

Legislating to Stop Genocide

Statement by
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Before

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Committee on Financial Services
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I want to thank Rep. Gutierrez and the Subcommittee for holding this hearing on ways to increase pressure on the government of Sudan to stop genocide in Darfur.

Ever since the United States, led by the House of Representatives in July of 2004, declared the government of Sudan guilty of genocide, the world has been waiting for the U.S. to act. Article 1 of the 1948 Genocide Convention says: “The contracting parties confirm that genocide...is a crime under international law which they undertake to prevent and punish.” The Darfur Accountability and Divestment Act of 2007 is a step—although a small step—in that direction. In light of the gravity of the death and displacement taking place in Darfur, the Subcommittee may want to explore if other, more painful financial interventions are possible.

In September 2004, Colin Powell, then Secretary of State, accused the government of Sudan of genocide. But he said that the identification of that crime against humanity would not change U.S. policy, meaning that the U.S. would make no military move to stop the genocide. Instead, we have relied diplomacy and economic sanctions to stop the government orchestrated death and displacement in Darfur. So far our policies have failed.

What message has our inaction sent? Earlier this year, Roger Winter, who served as Special Representative on Sudan to former Deputy Secretary of State Robert Zoellick, testified before a House subcommittee on the weakness of U.S. policy. Referring to the National Islamic Front, or NIF, which controls the government of Sudan, Winter said:

Entreaties to the NIF do not work. Talk alone does not work. ... Only credible threats that can cripple their agenda or deprive them personally of their power and ill-gotten riches will work. The NIF has been at war with the majority of the people of Sudan every single day since it came to power by coup on June 30, 1989. It will not change now when all their acts of death and destruction have cost them nothing. In fact, it seems that President Bashir and the NIF, having seen the impotent reactions of the U.S., U.N. and EU, have even stopped pretending and have shown their true aggressively anti-Western colors.

Ervin Staub, a professor at the University of Massachusetts, examines the cost of passivity in the face of genocide in his classic book, The Roots of Evil: The Origins of Genocide and Other Group Violence. He writes of the Holocaust:

The inaction of other countries and their unwillingness to help Jews confirmed the Nazis in the rightness of what they were doing. “At bottom,” Goebbels [the Nazi propaganda chief] wrote in his diary in December 13, 1942, “I believe that the English and the Americans are happy that we are exterminating the Jewish riff-raff.” [Staub observes that] Resistance and pressure might have focused the attention of the Nazis on moral values and caused them to worry about the effects of their actions on themselves.

The U.S. was silent and inactive in the face of genocide in Rwanda in 1994. Gen. Romeo Dallaire, the commander of the UN force there, saw the genocide coming and asked for authority to take action to prevent the killing. On April 21st after an estimated 100,000 people had been butchered in Rwanda, Dallaire said that with a force of 5,000 well armed, well trained soldiers and a clear mandate to act, he could stop the genocide. But on that same day, April 21st, the UN Security Council voted to cut the UN Assistance Mission in Rwanda, called UNAMIR, from 2,500 to 270. That’s right: the UN cut the force from 2,500 to 270 in the middle of a genocide that was on the front page of major newspapers every day.

Even this was too large a force for then U.S. Secretary of State Warren Christopher. He sent these instructions to Madeline Albright, Washington’s ambassador to the UN:

The international community must give the highest priority to full, orderly withdrawal of all UNAMIR personnel as soon as possible....Our opposition to retaining a UNAMIR presence in Rwanda is firm. It is based on our conviction that the Security Council has an obligation to ensure that peacekeeping operations are viable, that they are capable of fulfilling their mandates and that UN peacekeeping personnel are not placed or retained, knowingly, in an untenable situation.

The small UN force managed to save thousands of lives, but 800,000 people were slaughtered in eight weeks—10% of Rwanda’s population. After Rwanda, a U.S. Senator said that if just two people in every congressional district had told their elected

representatives that the U.S. should help stop the genocide, U.S. policy might have been different, yet there was silence.

At about the same time, the U.S. also was averting its gaze to genocide in the Balkans, where 200,000 Muslims were murdered by Serb forces between 1992 and mid 1995. Executions, mass graves, concentration camps, ethnic cleansing, and the use of rape as a weapon of war all were well reported in the press. The killers were emboldened by the West's failure to act. "Throughout 1993, confident that the U.N., United States and the European Community would not take military action, Serbs in Bosnia freely committed genocide against Muslims," according to the United Human Rights Campaign.

It was not until Serb forces systematically slaughtered 7,000 Muslim men and boys in Srebrenica that the U.S. and its NATO allies employed decisive military force that led to the end of the war.

We know today what is happening in Darfur. Since early 2003 the government and allied militias have launched attacks against innocent civilians in hundreds of villages. The estimated number of people dead from war related causes ranges from 200,000 to 500,000. There are 232,000 refugees from Darfur in Chad, and 2.2 million Darfurians have fled to camps within Sudan. Many of the displaced are Africans whose villages have been attacked by primarily Arab government and militia forces. The destabilizing impact of the war is spreading to Chad and the Central African Republic, meaning that the conflict in Darfur is causing regional instability.

In the last several months, the violence in Darfur has worsened dramatically. Displacement is increasing, not decreasing. Humanitarian workers are facing more attacks and harassment from government forces, allied militias, rebel groups and bandits. Both the U.N. and major relief agencies have warned that rising danger to their workers and operations may force them to pullout of Darfur. This would cripple—and perhaps end--the world's largest humanitarian operation.

The government of Sudan is acting with total disregard for efforts by the UN, the U.S. and other countries to stop the violence and begin peace talks. Every action by the government shows that it believes it can get away with murder, and, in fact, it is.

It is time to make it clear that Sudan will pay a price for the continued death and displacement. H.R. 180 moves in that direction. However, the Subcommittee may also want to explore the possibility of legislation that would directly or indirectly bar banks used by Sudan and its leaders for access to the U.S. financial system. That would sharply increase the cost and risk of financial transactions by the government of Sudan or its top officials.

History shows that we can't leave genocide unanswered, so I encourage the Subcommittee to take the strongest possible measures against Sudan as soon as possible.

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From 1994 – 2001, he was Assistant Secretary, Public Affairs, at the U.S. Department of Defense, where he advised the Secretary of Defense and other top officials on public affairs strategy, served as Pentagon spokesman and managed a large internal communications operation for the U.S. military. From 1969 – 1994, he was a reporter, editor and columnist for the Wall Street Journal based in Washington, DC. There he concentrated on defense, banking, economics and international finance.

He received his BA from Amherst College and an MBA and MA in Journalism from Columbia University.

Bacon is the co-chairman of the Partnership for Effective Peace Operations, and he serves on the boards of The American University in Cairo, Population Action International and InterAction, the umbrella group for international relief, development and advocacy agencies. He is an emeritus trustee of Amherst College and the Folger Shakespeare Library. He is a member of the Council on Foreign Relations and the International Institute for Strategic Studies.

He has published articles and op-ed pieces on humanitarian issues in *The New York Times*, *The Washington Post*, *The Boston Globe*, *Newsday*, *The Bulletin of the Atomic Scientists*, *The Columbia Journalism Review* and *World Policy Journal*. He appears frequently on radio and television, including CNN, the BBC and National Public Radio, to discuss refugees and other humanitarian topics.