



THE RESPONSIBILITY TO PROTECT AND ARMED GROUPS

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COVER PHOTO:

Militiamen, including alleged children, of the armed group Coalition of Patriots for Change (CPC) pose for a photograph in the village of Niakari, which marks the front line with the Central African army and its allies, north of Bangassou, on January 30, 2021.

(Photo by Alexis Huguet/AFP via Getty Images).

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CONTENTS

- 3 Executive Summary**
- 4 Introduction**
- 5 A History of R2P and Armed Groups**
- 9 Summary of Existing Recommendations**
- 10 Reassessing Mainstream Thinking**
- 12 Conclusion and New Avenues for Research**

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EXECUTIVE SUMMARY

Armed groups are increasingly playing a critical role in the perpetration of mass atrocity crimes, which in turn calls on academics and policymakers to reassess conventional approaches. Building on calls for a greater understanding of the Responsibility to Protect (R2P) and armed groups, this report sets out to a) take stock of the R2P discourse, b) identify the recommendations made within it and, c) expose the problematic assumptions and blind spots that need to be reassessed going forward. To do this, section one (Introduction) explains the importance of the topic and explains key terms. Section two (A History of R2P and Armed Groups) reviews i) the 2001 International Commission on Intervention and State Sovereignty (ICISS) report, ii) the 2005 World Summit Outcome Document (WSOD), iii) the annual reports by the UN Secretary-General (2009-2022), iv) the UN’s Framework of Analysis for Atrocity Crimes and v) key meetings that were held in 2015 to discuss this topic.

This research highlights that there is no comprehensive R2P strategy toward armed groups despite high-profile calls to establish one. Instead, there is a fragmented discourse that on one hand, does provide insight into both the national and international responsibilities surrounding armed groups but on the other hand, makes it challenging to critically examine

previous recommendations. Helping to address this, section three (Summary of Existing Recommendations) synthesizes past recommendations to aid academics, policymakers and practitioners in the field. Building upon this, section four (Reassessing Mainstream Thinking) asks the reader to consider that certain assertions and assumptions evident in the discourse are problematic while other key aspects have not been covered sufficiently. Section five (Conclusion and New Avenues for Research) calls for three specific things. First, expertise on armed groups needs to be brought into R2P thinking more explicitly and robustly. Second, the UN’s Framework of Analysis for Atrocity Crimes should incorporate armed groups as a risk factor. Third, an annual report by the UN Secretary-General dedicated to R2P and armed groups may act to catalyze a more focused discussion, as well as recommendations on this pressing issue.

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Historically, mass atrocity crimes – namely genocide, crimes against humanity, war crimes and ethnic cleansing – have been viewed as state crimes because the planning and resources needed are traditionally associated with the power of government. In the 21st century, however, there have been growing concerns regarding the role that armed groups play in the perpetration of mass atrocities.¹ This is not to suggest that this phenomenon is new, but as former UN Secretary-General Ban Ki-moon explained, “the brazen manner in which certain non-State armed groups seem to have embraced the use of genocide, war crimes and CAH [crimes against humanity] as a strategy for advancing their objectives is unprecedented.”² Groups such as the so-called Islamic State,³ Boko Haram,⁴ al-Shabaab⁵ and the Wagner Group⁶ are striking as they choose to intentionally perpetrate mass atrocities, and furthermore, operate across state borders and in multiple countries around the world. As will be discussed, this has led to a two-fold call in the R2P discourse to emerge. First, we need to better understand the phenomenon of armed groups in a globalized era, and second, we need to reassess R2P in light of this “unexpected challenge.”⁷

At the outset it is important to clarify the definition of armed groups. The most commonly used term is that of non-state armed groups (NSAGs), a label commonly found in R2P discourse, but is misleading. As Krause and Milliken explain, “many so-called ‘non-state’ armed groups are also deeply entangled with state power and state agents in complex ways. Thus, the label ‘non-state’ represents a barrier to understanding their multiple roles and functions.”⁸ From an R2P perspective, it is important to recognize that political elites often utilize armed groups to perpetrate mass atrocity crimes so that they can distance themselves from responsibility and accountability.⁹

With this in mind, we uphold calls to re-conceptualize NSAGs as the term does not capture what is going on in the real world.¹⁰ We use the term armed groups to include clans, criminal networks, guerrillas, marauders, mercenaries and private security providers, militias, rebels, terrorists, urban gangs and war lords.¹¹ The broad definitional parameters aim to capture the wide number of actors involved in atrocity situations but also begin to illustrate that mass atrocity prevention in this area has three interrelated elements: atrocity prevention, prevention of violent extremism and counterterrorism.¹²

Looking back at the R2P discourse, it is noticeable that in 2015 there was significant momentum on this issue.

1. From 23-24 June 2015 the Global Network of R2P Focal Points held a meeting in Madrid focused on “Ten Years of the Responsibility to Protect: Responding to New Challenges and Threats to Vulnerable Communities.”¹³ The meeting identified armed groups as a key theme and set out recommendations regarding a) “curbing the means for committing mass atrocity crimes” and b) “preventing radicalization.”¹⁴
2. The 2015 annual report on R2P by the UN Secretary-General entitled “A vital and enduring commitment: implementing the responsibility to protect” devoted a sub-section to “Non-State armed groups.”¹⁵
3. In December 2015 Chile and Spain co-hosted an Arria-Formula meeting of the UN Security Council on “The Responsibility to Protect and Non-State Actors” and discussed armed groups as “among the most serious perpetrators of mass atrocities.”¹⁶

Each of these are discussed in more detail in the next section but it is fair to say that apart from a small number of studies, the baton laid down in 2015-16 has not been taken up.¹⁷ Paradoxically, it appears that the momentum forged in 2015 was lost despite the proliferation of armed groups and their records for perpetrating mass atrocities. Although some of the more prominent groups at that time have been weakened, for instance, ISIL now conducts mainly guerrilla attacks in Iraq and Syria,¹⁸ the proliferation of armed groups is striking. Consider that in Africa alone, the Armed Conflict Location and Event Data Project found "identity militias" (defined as armed groups organized around a collective identity) increased by 46 percent between 2019-2020.¹⁹ The same year, it was estimated that 44 percent of armed conflicts worldwide involved between three and nine armed forces while 22 percent had more than 10 armed groups.²⁰ The US Holocaust Memorial Museum also reported that of the 20 ongoing mass killings taking place in 15 countries, 10 were perpetrated by "the state" and the other 10 by "non-state" groups.²¹ The fact that armed groups perpetrated as many mass killings as governments underlines the pressing need to revitalize the conversation over R2P and armed groups. To do this it is imperative that we take stock of what has been done so far.

A HISTORY OF R2P AND ARMED GROUPS

This section examines key developments and documents within the R2P discourse i) the 2001 ICISS report, ii) the 2005 WSOD agreement, iii) the annual reports by the UN Secretary-General (2009-2022), iv) the UN's Framework of Analysis for Atrocity Crimes and v) the 2015 Global Network of R2P Focal Points meeting and the Arria-Formula meeting on "The Responsibility to Protect and Non-State Actors."

The International Commission on Intervention and State Sovereignty 2001

In 2001 the International Commission on Intervention and State Sovereignty spoke of armed groups when discussing the "changing international environment."²² This, at least in part, was driven by post-Cold War developments regarding the significant increase in intrastate conflicts. In this changing environment, the Commissioners acknowledge the increase and diversification of armed groups, as well as their role in resource wars, particularly in weak states.²³ Such trends had, of course, been identified prior to the 2001 report; however, the Commissioners were seeking to situate this within a discussion of national and international responsibilities.

The Commission explained that on too many occasions governments use "disproportionate" actions to suppress armed and even unarmed groups and that these actions can lead to grave civilian suffering.²⁴ We have seen evidence of this since. Although governments may have legitimate concerns with the threat posed by armed groups, they have a responsibility to act in accordance with International Humanitarian Law. To illustrate this, let us consider the events of Sri Lanka in 2009. The investigation by the UN High Commissioner for Human Rights into human rights violations perpetrated by the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) found that "many tens of thousands of civilians were trapped" during the last phase of the conflict in 2009. The LTTE would not let them leave while many of the government's attacks failed to comply with "the rules on conduct of hostilities, in particular the obligation to distinguish between" unlawful civilian targets and lawful military targets.²⁵ More than a decade on, it is estimated that over 120,000 people were killed.²⁶ This is just one example when legitimate concerns were addressed through illegitimate means.

In terms of recommendations, the Commission acknowledged the need for disarmament, demobilization and reintegration (DDR) but stressed that this is a long-term process that needs to be done carefully in order to prevent combatants from taking up arms again or joining other armed groups.²⁷ This was the prevailing wisdom at that time, with the overarching idea being that armed groups are "spoilers" that need to be disarmed.²⁸ This has been challenged on two fronts. First, research on what is commonly known as "rebel governance"²⁹ demonstrate the wide spectrum of institutions that armed groups create, including healthcare and education,³⁰ legal systems,³¹ diplomatic structures³² and political institutions.³³ Therefore, the groups may at times act as protectors rather than spoilers.³⁴ Second, concerns over the effectiveness of mainstream strategies have been increasingly scrutinized. For example, DDR practices can unintentionally lead to the proliferation of armed groups as external interventions in countries, such as in the Central African Republic (CAR), have rewarded those that take up arms.³⁵ This is not to suggest that we should abandon the practice of DDR, but that we need to think through its unintended consequences more carefully and consider how these can be addressed.

Over twenty years on, it is clear that the Commissioners were right to identify the increasing threat to civilians posed by armed groups and also the role that governments can play in exacerbating crises and civilian suffering as they seek to suppress these groups. The Commissioners also made in-roads

regarding the thinking around national and international responsibilities that arise in this context as governments have a national responsibility to adhere to international law when dealing with the threat posed and furthermore, the international community has a responsibility to facilitate practices such as DDR. At the same time, it feels fair to say that the Commissioners had a rather light touch approach when it came to armed groups as there is relatively little dedicated to this theme. It was not until the 2015 UN Secretary-General's report that we begin to see more details.

World Summit Outcome 2005

Paragraphs 138, 139 and 140 of the WSOD set out the national and international responsibilities that surround the responsibility to protect populations from four crimes: genocide, war crimes, ethnic cleansing and crimes against humanity.³⁶ Unlike the 2001 ICISS report, there is no explicit mention of armed groups; however, this should not lead us to conclude that the 2005 agreement has nothing to say about national and international responsibilities in relation to armed groups.

Paragraph 138 explains that each state has a responsibility to prevent the four crimes, "including their incitement, through appropriate and necessary means."³⁷ Accordingly, if it is the case that armed groups are either perpetrating the crimes in question or inciting them, the government has a responsibility to address the threat posed. Crucially, they must do this through "appropriate" means which, to return to the 2001 report, was a key concern as the Commission called on governments to uphold international legal obligations when tackling such threats. As a result, governments should not dismiss or break international laws, values and norms when addressing the threat posed by armed groups.

Paragraph 138 also notes that "the international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability."³⁸ Although this does not namecheck armed groups, when one factors in the threat posed by some armed groups, it seems fair to suggest that there is an international responsibility to help governments foresee the threat posed by armed groups and improve their capacity to deal with them. A range of possibilities arise from this. For example, when considering the 2021 coups in Chad, Mali and Guinea, one could make the case that if the international community had intelligence regarding these coups, and concerns that the actors seeking to seize power may perpetrate mass atrocity crimes, they would have a responsibility to make

the government in question know of the potential threat and help them prevent the coup from taking place. This is not to assert that R2P entails such a responsibility but that it could, and that as it stands, the lack of discussions on this theme dictates that the implications of R2P for dealing with armed groups has not been addressed in detail.

Paragraph 139 sets out the international responsibility to use diplomatic, humanitarian and other peaceful means under Chapters VI and VIII of the UN Charter but also, the responsibility to use force under Chapter VII on a case-by-case basis in order to protect populations from the four crimes. Although armed groups are not mentioned, the fact that they may have the capacity to perpetrate the four crimes dictates that the international community has a responsibility to use the measures outlined above to suppress this threat. As armed groups are particularly prevalent in so-called "weak" or "failed" states, the final sentence of paragraph 139 is important as it explains that the international community has a responsibility for "helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out."³⁹ In so doing, it stresses the importance of international assistance as it may be the case that the state in question does not have the capacity to prevent or respond to the threat posed by armed groups and it is in these circumstances that the international community should work to address this capacity deficit.

Annual Reports by the UN Secretary-General on the Responsibility to Protect (2009-2021)

It was in the annual reports from 2009 onwards that discussions over how best to implement R2P moved beyond the state-centric focus embodied in 2005. A central theme throughout the reports is that a wide spectrum of actors is needed to fill the gap between rhetoric and reality. What we begin to see therefore is a two-fold focus emerging as both the positives and negatives of non-state actors become more prominent. Surveying the annual reports, we can see how armed groups are raised in relation to R2P's three pillars.

Pillar one:

- Governments have a responsibility to address the threat posed by armed groups, including their incitement.⁴⁰ Although one could make the case that such thinking is evident in the WSOD, here we see an explicit acknowledgement of the threat posed by armed groups.

- A four-fold focus on children emerges in the discourse as Secretary-Generals have stipulated the need to tackle a) the forced recruitment of children by armed groups,⁴¹ b) the disproportionate targeting of children by armed groups,⁴² c) the need to reintegrate children associated with armed groups⁴³ and d) look at how judicial systems treat children formerly associated with armed groups.⁴⁴ This reflects a notable development as the 2005 agreement did not discuss the responsibility to rebuild explicitly in the same way that the 2001 report did, but here we see a discussion of post-atrocity responsibilities with an important focus on children. While this is positive, it is also important to note that going forward a much more robust and holistic approach is needed if we are to "repair the harm done" by armed groups, especially to children.⁴⁵

Pillar two:

- An international responsibility to improve early warning mechanisms so that they address the threat posed by armed groups as these actors may have different motivations and tactics than states.⁴⁶ Once again, this is very much in line with the understanding set out in 2005 but raises the fact that different actor types may have different motivations and tactics. This is something extensively researched in non-R2P literature and here we begin to see it filter into mainstream R2P thinking.
- An international responsibility to uphold existing "multilateral guidelines, principles and statements of commitment," including those that seek to protect children from armed groups.⁴⁷ The statement acts to remind actors of their existing responsibilities and obligations.
- International responsibility to explore and develop the relationship between counterterrorism and mass atrocity prevention strategies. For example, aspects of the "United Nations Global Counter-Terrorism Strategy are relevant for early prevention, including the emphasis on sustained investment in inclusive, accountable and effective governance, as well as greater efforts to promote dialogue and understanding between civilizations, cultures, peoples and religions."⁴⁸ Notably, this is situated within a broader context as there are also concerns over tensions between these approaches.⁴⁹
- The international community needs to better understand the dual role played by new technologies, such as Artificial

Intelligence, in that they can facilitate both the protection and perpetration of mass atrocity crimes.⁵⁰

- The international community can consider the use of force, with the host government's consent, to protect populations from the threat posed by armed groups.⁵¹ This may involve peacekeepers under Chapter VI of the UN Charter or a combat force under Chapter VII.⁵² Although the use of force is more commonly associated with pillar III, such statements act as a reminder that as long as the government in question provides consent, then an external force may intervene to protect populations from the four crimes. As former UN Special Adviser for R2P, Edward Luck, explains, "assistance measures under pillar two may include the consent-based use of military assistance or intervention against such armed groups when they commit atrocity crimes."⁵³ This, in part, is why R2P has been linked to the peacekeeping missions in CAR, South Sudan, the Democratic Republic of the Congo (DRC) and Mali.⁵⁴

Pillar three:

- Coercive measures should be embedded within comprehensive political strategies that seek to rebuild societies, address legitimate grievances, build social cohesion and encourage dialogue.⁵⁵ The breadth and depth of the implications that stem from these responsibilities are immeasurable. For example, if legitimate grievances are addressed this could prevent armed groups from perpetrating mass atrocities, groups from arming, or individuals from joining such groups in the first place.
- "The options outlined in pillar III of the responsibility to protect may also be less effective when applied to armed groups. Tools such as public advocacy, fact-finding missions, monitoring missions and targeted sanctions may have a more limited influence on actors not seeking international legitimacy."⁵⁶ The statement is one of several suggesting that armed groups do not seek legitimacy at the international level in the same manner that states do. Yet many working on armed groups would challenge such thinking. We return to this in the penultimate section.

The UN Framework of Analysis for Atrocity Crimes

In 2014 the UN launched its Framework of Analysis for Atrocity Crimes: A Tool for Prevention. Writing at the time, the UN Secretary-General urged "the widest possible use of this Framework to support prevention strategies at the national,

regional and international levels.”⁵⁷ In many ways, the Framework reflects the complexity of prevention as it identifies 14 risk factors and 143 indicators for atrocity crimes. The sheer number of agential and structural factors and indicators underlines the magnitude of the task at hand. Surprisingly, however, armed groups are raised just twice in the Framework.

First, in its discussion of risk factor three “Weakness of State structures” the Framework identifies a “[l]ack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and armed groups, or other relevant actors.”⁵⁸ This is viewed as an indicator of a “weak state,” which in and of itself is viewed as increasing the risk of mass atrocity crimes. Second, in its discussion of risk factor five, “capacity to commit atrocity crimes,” it identifies the “[p]resence of or links with other armed forces or with non-State armed groups.”⁵⁹ The level of organization involved dictates that governments or organized groups are the most capable of perpetrating such crimes. The Framework rightly points out that the capacity to perpetrate mass atrocity crimes does not mean that the actors in question will do so and asks analysts to consider other risk factors and indicators, such as ideology, when making this judgement. In making this point, the Framework provides insight into the idea that groups may be organized, armed and have significant capacity to perpetrate atrocities yet choose not to. In other words, they may not be a threat. Although this is common knowledge outside R2P discourse, it is rarely mentioned in the sources studied here.

What the report does not cover is perhaps the most striking: there is no discussion of a) the presence of armed groups as a risk factor in its own right, b) the proliferation and/or splintering of armed groups, c) the motivations and/or tactics that may facilitate the practice of mass atrocities, d) the composition of the groups in question, for instance, in terms of race, religion, nationality and ethnicity or e) the factors that may increase the likelihood of armed groups perpetrating mass atrocities. With this in mind, we call for the UN’s Framework of Analysis for Atrocity Crimes to incorporate armed groups as a risk factor in their own right with indicators established accordingly.

Global Network of R2P Focal Points

From 23-24 June 2015 the Governments of Chile and Spain, working with the Global Centre for the Responsibility to Protect and the Stanley Foundation, hosted the annual Global Network of R2P Focal Points meeting in Madrid on: “Ten Years of the Responsibility to Protect: Responding to

New Challenges and Threat to Vulnerable Communities.”⁶⁰ The meeting brought together government representatives from over 50 countries and one of the key themes raised was the “Responsibility to Protect and non-State actors,” as representatives were all too aware of the increasing threat of mass atrocities posed by armed groups such as Al-Shabaab, Boko Haram, the Taliban, Democratic Forces for the Liberation of Rwanda, the Islamic State in Iraq and the Levant (ISIL) and the Lord’s Resistance Army. The meeting focused on two primary themes a) “curbing the means for committing mass atrocity crimes” and b) “preventing radicalization” which are addressed here in more detail.⁶¹

In the discussion “curbing the means for committing mass atrocity crimes,” it was stipulated that armed groups require a different tailored approach to that of governments because traditional methods – such as diplomacy, mediation, sanctions and referrals to the International Criminal Court (ICC) – may not deter armed groups in the same way that they may governments.⁶² Problematically, this perspective proceeds on the assumption that armed groups do not engage with practices such as diplomacy or mediation, and are not swayed by sanctions despite research on armed groups suggesting the opposite. We return to this research finding in the penultimate section. They went on to address the need to constrain armed groups’ access to the means to perpetrate atrocities, including guns, finance and working with local communities and recommended that governments should a) ratify the Arms Trade Treaty in order to reduce the amount of arms in the world, b) work to try and curb the illegal trade in “natural resources and heritage artefacts,” c) improve border security to reduce the flow of illegal resources, such as arms, across borders and also tackle the movement of group members and d) support the establishment of a UN Human Rights Council Special Rapporteur on Countering Violent Extremism.⁶³ This multifaceted approach is imperative and also begins to illustrate the broad strategy needed, as factors such as the spread of arms have had disastrous consequences for populations.⁶⁴

The “preventing radicalization” discussion focused on preventing new members from joining these groups whether from the local community or from abroad. To do this, governments should a) address underlying “socio-economic grievances” which fuel group membership, b) foster education to promote “social cohesion and highlighting the importance of diversity within society,” c) seek to understand “root causes” so that security responses do not unintentionally exacerbate these tensions and d) create inclusive narratives, for example, through “inter-religious dialogue and inter-cultural

exchange.⁶⁵ The discussion rightly placed considerable weight on the importance of long-term prevention strategies. The logic being that by addressing underlying social, economic and political grievances, groups may be less inclined to take up arms and individuals may be less motivated to join armed groups.

Arria-Formula meeting on "The Responsibility to Protect and Non-State Actors"

On 14 December 2015 Chile and Spain co-hosted an Arria-Formula meeting on "The Responsibility to Protect and Non-State Actors." The meeting built upon the Global Network of R2P Focal Point's meeting and aimed to discuss both the positive and negative aspects of non-state actors. Regarding the former, the meeting concept note acknowledged that civil society, religious leaders, the private sector and the media can play a critical role in mass atrocity prevention. Regarding the latter, as aforementioned, it identified armed groups as "among the most serious perpetrators of mass atrocities."⁶⁶ Speaking at the meeting, then UN Special Adviser to the Secretary-General on the Responsibility to Protect, Jennifer Welsh, referred to "a qualitative break from the past," as she explained that armed groups are perpetrating mass atrocity crimes as "a conscious part their political strategy."⁶⁷ To address this new reality, she called for a "long-term, comprehensive strategy" to "counteract the systematic violence perpetrated by such groups" which is "both proportionate to the threat and embedded within wider efforts to resolve relevant political crisis" while claiming six issues that demand attention, i) pursue accountability, even if the chances of holding individuals to account are remote, ii) provide international assistance to curb the threat posed by such groups, iii) improve good governance, particularly in ungoverned spaces, iv) "situation-specific analysis" which seeks to understand the composition, objectives, motivations, strategies and tactics of the groups in question in order to tailor a response, v) adapt and update existing prevention "tools," for example, to better anticipate and prevent ongoing violence to escalate into mass atrocities and vi) provide sustained long-term support such as through reestablishing security, rebuilding broken institutions and establishing transitional justice mechanisms to help prevent further cycles of violence. In essence, we see a call for a long-term holistic approach which embodies many positive duties as it requires UN member states to provide considerable support to address the grave threat posed by armed groups.

Speaking on behalf of the Global Centre for R2P, former UN Special Adviser Edward Luck explained that "the initial conception of R2P was too state centric" and in turn, "failed to

appreciate how critical non-state actors could be to preventing such crimes or, regrettably, to committing them."⁶⁸ Putting forward a six-part strategy, he called for the UN to work with civil society and regional organizations in order to deny i) the legitimacy and credibility of armed groups governments must do a better job at improving the lives of local people, ii) the space and time these groups need, the use of force with the consent of the host state should be used decisively, iii) material resources the UN should use all means necessary to curb illicit sources of trade and income, vi) the means of perpetrating atrocities, the Arms Trade Treaty should be implemented to try and reduce the flow of arms, v) impunity, courts need to hold armed group members to account and vi) an audience these actors must work to curb the emotional, material and ideological appeal of such groups.

SUMMARY OF EXISTING RECOMMENDATIONS

There is no long-term comprehensive atrocity prevention strategy toward armed groups despite high profile calls for a strategy to be developed. Instead, there is a fragmented discourse which dictates that if someone sets out to understand R2P in relation to armed groups, they must piece the [fleeting] references together. This is problematic because, as raised in the 2022 meeting of the Global Network of R2P Focal Points, simply figuring out the recommendations made in the existing R2P discourse is challenging. Helping to address this, we have summarized the key recommendations found in this discourse thus far:

1. States have a domestic and international responsibility to address the threat of mass atrocities, including their incitement, being perpetrated by armed groups.
2. States have an international responsibility to help ensure other states have the capacity to protect their population from armed groups perpetrating mass atrocities.
3. Adapt and update existing approaches, prevention tools and early warning mechanisms to better understand and anticipate the threat posed by armed groups.
4. Create group-specific analysis that enables actors to understand the composition, relationships, financial flows, motivations, objectives, strategies and tactics of the group in question.
5. Use all means necessary to prevent groups from being enabled to arm and organize in order to perpetrate mass

atrocities. For example, working to disrupt illicit sources of trade and income, reduce the flow of arms and improve border security.

6. The international community can consider the use of force (in an appropriate manner), with the host government's consent, to protect populations from the threat posed by armed groups.

7. States have a responsibility to explore and develop the relationship between mass atrocity prevention, counterterrorism prevention and violent extremism.

8. The international community needs to better understand the dual role played by new technologies in that they can aid the protection or perpetration of mass atrocity crimes. As part of which, states have a responsibility to address the threat posed by new technologies with reference to armed groups.

9. Work to address the "root causes" that lead to individuals joining armed groups. For example, socio-economic grievances, the spread of hate speech and destructive ideologies.

10. Foster education to promote equality, inclusion and social cohesion while countering the emotional, material and ideological appeal of such groups. As part of which, states should seek to foster inclusive narratives at the local level. For example, through inter-religious dialogue and inter-cultural exchange.⁶⁹

11. Tackle the threat posed by forced recruitment.

12. Work to create and/or improve good governance in ungoverned spaces.

13. Pursue accountability and support the development of transitional justice mechanisms that can help victims in their quest for justice and address the long-term harm experienced by victims.

14. Adopt a child-sensitive approach that a) prevents the forced recruitment of children, b) prioritizes their protection to tackle the disproportionate targeting of children by armed groups, c) reintegrates children into society and d) acknowledges the rights of children when pursuing accountability.

The lack of a singular approach should not blind us to the fact that the discourse does provide insight into both the national and international responsibilities surrounding armed groups. Here it seems fair to say that some of the reflections on R2P in relation to armed groups have overstated "the gap" and that one can find important insights and recommendations, albeit, within a fragmented discourse. Yet there remains a lot to do and a critical part of advancing and further developing an atrocity prevention lens toward armed groups is reassessing the state of the discourse.

REASSESSING MAINSTREAM THINKING

There are assertions, assumptions and blind spots in the discourse which need reassessing in light of contemporary research on armed groups. Too often, research on a) R2P and mass atrocity prevention and b) armed groups takes place in silos despite overlap. Here, we reflect on the problems within the R2P discourse to foster a more fruitful and cross-cutting research agenda going forward.

First, the R2P discourse frames armed groups as a threat. This is somewhat understandable given that in many post-9/11 discourses regarding the "War on Terror" the common trend was to label armed groups as a threat despite the different political, ideological and social underpinnings involved.⁷⁰ The problem with this perspective for R2P is three-fold. First, many groups do not choose to perpetrate mass violence. Loyle's study found that for the majority of nonstate actor groups (206 out of 325) there "is no evidence that the group deliberately targeted civilians" with only 27 groups "intentionally" killing over 1,000 civilians within the life span of the group.⁷¹ Second, in framing armed groups as "spoilers," it fails to acknowledge the multifaceted role that armed groups can play as they can provide "rebel governance:" education, healthcare and protection. Third, it falls into the trap of assuming "causal inevitability"⁷² in that the discourse suggests the presence of armed groups implies mass atrocities will occur. Just because armed groups exist in a country does not mean that they intend to perpetrate mass atrocities.

Second, these limitations expose a pressing need to better understand how different objectives, motives, tactics and opportunities shape the likelihood of mass atrocities being perpetrated. For example, studies show trends and patterns such as: armed groups tend to perpetrate mass atrocities once the state has perpetrated such atrocities,⁷³ some militants target civilians routinely whereas others resort to this in "specific locations and points in time,"⁷⁴ that rebels are more violent in democracies,⁷⁵ and that rivalry can play a critical role in the

behavior of armed groups.⁷⁶ Such questions, factors and findings need to be included into future R2P research and strategies. As Loyle rightly points out, new methods and technologies such as new geographic information systems may help researchers shed light on patterns and determinants.⁷⁷ This is precisely what our research project on "Explaining non-state armed groups perpetration of mass atrocity crimes" sets out to do as we geocode 12 mass atrocity crimes in six countries.⁷⁸ The hope is that it will shed important insight into such aspects but of course, much more is needed.

Third, the discourse embodies problematic assertions such as claims that armed groups do not a) seek legitimacy, b) engage in diplomacy or c) fear international actors. These are presented as facts with no supporting evidence provided, yet studies on rebel diplomacy,⁷⁹ rebel dialogue,⁸⁰ rebel performance as a nation-state,⁸¹ rebel elections⁸² and rebel legitimacy⁸³ expose that these are not accurate. For example, when it comes to legitimacy, Podder highlights the "multiple pathways through which legitimacy of armed groups is constructed" through an analysis of how these groups interact with civilian communities, the regime and external actors.⁸⁴ Accordingly, it is important to recognize that armed groups do engage in processes of legitimacy and that this is multifaceted and involves different audiences which may influence the groups to behave differently with each as they seek legitimization. Therefore, it is evident that we need to develop a more sophisticated understanding of how armed groups work. To do this, the expertise within studies on armed groups needs to be incorporated into mass atrocity prevention more explicitly and robustly.

Fourth, it is evident that key themes such as gender and climate change need to be addressed in a much more robust manner. Regarding the former, when one considers the gender sensitive dimensions of how these armed groups operate in terms of recruitment, structure and perpetration we need to better understand the reasons why armed groups perpetrate gender-based violence in order to prevent it. For instance, Kay and Nordås identified two trends. First, recruitment of children by armed groups is associated with higher levels of sexual violence, which may be used as a tactic to build group cohesion. Second, that armed groups trained by governments are associated with higher levels of sexual violence.⁸⁵ Although there has been a significant shift toward gendering mass atrocity prevention and R2P, much more is needed on the of role armed groups. Regarding the latter, there is an ongoing debate over the relationship between climate change and mass atrocities, which goes beyond the parameters of this report, but raise interesting questions over whether seasonal climate variation

may be a driver of mass atrocities. In relation to armed groups, Koehlein's study of the Sahel finds that violence by armed actors increases in climate harsh areas "but only during months where environmental security levels are higher."⁸⁶

Fifth, in how the international community deals with the problem of armed groups, the discourse overwhelmingly focuses on what the national government and international community can do without considering the value of local level actors in building resilience. Academics have criticized mainstream approaches for failing to factor in local level perspectives into conflict prevention strategies,⁸⁷ and it seems the R2P discourse on armed groups also embodies this limitation. Here important questions regarding the parameters of international assistance under pillar II of R2P need to be addressed as discussions have centered on international assistance to governments, yet if the government is perpetrating mass atrocities and armed groups are seeking to provide protection, then issues of legality and ethics need to be tackled.⁸⁸ Although R2P studies have touched on such aspects,⁸⁹ the fact that the discourse reviewed here has not discussed such aspects underlines the fact that armed groups are predominantly viewed as a threat as opposed to potential protectors and in turn, assistance is not even raised.

Six, we need to be open to reassessing conventional wisdom and standard practices while factoring in the unintended consequences of such thinking and actions. Over time studies have called into question a broad spectrum of assumptions which could have direct relevance for the R2P and armed groups. To offer a few examples, it has been argued that labeling groups as terrorists has negative implications for peace negotiations,⁹⁰ in many cases naming and shaming has resulted in an increase in human rights violations⁹¹ and practices such as DDR have been called into question for unintentionally facilitating the emergence and proliferation of armed groups.⁹² These studies call on us to have a more open and honest conversation about the effectiveness of different strategies and a willingness to change these if it is proven that existing approaches are ineffective, or worse, counterproductive.

Finally, the UN's Framework of Analysis for Atrocity Crimes does not identify armed groups as a risk factor despite the discourse routinely labeling them as a threat. It appears that there is a disconnect between the Framework and the discourse that surrounds it. Accordingly, we propose that the Framework should be updated to identify armed groups as a risk factor with relevant indicators identified. For example, i) ideologically motivated groups that are driven by a commitment to destroy alternative ways of thinking, ii) groups that show a willingness

to violate human rights and iii) the forced recruitment of children, for as discussed, this is associated with higher levels of sexual violence. To be clear, the point here is not to suggest that the presence of armed groups should be treated as a risk factor, after all, this report argues that a key mistake in the discourse is that armed groups are commonly viewed as a threat. The indicators are needed to help policymakers understand which groups pose a risk of mass atrocities, and/or under what conditions this is more likely. Of course, more indicators are needed, and the hope is that by bringing together expertise on armed groups and mass atrocity prevention, a more informed understanding can be forged.

CONCLUSION AND NEW AVENUES FOR RESEARCH

If it is the case, as proclaimed, armed groups are “among the most serious perpetrators of mass atrocities,” we urgently need a more informed discussion on this pressing issue. As it stands, there is no long-term comprehensive R2P strategy toward armed groups despite high profile calls during 2015 for a strategy to be developed. Instead, there is a fragmented discourse in that if someone sets out to understand R2P in relation to armed groups, they have to piece the [fleeting] references together. That said, the fact that there is no systematic approach should not blind us to the fact that the discourse does provide insight into both the national and international responsibilities surrounding armed groups. Here it seems fair to say that some of the reflections on R2P in relation to armed groups have overstated “the gap” and that one can find important insights and recommendations,

albeit, within a fragmented discourse. Through a review of the discourse, this paper set out the key recommendations but also highlighted the need to reassess assertions, assumptions and blind spots. To aid this, going forward, we recommend the following. First, expertise on armed groups needs to be brought into R2P thinking more explicitly and robustly. Second, the UN’s Framework of Analysis for Atrocity Crimes should incorporate armed groups as a risk factor in their own right with indicators established. Third, an annual report by the UN Secretary-General dedicated to R2P and armed groups may catalyze a more focused discussion.

We hope that through our current research we can aid this process. Our ESRC funded project “Explaining Non-State Armed Groups Perpetrating Mass Atrocities” provides the first systematic data collection capturing 12 different types of mass atrocity crimes in six countries: CAR, DRC, Iraq, Nigeria, Somalia and Syria. The crimes include enslavement, mutilation, imprisonment, torture, rape, forced pregnancy, sexual slavery, enforced prostitution, enforced sterilization, forced abortion and attacks on humanitarians and peacekeepers. These are all derived from the 1998 Rome Statue of the ICC and are chosen to identify crimes that are not necessarily captured in existing datasets. The data collection process consisted of our coding staff reading over 1 million news reports and coding over 3,000 mass atrocity events in the six countries from 1913 to 2021. As a result, our dataset “Correlates of Non-State Mass Atrocities” (CONMA) sheds unique insights into both state and non-state actors’ perpetration of mass atrocity crimes.

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