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Informal Practices and the Future of Mass Atrocity Prevention: Exploring the Function of Arria Formula Meetings

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ABSTRACT

The UN Security Council is experiencing a period of increased tension, in part caused by the ratcheting up of major power disputes. In this context, one can highlight a range of informal practices that have begun to gain greater traction in response to the ongoing challenge of supporting mass atrocity crime prevention. Most notably, the use of informal dialogue forums such as Arria formula meetings which are increasingly utilized as critical sites for discussion of early warning initiatives. However, academic literature exploring the rise in the use of such forums and their potential value in supporting prevention activities has been limited. In response, this article examines the extent to which Arria formula meetings can work to support atrocity prevention activities by examining three key practical functions of such meetings. In doing so it draws on practice theory to help theorize the significant interplay between formal and informal practices within the UNSC. Through this analysis, it is argued that despite the increased utilisation of Arria formula meetings, they have so far proven most effective as a tool for agenda setting, rather than a mechanism that can work to address significant Security Council divisions over the authorisation of atrocity prevention responses.

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KEYWORDS Mass atrocities; prevention; United Nations Security Council; Arria formula

Introduction

The UN Security Council is experiencing a period of increased tension between member states, in part caused by the ratcheting up of major power disputes. Even before the full-scale invasion of Ukraine, the Security Council had become increasingly divided in its response to discussing and

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acting on potential threats to international peace and security.[1] These tensions and divisions have manifested themselves in many different forms, such as the constraining of the Council's ability to address early reports of human rights atrocities. This can be evidenced by consistent attempts by member states to block and limit Security Council briefings on human rights situations, as demonstrated by the case of Myanmar[2], as well as growing pushback from states such as Russia and China regarding the extent to which human rights situations should fall under the Council's mandate.[3] Consequently, whilst there is a growing emphasis on the centrality of prevention activities to support the Responsibility to Protect (R2P)[4], the Security Council has become an increasingly closed forum for discussing such initiatives.

However, despite the restrictive nature of formal Security Council meetings, one can point to the significant growth and evolution of informal practices, such as the use of Arria formula meetings, which can be utilized to develop stronger collaboration and dialogue on early warning practices. These meetings take their name from former Permanent Representative Diego Arria of Venezuela and were originally designed as an innovative way for the Security Council to gain insights from actors with specific on the ground knowledge, such as high-level UN officials, civil society representatives and NGOs. They are therefore designed to allow Security Council members to host an informal meeting to discuss a specific country situation or cross cutting issue. Whilst these meetings do not provide definitive or legal outcomes, and states can choose to attend or not, they are critical forums for direct dialogue between states, international organisations and non-state actors where new information and insights can be raised that are deemed to fall within the Security Council's responsibility. However, there has not been a significant exploration of the key functions of Arria formula meetings and the extent to which they can directly support mass atrocity crime prevention initiatives.

Notably, the very first Arria formula meeting was arranged to allow an Orthodox priest to address states on the humanitarian situation in the Balkans in March 1992, highlighting the strong connection that has continued to exist between these meetings and support of mass atrocity prevention and humanitarian responses.[5] This connection is reinforced by the data on Arria formula meetings, in which the four topics that have occurred most frequently in these meetings are, Women Peace and Security, Human Rights, Children and Armed Conflict and Protection of Civilians.[6] Thus,

[1]Gowan, "Minimum Order".
[2]Mennecke and Stensrud, "The Failure of the International Community," 124.
[3]Jarvis, "The R2P and Atrocity Prevention".
[4]Sharma and Welsh "The Responsibility to Prevent"; Welsh, "The Responsibility to Prevent," 216.
[5]Fillion, "How Arria-Formula Meetings Got Their Name".
[6]UN Security Council, Arria-formula Meetings Dashboard.

given this sustained focus over time, there is a strong case for examining the efficacy of Arria formula meetings through their role in supporting atrocity prevention activity. Yet despite this meaningful connection and the support of the data[7], the role and importance of Arria formula meetings in supporting mass atrocity prevention has been significantly under-researched. Whilst scholarship on atrocity prevention and R2P has on occasion mentioned the use of Arria formula meetings in passing,[8] there has so far been only very limited discussion of their systematic use and effectiveness in directly supporting early warning practices and the goal of mass atrocity prevention more broadly.[9] This is surprising given the significant growth in the use of Arria formula meetings in recent decades, which have increased from a low of just 2 in 2010 to at least 20 Arria formula meetings happening every year since 2018.[10] The proliferation in their use speaks to a broader pattern of member states looking to more directly utilize informal forums to allow members to gain new information from independent sources on key country situations and issues. Consequently, as Pouliot has argued, changing practices are central to the politics of the Security Council and global governance more widely and thus 'they deserve much more analytical attention than they have received so far'.[11]

In response, this article provides the first comprehensive assessment of the development of Arria Formula meetings as a distinct informal practice in the United Nations and assesses what value they hold as a forum for supporting early warning activities and mass atrocity prevention more broadly. In recent decades there has been a strategic push to reprioritize prevention initiatives across the UN system, encapsulated in initiatives such as Ban Ki-Moon's Human Rights up Front (HRuF) in 2013 to António Guterres' Call to Action for Human Rights in 2020. Central to these initiatives is a recognition of previous failures in taking adequate preventive action before atrocities unfold and the need to better coordinate the work of different parts of the UN System, concerning information sharing and briefing across institutions as well the mobilisation of concrete action. Yet despite the notable rhetorical emphasis on the importance of prevention, there remains significant contestation surrounding its overall prioritisation. As former R2P Special Advisor, Karen Smith has argued, atrocity prevention and human rights more broadly 'are often regarded as unwelcome interference in the organization's other aims, which are pursued by politically more powerful actors within the system'.[12] Consequently, atrocity prevention has never been an

[7]See Figure 1 for a more detailed breakdown of this data.
[8]Fung, "Just Not in the Neighbourhood"; Mennecke and Stensrud, "The Failure of the International Community".
[9]See for example: Oksamytna, "Civil Society and the UN Security Council".
[10]UN Security Council, "Arria-formula Meetings Dashboard".
[11]Pouliot, "The Gray Area," 8.
[12]Smith, "Why the United Nations Keeps Failing Victims of Atrocity Crimes".

easy or less controversial initiative for the UN. In the Security Council atrocity prevention activities can often be seen as a distraction from its major focus on crisis management and political affairs.

Given the growing tensions in the Council, there is now an even more pressing need to evaluate whether prevention activity can be supported through alternative informal practices such as Arria formula meetings and the extent to which they can work to mitigate some of the historical problems of mobilising preventive action. In response, this article analyses three unique and interconnected functions of these meetings. By examining each of these functions, it is possible to highlight how each has evolved, its relative value in helping to support atrocity prevention activity and its limitations. This analysis will draw on specific case study examples, as well as textual analysis of participant remarks from 16 Arria formula meetings focused on human protection and mass atrocity prevention. The case selection process has been driven by two key factors, first, by the need to evidence how each function works in practice as a potential tool for supporting atrocity prevention activity. Each case therefore provides a clear example of the function working to impact overall practice and reshape the Council's agenda regarding a specific country situation. Second, the cases are selected from different time periods (stretching from 2004–2022), in order to demonstrate the evolving dynamics of different Arria formula functions and to provide insight into how changes in practices have shaped the potential effectiveness of each function.

Consequently, the case studies capture innovations in practice such as the shift to televise some meetings and the increased role of elected members working as a collective block to organise meetings. These examples demonstrate how new practices are layered onto existing ones, in which Arria Formula meetings today are very much a product of continued innovations as states frequently work to redefine the parameters and rules of such meetings. It should therefore also be noted that the three functions do not work in isolation, instead, they often work to reinforce each other. For example, the growing role played by the E10 states has in part been shaped by their own concerns over Security Council deadlock. Taken as a whole, the three cases collectively provide strong evidence that Arria formula meetings can work to shift the Security Council's agenda[13], redefine the contours of debates and influence the passing of resolutions. However, each of the cases also reveals that even when the Security Council has been pushed to (re)consider an ongoing or evolving atrocity situation, the Council has often still decided against taking strong preventive action, even when significant evidence of atrocities is provided.

[13]Agenda setting concerns what issues get discussed in the UNSC and the methods through which certain issues reach the formal agenda. See Allen and Yeun, *Bargaining in the UN Security Council*.

The contribution of the article is therefore twofold. Firstly, it provides new insight into the practical methods member states have utilized to navigate the significant constraints generated by the current formal rules and procedures of the Security Council. This analysis consequently adds to a greater understanding of the often ad hoc and informal manner through which the Council's practices evolve over time and the key drivers of these shifts.[14] Most notably, the increasing need for flexibility when it comes to addressing emerging threats to human protection as well as the importance of civil society actors in providing additional information and expertise to member states. Secondly, the article builds on the growing R2P scholarship focused on the practical challenges of supporting mass atrocity prevention initiatives at the international level[15], helping to provide a more comprehensive analysis of the distinct value and limitations of using Arria Formula Meetings as part of a mass atrocity prevention and early warning strategy. In doing so the article ultimately argues that despite the increased utilisation of Arria formula meetings, they have so far proven most effective as a tool for agenda setting, rather than a mechanism that can be used to bypass Security Council divisions when it comes to supporting atrocity prevention responses in specific country situations.

To develop this argument the article is structured in three sections. The first section outlines the theoretical approach of practice theory, to help conceptualize and explain the processes through which informal and formal practices evolve within the structures of the United Nations. The second section builds on this theoretical analysis to provide an overview of the significant rise in the use of Arria Formula meetings and emphasises the key motivating factors behind this shift. The final section will then focus on critically assessing three key functions of Aria formula meetings and the utility of such meetings as forums that can support atrocity prevention activity. The three functions outlined are, as a response to Security Council deadlock over human rights monitoring, as a forum for NGO and civil society engagement and as a tool to increase inclusivity and transparency. To conclude, the article will reflect on the current limitations in how Arria formula meetings have so far been utilized and offer guidance on further innovations that could be developed by member states to help support the challenge of mass atrocity crime prevention.

Practice Theory and Informality

The rise of practice theory approaches in the study of international relations has generated new interest in the importance of diplomatic skills, habits and

[14]Pouliot, "The Gray Area of Institutional Change".
[15]Jacob, 'R2P as an Atrocity Prevention Framework"; Staunton and Ralph, "The Responsibility to Protect Norm Cluster".

improvisation in shaping political outcomes. Practice theory approaches thus seek to analyse 'what diplomatic practitioners do and how they do it', in order to draw out the wider implications for understanding global governance.[16] Much of this new research has focused on diplomacy within international organisations (IOs), exploring how certain practices have created change, opening up IOs to a wider range of actors such as 'transnational and local civil society organizations'.[17] Consequently, practice theory approaches can be used to examine the fluid nature of change surrounding working methods in the Security Council, exploring how innovation occurs and under what conditions. The performance of practice is thus one defined by a constant struggle over competence and the claim as to how things are done.[18] By examining practices, one can more easily expose the dynamics underpinning organisational power structures that shape UN decision making. In this sense, practice theory approaches seek to explore how practices both constrain and enable actors. In particular, how dominant actors can reinforce hierarchies through utilising their mastery of practices, whilst other actors can also attempt to subvert rules and develop new practices that challenge the status quo.[19] These practices are thus the product of a collective social environment that is shaped by 'the repetitive interaction between members of a group'.[20] It is through analysing this environment, that one can seek to explain the evolution of new practices and their impact on decision making in international organisations.

Central to recent innovations in UN working methods has been the rise in informal practices, developed in part to circumvent the difficulties of formal Security Council reform, in which new practices outside of formal rules have been a key method in shaping change. As Pouliot has highlighted, one can distinguish between formal rules that are officially sanctioned, certified and validated in contrast to informal rules that 'typically emerge organically and diffuse from the bottom up, without a centralized mechanism to sanction them'.[21] It is through this process of adaption and development of informal rules that new practices have emerged, gradually shifting working methods and opening up new spaces for debate whilst also attempting to fill holes left by formal rules.[22] This can be referred to as a 'grey zone', in which 'practitioners allow themselves to experiment and innovate, despite the absence of clear and mutually agreed upon guidelines to do so'.[23] Practice theory approaches therefore highlight the intrinsically social nature of the

[16]Constantinou et al., 'Thinking with Diplomacy," 561.
[17]Holthaus, "Practice Theory".
[18]Pouliot, "Hierarchy in Practice," 13.
[19]Cornut, "The Practice Turn in International Relations".
[20]Ibid.
[21]Pouliot, "The Gray Area of Institutional Change," 2.
[22]Baccarini, "Informal Reform".
[23]Pouliot, "The Gray Area of Institutional Change," 2.

Security Council, in which practices evolve over time through the changing nature of the actors involved and the specific issues at play.[24]

As a result, transformation is often relatively slow and much more likely to be the result of incremental change rather than a spontaneous revolution. Furthermore, it is often the case that over time informal practices do eventually become much more connected to formal rules and procedures helping to directly impact on decision making processes.[25] The challenge for those researching practices is thus to make sense of 'how the incessant flow of small-scale deviations sometimes accumulates in the form of larger transformations'.[26] The use of Arria formula meetings therefore provides a useful case of diplomatic innovation over time, creating new and innovative practices in response to changing diplomatic circumstances. In particular, the importance of Arria formula meetings as a workaround to the ridged rules over what can formally be debated in the Council chamber.[27] This flexibility in informal practice is therefore critical to addressing the challenge of mass atrocity prevention as the following sections will examine.

The Rise, Fall and Transformation of Arria Formula Meetings

As highlighted, the origins of the Arria formula meeting date back to the initiative of the former Permanent Representative of Venezuela, Diego Arria. During Venezuela's presidency of the Security Council in March 1992, Arria was approached by Croatian priest Fra Jozo Zovko, who had travelled to New York to raise the alarm about the serious humanitarian situation unfolding on the ground in the Balkans. Desperate for all Security Council members to also hear the seriousness of the priest's testimony, Arria decided to organize an informal meeting of Council members in the UN Delegates Lounge, when an official session was not possible.[28] The conversations and information sharing during this meeting were praised by several attending Council members in subsequent consultations on the situation in Bosnia.[29] Consequently, the informal practice of Arria formula meetings was born, shaped by the need for greater interaction between Council members and civil society, particularly in relation to humanitarian situations.

Arria formula meetings thus represent the only format that ultimately allows NGOs and civil society to directly participate in consultations with Security Council members. Yet despite this early connection it is important

[24]Freedman and Lemay-Hébert."The Security Council in Practice," 161.
[25]Baccarini, "Informal Reform".
[26]Pouliot, "Evolution in International Practices," 188.
[27]Fillion "Arria-Formula Problem?".
[28]Sievers and Daws, "Place and Format of Council Proceedings," 74.
[29]Ibid.

to acknowledge that not long after the initial creation of these meetings it was often the case that the participation of NGOs would be blocked by permanent Council members, and as such, many of the Arria formula meetings that took place in the 1990s were instead used 'to hold informal discussions with officials of UN Member States and of intergovernmental organizations' rather than NGOs or civil society.[30] Notable incidents included the clash between member states in 1996, when Chile Ambassador Juan Somavía tried to organize a meeting with several humanitarian NGOs which was blocked from being recognised as an Arria formula meeting, as was Portugal's attempt in 1997 to allow Amnesty International Secretary General Pierre Sané to give an Arria briefing.[31] This contestation generated significant discussion regarding the purpose of Arria meetings, in which Portugal made a strong case for maintaining a broader interpretation of the concept which it argued should include voices beyond just state officials that can more easily be heard in regular sessions.[32]

However, it wasn't until 2000 that sentiment began to firmly shift towards greater consultation with NGOs, highlighted by a Canadian and Dutch organized Arria formula meeting on the issue of the protection of civilians, which included representatives from CARE, Oxfam and Médecins sans Frontières (MSF).[33] Another important evolution in the development of Arria formula meetings also occurred in 2000, when for the first time, states not currently represented on the Security Council were allowed to attend such meetings, beginning a period of growing access for other member states that would eventually lead, in 2017, to Security Council members and non-members holding meetings in collaboration.[34] The back and forth evolution of this informal practice provides a key example of how the battle for diplomatic competence is a constant process of contestation and innovation that takes place over many years (Figure 1).

The increase in the use of Arria formula meetings in 2001–2002 also helped to further clarify the practice in a more official capacity, supported by the work of the Security Council Informal Working Group on Documentation and Other Procedural Questions (IWG). A new 'common understanding' of such meetings was agreed upon by the IWG and introduced by the Japanese chair of the IWG in December 2006. In the 'Note by the President of the Security Council' it was recognized that Council members should utilise Arria formula meetings as 'a flexible and informal forum for enhancing their deliberations', through which members could invite 'any member state, relevant organization or individual to participate' with the

[30]Ibid., 91.
[31]Paul, "The Arria Formula".
[32]Ibid.
[33]Oksamytna, "Civil Society and the UN Security Council," 33.
[34]Paul, "The Arria Formula".

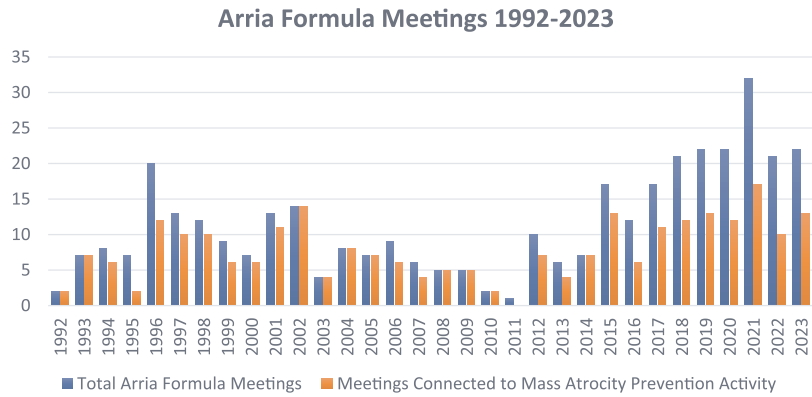

Figure 1. Total number of Arria formula meetings 1992–2023 and total meetings connected to mass atrocity prevention activity. The designation of a meeting as being connected to mass atrocity prevention activity is understood through a broad understanding of issues and topics that work to support atrocity prevention. This includes country specific meetings as well as thematic discussions on issues such as human rights, women, peace and security and humanitarianism.

aim of supporting the Council's contact with 'civil society and non-governmental organizations'.[35] This common understanding was then included in the 2006 *Handbook on the Working Methods of the Security Council,* in which it was emphasized that such meetings should be 'very informal' and thus provide an opportunity to have 'a frank and private exchange of views' with persons members of the Council 'believe would be beneficial to hear and/or to whom they may wish to convey a message'.[36]

However, arguably the most significant innovations and changes in practice would not occur until much later in the history of Arria formula meetings. Despite the official working methods around Arria formula meetings being clarified in 2006, these meetings would see a general decline in their use over the next 5 years, reaching a nadir in 2011, when just one meeting took place that year. This low moment for the practice would however eventually give way to renewal and significant innovation over the next 5 years, starting in 2012, in which the meetings would play an increasingly important role during the ongoing Syrian conflict and the growing division between permanent member states. Most notably, the decision in 2016 to webcast an Arria meeting on UN TV, to address the humanitarian situation in Aleppo, Syria.[37] The decision to open Arria formula meetings to public viewing has had a significant impact on their overall use and has also radically altered their original function, through the move away from private

[35]S/PV.5601, 11.
[36]United Nations, "Working Methods".
[37]UN, "Aleppo Under Siege".

closed meetings to more transparent public facing events. Furthermore, beginning in 2012, Arria formula meetings have also been more frequently utilized as an effective way to get Council members to interact with Human Rights Council-mandated Commissions of Inquiry.[38] This practice was again adopted in response to the Syrian conflict, through which several meetings with the Syria Commission of Inquiry have taken place since 2012, allowing member states to hear the latest on the human rights situation on the ground, even when the formal sharing of this information may be blocked by the Council.[39]

Consequently, the notable increase in the use of Arria formula meetings can be seen to initially coincide with the growing tensions between permanent Council members over the political fallout from the Arab Spring protests and subsequent violence across the region. For example, in 2018 a procedural motion to allow the High Commissioner for Human Rights to formally address the Security Council on the human rights situation in Syria was blocked. In response, an Arria formula meeting was quickly called to allow the briefing to go ahead. What this particular case highlights is the practical power of informal practice, in which a space can be created to convey information both to Council members and the public in response to the formal blocking of a Security Council meeting.

The evolution of practice connected to Arria formula meetings has thus been shaped by the failure of formal practices. Consequently, the gradual opening up of Arria formula meetings in a variety of ways is arguably a defining feature of its recent development. In doing so it has been possible for a greater range of voices to directly engage with the business of the Security Council whilst at the same time raising the focus on specific country situations and the overall transparency of such discussions. Moreover, it has become more difficult for permanent members to simply suggest that they 'didn't know of some event or incident' when it has already been discussed in an Arria formula meeting.[40] From a practice theory perspective, one can highlight how the use of these meetings has developed in response to changing political circumstances, in which innovation has worked to challenge the status quo when it comes to formal Council procedures and rules. Yet it is also the case that this evolution is not linear but instead is subject to periods of decline and reinvention. For example, early in the development of the Arria format, permanent members of the Council worked to restrict the use of these meetings, reinforcing their own interpretation of the rules and practices concerning non-state actor briefings. Yet over time, elected members were able to push for greater openness and redefine practice in

[38]Security Council Report, "UN Security Council Working Methods".
[39]Ibid.
[40]Fillion, "Arria-Formula Problem?".

this area, highlighting the significant evolution in the use and focus of Arria formula meetings.

Arria Formula Meetings as an Instrument for Atrocity Prevention Activities

Despite the significant transformation in the use of Arria formula meetings, there remains little theorisation of how these meetings have previously been utilized in support of mass atrocity prevention and their overall impact. In response, the following section will critically assess in greater detail, three key functions of Aria formula meetings and examine their utility in working to support atrocity prevention activity. It will do so by exploring evolutions in practice in relation to three key cases, DPRK, Darfur and Myanmar.

A Response to Security Council Deadlock Over Human Rights Monitoring

One of the central challenges of mass atrocity prevention is the ability to effectively identify and communicate the threat posed by possible triggers that may later result in the committing of mass atrocity crimes. One important trigger has historically been the violation of human rights, in which evidence supports the fact that human rights violations both heighten the risk of atrocity crimes and can themselves go on to constitute atrocity crimes.[41] This link between human rights and mass atrocity crimes has however historically been a point of contention for the UN Security Council, whereby discussion of human rights threats in the Council has been limited and remains a major source of division between permanent member states.[42]

Yet, for the Council to meet the challenge of improving its role in atrocity prevention, early warning signals must be part of its discussions and focus, creating opportunities for the Council to work in supporting the monitoring of trends in human rights abuses and potential violent outbreaks. The continued paralysis of the UN Security Council and its general reluctance to address early reports of human rights violations has thus been a key factor in the notable rise in the use of Arria formula meetings and the discussion of human rights situations. Arria formula meetings provide both a tool through which issues can be brought to the attention of the Council in order to eventually build momentum towards becoming a formal agenda item, as well as a method through which contested issues currently on the formal Council agenda can be discussed in a more open and frank way,

[41] Jacob, "Mainstreaming Atrocity Prevention".
[42] Jarvis, "The R2P and Atrocity Prevention".

including a wider set of voices from civil society and the NGO community. Both these functions provide important support towards the goal of atrocity prevention in which Arria formula meetings have often taken on the function of a separate informal human rights forum. To outline this function and assess its practical application further, the next section will examine the case of DPRK.

Democratic People's Republic of Korea (DPRK)

Historically one of the most important applications of Arria formula meetings as a practice has been their function in helping to build momentum and raise the profile of a humanitarian issue to eventually allow it to reach the Security Council's formal agenda. In the case of the human rights situation in the DPRK, an Arria formula meeting was specifically utilized as a bridge between the Human Rights Council (HRC) and the formal agenda of the Security Council. In 2013 the HRC launched a commission of inquiry to investigate 'the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea'.[43] The publication of the report in 2014 presented evidence that 'systematic, widespread and gross human rights violations have been and are being committed' in which in many instances 'the violations found entailed crimes against humanity'.[44] Notably the report also directly criticized China and its 'rigorous policy of forcibly repatriating citizens of the DPRK', in which it chose only to recognize those fleeing as economic migrants, not refugees.[45] This direct criticism of China sparked significant backlash from Beijing, with China specifically working to try and 'restrict the range of options available for the implementation of the Report's recommendations' in which it argued that the report only came under the remit of the HRC and no other UN bodies.[46]

Despite China's diplomatic push to curtail discussion of the report, in April 2014 Australia, France and the US decided to convene an Arria formula meeting with the Commission of Inquiry on Human Rights. In this situation, the practice of utilising Arria formula meetings was crucial in opening up an informal space for the members of the Security Council to begin directly discussing the key findings from the HRC report and further boosted the profile of the report's findings to a wider audience. It thus represented a useful workaround in light of the hostile response by China, pushing back against their aim to constrain human rights discussions to the HRC. The meeting was presented as 'an opportunity to focus attention more broadly on the human rights situation in the DPRK, raise awareness

[43]UNHRC, "Commission of Inquiry".
[44]Ibid.
[45]Ibid., 9.
[46]Fung, "Just Not in the Neighbourhood," 573.

about the report in New York and educate the wider UN membership about its findings'.[47] Members sought to place human rights in the context of security helping to more specifically connect the work of Geneva to New York, arguing 'history show[s] that States that committed such heinous crimes against their own people were a perpetual source of instability and insecurity'.[48] The meeting thus provided the space to debate how working methods could be utilized to 'ensure the Council remains appraised of human rights situations that can have the potential to impact the maintenance of international peace and security'.[49] Diplomatic pressure and the awareness raising generated by the discussion of the report would ultimately prove critical in the wider push for the situation in the DPRK to become an agenda item separate from the non-proliferation issue, which eventually took place on 22 December 2014.[50] As Courtney Fung has argued, this allowed the Security Council to now 'remain seized of' the DPRK case and permitted Council members to request formal debates about the DPRK case for at least the next three years.[51]

Security Council meetings on the human rights situation thus continued at regular intervals over the following period, but since 2017 have ceased to take place. This is due in part to the increased tensions between member states, in which it has become more difficult to meet the minimum of nine procedural votes required for such meetings to take place.[52] Notably the result of this intransigence has most recently seen a return to the practice of Arria formula meetings to discuss the latest evidence on the human rights situation in DPRK. In March 2023 Albania and the US convened an Arria formula meeting titled 'The situation of human rights in the Democratic People's Republic of Korea (DPRK)'.[53] This meeting again attempted to carefully reinforce the connection between human rights and security, in which Albania and the US argued that 'DPRK's human rights violations and abuses are inextricably linked with the threats to peace and security posed by the DPRK's unlawful [weapons of mass destruction] and ballistic missile programmes'.[54] However, on this occasion the tensions between Security Council members spilt over into the meeting, in which China was able to raise on objection to the web broadcast of the meeting via UNTV, demonstrating an example of increasing attempts by permanent members to shape and challenge aspects of evolving Arria formula meeting practice.

[47]Security Council Report, "Arria-formula Meeting DPRK".
[48]S/2014/501.
[49]Ibid.
[50]Security Council Report, "Can the Security Council Prevent Conflict?".
[51]Fung, "Just Not in the Neighbourhood," 575
[52]Universal Rights Group, "Human Rights Council-Security Council relationship".
[53]Security Council Report, "DPRK (North Korea)".
[54]Ibid.

Overall, what the DPRK case can highlight is the value of Arria formula meetings in connecting the work of the HRC to the Security Council, through which the informal setting of such meetings can help to facilitate discussion on sensitive topics and make the case for greater Security Council involvement. Moreover, in cases where a country specific situation has fallen off the formal agenda, Arria formula meetings can once again become critical in creating space for shaping discussion and pressuring member states to do more in this area. Notably, the case is also a good example of E10 collaboration with permanent members, in which Australia and Albania both played important lobbying roles in pushing the human rights angle of the DPRK situation. Yet, despite the importance of these meetings in keeping the topic on the UNSC agenda, this strategy did not result in significantly moving member states towards taking more concrete action, in fact positions have arguably hardened over time, with the Security Council now more divided on the issue.[55] Consequently, it reinforces arguments made by Bellamy and Luck[56] who have highlighted that having ample early warning and information sharing has often not led to better results when it comes to preventing mass atrocities, as demonstrated by previous cases such as Rwanda and Sri Lanka. This interconnected challenge will be further explored in the next section through the lens of NGO activism.

A Key Forum for NGO Engagement and Information Sharing

Historically international organisations have been dominated by member states, yet over the last thirty years significant shifts in global governance have created increased opportunities for participation and collaboration involving NGOs, civil society groups, philanthropic foundations and multinational corporations.[57] In regard to atrocity prevention, NGOs increasingly play a vital role as monitoring agencies when it comes to compliance of human rights, calling upon this authority to 'demand more effective and less selective monitoring'.[58] However, the involvement of non-state actors has often not taken place through the formal avenues of direct reform, which continues to be an area of deep contestation between member states. Instead, the opening up of international institutions has been developed through the incremental evolution of informal practices.[59] Whilst formal rules can tend to reinforce structures and uphold the status quo, informal practices can be used to create spaces that react and evolve more organically, shaped by changing needs and uses. Arria formula meetings

[55]SC/15387.
[56]Bellamy and Luck, "The Responsibility to Protect," 91, 110.
[57]Tallberg, "The Opening Up of International Organizations".
[58]Ibid.
[59]Tallberg, "The Opening Up of International Organizations".

have thus become a critical forum in which the monitoring work of NGOs can be specifically utilized to share information, pressure states into greater action, put forward recommendations and raise the profile of specific human rights situations. Thus, as Hill has argued, NGOs have also often widely advertised and reported on their input to these meetings to the press and through their own networks.[60] As a result, such meetings represent a relatively unique opportunity for NGOs to try and shape Council decision making and expand their influence in global politics. Likewise, the influence of NGOs in such meetings has often been critical to addressing Security Council deadlock over human rights monitoring. The evolution in this practice can be demonstrated in more detail by re-examining the case of Darfur in 2004 and the continued role of NGOs in influencing the political narrative around the ongoing violence, through engagement with Security Council members.

Darfur

Following the initial outbreak of violence in February 2003, the humanitarian situation in the Darfur region of Sudan quickly became severe. By 2004 there were reports of 'systematic violations of international human rights and humanitarian law constituting crimes against humanity committed by the Sudanese Government and its ethnic militia, the Janjaweed'.[61] Despite these reports it proved difficult to build momentum for an agenda item on Darfur, with the UNSC slow to respond. A key breakthrough came with the Arria formula meeting called by Germany in May 2004 under the suggestion of Médecins Sans Frontières and Human Rights Watch[62], which included several high-profile NGOs, who were able to provide information based upon their on the ground reporting and access. Médecins Sans Frontières, conveyed to member states the urgency of the current humanitarian situation, outlining the 'excessive levels of death and malnutrition among a displaced population that is entirely dependent on aid', and whereby 'relief efforts remain utterly inadequate'.[63] During the meeting there was significant criticism by NGOs of the Security Council's failure to take concrete action on the Darfur situation, with Human Rights Watch suggesting that the 'U.N. Security Council bears a special responsibility to address the situation in Darfur because of the scale and gravity of the crimes committed against civilians'.[64]

Consequently, as Gifkins has argued, the NGO briefings were a key tool in building momentum for a formal agenda item on Darfur, whereby the

[60]Ibid.
[61]Human Rights Watch, "Addressing Crimes Against Humanity".
[62]Global Policy Forum, "Arria Formula and Other UN Proceedings".
[63]Médecins Sans Frontières, "The Humanitarian Situation in Darfur".
[64]Human Rights Watch, "Addressing Crimes Against Humanity," 3.

evidence provided at the meeting outlining the scale of the humanitarian situation was critical to placing pressure on states to directly respond to the ongoing violence in Darfur.[65] It is therefore notable that only the day after the Arria meeting took place, the Security Council adopted a new agenda item on Darfur without objections.[66] In the statement by the President of the Security Council, reference was made to the reports of large-scale violations of human rights that were conveyed at the previous Arria formula meeting, as well as calling on the Sudanese government to 'fulfil its announced commitment to cooperate fully and expeditiously with humanitarian efforts to provide assistance to the imperilled populations of Darfur'.[67] This pressure would eventually result in the adoption of several further UNSC resolutions in the following months, most notably resolution 1564[68], which created an international commission of inquiry on Darfur and eventually paved the way for the referral of the Darfur situation to the ICC in resolution 1593.[69]

Greater awareness of the humanitarian situation, both between member states and within the public domain ultimately played a crucial role in driving momentum for the situation to reach the formal agenda. It was NGOs in particular who were able to encourage states to open up space for reports and briefings, demonstrating the strategic value of the Arria formula meeting format in this process. Notably, the Arria formula meeting format would again be utilized to raise the profile of the Darfur situation in September 2006, in which the US had film star George Clooney and prominent academic and holocaust survivor Elie Wiesel address member states and the media to help generate maximum public interest.[70] The move to invite the media to the meeting and drive up exposure broke with previous convention at the time and again highlighted the flexibility of informal practices to generate change and innovation in working methods.

The ability to open up such meetings beyond states and bring in the wider UN membership, NGOs, civil society members and the general public through webcasting, demonstrates the unique value of such meetings. From the perspective of mass atrocity prevention, the ability to raise the voices of non-state actors and convey information from the field is critical to building more effective early warning practices. Moreover, this case also highlighted another example of E10 initiative through Germany's role in setting up the initial Arria formula meeting with NGOs.[71] However, although the Darfur case highlights how NGO activism can work to

[65]Gifkins, "Inside the UN Security Council".
[66]Ibid.
[67]S/PRST/2004/18.
[68]S/RES/1564.
[69]S/RES/1593.
[70]Paul, "Of Foxes and Chickens".
[71]Gifkins, "Inside the UN Security Council," 114.

eventually support significant action, such as accountability through ICC referral, one must highlight how this kind of response has become more difficult in an increasingly divided Security Council (as the Myanmar case will later highlight), particularly when it comes to initially raising the profile of a country situation. Consequently, one can point to a rise in Council members objecting to the public broadcasting of meetings, for example, between March and July 2023, eight meetings were not broadcast due to objections from Council members.[72] Consequently, whilst Arria formula meetings are no longer directly blocked, states can stop them from being broadcasted or choose not to attend such meetings, thus limiting the impact of potential public engagement and activism by NGOs.

Inclusivity and Transparency: A Stronger Role for Elected Members and Non-UNSC States

Emboldened by consistent inefficiencies in the Security Council's 'conflict resolution machinery', one can highlight a significant increase in UN member states delegating tasks and shifting focus to a broader range of informal practices.[73] It is often through these informal practices that incremental change is occurring and reshaping the dynamics of the UN's work. Furthermore, those at the forefront of leading on these practices have increasingly become elected members of the Security Council, demonstrating a substantial amount of innovation, particularly in terms of how Arria formula meetings are utilized. One area of significant innovation has been the sharp increase in elected member collaboration when it comes to organising such meetings.

Individual elected members have often been involved in the organisation of Arria formula meetings, the role of Germany in the Darfur case provides a useful example. However, between 1992–2010 there were only two examples of an elected member organising a meeting with another elected member state or group of elected states. Yet in contrast, since 2010 there have been 41 such examples whereby elected members have organized Arria meetings collaboratively with one or more elected members and no permanent member.[74] Whilst overall permanent members have dominated the organisation of Arria formula meetings, in which France, United Kingdom and the USA have organized 211 of the 378 total meetings, there has been significant growth when it comes to elected member collaboration evidenced by the recent data and testimonies by elected members.[75] Thus as Gifkins has

[72]Landgren and Thompson, "The United Nations Security Council in 2023".
[73]Prantl, "Informal Groups of States".
[74]UN Security Council, "Arria-Formula" Meetings Convened By The Member(s) Of The Security Council (1992-Present).
[75]See recent examples of elected members on the UNSC such as Germany: Brosig, "More than Just Productive" and Tunisia: Cherkaoui, "Small States".

argued, elected members have increasingly recognized the value of working collectively as a block to magnify their leverage, in which Arria meetings provide a critical tool for such activity.[76] Consequently, the meetings have gained increased acceptance as a method through which any UN member can potentially engage directly on peace and security issues, demonstrating a unique practice in terms of inclusivity and transparency.

Arria formula meetings can therefore be an important tool for elected members to use in support of mass atrocity prevention. Historically, elected members have been notably outspoken on the importance of the Council being more engaged on ongoing humanitarian issues.[77] In 2018, elected member Poland, in partnership with Belgium, Côte d'Ivoire, Germany, Kuwait and Peru, held an Arria formula meeting on raising the effectiveness of atrocity crimes prevention, focusing specifically on the role of the Security Council and its members. The meeting aimed to highlight good practices relating to early prevention of atrocity crimes and to discuss more practical steps that the Council could utilize, in particular how best to enhance effective information gathering and build stronger connections between the Security Council and the Human Rights Council.[78] Moreover, several states also raised the importance of using Arria formula meetings as part of an awareness-raising strategy, and noted how such meetings often filled an important gap when more formal meetings are restricted.[79] The comments therefore echoed previous arguments made by Qatar, Spain and Nigeria during the 2018 General Assembly debate on R2P, in which all three members highlighted the need for the Security Council to 'make even greater use of its situational-awareness briefings and the Arria Formula mechanism'.[80]

Connected to this push for greater use of such meetings is the continued disfunction of the Security Council and the ongoing threat of the veto. This has been particularly apparent in cases of mass atrocity crimes in countries such as Syria and Myanmar most prominently. As Dayal argues, the limited response by the Security Council to such situations has led to more creative diplomatic work from the elected 10, highlighting how elected members can also shape the UNSC working methods and the issues it considers.[81] Much of this creative diplomacy is achieved through pursuing informal practices as a key tool to generating change, often working in combination with non-state actors at the same time. Consequently, the greater involvement of NGOs in Arria formula meetings is also tied to the support of elected members, who

[76]Gifkins, "Beyind the Veto".
[77]Stagno-Ugarte, "Mass Atrocity Crimes," 178.
[78]Security Council Report, "Enhancing the Effectiveness of Atrocity Crime Prevention".
[79]Gregoire-van Haaren, "Raising Effectiveness of Atrocity Crimes Prevention".
[80]A/72/PV.99; A/72/PV.100.
[81]Dayal, "Security Council Gridlock".

have the most to benefit from their expertise and knowledge given the small size of many delegations. These partnerships have the potential to be particularly critical when it comes to information sharing on mass atrocity crime situations where this shared knowledge can be transmitted to Security Council members through the Arria format. To assess the value of this practice in more detail, the following section will examine the role of elective members in attempts to address atrocity crimes in Myanmar.

Myanmar

The significant eruption of violence across Myanmar's Rakhine state beginning in 2016 and further escalating in 2017 would eventually lead to 700,000 Rohingya civilians fleeing to Bangladesh. The violence demonstrated serious evidence of systematic human rights atrocities, following several decades of attacks on the rights and citizenship of the Rohingya minority. Despite the serious nature of the atrocities committed, the Security Council was ineffective and slow to consider the scale of the situation. Part of the explanation for this limited response was the potential threat of the veto by China and Russia, who early on had attempted to downplay the seriousness of the atrocities and instead made comments in support of the sovereign integrity of the Myanmar state and its ability to deal with the violence and unrest. Consequently, discussion of the situation in Myanmar was severely limited in the Security Council's formal agenda, whereby direct discussion of the atrocities and accountability for these acts was patricianly restricted.

In contrast to the Security Council's response, the Human Rights Council (HRC) in Geneva was much quicker to engage, having set up an independent, international fact-finding mission in 2017, with a mandate to investigate allegations of recent human rights abuses in Myanmar.[82] As earlier highlighted, the Myanmar case provides another important example of the disconnect between the Security Council and HRC, in which much of the response in New York was for member states to push for quiet diplomacy techniques to try and quell the violence rather than more directly calling out the atrocities and the need for accountability. Due to the limited opportunities for debate, in part caused by Security Council deadlock, Arria formula meetings once again became a key tool for raising the profile of the ongoing violence. One can thus point to similarities with the DPRK case here, further evidencing the growing use of Arria Formula meetings for this function.

Yet in contrast to the DPRK case, it was elected members specifically who took the initiative in attempting to place greater pressure on the Myanmar government. In 2019, elected members, Germany, Peru and Kuwait, called an Arria formula meeting on 'Mass Atrocity Crimes in Myanmar: Where

[82]Security Council Report, "The Rule of Law".

do we stand on accountability?'. This meeting represented the first of its kind to directly call out the atrocities being committed in Myanmar and push for cooperation with the ICC, in order to investigate the crimes and violence in Rakhine State.[83] Previously, it had only been possible for the Security Council to discuss the issue of refugee repatriation under 'any other business', in which wider discussion of the Myanmar human rights situation was limited.[84] In contrast this Arria meeting attempted to make connections between New York and Geneva, with Radhika Coomaraswamy, a member of the Independent International Fact-Finding Mission on Myanmar (FFM) briefing the Council members. The meeting was therefore able to highlight the important connection between greater accountability for the crimes committed and the Rohingya refugees' confidence in their safe return, which was limited in previous Security Council discussions.[85]

The decision to hold the meeting was specifically challenged by the Myanmar state, which chose not to participate in the meeting and wrote to the President of the Security Council suggesting that the meeting was 'contrary to the purpose of the United Nations, which is to foster cooperation between nations to find a peaceful solution to any conflict'.[86] The direct criticism from Myanmar suggests the decision to focus on atrocity crimes was perceived to be a break from the more quiet diplomacy approach taken up to this point, particularly by the P5 states. The willingness of specific elected members to speak up more regularly against atrocity crimes and call for accountability again demonstrates the value of having the Arria format. The pressure built up by successive Arria meetings in the following years would eventually lead to the passing of Security Council Resolution 2669 in 2022, which called for an 'immediate end to all forms of violence throughout the country and urged restraint and the de-escalation of tensions'.[87]

However, with this representing only a minor breakthrough, there was still notable criticism of the Council's approach in the meeting, particularly from elected member Ireland, who highlighted the failure of the Security Council to recognize 'the importance of accountability mechanisms such as the Independent Investigative' and to directly call out the Myanmar militaries assault on the people of Myanmar. Consequently, there are similar parallels with the DPRK case here, in which successful diplomatic work by elective members to pass resolution 2669, specifically demanding an end to all forms of violence in the country, has not resulted in the Security Council supporting any further concrete action that could directly save lives and protect populations on the ground. Thus, whilst Arria formula

[83]Security Council Report, "Refugees and Accountability".
[84]Gorlick, "The Rohingya Refugee Crisis," 15.
[85]Ibid.
[86]S/2019/676.
[87]S/RES/2669.

meetings can be utilized by elected members as a tool to better transmit the work of the HRC's independent mechanism and help advance the issue of accountability, the interests of permanent Council members continue to significantly limit the opportunity for more expansive action.

Conclusion

This article has shown that the goals and uses of Arria formula meetings have evolved in connection with changing Security Council dynamics, generating new practices and initiatives to help better focus attention on human rights protection and humanitarian assistance issues. Through examining this evolution in practice, it has been possible to highlight three key functions of Arria formula meetings that are critical in working to support the goal of mass atrocity prevention. Each of these functions plays an interconnected role in increasing flexibility, openness and transparency in a variety of ways, demonstrating the unique value of the Arria format and informal practices more broadly. Over time, one of the most notable innovations has been the focus on making Arria meetings much more open, both to non-UNSC members, non-state actors and the wider public. The move to televise more of the meetings is a particularly significant change that has redefined the dynamics of such meetings. Thus, the meetings have widened the range of voices included in debates on human rights and mass atrocity situations, creating opportunities for early warning information to be conveyed to the Council and the wider public, as well as further emphasising the connection between human rights and peace and security. Whilst information sharing has always been a central purpose of Arria formula meetings, how this information is conveyed, who it is conveyed to and by whom, has significantly changed over time. Whilst these meetings began as private meetings that contained only UNSC members they are now most often public events in which communicating beyond those in the room is central to their purpose. Much of this innovation has thus been driven by the limitations of formal meeting rules and the growing frustration with the Security Council, as geopolitical competition further divides and limits its work. Consequently, innovations in informal practice help to demonstrate the UN's adaptability, working to generate incremental change despite the lack of formal Council reform.

In this regard, Arria formula meetings can be considered one of many tools that can be utilized in support of mass atrocity prevention.[88] However, as noted above, the evolution of Arria formula meetings is ultimately a product of the dysfunctional and ineffective role of the Security Council in supporting mass atrocity prevention. At the crux of this

[88] A/77/910-S/2023/409.

problem is the significant disconnect between the work of the HRC and UNSC, in which Arria formula meetings are often utilized as a secondary option to raise the profile of an issue following the persistent failure of the UNSC to sufficiently recognize or discuss key findings from the HRC or acknowledge the potential threat to international peace and security. Consequently, whilst the meetings can generate pressure on the Security Council to consider situations on its formal agenda, as well as raising the profile of human rights situations globally, their record in driving direct action is significantly weaker. In this sense, one can argue that Arria formula meetings alone do not represent a direct solution to the problem of inaction but are in fact a symptom of this inaction.

Given these clear limitations, there remains significant debate over how Arria formula meetings might be better utilized going forward. From an atrocity prevention perspective, there is a strong case to be made for member states to work harder in initiating more country specific Arria formula meetings to help address impending crises when there may be an impasse at the formal level. However, the precise format and organisation of such meetings remain deeply contested, in which states under discussion often refuse to participate, citing the meeting as an infringement of their own internal politics.

In contrast to the gradual opening up of Arria meetings through the use of webcasting, there is also a case to be made for the greater use of more candid interactions in a closed setting, reverting to a more balanced relationship between open and closed meetings.[89] This is connected to what can also be seen as an increased blurring between informality and formality, highlighted by the growing professionalism around the format and expectations for those speaking, with the norm now being for most speakers to deliver prepared statements. Consequently, the fact that most meetings are now webcast has removed some of the opportunities for frank and private exchange of views.[90] Moving forward, there is a need for member states to take advantage of the flexible nature of the Arria format when it comes to supporting mass atrocity prevention activities, in which there may be cases that require a more candid format of discussion in order to address an ongoing situation. From a practice theory perspective, the ability to easily shift back to more closed meetings highlights the benefits of informal practices that create space for changes to occur on the fly.

Beyond debate over the format of Arria formula meetings, there continues to be criticism over how often the meetings are utilized. For example, in a 2022 UNSC meeting on working methods, China argued that the overuse of such meetings is 'hogging many delegations' finite resources' calling for

[89]Security Council Report, "Right Formula for the Arria Format?".
[90]Sievers and Daws, "Place and Format of Council Proceedings".

'leadership in steering Arria Formula arrangements onto a more rational track'.[91] The greater number of meetings in recent years has thus raised the question of states having Arria fatigue, in which the overuse of the format to address a larger and larger range of issues is potentially watering down their value. However, despite China's comments, this was not a view shared by the majority of member states, with Guatemala at the same meeting arguing that 'the practice of open debates is conducive to greater participation of those who are not members of the Council', suggesting that Arria formula meetings play a key role in supporting prevention activities.[92] Consequently, whilst there may be a need to streamline aspects of the current Arria agenda, their value and importance for prevention initiatives is still very much supported by a majority of UNSC members.

Whilst the opportunities for formal reform initiatives at the UN Security Council continue to be limited, change is still most likely to occur incrementally. As this article has argued, Arria formula meetings provide a unique example of changing working practices that have evolved informally over time to address key limitations of the current Security Council meeting format. Moving forward however, the ability of such meetings to generate concrete and practical action on the ground that can work to prevent mass atrocities is still tied to the formal powers of the Security Council.

Subsequently, the greater use of Arria formula meetings in many ways represents a symbol of the breakdown in overall Security Council communication and debate. In response, there is a need to further theorize how other informal practices might be utilized in combination with Arria formula meetings to help initiate change. For example, the use of Group of Friends, which can function as targeted coalitions working towards more concrete actions, such as the successful peace negotiations to address the civil conflict in El Salvador.[93] Such groups can be particularly effective in bringing forward key interventions within a range of multilateral forums, for example, utilising their lobbying power within the Security Council to shape resolutions as well as acting as key mediating actors in specific peace and conflict situations. Nevertheless, for more substantive change to occur the Arria format must be considered as just one of many tools for supporting a mass atrocity prevention strategy, in which a more functional Security Council remains most essential.

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[91] S/PV.9079.
[92] Ibid.
[93] Whitfield, "Friends Indeed?"

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