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# DEVELOPING A UK ATROCITY PREVENTION STRATEGY

## The Need for a Whole-of-Government Approach

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This brief draws insight from a 2022 written evidence submission by **Federica D'Alessandra** and **Gwendolyn Whidden** at the Oxford Programme on International Peace and Security (IPS) of the Blavatnik School of Government's Institute for Ethics, Law and Armed Conflict (ELAC) in response to a UK parliamentary inquiry titled **Promoting Dialogue and Preventing Atrocities: The UK Government Approach**. The inquiry was launched by the International Development Committee in December 2021 to evaluate the effectiveness of the UK government's approach to atrocity prevention both within and outside conflicts, as a part of the Committee's wider work to monitor humanitarian crises and strengthen the focus on their prevention. IPS's original written evidence submission, which was published by the Committee in February 2022, is available at: <https://committees.parliament.uk/writtenevidence/42826/pdf/>. The Committee's final report published in October 2022, *From Srebrenica to a Safer Tomorrow: Preventing Future Mass Atrocities Around the World*, is available at: <https://committees.parliament.uk/publications/30270/documents/175201/default/>.

# Developing a UK Atrocity Prevention Strategy: The Need for a Whole-of-Government Approach

## Executive Summary

The recent selection of a new leader of government in the United Kingdom has created **both the opportunity and a responsibility** for Her Majesty's Government (HMG) to improve and restructure its approach to atrocity prevention, particularly in light of the ongoing atrocities in Ukraine, as well as in Syria, Yemen, Myanmar and countless other situations. More specifically, it has placed **new urgency on the need for HMG to develop a government-wide strategy to anticipate, prevent and respond to atrocities**, similarly to what other countries have already done.<sup>1</sup> Although atrocity prevention and response are already implicit in both HMG's national security strategy and its foreign policy priorities,<sup>2</sup> and while HMG has made notable recent commitments with respect to atrocity prevention and response, we believe there are a number of ways in which HMG can yet strengthen this approach. This policy brief—which draws insight from the Oxford Programme on International Peace and Security (IPS)'s original written evidence submission to the International Development Committee (IDC) inquiry *Promoting Dialogue and Preventing Atrocities: The UK Government Approach* and from the work of other civil society organisations active on this topic, most notably members of the UK Civil Society Atrocity Prevention Working Group—will set out what we consider the ideal blueprint for how this can be achieved. First and foremost, we recommend HMG **clearly distinguish its atrocity prevention strategy** from its conflict prevention workstream. To do so, we recommend the Foreign, Commonwealth and Development Office (FCDO) develop a **national, cross-departmental mass atrocity prevention strategy** alongside HMG's conflict prevention workstream. We also recommend the FCDO **develop and institutionalise an integrated architecture** that coordinates the implementation of such new capabilities across government. Furthermore, we advance the view that **more research is needed** to help policymakers understand how atrocity prevention interacts with other government policies and areas of work. For this reason, we recommend HMG **commissions and commits to funding further research** on the intersection between atrocity prevention and contiguous workstreams. Finally, we propose a **broader set of tools and strategies** we believe should be pursued alongside internal bureaucratic restructuring and strategic planning to further strengthen UK commitments to and leadership on atrocity prevention on the global stage.

## The UK's Current Approach to Atrocity Prevention

Preventing and responding to atrocities is vital to both the UK's standing in the world<sup>3</sup> and to the protection and furtherance of its fundamental interests and values.<sup>4</sup> We believe, as others do, that the Integrated Review of 2021 and the decision to merge the Department for International Development and the Foreign and Commonwealth Office have created a

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<sup>1</sup> See, for example, US Department of State, *2022 United States Strategy to Anticipate, Prevent and Respond to Atrocities*, 15 July 2022, <https://www.state.gov/2022-united-states-strategy-to-anticipate-prevent-and-respond-to-atrocities/>.

<sup>2</sup> Ben Willis, Written Evidence submitted to the Foreign Affairs Committee inquiry on 'The FCDO and the Integrated Review', INR0020, May 2020, <https://committees.parliament.uk/writtenevidence/4373/html/>.

<sup>3</sup> Jess Gifkins, Samuel Jarvis and Jason Ralph, 'Global Britain in the United Nations', *United Nations Association – UK*, February 2019, [https://una.org.uk/sites/default/files/UNA-UK\\_GlobalBritain\\_20190207d.pdf](https://una.org.uk/sites/default/files/UNA-UK_GlobalBritain_20190207d.pdf).

<sup>4</sup> Federica D'Alessandra, Kirsty Sutherland and Henry Wu, Written Evidence submitted to the International Relations and Defence Committee inquiry on 'The UK's Security and Trade Relationship with China', April 2021, <https://committees.parliament.uk/writtenevidence/40095/html/>.

**genuine opportunity to better integrate atrocity prevention** across UK policy and governmental structure.<sup>5</sup> We also believe that, from Ukraine to Myanmar, China, Ethiopia and countless other situations in which atrocities are being perpetrated, the current moment has **heightened the need for timely and effective State action** to anticipate, prevent and respond to atrocities. Widely acknowledged challenges within the International Criminal Court (ICC) system, as well as persistent gridlock within the UN Security Council (UNSC)—two of the premier international institutions charged with protection responsibilities—have only served to underscore this fact.

Against this background, we have welcomed the recent developments and commitments HMG and other branches of government have made with respect to atrocity prevention and response, including, *inter alia*: the launch in December 2021 of a parliamentary inquiry into the effectiveness of the UK's approach to atrocity prevention, to which our Institute submitted written evidence, and publication in October 2022 of the International Development Committee (IDC) report *From Srebrenica to a Safer Tomorrow: Preventing Future Mass Atrocities Around the World*;<sup>6</sup> the publication in 2019 of the cross-departmental guidance note on the UK's national approach to atrocity prevention;<sup>7</sup> the appointment of Lord Ahmad as the minister with responsibility for atrocity prevention; the announcement of the establishment of a new Conflict Centre within FCDO to 'draw on expertise from across government and beyond to develop and lead a strategic conflict agenda'<sup>8</sup>; and the ongoing commitment to the Preventing Sexual Violence in Conflict Initiative (PSVI).<sup>9</sup> These steps demonstrate HMG's commitment to making atrocity prevention a foreign policy priority, and reflect the crucial role and leadership of HMG in preventing and responding to atrocities worldwide. Nonetheless, and in line with recommendations of the IDC's report, we believe there are **three principal limitations** to the UK government's current approach to atrocity prevention that have and will continue to inhibit its ability to prevent and respond to mass atrocities.

## Limitations of the UK's current approach

### (I) Conflating atrocity prevention with conflict prevention

First, the UK's current approach to atrocity prevention **conflates atrocity prevention with conflict prevention**, particularly through subsuming the workstream under the government's wider approach to conflict prevention.<sup>10</sup> Yet, while many atrocities do occur in the context of armed conflict, **not all conflicts give rise to mass atrocities, and many atrocities occur in the absence of armed conflict**.<sup>11</sup> Moreover, while strategically aligned, **conflict prevention**

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<sup>5</sup> UK Civil Society Atrocity Prevention Working Group, 'Integrating Atrocity Prevention Across UK Policy: The Need for a National Strategy', Written Evidence submitted to the Cabinet Office's Integrated Review of International Policy, August 2022, <https://protectionapproaches.org/news/f/submission-to-the-integrated-review-of-uk-international-policy>.

<sup>6</sup> International Development Committee (IDC), 'Inquiry Seeks to Prevent Atrocities in Bosnia and Beyond', 1 December 2021, <https://committees.parliament.uk/committee/98/international-development-committee/news/159302/inquiry-seeks-to-prevent-atrocities-in-bosnia-and-beyond/>;

International Development Committee (IDC), *From Srebrenica to a Safer Tomorrow: Preventing Future Mass Atrocities Around the World*, 11 October 2022, <https://committees.parliament.uk/publications/30270/documents/175201/default/>.

<sup>7</sup> Foreign, Commonwealth and Development Office (FCDO), *UK Approach to Preventing Mass Atrocities*, 16 July 2019, <https://www.gov.uk/government/publications/uk-approach-to-preventing-mass-atrocities/uk-approach-to-preventing-mass-atrocities>.

<sup>8</sup> Her Majesty's Government (HMG), *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy*, March 2021, <https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy>.

<sup>9</sup> Foreign, Commonwealth and Development Office (FCDO), 'Preventing Sexual Violence in Conflict Initiative', <https://www.gov.uk/government/organisations/preventing-sexual-violence-in-conflict-initiative>.

<sup>10</sup> House of Commons, *Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond – Government Response to the Committee's Second Report*, Fifth Special Report of Session 2021-22, 14 November 2021, <https://committees.parliament.uk/publications/7818/documents/81312/default/>, p 16.

<sup>11</sup> Orly Stern and Clare Brown, 'Mainstreaming Atrocity Prevention: Seeing Fragility, Conflict, and Violence Programming through an Atrocity Prevention Lens', *Oxford Institute for Ethics, Law and Armed Conflict*, February 2022, [https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief\\_Mainstreaming-AP-in-FCV.pdf](https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief_Mainstreaming-AP-in-FCV.pdf). Also see: Alex Bellamy, *Mass Atrocities and Armed Conflict: Links, Distinctions, and Implications for the Responsibility to Prevent*, The Stanley Foundation, February 2011,

**and atrocity prevention have important operational differences** and risk, at times working at cross-purposes. There are three main reasons for this:<sup>12</sup>

1. **Conflict prevention and atrocity prevention have different logics and separate objectives.** While atrocity prevention targets a specific actor and seeks to dissuade it from committing atrocities, conflict prevention targets all relevant parties and seeks to produce consensus and compromise among them. When ongoing or the imminent threat of atrocities arise, preventing the commission of atrocities requires targeted measures designed to persuade, deter or even coerce specific actors seeking to commit atrocities. Such measures are rarely suitable for the purposes of conflict prevention in general.
2. **Conflict prevention tools and strategies are sometimes unsuited—or indeed diametrically opposed—to the prevention of mass atrocities.** In Bosnia during the 1990s, for example, the international community prioritised conflict resolution over atrocity prevention while ongoing mass atrocities were being committed primarily by one party. When an arms embargo was imposed on both the perpetrators and victims of atrocities—a well-founded conflict prevention strategy—it inhibited the capacity of victims to protect themselves from threats of violence.<sup>13</sup>
3. **Conflict prevention efforts may inadvertently create perverse incentives in the context of atrocities.** Take, for example, the negotiation of peace and ceasefire agreements: armed groups may utilise violence against civilians as a way to ensure themselves a seat at the negotiating table, or leverage commitments to cease attacks as a bargaining tool in negotiations.<sup>14</sup> In the long term, peace deals that include amnesties for past atrocities and de-prioritise justice and accountability foster a culture of impunity and may fuel future cycles of violence.<sup>15</sup>

These are only a few of the conceptual and operational differences between these interrelated yet distinct agendas. Yet, we believe, they go a long way to demonstrate the **real need to decouple atrocity prevention from conflict prevention**.

## (II) Bureaucratically siloing atrocity prevention and response

*Second*, as a result of the government's conflation of atrocity prevention with conflict prevention, assessment of the risk of atrocities and decisions about how best to respond **remains bureaucratically siloed within the FCDO, preventing both robust preventive action and real-time atrocity response**. Robust atrocity prevention requires a variety of capacities at multiple stages, including both upstream prevention, swift response to situations of risk, effective crisis response and pursuit of the full range of justice options in the wake of atrocities.<sup>16</sup> The latter involves the documentation of atrocities and the pursuit of criminal accountability, but also the promotion of transitional justice mechanisms, such as truth-telling, reparations and memorialisation. Such post-hoc responses are not only important in their own right, but also contribute to upstream prevention by acknowledging harm, resolving underlying grievances and breaking cycles of retribution.<sup>17</sup>

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<https://stanleycenter.org/publications/pab/BellamyPAB22011.pdf>; Michael Jones and Kate Ferguson, 'Between War and Peace: Preventing Mass Atrocities Outside Armed Conflict', *Royal United Services Institute (RUSI)*, 21 May 2021, <https://rusi.org/explore-our-research/publications/rusi-newsbrief/between-war-and-peace-preventing-mass-atrocities-outside-armed-conflict>.

<sup>12</sup> Ibid.

<sup>13</sup> United Nations Association – UK, 'UNA-UK Disappointed by UK's Response to Foreign Affairs Committee Inquiry on Humanitarian Intervention', 21 November 2018, <https://una.org.uk/news/una-uk-disappointed-uk-s-response-foreign-affairs-committee-inquiry-humanitarian-intervention>.

<sup>14</sup> Bellamy, *Mass Atrocities and Armed Conflict*, p 12; Protection Approaches, Written Evidence submission to the World Bank Group consultation on the Strategy for Fragility, Conflict and Violence, [https://consultations.worldbank.org/sites/default/files/consultation-template/world-bank-group-strategy-fragility-conflict-and-violence/submissions/protection\\_approaches\\_wbq\\_submission\\_150719.pdf](https://consultations.worldbank.org/sites/default/files/consultation-template/world-bank-group-strategy-fragility-conflict-and-violence/submissions/protection_approaches_wbq_submission_150719.pdf).

<sup>15</sup> Stern and Brown, 'Mainstreaming Atrocity Prevention'.

<sup>16</sup> Beth Van Schaack, 'Atrocities Prevention & Response: A Good Governance Blueprint', *American Bar Association*, October 2021, [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/atrocity-crimes-initiative/van-schaack-atrocities-prevention-blueprint-white-paper-2021.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/atrocity-crimes-initiative/van-schaack-atrocities-prevention-blueprint-white-paper-2021.pdf), p 10.

<sup>17</sup> Ibid.

Atrocity prevention and response thus involve both long-term preventive planning, crisis mitigation, emergency response, real-time documentation and post-hoc justice and accountability, and **require the deployment of wide range of tools that do not fall exclusively under the purview of the FCDO** and, we submit, would be implemented more effectively and efficiently through cross-departmental coordination.<sup>18</sup> These include, most notably:<sup>19</sup>

- Promoting human rights through routine engagement with domestic human rights concerns via bilateral diplomatic, trade and security channels and multilateral forums;
- Promoting good governance, rule of law and democratic institutions;
- Supporting disarmament and arms control processes;
- Imposing targeted sanctions, including arms embargoes, travel bans and asset freezes;
- Suspending aid, economic and diplomatic ties;
- Supplying humanitarian assistance;
- Providing asylum and refugee resettlement;
- Addressing hate speech and incitement through peacebuilding initiatives, public diplomacy, strategic communications and engagement with the private sector;
- Supporting documentation and accountability mechanisms at both the international and local level;
- Investing in peacebuilding initiatives and transitional justice mechanisms;
- Training armed forces and other parties to a conflict in international humanitarian law; and
- Recommending a role for regional or UN peacekeeping missions, including UK involvement therein.

This comprehensive toolkit of atrocity prevention and response policies available to HMG cannot be quickly and effectively deployed in a coordinated manner as situations demand by a single department or bureau. In fact, without adequate cross-departmental coordination and planning, attempts to prevent atrocities by one part of the UK government may be undermined by the actions of other parts of government.<sup>20</sup> For example, as evacuations were taking place during the UK withdrawal from Afghanistan, a lack of coordination between the FCDO and the Home Office prevented the effective evacuation and resettlement of Afghans at severe risk of harm.<sup>21</sup> Given the shifting of eligibility requirements for resettlement by the Home Office and lack of communication channels to eligible individuals, many Afghans who had been called forward did not receive the call in time to ensure safe passage to Kabul International Airport. Equally, some Afghans chose not to evacuate because their family members had not yet been approved for resettlement. Efforts to evacuate UK embassy guards also appeared to fail because clearance to enter had not been granted by the Home Office.<sup>22</sup>

The withdrawal of UK forces from Afghanistan is just one example of how a lack of interdepartmental coordination and preparedness inhibits effective crisis prevention and response and, ultimately, the protection of vulnerable groups. What is therefore needed moving forward is better **integration of atrocity prevention analysis, policy and decision-making across government**. As others have argued, this would mean giving atrocity

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<sup>18</sup> Ibid

<sup>19</sup> Ibid; Cecilia Jacob, 'Mainstreaming Atrocity Prevention: Foreign Policy and Promotion of Human Rights for Atrocity Prevention', *Oxford Institute for Ethics, Law and Armed Conflict (ELAC)*, November 2022, [https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief\\_Foreign-Policy-and-AP-1.pdf](https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief_Foreign-Policy-and-AP-1.pdf).

<sup>20</sup> Fred Carver and Kate Ferguson, 'Being the Difference: A Primer for States Wishing to Prevent Atrocity Crimes in the Mid-Twenty-First Century', *Protection Approaches*, November 2021, <https://protectionapproaches.org/being-the-difference>.

<sup>21</sup> Federica D'Alessandra, Ross Gildea and Emily Jones, Written Evidence submission to Defence Committee inquiry on 'Withdrawal from Afghanistan', AFG0015, October 2021, <https://committees.parliament.uk/writtenevidence/40095/html/>.

<sup>22</sup> Ibid.

prevention experts a 'seat at the table' alongside country-specific and strategic planning teams where major foreign and security policy decisions are made.<sup>23</sup>

### (III) Siphoning atrocity prevention from related policy areas

*Third*, if the UK government's current approach to preventing atrocities siloes atrocity prevention bureaucratically, it also **siphons atrocity prevention from related areas of policy**. Indeed, atrocity prevention is often marginalised in policy circles because it is considered of lesser importance than other policy workstreams, including contiguous workstreams that share the agenda's protective and preventive goals. As a result, preventive objectives are often isolated from other related agendas, either because atrocity prevention is rarely seen as a priority, or because of tensions perceived to exist around the interoperability of multiple workstreams.

These **'zero sum game' dynamics** are, however, **false dichotomies**: to the contrary, as some of our own research demonstrates,<sup>24</sup> approaching other workstreams with an atrocity prevention lens helps to identify alternative possibilities for action and, at minimum, sheds light on potentially unforeseen mid and long-term consequences of actions taken in accordance with other policy frameworks or priorities. This does not at all mean 'displacing' or 'co-opting' other policy frameworks, but simply ensuring strategic alignment while seizing on opportunities for operational synergies.

Thus, while we believe it is vital to understand the conceptual distinctiveness and unique operational needs of atrocity prevention (in order to identify and deploy policy tools more deliberately), we also believe that avoiding conflict and maximising synergies across multiple workstreams requires an **intersectional approach to policy analysis to understand how different agendas intersect**, and where precisely they might converge and diverge. Only such analysis can provide critical insight into the interlinkages of different goals, tools and strategies and how they can be coherently deployed.<sup>25</sup>

For example, although we believe atrocity prevention should be decoupled from conflict prevention (for this has implications particularly when it comes to 'targeted' prevention), the further away from the actual *commission* of atrocities HMG's action is situated, the more opportunities there are for alignment around 'systemic prevention'.<sup>26</sup> In other words, **when it comes to 'upstreaming' prevention objectives, the conflict prevention and atrocity prevention agendas certainly share important areas of overlap**, in relation, for example, to: structural measures aimed to reduce economic inequality; governance measures aimed at building institutional capacity and reducing corruption; and security measures centred around ending impunity and strengthening the rule of law.<sup>27</sup>

To take another example, operational needs in counter-terrorism settings might, at times, conflict with atrocity prevention or civilian protection imperatives.<sup>28</sup> Yet, both of these policy frameworks converge normatively and strategically, and many strategies and tools deployed in countering violent extremism may be highly relevant to atrocity prevention. In this context, **understanding how to minimise the tactical and operational tensions among these policy frameworks in a given situation while furthering their normative and strategic alignment would advance the objectives of all three policy frameworks simultaneously**.<sup>29</sup>

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<sup>23</sup> Lawrence Woocher, 'To Prevent Atrocities, Break Bureaucratic Silos, Don't Build a New One', *Just Security*, 15 December 2020, <https://www.justsecurity.org/73815/to-prevent-atrocities-break-bureaucratic-silos-dont-build-a-new-one/>; Carver and Ferguson, 'Being the Difference', p 21.

<sup>24</sup> Stern and Brown, 'Mainstreaming Atrocity Prevention'; Cecilia Jacob, 'Mainstreaming Atrocity Prevention'.

<sup>25</sup> *Ibid.*

<sup>26</sup> Serena Sharma and Jennifer Welsh, 2015, *The Responsibility to Prevent: Overcoming the Challenges of Atrocity Prevention*, Oxford: Oxford University Press.

<sup>27</sup> Bellamy, *Mass Atrocities and Armed Conflict*, p 5.

<sup>28</sup> D'Alessandra, Gildea and Jones, 'Written Evidence submission to inquiry on 'Withdrawal from Afghanistan'.

<sup>29</sup> D'Alessandra and Rapp, 'Atrocity Prevention in a Multilateral Setting'.

# Our Recommendations

In light of the analysis above, we believe there are therefore a number of ways in which HMG can yet improve its approach to atrocity prevention and strengthen the FCDO's role in convening cross-governmental work on this topic. This section sets out **four key recommendations** that we consider the ideal blueprint for how this can be achieved.

## Core Recommendations

### (I) Establishing a National, Cross-Government Mass Atrocity Prevention Strategy

Most urgently, as we have provided justification for above, we recommend HMG **clearly distinguish its atrocity prevention strategy from its conflict prevention workstream**. Crucially, this cannot be an exercise in doctrine alone. To do so, we therefore recommend HMG **(I) establish a national, cross-government mass atrocity prevention strategy is warranted alongside its conflict prevention strategy**—a recommendation already made by the Foreign Affairs Committee in its July 2021 report *Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond*.<sup>30</sup> While acknowledging HMG's position that it 'do[es] not [...] presently believe that a national, cross-departmental strategy is needed' given that 'FCDO geographical departments, working with other government departments, are best placed to decide how to tackle atrocity risks in their region',<sup>31</sup> we remain unconvinced that without a strategy that deliberately distinguishes atrocity prevention conceptually and operationally such an objective can, indeed, be appropriately fulfilled. More specifically, and in line with the recommendations of others,<sup>32</sup> we advise that such a strategy be developed around at least two pillars: **(i) analysis** and **(ii) communication**:

- **Analysis.** Atrocity-specific analysis conducted as a part of a national strategy would considerably improve cross-government capabilities to prevent atrocities and is necessary for shaping policy and integrating atrocity prevention strategies into the work of all relevant Government bodies.<sup>33</sup> Atrocities present specific indicators, triggers and risk factors that are not always overlapping with those of conflict prevention and other frameworks.<sup>34</sup> Appropriately identifying these is key to both early warning systems and integrated risk assessments.<sup>35</sup> Such dedicated analysis would facilitate the collection, analysis and sharing of appropriate intelligence across Government departments which, in turn, is key to shaping policy and identifying the most effective tool or course of action in a given situation.<sup>36</sup> It is also key to coordinating strategies for multilateral action, including, *inter alia*, scenario planning, engaging allies and partners and developing the capacity to deploy civilian advisors to situations of imminent risk.<sup>37</sup> Thus far, current risk assessment tools such as the

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<sup>30</sup> Foreign Affairs Committee, *Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond – Second Report of Session 2021-22*, 8 July 2021, <https://committees.parliament.uk/publications/6624/documents/71430/default/>.

<sup>31</sup> Foreign Affairs Committee, *Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond – Government Response to the Committee's Second Report*, 14 November 2021, <https://committees.parliament.uk/publications/7818/documents/81312/default/>.

<sup>32</sup> UK Civil Society Atrocity Prevention Working Group, 'Integrating Atrocity Prevention Across UK Policy'.

<sup>33</sup> Ryan D'Souza, 'A Reoriented Approach to Atrocity Prevention in UN Peace Operations', *Oxford Institute for Ethics, Law and Armed Conflict* (ELAC), June 2020, [http://elac.wpengine.com/wp-content/uploads/2022/02/a-reoriented-approach-to-atrocity-prevention-in-un-peace-operations\\_dsouza.pdf](http://elac.wpengine.com/wp-content/uploads/2022/02/a-reoriented-approach-to-atrocity-prevention-in-un-peace-operations_dsouza.pdf).

<sup>34</sup> United Nations, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, September 2014, [https://www.un.org/en/genocideprevention/documents/about-us/Doc.3\\_Framework%20of%20Analysis%20for%20Atrocity%20Crimes\\_EN.pdf](https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf).

<sup>35</sup> *Ibid.*

<sup>36</sup> Federica D'Alessandra and Stephen Rapp, 'Atrocity Prevention in a Multilateral Setting: Integrating Research and Policy to Maximise Prevention and Protection', *Oxford Institute for Ethics, Law and Armed Conflict*, February 2022, [https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief\\_AP-in-a-Multilateral-Setting.pdf](https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Brief_AP-in-a-Multilateral-Setting.pdf).

<sup>37</sup> UK Civil Society Atrocity Prevention Working Group, 'Integrating Atrocity Prevention Across UK Policy'.



Joint Analysis of Conflict and Stabilisation (JACS) used by HMG have not been fully effective for atrocity early warning.<sup>38</sup>

- **Communication.** A dedicated mass atrocity prevention strategy that strengthens internal and strategic communication channels would significantly improve HMG's prevention and protection efforts. Such a strategy should establish a clear internal communications protocol on how to monitor and report early warning signs, as well as when and how to mobilise action through appropriate governmental channels.<sup>39</sup> Likewise, as previous research by our Institute demonstrates, institutions concerned with atrocity prevention benefit of, and should thus establish, a clear external/strategic communications strategy on how to effectively raise atrocity concerns and a policy to consistently utilise atrocity terminology.<sup>40</sup>

## (II) Developing an integrated architecture to coordinate such a strategy across Government

In addition, we submit that in order to be effective, a national atrocity prevention strategy would require a significant degree of **(II) institutionalisation, and therefore the development of an integrated architecture to coordinate the implementation of new atrocity prevention capabilities across Government.** In our view, this could comprise:

- A **dedicated 'home' for atrocity prevention within the FCDO**, distinct from, but which could fall under, the Conflict Centre announced in the Integrated Review, or which could take the form of a resourced office of the focal point for the Responsibility to Protect. It would act as a 'clearing house' for atrocity prevention policy and analysis within HMG and as a liaison with the private sector and the civil society, and would support communication channels and convening capabilities within both the FCDO and Whitehall. We believe the FCDO is uniquely positioned to serve in such a capacity and to help drive the implementation of national strategy, promote cross-departmental coherence, consolidate expertise and address issues related to duplication and coordination.<sup>41</sup> For this reason, such a group or office could also receive and collate information from other government departments with a view to: (i) **supporting a cross-government steering committee** or working group<sup>42</sup> tasked with *implementing* policy and (ii) supporting policy *setting* deliberations by the **National Security Council and the Cabinet Office**,<sup>43</sup> thus helping ensure strategic coherence of a whole-of-government approach to prevention.
- At minimum, **an early warning system within the Situation Centre in the Cabinet Office** to monitor and analyse risks of mass atrocities. This internal analysis system should incorporate indicators of grievance, trust and resilience, and be capable of reporting on real-time trends of marginalisation, exclusion and violence, as outlined in the Integrated Review.<sup>44</sup>

In implementing these recommendations, HMG might consider **studying lessons learned from mainstreaming atrocity prevention in US policy** under the Obama and subsequent administrations, and consider how these could inform domestic integration into the national

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ryan D'Souza, 'A Reoriented Approach to Atrocity Prevention in UN Peace Operations'.

<sup>41</sup> Ben Willis, Written Evidence submitted to the Foreign Affairs Committee inquiry on 'The FCDO and the Integrated Review'.

<sup>42</sup> Ibid.

<sup>43</sup> UK Civil Society Atrocity Prevention Working Group, 'Integrating Atrocity Prevention Across UK Policy'.

<sup>44</sup> Kate Ferguson, 'A Response to the Integrated Review', *The Foreign Policy Centre*, 18 March 2021, <https://fpc.org.uk/a-response-to-the-integrated-review/>.

security architecture, top-level strategic direction-setting and bureaucratic institutionalisation.<sup>45</sup>

### (III) Embedding atrocity prevention in the work of UK posts

While the development of a national, cross-government mass atrocity prevention strategy (and its subsequent institutionalisation) would be most consequential for the direction and efficacy of UK preventive efforts, HMG can nevertheless **(III) take a number of other steps to help embed atrocity prevention in the work of UK posts**. These include, most notably:

- **Rendering the JACS more effective vis-à-vis atrocity early warning and publishing the most recent update to the guidance note.** The most recent publicly available guidance note (published in 2017) directs analysts 'to link analytical findings with key relevant thematic areas of government policy, such as Women, Peace and Security, Organised Crime, and Counter-terrorism', but not atrocity prevention.<sup>46</sup> A footnote adds that 'other areas of policy interest...should be taken into account as relevant UK government priorities and stances develop. These may include migration and peacebuilding, among others', but again does not specify atrocity prevention.<sup>47</sup> While we understand that an update to the guidance note as recent as last year might have added atrocity risk indicators and trend analyses, rendering JACS effective vis-à-vis atrocity early warning requires filling additional monitoring and analysis gaps. For this reason, we look forward to the **updated guidance note to be rendered public** and to engaging with its substance with a view to improve and support ever more the JACS's preventive capacity.
- **Specifying what measures and indicators would lead the R2P Focal Point to declare that there is an imminent risk of atrocity crimes and what mechanisms and action this would trigger.** HMG should adopt a consistent strategy for atrocity prevention that abides by international standards. To avoid selectivity—real or perceived—in the application of the Responsibility to Protect (R2P), HMG's mass atrocity prevention strategy should detail precisely what measures and indicators would lead the UK's R2P Focal Point to declare that there is an imminent risk of atrocity crimes in a given situation, and what mechanisms and actions this would trigger across government.<sup>48</sup>
- **Elevating the role of R2P Focal Point to the ministerial level.** Currently, the FCDO's Director of Multilateral Policy serves as the UK's Focal Point for R2P. Increasing the seniority of the R2P Focal Point to the ministerial level would elevate atrocity prevention to a more prominent position in HMG, and better enable the UK to effectively take action.<sup>49</sup>
- **Providing atrocity prevention training for UK country teams.** HMG should provide atrocity prevention training for UK country teams on how to monitor, analyse, communicate and respond to risks of mass atrocities. Such training could be developed and delivered by the group or office described above. In addition to

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<sup>45</sup> The Obama administration adopted a comprehensive atrocity prevention strategy in 2012, which formalised the cross-government Atrocities Prevention Board (APB). This comprised representatives from the Departments of State, Defence, Treasury, Justice, Homeland Security, USAID, US Mission to the UN, Joint Chiefs of Staff, Office of the Director of National Intelligence, CIA and Office of the Vice President. The APB was set up as a budget-neutral interagency process, chaired by the NSC Senior Director for Multilateral Affairs and Human Rights and convened monthly to oversee the development and implementation of US atrocity prevention policy. Also see: Federica D'Alessandra and Kirsty Sutherland, Written Evidence Submitted to the Foreign Affairs Committee inquiry on 'Xinjiang Detention Camps', XIN0074, December 2020, <https://committees.parliament.uk/writtenevidence/13696/pdf/>; Ben Willis, Written Evidence submitted to the Foreign Affairs Committee inquiry on 'The FCDO and the Integrated Review'.

<sup>46</sup> Stabilisation Unit, *Joint Analysis of Conflict and Stability: Guidance Note*, June 2017, <https://www.gov.uk/government/publications/joint-analysis-of-conflict-and-stability-jacs-guidance-note>.

<sup>47</sup> Ibid.

<sup>48</sup> United Nations Association – UK, *Keeping Britain Global? Strengthening the UK's Role in the World*, April 2017, [https://una.org.uk/sites/default/files/2022-01/una\\_keepingbritnglobal\\_20170502\\_web.pdf](https://una.org.uk/sites/default/files/2022-01/una_keepingbritnglobal_20170502_web.pdf).

<sup>49</sup> United Nations Association – UK, *Keeping Britain Global*.

providing such resources to embassies, HMG could designate a well-resourced staff person with responsibility for coordinating in-country atrocity prevention work. Finally, as others have noted, it would be helpful to integrate atrocity prevention into the job descriptions and titles of all staff members currently responsible for UK atrocity prevention work.<sup>50</sup>

- **Investing in network analysis capabilities.** While identifying, monitoring and analysing risk indicators of mass atrocities is critical, stakeholder mapping, or 'network analysis', could be much better used by HMG in at least two ways. *First*, network analysis 'allows states to untangle the complex criminal architectures that perpetuate atrocities, and so encourages a more creative and evidenced focus upon how these networks can be disrupted or dismantled'.<sup>51</sup> *Second*, network analysis can be key to assist external actors navigate complex situations and help policymakers assess the targeted needs of civil society groups on the ground, as well as identify the right levers and power brokers that can remove barriers to meaningful action, all to the benefit of locally-led preventive efforts.<sup>52</sup> Indeed, as Dr Kate Ferguson puts it, 'without an analysis of actors, power structures, and flows of goods and finances, the analysis of risk factors that conventional frames of atrocity prevention capture is only partly useful'.<sup>53</sup> Carrying out such an analysis could be a joint venture between geographical departments and the group or office described above.

Notably, Parliament could play an instrumental role in advancing the above recommendations by **passing legislation similar to the Elie Wiesel Genocide and Atrocities Prevention Act** of 2018 by the US Congress. The Act, *inter alia*, established a Mass Atrocities Task Force within the State Department with similar functions as those described in paragraph 11-12 above; recommended that the Director of National Intelligence include atrocity crime information in their annual report to Congress; authorised training for US Foreign Service Officers (similarly to what we have suggested above); and authorised the Complex Crises Fund, which supports US prevention of or response to atrocities. Most importantly, the Act requires the US government to periodically report back to Congress on its activities and progress vis-à-vis prevention and response.<sup>54</sup> Establishing a similar requirement for the UK government is crucial to sustaining the advancement of HMG's preventive efforts in the long term.

#### **(IV) Funding research on the intersection between atrocity prevention and other policy areas**

The importance of strategic policy coherence and a 'whole-of-government' approach to atrocity prevention and response cannot be overstated. In fact, recent developments in technology and its use, alongside shifting geo-strategic dynamics, among other factors, impose a compelling need to revise and re-orient both the implementation and the strategic direction of prevention and protection frameworks.<sup>55</sup> This is equally true given the high degree of correlation between fragile, unstable states and the commission of atrocity crimes.<sup>56</sup> For this reason, we believe there is also an urgent need for HMG to **more systematically identify potential synergies (and tensions) between mass atrocity prevention and other policy areas.**

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<sup>50</sup> UK Civil Society Atrocity Prevention Working Group, 'Integrating Atrocity Prevention Across UK Policy'.

<sup>51</sup> Kate Ferguson, *Architectures of Violence: The Command Structures of Modern Mass Atrocities*, London: Hurst Publishers, 2020. Also see: Carver and Ferguson, 'Being the Difference'.

<sup>52</sup> Federica D'Alessandra, Stephen J. Rapp and Shannon Raj Singh, 'Atrocity Prevention in a Transatlantic Setting' *Oxford Institute for Ethics, Law and Armed Conflict (ELAC)*, June 2020, [https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Paper\\_Atrocities-Prevention-in-a-Transatlantic-Setting.pdf](https://www.elac.ox.ac.uk/wp-content/uploads/2023/01/ELAC-Policy-Paper_Atrocities-Prevention-in-a-Transatlantic-Setting.pdf). Also see: Carver and Ferguson, 'Being the Difference'.

<sup>53</sup> Carver and Ferguson, 'Being the Difference'.

<sup>54</sup> United States Congress, 'Elie Wiesel Genocide and Atrocities Prevention Act of 2018', Public Law 115-41, 14 January 2019, <https://www.govinfo.gov/app/details/PLAW-115publ441>.

<sup>55</sup> D'Alessandra and Rapp, 'Atrocity Prevention in a Multilateral Setting'. Also see D'Alessandra and Sutherland, Written Evidence Submitted to the Foreign Affairs Committee inquiry on 'Xinjiang Detention Camps'.

<sup>56</sup> Stern and Brown, 'Mainstreaming Atrocity Prevention'.

For this reason, we recommend that **(IV) HMG commissions and commits to funding further research on the intersection between atrocity prevention and contiguous workstreams** including, but not limited to: democracy and the rule of law; civilian protection and humanitarian and emergency relief; countering terrorism and preventing violent extremism; organised crime; addressing global fragility; and international justice, among others.<sup>57</sup>

To take one example of how HMG might do so, our Institute has proposed the creation of a **policy-oriented, research-backed platform or 'Atrocity Prevention Research Council'** to facilitate greater cross-sectoral cooperation and exchange on atrocity prevention and related policy agendas.<sup>58</sup> The platform would channel high-level research to policymakers with demonstrated interest and capacity in atrocity prevention, and facilitate greater cross-sectoral cooperation and exchange on atrocity prevention and related protection agendas. We are currently exploring a two-pronged approach consisting of an Atrocity Prevention Research Council and a group of policy constituents that would exist in a symbiotic, iterative relationship, whereby structured briefings are delivered to policymakers in a digestible format, and through which policymakers can, in turn, inform the Research Council as to their needs and priorities. We believe such a platform could help break the siloed nature of the atrocity prevention space, and promote greater collaboration between the UK and other governments, multilateral institutions, academia and practitioners working on atrocity prevention and interrelated agendas.

## Additional recommendations

The four recommendations set out above constitute the core of our proposal for how HMG might restructure and strengthen its approach to atrocity prevention in light of its current limitations. In addition to this, this section proposes a **broader set of tools and strategies**, particularly within the realm of international law, we believe should be pursued alongside bureaucratic restructuring and strategic planning to further expand HMG's atrocity prevention toolkit and strengthen UK commitments to and leadership on atrocity prevention issues on the global stage. These recommendations concern two main strategies for action both within and outside government: (i) **conducting atrocity impact assessments** to better fulfil HMG's legal obligations to prevent mass atrocity crimes; and (ii) **supporting and strengthening international legal mechanisms** to prevent and respond to mass atrocities.

### **(V) Conducting 'Atrocity Impact Assessments'**

Given the development of systems of 'early warning' over the past two decades, it is now highly unlikely that modern atrocities will occur without prior forewarning. In fact, most atrocity situations tend to be preceded by multiple alarm bells. In this context, as our Institute has argued elsewhere, **States have obligations to prevent mass atrocity crimes under both treaty and customary international law**.<sup>59</sup> While there are unresolved ambiguities and ongoing debates about what international law requires of States when faced with the risk or imminent threat of atrocities, we have taken the position **that compliance with preventive obligations should, necessarily, start with an assessment of a State's preventive capabilities**. This would be a logical first step prior to any subsequent action being taken in pursuance of preventive obligations a State may have. Furthermore, in the event that a State's preventive record might be challenged, the existence of such an assessment could support States seeking to defend their chosen course of action.

For this reason, we recommend **(V) HMG use such capacity assessments—which we term 'Atrocity Impact Assessments' (AIA)—as a tool to operationalise its legal preventive obligations**, where these arise. An AIA would entail undertaking a **targeted assessment of**

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<sup>57</sup> For a list of additional potentially relevant frameworks, see D'Alessandra, Rapp and Singh, 'Atrocity Prevention in a Transatlantic Setting' at Annex II, starting on p 35.

<sup>58</sup> D'Alessandra and Rapp, 'Atrocity Prevention in a Multilateral Setting'.

<sup>59</sup> Federica D'Alessandra and Shannon Raj Singh, 'Operationalizing Obligations to Prevent Mass Atrocities: Proposing Atrocity Impact Assessments as Due Diligence Best Practice', *Journal of Human Rights Practice*, July 2022, <https://doi.org/10.1093/jhuman/huac041>.

**HMG's activities, policies and relationships with respect to potential mass atrocity crimes**, as well as the specific means HMG has within its capacity to prevent them.<sup>60</sup> While we do not suggest HMG has a *legal* obligation to conduct AIAs, we believe it should consider adopting this particular form of preventive capability assessment as a **'best practice' tool to ensure HMG complies with international law** and does everything within its power to avert atrocity crimes.

Through an AIA, HMG would assess its particular impact in a given country or region, as well as the specific measures it could take to prevent the commission of atrocity crimes in that situation or context. This would involve **mapping HMG's operations and policies against the specific atrocity risks that may be affected, to identify vectors for harm and opportunities for mitigation**. More specifically, we would expect HMG to evaluate issues including (but not limited to): its leverage over likely perpetrators; its ability to interfere with the logistics of atrocity commission; its ability to protect groups at risk; its military capabilities; windows of diplomatic opportunity; assessment of legal avenues and recourse; engagement in the information space; risk of sexual and gender-based violence.<sup>61</sup>

With respect to what circumstances would trigger an AIA, without outlining every situation in which an assessment might be required, we believe the following circumstances at minimum should serve as a trigger:

1. A judicial finding by the ICJ or other international or domestic court that there is a serious risk of atrocity crimes, or that these are ongoing;
2. An analogous finding by an international Commission of Inquiry, Fact-Finding Mission or other international oversight mechanism; and
3. A notification on the serious risk of atrocity crimes by the Special Advisers on the Prevention of Genocide and the Responsibility to Protect.

In each of these circumstances, HMG would effectively have knowledge of the serious risk that atrocities could be committed in a given situation. If HMG were in receipt of any of these forms of warning, we believe it should therefore **undertake an AIA to examine its ability to help avert atrocity crimes**.

## **(VI) Supporting and strengthening international legal mechanisms to prevent and respond to mass atrocities**

In addition to better fulfilling its legal obligations to prevent mass atrocity crimes, there are a number of ways in which HMG can further **(VI) support and strengthen the range of existing international legal mechanisms to prevent and respond to mass atrocities**. These include, but are certainly not limited to:

- **Supporting a draft treaty on the Prevention and Punishment of Crimes Against Humanity**. While the Convention on the Prevention and Punishment of Genocide was unanimously adopted by the UN General Assembly in 1948, there is no international treaty today on crimes against humanity. The absence of such a treaty in the international criminal law architecture has resulted in a lack of consistency among states in their domestic definitions of such crimes, inhibiting international cooperation in prosecution, mutual legal assistance and extradition.<sup>62</sup> It has also created a 'state responsibility gap', given the lack of agreement among states on the nature of their obligations with regard to crimes against humanity, and of a compromissory clause to permit inter-state litigation where those obligations are breached.<sup>63</sup> To address this gap, the International Law Commission (ILC) proposed a set of Draft Articles on the Prevention and Punishment of the Crime Against Humanity in 2019, which the 6<sup>th</sup>

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<sup>60</sup> D'Alessandra and Singh, 'Operationalizing Obligations to Prevent Mass Atrocities'.

<sup>61</sup> Ibid., pp 17–19.

<sup>62</sup> Kakoly Pandé and Shannon Raj Singh, 'The IBA War Crimes Committee's Submissions and Recommendations to Major Multilateral Conventions on Atrocity Crimes', *International Bar Association*, 21 June 2018, <https://www.ibanet.org/article/14ed065e-2da9-484e-9c45-dd5033c94c12>.

<sup>63</sup> Ibid.

Committee of the UN General Assembly recently passed by resolution.<sup>64</sup> In light of the urgent need for the Articles' adoption, we believe HMG could **play an instrumental role in moving the Draft Articles and related treaty forward** by promoting high-level cooperation around this issue, including by sponsoring conferences or other forums for States to finalise and adopt the Articles.

- **Supporting the establishment of a standing Investigative Support Mechanism (ISM) to help raise UN investigations of atrocities to a criminal standard.** As our Institute has argued elsewhere, the current international human rights system remains marred by inefficiencies that pose significant resource, bureaucratic and institutional challenges to UN investigative mandates wherever they are established.<sup>65</sup> The *ad hoc* nature of such mandates also continues to risk fuelling perceptions of bias and mistrust, both in UN investigations but also with respect to the international justice project as a whole. To address these challenges, a recent study published in May 2022 by our Institute and partners recommends the **establishment of a permanent, standing UN Investigative Support Mechanism (ISM) to achieve efficiencies, avoid duplication, address issues of selectivity and better support accountability moving forward.** The proposed ISM would be independent in the same manner as the three investigative mechanisms with criminal case building responsibilities for Syria, Da'esh/ISIL and Myanmar, and would perform two key functions. As its **primary function**, the ISM would **act as a 'service bureau' in support of other mandates concerned with accountability**, including Commissions of Inquiry and Fact-Finding Missions when these are conferred by the Human Rights Council, precisely to achieve efficiencies and address selectivity issues. As its **secondary function**, when triggered by a competent UN body, the ISM would **act as an investigative mechanism of its own**, under provisions like those contained in the establishing resolutions and terms of reference of three independent investigative mechanisms cited above. In addition, when given a case-building mandate, the ISM would fulfil a coordinating role and provide strategic advice wherever multiple actors are pursuing investigations on the same situation, thus improving coordination and maximising potential for the effective use of gathered materials. In light of HMG's continued investment in the investigation and prosecution of conflict-related sexual violence, we believe **HMG could adopt a leading role in the advancement of this broader initiative** by convening high-level discussion at multilateral forums among likeminded States and by committing to provide proactive and sustained financial, technical and operational support to such a permanent institution.
- **Continue to support the establishment and ensure appropriate funding of international law investigations, such as those carried out by international Commissions of Inquiry, Fact-Finding Missions and other UN and international bodies.** More specifically, HMG should continue to routinely encourage members of the UN Human Rights Council and other international bodies to which it takes part to table resolutions establishing international inquiries and oversight, such as Fact-Finding Missions, or other international investigations into allegations of atrocity crimes in specific country situations.<sup>66</sup> As we have argued elsewhere, even in situations where international politics might render genuine oversight challenging, an international inquiry can be one of the least confrontational options among the tools available to HMG to respond to mass atrocities.<sup>67</sup> HMG should also **commit to appropriately funding** and otherwise supporting such documentation and accountability mechanisms when triggered.

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<sup>64</sup> International Law Commission, 'Draft Articles on Prevention and Punishment of Crimes Against Humanity', *United Nations*, 2019, [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/7\\_7\\_2019.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_7_2019.pdf).

<sup>65</sup> Federica D'Alessandra and Stephen J Rapp, 'Anchoring Accountability for Mass Atrocities: The Permanent Support Needed to Fulfil International Investigative Mandates', *Oxford Institute for Ethics, Law and Armed Conflict (ELAC)*, July 2022, <https://www.elac.ox.ac.uk/wp-content/uploads/2022/12/ELAC-Policy-Brief-Anchoring-Accountability-for-Mass-Atrocities.pdf>.

<sup>66</sup> D'Alessandra and Sutherland, 'Written Evidence Submitted to the Foreign Affairs Committee inquiry on 'Xinjiang Detention Camps'.

<sup>67</sup> *Ibid.*

- **Participating to the Universal Periodic Review.** HMG should continue to consistently engage with the UPR process, particularly around compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Committee on the Elimination of Discrimination Against Women (CEDAW); the Convention of the Rights of the Child (CRC); and the Convention Against Torture (CAT). When participating to the UPR, HMG should utilise the interactive discussion to pose questions and make observations leveraging its exceptional intelligence apparatus, and to advance recommendations on prevention and protection measures in situations of risk.
- **Supporting the ICC and international criminal justice more broadly.** The ICC remains a vital institution to the delivery of justice to victims of mass atrocity crimes around the world. We commend HMG for the recent election of British nationals to both the Registry and the Prosecution, for its leadership in spearheading the unprecedented joint referral by forty-four states of the situation in Ukraine to the Office of the Prosecutor and for its past and ongoing support of the ICC and other international investigations.<sup>68</sup> We urge HMG to **continue to support the ICC, international criminal investigations and universal jurisdiction proceedings in third party countries**, through both the provision of military, policing and financial support and through cooperation with the Court where appropriate.
- **Funding and supporting the International Court of Justice (ICJ).** We commend HMG equally for filing a declaration of intervention with the ICJ in the case brought by Ukraine against Russia, and **recommend HMG do so in additional cases moving forward**, as an increasing number of disputes concerning the commission of mass atrocities are brought before the Court. Notable examples include The Gambia's ongoing case against Myanmar,<sup>69</sup> as well as the announcement by the governments of the Netherlands and Canada to hold Syria accountable under international law for gross human rights violations during the Syrian civil war.<sup>70</sup>

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<sup>68</sup> Foreign, Commonwealth and Development Office, 'EU, US, and UK Establish Atrocity Crimes Advisory Group (ACA) for Ukraine: Joint Statement', 25 May 2022, <https://www.gov.uk/government/news/joint-statement-eu-us-and-uk-establish-atrocity-crimes-advisory-group-aca-for-ukraine>; Jeremy Hunt, 'UK Support and Funding for International Criminal Justice – Statement', 17 July 2019, <https://questions-statements.parliament.uk/written-statements/detail/2019-07-17/HCWS1729>.

<sup>69</sup> Application of the Convention of the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), ICJ No 178, <https://www.icj-cij.org/en/case/178>.

<sup>70</sup> Public International Law and Policy Group, 'The Netherlands and Canada V. Syria: Pursuing State Responsibility for Acts of Torture During the Syrian Conflict', 7 June 2021, <https://www.publicinternationallawandpolicygroup.org/lawyer-justice-blog/2021/6/7/the-netherlands-and-canada-v-syria-pursuing-state-responsibility-for-acts-of-torture-during-the-syrian-conflict>.



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