

**Assessment of the 2023 Report to Congress on Section 5 of the Elie
Wiesel Genocide and Atrocities Prevention Act for 2022 - 2023¹**

October 2023

¹ The views expressed herein reflect the combined input of Prevention and Protection Working Group (PPWG) members gleaned through internal consultations and written feedback, as well as consultations with the APTF, and do not necessarily represent the official positions of any individual persons or organizations. The PPWG, coordinated by the Alliance for Peacebuilding, consists of over 275 civil society organizations and experts dedicated to atrocity prevention. For more information on PPWG, please visit <https://www.allianceforpeacebuilding.org/prevention-and-protection-working-group>.

Executive Summary

The Prevention and Protection Working Group's (PPWG) Assessment (hereinafter Assessment) on the atrocity anticipation, prevention, and response activities of the U.S. Government (USG) in 2022-2023, as outlined in the 2023 Annual Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act, is the result of significant consultations convened and recommendations gathered by the PPWG.² The Assessment also addresses the implementation of the 2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities (SAPRA) and the use of the 2021 Atrocity Risk Assessment Framework (ARAF).³ This Assessment seeks to assist the USG in strengthening its reporting and improving the overall efficacy of its atrocity anticipation, prevention, and response efforts by identifying and analyzing trends, gaps, and opportunities to enhance measurement and demonstrate impact.

Throughout the first year of SAPRA implementation, PPWG welcomes the USG's more comprehensive and coordinated approach to atrocity prevention, as demonstrated throughout the 2023 report on the Elie Wiesel Genocide and Atrocities Prevention Act (the Act or EWGAPA). PPWG also applauds the diligent work of the Atrocity Prevention Task Force (APTF) and its efforts to institutionalize atrocity prevention across the Federal government, especially with limited resources. PPWG also commends the inclusion of the new section of the report, "Addressing Gender-Based Violence as an Atrocity Risk," which demonstrates critically needed policy integration and coherence. PPWG encourages the USG to continue to integrate atrocity prevention efforts with overall country/regional strategies, as well as the U.S. Strategy to Prevent Conflict and Promote Stability (SPCPS), the U.S. Strategy on Women, Peace, and Security (WPS), and other key policies and strategies.

Recognizing the sensitivities surrounding the USG's efforts to anticipate, prevent, and respond to atrocities, PPWG encourages the USG to focus on assessing and demonstrating the impact of highlights included in the annual report, particularly on how the APTF, the SAPRA, and atrocity prevention tools are influencing wider foreign policy decision-making and engagement with multilateral, regional, and bilateral partners. Future annual reports should clearly delineate efforts tied to anticipation, prevention, and response in line with the SAPRA to improve the ability of Congress and civil society to measure and assess the scope and sustainability of USG efforts. Increased analysis related to the outcomes of diplomatic, policy, and programmatic interventions

² 2023 Annual Report to Congress, Aug. 2, 2023, available at <https://www.state.gov/2023-report-to-congress-on-section-5-of-the-elie-wiesel-genocide-and-atrocities-prevention-act-of-2018-p-l-115-441-as-amended/>; Elie Wiesel Genocide and Atrocities Prevention Act, 2018, available at <https://www.congress.gov/bill/115th-congress/senate-bill/1158/text>.

³ 2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities, Jul. 15, 2023, available at https://www.state.gov/wp-content/uploads/2022/07/CSO-2022-SAPRAv2b-FINAL_2022-06-03_508v9-Accessible-06292022a.pdf; Atrocity Risk Assessment Framework, Dec. 21, 2022, available at <https://www.state.gov/u-s-atrocity-risk-assessment-framework/>.

can further support civil society's advocacy with Congress for robust resources to ensure the successful implementation of SAPRA and promote enhanced policy integration.

Topline Recommendations:

- **Develop a Strategic MEL Framework:** Create a strategic MEL framework for the SAPRA, in consultation with civil society, to measure outcomes and determine the efficacy of USG atrocity anticipation, prevention, and response efforts over time.
- **Assess Interagency Coordination and Influence:** Assess how the APTF's work influences USG activities and resources, as well as evidence of the upward impact of the APTF and the SAPRA across the government.
- **Promote Policy Integration and Coherence:** Include a section on policy integration and identify the ways the USG is integrating atrocity prevention in the implementation of the SPCPS, the WPS Strategy, and other key policies and strategies.
- **Continue to Increase the Use of the Atrocity Risk Assessment Framework:** Include examples of the ARAF's use and how it informs policy, diplomatic engagements, programming, and other activities, as well as challenges to its integration into decision- and policy-making.
- **Strengthen the Impact of Atrocity Determinations:** Articulate the criteria on and process through which an atrocity determination is based, as well as the circumstances in which it would be removed, and report on the impact of any determinations in-place annually.
- **Clarify the Appropriateness and Impact of Sanctions:** Create a set of publicly available criteria as to when sanctions are an appropriate tool to address risks or the commission of atrocities. Annually assess the impact of sanctions in atrocity cases. Detail how and in what contexts sanctions were utilized pursuant to the Presidential Memorandum on CRSV.
- **Demonstrate Senior-Level Engagement on the Implementation of SAPRA:** Provide an overview of how APTF leadership engage on atrocity prevention and response globally.
- **Identify At-Risk Countries:** Regularly communicate about at-risk countries identified by USG beyond the annual report to enhance civil society's ability to provide timely and iterative updates and analysis and mobilize initiatives to anticipate, prevent, and respond to atrocities.
- **Continue to Expand the Conflict Observatory and Report on Its Impact:** Analyze the impact of Conflict Observatory data and analysis and how it informed foreign policy decision-making.
- **Address Emerging Drivers of Conflict and Atrocities:** Commit to regularly addressing emerging and evolving threats, such as digital technologies and climate change.
- **Reconsider the Report's Format:** Consider reformatting the report to tie the USG's work to the specific goals and objectives of the SAPRA. Provide details about progress, successes, challenges, and lessons learned through efforts in line with the SAPRA, priority actions taken, countries/regions of focus, and overall impact.

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U.S. Efforts to Prevent Atrocities—Key Highlights

This EWGAPA report highlights broad USG activities to anticipate, prevent, and respond to atrocities, as well as individual agency initiatives before segueing into specific country-focused efforts. Given the Act’s requirement for “analysis of capacities and constraints for interagency detection, early warning and response, information-sharing, contingency planning, and coordination,” PPWG recommends future reports include a discussion on the leadership and bureaucratic dynamics that influence the integration of atrocities prevention, mitigation, and response across USG efforts and their effectiveness and sustainability as a “core national security interest.” Critically, the report would benefit from an explicit enumeration of how the work of the APTF—directly and indirectly—impacts U.S. policies, programs, activities, and assistance, as well as barriers to integrating atrocity prevention in foreign policy decision-making across the government.

U.S Response to Current or Recent Atrocities—Country Highlights

The 2023 EWGAPA report illustrates the USG’s efforts to address and respond to atrocities across a diverse set of country contexts, although, notably, it provides fewer highlights than the 2022 report and lacks analysis of tangible impact. However, the Ukraine overview presents a particularly strong demonstration of interagency and multisectoral efforts to address the ongoing crimes against humanity and other atrocities. PPWG recommends future reports provide more concrete examples of such work and note contexts where the USG applied the ARAF and how it impacted broader foreign policy decision-making. Furthermore, PPWG recommends future reports categorize interventions in the reporting period as “anticipation,” “prevention,” and/or “response” in line with the SAPRA and explain how they were tied to an overarching country strategy. PPWG also encourages the USG to include examples of interventions or programs that were unsuccessful or lacked impact to surface lessons learned and opportunities to apply them in the future.

Notable Milestones Toward Accountability for Past Atrocities

The section on notable milestones towards accountability, which debuted in the 2022 report, is an important component in the overall reporting, as prior atrocities and lack of accountability mechanisms are key indicators for potential new atrocities in a country.⁴ However, this section could be enhanced if selected cases provided additional context to show whether the action was standalone, part of a broader USG strategy, or sought to complement international accountability efforts (e.g., truth and reconciliation processes, local criminal proceedings, and universal jurisdiction or International Criminal Court investigations and prosecutions). PPWG welcomes the recent decision by the USG to support the International Criminal Court’s (ICC) investigation of

⁴ See, “Risk Factor: Conflict History and Impunity” in the U.S. Atrocity Risk Assessment Framework; Risk Factors 2-3 in *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, 2014, available at https://www.un.org/en/genocideprevention/documents/about-Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

atrocities in Ukraine and recommends future reports provide an update on what the support entailed. Given the long-term nature of accountability processes, PPWG recommends future reports provide iterative updates on previously reported highlights.⁵

Addressing Gender-Based Violence as an Atrocity Risk

PPWG applauds the inclusion of the section in the 2023 report dedicated to the commitment of the interagency to addressing gender-based violence (GBV) as an atrocity risk and welcomes the integration of key elements of the atrocity prevention and WPS agendas and related U.S. strategies. The Presidential Memorandum on Conflict-Related Sexual Violence (CRSV), released in November 2022, is a valuable tool in furthering integration. PPWG recommends the increased and consistent use of sanctions pursuant to the Presidential Memorandum on CRSV, as a means to promote prevention and accountability. Given the inconsistent exercise of sanctions to-date, clarity on the decision-making process for individuals/entities sanctioned in alignment with the Memo and their impacts would provide useful guidance to Congress and civil society.

Beyond the Presidential Memo, the major example in this report of the USG's attention to GBV as an atrocity risk seems misplaced, as female genital mutilation (FGM) is not necessarily an atrocity risk or result. Additionally, one press release does not adequately convey the degree to which the USG is integrating gender in atrocity anticipation, prevention, and response efforts, particularly throughout the wider foreign policy decision-making and implementation processes.

To the extent individual programs or interventions are identified in future reports, they should demonstrate how they specifically involve gender-based atrocities and the ways in which they were iteratively gender-sensitive, trauma-informed, and survivor-centered. PPWG also recommends future reports detail how the USG is working to address CRSV and sexual and gender-based violence (S/GBV) against men, boys, and gender-diverse persons and to what extent it is promoting peaceful masculinities as an atrocity prevention and response tool. Finally, PPWG recommends future reports identify how the interagency is working internally, as well as with civil society, to anticipate, prevent, and address CRSV and S/GBV as risk factors for atrocities.⁶

Sector-Specific Efforts

Funding

⁵ See, e.g., The Department of State's annual Country Reports on Human Rights Practices.

⁶ Examples of the former germane to the 2023 report would have been a discussion of how the APTF has been feeding into the forthcoming WPS Strategy or contributed to USG participation in the November 2022 Preventing Sexual Violence in Conflict Initiative Conference hosted by the United Kingdom. An example of the latter type of collaboration that could have been included in the 2023 report was a discussion on the Learning Exchange on CRSV hosted by the United States Institute of Peace in December 2022.

The report provides an overview of \$101.6 million attributed to atrocity prevention programs by several key agencies—nearly double the figure included in the 2022 report. To measure requests and expenditures, PPWG suggests future reports include the amounts in the annual Presidential Budget Request for SAPRA implementation, atrocity prevention programming, and training. Notably, the report does not analyze the “legal, procedural, and resources constraints faced by the Department of State and United States Agency for International Development throughout respective budgeting, strategic planning, and management cycles regarding support for atrocity prevention activities,” as required by EWGAPA. A more detailed overview of what activities were undertaken and by which agencies—as well as their respective legal, procedural, and resource constraints—is vital to inform civil society’s Congressional appropriations advocacy.

Since the report does not establish and define criteria for “atrocity prevention programs,” it is difficult to determine if the USG is calculating reported expenditures for programs solely focused on atrocity prevention or include conflict, violent extremism, or other violence prevention and peacebuilding initiatives. Recognizing the difficulties in quantifying and qualifying programs and activities and their overlap with related prevention and peacebuilding efforts, the topline figure should be clarified to avoid the perception of “double-counting” or the counting of tangential programs. Inflation of the topline amount risks undermining public support and civil society’s advocacy for atrocity prevention appropriations.

The report does not clearly articulate where money is being spent—geographically or thematically—and by which agencies. PPWG recommends future reports include more details about where USG is directing funding and, to the extent practicable, the breakdown of what each agency/sector spent in the reporting period. To enhance transparency, the USG should identify the percentage of the total amount spent on anticipation, prevention, and response each in line with the SAPRA. PPWG recommends the USG develop a system to measure funding spent on the major elements of the SAPRA, and specific criteria for “atrocity prevention programs” to guide and ensure consistent agency attribution processes. The agencies should delineate between expenditures for standalone atrocity prevention and those related to overall prevention efforts.

Sectoral Efforts

The identification of specific actions undertaken by different sectors within the USG is critical to help civil society better understand and effectively advocate for atrocity prevention programming. PPWG welcomes the inclusion of reporting on the Defense and Security Sectors, as recommended in our 2022 Assessment, and efforts to further improve public awareness of these sector-specific endeavors to anticipate, prevent, and respond to atrocities.⁷

⁷ D. Wes Rist, *Civil Society Assessment of the U.S. Government Atrocity Prevention Efforts for 2021-2022*, Sept. 2022, available at https://www.fcni.org/sites/default/files/2022-09/2022_PPWG_Assessment_of_USG_Atrocitiy_Prevention_Efforts_Administration.pdf.

However, each sector discussed leaves significant gaps in reporting on efforts over the past year and details on several specific sectors remain missing. For instance, in addition to diplomacy and foreign assistance, PPWG recommends future reports include a section dedicated to development and USAID activities toward atrocity prevention, particularly upstream. Furthermore, the present report misses an opportunity to detail how the USG integrates atrocity prevention in the implementation of the SPCPS, the WPS Strategy, and other conflict prevention/peacebuilding-related strategies, policies, and programming, and is working to take a multisectoral approach to anticipation, prevention, and response.

Furthermore, the Defense and Security section omits updates on the integration of atrocity prevention efforts in the implementation of DoD's Civilian Harm Mitigation and Response Action Plan. PPWG recommends future reports include information and analysis about how the USG is integrating atrocity prevention and mitigation considerations into the Plan's implementation.⁸ While the reference to the U.S. Conventional Arms Transfer Policy is a welcome inclusion, PPWG encourages future reports to include an analysis of its impact and APTF engagement and influence on decision-making related to the Policy.

In addition, the Law Enforcement section currently conflates domestic law enforcement and support for international accountability. Given the absence of details in the report about U.S. cooperation with international, regional, hybrid, domestic, and other courts, investigations, and accountability mechanisms abroad, PPWG recommends the Law Enforcement section expand to include the Justice sector and provide updates on significant developments that emerge during the reporting period. For instance, future reports could include information about U.S. cooperation with the hybrid prosecutorial "hub" on Ukraine under the auspices of Eurojust or the type and extent of support provided to the ICC's investigation of crimes in Ukraine.⁹ Alternatively, these details could be included under the section on "Multilateral and External Engagement," but a more robust overview of USG assistance in pursuit of international justice is critical to implementation of the SAPRA.

Future Law Enforcement and Justice sections should also detail how recent legislative developments inform USG policies and programs. For instance, PPWG notes the omission of reference to recent revisions to the Dodd Amendment in the FY2023 Consolidated Appropriations Act and the Ukraine Invasion War Crimes Deterrence and Accountability Act and the ways in which they influenced the USG's atrocity prevention approach.¹⁰ Moving forward, PPWG recommends the USG specifically report on their impacts, as well as the Justice for Victims of War

⁸ E.g., inclusion of relevant curriculum at the Civilian Protection Center of Excellence or decision-making around military operations or security sector assistance in regions with heightened risks of or experiencing atrocities.

⁹ See, Charlie Savage, *Biden Orders U.S. to Share Evidence of Russian War Crimes With Hague Court*, The New York Times, Jul. 26, 2023, available at <https://www.nytimes.com/2023/07/26/us/politics/biden-russia-war-crimes-hague.html>.

¹⁰ FY2023 Consolidated Appropriations Act, 2022, available at <https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf> and Ukraine Invasion War Crimes Deterrence and Accountability Act, 2022, available at <https://www.congress.gov/117/bills/hr77https://www.congress.gov/117/bills/s4240/BILLS-117s4240enr.pdf>.

Crimes Act, the July 2023 Executive Order related to cooperation with the Ukraine investigation, and all other legislative and regulatory developments that implicate U.S. atrocity prevention and response.¹¹ PPWG encourages the USG to also include an overview of how U.S. law enforcement addressed transnational repression by perpetrator states acting on U.S. soil to silence and retaliate against survivors, witnesses, and advocates pursuing prevention, responses, or accountability for atrocities.

Atrocity Prevention Training

The report notes advances in providing and expanding atrocity prevention training—a vital element of EWGAPA. While identifying the number of USG personnel trained annually is a useful barometer of the extent to which the USG is socializing and increasing awareness and expertise of atrocity prevention throughout the government, further details about the uptake of the training are critical to understand how those trained (at all levels and throughout the agencies) are applying what they learn. PPWG encourages the USG to provide a breakdown of training taken by functional/thematic versus field personnel. PPWG also recommends political appointees and senior leaders participate in the training to ensure a firm understanding and promote the integration of atrocity prevention issues in foreign policy decision-making and implementation. PPWG also recommends mandating all new Foreign Service Officers (FSOs) take the training, as well as USG staff and contractors deploying abroad—not only FSOs.

The 2023 report conflates atrocity prevention training with human rights-related training, such as on FGM. PPWG recommends the USG make distinctions between the two in future reports. Further, the report aggregates the training of USG personnel and program beneficiaries. However, such figures should be separated to clarify who has been trained and on what. PPWG recommends future reports provide examples of the impact of training of both USG personnel and local beneficiaries.

Multilateral and External Engagement

PPWG welcomes the report's inclusion of examples of collaboration with international and multilateral organizations and U.S. partners. This collaboration demonstrates the increasing recognition of atrocity prevention as a crucial element of U.S. foreign policy. However, the examples provided in the report raise questions about the degree of direct engagement with regional and local actors outside of the Global North, particularly those directly experiencing or at risk of atrocity crimes. Acknowledging the significant political and diplomatic sensitivities surrounding this work, PPWG recommends future reports include illustrations of engagement with diverse institutions, partners, and stakeholders and their impacts.

¹¹ Justice for Victims of War Crimes Act, 2022, available at <https://www.congress.gov/117/bills/hr/7776/BILLS-117hr7776enr.pdf>.

PPWG recommends USG to identify specific actions taken in the United Nations (UN) Security Council and other UN entities, as well as through U.S. engagement with the African Union, European Union, and other regional bodies. Such details could include information about the nature of engagement in specific contexts, such as Burma, Ukraine, and Sudan, and on themes, such as atrocity risks related to climate change or gender. PPWG recommends future reports provide more information about collaboration with the International Atrocity Prevention Working Group, Global Action Against Mass Atrocity Crimes, and other international/multilateral collectives, and U.S. and global civil society, especially those working with vulnerable communities in countries at risk of or experiencing atrocities.

Recommendations and Issues for Future Development

Develop a Strategic MEL Framework

A fundamental and consistent challenge in assessing the annual report is the lack of a public monitoring, evaluation, and learning (MEL) mechanism at the global level by which to measure and analyze SAPRA's implementation. The SAPRA calls for both annual work plans and "corresponding monitoring, evaluation, and learning plans defining agreed-upon indicators of impact and targets for quantifying progress," to be included in the annual EWGAPA report to Congress. However, it is unclear whether a strategic MEL plan exists, and if it does, whether it is developed or reviewed annually and what types of indicators it includes.

To effectively assess USG efforts in implementing the SAPRA, a strategic MEL framework is essential to ensure a baseline from which USG can measure outcomes and influence beyond a single year and determine the efficacy of atrocity anticipation, prevention, and response efforts over time. PPWG recommends collaborating with interagency GFA and WPS teams that have experience creating global MEL plans. PPWG also recommends that the USG consult closely with the PPWG and other civil society stakeholders in crafting the MEL framework and specific qualitative and quantitative indicators. A strategic MEL framework could guide and more easily demonstrate the impact, adaptation (taken and needed), and learning gleaned from EWGAPA and SAPRA implementation.

To the extent strategic and/or annual MEL plans exist, they should be public, reviewed regularly, and discussed in each EWGAPA report to Congress moving forward. PPWG recommends that the USG involve civil society in the strategic review. To promote policy coherence, PPWG encourages future reports to detail how the APTF is working with interagency and intra-agency colleagues to integrate atrocity anticipation, prevention, and response into other strategic (e.g., the SPCPS and WPS Strategy), regional, and country-level MEL plans and priorities and ensure the use of cross-cutting indicators.

Assess Interagency Coordination and Influence

While demonstrated in some of the key highlights, a description and evaluation of the process that the APTF coordinates would provide more transparency to ensure all relevant agencies implementing the SAPRA adequately engage and integrate atrocity prevention in policies, programs, and assistance. To provide insight to Congress and civil society as to opportunities for and barriers to prioritizing atrocity prevention and inform advocacy initiatives, the report would benefit from examples of whether and how the APTF’s coordinating/mobilizing work influences agency activities and resources, as well as evidence of the SAPRA’s impact upwards in foreign policy decision-making.¹²

Promote Policy Integration and Coherence

Given the interrelated nature of EWGAPA, the Global Fragility Act, and the WPS Act—as well as SAPRA’s explicit mention of the SPCPS and the WPS Strategy—the report should include a section that identifies how the USG is integrating atrocity prevention in these and other key policies, strategies, and programs. The omission of reference to the SPCPS or WPS Strategy in the 2023 report suggests a lack of policy integration and interagency coordination. PPWG recommends future reports also detail how the APTF is specifically coordinating with the interagency teams spearheading GFA and WPS Act implementation, as well as in relation to other thematic and country- and region-specific strategies and policies, to help clarify the successes and challenges of integrating key prevention-oriented policies and strategies across the government.

The report should also explain the extent to which the National Security Council (NSC) is coordinating atrocity prevention efforts with interagency bodies implementing the EWGAPA, GFA, and WPS Act, regional and functional offices, and other government entities tasked with diplomatic, security, and humanitarian crisis response. NSC officials are uniquely situated to ensure the integration of atrocity prevention into the overall policy toward a country or region at risk of or experiencing atrocities. Doing so can reduce bureaucratic silos, limit duplication of efforts, and support smart foreign policy decision-making that utilizes a multisectoral approach to avert, reduce, and stop egregious human rights abuses and mass violence.

Continue to Increase the Use of the Atrocity Risk Assessment Framework

The report provides a helpful update about the in-country assessments and applications of the ARAF to evaluate risk factors and develop recommendations to inform U.S. policy and actions. PPWG welcomes the identification of pilot countries for priority prevention efforts. However, future public reports would benefit from further details on the criteria used to identify pilot countries, including whether and to what extent the ARAF was employed in the process. PPWG

¹² E.g., “APTF briefed the full NSC quarterly” or “Reporting led to NSC principals’ discussion concerning three countries in the covered period.”

suggests future reports also explain how the APTF is iteratively socializing the ARAF to create buy-in and promote its use, particularly with regional bureaus and in-country personnel, as well as across thematic and functional offices. Critically, PPWG encourages the inclusion of examples of the ARAF’s impact and how it informed policy, diplomatic engagements, programming, and other activities. Reports should further identify political, security, financial, and other obstacles to the ARAF’s utilization and integration in foreign policy decision-making, as well as opportunities to overcome them. PPWG understands the USG incorporated learning based on the use of the ARAF in different contexts, leading to modifications. PPWG recommends the USG illustrate efforts to glean and apply learning from the ARAF’s application.

Strengthen the Impact of Atrocity Determinations

Although the report references the atrocity determinations made regarding Ukraine and Ethiopia, questions remain concerning the consistency, timing, and decision-making process employed. The USG should articulate the criteria on and process through which such a determination is based, as well as the circumstances in which it would be removed, and report on the impact of any determinations in-place annually.¹³ For example, Secretary Blinken announced that all parties to the conflict in Ethiopia were engaged in war crimes and that state forces committed crimes against humanity in March 2023.¹⁴ However, Administration notified Congress that the Ethiopian government was no longer engaging in a “pattern of gross violations of human rights” in June without explanation of its decision-making process and despite evidence of ongoing atrocities.¹⁵ The 2024 report should include an explanation of the course reversal and an honest reflection of its implications.

Furthermore, the impact of atrocity determinations would be enhanced if announced with a package of practical and policy tools the U.S. plans to utilize to address ongoing atrocities and prevent future ones in a given context. An atrocity determination has inherent importance and ramifications and should not be delayed while the USG works to identify and mobilize funding, resources, and other diplomatic, policy, and programmatic responses. When highlighting atrocity determinations in the annual report, PPWG recommends the USG outline what diplomatic, policy, programmatic, and other actions have been undertaken in line with the SAPRA, as well as their impact. Annual reports would also benefit from discussing determinations made before the reporting period, such as Burma

¹³ See, D. Wes Rist, *PPWG Recommendations for the Biden-Harris Administration on Atrocity Prevention Efforts*, sec. 3, pg. 1 Mar. 2021, available at <https://www.fcni.org/sites/default/files/2021-03/2021%20Biden-Harris%20Admin%20Recommendations%20%28FINAL%29%20March%202021.pdf>. The recommendations provide significant detail on a proposed determination process.

¹⁴ Sec. Antony J. Blinken, *War Crimes, Crimes Against Humanity, and Ethnic Cleansing in Ethiopia*, U.S. Department of State, Mar. 20, 2023, available at <https://www.state.gov/war-crimes-crimes-against-humanity-and-ethnic-cleansing-in-ethiopia/>.

¹⁵ Robbie Gramer, *U.S. Lifts Human Rights Violation Designation on Ethiopia*, Foreign Policy, Jun. 23, 2023, available at <https://foreignpolicy.com/2023/06/29/ethiopia-tigray-war-human-rights-violations-designation-biden-us-government/>; Niccole Widdersheim, *Why Say Who Did What? The Ethiopia Case and the Power of U.S. Atrocity Determinations*, Just Security, Jul. 20, 2023, available at <https://www.justsecurity.org/87320/why-say-who-did-what-the-ethiopia-case-and-the-power-of-us-atrocity-determinations/>.

and the People’s Republic of China, to demonstrate their effectiveness over time—or lack thereof—and how lessons learned from the recent past are informing current decision-making.

Clarify the Appropriateness and Impact of Sanctions

The report references imposing sanctions on individuals and entities in several contexts. However, it does not detail why the USG imposed sanctions in some contexts and not others, or how they are part of an overarching atrocity prevention/response strategy. Furthermore, it is unclear whether the USG has undertaken analysis to determine the efficacy as sanctions a coercive tool to prevent and address atrocities specifically, whether they changed behavior or addressed the means through which atrocities are committed, how they aligned and advanced larger policy goals, or to what extent they inhibited the delivery of vital peacebuilding, prevention, humanitarian, or other development assistance.¹⁶

PPWG recommends the USG create a set of publicly available criteria as to when sanctions are an appropriate preventative or punitive tool to address risks or the commission of atrocities. PPWG encourages the USG to annually assess the impact of sanctions in atrocity cases within the reporting period moving forward. PPWG further recommends future reports detail how and in what contexts the USG utilized sanctions in the reporting period pursuant to the Presidential Memorandum on CRSV and their results. Clarity on the use of sanctions overall would assist civil society in its advocacy, as well as Congress in its efforts to fill in gaps legislatively. Lastly, PPWG urges the USG to ensure that all future sanctions include exceptions that allow for the unimpeded delivery of peacebuilding, atrocity and conflict prevention, humanitarian, and other development assistance.¹⁷

Demonstrate Senior-Level Engagement on the Implementation of the SAPRA

Despite advances in the U.S. legal and policy frameworks and the dedication of the APTF, atrocity prevention remains under-prioritized. Given the ongoing and increasing risk of grave atrocities in many countries and regions, prevention can no longer remain siloed, under-resourced, and a “second-order” issue in U.S. foreign policy and assistance. The lack of consistent attention and demonstrated commitment at the most senior levels of the USG and an over-emphasis on crisis response is hamstringing its ability to effectively prevent, reduce, and end atrocities.

¹⁶ The U.S. Holocaust Memorial Museum examined the efficacy of this tool for atrocity prevention with its January 2023 research report. Tallan Donine, Kyra Fox, et al, *Using Targeted Sanctions to Help Prevent Mass Atrocities: Results from Interviews with Experienced Practitioners*, U.S. Holocaust Memorial Museum, Jan. 2023, available at https://www.ushmm.org/m/pdfs/2023_Report_Using-Targeted-Sanctions-to-Help-Prevent-Mass-Atrocities.pdf. The U.S. Department of Treasury’s October 2021 *The Treasury 2021 Sanctions Review* identifies steps to ensure the efficacy of sanctions that are relevant to atrocity prevention, such as a link to a “clear policy objective.” U.S. Department of Treasury, *The Treasury 2021 Sanctions Review*, pg. 4, Oct. 2021, available at <https://home.treasury.gov/system/files/136/Treasury-2021-sanctions-review.pdf>.

¹⁷ See, Megan Corrado, Kay Guinane, et al, *Preventing Peace: How “Material Support” Laws Undermine Peacebuilding*, Jul. 2021, available at <https://www.allianceforpeacebuilding.org/afp-publications/preventing-peace-july2021>.

Leadership of the APTF agencies should regularly elevate the need for atrocities prevention when giving speeches at international fora, such as the annual opening of the United Nations General Assembly, and in press releases, statements, Congressional testimony, and other public-facing platforms. Such visibility will signal the USG's dedication to deterring future atrocities and holding perpetrators accountable. For instance, recent videos, statements, and posts about Sudan are a positive step forward, but only emerged in a coordinated fashion several months after the conflict began.¹⁸ Public visibility from senior leaders in the immediate wake of atrocities is essential to project U.S. engagement and is a small but proven tool to influence the behavior of nefarious actors and galvanize collective action by the international community. A failure to speak and act consistently across time and cases of atrocities threatens to undermine U.S. credibility on human rights and other key foreign policy priorities. PPWG recommends annual EWGAPA reports include an overview of how high-level officials are prioritizing atrocity prevention and response globally.

Identify At-Risk Countries

The Act requires the USG to provide a global assessment of ongoing atrocities and an evaluation of U.S. responses, as well as a list of "countries and regions at risk of atrocities, including a description of specific risk factors, at-risk groups, and likely scenarios in which atrocities would occur." The report's "Country Highlights" section, however, only identifies countries currently experiencing or that recently experienced atrocity crimes. While acknowledging the significant sensitivities involved, transparency regarding the countries the USG believes are at risk enhances civil society's ability to provide timely and iterative updates and analysis and mobilize initiatives to more effectively anticipate, prevent, and respond to atrocities.

Continue to Expand the Conflict Observatory and Report on Its Impact

The Conflict Observatory is an invaluable, public-facing program supported by the State Department, and PPWG appreciated the report's overview of its efforts with respect to Russian atrocities in Ukraine. Practically, PPWG welcomed its expedient expansion to monitor the conflict and atrocities in Sudan upon their outbreak. The USG should consider expanding the initiative to additional contexts, such as Burma, and publicly communicate the criteria in which the interagency considers doing so. PPWG recommends future EWGAPA reports identify the impact of Conflict Observatory data and analysis and how it informs foreign policy decision-making during the reporting period.

Address Emerging Drivers of Conflict and Atrocities

¹⁸ Amb. Beth Van Schaack, Video Remarks on the Situation in Sudan, U.S. Department of State, Sept. 11, 2023, available at <https://www.state.gov/ambassador-van-schaacks-video-remarks-on-the-situation-in-sudan/>; Sec. Antony J. Blinken, Actions Against Senior Support Forces Commanders in Sudan, U.S. Department of State, Sept. 6, 2023, available at <https://www.state.gov/actions-against-senior-rapid-support-forces-commanders-in-sudan/>; Amb. Linda Thomas-Greenfield, X Post, Sept. 6, 2023, available at <https://x.com/USAmbUN/status/1699540084171608398?s=20>.

In its “Key Highlights” section, the report notes the need for and efforts to “address underlying drivers of conflict that contributed to the onset of current or recent atrocities.” PPWG encourages the USG to continue to research and design initiatives to address new, nascent, or “over the horizon” drivers of atrocities and conflict and discuss these efforts in the annual report. PPWG welcomes the recommendation in the report to “[d]evelop approaches for assessing and mitigating the risk of social media as a potential driver of mass atrocities.” However, PPWG recommends the USG commit to regularly addressing other emerging and evolving threats, such as wider digital technologies and climate change.¹⁹

Reconsider the Report’s Format

Rather than provide an illustrative list of activities and initiatives, the USG could improve future reports by tying the USG’s work within the reporting period to the specific goals and objectives of the SAPRA. The report’s current format presents the USG’s efforts as uncoordinated and largely without reference to the SAPRA and overall government strategy in particular contexts. Rather than the current approach, the USG should consider formatting the report, so it provides details about progress, successes, challenges, and lessons learned under the goals of the SAPRA, which priority actions were taken, and countries/regions of focus, in line with Section 5 of EWGAPA. A critical element to include is how the SAPRA and APTF recommendations are being utilized and integrated in wider foreign policy decisions and their impact. Aligning the report with the SAPRA would promote transparency and more effectively present progress related to implementation.

¹⁹ See, e.g., Robert Blecher, Congressional Testimony: Climate Change and Human Rights, Crisis Group, Jul. 28, 2022, available at <https://www.crisisgroup.org/global/climate-change-and-human-rights>; Alliance for Peacebuilding, *The Climate Change Crisis: Ensuring Integration of Conflict Prevention and Climate Change in U.S. Foreign Policy and Development Assistance*, Apr. 2022, available at <https://www.allianceforpeacebuilding.org/afp-publications/ensuring-integration-conflict-climate-april22>; Mercy Corps, *Addressing the Climate-Conflict Nexus: Evidence, Insights, and Future Directions*, Dec. 2021, available at <https://www.mercycorps.org/research-resources/addressing-climate-conflict-nexus>; Kristina Hook & Ernesto Verdeja, *Social Media Misinformation and the Prevention of Political Instability and Mass Atrocities*, Stimson Center, Jul. 7, 2022, available at <https://www.stimson.org/2022/social-media-misinformation-and-the-prevention-of-political-instability-and-mass-atrocities/>; Keith Proctor, *Social Media and Conflict: Understanding Risks and Resilience*, Mercy Corps, Jul, 2021, available at <https://www.mercycorps.org/research-resources/analyzing-responding-social-media-conflict>.