



# Atrocities Prevention Board

## Background, Performance, and Options

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By John Norris and Annie Malknecht      June 13, 2013



Center for American Progress



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# Introduction and summary

A little more than a year ago, President Barack Obama, during an address at the U.S. Holocaust Memorial Museum in Washington, D.C., announced the creation of the Atrocities Prevention Board, a White House-led initiative that would make the deterrence of genocide and mass atrocities “a core national security interest and core moral responsibility.”<sup>1</sup> The president’s remarks signaled that the prevention of wholesale violence would be a key focus of his administration’s foreign policy as he said, “We’re making sure that the United States government has the structures, the mechanisms to better prevent and respond to mass atrocities.”<sup>2</sup>

The Atrocities Prevention Board, or APB, a standing interagency committee led out of the White House, is the cornerstone of this effort.

With the APB having just completed its first anniversary and the nomination of Samantha Power to be U.N. ambassador, it is a useful time to take stock. This report details the history of the Atrocities Prevention Board and its current functions, assesses its relative accomplishments and challenges to date, and articulates a series of alternatives for how the APB might be institutionally organized and funded to best ensure that atrocity prevention within the U.S government is made both more effective and enduring.

The Atrocities Prevention Board’s record to date is decidedly mixed. On the positive side of the ledger, the APB has been highly active in its work, and it has helped focus participating agencies on atrocity prevention in important ways. Perhaps the board’s most notable successes have come in getting agencies that have traditionally paid little attention to atrocity prevention, such as the Departments of the Treasury and Justice, to develop new tools to pursue major human-rights abusers. The board has also done an admirable job working on important structural issues, such as employee training, that have the potential to yield significant benefits over the long term. By almost every account, APB members have been highly motivated and dedicated to their shared task.

But there are also serious concerns. First and foremost, the continuing tragedy in Syria has cast a pall over the board's work and has led many to sharply question its overall efficacy. In part because of the Syria situation, the board has also been troublingly reluctant to engage Congress and outside groups regarding its activities. Although this has improved somewhat in recent months, the board still operates with a level of minimal transparency, and its reluctance to share unclassified findings regarding its work ultimately makes that work less effective.

Because the Atrocities Prevention Board committed itself to being “budget neutral” when it was established and it is chaired at the National Security Council, or NSC, the board has also encountered some challenging operational limits as it has begun its work. It remains unclear whether the APB has sufficient public, institutional, and congressional support to survive a change of administration.

This report also proposes a number of budget and operational alternatives for the board going forward, ranging from largely maintaining the status quo to shifting where the APB is chaired and housed. At a bare minimum, the Atrocities Prevention Board will need to carry out its functions more transparently, and the administration should establish a bipartisan oversight mechanism for its operations.

# Atrocities Prevention Board: Background and structure

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## Background

Since a series of complex conflicts emerged in the immediate wake of the Cold War—most notably those in Rwanda and the former Yugoslavia in the early 1990s—the United States and its partners in the international community have grappled with the challenge of preventing genocide and mass atrocities.

Much has changed and improved within the international system since the early 1990s, but progress has remained uneven. Largely effective international diplomatic, humanitarian, and military interventions in places such as Sierra Leone, East Timor, Kosovo, Bosnia, and Libya significantly stymied mass atrocities. There has also been a major step forward with the development of the Responsibility to Protect doctrine, through which U.N. member states have acknowledged that sovereignty is not only a right but also a responsibility and that governments should not be allowed to abuse their citizenries with impunity. In addition, the establishment of the International Criminal Court has represented the first extended effort by the international community to hold perpetrators of war crimes, crimes against humanity, and genocide to account.

That said, and while “never again” has been the watchword of many politicians and activists, mass atrocities have remained a persistently recurring phenomenon on the global scene, including in situations such as Darfur, the Democratic Republic of the Congo, and now in Syria.

In 2007 a Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, was established. The Genocide Prevention Task Force published its recommendations in December 2008. Concluding that preventing genocide was “an achievable goal,” the task force recommended the creation of a new high-level interagency body—an Atrocities Prevention Committee—that would improve the U.S. government crisis-response systems, better equip the government to mount coherent and

timely preventive diplomacy strategies, and prepare interagency genocide-prevention and response plans for high-risk situations.<sup>3</sup>

The timing of the task force's report was clearly intended to influence the incoming Obama administration. Shortly after entering office, President Obama appointed Samantha Power as his special adviser for multilateral affairs, fueling speculation that the atrocity-prevention agenda would occupy a central place in the administration's approach to foreign policy. Known as an outspoken champion for human rights and genocide prevention, Power won a Pulitzer Prize in 2003 for her book, *A Problem from Hell*, which explored the challenge the U.S. government faces in genocide prevention.

The National Security Strategy, published in May 2010, made the first explicit reference to improving the United States' response to mass atrocities, laying the foundation for other administration actions to follow. In discussing the situation in Sudan, the document stated:

*The United States is committed to working with our allies and to strengthening our own capabilities ... in a strategic effort to prevent mass atrocities and genocide ... In the event that prevention fails, the United States will work multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities.<sup>4</sup>*

In addition, the U.S. Senate passed Concurrent Resolution 71 in December 2010 with bipartisan support, asserting that it was in the national interest to work with international partners and establish an interagency policy group to work on mass-atrocity and genocide prevention.<sup>5</sup>

The Obama administration's thinking on mass-atrocity prevention was most clearly crystalized with the August 2011 release of its Presidential Study Directive on Mass Atrocity Prevention, or PSD-10, of which Power was the lead author. The directive called for the establishment of an interagency atrocities-prevention mechanism; its primary purpose would be to “coordinate a whole of government approach to preventing mass atrocities and genocide.”<sup>6</sup>

Creating a standing interagency committee on atrocity prevention was an international first, for which the Obama administration deserves credit. PSD-10 granted the interagency group the authority to develop prevention strategies based on early

warning signs to “ensure that concerns are elevated for senior decision-making.”<sup>7</sup> The directive ordered officials to conduct a review of the existing tools available to the U.S. government to engage “early, proactively, and decisively” on mass-atrocity issues within 100 days. The directive then called for the establishment of an inter-agency prevention board within 20 days after the review was completed.<sup>8</sup>

The directive made clear that it viewed atrocity prevention across a broad spectrum of activities and rejected the notion that military responses were the only appropriate tool for dealing with such situations. PSD-10 targeted sanctions, visa bans, and enhanced civilian surge capabilities as potential tools that might need to be developed to better support atrocity prevention. PSD-10 also explicitly barred, for the first time, the admission to the United States of perpetrators or anyone suspected of being complicit in mass atrocities.

Civil society responded with enthusiasm to the release of PSD-10. Human Rights Watch, Human Rights First, and the Friends Committee on National Legislation, among others, released statements strongly supporting the president’s decision to elevate the atrocity-prevention agenda. There was no consensus among the groups about the contours of an agenda moving forward, but as Tom Malinowski of Human Rights Watch said, “these directives should help to overcome the bureaucratic resistance and indifference that often delays steps that might prevent such catastrophes in the first place.”<sup>9</sup>

Making the APB operational, however, took longer than planned. Instead of being established within 120 days per the PSD-10 directive, it took some 263 days before the APB was formally up and running.<sup>10</sup> While delays in implementing presidential directives are not uncommon, this also suggests that the team working on the APB at the National Security Council underestimated the complexity of institutional interests and concerns related to establishing such a standing interagency mechanism.

When President Obama launched the Atrocities Prevention Board in April 2012, he emphasized that based on the PSD-10 directive the APB’s mandate was to “lead a comprehensive review to assess the U.S. government’s anti-atrocity capabilities, and recommend reforms that would fill identified gaps in these capabilities.”<sup>11</sup> The intelligence community was tasked with producing a National Intelligence Estimate on the global risk for mass atrocities, and the Treasury Department was called upon to expand its sanctions program to include suspected human-rights abusers. The State Department was directed to engage multilateral stakeholders

to prevent mass atrocities from occurring and help establish better and improved training for those engaged in peacekeeping so that they could more effectively recognize the early signs of potential mass atrocities.

Having President Obama so personally engaged in the APB's rollout signaled commitment to addressing mass atrocities at the senior-most level and sent a very clear message to the agencies participating in the APB that this was to be an important White House priority. At the same time, the president's direct involvement also put considerable pressure on the APB to produce results quickly at a time when, by necessity, it would need to be engaged in determining its basic organization and functions.

In many ways, the APB was an unusual creation. In terms of process, it functions in the same fashion as scores of other inter-agency policy committees established over the years on everything from trade to climate change to health care where representatives from different government departments come together to hash out mutual policy concerns at a senior level. Yet, what made the APB unusual was that it was given a formal name, a formal mandate by the president through an executive review, and a high profile rollout. The administration discussed the APB as if it was an entity rather than a process, and many people in the outside community came to view it in that light.

Former special adviser Power, for example, repeatedly stressed during the rollout that the APB would be "budget neutral"—in other words, the APB would not create any staffing or financial demands upon the participating agencies beyond what they were already being appropriated. Such language would seem to be unnecessary if the administration perceived the APB simply to be a process for communication between agencies. The emphasis on budget neutrality made sense from a short-term tactical perspective: The APB was more likely to get a warm welcome on Capitol Hill if it was not seen as a costly piece of new architecture at a time of considerable budget austerity. From a long-term perspective, this emphasis on low-cost operations made less sense. Certainly, if atrocity prevention is fundamentally in the nation's strategic and moral interest, then it should follow that there are times as a nation that we will support it even if it is not budget neutral. (Indeed, it is difficult to think of any other area identified as a national strategic imperative where it was required that the mission be achieved on a budget-neutral basis.) Furthermore, the emphasis on budget neutrality put the APB in something of a box. If the APB were to be truly budget neutral, then it would not be in a position to staff itself with any kind of expanded secretariat and would instead rely on a handful of dedicated

personnel at the NSC working in conjunction with the participating agencies to carry out normal operations. As an interagency committee, there would be no obvious places to park resources if the APB was expanding or refining its scope of work. The APB had voluntarily imposed a ceiling on its operations.

Consequently, the Atrocities Prevention Board does not currently receive any funding as an independent entity. Given the impact of sequestration and other budget-tightening measures across government agencies, agencies will likely prove reluctant to make more funding available for APB-related activities, and the APB will likely continue to try to integrate its approaches into existing work streams rather than taking on new initiatives. Both the Genocide Prevention Task Force report and Concurrent Resolution 71 called for more “flexible contingency crisis funding,” and the Complex Crises Fund, which gives both the State Department and the U.S. Agency for International Development, or USAID, discretionary funds to “prevent and respond to emergency or unforeseen crises,” was created in 2010. Funding levels for the Complex Crises Fund have ranged from \$40 million to \$50 million annually since its inception, significantly below administration requests. The links between the fund and APB priorities are not entirely clear, although USAID has noted that it is currently in the process of looking at how it will disburse these funds to ensure that it best mainstreams atrocity-prevention efforts across the agency. It remains unlikely that any new pool of flexible funding will be created in the short term.

The APB consists of high-ranking representatives from 11 agencies, including the Departments of State, Defense, Treasury, Justice, and Homeland Security; the Joint Staff; USAID; the U.S. Mission to the United Nations; the Office of the Director of National Intelligence; the Central Intelligence Agency, or CIA; and the Office of the Vice President. It was led by Power in her role as special adviser for multilateral affairs at the National Security Council until February 2013, when Stephen Pomper succeeded her. At the APB’s launch event on April 23, 2012, its members were introduced and previewed their priorities. In terms of immediate crises, the situations in Syria and the Sudan-South Sudan were mentioned repeatedly, but APB members largely wanted to avoid responding to immediate problems and instead looked toward the future for prevention strategies. The panelists said that improving training for relevant personnel—including diplomats and members of the intelligence community, among others—and institutionalizing a procedure for atrocities prevention would be their top priorities. Maria Otero, former under secretary of state for democracy and global affairs, asserted that training civil servants would be a topline objective for the APB.<sup>12</sup> USAID Deputy

Administrator Donald Steinberg reported that at the first APB meeting, consensus was reached to integrate interagency personnel training so they have military, intelligence, and diplomatic knowledge.<sup>13</sup>

While APB panel members are assigned by their respective agency heads, it is also important to note that Power was able to pull together an initial group of APB panel members from the respective agencies with whom she was familiar and who were already largely recognized for their commitment and expertise in dealing with atrocity prevention. Again, this approach has proven to be a double-edged sword. While it has ensured high-quality representation on the APB from the respective agencies and has involved highly motivated people dedicated to making the APB work, it may be problematic over the long term as individuals rotate on and off of the APB. Because agencies were not given a set level or position for their involvement with the APB, the representation from agencies may become highly uneven over time.

While the human-rights community warmly welcomed the APB, it came under sharp criticism shortly after its launch, particularly from Sen. John McCain (R-AZ). Sen. McCain criticized the Obama administration for announcing the formation of the APB while failing to take more robust action to address the civil war in Syria.<sup>14</sup> The APB's other critics, largely from the right, echoed Sen. McCain's evaluation and also complained that establishing a board in the midst of a crisis was ineffectual and that the APB would add just another layer of bureaucracy to an already overworked government.<sup>15</sup>

The human-rights and peacebuilding community, while pleased by the formation of the APB, has been vexed by the relative lack of communication from the administration regarding the ongoing activities and purpose of the APB. Indeed, as soon as the APB was announced, it largely vanished from the public discourse, and it appeared that the APB's leadership had made a conscious decision to maintain as low a profile as possible with civil society, Congress, and the media—a tactical decision that has not always served it well. In recent months the APB has tried to engage outside constituencies more actively. A few days after the APB's one-year anniversary, the White House published a detailed fact sheet listing its efforts to prevent mass atrocities, including the formation of the APB. It was also announced that participating agencies would host consultations with civil-society groups, the first of which was hosted by USAID in May 2013. State Department officials also recently briefed congressional staffers on the state of the APB and its work. But with no regular public product in terms of annual reports, hearings,

or briefings, the APB remains vulnerable to simply being eliminated at some later date by an administration with differing priorities. While taking a low-profile approach has helped the APB avoid some potential controversies, it has also meant that outside support for the board remains shallow.

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## Structure

The APB and its associated structures currently meet according to the following schedule:

- Once a week, the “sub-APB,” made up of working-level staff from the participating agencies, meets, led by the director of War Crimes and Atrocity Issues at the NSC. These discussions largely focus on structural atrocity issues, such as how to improve training, rather than on specific regional threats. Each agency involved with the APB has its own team that deals with the strategies and tools necessary to make atrocity prevention stronger, although the number of staff committed to this effort varies widely by agency. The State Department and USAID have the largest numbers of personnel involved. APB board member Otero indicated that since August 2011 the State Department has had a functioning task force comprising 30 people meeting weekly on atrocity-prevention issues, with smaller working groups looking at more specific issues. Otero speculated that many of the other departments involved have created similar arrangements. It is important, however, to recognize that not all departments will behave similarly in how they approach their staffing related to the APB. The intelligence community, for example, has people committed full time to monitoring the risk of atrocities or genocide in various countries, although these people may not be directly linked to the work of the APB.
- Once a month, the APB meets at the assistant-secretary level with each agency’s representative reporting on important points raised during the weekly discussions and following up regarding assigned activities.
- Quarterly, deputy principals gather for a deep-dive analysis conducted on a geographic basis. With the assistance of an intelligence-community briefing, the quarterly meeting is designed to drive a substantial policy conversation regarding a country of potential concern. To date, some of the countries featured in these discussions have included Kenya, Burma, and Bangladesh. In selecting countries for consideration in such discussions, the APB has tried to identify

countries at a medium-term risk of mass atrocities—in other words, avoiding those countries already in the middle of substantial conflict or those where the potential for atrocities is an exceedingly long-term prospect. These conversations are designed to mobilize attention and resources within the respective agencies in an effort to avert atrocities in the countries under discussion and to pre-position resources and analysis so that each agency would be better prepared to respond to a nascent crisis within that country. While ambassadors may not always appreciate having the country to which they are assigned be the subject of such a review, such country-specific discussions do help sensitize ambassadors and regional personnel to the risk factors associated with mass atrocities and likely encourage more energetic efforts to avert such crises.

- Finally, the nine principals at the assistant-secretary level also conduct an annual review meeting, with the most recent of these meetings taking place sometime in spring 2013.

The Atrocities Prevention Board mandate requires that the APB present an annual report on its activities and successes to the president in January of each year.<sup>17</sup> No declassified version of this report has been made available to Congress or to the public. Most outside parties, including members of Congress, are unaware of its contents or even its existence. Providing the public with a declassified version of this report and briefing Congress on the classified contents of the report seems like the bare-minimum level of transparency to which the APB should aspire, although the fact sheet published by the White House in May 2013 did provide a cursory overview of its work.<sup>18</sup> Treating atrocity prevention with a level of secrecy similar to that accorded to national-intelligence reviews seems misguided.

The APB was also mandated to write an executive order detailing the responsibilities ascribed to agencies in preventing future mass atrocities and formally institutionalizing the board. This executive order was being drafted as this report was being finalized. It remains to be seen if any part of the executive order will be publicized, but, again, it is difficult to understand why the operations of an interagency group dedicated to preventing mass atrocities should be shrouded in secrecy. Indeed, such secrecy will only undercut support for the APB's work over the long haul, and it prevents the APB from leveraging civil-society knowledge and expertise to support its work.

The structure of the APB to date highlights a number of key operational questions.

## Should the focus of the APB's work be driven by a geographic or institutional focus?

Thus far, the APB has looked at both areas, considering specific country cases such as Kenya while also looking at broad institutional issues, including training of personnel and adopting appropriate policy toolkits. That is not unreasonable. But there are some clear challenges with regard to the APB's country-specific work. First, because the APB is a centralized interagency structure run out of the White House, its work will almost certainly engender a level of resentment from ambassadors and their embassy staffs, who view themselves as fully expert on any given country. Unless knowledge of how to prevent atrocities and conflict more broadly is more effectively mainstreamed across agencies, particularly at the State Department, the APB's involvement in setting country-specific policies will remain episodic and uneven. It also remains unclear how the APB will follow up over time with countries once they have been brought up for a deep-dive analysis. Over the course of time, the APB will soon have a score of countries across different regions on which it has conducted an analysis. What then? Will there be a running, after-action review for each country? Will a determination be made when a country graduates from such a watch list? Is the time horizon the APB uses to look at mass atrocities too near or too far?

## Is the APB setting itself up for burnout?

Maintaining a weekly schedule for sub-APB meetings is ambitious and may spark backlash from participating agencies over time—particularly those agencies such as the CIA that feel they are disproportionately carrying the analytical workload.<sup>19</sup> This is not to argue against a weekly effort to coordinate and discuss atrocity prevention; instead, it is a suggestion that the work of the APB, unless supported by some commensurate level of resources for the participating agencies, may lead to the breakdown of the system over time.

## What is the APB's relation to the State Department's Conflict and Stabilization Bureau?

The State Department's Bureau of Conflict and Stabilization Operations, or CSO, is charged with advancing U.S. national security by breaking cycles of violent conflict and mitigating crises in priority countries. The CSO engages in

conflict prevention, crisis response, and stabilization, all of which aim to address the underlying causes of violence.<sup>20</sup> The CSO is staffed with conflict-prevention experts who are deployed, usually as part of an interagency team, to help bolster the ability of different embassies around the globe in responding to and preventing conflict. In many ways, the APB and the CSO have highly complementary, if not overlapping, mandates. Yet both structures have struggled at times to gain public, congressional, and bureaucratic purchase, and both have encountered traditional foreign-service skepticism that they provide added value. Some clearer rationalization of the relationship between these two structures would be welcomed. Those interviewed for this paper expressed a wide variety of opinions regarding the ideal relationship between the APB and the CSO, including with regard to strengthening the CSO's civilian-response capabilities to include experts on atrocity prevention.

# Atrocities Prevention Board: Performance

## Accomplishments and changes

In January 2013 the APB called its second-only meeting with outside groups to provide updates on its work.<sup>21</sup> At that session a representative from each of the participating agencies was called upon to provide updates on its APB-related work since April 2012. One presenter argued that while the APB understands that the human-rights community and the public in general might like to see more interaction with the board, no one wanted to hear updates on paper shuffling within the U.S. government.<sup>22</sup>

But there have been some notable changes to the bureaucratic structure of the government to better enable the United States to respond to potential mass atrocities, which were discussed at the civil-society private meeting and outlined in the fact sheet released by the White House in May 2013. The Department of the Treasury has managed to place sanctions on suspected human-rights abusers in the Democratic Republic of Congo, Zimbabwe, Iran, and Burma, and, notably, on 41 entities or individuals in Syria or with ties to the embattled country. The Department of Justice now has prosecutors working on human-rights abuse cases; a fraud team is assisting in seizing assets of human-rights abusers; and the Department of Justice has also begun training its counterparts in other countries on how best to prosecute human-rights cases. The State Department has taken an approach designed more to foster a change in culture rather than produce unique products, although training for foreign-service officers in atrocity prevention was slated to begin in February 2013. The current status of this training program is unclear.<sup>23</sup>

USAID is developing and soliciting innovative technological approaches to identify early signs of potential mass atrocities and to better mobilize responses through a series of technology challenges for atrocity prevention issued to the public.<sup>24</sup> USAID is also providing toolkits to staff that include past experiences, listening sessions, lessons on laws, and rules that apply to atrocity prevention and

governance issues. In addition, USAID is developing a training program on these issues that will be mandatory for USAID employees in the field.<sup>25</sup> The Department of Homeland Security is working closely with the Departments of State, Treasury, and Justice to identify potential suspects when they apply for visas or are engaged in commercial activity through the United States, and Customs and Border Patrol is analyzing historical trade data to identify patterns of trade related to mass-atrocity activity.<sup>26</sup> Before the Rwandan genocide, for example, the Rwandan government ordered unusually large numbers of machetes that were distributed to loyalist forces for killing Tutsis.<sup>27</sup>

In general, the APB has been given very good marks for mobilizing new attention and action on mass-atrocity issues at federal departments, including the Departments of Homeland Security, Treasury, and Justice—departments that had previously paid comparably little attention to these issues—and this progress is significant in and of itself. In addition, both the State Department and USAID deserve high marks for dedicating increasingly large numbers of staff to conflict and mass-atrocity prevention.<sup>28</sup> Most respondents interviewed for this paper expressed a sense of disappointment with the Department of Defense’s overall commitment to the activities of the APB, and the Pentagon has made relatively few of its large staff available for these activities. Those defending the Pentagon’s level of commitment point to its work on the Mass Atrocity Response Operation Project, the former collaborative effort of the Harvard Kennedy School of Government and the U.S. Army Peacekeeping and Stability Operations Institute that aimed to enable the United States and other governments to prevent and halt genocide and mass atrocity through the effective use of military assets and force as part of a broader integrated strategy. Some within the APB also cite the challenges of working with the Pentagon because of its sheer size—a large institution unto itself with numerous internal power centers with which to contend.

Interviews with government officials and members of civil society have also suggested that the APB has provided the impetus for the federal government to take early action in a number of countries that might otherwise not have received such attention. Without a public airing of some of these actions, however, it is difficult to evaluate its impact in such situations.

On balance, the APB has made significant accomplishments in its first year, and the reluctance to share those highlights more broadly remains distressing. If the APB is hoping that silence will allow it to do its work without interference, the opposite may ultimately prove to be true. Several outside groups mentioned a December

2011 supportive “Dear Colleague” letter sent from a bipartisan group of 29 senators to the White House offering partnership in anticipating, preventing, and responding to genocide and other mass atrocities.<sup>29</sup> There appeared to be no formal White House response to the letter, further stressing the NSC-congressional relationship. To highlight this point, congressional staffers involved in foreign affairs have shared that they feel they are not in a position to offer criticism of or support for the APB because they were so completely in the dark about its operations, having had only one quick briefing with Samantha Power. One staffer noted that the APB had fallen to the bottom of their priority list because of the “radio silence,” further marginalizing the enterprise. If the APB continues to be seen as aggressively insular in its operations, it will find that it has fewer and fewer supporters to defend its operations or efficacy within civil society or in the halls of Congress.

In consulting with those involved with the APB and civil-society organizations concerned with the success of the board, there was a repeated concern expressed both inside and outside of the government that the APB needed to demonstrate “big wins” before it could consider asking Congress for money or going more public with its work. A request for more resources from Congress at this point, as one government official noted, would rightly elicit the response: “Money for what?”

A State Department official who works closely with the APB suggested that the board is considering several major legislative proposals designed to help prevent atrocities, and that crafting and passing such legislation might be seen as a major victory. Passing such legislation would then make it easier to request additional funding for the APB’s work. But that same official noted that this approach is problematic given that legislation is more of an “ask” than a “win,” particularly in the current budget environment. Moreover, as is often the case in the field of atrocity prevention, it is very difficult for the APB to claim causality when atrocities do not take place.

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## Libya and Syria: Two extremes

Although occurring before the establishment of the APB, the Libya intervention in 2011 was initially seen as a key barometer of President Obama’s approach to atrocity prevention. As Libyan President Moammar Qaddafi launched increasingly serious attacks against his own citizens to put down democracy protests, the United States and its NATO allies repeatedly cited U.N. “responsibility to protect” language in making the case for international intervention into what had become

a full-blown civil war. Established in 2005, the responsibility to protect states that “sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people.”<sup>30</sup> In a speech to the U.N. Human Rights Council in Geneva, Switzerland, on February 28, 2011, then-Secretary of State Hilary Clinton announced, “Through their actions they have lost the legitimacy to govern and the people of Libya have made themselves clear: It is time for Gaddafi to go—now without further violence or delay.” What was perhaps most striking about the use of the responsibility-to-protect language by the administration was the fact that it had very little to say on responsibility to protect prior to Libya.

On March 1, 2011, the Senate unanimously passed a nonbinding resolution calling for the United Nations to impose a no-fly zone over Libya, demanding President Qaddafi’s resignation and urging the U.S. Navy to position forces off the coast of Libya in preparation for an intervention. Soon after the U.N. Security Council called for President Qaddafi’s resignation and authorized military force to protect civilians. On March 19, 2011, NATO launched Operation Unified Protector, freezing Libyan assets, enforcing a no-fly zone over Libya, and providing military logistical assistance to the rebel movement. Most importantly for the APB, Samantha Power was seen as a key advocate of action in Libya. Shortly before President Obama announced his decision to intervene militarily, Power told an audience that a failure to act in Libya would have been “extremely chilling, deadly and indeed a stain on our collective conscience.”<sup>31</sup>

Over the next eight months, the United States and its allies assisted in ousting President Qaddafi and establishing the foundations of a transitional government. President Qaddafi was killed by Libyan rebels in October 2011, and days later the United Nations called for an end to the military intervention. Despite some controversy, the Libya intervention was widely, and rightly, seen as an effective international intervention based on reasonable merit. Some critics, however, also claimed that the United States was eager to move beyond the terms of the U.N. mandate and push for regime change rather than simply halting civilian casualties.

If Libya was seen as a high point for the administration’s embrace of the responsibility to protect and mass-atrocity prevention, Syria has clearly been a nadir. Much of the reluctance of the APB’s leadership to engage Congress or the public more broadly stems from the fact that the APB has been trying to set up its operations amid an ongoing mass atrocity in Syria, for which the international response has,

by any measure, been wanting. The geopolitics and operational realities of trying to stem the mass atrocities in Syria are admittedly excruciating, but so has been the human cost of the conflict.

Since the uprising began in February 2011, the United Nations estimates that at least 80,000 Syrians have been killed, around 4 million are internally displaced, and at least 1.5 million have fled the country entirely.<sup>32</sup> It is exactly the kind of carnage for which the APB was created to help prevent or diffuse.

A number of those within and outside the U.S. government argue that the APB has functioned as it should during the crisis. They point out that the APB was created to push decision making and policymaking on mass-atrocity situations to the highest levels in government and that the decisions on how to respond to the situation in Syria have been rigorously debated by the president, the secretaries of state and defense, the national security adviser, and other key players. They also note that the sub-APB group drafted policy recommendations for Syria but received no feedback from the Interagency Policy Committee that is responsible for addressing all dimensions of the conflict in Syria. They also argue that the APB has been influential in weighing options for accountability related to the perpetrators of atrocities in Syria. From this perspective, some policymakers argue that the APB is really better positioned to deal with crises that are over the horizon or for which there are warning signs rather than ones that are directly unfolding (beyond providing senior decision makers with alternatives and practices which they might pursue if they choose to do so). Certainly, the leadership of the APB would argue that it has been a very active player behind the scenes in the debate about how best to respond to Syria but that they, similar to everyone else, have only had a very unpalatable set of choices from which to pull.

Several points of this argument deserve response. First, the APB has been almost invisible from any administration outreach on its Syria policy, although Pomper, the board's head and a range of other APB members, have obviously been involved in interagency policy committee discussions on the topic. If the APB were central to discussions on contingency plans and how best to respond operationally, it is natural to expect that its members would appear prominently at White House press briefings, congressional hearings, or other important venues for discussion on the administration's policy. The APB's conspicuous absence from such public discussions have given the impression, rightly or wrongly, that the APB does do atrocity prevention, just not in Syria.

Second, it is difficult to imagine that the authors of the Genocide Prevention Task Force report or the human-rights community imagined an interagency atrocity-prevention mechanism that would be unable to visibly add value to an effort to halt a series of mass atrocities that have the potential to destabilize the Middle East region for years to come.

As the violence increases with each passing month, one might reasonably expect that a tool such as the APB would be employed to push the administration to take action to either stem the violence or provide more assistance to the Syrians. Certainly, it is possible that the APB has taken such action behind the scenes. Yet the fact that it is impossible to ascertain the APB's effectiveness in this environment bespeaks a major problem for the board both in terms of public relations and its fundamental justification for existence, as well as the continuing tension between regional specialists responsible for particular countries and functional policymakers responsible for critical issues. At a very minimum, APB members and leaders should be far more visible in the administration's outreach on this issue. Furthermore, while Power is to be lauded not only for her track record at the APB but also for her commitment to public service and her outspoken leadership as an activist committed to preventing mass atrocities, to have her depart the helm of the APB in the middle of ongoing massacres in Syria suggests that the APB is not central to shaping the administration's approach to the crisis.

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## Atrocities Prevention Board: Options

In its brief one-year history, the Atrocities Prevention Board has had notable successes, a normal share of bureaucratic turf battles won and lost, and a major Middle Eastern crisis with which to contend. But stepping back, a broader and more important set of questions emerges. Is the APB, as currently configured, positioned for long-term success? Will the APB be able to mobilize the resources it needs to be effective? With the departure of Samantha Power, will the APB prove to be an enduring mechanism for atrocity prevention, or will it disappear at the end of President Obama's second term?

Below, we discuss a number of alternatives for funding and structuring the APB and the relative merits of each option. It is important to note that the questions of funding and structure are in many ways inextricably linked and, as essentially an interagency policy committee, the APB as it currently stands cannot be directly appropriated funds or direct other agencies on how to spend their own resources.

## Option 1: Maintaining the status quo

The first and most obvious option is to maintain the APB as it is currently configured. The APB has made significant headway during its brief time in operation, and proponents of this option argue that far more time is needed to judge the APB's lasting effectiveness. The fact that the APB is directed and led out of the White House signals a very high level of political commitment to atrocity prevention, and any move or reconfiguration of the board could be construed as a downgrading of atrocity prevention as an administration priority. By having the APB led out of the White House, the APB is able to push for a high level of participating-agency commitment and to reasonably adjudicate policy differences between agencies when they arise. Furthermore, having the APB based out of the White House also offers a useful signal internationally that the United States views atrocity prevention as a priority and makes it easier to argue that like-minded governments should also establish their own atrocity-prevention mechanisms and structures. Based on extensive interviews with federal officials, the APB's work does seem to be helping foster a change in culture across a number of agencies.

But there are also some clear limits to the current arrangement, many of which stem from White House staffing quirks. Staff positions at the National Security Council are notoriously limited, and the White House personnel budget is perpetually under very tight political scrutiny. It would therefore be very difficult to dedicate additional staff within the NSC to work on the APB, and it was widely agreed among APB representatives that the White House would not be in a position to house a larger or permanent secretariat for the APB, which would obviously be beneficial to more regular and effective operations. In addition, because personnel slots are often tight at the White House, the NSC to a large degree relies on employees detailed (essentially on loan) from different agencies and departments. This in turn necessitates fairly high turnover of staff, as agencies and departments naturally balk at being short staffed while their employees temporarily serve at the NSC. The APB will therefore likely experience a fairly high rate of staff turnover in its operations. Such turnover is counterproductive for a board that places a premium on an understanding of the interagency process and familiarity with previous atrocity-prevention techniques.

The highly limited number of personnel at the White House also makes the APB vulnerable to simply being eliminated by a subsequent president eager to assign these staffers to a different priority. Given the relatively scarce congressional

engagement by the APB to date, it seems unlikely that a new president would face a hue and cry for doing so.

Having the APB based out of the White House also poses clear budget challenges. In addition to the self-imposed language of budget neutrality, the APB is not currently in a position to receive direct funding or to require agencies and departments to spend funds in a certain fashion. This raises concerns that over time the APB will be seen as a burden by participating agencies rather than as a source adding value. Indeed, if the APB is to maintain its current structure, discovering how it can best be seen by participating agencies as providing additive services and value will be key to its long-term survival.

There is also the issue of personality dependence within the APB. During her stint, Power handpicked the first APB members based on their prior work and commitment to atrocity issues. Within the civil-society community and even within the government, this project has been seen as Power's so-called baby—an undertaking that may not be able to thrive without her direct participation.

As the Obama administration begins its second term, there has been a significant amount of turnover, including Power. Recently a government official noted that in the few weeks since Power's departure, interest in the APB has not fallen, but the endurance of the remaining and new members remains to be seen.

If the administration wants to maintain the APB in its current form, the NSC should consider the following as the minimum modifications needed to ensure continued success:

- **Assign presidential management fellows to work on the APB within the National Security Council staff and participating agencies.** These positions are funded through the Office of Management and Budget and would not add to the White House budget, maintaining budget neutrality. After the two-year program, the fellows are given the option of making their position permanent, which could further institutionalize the APB.
- **Establish a uniform conflict-assessment framework to be used across all participating agencies.**
- **Make the executive order regarding the APB's operations public.**

- **Engage Congress and the public, possibly through annual testimonies or reports on the APB’s activities.** This will ensure credibility, transparency, and perhaps opportunities for funding.
- **Increase multilateral engagement.** The APB’s goals are not just a U.S. security interest but also in the interest of all nations. In order to be most effective, the United States will likely need to coordinate with other countries to prevent atrocities, as was the case in Libya.
- **Work to differentiate “atrocities prevention” from “conflict prevention” as an APB priority.** Doing so will be a valuable tool and will help prevent any confusion of its work with the Bureau for Conflict and Stabilization Operations, which currently has a weak relationship with the APB.
- **Establish a bipartisan oversight board.** The board structure of the Millennium Challenge Corporation, or MCC, offers a useful model for how a board can build broad bipartisan support for an organization while strengthening oversight and input. The MCC’s board of directors consists of five government officials and four private-sector members. U.S. government representatives include the Secretary of the Treasury, the U.S. trade representative, the USAID administrator, the MCC chief executive officer, and the secretary of state, who serves as chair of the board. The four private-sector board members are each recommended by the majority and minority leaders in the Senate and House of Representatives and officially appointed by the president. The MCC board is thus able to include the perspectives of multiple agencies, as well as bipartisan input from Congress. The MCC board meets quarterly to make decisions on its funding selections and policy priorities, encouraging buy-in and support of the MCC model and principles. The meetings are private and off the record, which allows for more open and frank discussions. Instituting a model similar to this could be greatly beneficial to the APB. First, having APB principals engaged quarterly, as opposed to once per year, would provide the sub-APB more opportunities to directly engage and ensure messages are being heard at the top. Second, appointing interested outside experts would also expand the APB’s knowledge base and increase its credibility outside the U.S. government, especially with its key audience—human-rights groups. Third, allowing Congress to have the nominal role of appointing nongovernment participants would provide the sense of inclusion without ceding overall control of the process. Fourth, the MCC experience has demonstrated that the board is genuinely useful and has helped sharpen decision making within the agency.

## Option 2: Establishing a contingency fund

The Genocide Prevention Task Force and numerous other analyses have suggested that a contingency fund would provide a valuable contribution to efforts to prevent mass atrocities, and there is little dispute in that regard. Particularly in the current budget and political environment, however, it would not be easy to create a new fund and have it managed out of the White House.

While USAID, through the existing Complex Crises Fund, has received \$40 million to \$50 million of contingency funding for complex emergencies annually, this is a rather modest amount, and it is designed to apply across USAID and the State Department, not the whole government. While the administration has clearly considered the creation of a larger and more central contingency fund for atrocity prevention, it is understandably reluctant to pursue any such plans with Congress until it has higher-profile successes to which to point. This creates something of a “chicken and egg” problem: The administration wants demonstrable high-profile atrocity-prevention successes before it asks for contingency funds, but such successes may be elusive without greater resources.

A modest in-between step would be to give the APB greater influence in recommending that specific ambassadorial posts are given additional expert staffing to help address situations where there are concerns regarding potential mass atrocities. Such additional staff should be assigned for no less than a year to a given post. As things are currently constructed, APB or CSO attention on a given country usually means an influx of short-term tour of duty, or temporary duty, staffs that provide a limited assessment of the situation on the ground and recommend next steps. Ambassadors and other embassy officials might be far more receptive to attention from the APB if it actually provided them with additional expert staff who reported directly to them and addressed an area of mutually identified concern.

Such an approach would go a long way toward helping ambassadors see the APB as a value-added operation rather than simply a bureaucratic challenge to be managed. This strategy would not necessarily require the creation of a special contingency fund, although it would obviously be useful. Instead, it would require an executive order and/or agreement by the participating agencies and their respective personnel structures that mass-atrocity prevention is of sufficient importance that it would require a more flexible approach to deploying personnel. Equally important, personnel assigned on an emergency basis through such a system

would need to have the requisite expertise to make an impact on atrocity prevention above and beyond regular embassy and USAID mission functions.

### Option 3: Establish a joint White House-Department of Defense-State Department secretariat

A more radical approach to addressing the budgetary and operational constraints on the APB would be to make the APB jointly co-chaired by the White House, the Department of Defense, and the Department of State. Such a move would allow the APB to develop a much more robust and full-time secretariat, able to manage the flow of communication and analysis between agencies. It would also encourage a stronger sense of institutional memory regarding the operations of the APB, given that staff at the Defense Department and State Department tend to rotate less frequently than at the NSC. Importantly, such a move would also allow the APB to receive direct funding for its operations through a regularized budget process, either through budgets of the State Department or Defense Department or both. With White House, State Department, and Defense Department involvement, there would likely not be any drop-off in participation from the Departments of the Treasury or Justice or the CIA given the traditional institutional rivalries when it comes to international affairs. On balance, the greatest attractiveness of this approach would be to give the APB much stronger and more permanent institutional footing with a real flow of resources behind it.

There are also a number of downsides to such an approach. Even if it were housed jointly the Departments of Defense and State, the APB would still need to make the case for the merits of its budget on the Hill, and the experience of the CSO to date in persuading Congress that such activities are worthy of funding has not always been salutary. In addition, some activists would argue that any move away from having the White House solely lead and direct the APB is tantamount to atrocity being downgraded by the administration as a priority. Lastly, there have been numerous previous examples where joint Department of Defense-Department of State control of activities or funding has led to the Department of Defense largely dominating the conversation regarding how these funds and activities should be directed. Although the State Department technically directs many military assistance programs, with the Pentagon actually carrying out the training, in reality, State Department oversight has often been little more than a rubber stamp.

#### Option 4: Replicate Office of National Drug Control Policy structure

The Office of National Drug Control Policy, or ONDCP, is an interagency group chaired by the White House committed to promoting public health and reducing drug abuse through community-based programs. While the issues covered by the ONDCP are vastly different from those of the APB, the structure of the office provides an interesting model that could potentially be replicated by the APB. With the participation of 13 agencies, the ONDCP is led by a secretariat housed at the Executive Office of the President, which oversees the budget and overall strategy and is subject to the Open Government Initiative, the Obama administration's large-scale effort to ensure accountability throughout government through a series of "report cards" on an agency's transparency. The Office of National Drug Control Policy generally makes its planning and activities well known to the public.

While publishing the governments' atrocity-prevention plans could be somewhat sensitive, doing so could help deter foreign actors from pursuing acts of mass atrocity. What's more, simple bureaucratic changes are often not sensitive-enough information to warrant being kept from the public. In the case of the Office of National Drug Control Policy, some could argue equally that publishing information about the war on drugs might hinder overall efforts, but with both drug control and atrocity prevention, there should be a reasonable standard of transparency applied.

Perhaps most importantly, the ONDCP model would give the Atrocities Prevention Board two important tools: a regular platform to effectively use the bully pulpit on the importance of preventing mass atrocities; and sufficient budget and staffing so that it could manage a secretariat for its efforts. Some would argue that the war on drugs is an easier issue area on which to establish a quasi-independent office within the White House, but there is no reason that a so-called atrocities czar couldn't mobilize interagency action in the same fashion that the drug czar has.

#### Option 5: Overlap with Bureau of Conflict and Stabilization Operations

Given the significant intersection between the work of the APB and the Bureau of Conflict and Stabilization Operations at the State Department, it might make sense to explore if their work could be integrated into a single functioning whole.

An exploration of this possibility would logically be conducted through the next round of the Quadrennial Diplomacy and Development Review, the State Department's blueprint to coordinate its missions and resources with USAID to increase efficacy. In some sense, the CSO would make a logical fit as the operational arm of the APB, in that it would be able to rapidly deploy to the field, develop interagency assessments, and serve as a reservoir of best practices to mitigate and prevent major conflicts. While the CSO has enjoyed dedicated funding and personnel, it has often lacked the high-level political buy-in that is most crucial to make it a success. The APB has had just the opposite challenge, with very high-level political buy-in from the White House but limited resources to move its agenda forward. A marriage of the two might make both more effective.

Such a course of action is obviously not without risks. Bureaucratic reorganizations often bring about major turf battles that distract from the task at hand, and such reorganization could be seen as diminishing the effectiveness or importance of both the APB's and the CSO's work if not handled properly.



# Conclusion

The Atrocities Prevention Board's record after one year is decidedly mixed. It has brought new attention and energy to atrocity-prevention efforts in agencies where this issue has often been neglected, and it has started a very useful conversation about the systemic changes necessary to better train government employees in the language and techniques of atrocity prevention. The APB has been highly active, and it has operated at an up tempo. The process of bringing together key inter-agency players around shared analytical efforts is of obvious utility, and the APB's efforts have helped propel country teams on the ground to embrace more conflict-sensitive approaches to both diplomacy and development.

Yet there are other areas where the glass remains significantly less than half full. The APB treats public and congressional engagement as onerous, ultimately undermining its credibility and support, although it has made important steps to be consultative in recent months. Engagement with Congress and with the public is not only essential to broadening support for the APB, but it is ultimately instrumental in the fundamental operational task of preventing mass atrocities. While there have been some modest steps toward broader public engagement, the default still seems to be that the less the public knows about the APB, the better.

Moreover, the APB has yet to secure a durable place within the federal bureaucracy, and it would remain all too easy for the APB to be disbanded at a later date without any public or congressional backlash.

There are a number of structural changes that could be adopted to ensure a more efficient and transparent APB. Establishing a bipartisan board along the lines employed by the Millennium Challenge Corporation would give the APB greater heft, a stronger base of support, and much-needed oversight. In addition, the APB could also evolve into a structure closer to that of the Office of National Drug Policy over time, allowing it a more effective and better-resourced platform from which to work. As Syria demonstrates by the day, the work of atrocity prevention is as needed as it is unfinished.



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## Timeline of the Atrocities Prevention Board

2008

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**December 2008** The Genocide Prevention Task Force publishes its findings concluding that preventing genocide is “an achievable goal”; the task force recommended the creation of a new high-level interagency body.

2009

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2010

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**January 2009:** President Obama takes office and appoints Samantha Power as special assistant for multilateral affairs.

**May 2010:** The National Security Strategy is published. The strategy makes an explicit statement that the United States needs to ensure that it is proactively engaged in preventing mass atrocities and genocide.

**August 2010:** The Senate introduces and eventually passes Concurrent Resolution 71, reaffirming that genocide prevention is in the national interest and supporting the creation of an interagency policy board at the National Security Council.

**December 15, 2010:** The State Department launches the first Quadrennial Diplomacy and Development Review, or QDDR, which calls for the United States to “coordinate crisis response through a new international operational response framework which will draw on the capabilities and expertise found across federal agencies and improve civil-military collaboration.”<sup>33</sup>

**March 2011:** President Bashar al-Assad of Syria begins a violent crackdown on a growing uprising in Aleppo, as people take to the streets to protest the authoritarian government. Violence and unrest continues to intensify for the next two years.



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**March 2011:** The United States and NATO allies launch Operation Unified Protector, with Senate and U.N. approval, to assist the Libyan people in ousting President Moammar Qaddafi. The military intervention is completed in October 2011, shortly after President Qaddafi's death.

**August 2011:** President Obama explicitly calls for President Assad to step down. He issues an executive order freezing all Syrian assets subject to U.S. jurisdiction but refuses to provide resources or recognition for the Syrian opposition.

**August 4, 2011:** The Presidential Study Directive to Prevent Mass Atrocities, or PSD-10, is released. PSD-10 calls for the examination of current policies and the establishment of an interagency board 100 days from publication.

**November 2011:** The State Department establishes the Bureau of Conflict and Stabilization Office, or CSO, as mandated by the QDDR. The mission of the CSO is to “help countries and people find the road away from conflict and toward peace”<sup>34</sup> through on-the-ground analysis and create strategies to focus resources and programming.

**December 2011:** A “Dear Colleague” letter is sent from a bipartisan group of 29 senators to offer partnership in anticipating, preventing, and responding to genocide and other mass atrocities. It received no response from the White House.

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2012

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**April 23, 2012:** The Atrocities Prevention Board is officially launched, 263 days after the publication of PSD-10.

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**December 2012:** The United States officially recognizes the Syrian opposition coalition.

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**February 15, 2013:** Samantha Power steps down from the NSC. Stephen Pomper takes over the APB.

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**February 28, 2013:** The U.N. Refugee Agency estimates the number of Syrian refugees has surpassed 1 million people. Secretary of State John Kerry announces the U.S. commitment to provide \$60 million in aid to Syrian rebels in the form of rations and medical supplies.

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**April 23, 2013:** Israel alleges the use of chemical weapons in Syria. Disagreement continues over whether the Syrian government or rebel groups are responsible.

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2013

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**May 2013:** The White House releases the first fact sheet on the APB since its establishment, and USAID hosts the first public consultation on the APB with human-rights organizations.

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The U.N. Refugee Agency updates the number of Syrian refugees to 1.5 million and the number of internally displaced persons, or IDPs, in Syria to 4 million. Vuk Jeremić, the president of the U.N. General Assembly, states that at least 80,000 people have been killed in the Syrian conflict.

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