2.5. Practical implementation of prevention: Outlaw the violence, protect the people

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The speeches on the Responsibility to Protect, humanitarian imperatives and greater German responsibility are buried beneath the ruins and rubble of Aleppo.[1] People who are usually so passionately advocating peace are silent, while even the German Chancellor can barely contain herself: "If a trade deal with the US causes hundreds of thousands of people to take to the streets, but the brutal bombings of Aleppo triggers almost no protest, then something is wrong."[2] In the last two years, millions of people have fled from mass murder and war crimes, but their suffering only turned into a calamity once they turned up in our backyard. The new president of the United States, Donald Trump, offers a distraction from this moral fiasco. "We" are being expelled from the paradise of transatlantic relations, and we are revolting daily against his tweets. But how is this expulsion comparable to the situation in Syria?

The spells of deathly calm in Syria, Eastern Ukraine and the Southern Caucasus are deceptive. Due to a lack of enforceable norms and effective institutions that serve to deter and contain, violent conflicts and proxy wars between great and regional powers will become more likely and presumably more ruthless in the future. Neorealists would argue that peace is built on nothing but the balance of terror, anyway. It is certainly true that Putin and Trump intimidate many, but who is going to deter them when their mutual deterrence begins to fray? If it came to a war against Iran, to a war with China or to further aggression by Russia, the level of violence would increase exponentially. Repressive regimes and their radical opponents will continue to ensure that mass violence accompanies internal wars. There is no reason to assume that terrorism against whole groups or the "Western" lifestyle will lose any of its destructive power, even if its main victims are non-European states. Finally, a cocktail of violence is brewing in Africa that consists of demographic pressure, scarce resources, blocked opportunities, distributional conflicts and overextended institutions.

How could the prevention of crisis, conflict and violence work better? How can Germany live up to the expectation of contributing "earlier, more decisively and more substantially," as the former German President demanded and

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[1]   The authors are indebted to Julia Kellerbauer for proofing and copy editing the translation.

[2]   http://www.zeit.de/politik/ausland/2016-12/buergerkrieg-syrien-aleppo-armee-rebellen-vormarsch, trans. by the authors.

as the new German President stated while he was still foreign minister? It is not enough to invoke international law, the International Criminal Court, the Code of Crimes against International Law (*Völkerstrafgesetzbuch*) and the Responsibility to Protect, for their standards are anything but prevailing. On the contrary: the normative counter-revolution is on the march. The norms of protection have suffered massive setbacks in recent years, caused by, among other things, withdrawals from the Rome Statute, the paralysis of international organizations, and the intervention in Libya – the first intervention with an R2P mandate by the UN Security Council and another that became discredited by disinformation and distortions of its mandate.[3] The deceptions, untruths and even lies used by Western governments to justify the war in Kosovo, the war in Iraq and the intervention in Libya have undermined the Responsibility to Protect. As a result, the United Nations are gridlocked over geopolitical issues, while the US is rapidly losing the will to exercise the hegemonic role in which it has maintained protection norms at least occasionally, even though it has itself violated international and human rights laws in places such as Iraq and Guantanamo.

However, there is little use in complaining about the way we overestimated the power of norms and underestimated the normative force of power and rivalry. We need a fundamental debate about the ethical obligations that arise from Germany's "international responsibility." Germany cannot ethically nor politically afford to exclude serious forms of systematic violence from its peace agenda – the casualty figures are too high, and the consequences for international security and order too far-reaching to do so. The standard set of peacebuilding tools alone is insufficient to mitigate atrocities; to perhaps prevent or at least limit them in the future means the violence, crisis and conflict prevention toolkit will have to be reinforced. We need effective mechanisms for identifying and politically and ethically evaluating the risks and the types of violence that typically precede atrocities at an early stage. This is a matter of resources, capacity and a realistic assessment of what is possible – and it takes courage to try, even if success cannot be guaranteed.

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3 House of Commons Foreign Affairs Committee: Libya. Examination of Intervention and Collapse and the UK's Future Policy Options. Third Report of Sessions 2016-17, http://tiny url.com/kyrs46p; Philipp Rotmann (ed.): Contesting and Shaping the Norms of Protection: The Evolution of a Responsibility to Protect. A special issue of the Global Society, No. 30/1, http://www.globalnorms.net/publications/protection/.

Nothing fake about atrocities

Explanations of the outbreak and escalation of collective violence mostly focus on fragile statehood, regime characteristics, ethnic heterogeneity, income disparity or resource scarcity. Somehow, macro level of political science is always right. It would be more relevant if it could explain the escalation of precursor violence into mass crimes or the power of perpetrators to act. Mass violence is not determined by "the circumstances," but, instead, actively prepared through social prejudices, in-group coercion and the exaggeration of differences with the object of aggression (extreme othering).

Nowadays, there is scarcely ever an atrocity that is not labeled "fake news" or disinformation, its meaning thus left for everyone to assign arbitrarily. Whereas holocaust denial is a criminal offence in Germany, the mode of operation of holocaust deniers has long since become common practice: Mass crimes are relativized by referring to the crimes of others, and thereby morally nullified. Perpetrators are constantly being exonerated with reference to higher authorities approving or tolerating the crimes. At the same time, the framing of perpetrators as a faceless mass contributes to their *Gleichschaltung*, limiting the power of individuals to diverge from the group. Atrocities build on precursor violence, such as pogroms, local uprisings, furtive observation of victims, their arrest and the eradication of their identity symbols. Atrocities require logistics, organization, establishment of command structures and social acceptance of motives for violence. Mass atrocities are the end result of a cycle of radicalization. They require planning, there are warning signs and symptoms, and thus possibilities at every stage to limit and prevent crimes.

Atrocities are not unambiguously defined, making it easier for perpetrators and their apologists to deny their deeds and conceal their victims. UN representatives warned the UN Security Council of a "gigantic graveyard" in Aleppo, but the (now deceased) Russian Ambassador to the UN, Vitaly Churkin, blocked the resolution demanding a ceasefire because it was submitted at 11:20 AM on a Monday and, according to the 24-hour rule, was not permitted to be brought to a vote before the next morning, i.e., on Tuesday. The people trapped in Aleppo would have been glad to be confronted with Churkin's problems of procedure and timing. The US Ambassador, Samantha Power, complained to the UN Security Council that Syria, Russia and Iran were responsible for the "complete collapse of humanity" in Aleppo. Churkin mockingly compared Power to Mother Teresa. To deny the violence, the victims and anyone's responsibility, to condemn the critics ("no better themselves") and to refer to higher authorities is all part of making atrocities invisible. One person's atrocity is another person's "shaping power" (*Gestaltungsmacht*), which

is how a contribution to the 2016 Peace Report euphemistically framed Russia's conduct of war in Syria.[4] Violence or "shaping power" – does everything depend on your perspective, your "construction" of reality? Certainly not. Anyone who wants to prevent suffering must start by opposing organized apathy and disinformation. Violence is intentional, controllable, avoidable and organized behavior, not some instinctive reaction without perpetrators, and certainly not an expression of an artistic urge to shape events. Atrocities are a form of violence that is characterized by extreme asymmetry of power between perpetrators and victims, indiscriminate use of violence against members of a group and systematic physical assaults on a massive scale.

Violence requires justification, and so each particular justification determines whether violence is accepted as legitimate or at least tolerable, or whether it is outlawed. Only once violence becomes legitimate does collective participation become possible. Violence is seen as more legitimate (or less illegitimate) when it is justified by a large and powerful group of people or states. Violence committed by one of the five permanent members of the UN Security Council is judged differently from violence committed by a less powerful state. Criminal liability for violence is also selective. An event is only classified as an atrocity if there is ethical or cognitive dissonance. Thus the first task is to demolish the justifications for atrocities by relentlessly exposing the atrocities themselves.

The prevention or containment of atrocities cannot start only after perpetrators have been – or are likely to be – legally convicted. Perpetrators usually deny their atrocities, facts are often ambiguous and interpretations are politicized. In January 1999, the German minister of defense, Rudolf Scharping, assessed the murder of 45 Kosovars in Račak, a crime that has never been completely solved, as evidence for an impending genocide by the Serbian government. At the same time, according to various calculations about 3.9 to 5.4 million members of different ethnic groups died in the second Congo war (1998-2003), without any German government leader speaking of genocide.[5] Thus, the number of victims is not a clear benchmark for a mass crime. What is seen as mass crime lies in the eye of the beholder; whether it fits into the person's own cognitive schema and whether the wall of silence is broken down. The opportunistic handling of facts is a prerequisite for mass crime, and for exactly this reason standards of evidence are needed which take the ground from

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4   Regina Heller: Russlands Machtpolitik in Syrien – (k)eine Frage der Kosten, in: Margret Johannsen et al. (eds.): Friedensgutachten 2016, Berlin, p. 242.

5   The UN Congo Mission received a robust mandate in 2013 – with significant improvement as a consequence; see: Resolution 2098 (2013), http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2098(2013).

under the feet of "post-factual" constructions of reality. To give just one example: On September 19, 2016, despite a ceasefire, a UN relief convoy authorized by the Syrian regime was attacked from the air in the vicinity of Aleppo. Syria and Russia denied any involvement, even though theirs were the only forces present and capable of carrying out an air strike.[6] A later UN report confirmed that the convoy had been attacked from the air; thus, the Russian and official Syrian version that the convoy had been attacked by opposition ground forces could not be sustained.[7] Later, hospitals in Aleppo were constantly bombed – war crimes that remained unpunished. Evidence of responsibility for those war crimes would have increased the pressure on the United Nations to create a safe area for Aleppo. On December 21, 2016, the UN General Assembly passed a resolution authorizing the United Nations to start collecting evidence of crimes in Syria – against the votes of Russia and China.

Unlike a criminal investigation, the goal of a fact-finding mission on atrocities cannot be that of being exhaustive and complete, but only to provide a plausible assessment of the facts in light of the relevant norms. We can certainly speak of mass crimes even before there is a legally binding judgment. Evidence aimed at providing an overall picture must avoid two extremes. If the benchmark for evidence is "beyond all reasonable doubt," the perpetrator or criminal regime can feel reassured, because the burden of proof is set so high that a conviction is unlikely. Low benchmarks of evidence, in turn, create the "post-factual" impression that disinformation is sufficient to cast doubt on atrocities. Either way, the effect of very high and very low standards is the same: it is very likely that perpetrators will escape without punishment. But when the message is: "If, according to the situation, Y is responsible for the atrocity X, we will hold Y to account regardless of his or her status in international relations," then perpetrator Y will be forced to take this into account. This standard marks the difference between prevention as a deterrent from a preemptive war such as the one against Iraq (2003), which presumes to get by with no more than speculations about an imminent threat.

So far there are no recognized standards for registering and classifying atrocities. Fact-finding missions require a mandate, qualified investigators and a specified time period within which they need to identify relevant facts and information using well-documented and transparent procedures. The effectiveness of such investigations – a task for state and non-state experts alike – would

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6   http://tinyurl.com/hm6vpcq.

7   The report to the UN Security Council on December 21, 2016: http://reliefweb.int/sites/reli efweb.int/files/resources/N1645820.pdf; the accusations against the opposition by Russia's Foreign Minister Lavrov on September 21, 2016: http://tinyurl.com/n6x32nm.

be improved if different sources of information were systematically combined, including those of intelligence services. When declaring actions as atrocities, governments, international organizations and civil society actors should satisfy themselves with standards such as "reasonable suspicion" or "clear and convincing evidence", even if these may not be sufficient for later conviction in court. We would be much farther along regarding prevention if there were professional standards and an infrastructure for collecting and processing information. It is not acceptable that the notion of "mass crimes" degrades into nothing more than what anyone "post-factually" considers it to be. Therefore, fact-finding, assessment, drawing conclusions as well as issuing and implementing mandates must be kept separate.

Murdering your own people: Not an internal matter

Now, it is not the case that we had no concept for Aleppo. According to international criminal law, mass crimes includes genocide, crimes against humanity and war crimes. Serious offences against the rules of behavior in armed conflicts are classified as war crimes. According to the Rome Statute of the International Criminal Court, they include deliberate attacks against civilians or civilian objects, attacks in the knowledge that they will cause incidental civilian casualties, attacking undefended towns, villages, dwellings or buildings that are not military objectives, killing or wounding combatants who laid down their arms or no longer possess any means of defense or surrendered, pillaging a town or place, the use of chemical weapons, the use of weapons, projectiles, material and methods of warfare "which are of a nature to cause superfluous injury or unnecessary suffering," committing rape, sexual slavery, forced prostitution, using civilians as "human shields" or intentionally using starvation of civilians.

For the first time, the Hague Convention of 1907 threatened that parties disobeying provisions of the convention are liable for compensation. Since the Nuremberg trials, "violations of the laws or customs of war" constitute war crimes. These include murder, abuse or abduction, forced labor, murder or mistreatment of prisoners of war, killing or mistreatment of hostages, plunder of public or private property, deliberate destruction of cities, towns, or villages, or any devastation not justified by military necessity. The Geneva Convention of 1949 required the signatories to lay down penalties for grave breaches, but international criminal tribunals for the Former Yugoslavia and Rwanda were only established in the 1990s. The International Criminal Court was later established in their place. Even though China, India, Israel, Pakistan, Russia and

the US did not ratify the Rome Statute, we can still be confident that we know what we are talking about when we conceptualize mass crimes.

Objections to legally and practically punishing mass crimes are most forcefully expressed by those for whom holding government office is like a license to break the law. "Humanitarian interventionism" may indeed undermine the principles of state sovereignty and non-interference in internal affairs, and serve as a pretext for military intervention or regime change. Western states have anything but a sterling record in this regard. However, state sovereignty has been taken down from its pedestal precisely because the ultimate authority to kill or to murder your own population must no longer be a matter of internal sovereignty. The outrage of those who like to conduct their own internal and external wars without interference is therefore quite hypocritical.

Obstructing the norms of protection is mostly "justified" by three arguments, especially by Russia, China and some African states; namely by making the appeal to take into account the perspectives of "all parties to the conflict," by calling for "consensual" solutions, and by criticizing Western military interventions, as if their abuse made the norms of protection morally any less compelling.

The legitimacy of humanitarian norms is by no means universally acknowledged, and for this reason those who think they can take action outside the bounds of humanitarian norms must be constantly subjected to pressure to justify their behavior. Humanism is not self-evident, but instead a moral position under threat of extinction in the ideological class war of international relations. The Responsibility to Protect (R2P) is a concept which is constantly struggling for recognition of its normative content; it is surely not an accepted norm. Those who want to prevent atrocities in the future must be prepared to impose sanctions even without the Security Council (the EU has done this several times), must make supplying weapons more difficult, cut off sources of funding for rogue regimes and create safe areas for threatened civilians.

What to learn from Syria? Due to the Assad regime's rejection of UN peace proposals, the violent and fragmented opposition and Russia's and China's blockade in the UN Security Council, every atrocity committed by the Syrian regime has been left unpunished – a fact that contributed substantially to the radicalization of the opposition. The "Assad must go" rhetoric of the West was unable to gain a majority in the UN Security Council, but neither were any of the pro-regime change governments in Paris, London, Washington or Berlin prepared to bear the military consequences of their moral judgments. In 2012, when Turkey accepted 70,000 Syrian refugees and saw itself as having reached its limits – another 1.8 million were yet to arrive in Turkey alone –

then-Prime Minister Davutoglu suggested safe areas under UN supervision. Some opposition groups called for no-fly zones, as well. And what happened? In August of 2012 the UN observer mission in Syria was withdrawn from Syria, Kofi Annan resigned his office as UN special envoy in despair. The UN Security Council is discredited in its role as a "protector." But, is there any chance that victims of the Syrian war will need to fear less for their lives?

Ethical guidelines

In the face of terror, human beings are by no means equal. Cognitive, emotional and ethical racism is part of daily practice. Tormented Muslim Rohingya in far-away Myanmar spark far less sympathy than persecuted Christians in the Middle East. We are socialized to perceive human suffering in terms of skin color, religion, ethnicity or gender. However, undifferentiated accusations of indifference are just as useless as the assumption of universal responsibility. "Our" resources, whether as Germany, Europe or the United Nations, are finite, and ethical standards of behavior require nothing more than to do what it is possible to do. Ethical answers emerge from dialogue between ethicists and politicians – from ethicists thinking politically and politicians thinking ethically. Some basic principles can be outlined. For any behavior in relation to atrocities to be recognized as ethical, it must demonstrate a certain consistency, it must be publicly justifiable, understandable, coherently formulated and also realistic, i.e., it must not demand the impossible.

The first normative imperative would be the delegitimization of atrocities and particularly pernicious weapons. If human dignity and human rights are indicators of an overarching understanding of civilization, then they give rise to the obligation to protect human beings, to help or support those whose fundamental human existence is under attack. Consequently, anything that contributes to the reduction of suffering, need and fear is justified. That does not only apply after the threshold of atrocities is reached; the reduction of violence may also support the prevention of atrocities.

The prevention of atrocities may require the use of force, because anyone who would be able to provide protection but fails to do so is morally guilty and legally punishable. If this sentence is correct, then it also applies to the UN Security Council: If the UN Security Council puts itself in a position to be guilty by obstruction, it must be deprived of its recognition as the highest authority. Why should five powers, characterized by their possession of weapons of mass destruction and their colonial and imperial past, be regarded as the masters of global good and evil? Thus, we need to put the "Kosovo exception" on

the international agenda again, as a moral challenge and a contestation of the status quo. To invoke the use of force to protect civilians must not under any circumstances become a license for the selfish exercise of power. It is bound to the proof to respond to aggression or atrocities, to prevent victims from taking harm, that all peaceful means failed, to spare innocents, and for the means to be proportionate.

For the EU to remain a "power of peace", it will need, along with the African Union, to establish humanitarian protection brigades, a kind of *Peace Brigades International* consisting of people with similar views. One principle could be to focus on those cases where the need is greatest, where early warning indicators point to a high risk of escalation, or in which the respective countries' security institutions are systematically failing. One normative imperative could be to focus on cases where the greatest impact is expected. External actors would be authorized to intervene in violent conflicts in a partisan manner or as third parties if there is an expectation that is robust, though never certain that such action will be able to prevent greater harm from inaction. The common counterargument that it is impossible to identify either mass crimes or the utility and "collateral damage" of intervention until after the fact is trite. The "collateral damage" from the Kosovo War would have been less if NATO had not bombed civilian targets in Yugoslavia – to protect, not to pillage, must be the principle. In 2011, French and British warplanes bombed civilian targets in Libya. Instead of fulfilling the Responsibility to Protect in accordance with UN Resolution 1973, eliminating Gaddafi became the goal.

Intervention in the interest of victims of mass crimes can be justified by the normative imperative to provide help to those in need. External actors must practice what they preach, to do is the only foundation for their moral authority. However, the humanitarian calls for protection after Rwanda (1994) and Srebrenica (1995) were followed by the sobering "collateral damage" of interventions in Iraq and Libya which were legitimized on humanitarian grounds. To reduce concerns that the Responsibility to Protect is only used as a cover for violent regime change, the sole guiding principle should be to meet the legitimate protection demands of all parties.

Humanism may require that great powers be denied recognition if they act in an inhumane manner and are responsible for war crimes. To prevent or to contain atrocities will require scaling back the veto power of the five permanent members of the UN Security Council. This will be possible only by forming coalitions with those countries that oppose the division of the world into countries with a monopoly on "legitimate" mass annihilation on the one hand, and the "have-nots" on the other.

Prevention of atrocities

National and international early warning efforts should identify precursors of atrocities in terms of language, culture and the media, and coordinate the many sources of information, including official sources in countries at risk, military and police intelligence services and the knowledge of aid staff. Professional and sustainable monitoring can contribute towards reducing the level of violence. Mass deportations and the use of long-distance weapons were significantly reduced by the OSCE mission in the Ukraine. At the same time, the repression of the Rohingya in Myanmar demonstrated the dangers of short-sighted prevention – the effects of observation vanished after lifting the sanctions, and the "ethnic cleansing" of the Rohingya continues, just with a Nobel Peace Prize winner now sharing responsibility.

Whenever the UN Security Council, the UN Human Rights Council, the EU, NATO, the OSCE, the AU or the ICC are blocked, delegitimized or ineffective, alternative diplomatic formats should be pursued which bring conflict parties, intermediaries and veto powers together while being sufficiently small to enable collective action. This is a way to put regional and major powers on the spot if they are interested in resolving individual conflicts and reducing the violence but not prepared to take responsibility for sanctions or international prosecution. Concert diplomacy with a manageable number of influential players is often practiced in obvious crises, but mostly not until after extreme violence has already broken out. An early "Normandy format" with the inclusion of the EU may possibly have prevented the Ukraine conflict from escalating the way it did. Coalitions of likeminded can build up moral pressure in cases in which the UN Security Council is blocked. Arguments based on particularistic interests, such as the protection of investments, can mobilize countries like India, Brazil, South Africa and China to provide support against atrocities in individual cases. Even Russian representatives are now demonstrating that their status as a pariah state does not fill them with unquestioning pride.

The "democratic peace" hypothesis suggested that the key to peace lay in promoting democracy, all the way to regime change. A change of regime, however, often comes with disorder, state collapse and escalation of violence. Democratic peace is clearly not worth a genocide. Both the atrocities of a repressive regime and the violence of opposition forces or successor regimes are to be avoided. Advocates of revolution should make sure to be aware of the dangers of disorder. As a result, they would be well advised not to speed up political transformations from the outside. Deficits in democracy, such as violations of term limits in Burundi or the Congo, must not be allowed to become pretexts for external support of violent regime change. The history of – often

bloody – revolts and revolutions demonstrates that calls for democracy must be weighed against the latent or manifest potential for escalation of violence. After the misuse of the UN mandate by NATO countries to ensure a regime change in Libya in 2011, provisions are needed to protect Security Council mandates from excessive interpretation in the future.

Actors in early warning, human rights and humanitarian aid should exchange experiences. Local actors can be trained to protect civilians and prevent atrocities in individual cases, as with the Kurdish Peshmerga. Such train-and-equip programs should be linked to conditions to limit arms proliferation and the empowerment of out-of-control forces. If military assistance is abused, it could be immediately and comprehensively stopped. Train-and-equip programs are incomplete without the establishment of local monitoring capacity, which has a limiting "CNN effect."

In Germany and the EU, those responsible for atrocities have not been systematically prosecuted so far.[8] Progress in this area would be effective, since it is far harder to lead atrocities from inside pre-trial detention or while serving a prison term. Were perpetrators of violence and their families no longer courted as wealthy customers of private hospitals or health resorts, holidays, financial transactions and private schooling, it would send a strong message that talk about invoking the Responsibility to Protect is followed by action. The required legal changes include improving the legal framework for sanctioning individuals so that well-founded travel and financial sanctions will be more difficult for perpetrators to challenge in the European Court for Human Rights. In comparison to the Obama administration, European governments and the EU employ only a fraction of the number of lawyers to manage sanctions so far – clearly an area for improvement. The German Federal Criminal Police (*Bundeskriminalamt*) has a "Central Unit for the Fight against War Crimes and further Offences pursuant to the Code of Crimes against International Law" which cooperates with the war crimes units of international police services in the *EU Genocide Network*, with the International Criminal Court, and with

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8   Despite the massacre in Andijan/Uzbekistan (2005) and the EU sanctions, the German armed forces continued its military training program; the erstwhile Uzbek Interior Minister, Sakir Almatov, the person with primarily responsible for "Andijan," traveled to Germany in November 2005 on "humanitarian grounds" and received treatment in a private clinic in Hannover. On criminal law actions against war criminals in Germany: Dominic Johnson/Simone Schlindwein/Bianca Schmolze: Tatort Kongo – Prozess in Deutschland. Die Verbrechen der ruandischen Miliz FDLR und der Versuch einer juristischen Aufarbeitung, Berlin 2016.

Europol and Interpol. However, the level of staffing is dismal, and witness protection as well as stakeholder involvement require improvement.[9]

The application of military coercion should be integrated into the repertoire of mission planning as well as military and police training. This includes coercive measures to physically protect those who are being threatened (safe areas), to prevent or stop atrocities (e.g., via no-fly zones), and to enable the delivery of humanitarian aid as part of "coalitions of the like-minded." No-fly zones are a proven and effective way of preventing the bombing of civilian targets. Since the negative experience in Srebrenica, UN-mandated "safe areas" have not been pursued again. And yet it was only after 2013 that robust UN combat troops were able to force some irregular militias in Eastern Congo to disarm.

In Germany, for many civil society organizations that emerged from the peace movement of the 1980s the protection from atrocities does not play a prominent role. Neither are current cases of genocide particularly relevant in Holocaust education. This is where representatives of organized civil society, including the churches, should take a stance indicating how atrocities can be prevented. In Germany, so far there are very few NGOs that consistently focus on this topic, mainly Genocide Alert, Crisis Action, Human Rights Watch Deutschland, the Society for Threatened Peoples and Amnesty International. Thus, there is a need to strengthen civil society groups which devote themselves to humanitarian protection.

For effective prevention, political leadership is decisive – from signaling through strategy documents to the personal commitment of top political leaders and officials. Yet so far, leaders are not even aware of what tools are available and what to do with them. An inter-agency review could provide an overview of existing instruments and capabilities. Such a review should not be confined to the Foreign Office and the Ministry of Defense, and neither should it be limited to either military or civilian tools. Instead, it must also include the development ministry, intelligence services and the ministries of justice, finance and the interior. In a further step, the government needs to make sure that in the future, the Bundeswehr will be prepared to deal with the strategic, operational and tactical implications of missions to protect civilians in war zones. The handbook of the US Army on "Mass Atrocity Response Operations" with

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9   Wolfgang Kaleck: Keine Straflosigkeit bei Kriegsverbrechen – Völkerstrafprozesse in Deutschland voranbringen, Anhörung im Ausschuss für Recht und Verbraucherschutz des Deutschen Bundestages, April 25, 2016, https://www.bundestag.de/blob/419958/16a05fb 20339cecc383b10dba5835b10/ecchr-data.pdf.

its operational scenarios for the protection of civilians is one possible model for this capacity-building effort.[10]

The parliament's political influence is not limited to making laws. The Bundestag can build awareness, for example by means of establishing a "parliamentary group of friends" or a dedicated rapporteur on atrocity prevention in the Foreign Affairs Committee who would maintain contact with other European parliaments, with civil society (including by way of public hearings), as well as with the German government. The Bundestag's Subcommittee on Civilian Crisis Prevention established a useful practice of regularly having the government report on certain situations posing risk. This horizon-scanning effort helps to direct official attention to countries that are not prominently in the news. The situational awareness provided by the intelligence services with regard to atrocities is deficient; threats to Germany dominate the mission of the Federal Intelligence Service (*Bundesnachrichtendienst,* BND).[11] Diplomats themselves are overextended, since embassies in at-risk countries are often too small and their freedom of movement is restricted. In some cases, embassies have been closed precisely at a time when particularly close monitoring of the situation would have been decisive. Aid workers regularly complain about the lack of reporting from government on violence and conflict risks, while government representatives prohibit them from publicizing their own early-warning analyses. Meanwhile, German military advisors sometimes see critical reporting on local partners, even within their confidential internal channels, as damaging to their trust-building mission. We need to make significant progress in the depth and density of our situational and analytical awareness of atrocity risks, both to identify early-stage risks and to monitor them along the path of escalation. This will not be possible to achieve without close co-operation between government assets with local and international civil society, as well as the strategic deployment of observers and advisors, human rights advocates and commissions of inquiry of the United Nations.

A prerequisite for prevention is the ability of government bureaucracies to develop appropriate strategic response options at an early stage and in every new phase of escalation. In most cases, however, violence escalates and the pressure to act only mounts as a response to media attention. At that point, it is too late for most forms of prevention. Decision-makers are confronted with the choice between either authorizing a military intervention – with all the associated political and practical risks of such an intervention, which translate

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10 Stephen F. Burgess: Comments on the Mass Atrocity Prevention Response Operations (MARO) Handbook, in: Genocide Studies and Prevention 6/1 (April) 2011, 66-69.

11 http://tinyurl.com/kyrdtyk.

into significant obstacles for such a decision – or just standing by while the slaughter unfolds. For this reason, it is critically important to create political instruments that provide a wider range of policy options along all stages of violent escalation.[12] In the US, the Obama administration created the Atrocities Prevention Board (APB) to coordinate the various government departments and agencies in cases that were not yet being handled as acute crises.

Regardless of the mixed record of US administrations in preventing atrocities, the APB succeeded in expanding the "toolbox," which includes public pressure, discrete diplomatic involvement, prevention of violence through development cooperation, travel restrictions and financial sanctions, launching national and supporting international criminal proceedings, supporting the AU's and the UN's military observer missions and peace operations as well as providing military training and equipment – all the way to "robust" military interventions. A key factor behind this expansion of the policy toolkit was the leadership of individuals such as Samantha Power, who advised Obama initially from a position in the National Security Council and then as his Ambassador to the United Nations. The Atrocity Prevention Board convened regular high-level meetings supported by a dedicated secretariat of several full-time staff. It was exclusively mandated to focus on prevention, i.e., it did not deal with "hot" crises such as Syria post-2012. The board was expected to foresee where atrocities could be committed.[13] It provided early warning of the escalation of violence in Burundi and in the Central African Republic, and contributed to a rapid reaction to save the Yazidis from the IS. The lesson should be taken to heart in Germany: Results can only be achieved once early-stage coordination about risk indicators and policy options becomes its own process, jointly owned and given substantial weight by all relevant departments and agencies. The same applies to financial resources for preventing crises, conflicts and atrocities. The US government did not achieve this with the APB, and the result was that scarcely any resources were left for prevention after dealing with acute crises and the "core tasks" of individual agencies. Consequently, it is important to "firewall" resources for prevention from being used for reactions to immediate crises. This is only possible by means of transparency, to allow the opposition and the public to evaluate the difficult judgment between

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12   Samantha Power: A Problem from Hell: America in the Age of Genocide, Audiobook 2015.

13   Charting the U.S. Atrocities Prevention Board's Progress. A Conversation with Undersecretary for Civilian Security, Democracy, and Human Rights Sarah Sewall, Council on Foreign Relations March 3, 2015, http://tinyurl.com/l79m4sk.

where the reaction to the last crisis ends and where the prevention of the next outbreak of violence begins.[14]

Violence prevention as a mission for German foreign policy

A return to the previous state of affairs with Western hegemony in normative and power-political terms is currently unlikely. UN Security Council mandates for the protection of civilians, binding sanctions and criminal proceedings even against the wishes of a particular state, as well as non-consensual human rights monitoring will undoubtedly become more difficult and only succeed in specific cases. Russia and China, in particular, will mobilize against Western interventionism and line up African potentates behind them. However, the BRICS countries are not a homogeneous "bloc" – in the long run, Brazil, India and South Africa may well be more inclined to accept the Responsibility to Protect than Russia or China.[15] Countless proposals to reform the United Nations have failed to overcome entrenched power structures. These proposals will not be implemented until the great powers are paralyzed – or as part of an uprising against them. To prevent atrocities, we need to think beyond the UN Security Council: Humanism cannot be a perpetual hostage to the five powers who derive their moral and legal authority from their exclusive access to weapons of mass destruction.

In view of Germany's history in the 20th century, to prevent and to stop atrocities as well as to protect the victims of mass crimes should be part of the German *raison d'état*, as the government's new white paper on crisis prevention, conflict management and peacebuilding has now codified it.[16] Germany can play a leading role among European states in building up the resources and tools for prevention, whether economic, scientific, media-related, legal or military.

Translation: Matthew Harris

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14 Sarah Brockmeier/Gerrit Kurtz/Philipp Rotmann: Schutz und Verantwortung: Über die US-Außenpolitik zur Verhinderung von Gräueltaten, Heinrich-Böll-Stiftung, Global Public Policy Institute 2013 and Tessa Alleblas/Eamon Aloyo/Sarah Brockmeier/Philipp Rotmann/Jon Western: In the Shadow of Syria: Assessing the Obama Administration's Efforts on Mass Atrocity Prevention, Hague Institute for Global Justice, 2017.

15 Thorsten Benner et al.: Effective and Responsible Protection from Atrocity Crimes: Toward Global Action, Berlin: Global Public Policy Institute 2015.

16 Bundesregierung, Krisen verhindern, Konflikte bewältigen, Frieden fördern: Leitlinien der Bundesregierung, Kabinettsbeschluss vom 14. Juni 2017 [official English translation forthcoming].