

A decorative graphic consisting of a grid of grey dots of varying sizes, with several dots highlighted in red. The dots are arranged in a pattern that roughly outlines the shape of a world map.

Making »Never Again« a Reality

What Germany Can Contribute during Its Next Term in the Security Council toward Preventing Mass Atrocities

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- Germany's seat on the UN Security Council in 2019 and 2020 provides it with an important opportunity and obligation to honor its history by advancing atrocity prevention throughout the world. Germany can build on its past support for atrocity prevention mechanisms in Latin America and in East Africa and further improve its robust global capacities.
- In order to achieve this goal, the current system must move away from conflict-hopping, which focuses exclusively on situations where atrocities are imminent or are already occurring.
- Germany can avoid past failures by pursuing a number of priorities designed to ensure that atrocities are prevented at an early stage and, in so doing, can revolutionize how the Security Council addresses risk factors for atrocities.
- During its tenure on the Council, Germany can prioritize earlier prevention by supporting both new and existing instruments, by raising issues of atrocity prevention and gender throughout all Council deliberations, and by opposing both the attacks on the human rights systems and the debilitating political deadlock within the UN and beyond.

1. Background

The Federal Republic of Germany is an exceptional State. Born out of the tragedy of the Shoah and integrating a legacy of Communist abuses suffered by part of its population, the Federal Republic of Germany is one of the few UN Member States whose founding state structures were developed in part with the aim of preventing mass atrocities. This history explains why the German government has affirmed the importance of preventing mass atrocities in its 2017 policy paper »Federal Government of Germany Guidelines on Preventing Crises, Resolving Conflicts, Building Peace« (hereinafter »Guidelines on Preventing Crises«), which lays out guidelines for its conflict prevention policy:

»Having emerged from the ashes of two world wars and the Shoah, that ultimate betrayal of all civilized values, the Federal Republic of Germany has dedicated itself to the cause of peace....Germany has accepted the unique responsibility arising from its history. The avoidance of war and violence in international relations, the prevention of genocide and severe violations of human rights, and the defence of endangered minorities and the victims of oppression and persecution are integral to Germany's reason of state« (Federal Government of Germany 2017: 44, 47).

Having being elected to a non-permanent seat on the Security Council allocated to the Western European and Others Group for 2019 and 2020, Germany now has an opportunity and, judged in terms of its own stated guidelines, an obligation to promote the institutionalization of mass atrocity prevention globally. This will not be an easy task given the current global security environment, which is characterized by extreme volatility and by the presence of high levels of risk factors for genocide and other mass atrocities in numerous societies.¹ Furthermore, ongoing mass atrocities, defined as genocide, crimes against humanity and war crimes, are tragedies that currently mark the lives of a very large number of human beings (in Syria and Myanmar, to name just two cases among many) whose basic rights are violated and who are being victimized as part of large-scale, destructive societal processes. Between 2010 and 2016 alone, the number of violent conflicts worldwide almost doubled and the

number of deaths that occurred as a result more than tripled. By 2014, almost seven times as many conflict-related deaths had been incurred when compared with the levels in 2005.² Both the preventive agenda and the crisis management agenda seem to weigh very heavily at the global level.

All of this is taking place at a time when an increasing number of different actors are engaged in providing security, but increasing numbers of actors are also engaged in violent activities, while only parts of populations enjoy security. This reality is at odds with the principles of the UN Charter, which call for consolidated security provision in the guise of the state monopoly on the use of force and for inclusive security provision in the shape of the principle of security as a public good operating in accordance with basic human rights (Friedrich-Ebert-Stiftung 2017).

In addition, the emergence and the operationalization of the norm of the Responsibility to Protect (R2P), as formalized in the World Summit Outcome adopted by the United Nations General Assembly in 2005, reaffirms the importance of mass atrocity prevention and crisis management within a multilateral context. Consequently, numerous aspects of public policy for preventing mass atrocities that used to be the domain of domestic and bilateral relations are now at the center of opportunities for multilateral initiatives and scrutiny, given the appalling track record of our societies in the past and present in preventing mass atrocities on their own.

There is an urgent need to engage with numerous atrocity risk situations and to promote the global implementation of preventive policies with the aim of effectively breaking the deadlock in ongoing mass atrocity crisis situations. The time of focusing on developing the concept, without actually implementing it, is over. In sum, challenges arising from fragmented and exclusive security provision coexist with the opportunities provided by R2P to open the door to a global approach to atrocity prevention. This environment presents Germany with numerous opportunities to make an enduring contribution to the institutionalization of atrocity prevention at the UN and within UN Member States. Germany is facing a difficult but essential duty during its mandate, namely to honor its history by using its global capacity –

1. For more information on risk factors see the United Nations 2014 and Waller 2016, 151.

2. Uppsala Conflict Data Program 2017.

which is unusual for an elected member of the Council – to promote a clear vision of mass atrocity prevention as a central task of the UN and its Member States. This task is not an optional public policy goal whose priority can be downgraded in the face of countervailing pressure, but a task of importance for all efforts to provide an inclusive security system that delivers security to all individuals. As will be pointed out in the following section, Germany is equipped with important tools and practices for fulfilling its duties in this regard and it should make full use of them.

2. Evolution of the German Atrocity Prevention Strategy

Germany has a long tradition of dealing with difficult security and development issues through long-term engagement, partnerships with civil society actors and a focus on building lasting capacity. Many of the processes that Germany has addressed in the past through peacebuilding, institutional development assistance and development aid have had positive consequences for the prevention of atrocities. Nonetheless, leaving the prevention of conflict and atrocities to the »invisible hand« effects of sustained development policy without integrating an express focus on atrocity prevention has proved to be unproductive in situations marked by risk factors for atrocities.

Therefore, the development of the 2017 Guidelines on Preventing Crises, which were the result of a lengthy bureaucratic consultation process, represented a significant evolution. The Guidelines elevated atrocity prevention to a central element of Germany's reason of state and the document presents a detailed analysis of relevant preventive capacities, opportunities and commitments. Moreover, it adds an atrocity prevention dimension to numerous fields of Germany's foreign policy, for example by making the prevention of genocide and severe human rights violations, as well as the protection of minorities and victims of oppression and persecution, into central goals of foreign policy.

The document clearly affirms the importance of Germany shouldering responsibility in a »world order in disarray.« It goes on to present an inventory of the vision of the government, emphasizing existing practices in fields ranging from security and the rule of law to social cohe-

sion that present even more opportunities for preventing crises in the future. Furthermore, it sets out the guidelines for an inter-ministerial approach to these processes and identifies the preferred partners for atrocity prevention and crisis management. Finally, it describes a set of voluntary commitments made by Germany to operationalize the guidelines.

Why is this document so important? It represents the result of a profound effort on the part of the German bureaucracy to analyze its duties and capacities in terms of conflict prevention, including atrocity prevention as a subset of conflict prevention. It comes up with a blueprint for how the bureaucracy should be reorganized in order to promote German foreign policy as acting to prevent atrocities and not just studying how to prevent atrocities. In doing so, Germany can draw upon its long tradition of engaging in peaceful institutionalization as a strength in delivering better results in terms of conflict and mass atrocity prevention. This exercise of a government committing the necessary financial and political resources to engage in such a consultative process, of itself, is a strong indicator of Germany's potential for institutionalizing mass atrocity prevention. Moreover, the Guidelines on Preventing Crises were adopted on the highest level of the executive branch by the entire cabinet formed by a grand coalition of major political parties. It therefore reflects a cross-party consensus that, regardless of changes in government, can be expected to hold for the next five to ten years (Brockmeier and Rothmann 2018).

Nonetheless, the effectiveness of the guidelines will only extend as far as they are actively implemented. From an atrocity prevention perspective, the impact of the guidelines has been quite limited up to now. One might expect that the limited impact is attributable to external factors and to limitations that arise in every cooperative setting, namely the international partners' limited political will and the lack of commitment of some of the political actors on the ground. But there are also internal reasons; in particular, the increase in capacity for atrocity prevention programs and for implementing the atrocity prevention lens across the different sectors of German policies has not yet materialized. A clear indicator of this lacuna is the limited reference to the Guidelines in official German statements and foreign policy documents. Another indicator is that programs that explicitly create capacity for atrocity prevention are limited to specific de-

partments of the German Foreign Office. They lack any real presence within the work of the German development establishment, let alone the defense department, in spite of the fact that these areas of government have immense opportunities to assist and shape atrocity prevention efforts through Germany's robust development programs and bilateral military assistance programs. If German efforts to promote atrocity prevention are to be successful, they must not be relegated to an isolated corner of the Foreign Office.

The focus on atrocity prevention should be applied clearly across foreign policy programs in general, as suggested by the 2017 guidelines. This also means that there is a need of more sustained efforts to build German bureaucratic capacity to integrate this lens. Without increased capacity, it will never be possible for the bureaucracy to move away from conflict-hopping, understood as running programs only in societies on the brink of absolute disaster or already experiencing atrocities. Furthermore, it will be impossible to accomplish exactly what the guidelines call for and what is universally recognized as the most efficient policy in terms of both human and financial costs – namely, earlier, more resolute and more substantial action to prevent the worst from happening.³

3. Germany's International Support of Atrocity Prevention

Germany can organize its global input based on its own experience and on the body of knowledge related to national mechanisms for mass atrocity prevention that is emerging in numerous global regions and nations.⁴ These mechanisms have emerged in other states following consultative processes very similar to the one undertaken by Germany to produce the guidelines, based on a need to organize bureaucratic structures in Africa, Latin America, North America and Europe for preventing mass atrocities. National mechanisms are officially established bodies that include representatives from different areas of government relevant to the prevention of atrocity

crimes. These bodies lead the development of a coordinated national strategy on behalf of their governments for preventing these crimes. The inclusion of representatives from all relevant areas of government means that national mechanisms can begin by carrying out an initial system-wide assessment of strengths and weaknesses from the perspective of atrocity prevention. Following this assessment, the bodies involved have the role of supporting the development and implementation of the necessary preventive policies in a coordinated manner to bolster the state's resilience to the risk of atrocity crimes at home and abroad (Auschwitz Institute for Peace and Reconciliation 2018: 4ff.).

These mechanisms can also involve national and international civil society organizations, allowing for the provision of additional technical assistance, capacity building and output monitoring to facilitate the goal of building an inclusive mosaic security system in relation to mass atrocities. National mechanisms are atrocity prevention institutionalization models that are functioning, facing challenges and providing results within their own societies. They are a global phenomenon that provides immense opportunities for understanding how the atrocity prevention agenda is domesticated. They also affirm the importance of regional arrangements (the Latin American Network for Genocide and Mass Atrocity Prevention, the African Union-supported National Mechanisms process of the International Conference on the Great Lakes Region, the European Union) for effective atrocity prevention implementation.

German experience with supporting and observing national and international mechanisms for atrocity prevention is quite extensive. Through the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), for example, Germany has observed for three years the development of national mechanisms for atrocity prevention in the Latin American Network for Genocide and Mass Atrocity Prevention. In addition, Germany has been an active member of the Global Network of R2P Focal Points, participating in the global push to expand the work on the responsibility to protect from focal point level to inter-ministerial level.

Germany, through its Foreign Office supported responsibility to protect programs has also been providing direct support for the development of national mechanisms in East Africa for five years. In this context it has assist-

3. Obviously, the current model of engaging globally with crises only after they have exploded does not lead to the protection of human life that the Genocide Convention stipulates.

4. For more information on national mechanisms see booklets of the Auschwitz Institute for Peace and Reconciliation on National Mechanisms for Atrocity Crimes Prevention: Auschwitz Institute for Peace and Reconciliation 2015, 2016, 2017, 2018.

ed the consolidation and capacity building of National Committees for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all Forms of Discrimination in Kenya, Tanzania and Uganda. The three-country program, which also had a larger regional visibility and capacity building dimension in the Great Lakes Region, was implemented as part of a program initiated by the African Union in East Africa. It offered targeted assistance in the areas that the national mechanisms identified as a priority in each country: prevention of electoral violence in Kenya, early warning and early action based on the information generated through early warning in Tanzania and mediation in early stages of conflict in Uganda. Germany's engagement in lengthy processes at the domestic level in the respective countries created an environment for the national mechanisms to assert themselves as domestic actors that set the tone on atrocity prevention within their societies. This also enabled the national mechanisms to achieve greater regional visibility and attract other international funders and partners, thereby making their programs more robust.

To date, these efforts have suffered in part from being pilot programs that face constant renewal challenges due to the lack of continuity of bureaucratic staff devoted to their supervision and design. To go beyond this initial phase and achieve deep and sustaining impact, more staff dedicated to early prevention work over a longer period of time will be required. Nevertheless, Germany's implementation of its own guidelines for preventing mass atrocities and the abovementioned support for national mechanisms for atrocity prevention are an excellent opportunity to bring to the forefront the dialogue on how these state organs for atrocity prevention are created and institutionalized and how they constantly review their activities to achieve better outputs.

Germany will soon be in an especially favorable position to do this. Of course, Germany's work both in organizing its domestic bureaucratic output for atrocity prevention and in providing international support for national and regional atrocity prevention processes must continue independent of its membership in the Security Council. But Council membership provides unique openings for shaping a global approach to atrocity prevention.

4. Recommendations for Atrocity Prevention

Given Germany's embrace of its historical responsibility and its role as a promoter of a global inclusive security system, it is essential that atrocity prevention should become a central agenda item for German diplomacy in its approach to international security during its Security Council tenure. Indeed, the sheer volume of work associated with crises and paperwork in the Security Council can push long-term engagement issues like atrocity prevention off the agenda, and it has done so in the past. Germany has a remarkable opportunity to reverse this trend by overcoming past shortcomings, bringing a substantive contribution to the fore, and pursuing a few truly early atrocity-prevention related priorities.

Recommendation 1: Institutionalize atrocity prevention by proving that earlier, more resolute and substantial action to prevent atrocities works

Germany has a historic opportunity to further institutionalize atrocity prevention in the UN agenda by setting as one of its thematic priorities the need to act for atrocity prevention. Consequently, while holding the rotating presidency, Germany needs to organize an open, high-level debate on atrocity prevention. This debate will make clear the long-term focus of atrocity prevention efforts that attached special importance to reducing the marginalization of identity groups and to strengthening institutions through capacity building, a long-standing commitment of the German approach. This will contribute to actually building preventive infrastructures and strengthening existing ones at the national and regional levels, while also creating a base for reflection and action on prevention within the Security Council.

Recommendation 2: Institutionalize atrocity prevention by introducing atrocity prevention elements into the discussion of current crises

During its membership of the Security Council, especially in situations where it will be the pen holder on resolutions relating to certain country-level crises or post-crisis issues, Germany has an opportunity to include expressly in the discussion the atrocity prevention aspects of dealing with a crisis. Berlin will be able to highlight the need

to prevent the reoccurrence of the type of atrocities in question or the occurrence of new types of atrocities, given the correlation between the volatility of post-conflict situations and the risk of new atrocities. The emergence of this specific vocabulary in each of the specific situations will increase the opportunities for reflecting on a bundle of measures expressly targeted at preventing atrocities. Germany will have the opportunity to introduce into this bundle of measures recommendations for creating or strengthening existing national mechanisms for atrocity prevention, for vehicles to implement and institutionalize atrocity prevention at the national level and for instruments to connect these arrangements to regional and other international preventive systems.

Recommendation 3:
Atrocity prevention is gendered

Germany is very active in its implementation of the Women, Peace and Security Agenda. Germany's National Action Plan to apply UNSCR 1325, already in its second iteration, is an effective atrocity prevention tool. In the field of foreign aid, all atrocity prevention national mechanism programs supported by Germany have integrated a gender mainstreaming perspective and recommended infrastructures that actively implement gender mainstreaming. In addition, current mass atrocity dynamics reveal that sexual orientation and gender identity are often used by perpetrators as pretexts for violence and abuse, a reality that is often deliberately ignored when building national and regional atrocity prevention infrastructure in certain UN Member States. During its tenure on the Security Council, Germany must emphasize within its discourse on preventive measures the gendered nature of atrocity prevention processes and push for the sharing and application of good practices related to gender mainstreaming and the protection of sexual orientation and gender identity minorities as aspects of a global atrocity prevention strategy.

Recommendation 4: Reverse the current trend of reducing human rights visibility within the UN system

Atrocity prevention and human rights protection are inextricably linked. Numerous human rights and atrocity prevention organizations are increasingly and legiti-

mately concerned about the reduction of human rights capacities, which simultaneously served an atrocity prevention function. This has been exacerbated by the US retreat from sustained support for human rights advocacy, along with pressure from China and Russia to reduce opportunities for human rights advocacy. A case in point is the Secretary-General's Human Rights up Front initiative, created in 2014 to address the failures of the UN system in preventing the mass killings of civilians in Sri Lanka in 2009. This initiative provided the infrastructure for UN staff to »take a principled stance and to act with moral courage to prevent serious and large-scale violations.«⁵ The Human Rights up Front initiative has been shrinking in recent years under pressure from certain Member States seeking to downgrade the initiative within the UN system. A further alarming case is that of the Russian-backed Chinese push to reduce or eliminate the human rights components of peacekeeping mandates. According to information emerging from 2018 budget negotiations, China wanted to eliminate funding for human rights experts in the Central African Republic, South Sudan, Mali and the Democratic Republic of Congo, all societies with high levels of risk for atrocities. Germany will have to pressure the Security Council and the UN infrastructure to reverse this trend and to continue affirming the inextricable link between atrocity prevention and human rights protection in an inclusive security system.

Recommendation 5: Involve the UN infrastructure for atrocity prevention in UN Security Council activities

The UN has developed its own bureaucracy for atrocity prevention. The United Nations Office on Genocide Prevention and the Responsibility to Protect with its two Special Advisers was created with an express mandate to promote atrocity prevention. Germany has a record of providing sustained support for the activities of the Office and also in the future can be of great assistance in a number of ways. First, it can provide assistance by requesting that the two Special Advisers brief Security Council members on a regular basis, both as part of country situation discussions and as part of thematic open debates that deal with atrocity prevention issues.

5. See the website of the United Nations Information Centre, Canberra: <http://un.org.au/2016/09/28/united-nations-human-rights-up-front-initiative/> (last accessed: 9.11.2018).

Second, Germany can call for and organize Arria formula⁶ meetings with a focus on atrocity crimes risk and prevention action. Third, Berlin can cooperate with the Office to encourage the Security Council to make visits to countries where there are atrocity risks at an earlier stage, in order to encourage earlier action to prevent or halt these crimes. Fourth, Germany should consider the establishment of an expert-level committee to review the Security Council's work on atrocity prevention, examine best practices and lessons learned, explore future challenges and priorities, and facilitate deeper engagement with the Special Advisers. Fifth, Germany will have to exercise pressure for the appointment of and financial support to the Special Adviser of the Secretary General on the Responsibility to Protect, a post that has been vacant since April 1, 2018. Germany will also be able to provide other UN bodies that have already built their mandates to include specific atrocity prevention goals with opportunities to interact with the Security Council in specific settings: the Human Rights up Front initiative, the High Commissioner for Human Rights and the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence.

Recommendation 6: Break the deadlock on ongoing mass atrocity crises

As mentioned above, Germany has a unique voice in international diplomacy when it comes to emphasizing the need to stop mass atrocities from occurring. It is quite conceivable that, during its Security Council mandate, Berlin will find itself in the least bad position in negotiating solutions for the current deadlocks on Syria, Yemen and Myanmar. Being in a position to take the lead in these difficult situations with high-profile initiatives offers Berlin opportunities to reaffirm the need for mass atrocity prevention in the future in these situations and, more widely, in a global setting. Dealing with these situations will provide Germany with an opportunity to openly discuss and consider the wide range of both cooperative and coercive tools (diplomatic, economic, le-

gal, and military) available to states, the Security Council, and the UN more generally, to prevent atrocities or reduce the risk of their occurrence. The inclusion of measures that are expressly aimed at mass atrocity prevention in these high-profile initiatives will be essential for the institutionalization of mass atrocity prevention globally.

5. Conclusion

Germany's seat on the Security Council represents a historic opportunity for institutionalizing mass atrocity prevention. While Germany will have to continue to support the institutionalization of national and regional mass atrocity prevention systems in its direct national and regional support programs, its membership of the Security Council provides a unique opportunity to make globally visible the existing progress in institutionalizing atrocity prevention at the national and regional levels, a process that Germany has supported all along. Gaining visibility for these tools aimed at atrocity prevention will allow Germany to make a lasting contribution to resolving one of the toughest dilemmas of international diplomacy: how to prevent situations that exhibit risk factors for atrocity crimes from evolving into crises that cost so many people their lives and drain the international system's ability to regulate itself.

Germany is very well positioned to strengthen the global system by revolutionizing how it deals with risk factors for genocide, crimes against humanity and war crimes. This significant opportunity should not be wasted through grand declarations that are not followed by actions or through never-ending exercises of conceptualizing the responsibility to protect and atrocity prevention in interactions with academics and think tanks, and, thus, avoiding action to prevent atrocities. It is time to act. Germany has an excellent tradition of enacting policies in conformity with the speeches of its leaders, through long-term engagement leading to stable success. This one is particularly important for us given a growing trend we've noticed from States and other institutions withdrawing from actually taking action on these issues. Now is the moment for Germany to lead the international community in institutionalizing mass atrocity prevention and, thus, to make it real.

6. Named after Venezuelan Ambassador Diego Arria who founded the practice, Arria formula meetings are informal and confidential meetings, requested by a Security Council Member, that provide an opportunity for an open and candid discussion between Members of the Security Council and the invited guests, often comprising high level representatives of international organizations, non-state parties and government. Since Arria formula meetings are not considered official activities of the Security Council, they are not conducted in the Security Council consultation room, but instead in an outside conference room.



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