

Threading the Needle

Ethical Dilemmas in Preventing Mass Atrocities

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A central question for human rights practitioners is relatively straightforward: *How can we prevent, or least mitigate, mass atrocities?* But buried within this question are a host of difficult ethical dilemmas involving hard decisions about how to balance various goals—the immediate cessation of killings, the protection of victims, long-term accountability, and the like—that, because of circumstances, are often in deep tension with one another. In exploring these dilemmas here, I draw on existing research, ongoing interviews and conversations with a wide range of prevention practitioners in the Global North and South, and my own occasional consulting work on genocide and atrocity prevention for various governments and nongovernmental organizations (NGOs).

Atrocity prevention remains a pressing human rights issue. Consider just one example: In 2007, Kenya held presidential elections that rapidly devolved into widespread political terror, with around 1,100 civilians killed, hundreds of thousands forced to flee, and massive property damage across the country. International and domestic observers feared “another Rwandan genocide.” The historical politicization of identity of the Luo, Kikuyu, and Kalenjin ethnic groups had become a major fault line in the highly contested 2007 struggle for power. Following the election, an investigation by the International Criminal Court found pervasive evidence of crimes against humanity, and an African Union mediation effort identified a host of institutional weaknesses that likely contributed to the violence, including corruption and political interference in the electoral system, the security forces, and the courts. In preparation for the 2013 elections, the government, civil society groups, and international actors launched a concerted atrocity prevention effort, with a focus on reforming the electoral system, the security apparatus, and the judiciary, and also combating widespread hate speech.

The political alliance of the leaders of two major groups with a history of ethnic violence was also key in reducing the likelihood of further instability.

The 2013 elections were by most accounts a relatively successful, if imperfect, application of atrocity prevention. Kenyans were able to go to the polls without pervasive fear of violence or retaliation. Other prevention cases have been notably less successful, such as the failure to stop the brutal conflicts in eastern Democratic Republic of the Congo, the ethnic cleansing and genocide of Myanmar's Rohingya population, and the failure to generate global pressure to end the ongoing violence in Cameroon. And as Kenya and these other cases show, there remain numerous profound ethical dilemmas at the heart of atrocity prevention work.

In this chapter, I examine what we mean by ethical dilemmas, or “wicked problems,” in atrocity prevention, identify some of the most common dilemmas and challenges in current practice, and present some brief thoughts on how to respond to these complex questions. I take a step back from specific cases and reflect on these bigger normative and practical issues in prevention.

International Atrocity Prevention

Atrocity prevention is a catch-all term for a broad set of strategies, practices, and tools to forecast, prevent, mitigate, and stop the reoccurrence of mass killings and other large-scale, sustained, and grievous human rights violations.¹ Prevention has grown significantly since the Rwandan and Bosnian genocides and today consists of an international network of actors that includes intergovernmental organizations like the UN, European Union, and African Union, an enormous number of NGOs and social movements across the globe, and a mix of powerful Western countries and increasingly influential governments from the Global South.²

Contemporary prevention practitioners face numerous ethical dilemmas, or situations where a decision is required from among undesirable or problematic alternatives, that is, where there are no obviously superior choices available. Dilemmas are an unavoidable part of atrocity prevention. Indeed, while prevention is animated by ethical convictions, it is also a kind of political activity—it concerns navigating and responding to the demands of powerful political actors in often unstable, dangerous, and rapidly changing contexts, while remaining focused on reducing if not eliminating severe

human suffering. Because of this, the most successful practitioners are often effective tacticians and strategists who are capable of adapting to unanticipated contingencies that are part and parcel of political life, while attempting to do so in ways that advance their aims.

For prevention practitioners, a dilemma normally arises when the available set of actions must be justified according to certain ethical principles that cannot be wholly realized or are in tension with one another. To untangle this Gordian knot, I follow several steps. First, I outline the basic ethical principles underpinning mass atrocity prevention, which provide prevention with its overall normative grounding. I then introduce some of the key dilemmas in prevention work, and conclude with some thoughts on how to minimize the severity of dilemmas, even if many of them cannot be eliminated.

Atrocity Prevention Ethics

Ethical Principles

A principle is essentially a basic norm that shapes and informs practical rules of action. Mass atrocity prevention does not have an explicit set of ethical principles, as does humanitarianism.³ However, we can identify four central principles that underpin prevention: dignity, empathy, universal responsibility, and “Do no harm.” Each of these can be grounded in various religious, secular humanist, and cultural traditions, and while important foundational assumptions and details may vary across traditions, the general parameters and substance of each principle are relatively evident and widely endorsed in the practitioner community. I do not have the space to explore their various normative justifications at length, so I present them in summary form.

Dignity refers to the inherent moral worth of all people by virtue of being human (rather than, say, by membership in a particular political, ethnic, religious, or other group). To the extent that all people have dignity, they have commensurate claims to legally binding rights; rights can be understood as legal protections that maintain the integrity of human dignity.

Empathy concerns a general awareness and sensitivity to another’s suffering, regardless of their particular identity. It is a morally inflected affective connection to others. Insofar as we can imagine ourselves in the place of those suffering, we hold an empathetic concern for them; to put it slightly

differently, our empathy is roused when we witness profound violations of others' dignity.

Universal responsibility involves a moral obligation to care for others in dire need. Responsibility does not end at one's national borders but extends to all people who are in jeopardy of significant human rights violations. The responsibility threshold is normally rather high in atrocity prevention and is met when significant and/or widespread violations are occurring or are increasingly likely to occur. Nevertheless, what responsibility entails practically is heavily debated and involves specifying appropriate responsible agents, the range of actions available to discharge responsibility, how to distinguish between supererogatory and obligatory actions, and how to balance motives and efficacy, among other issues.

The fourth key principle is *Do no harm* (DNH), which has received its most sophisticated treatment in humanitarianism.⁴ In prevention, DNH mandates that practitioners should act in such a way that avoids or reduces the risk of exposing people to greater harm. Practitioners should evaluate how various strategies impact conflict dynamics; well-meaning motives or intentions are not enough to adduce ethical value. It is certainly possible to interpret DNH less as a substantive principle and more as a normative "side constraint," that is, laying out the parameters of ethically permissible but not determinative action for adjudicating between competing choices that satisfy DNH. In any case, in actual practice none of the available options may satisfy DNH, so the dilemma becomes how to inflict as little harm as possible rather than cause no harm (this, in turn, assumes qualitatively different harms can be compared).

These four ethical principles justify and orient prevention work and provide much of its normative coherence.

Ethical Ends

Atrocity prevention is about protecting civilians from grave human rights violations, often in the context of significant ongoing political violence. In this, it is of course in line with the general thrust of human rights practice since at least the end of World War II. Nevertheless, its development since the 1990s has distinguished it from other areas of human rights practice, such as conflict prevention and mediation, which are primarily directed toward preventing armed conflict or ending it through a structured, impartial

process of negotiation between armed actors (see Laurie Nathan's chapter on mediation in this volume). The boundaries between these various areas are unsurprisingly often blurred, given that all prevention practitioners ultimately seek the reduction and cessation of rights violations. This notwithstanding, for atrocity prevention the absolute legal (and ethical) prohibition on atrocities means that the protection of victims is the primary end, and actions should be oriented around this goal. In conflict prevention, the primary immediate objective is to prevent (or end) armed conflict.

Ethical Means and Effectiveness

What about means and effectiveness? Effectiveness is, on its face, value neutral—it concerns whether actions produce desired results regardless of the latter's normative status. Effectiveness measures success instrumentally with only a secondary concern for guiding principles, motives, or ends. And yet an ethical goal without a practical understanding of how to achieve it is at best inert and at worst risks being unethical, for it may draw attention and resources away from more attainable if limited successes. Effectiveness, then, is itself part of an ethical response.

The instrumental valorization of actions and policies is crucial for prevention practice, but instrumental evaluation should ultimately be grounded (and constrained) by the overarching principles and ends of prevention sketched earlier. Nevertheless, even if means are anchored in ethical principles, their effectiveness is always shaped by the various power relations at play in a given situation.

Ethics and Power

The question of power is central to ethical dilemmas on prevention, but it is rarely theorized in a systematic fashion. Certainly practitioners are highly sensitive to power relations; they know, for instance, that the reason it is so difficult to end the Yemeni Civil War is because of the outsized impact of influential intervening nations that privilege their own strategic interests over human rights. But here I want to foreground power as a central element of ethical dilemmas. To be more precise: by power, I mean the set of material, symbolic, and discursive resources that actors use to advance their interests

and goals. These resources are not distributed evenly, and the asymmetries have an enormous impact on all dimensions of prevention.

Asymmetric power relations shape not only the particular choices available to practitioners; they shape the very field of atrocity prevention. These relations frame *what qualifies as an atrocity* worthy of attention, *who is authorized to speak and decide* on a course of action (including who qualifies as a peacebuilder or expert), and, in turn, *who is excluded*. In other words, power is both constitutive and regulative: it both constitutes and regulates the prevention field, and this means it also frames the process of ethical decision-making.

Ethical dilemmas emerge not only because of constraints and uncertainty around specific prevention strategies and tools—on the use of military force, amnesties, and so forth—though these are of serious and pressing importance. Some of these dilemmas, as I will discuss, concern the very structure of contemporary international atrocity prevention architecture, where expert voices from the Global North may marginalize voices from the South. The larger point is that ethical dilemmas emerge precisely because of these uneven topographies or relations of power. In short, there is no Archimedean point outside of messy power relations.⁵

Ethical Dilemmas

There are at least two general clusters of dilemmas in prevention. Dilemmas in *framing* deal with the challenges around defining when atrocities are occurring: what cases qualify as mass atrocities, and who gets to label these. Dilemmas in *acting* concern how to choose from a bad set of options, whether because of problematic consequences or uncertainty about outcomes, and who gets to act “legitimately.”

Dilemmas in Framing

The first dilemma is about *selectivity*. Practitioners are faced with the difficult task of generating sufficient public and elite awareness of atrocities to create the necessary political will for preventing, stopping, or at the very least minimizing violations. But how to do this? One way is to compare the ongoing violence to a widely resonant example of evil, such as the Holocaust or the Rwandan genocide, which are commonly invoked to shock collective

conscience into action before it is “too late.” (Think of how the mantra “Never again” is widely employed.) This may be advisable for breaking public apathy, but it also risks ignoring those cases that do not fall into straightforward narratives about violence. The dilemma is that in raising some cases as demanding our attention, others are sidelined. Bringing attention to some cases risks privileging them over others. For every next possible Rwanda, there are many unrecognized Cameroons.

A related but distinct dilemma is the *simplification* of mass atrocity narratives to catalyze public awareness, which in turn may complicate or hamper responses or lead to public attention fatigue when easy solutions aren’t forthcoming. This was a major concern, for instance, with the reductive ways in which the genocide and civil war in Darfur, Sudan, were publicly presented by some human rights groups, or the fiasco around the Kony 2012 media campaign to explain, in highly reductive terms, the conflict in northern Uganda. The dilemma is made more acute when substantial popular attention—normally a good thing—distorts prevention priorities and policies.

A final framing dilemma is about who is recognized as a legitimate interlocutor—*who gets to speak*. The international atrocity prevention community privileges technical sophistication and expert knowledge,⁶ and many Global North actors have a diverse and increasingly sophisticated set of prevention tools, strategies, and “lessons learned” that are applied across wider sets of sometimes disparate cases. The uptake is that these actors have the material resources, symbolic status, and discursive facility to shape discussions about how atrocities are framed, while local actors in the Global South are often ignored or only superficially consulted, a point underscored by Reina Neufeldt’s and Phil Gamaghelyan’s respective contributions to this book. The dilemma, then, concerns how to avoid reinforcing a kind of “neocolonial”⁷ influence over responses to Global South crises and instead leverage the extensive resources, networks, and influence of the Global North while ensuring greater input and decision-making influence of regional and local actors.

Dilemmas in Acting

A second cluster of dilemmas concerns action. These can take many forms, such as how to insulate an NGO from donor pressure,⁸ but for space reasons I will focus on only three of the major dilemmas that consistently arise in atrocity prevention.

The first involves the pitfalls of negotiation, or *acceding to the demands* of violent actors. Often, the only way to end violence, even if temporarily, is to provide perpetrators credible assurances of security or formal recognition. They may demand guarantees of protection (amnesty, continued political or military control, etc.) as a condition for putting away their weapons. Formulating acceptable trade-offs requires a clear articulation of primary goals: is it to stop or limit current atrocities, allow vulnerable populations to escape safely, prevent future outbreaks of violence, or something else? If there are multiple objectives, how should success be measured? The dilemma may be compounded by temporal valorization: if protecting civilians in the present necessitates security guarantees for violators, this may still leave conditions for future violence, especially when the deep sources of grievances and injustice haven't been addressed.

The use of force presents another dilemma: How and when should a credible threat of substantial retaliatory force be used against perpetrators? The logic is straightforward: a threat is needed to incentivize perpetrators to stop killing, and where that fails, force is employed to end or mitigate ongoing massacres—this underpinned the North Atlantic Treaty Organization interventions in Kosovo and Libya. The dilemma for prevention practitioners stems from having to endorse the use of violence to secure peace, which *prima facie* risks violating the DNH principle, especially when the likelihood of success is not clear. The UN's Responsibility to Protect (R2P) norm provides some important guidance on the use of force, but the track record of military "humanitarian" interventions is mixed at best, and R2P has been manipulated by countries pursuing their own narrow interests. (Russia, for instance, invoked R2P in its conflicts with Georgia and Ukraine.)

A third dilemma involves the longer term, namely the trade-offs and compromises of *collaborating with states* to create the mechanisms and response architecture to prevent future atrocities domestically, regionally, and globally. The dilemma is especially sharp when working with powerful Western governments (the United States, Great Britain, France, etc.) that are indispensable for advancing prevention but also prioritize their national interests when it suits them, which can make them simultaneously human rights advocates and drivers of violence and instability. A somewhat different set of challenges involves working with governments that are domestically repressive but selectively support prevention elsewhere, especially in their own region (consider, for instance, Rwanda or Uganda). Of course, some states, such as Syria, Myanmar, and their supporters, like Russia and China, show

minimal commitment to atrocity prevention, but courting them is necessary at times. The dilemma, then, lies in knowing when and how to work with actors who may be simultaneously key prevention partners while also implicated in conflict. In essence, the dilemma involves how to navigate state hypocrisy and provide states with persuasive incentives to support prevention.

Ethical Responses

These dilemmas are typical of the challenges faced by the atrocity prevention community. They involve how to protect civilians while navigating an uneven terrain of political power that extends over a range of scenarios and time horizons. Furthermore, ethical evaluation and decision-making are themselves partly context-specific; there is no abstract set of rules that can consistently generate a “right” and final answer in messy, rapidly shifting circumstances with multiple actors and imperfect real-time information. Given all of this, it is likely more useful to outline some general guidelines for ethical action that can help lessen the space between the four principles—dignity, empathy, universal responsibility, and DNH—on the one hand and the practical need for effectiveness on the other. I divide these into normative and practical guidelines.

Normative Guidelines

Harmony with normative ends: Actions should be directed toward reducing widespread human suffering, specifically mass atrocities. Policies, programs, and decisions should align with these goals, though varying time horizons may raise challenges about practical sequencing.

Harmony with principles: Actions should conform as much as possible to the basic principles of dignity, empathy, universal responsibility, and refraining from harm. This means ensuring that civilian groups are treated as ends in themselves and not merely instrumentally to further some other goal. It also requires an inclusive understanding of responsibility, one that does not draw moral distinctions between deserving and undeserving civilians.

Partnership: Practitioners should support, to the greatest extent possible, partnering with the most affected populations and local human rights advocates to ensure their agency and autonomy. Civilians are more than

passive objects for protection; their interests and goals should be a central part of prevention work.

Reflective practice: It is crucial to avoid offering only a technical response to what are overwhelming ethical challenges. Given how circumstances change, practitioners should adopt a perspective of reflective practice, where decisions and options are subject to sustained scrutiny in terms of normative coherence, levels of involvement of affected groups, and overall practical efficacy. It is important, in other words, to be explicit about one's moral reasoning and justifications for particular strategies and policies. This also means analyzing one's subject position: Who is speaking and who gets to speak, and are traditionally ignored voices part of the conversation?

Practical Guidelines

Practical ends: Clarify the specific aims of particular policies and actions, whether and how they may be in tension, and how they contribute individually and collectively to the overarching end of reducing atrocities. What is success: a return to the status quo prior to the outbreak, or something more transformative and permanent? Identify, if appropriate, a hierarchy of particular aims, and clearly justify their prioritization. Rather than adopt a series of piecemeal approaches to specific problems, provide a clear understanding of how practical ends cohere, which can facilitate the development of integrated responses to the complexity of large-scale harms. Of course, circumstances change, and practitioners must assume that unforeseen events will raise new challenges and require quick and unplanned adjustments. However, a well-developed understanding of how practical ends connect can bring greater coherence to these efforts.

Relevant parties: Identify relevant actors, including sympathetic parties, spoilers, and bystanders, and focus on alliance building and leveraging collective pressure on key players. Identify the full range of targeted civilian groups in need of protection.

Implementation, monitoring, and evaluation: Lay out clearly the required steps and sequencing for implementing preferred policies, and whether they work at cross-purposes. Additionally, clarify the standards for assessing success and failure and how these standards are operationalized, as well as the relevant types of necessary evidence.

Strengthen global, regional, and national *prevention architectures* for future responses. This involves moving beyond short- and mid-term responses to long-term solutions. A robust prevention architecture will not prevent all future crises, of course, but it can lessen their frequency and severity and may reduce the intensity of some dilemmas by replacing ad hoc responses and unplanned crisis management with more sustained and effective mechanisms for prevention. To the extent that atrocity prevention is integrated within a broader human rights and development framework, it can be directed toward targeting the root causes of violence—poverty, inequality, systemic discrimination, and the like—well before atrocities begin. To be sure, greater institutionalization can bring new dilemmas: the UN has an institutional bias toward bureaucratized process over substantive outcomes, which can lead to paralysis when what are needed are rapid, nimble, and meaningful responses, creating a dilemma for practitioners who seek both international legitimacy and swift and robust results.

Preventing mass violence is arduous and challenging, fraught with ethically complicated choices. It requires a steadfast commitment to principles and a belief that the world can be made more just and safer with sufficient work and struggle, but it can also test the resolve of even the most committed activists. But even if dilemmas can never be overcome completely—for many of them are constitutive of the very politics of prevention—they can be mitigated and lessened over time with ethically reflective and informed practice.

Notes

1. Normally, this includes genocide, war crimes, crimes against humanity, and ethnic cleansing. See United Nations, *Framework for Analysis of Atrocity Crimes: A Tool for Prevention* (New York: United Nations, 2014).
2. James Waller, *Confronting Evil: Engaging Our Responsibility to Prevent Genocide* (Oxford: Oxford University Press, 2016).
3. See, for instance, Sphere, Humanitarian Charter, accessed September 17, 2021, <https://spherestandards.org/humanitarian-standards/humanitarian-charter/>; International Committee of the Red Cross, Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief, December 12, 1994, <https://www.icrc.org/en/doc/resources/documents/publication/p1067.htm>; International Federation of Red Cross and Red Crescent Societies, The Seven Fundamental Principles of the Red Cross and Red Crescent Societies, https://www.icrc.org/sites/default/files/topic/file_plus_list/4046-the_fundamental_principles_of_the_international_red_cross_and_red_crescent_movement.pdf.

4. Mary B. Anderson, *Do No Harm: How Aid Can Support Peace—or War* (Boulder, CO: Lynne Rienner, 1999); Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster* (Oxford: Oxford University Press, 2015).
5. Catherine Goetze, *The Distinction of Peace: A Social Analysis of Peacebuilding* (Ann Arbor: University of Michigan Press, 2017); Ernesto Verdeja, “Critical Genocide Studies and Mass Atrocity Prevention,” *Genocide Studies and Prevention* 13, no. 3 (2019): 111–127.
6. Verdeja, “Critical Genocide Studies and Mass Atrocity Prevention,” 121.
7. Slim, *Humanitarian Ethics*, 10.
8. Peace Direct, *Atrocity Prevention and Peacebuilding*, 2018. https://www.peacedirect.org/us/wp-content/uploads/sites/2/2018/04/Atrocity-Prevention-Report_PD.pdf.