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Remarks on U.S. Foreign Policy, The Sudan and Genocide

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Thank you very much for inviting me to be here today.

At the outset I'd like to commend Rabbi Shulweiss for creating Jewish World Watch. The work he's doing is so incredibly important –hopefully it will provide inspiration for others to get more involved.

Just a few days ago, we commemorated the 60<sup>th</sup> anniversary of the liberation of Auschwitz.

This horrendous extermination camp has come to symbolize history's worst Genocide, in which more than 6 million Jews and millions of other innocents were murdered by the evil Nazi regime.

At the time, the world knew a great deal about the atrocities that were taking place, yet nothing was done to stop the Final Solution.

President Franklin Roosevelt, rightfully revered for his leadership during the war, could have bombed the train tracks leading to Auschwitz, but he did not.

The United States could have allowed the passengers of the St. Louis and others fleeing the horrors in Europe to remain in our country, but we did not.

After the war, the world's response to the Holocaust was "never again." But in just the last 30 years, we have seen the face of Genocide in Cambodia, Rwanda, Bosnia and Kosovo.

Today, at the dawn of the 21<sup>st</sup> Century, have we finally learned the lessons of history or are we doomed to repeat them?

The answer will be found in our response to the crisis in Darfur, Sudan.

In our culture we frequently observe a moment of silence to commemorate the enormity or sadness of a situation.

Yet silence is the last thing we need right now.

I am reminded of the poignant poem attributed to Pastor Martin Niemoeller, written at Dachau in 1941:

"In Germany they first came for the communists, and I didn't speak up because I was not a communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the Trade Unionists, and I didn't speak up because I was not a trade unionist. Then they came for the Catholics but I didn't speak up because I was a Protestant. Then they came for me and no one was left to speak up."

It is way past the time to speak up –and speak up loudly -- for the people of Darfur.

The numbers tell much of the grim story – according to the United Nations, 70,000 men, women and children – almost all unarmed civilians -- have been killed, 1.6 million have been internally displaced, and an additional 200,000 have sought refuge in the neighboring country of Chad. More than 500 villages have been completely destroyed.

Does this constitute Genocide?

According to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Genocide is defined as the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group" by acts including: "killing members of the group; causing serious bodily or mental harm to members of the group; or deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

The numerous killings and massive destruction in Darfur is indisputable – they been thoroughly documented by the U.N., the State Department and many Non-Governmental organizations.

On the question of intent, we should be very disturbed by reports that Janjaweed Arab militiamen and Sudanese government forces – while they are attacking villages -- have repeatedly made statements like "We have orders to kill all the blacks."

This doesn't leave much room for interpretation.

Former Secretary of State Colin Powell has stated that Genocide has occurred in Darfur.

And Congress unanimously passed a resolution declaring that the situation in Darfur constitutes Genocide – the first time we have ever done that.

By using the word Genocide, the United States is demonstrating to the world that we are very serious about Darfur.

Just this weekend, word leaked out about a just-completed report by a U.N. Special Commission of Inquiry, undertaken with U.S. leadership.

This report apparently avoids using the term genocide to describe the horrific events that have transpired in Darfur, while acknowledging gross violations of human rights.

It remains to be seen whether the events described therein will justify this refusal, and in some fashion set back the momentum for action.

What can we do about the tragedy there?

Even prior to the crisis in Darfur, the U.S. had imposed an extensive array of sanctions on Sudan.

American citizens are prohibited from purchasing Sudanese products or selling goods to Sudan, including arms.

Sudanese government assets are blocked, and financial transactions with Sudanese entities are illegal.

Last year, Congress passed the Comprehensive Peace in Sudan Act, which strengthens the existing sanctions regime by freezing the assets of and prohibits the issuance of U.S. visas to individuals implicated in the atrocities in Darfur.

This is a step in the right direction, but for sanctions to be truly effective in changing the behavior of a rogue regime, they must be multilateral.

Unfortunately, it has been a difficult challenge to get the world – and especially some of the veto-wielding permanent members of the UN Security Council – to endorse tougher measures.

First of all, many other countries do not seem to view the situation with the same gravity as we do.

In fact, while almost every nation on earth is a signatory to the Genocide Convention – which commits them to preventing and prosecuting Genocide -- as far as I know, only the U.S. has used the G-word.

What's more, some nations have economic interests in Sudan that seem to color their view of the crisis.

In particular, China has major investments in Sudan's oil industry, and is one of Khartoum's primary arms suppliers.

Russia also sells a substantial amount of weapons to the Sudanese government.

Finally, some seem to fear that pressuring Khartoum too much on Darfur will undermine the recent peace accord between the Sudanese government and rebels in the southern part of the country.

As a result of these and other factors, the U.N. Security Council has been unable to agree on sanctions with the exception of an arms embargo on the Arab militias and other non-governmental actors in Darfur.

This has no impact on the Sudanese government, which is supplying weapons to the Janjaweed, and collaborating with the militias in attacks on African villages.

In other words, it won't solve the fundamental problem.

The Security Council also authorized the deployment of a monitoring force organized by the African Union.

This is a positive development, but the current force is too small, has limited logistical capabilities, and lacks the legal authority to take meaningful action against the perpetrators.

There is an impetus for the Security Council to take more decisive action, including a possible referral to the International Criminal Court – a move I support despite concerns about this institution among some in the U.S. and Israel.

It is essential that those guilty of these egregious crimes are held accountable, but even more urgently, we must prevent further violence and provide adequate security so the legions of displaced families may return to their villages and begin the rebuilding process.

This is absolutely critical – many humanitarian organizations are warning that if people driven from their homes are not able to plant crops in the next few months, then a whole harvest season will be lost, and mass starvation will be the likely result.

So we must keep up the pressure at the U.N. – to authorize a meaningful arms embargo, to impose tough economic sanctions, to increase the size and strengthen the mandate of the African Union monitoring force, to establish a "no-fly" zone in Darfur to prevent aerial bombing of civilians and, if necessary, to approve even stronger measures.

I remain hopeful the international community will act collectively to address this humanitarian crisis, but in all honesty I am not too optimistic.

So the question remains – if the U.N. fails to take decisive action, what can the United States do?

Should we consider some sort of forceful intervention, by ourselves or with a "coalition of the willing"?

In answering this question, practical, moral and legal considerations must be taken into account.

On the practical side, our military is already stretched very thin. We have more than 150,000 troops stationed in Iraq, many ships and planes helping with tsunami relief work in Asia, and tens of thousands of our servicepeople deployed in dozens of other places around the globe from Afghanistan to Korea.

I don't have good estimates of how many troops it would take to provide sufficient protection or how long they would likely have to remain, but my gut instinct is that we could pull it off if there was a will to do so.

In terms of the moral equation, it is a sad but true fact that we simply aren't capable of intervening everywhere there are massive violations of human rights.

In part, this is due to a lack of resources. But it is also recognition of the obvious fact that we can't, for example, invade China to save the Tibetans.

But just because we can't intervene everywhere doesn't mean we shouldn't intervene anywhere.

We made the right choice to use military force against the Serbs to stop ethnic cleansing in Kosovo. And we can make the right choice here.

Finally, there are legal issues that must be taken into account.

Under international law, there is a strong presumption against violating the sovereignty of another state.

There is also a basic principle that force should only be used in self-defense.

But these legal concepts are not written in stone for all time – like many other areas of the law, they are constantly evolving in response to real world events.

In particular, the Kosovo crisis of 1999 – where NATO intervened without an explicit authorization from the U.N. Security Council – generated an intense international debate on the justifications for humanitarian intervention.

To help advance the debate, the Government of Canada convened an international Commission on Intervention and State Sovereignty.

In December 2001, the Commission produced a useful report on these issues, which for the most part reflects my thinking.

The report spells out the following basic principles, which I will quote:

"A) State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.

B) Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."

The report goes on to say that "Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur" including "large scale ethnic cleansing...whether carried out by killing, forced expulsion, acts of terror or rape."

That latter passage reads like a description of the situation in Darfur.

The report also spells out a sensible set of "precautionary principles" that should be considered: Does the intervening party have the right intention? Is the use of force a last resort? Is there a reasonable prospect that the use of force will succeed in halting or alleviating the human suffering?

Finally, under the heading of "Right Authority," the report unambiguously states that the U.N. Security Council is the appropriate body to authorize military intervention for humanitarian purposes.

However, it concludes by pointing out that if the Security Council "fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation..."

This report – prepared by leading scholars and diplomatic practitioners from developed and developing countries alike – is not the final word on the legal justification for humanitarian intervention.

But it does succeed in laying out some very useful criteria for action – all of which appear to be met by the situation in Darfur.

As it has in response to other humanitarian crises, the world has reacted to the horrors in Sudan in what Elie Wiesel has characterized as a "pattern of indifference."

The death camp survivor and Nobel Laureate eloquently described this indifference as "no difference, the point at which the lines blur between light and dark, dusk and dawn, crime and punishment, cruelty and compassion, good and evil. Indifference is more dangerous than anger or hatred. Indifference elicits no response. Indifference, therefore, is the friend of the enemy, for it benefits the aggressor – never his victim, whose pain is magnified when he or she feels forgotten. Not to respond to their plight, not to relieve their solitude by offering them a spark of hope, is to exile them from human memory, and in denying their humanity we betray our own."

It is in addressing this indifference or demanding that the world accept the responsibility to protect that synagogues, schools and organizations like Jewish World Watch can be most helpful.

Judaism is in part a way of looking at the world. It is based on a philosophy that obligation/practice goes beyond the individual and that we as people need to be concerned with the larger community – with the welfare of the world.

The concern for others is clear from the ancient Jewish texts which enunciate basic "Jewish" tenets, for example "love thy neighbor as yourself" or the story from the Talmud where the sage Rabbi Akiva is asked to sum up the general principle of the Bible and he responds "do not do unto others as you would not have them do unto you."

It is actually from Jewish history that the world learns not only the general principle of aiding your fellow man but the moral imperative to be a part of the solution in preventing genocide.

The lesson comes from the story of Purim, which we will be celebrating next month.

An edict was issued that Jews could be massacred on a date certain. The Queen at the time was Esther. Her Uncle Mordechai, who had protected her for much of her life, appealed to her for help when the edict became public.

Initially, she was afraid to "get involved." But Mordechai responded, "If you insist on remaining silent, it is possible that largess and success will come to the Jews from another place, but who knows if it was not for a time like this that you came to rule."

Many Rabbis interpret this as creating a moral imperative to speak out against crimes against humanity. A directive to act, to save those about to become victims of genocide. And that with great power comes great responsibility.

With mandates from the texts and history, synagogues are in a unique position to address genocide or ethnic discrimination. Synagogues represent the central institution of a race and culture, which experienced genocide less than 60 years ago and promised "never again" to anyone.

Furthermore, many synagogues have as their mission statement a requirement to pursue to the Jewish value of tikkun olam, repairing the world through social action, so that it becomes a more moral and just world.

Synagogues in each denomination of Judaism -- Reform, Conservative, Reconstructionist and Orthodox -- have a history of engaging in social action projects to help different communities around the world. Just recently, many synagogues raised money to send to the tsunami victims.

With regard to Darfur, it is my understanding that Jewish World Watch has raised \$45,000 for a medical clinic for Sudanese refugees, and Milken High School has raised an additional \$13,000 for the construction of five water wells.

Through these types of projects – which have a direct impact for the people most desperately in need of assistance -- synagogues all across the country and around the world can help raise public awareness about the plight of the people of Darfur.

That is really the key – raising public awareness.

Indeed, when discussing a way to address indifference, Elie Wiesel said, "whatever the answer is, education is its main component."

So in addition to raising funds, synagogues and Jewish groups can make a difference through educational programming and activities for adults and children, Jews and non-Jews.

Indeed, synagogues are in a key position to educate because they are the center of community for all ages and a resource for Jewish values and education.

Sermons, and even prayer for those that are suffering from this tragedy, can also help. No act or gesture is too small.

Working together, I believe we can raise consciousness about the Genocide in Sudan, and hopefully, hopefully, compel the United States and the world to act before it is too late.