to protect the Rohingya extends beyond bringing an end to the violence and meeting the humanitarian needs of the displaced populations. A programmatic and diplomatic response must have the prediction and prevention of future atrocities at their heart.

22. The need to monitor and respond to indicators of identity based violence does not end once the violence has begun; as the UK government funded humanitarian assistance is

⁴ Implementing the Responsibility to Protect: Accountability for Prevention; Report of the Secretary-General United Nation August 2017.

⁵ Dr Kate Ferguson, [Maintaining momentum in a changing world: Atrocity prevention in UK policy](#) May 2017.

delivered in Myanmar, it is essential that a lens of prediction and prevention is integrated into activities and monitoring and evaluation. This would highlight indicators of identity based violence in the refugee camps such as grievance, rumour, hate speech and support for reprisals.

23. Likewise, the UK must ensure any strategy for Myanmar and the Rohingya addresses the roots of the crises not just the symptoms. While the majority of violence against the Rohingya is carried out via state, or non-state sponsored groups, the systematic discrimination, dehumanisation and delegitimisation of Rohingya is widespread. Plans to rebuild and resettle the Rohingya communities in Rakhine State must be accompanied by the need to address root causes of identity based violence and the processes that incite violence and promote impunity.

24. It was the absence of this 'lens' or focus that led to an incoherent UK position on Myanmar. The absence of a policy mechanism charged with predicting and responding to threats of mass atrocities had led to an incoherent and ineffectual UK policy on Myanmar. Concern expressed by the UK office at the UN was not matched in the UK's trade policy, in its international development focus, or in its wider diplomatic efforts. This hindered earlier, more effective protective interventions.

25. All the indicators of extreme identity-based violence have been high for over half a decade, before and since the UK lifted its trade embargo with Myanmar/Burma in 2013⁶. The latest episode of systematic identity-based violence, which began at the end of August of this year, was predicted by many but not visibly integrated into UK policy ⁷⁸⁹.

26. Any office of mechanism charged with viewing UK policymaking through a lens of preventing identity-based violence would have alerted others to the warning signs emerging from Myanmar and initiated a processes of sharing information, scrutinising UK policy, and communicating with other atrocity prevention and local stakeholders here in the UK and abroad. It could have provided advice gathered from previous cases and monitored indicators of risk - and assessed how the UK and/or other actors could best respond.

27. This recent crisis is a reminder that the UK, unlike the USA and other states, has no clear policy on atrocity prevention. There is a clear need for the UK government to build an effective atrocity prevention strategy into our foreign policies and international development strategies, with the ultimate objective being to not only protect the lives of those at risk but prevent atrocity crimes.

28. DfID continues to maintain that atrocity prevention is not an issue of international development. Therefore, far too often international development programming does not collect early warning signs nor seek to mitigate them. By framing atrocity prevention as a Foreign Affairs issue alone, the severely limits its capacity to contribute to the prediction and prevention of these crimes. Had a comprehensive and holistic strategy been applied, the escalating violence we see against the Rohingya in Myanmar today could have been prevented in the years since the outbreak of organized violence in 2012, had there been a

⁶ Department for International Trade [Embargos and Sanctions on Burma](#) August 2013

⁷ International Crisis Group [EU Watch List No 5](#) December 2015.

⁸ Harff, Barbara. "How to use risk assessment and early warning in the prevention and de-escalation of genocide and other mass atrocities." *Global Responsibility to Protect* 1, no. 4 (2009): 506-531.

⁹ Genocide Watch. [Genocide Watch Alert: Burma/Myanmar](#) 2015.

joined up atrocity prevention strategy.

29. Going forward, the UK should remember it occupies an almost unique role in Myanmar. Not only is DfID a leading aid donor to the country but efforts since lifting the trade embargo in 2013 to build bilateral trade relations have continued apace despite the escalating anti-Muslim violence in the provinces. According to the UK Department for Trade, UK goods exports to Burma increased by 239% between 2012 and 2013. While this was starting from a very low base, by 2015 there were 40 to 50 British companies estimated to have a presence in Burma. Efforts to build British business in Myanmar were supported by the British Government but stand at odds with calls by UK Ambassador to the UN, Matthew Rycroft, to refer the crisis to the UNSC. Reviewing bilateral trade relations offers the possibility of soft leverage; while general sanctions are unlikely to provide instant results, the role the UK government plays in promoting trade and business with the country cannot remain separate from the UK's commitment to protect vulnerable populations in Myanmar.

30. While predicting and preventing systemic violence is complex, difficult to prove, and often not politically salient, there are a series of concrete measures the UK could take which would strengthen its national capacity to predict, enhance its approach to prevention, and therefore increase its contribution to the shared responsibility to protect peoples around the world from the gravest crimes.

31. The continued escalation of violence against the Rohingya, and the ongoing atrocities in Syria, Iraq, Yemen, Burundi, Central African Republic, Sudan, South Sudan and elsewhere, show current approaches to international development and traditional conflict prevention are not working.

32. Moreover, the UK appears to be lagging behind the United States and others in its reluctance to acknowledge atrocity prevention as a specific global challenge and matter of national interest. FCO, DfID, MoD, and Home Office all have a role to play in ensuring that the UK upholds its responsibility, as too do the policy, security services, army, and NGOs. For example, the failure (or reluctance to) prosecute a individuals suspected of committing mass atrocity crimes resident in the UK illustrates the inconsistent application a commitment to tackling these grave crimes. 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.

33. Identity-based violence, of which mass atrocities are a particularly extreme manifestation, needs to be seen as a preventable, global phenomenon much like the challenges and threats posed by violent extremism. Violent extremism is itself a form of identity-based violence and many of the processes, pathways and risk factors PVE programmes seek to address also mitigate risks of atrocity crimes.

Recommendations:

34. While the international community, including the U.K has so far failed to adequately respond to the frequent warning signs and repeated episodes of identity-based mass violence in Myanmar, this there is still opportunity to HMG to play a policy-changing role. The immediate challenge is now about resolving a dire humanitarian crisis but it must also secure civilian protection. The solution to the Rohingya crisis will only be found by addressing roots of the politically motivated identity-based violence, which lie in the organs

and individuals of the Myanmar state but stretch throughout parts of the country's bureaucracy, public institutions, religious and cultural life and to the communities.

35. Immediate recommendations for Her Majesty's Government action:

- Work to secure a robust UN Security Council resolution that sets out a coherent roadmap for how the international community will uphold its shared responsibility to protect the Rohingya from ongoing atrocity crimes
- Use all diplomatic channels to call upon Myanmar's State Counsellor Aung San Suu Kyi and Commander of Myanmar Security Forces Sr. Gen. Min Aung to put an end to the violence and facilitate full, unfettered access to humanitarian aid and international observers.
- Support the UN Security Council and the European Union in imposing a comprehensive arms embargo and targeted travel bans, asset freezes, and sanctions against key figures of Myanmar's military and political elite.
- Work with regional partners and ASEAN in building multilateral support at the UN with nations and international organisations that have a vested interest in the economic and social welfare of Myanmar and in maintaining international peace and security in the region.

36. Immediate recommendations for bilateral action:

- Apply a whole-of-government holistic approach to all future decision-making regarding Myanmar, including in its diplomatic and trade relations, its aid delivery, in its refugee policy, through its Brexit negotiations, and in referring the situation in Myanmar to the International Criminal Court.
- Resource the Myanmar embassy with training on recognising and monitoring indicators of identity-based violence (such as grievance and hate speech, rumour) and in facilitating inter-communal dialogue.

**37. Long-term recommendations for Government:
Institutionalising atrocity prevention:**

Mass atrocity violence poses one of the biggest threats to global stability. This violence is on the rise. These crimes can often be prevented and it is clearly in the UK's national interest to do so:

The UK can make the following simple but effective changes to strengthen its contribution to the worldwide prevention of mass atrocity crimes:

- Acknowledge the prevention of identity-based violence and mass atrocities as a distinct global challenge and a national priority
- Adopt a whole of government approach to the global challenge of identity-based violence
- Integrate mass atrocity prevention into existing policy commitments and decision-making processes, on the party level and across government
- Create a cabinet portfolio or cross party special advisor with a mandate to raise early warning signs and make recommendations for action.
- Increase cross-party cooperation within parliament.

- Engage with the UK Working Group on Atrocity Prevention, coordinated by Protection Approaches.

37. Recommendations for the Foreign Affairs Select Committee

launch an enquiry into the UK's current strategy and capacity to predict and prevent mass atrocities in order to aid government in its stated commitments, to protect populations around the world from atrocity crimes, to promote stability overseas and to uphold the rules-based international system.

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