The last SIPA classes of the 2008–2009 academic year occurred just as the new U.S. administration headed by President Barack Obama completed its first 100 days. Financial meltdown, deepening recession, hot wars in Iraq and Afghanistan, a flu epidemic, and the first steps toward health care and immigration reform consumed most of the administration's time. Human rights got its share of attention as well. One of President Obama’s first acts in office was to ban torture. The United States also announced its decision to rejoin the UN Human Rights Council, which the Bush administration had boycotted. Many human rights issues remain to be addressed, however, including the question whether to expose or even prosecute Bush-era officials.

This issue of SIPA News focuses on human rights and humanitarian affairs. The breadth of interest and experience in this field at SIPA is reflected in the geographic range of the essays, mostly written by SIPA faculty and students who are deeply engaged in analyzing issues, exposing abuses, and seeking solutions in nearly every corner of the globe. This issue touches directly on Cambodia, Liberia, Haiti, Sudan, Gaza, and the United States itself, but it could have drawn on the human rights experience of SIPA students and faculty in dozens of other places throughout the world. Human rights has always been an area of strength at SIPA. This fall it will become one of the six areas (called “concentrations”) in which SIPA students can focus their studies under a new curriculum that goes into effect this fall with the incoming SIPA Class of 2011.

This has been a spectacular year at SIPA. In the fall, planning commenced on space use in the new SIPA building, scheduled to be completed by the end of 2015, if money can be raised. In the coldest part of the winter, as the economic crisis deepened, SIPA completed negotiations with the Arts and Sciences to secure academic and financial independence with the beginning of the new fiscal year, July 1, 2009. As the weather warmed, the School’s faculty began a strategic planning process that will be completed in the coming year. Fund-raising, expected to fall because of the recession, actually rose significantly as SIPA’s loyal alumni rose to the occasion. And applications for admission next fall rose for the second year in a row.

As the academic year was winding down, Columbia President Lee Bollinger announced that SIPA would receive a $30 million boost to its endowment from the University’s central administration. The gift forms part of a testamentary bequest from alumnus John Kluge, whose generosity to Columbia is legendary. The gift will effectively double SIPA’s endowment. Income from the new funds when they are received will go entirely to fellowships for SIPA students. President Bollinger’s decision represents an extraordinary vote of confidence in SIPA and its future.

Sincerely,
John H. Coatsworth
Dean
Professor of History and International and Public Affairs
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**Class Notes Spring 2009**
Humanitarian Action: From Life Support to Recovery of Rights?

BY DIRK SALOMONS
What is the point of humanitarian action? Too often we are told that it is all about saving lives. That seems to make sense, but is that all? In January, I spent some time in Sudan, and suddenly the abstract concept of “internal displacement” became horribly real: More than 2.5 million Darfuris warehoused in squalid camps, the uneasy wards of the international community, with no exit strategy. The United Nations agencies and the numerous NGOs on the ground manage to pump up sufficient water, truck in sufficient food, and distribute enough tarps to keep people alive, but do they have lives? For the past five years, they have lived in suspended animation. What happens when farmers don’t farm, herders don’t herd, children don’t see how their parents plant and harvest, young men disappear into a murky world of armed conflict, women have to fend for themselves, sexual violence explodes, respect for the elders is lost, and stories are no longer passed down—while anger, despair, and boredom further erode what is left of a formerly vibrant society?

These Darfuris may be typical examples of the damage done by protracted crises, but they are not alone. Once a violent conflict is no longer newsworthy, our attention wanders to the next gripping story—but the victims remain behind, in what the Office of the United Nations High Commissioner for Refugees (UNHCR) once defined as “a long-standing and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social, and psychological needs remain unfulfilled after years of exile.” Think of the millions of Afghans, Iraqis, Burmese, Palestinians, or Congolese whose lives have been derailed by conflict, and for whom no solution is in sight. Even keeping them alive has become an underfunded chore, with little glory attached. Think also of the millions who have not been lucky enough to be displaced by violence, and thus to gain access to humanitarian aid. Are they less deserving of attention?

Has humanitarian aid thus just become a moral alibi, a fig leaf to cover up for systematic human rights violations? Are we responsible not only for our actions, but also for all we neglect to do? Are the solutions individual or institutional? So much of what we take for granted at the national level in the developed world is only embryonically available globally. When there is violence in the streets of New York, ambulances rush out to save the lives of the wounded, whether guilty or innocent; the police gather facts and track down the culprits; a robust judiciary takes the bad guys out of circulation. Internationally, our capacity to respond to human suffering is reasonably
developed, and our aid organizations do rush out to help. But beyond the occasional, lame peacekeep-
ing operation, there is very little in terms of global protection or prosecution. The few existing interna-
tional tribunals do not mask the fact that impunity is guaranteed for the vast majority of spoilers in
those countries where the rule of law has col-
lapsed, and violence is rampant.

Hannah Arendt, shortly after the First World War, already drew attention to this gap between
the ideals of a rights-based global society and the
reality of a global institutional void: “The Rights of
Man, after all, had been defined as ‘inalienable’
because they were supposed to be independent of
all governments, but it turned out that the moment
human beings lacked their own government, and
had to fall back upon their minimum rights, no
authority was left to protect them, and no institu-
tion was willing to guarantee them.”1 Have we
made any progress since then in building the insti-
tutions that can protect and deliver human rights?
Have the institutions created after the Second
World War, such as the United Nations and the
Bretton Woods organizations, made any difference?
Oddly enough, it may be too early to tell.

Maybe the glass is half full, after all. The
donor countries who fund the humanitarians, and
who traditionally often did so driven by politics
rather than by a carefully calibrated needs assess-
ment, have recently adopted “Principles and Good
Practice of Humanitarian Donorship” that move
the boundaries of humanitarian action to include
conflict prevention, mitigation, and, above all,
support for recovery and “the maintenance and
return of sustainable livelihoods and transitions
from humanitarian relief to recovery.”2 Above all,
they emphasize human dignity and the promotion
of human rights. So why is this new, broader defi-
nition of humanitarianism such a big deal?

Until recently, there were institutions special-
izing in relief, and there were those specializing
in long-term development. Nobody did “early
recovery.” There were aid budgets for life-saving
activities and there was money for multiyear
development projects, but funds for quick impact
projects—for small-scale improvements among
communities and for the creation of livelihoods—
were nowhere to be found. And worst of all, even
if the money had been there, we had very scant
knowledge of what works and what doesn’t in
bringing communities coming out of conflict back
to stability.

Since the beginning of this century, however,
alot has happened. Millennium Development
Goals have created global standards so that we
can measure progress, or lack of it. The United
Nations has built a potent field presence through
its Office for the Coordination of Humanitarian
Affairs and created a Peacebuilding Commission
to support countries in transition after peace-
keeping operations are phased out. A matching
Peacebuilding Fund puts some money on the
table to fill the gaps between relief and develop-
ment. Nations are held accountable for the well-
being of their citizens, and absolute sovereignty
has made way for the “Responsibility to Protect.”
Peacekeeping operations have matured into
multidisciplinary operations. The learning curve
started in the nineties with successful early nation
building efforts after the Cold War ended, such
as Cambodia, Mozambique, and Namibia. But
it seems as if we are only now beginning to pay
attention to the true nature of conflict’s aftermath
and accept responsibility to do our share.

A focus on military security is making way
for human security. While in the last decades
of the 20th century moral arguments did not
sway many powerful states to address global
poverty and instability, these states woke up in
the first decade of this century to an intercon-
ected world. Instability on one side of the globe
can bring insecurity on the other. Economic
disasters ripple across the globe like tsunamis.
Diseases travel by plane. Access to essential
natural resources depends on stable host govern-
ments. Morality aside, national security simply
requires global stability. Building peace in
Bosnia, Kosovo, Liberia, Sierra Leone, and the
Democratic Republic of Congo has given us new
skills and insights. New institutions and fund-
ing mechanisms are suddenly mushrooming to
address the relief-to-development gap.

Increasingly, therefore, humanitarian crises
are seen for what they really are: ugly outbursts
of inequality and exclusion embedded in the
wider problems of poverty. Keeping the victims of
violence alive is only the first step; giving them
their lives back, or even giving them better lives,
has now become the real purpose. The rights
they have lost must be restored; the rights they
never had must be created. Solutions can, and
must, be found in the realms of politics, econom-
ics, social sciences, psychology, security studies,
public health, and even climatology. The students
at SIPA who are now preparing for international
careers have their work cut out for them.

Notes

1. The Origins of Totalitarianism, 1951, reissued

2. General Principle 9, one of 23 endorsed in
   2005 by virtually all major donor countries of the
   OECD. See www.goodhumanitariandonorship.org.

Dirk Salomon is the director of the Program
for Humanitarian Affairs at Columbia University’s
School of International Public Affairs.
“Everyone is crying out for peace, none is crying out for justice,” sang Jamaican reggae star Peter Tosh in his soulful 1977 hit “Equal Rights.” “But there will be no peace until man gets equal rights and justice.”

For years, the peace-versus-justice theme has defined the debate about the role of the International Criminal Court (ICC), an institution established in 1998, long after the singer’s death. In the op-ed pages of American newspapers, the two sides of the argument are clear enough. Peace supporters say that, important as justice may be, it is worth sacrificing when a court’s criminal indictment risks plunging a country back into bloodshed: factional leaders who face serious war crimes charges have no reason to stop fighting. Justice backers argue that any peace that does not involve punishment for criminals can be neither complete nor lasting.
“It represents an expansion of Western power at the expense of African concerns, including national sovereignty and the possibilities of pursuing local mechanisms for justice.”
— Alex de Waal, on the International Criminal Court

But the peace-versus-justice debate is only one side of the controversy surrounding the ICC. Dig a little deeper—into the halls of academia and African and Arab diplomatic circles—and you’ll find that the debate over international courts has another dimension. It has received less coverage in the United States press, but there are those who object to the ICC on much more fundamental grounds. These critics find that, because of the court’s working structure, the “justice” it offers is not very just at all.

And no ICC case has drawn the ire of the court’s political opponents more than that against Sudanese president Omar Hassan al-Bashir. But the most vocal political critics of the case are those closest to the accused, which can make the objection look disingenuous.

“This decision is exactly what we have been expecting from the court, which was created to target Sudan and to be part of the new mechanism of neocolonialism,” said Mustafa Othman Ismail, a former foreign minister of Sudan, according to the BBC, right after the ICC handed down an arrest warrant for Bashir in March.

Since then, American newspapers have bandied about that quote and similar ones quite a bit. To most readers, it may look like a pathetic attempt at distraction by a corrupt and culpable regime.

There is, however, a deep, widespread ambivalence in Africa and elsewhere about the court—both its case against Bashir and its general political architecture—on exactly the lines of Ismail’s argument. That is at least part of the reason the African Union (AU)—whose soldiers form the backbone of a 26,000-strong international peacekeeping force in Darfur—requested that the UN Security Council suspend Bashir’s indictment and continued to criticize the arrest warrant even after it was issued.

The discomfort with the ICC is based in the irony of the court’s working structure. Permanent members of the UN Security Council can control which cases the court hears, even if—as with the United States—they are not members of the ICC. This means that the United States can use the ICC to punish enemies while ensuring that Washington will never be subject to its judgment.

Critics say that this has made the court more of a political tool than a means for justice. The strongest push to prosecute Bashir, for example, is now coming from inside the United States, which has seen Sudan as an enemy in the Global War on Terror. Meanwhile, the United States has escaped any serious legal reproach for its role in the Iraq war, in which far more people are esti-
mated to have died than in the Darfur violence. The growing opposition to the ICC in Africa—several years after many countries on the continent were some of the court’s most enthusiastic supporters—is something that pro-court activists in the United States recognize. But they do not necessarily see the opposition in the same terms.

“I think a lot of that is carried over mistrust from the Bush years,” noted Howard Salter, an activist and former USAID official who called for President Barack Obama to support the ICC case against Bashir in a Baltimore Sun op-ed in February. He said he hoped that Obama would work his “diplomatic magic” to get the AU to support the indictment.

But Alex de Waal, an expert with the Social Science Research Council who has extensively researched Darfur since the 1980s, wrote in his blog that African mistrust of the ICC case might have deeper roots.

“It represents an expansion of Western power at the expense of African concerns, including national sovereignty and the possibilities of pursuing local mechanisms for justice,” de Waal wrote.

American activists have responded to concerns by citing more pragmatic reasons for their defense of the court. In the last year or so, the ephemeral value of the idea of justice has taken a backseat to claims that the court represents Sudan’s best hope for peace. The ICC case “is a useful tool to get Bashir to change his behavior,” said Sam Bell, the director of advocacy at the Genocide Intervention Network, a Save Darfur member. Bell told me that if the United States appointed a special envoy on Sudan to rally other powerful countries around the ICC’s decision, Washington could help avert instability. President Obama met this request in March with the appointment of Major General Scott Gration as U.S. Special Envoy for Sudan. Bell and other activists also said they wanted the Obama administration to engage China as much as possible—they are worried that China could use its Security Council veto to delay the Bashir case.

Still, the very political machinations needed to move the court, or prevent it from stalling, would seem to reinforce the notion that it is an entity that runs more on the fuel of politics than on the ideals of justice. In fact, some ICC supporters acknowledge the contradictions of the court’s working structure but claim that the court was never designed to prosecute countries like the United States anyway. The ICC was set up to try only those criminals who “live in countries where there is no proper judicial system,” Salter told me.

For some scholars who view Africa against the backdrop of a long history of damaging foreign interference, the idea of a Western power deciding which countries’ judicial systems are proper does not instill much confidence. They place an emphasis on African countries being masters of their own destinies. Columbia University government professor Mahmood Mamdani, for example, cautions that ICC cases like Bashir’s can dangerously infringe on sovereignty and harm Sudan’s long-term quest for peace.

“Only those who are sovereign can reform,” Mamdani said during a talk at Columbia about the ICC and Bashir last fall. “Don’t hold others to standards to which you do not hold yourself.”

Eamon Kircher-Allen, MIA ’09, SIPA News co-editor, is concentrating in International Media and Communications.

Sudanese women demonstrate in support of the government and in support of Sudanese president Omar Hassan al-Bashir outside the headquarters of the United Nations Mission in Sudan in Khartoum, after charges were filed against him in the International Criminal Court in July 2008.
Traditionally, humanitarian organizations have had mixed feelings about the emergence of ad hoc international tribunals and hybrid courts, including the ICC. On the one hand, they welcomed these courts as landmarks in the history of the law of armed conflict. On the other, they worried that collaboration with the courts could compromise the fundamental humanitarian principles of neutrality, impartiality, and independence, as well as forfeit their access to victims of conflict and endanger staff involved in relief operations.

The fact that not every group was expelled from Darfur paints this dilemma in bold outlines. The International Committee of the Red Cross (ICRC) was able to stay, unlike Médecins sans Frontières (MSF) and other international NGOs. That may be attributable to their different policies regarding international courts.

On March 4, 2009, the Pre-Trial Chamber of the International Criminal Court (ICC) issued its first ever arrest warrant against a sitting head of state, Sudanese President Omar Hassan Ahmad al-Bashir, for war crimes and crimes against humanity. Following the issuing of the warrant, the Government of National Unity of Sudan expelled 13 international nongovernmental organizations from the country and ordered three local NGOs to cease their programs in Darfur. According to the United Nations Office for the Coordination of Humanitarian Affairs, those 16 agencies were responsible for delivering approximately 50 percent of the aid in Darfur.

Inevitably at Odds?

By Hélène Harroff-Tavel
International tribunals have the formal power to compel witnesses to attend proceedings and provide evidence. The ICRC, however, has a special mandate under the Geneva Conventions, exempting it from having to disclose information before the ICC. The ICRC, as a rule, uses confidential means to share information and findings of alleged violations of international humanitarian law (IHL) with those responsible. This confidentiality is critical to its work, facilitating access to victims of conflict and prisoners of war and permitting the ICRC open dialogue on the humanitarian situation with all parties to a conflict. Other humanitarian organizations can request exemptions on a case-by-case basis.

Interestingly, while MSF emerged after the 1967–1970 Biafran war in protest of the ICRC’s perceived silence, it has nevertheless shared the ICRC’s reluctance to collaborate with international tribunals. Calculating that staff testifying before a court could impede its lifesaving medical operations worldwide, MSF adopted a similarly reserved approach to criminal prosecutions.

As MSF authors Françoise Bouchet-Saulnier and Fabien Dubuet state in their policy review, "Testimony was no longer a matter of free choice demonstrating the organization’s independence with regard to the perpetrators of violence; rather, it became a legal obligation that undermined the independence of relief organizations and required them to submit to the requirements of the judicial process."

Making accusations of serious crimes carried not only political responsibility but the criminal liability of individuals as well. For this reason, MSF developed a policy of cooperation with the ICC that, unlike ICRC policy, distinguishes between MSF as an organization and individual staff members. As an organization, MSF has limited its participation in ICC proceedings to cases in which it alone possesses crucial evidence establishing the guilt or innocence of a person accused of serious crimes, and only when such evidence is unobtainable from other sources. MSF policy also stipulates that both its internal and public documents cannot be used directly in trials, although they may be used to guide investigations and lead to other sources. At the same time, MSF does not prevent individual staff members who would like to testify from doing so.

The reluctance of humanitarian organizations
to take part in judicial proceedings presents a moral dilemma, as humanitarian organizations are often in a position to witness the humanitarian consequences of crimes. Victims and families of deceased or missing persons may be counting on these organizations to help them seek justice, if they have information that could help prove the guilt of alleged criminals. Yet the reluctance of humanitarian actors to testify before courts should not be mistakenly interpreted as a rejection of them. On the contrary, humanitarian organizations realized that the ICC had the potential to increase their own protection, as the definition of war crimes in the Rome Statute includes "intentionally directing attacks against personnel, installations, material, units, or vehicles involved in a humanitarian assistance or peacekeeping mission," implying that attacks on humanitarian workers can be prosecuted as war crimes.

But did humanitarian organizations properly anticipate the risk of being expelled from a country because of perceived collusion with international justice mechanisms? While the growing controversy over the role and mission of relief organizations has existed for some time, the current situation in Sudan has focused the debate.

"The Sudanese authorities are very much aware of statements by the prosecutor of the ICC that he used international NGOs to gather evidence inside Sudan," Columbia government professor Mahmood Mamdani says. "This is part of the larger grievance of the Sudan government, and increasingly other African governments, that Western NGOs are increasingly encroaching on state sovereignty."

The collaboration between humanitarian organizations, international courts, and governments is further complicated by the politics of the investigations and prosecutions. During the last two decades, a balance has been sought in order to allow both humanitarian and judicial action to meet their respective goals while not impeding on each other’s activities.

In Sudan, it appears that this balancing act has failed, and the question now is exactly how humanitarian organizations will position themselves vis-à-vis the ICC. Meanwhile, only time will tell the true extent of the humanitarian consequences caused by the sudden departure of these relief agencies.

Hélène Harroff-Tavel, ’09, graduated from Columbia University with a Master of International Affairs and a Master of Public Health.

Humanitarian organizations have been involved in the formation and promotion of international courts. The ICC is a prime example. Humanitarian organizations supported its establishment as the world’s first permanent court capable of trying individuals accused of genocide, crimes against humanity, and war crimes. Both the ICRC and MSF were active in the preparatory work that led to the adoption of the Rome Statute of 1998, the treaty that established the ICC’s jurisdiction, functions, and structure. In particular, the ICRC took part in drawing up the Rome Statute’s Elements of Crimes, providing detailed definitions of genocide, crimes against humanity, and war crimes.

The ICRC has also promoted the Rome Statute’s ratification and implementation worldwide and relies on it when assisting states in developing effective domestic measures to prosecute war crimes. Anne Marie La Rosa, the ICRC’s legal advisor, stresses the separate but complimentary approaches involved. “The ICC prosecutes and sanctions, whereas the ICRC promotes respect for IHL through confidential dialogue and persuasion,” she says.

A man walks past the medical charity Médecins Sans Frontières (MSF) offices in Khartoum, March 13, 2009.
The debate over prison labor revolves around the question of whether it’s ethical, in human rights terms, to employ forcibly detained workers. Businesses tout the potentially rehabilitative benefits to prisoners, while detractors point to the dangers inherent in a captive labor force and payments to prisoners far below minimum wage. As the case of Federal Prison Industries, Inc. (or UNICOR) reveals, the consequences of this debate are far from abstract. Now, a pending lawsuit against UNICOR and an ongoing Office of Inspector General (OIG) investigation have increased public scrutiny on the issue of prison labor in the United States.
Prisoners make clothing for the Army at the minimum-security federal prison located on a military base in Fort Dix, New Jersey.

Tracy Hendrix was a former inmate employee of UNICOR, a wholly-owned corporation of the U.S. government. “It seemed like everyone that was working with me had a miscarriage,” she told reporter Kristen Jones last year. “We didn’t have nothing to put on our faces, and we just breathed and coughed all day.”

In 1999, UNICOR hired Hendrix at its plant inside the Bureau of Prison’s (BOP) Marianna, Florida, facility where she was an inmate. Her job involved “recycling computers” or dismantling computers and removing their parts for reuse or resale. At UNICOR plants, computers were broken up with hammers, a process that can release dust containing lead, cadmium, arsenic, and mercury. Hendrix believes her own miscarriage was also a result of the work conditions at UNICOR. Like other employees at the plant, she was never provided with the proper respiratory gear or with gloves or coveralls.

“It looked just like pollen,” Freda Cobb, a former correctional officer who worked at the same Florida facility, told Lance Griffin of Media General News Service. “At the end of the day, we would go back to our cars and sort of laugh because we could write letters on our hood and on our back.” When some employees voiced safety concerns, Cobb said, they were ignored. “Nobody wanted to hear us,” Cobb said.

Twenty-six litigants have now joined in a lawsuit originally filed in March 2008 in Florida against the BOP and UNICOR. Filed jointly by prison staff, inmates, and visitors, the lawsuit claims that work conditions and toxic dust exposure at the UNICOR plant in Marianna caused health problems ranging from short-term memory loss and skin lesions to acute respiratory symptoms, internal bleeding, cancer, and heart and digestive problems. Thirteen people died as a result, the lawsuit claims.

According to a preliminary investigation by the Office of the Inspector General (OIG) and a Federal Occupational Health Service (FOH) evaluation, UNICOR’s nationwide electronics recycling (or e-recycling) program may indeed have exposed workers to excessive levels of lead and cadmium, seriously endangering their health.

Founded in 1934 under Franklin Roosevelt, UNICOR’s stated aim was essentially to rehabilitate federal prisoners and provide them with job experiences that might help them find employment after prison. Today, UNICOR’s mission is to provide job skills training to “the greatest practicable number of inmates” it can, keep prisons safer by keeping prisoners busy, “produce market-priced quality goods and services,” be self-sustaining, and “minimize [UNICOR’s] impact on private business and labor.” UNICOR,
in other words, presents itself as a rehabilitation program, not a business.

In 2008, UNICOR had sales of $854 million and profits of $56 million. The federal corporation has expanded dramatically in the last decade to “meet inmate employment demand caused by the unprecedented growth in the number of inmates in the BOP.” UNICOR today has an inmate staff of more than 21,000, 17 percent of the Bureau of Prison’s inmate population. The company currently has 109 factories running in 76 locations nationwide, with products including various services, vehicular components, clothing and textiles, office furniture, and, of course, e-recycling. Prisoners receive between 23 cents and $1.15 per hour.

But is UNICOR, overall, good for prisoners? While UNICOR’s literature is filled with former inmate profiles and testimonies of personal and professional triumphs resulting from UNICOR employment, critics point to the potential corruption engendered by a captive labor source. As one private company owner said in 2000, “If I lay them off for a week, I don’t have to worry about someone else coming and saying ‘come work for me.’” This sets up a system ripe for potential abuses, critics say. In California, one lawsuit even had two prisoners claim they were put in solitary confinement after complaining about working conditions. Apparently, a local television station had aired their complaints about working for a T-shirt company that required two months of unpaid “training.”

Still, inmate employment appears to have made real headway in helping prisoners. In addition to extensive anecdotal evidence, UNICOR claims a track record of 24 percent lower recidivism among its inmate employees. And if welfare-to-work programs have shown success, why shouldn’t programs inside prisons aim at bolstering job skills and confidence as well? Doesn’t society have a moral obligation, proponents ask, to ensure that former prisoners have a chance to become productive citizens?

“Work provided welfare recipients with earned income and the pride, self-respect, and direction that comes with it,” says William Eimicke, founding director of the Picker Center for Executive Education at Columbia University’s School of International and Public Affairs. “Ex-offenders need access to the same opportunities—vocational, educational, and work-readiness training—that helped so many welfare recipients move toward economic independence.”

“We should think about criminal justice reform the way we thought of welfare reform in the 1990s,” Eimicke adds.

The ethical debate over UNICOR, however, extends beyond questions of prisoner rights and rehabilitation into questions of wage standards and business ethics. Representative Pete Hoekstra (R-Mich), for instance, has long taken issue with UNICOR’s unique competitive advantages, which he says are a burden to U.S. workers and companies outside prison walls. Although UNICOR does not sell to private companies, U.S. law long required federal agencies to purchase goods from UNICOR if those goods were competitively priced. In addition, space for UNICOR’s facilities are provided by the BOP, and utilities for those plants are paid by the BOP, meaning that, in addition to housing its employees, tax-payer dollars subsidize UNICOR’s products more directly. Although new procedures have altered the way in which the Department of Defense and other agencies do business with UNICOR, the majority of UNICOR’s competitive advantages remain.

“Fundamental reform of [UNICOR] is simply an issue of fairness,” Hoekstra said in 2006, while pushing a bill that failed in its attempt to raise UNICOR’s wages and remove its competitive monopoly. “Private sector firms and their law-abiding workers should have the opportunity to compete for contracts they fund with their tax dollars.”

With UNICOR facing the OIG investigation and a pending lawsuit, the ethics of prison labor has once again been brought to the attention of the national media. As Hoekstra told ABC News last June, “We rail against Chinese prison labor, and what you’ve got here is a situation where our prisons have exposed our workers to low wages and dangerous working environments.” UNICOR is a government “cash cow,” Hoekstra said. The OIG investigation, he predicted, “will result in nothing.”

Jamie Holmes, MIA ’09, SIPA News co-editor, is concentrating in Economic and Political Development.

TODAY, UNICOR’S MISSION IS TO PROVIDE JOB SKILLS TRAINING TO “THE GREATEST PRACTICABLE NUMBER OF INMATES” IT CAN, KEEP PRISONS SAFER BY KEEPING PRISONERS BUSY, “PRODUCE MARKET-PRICED QUALITY GOODS AND SERVICES,” BE SELF-SUSTAINING, AND “MINIMIZE [UNICOR’S] IMPACT ON PRIVATE BUSINESS AND LABOR.” UNICOR, IN OTHER WORDS, PRESENTS ITSELF AS A REHABILITATION PROGRAM, NOT A BUSINESS.
A Haitian woman looks out through her door in the neighborhood of Cité Soleil in Haiti in October 2005. The United Nations Stabilization Mission in Haiti (MINUSTAH) opened a new registration center in this neighborhood shortly afterwards.
Haiti has a bad reputation. Located only 600 miles from Florida, and sharing an island with the Dominican Republic—the leading tourist destination in the Caribbean—Haiti has come to be associated in people’s minds with violence, drug trafficking, kidnapping, and disease. The gangs. The destruction that hurricanes wreak. The constant threat of starvation.

So when a group of SIPA students, myself among them, landed in Port-au-Prince in January to study the role of the United Nations peacekeeping mission in the country, one of the most jarring things we noticed, a common phenomenon across much of the developing world, was the indulgent lifestyle that the Haitian elite has established for itself. The island nation is full of scenes that should be pleasing, like the grand mansions in the suburbs and the spectacular mountains soaked in translucent Caribbean warmth. But step into one of Haiti’s poorer districts, and these images only throw into greater contrast the pain of hunger and poverty that hovers over the lives of so many Haitians.

—Haitian Proverb

THERE CAN BE NO PEACE IN THE HEAD WITHOUT PEACE IN THE STOMACH

BY CARINA LAKOVITS

There can be no peace in the head without peace in the stomach.

—Haitian Proverb

SIPA NEWS 15
Haiti strikes at the heart of the international community's helplessness in dealing with weak states that are mired in endemic political instability and destitution, hunger, and disease. After 20 years of UN involvement and more than $5 billion in foreign assistance, the country still suffers from extreme poverty, unpredictable bursts of violence and the near absence of the Haitian state at all levels of society.

The SIPA team—led by Professor Elisabeth Lindenmayer, director of the United Nations Studies Program and a former UN assistant secretary-general—traveled to Haiti to examine the role of the UN and the international community in bringing peace and stability to the country. Haiti's case is particularly relevant because it shows the limitations of peacekeeping in a country where political violence and social unrest are more often a result of inequality and extreme poverty than ethnic or national strife. This became evident during the food riots in April 2008 when the high cost of living—laveiche in Creole—again led to outbursts of violence throughout the country and the eventual ousting of the prime minister.

MINUSTAH, the current peacekeeping mission, was established in 2004, after a violent rebellion in Haiti and pressure from the United States and France forced President Aristide to leave the country. An interim government was installed following Aristide's departure, but the security situation in the country remained volatile. In 2006 the mission eventually wrested control of sizable areas of Port-au-Prince from armed gangs that had previously rendered these areas off limits to UN troops or Haiti's national police.

Two years later, our team had a chance to glimpse just what the presence of MINUSTAH meant for people living in the slums. In the company of several dozen armed Brazilian peacekeepers—they outnumbered us five to one—MINUSTAH took us on a tour of Cité Soleil, one of the most notorious slums of Port-au-Prince. We drove past children playing and women cooking on the paths in front of their metal shack, completely unfazed by the military caravan that squeezed through the muddy alleys. To see smiles on the children's faces, in the midst of such destitution, was both unsettling and moving.

As we travelled throughout Haiti, the limitations of peacekeeping in the Haitian context came into sharp relief. Despite important gains in security, particularly since the end of 2006, little has changed in people's general living situations. Jobs remain elusive, basic items such as food, water, and shelter are difficult to obtain, and access to health care and education remains a luxury. Although the overall security situation has improved, violence against women is still widespread. In this context, the potential to mobilize the masses of disaffected, unemployed youth remains high.

Haiti has been a permanent item on the agenda of the Security Council since 1993, with six peacekeeping missions preceding the establishment of MINUSTAH in 2004. As the pending election season of 2009 again threatens to destabilize the country, there are growing concerns that the progress achieved by the peacekeeping mission thus far will again be jeopardized.

For its part, the UN Security Council thinks of security, even in Haiti, as the absence of conflict. It does not consider security in terms of human security and development. "Peacekeeping is a tool of common agreement, the lowest common denominator of the international community," says Jeffrey DeLaurentis, minister counselor for the United States Mission to the United Nations. But the peacekeeping mission in Haiti cannot alone address the root causes of Haiti's predicament. It lacks both a development and comprehensive state- and institution-building mandate.

Haiti's location in the basin of the Caribbean Sea and its proximity to the United States will continue to guarantee a nominal level of engagement from the international community to ensure that the country does not completely collapse. But any successful long-term development strategy has to be aimed at changing the current distribution of wealth and economic power in the country. Haiti is a deeply divided nation in which only a handful of families control economic resources and political power, excluding the vast majority of the country from any stake in the political process or social development. Unless key actors from the international...
community—the United Nations, the United States, bilateral donors, Latin American countries, the World Bank, the Inter-American Development Bank—and the Haitian government commit to a development strategy that goes beyond promoting export-led industries, beneficial to only a small portion of society, building a stable and democratic state will remain elusive.

Haiti is the only country in the world that was formed after a successful slave revolt. While the transatlantic slave trade was still thriving, Haitian slaves rose up against their French masters and, in 1804, founded the only black republic in the Americas. The extraordinary circumstances of the country’s independence remain a symbol of hope to Haitians. They give substance to the belief that despite its recent history of lowered expectations and shattered optimism, the country will eventually be able to lift itself out of chronic poverty and political instability. As the prime minister, Michelle Pierre-Louis, told me and the rest of the SIPA team, belief in hope is the only option: “We have to be able to [achieve an] ‘Obama effect.’ It’s like the Haitian revolution. No matter what happens, [it] is an epiphany. This is what I expect from my Haitian citizens.”

Carina Lakovits, MIA ’10, is concentrating in International Security Policy.
A local UN worker stands inside the United Nations compound that was struck by Israeli fire, during the visit of Secretary-General Ban Ki-moon in Gaza City, January 20, 2009.
Palestinians have grown accustomed to waiting. They have been waiting since 1948 for the “right of return.” They have been waiting since 1967 to establish their own viable state in the lands lost in the Six-Day War. For the last 18-plus months the residents of Gaza have been waiting for an end to Israel’s blockade of the Gaza Strip. The people of Gaza waited 23 days in December and January for the war on Gaza to end. And now they are waiting for the reconstruction of Gaza to begin in earnest and to see where the peace process now stands.
"The people of Gaza cannot and should not wait any longer [for the reconstruction of Gaza]," said Ban Ki-moon, United Nations' Secretary-General, during a press conference in Sharm el-Sheikh, Egypt, on March 2. The war on Gaza will require a relief effort that, according to the United Nations (UN), will cost hundreds of millions of dollars. This relief effort is threatened by the current blockade, which is keeping sorely needed humanitarian relief supplies and reconstruction materials from entering the Gaza strip.

Palestinians, both the millions of refugees scattered around the Middle East and the millions who remain in Palestine, are not the only people in the world to wait years for peace and the right to enjoy free and prosperous lives. But perhaps more than any other crisis, the Palestinian situation shows the way that politics can frustrate the enjoyment of supposedly universal human rights. Palestinians' quest for rights is caught between the vise of the U.S.-led Global War on Terror and the strategic priorities of Israel, one of Washington's closest foreign allies. The result, pro-Palestinian activists say, is duplicity toward the Palestinians from the biggest human rights promoters in the West.

Now, in the aftermath of the Israeli bombardment and invasion of Gaza, the United States has made humanitarian aid contingent upon political reform. U.S. Secretary of State Hillary Rodham Clinton told Palestinian Authority (PA) President Mahmoud Abbas in March that the $900 million the U.S. has earmarked for Gaza relief and for the PA would be held back if the proposed Palestinian unity government includes Hamas, which does not recognize Israel's right to exist. In so many words, Clinton was saying to Palestinians that if they did not change their politics, they would find it harder to eat, build homes, go to school, and maintain their hospitals.

Palestinian activists and humanitarian workers saw the seemingly irreconcilable contest between rights and politics come to a head with last winter's war, in which some 1,400 Palestinians were killed.

"No part of Gaza was spared," says Ayman Moyheldin, Al-Jazeera's English field correspondent. The blockade of Gaza has restricted the flow of food, fuel, medical supplies, and electricity into Gaza. The blockade has also limited the ability of people to enter and leave the Strip. In order for the relief supplies to reach Gaza they must pass through various border points that effectively remain closed.

Human Rights Watch reports on its Web site that "Israel continues to block goods from entering Karmi, the one border crossing with sophisticated security equipment and the capacity to handle up to 750 trucks per day," and trucks that are allowed to enter Gaza through the southern crossing of Kerem Shalom are subject to a "handling fee" of $1,000 per truck.

Both the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) and the Office for the Coordination of Humanitarian Affairs (OCHA) estimate that Gaza needs at least 500 truckloads of humanitarian assistance daily. But according to OCHA, no more than 120 trucks have entered Gaza on a single day. Moyheldin said that the average number of trucks—between 60 and 80—is consistent with the prewar levels, when UNRWA and the International Committee of the Red Cross (ICRC) were already labeling Gaza a crisis area.

"Up to this moment [the Israelis] are not allowing a single sack of cement to enter Gaza to repair the damage," said former Palestinian presidential candidate Dr. Mustafa Barghouti in
While the situation in Gaza remains dire, the larger question is whether there will be any real change to the situation there without addressing the overarching issues of the now-seemingly defunct peace process between Israel and Palestine.

"We need to think of the big picture. We need to think comprehensively," Ban Ki-moon said. "When building a house, we begin with the foundation. When it comes to rebuilding Gaza, this foundation must be a durable ceasefire. And that in turn requires us to face a number of political realities—and to deal with them squarely."

The main hope for the peace process since 1988 has been the long heralded two-state solution, which has yet to produce a viable Palestinian state. Palestinian advocates say that to work, the two-state solution must offer Palestinians self-determination and control over their own borders. "We are exactly at that very specific point of the last chance for the two-state solution. It is closing," Barghouti said. He was referring to the move to the right in the recent Israeli elections and Israeli policies, such as the wall that divides up the West Bank territories—for the creation of Israeli settlements—which he called the "bantu-stanization of the Palestinian people."

Former Israeli Foreign Minister Shlomo Ben-Ami echoed the bleak outlook for the two-state solution when he spoke at SIPA on March 27, 2009. "[The new Israeli] government does not subscribe to the idea of two states," Ben-Ami said.

Ben-Ami called Israeli Prime Minister Benjamin Netanyahu's desire to establish an economic peace process "utter nonsense," because "you need the political track to produce." He also highlighted the constraints upon Israeli politicians who attempt to engage the Palestinians. "The Israeli system is suicidal. You cannot have the game-changing decisions without losing your partners," he said in reference to the fragile nature of coalition building in the Israeli Knesset.

And Ben-Ami pointed to an even larger stumbling block on the road to peace. "The Israeli maximum does not meet the Palestinian minimum," he said in reference to what Israel is willing to give up to meet Palestinian demands.

Palestinians want their own state and the Israelis want their security, and if Ben-Ami's statement holds true, it may be why both he and Barghouti look to the United States to play the role of mediator. However, such a move may require more waiting to see if the even-handed policy President Obama promised to enact toward the Middle East will materialize. Not even all Israelis share the United States' hard line on Hamas. "Hamas must be engaged. By isolating them you are pushing them to the traditional role of social work and terrorism," said Ben-Ami.

In the wake of the Gaza war, such political questions seem ever more pertinent. But for many Palestinians, the language of human rights seems more like a long-term ambition than a means to an end. For them, it seems clear that those rights are only universal as long as they do not conflict with the strategic goals of the world's great powers. If they do, human rights become bargaining chips just like everything else.

Omar Kasrawi is a co-editor of Communiqué, the SIPA student newspaper. He is a dual degree candidate with SIPA and the Columbia Graduate School of Journalism.
A man’s hand shot enthusiastically into the air as Liberian minister Natty B. Davis finished his speech at Columbia Law School. “Peter Mulbah, from Liberia,” he said, introducing himself. “Minister, can you commit that the president will sign the community rights law upon her return to Liberia?”

For Mulbah, an advocate for forest and rural community rights in Liberia, this was not your everyday Q&A session; it was a unique advocacy opportunity. “I wanted to ask him a few questions that he was in a position to answer,” Mulbah says. “I wanted a commitment to be on the public record.”

The minister responded that President Ellen Johnson-Sirleaf was committed to seeing good laws put into place and would sign the legislation, Mulbah recalls. After the speech, he approached the minister to reaffirm his commitment “one-to-one, in a Liberian way” and to see how best to contact him when he returned. “It is hard to get in touch with this official in Liberia, but I was able to establish a direct link with him, so it will be easier to contact him when I get back to Liberia,” he explains. “I also took a picture with him, just in case he does not remember right away,” he adds. Two weeks after the event, Mulbah received an e-mail from the minister, confirming his commitment.

Mulbah is one of six human rights advocates who participated last fall in the Human Rights Advocates Program (HRAP), a four-month capacity building program run by Columbia University’s Center for the Study of...
Human Rights. As the executive director of Skills and Agricultural Development Services (SADS), Mulbah says he works to empower “forest communities [that] continue to be the victims of perennial environmental problems and associated human rights abuses as a result of the exploitation of their natural resources by corporations.”

If Liberia is the victim of a “resource curse,” forest communities have certainly felt its effects on many levels. Not only were these communities exploited for their forest resources, but revenue from timber sales also funded the dictatorial regime of former Liberian president Charles Taylor and fueled conflict and corruption. Indeed, the relationship between natural resource exploitation and the conflict was such that Liberia’s Truth and Reconciliation Commission (TRC) has a specific mandate to examine economic crimes. “Not only did the government steal the forest, but many of the companies that were given concessions wantonly violated their rights and yet [the communities] did not benefit from the revenue generated from logging activities,” the director of the Sustainable Development Institute stated during his TRC presentation on the Logging Sector and the Conflict.

To address the gross mismanagement of forest resources, President Johnson-Sirleaf signed the 2006 National Forestry Reform Law. This law addresses the “three Cs” of forest management—conservation, commercial forestry, and community forestry. However, Mulbah says that while the law acknowledges that forest communities have rights, the legislation has not clearly defined those rights in terms of obligations, responsibilities, and benefits to locals. In response, President Sirleaf instructed the National Forestry Development Authority (FDA) to propose a comprehensive law governing community rights with respect to forestry lands.

Since 2003, Mulbah has advocated on behalf of marginalized forest communities and most recently worked to build consensus and ensure that the voice of local communities was incorporated into the proposed legislation. Mulbah sees the expansion of the law as a pressing need. “The issue of local participation in decision making about natural resource management and benefits sharing is the greatest challenge to resource governance in the country, and probably the greatest cause of conflict in this sector,” he says. Consultations with local communities on the proposed draft were under way when Mulbah got on a plane to New York to participate in the Human Rights Advocates Program.

For 20 years, HRAP’s comprehensive program of advocacy, networking, skills-building, and academic course work has provided human rights advocates the opportunity to hone practical skills, develop a deeper understanding of human rights, and foster mutually beneficial relationships with influential organizations and individuals in their respective fields. In addition to Mulbah’s work in Liberia, the 2008 Advocates focused on Dalit women’s rights in India; HIV and lesbian, gay, bisexual, and transgender rights in Chiapas, Mexico; labor and immigrant rights in Colombia and the United States; sexual violence in the Democratic Republic of Congo; and the impact of trade on agricultural communities in Indonesia. Like Mulbah, the Advocates are grassroots leaders who seek to empower marginalized communities.

When HRAP concludes each December, the Advocates return home to continue their advocacy work and improve their organizations by sharing the skills and knowledge they acquired during their four-month residency at Columbia. Mulbah says that the benefits of HRAP are personal as well as collective. “HRAP has served as an eye-opener to many other things that I never could happen upon during work back home. The program has trained me to look at issues more holistically.”

When Mulbah returned to Liberia at the end of 2008 to continue his work with forest communities, an important question remained: Which draft legislation would the president sign into law? Two versions of the law were proposed, and the president established a Community Forestry Working Group in order to reconcile the two. A central issue that had to be resolved, Mulbah explains, was the degree of government oversight. “Without government supervision, contracts can create another form of corruption and could fuel conflict. The government needs to be involved to make sure that the individuals signing timber concessions actually represent the community.”

Despite their poor human rights records, Mulbah believes that the government and corporations can be a part of the solution. The government can “protect the weak against the strong [and] the existence of corporate entities can be recognized as a necessary element for social economic development.”

While Mulbah disagrees with “those who see the government as an enemy,” he also works to ensure that rural communities are able to defend and protect their own rights through the SADS community empowerment and training programs. “We believe strongly that if the people have the information and education they need to make decisions for their own well-being, it will create opportunities to settle disputes through negotiation. And individuals will not be in the position to exploit the ignorance of these communities for their own gain,” he explains.

In late March, Liberia’s Forestry Development Authority invited Mulbah to attend a hearing to discuss the most recent draft of the law. Mulbah says that once the community rights law is passed, he will work to help local communities obtain the information and skills they need to realize the rights afforded by the legislation.

Peter Mulbah can be contacted at pmulbah_sads@yahoo.com or (+231) 6 545758.

Kristina Eberbach graduated from SIPA in May 2008, where she concentrated in Human Rights.
The challenge for human rights in the next decade is to turn its success in advocacy and public prominence into a political force that transforms rhetoric into policies. Much has been accomplished at the local level around the world, and the ethical aspirations in today’s society are voiced in the lingua franca of human rights. But when it comes to the power play on the global scene, human rights achievements are much less clear. One reason for this is the uncertainty over which advocacy methods work best under what circumstances. Another is that there is only a budding cohort of social scientists who study these questions. It’s time for human rights professionals, social scientists, and other academics to collaborate in crafting more effective advocacy.

The predicament facing human rights is characterized by the evolving policy of the Obama administration. Americans elected Obama for many reasons, not least of which was the disgust many felt with the Bush administration’s human rights violations. So the new president was quick to begin implementing his campaign promise to close down Guantanamo and uphold the rule of law and human rights. Yet on her first trip to Asia, Secretary of State Hillary Rodham Clinton made it crystal clear that the U.S. relationship with China on global issues such as the economy and climate change was “imperative” and would take precedence over any “friction” concerning human rights and Tibet. It was clearly a disheartening and challenging moment for human rights advo-
Human rights advocacy, generally, suffers from too many toothless assertions and too little knowledge of the relative effectiveness of various methods and tools.

cates and for the hope of a new era. But it reflects the state of human rights more generally: a prevalent willingness to embrace the language of human rights and a great reluctance to implement the policies. Where does this leave human rights, and what can we expect in the next decade?

Human rights have expanded over the last two decades, both in subject matter and temporally. Not only are substantive areas of social justice and ethics now articulated as matters of rights, but also the aspirations of rights advocates extend to redressing past injustices and correcting future policies. Discussions of rights have expanded from civil society organizations devoted to advocacy, like Amnesty International or Human Rights Watch, to all international forums, and human rights are routinely described as a global norm. With this expansion has come the challenge of implementation, and for more than a decade the international community has been engaged in “mainstreaming” and “realizing” human rights. If human rights have truly become a “norm,” this ought to be seen in adopted policies.

Human rights advocacy, generally, suffers from too many toothless assertions and too little knowledge of the relative effectiveness of various methods and tools. There are certainly success stories, including human rights instruments (international and regional conventions, declarations by the U.N. General Assembly) and, more recently, the Convention on the Rights of Persons with Disabilities and the International Campaign to Ban Landmines in the 1990s. But are these representative? While the continuing insistence on compliance with norms and the strategy of naming and shaming have remained the main tools of advocacy, there is little examination of which advocacy tools are effective under what circumstances, or what other tools might be needed. The few political scientists who study the impact of human rights debate whether there is adequate evidence to show greater compliance of human rights instruments internationally. This may strike both advocates and nonadvocates—who would point to global improvements in human rights over the last generation and longer—as too harsh. But the continuing reports of genocide, torture, and other gross violations of human rights, and especially the dismal record in the last decade even among Western democracies—arguably the traditional champions of rights—cast a dark shadow over any rosy interpretations.

Indeed, it is not at all clear that the actual implementation of human rights, in contrast to the prevailing rhetoric, is improving. There are various reasons for this, foremost of which is the lack of political will. From the political perspective, pushing for improvements often seems too idealistic and impractical. (Note Secretary Clinton’s reservations about China.) In part, this may be because human rights advocates are too often divorced from political engagement, insisting on ideal situations and avoiding engagement with the political requirements of striking a deal. No matter how unrealistic an aspiration may be, the cultural norm among human rights advocates is to demand the politically impossible and to leave the politics to the politicians. Perhaps it’s the legacy of the religious ancestry of the human rights movement, but real-time, real-world choices are not part of the culture of human rights advocacy.

The notion of negotiating rights itself is often unpopular. A pertinent example is the current struggle between the International Criminal Court (ICC) and African states and the Arab League over the indictment of Sudan’s president, Omar Hassan al-Bashir, where Moreno Ocampo, the ICC’s first prosecutor in the case, is insisting on the separation of the legal and political processes. Moreno Ocampo may yet prevail, but a threat of a mass secession of states from the court poses a real risk to the court’s perceived legitimacy. The case is just one instance among many where political work is critical, and where building coalitions may well be necessary.

The tension between politics and rights is most evident in the rhetoric of the universal and indivisibility of rights. At some level it is a truism: a person cannot enjoy freedom of speech if she or he is hungry, uneducated, sick, or oppressed. But if social justice, for instance, is articulated as a right, how are we to rank it among rights? Is there a universal minimum for health and education? Do private rights trump collective standards? And if so, who is the duty bearer? Who has to enforce certain rules and resist violations? When the UN articulates a new policy to counter mass violence and ethnic cleansing under the Responsibility to Protect as a matter of rights, it seems that the balance between old notions of sovereignty and the new essence of rights has shifted towards giving privileges to the latter. The unfolding of new standards and mechanisms suggests that, in practice, more countries should subscribe to a wider array of rights. Yet we are aware of more violations than ever before. This is not to say that cultures should provide a cover for repression, but rather that within the confines of cultural particularism (such as two of the most contentious debates over the last generation concerning “Asian values” and Sharia law), politics should be engaged. Scholarly analysis can help us understand the specifics of each situation, rather than be limited to general pronouncements. One problem is that there is too little discussion between the academic study of human rights and advocacy.

Human rights as an academic discipline mirrors its international shortcomings. It is largely concentrated in law schools (though SIPA has been teaching human rights for decades), and interest is growing among historians and those in other humanities disciplines. But there is relatively little social science and policy research. We have no satisfactory indicators of what makes countries uphold or deny human rights. Funders of human rights push advocacy organizations to show that their work is effective, in order to evaluate their achievements. Measuring success shows success, especially as we all want to be persuaded that human rights are improving. Yet for the field as a whole, there are still no measurements.

The stories of individuals who fight for human rights are enormously captivating, but are they a way to measure policy and the efficacy of human rights overall? It’s impossible not to be moved by stories like that of Hadijatou Mani, a 24-year-old Nigerien woman who was sold into slavery as a child and won a landmark case against the government of Niger. Her successful campaign certainly brings attention to slavery in West Africa, but is an individual’s story the best way to eliminate slavery? Raising the question is not meant to challenge the work but to underscore that we do not have the tools, comparable to those used in other fields, to measure and evaluate effectiveness.
If, since the 1990s, the international focus has been on creating human rights instruments, the coming decade will test whether the political will to implement these instruments exists. While there is no doubt that people with political influence are committed to this process, it is doubtful that the best interests of human rights advocates have been served in finding effective ways to promote this change. Focusing on formal mechanisms and instruments and on creating legal institutions has not been followed through to the policy level, which is critical.

Will greater academic study and integration between advocacy and analysis change the situation substantially? It is up to academics and practitioners to find out.

Elazar Barkan is professor of International and Public Affairs at Columbia University’s School of International Public Affairs and co-director of the Human Rights Concentration at SIPA.

Top: U.S. President Barack Obama introduces Secretary of State Hillary Clinton and Treasury Secretary Tim Geithner (right) during his meeting with China’s President Hu Jintao (3rd left) at Winfield House, the U.S. ambassador’s residence in London, April 1, 2009. Others pictured are China’s State Councilor Dai Bingguo (left) and Deputy Premier of China’s State Council Wang Qishan.

Three Decades after “Killing Fields” Era, Cambodia Tribunal Tests Power of International Justice

BY CAROLINE STAUFFER

In Phnom Penh in the summer of 2007, Vanna Chan, MIA ’09, watched the opening ceremonies for the International Tribunal—set up to try surviving Khmer Rouge leaders—on BBC News. The trial of five men for crimes against humanity relating to the loss of 1.7 million Cambodian lives between 1975 and 1979 made foreign newscasts but escaped the notice of much of the Southeast Asian country’s capital. A survey released by the Human Rights Center at the University of California, Berkeley, in January 2009 revealed that 85 percent of the 1,000 respondents in Cambodia had little or no knowledge of the trials.

Chan traveled to Cambodia for the first time that summer to work for ECPAT-Cambodia (End Child Prostitution, Abuse and Trafficking in Cambodia). She was back in New York in her second year at SIPA when proceedings to try the first defendant, Kaing Guek Eav—better known as Duch—began on February 17, 2009. Witnesses finally took the stand at the Extraordinary Chambers of the Courts of Cambodia (ECCC) on March 30.
Duch, 66, is charged with committing atrocities including murder, torture, and rape while guarding the Tuol Sleng, or S-21, prison. An estimated 16,000 people died in the former school building that the Khmer Rouge converted into a torture center to extract confessions from accused traitors. Duch is the only defendant who has expressed remorse for the Killing Fields era, and experts hope his trial will yield an increased understanding of the regime that declared year zero in Cambodia and endeavored to create an agrarian society of brutal forced labor camps. The experiment resulted in the loss of 20 percent of Cambodia’s population between 1975 and 1979, including most of the country’s educated professionals.

The incomprehensible degree of violence, some 30 years later, has left Cambodians and the Cambodian diaspora with direct ties to the regime’s victims and survivors.

Chan’s parents fled Cambodia in 1979 and met in a refugee center in France. Her mother was reunited with her own family thanks to informal refugee networks, and the family later settled outside Minneapolis, Minnesota. “Growing up I could tell there was a painful history in the family,” she said, “I didn’t know what it was, but as a child you can sense these things.”

The looming question, as the trials get under way, is if the court can bring meaningful justice to Cambodians and members of the diaspora like Chan’s family.

The role of international justice in postconflict societies around the world is still being debated. The International Criminal Court (ICC), the world’s only permanent war crimes tribunal, was condemned in early March in many parts of the world for being a “white man’s tribunal,” after calling for the arrest of Sudanese president Omar Hassan al-Bashir, the only sitting head of state to be summoned to The Hague. The ECCC differs from the ICC in that it is temporary and “hybrid”—simultaneously Cambodian and international.

David Creme, founding chief prosecutor for the Special Court for Sierra Leone, said during a February 20 conference on transitional justice at Fordham Law School that the experience of the court appointed by the United Nations in 2002 to address the brutalities of the 1991–2002 Sierra Leone Civil War demonstrated that finding truth and justice in court can lead to sustainable peace. Yet he added that international tribunals are not the right approach for every postconflict situation

During the same panel, Caitlin Reiger, director of the Cambodia Program at the International Center for Transitional Justice in New York, expressed relief that the trials were finally under way. “That the ECCC, something people have been working on for so long, made the front page in February is extraordinary,” she said.

She also spoke to some of the challenges specific to the Cambodia tribunal. To illustrate the tensions that have emerged between the international and Cambodian judges, Reiger described the physical setup of the tribunal offices. The Cambodian and international offices in the ECCC’s headquarters in Phnom Penh are on opposite sides of a corridor dividing the building.

“With split administrative offices, how is shared learning and professional development supposed to occur?” she asked.

Reiger also pointed out that conflict with Maoist-inspired Khmer Rouge guerillas actually
Another challenge the tribunal faces in its quest for public legitimacy is the frequent question: “justice for whom?”

People wait in line to attend the trial of chief Khmer Rouge torturer Kaing Guek Eav (Duch), on the outskirts of Phnom Penh, February 17, 2009.

Centre of Cambodia, for example, brings people from Cambodian villages to a debriefing center in Phnom Penh so that they can return and educate their communities about the proceedings.

“People in Cambodia under 30 often do not believe their parents about the genocide—those who have parents that even talk about it, that is,” said Tracy Gurd, associate legal officer of international justice at the Open Society Institute (OSI) Justice Initiative.

Outreach—ensuring the trials are accessible to the general populace—has been particularly challenging. Although the ECCC has sponsored community chats and provides free transportation to the Court from Phnom Penh, the limited outreach efforts have largely been led by non-governmental organizations. The Documentation Centre of Cambodia, for example, brings people from Cambodian villages to a debriefing center in Phnom Penh so that they can return and educate their communities about the proceedings.

Even if the trials do reach the Cambodian people, the tribunal faces another hurdle: unresolved accusations of corruption and government intervention. Cambodian Prime Minister Hun Sen, a low-level Khmer Rouge officer himself until 1977, selected the Cambodian judges and had final say in the trial arrangements.

“To our mind, charges of corruption have not been addressed in a meaningful way,” Gurd said on February 2 on behalf of OSI.

While many nongovernmental organizations continue to operate in Cambodia, Gurd noted that major organizations, including Amnesty International and Human Rights Watch, have mostly washed their hands of the ECCC because of the corruption allegations. OSI has monitored the tribunal since 2005, but the ride has not always been smooth. Hun Sen even tried to evict the Institute after the organization insisted that an investigation into the Cambodian judges be completed. OSI fought to stay in the country.

And while many NGOs and foreign journalists are willing to talk about the trials, characterizing Cambodian opinion is more difficult.

Chan says her own parents are split in their thoughts on the trial. “My mom wants to let go of the past,” she said. “My dad wants justice brought—but he doesn’t articulate what he believes that would entail.”

Chan puts her own views of the ECCC trial in more direct terms. “I didn’t experience the war myself, so I can’t say what people want,” she said. “But 1.7 million people died. And five are standing trial.”

Caroline Stauffer, MIA ’10, is concentrating in International Media and Communications.
SIPA on the Front Lines of Technological Innovation

By Courtney Doggart and Kristen Coco

Everywhere you turn at SIPA, you find examples of students using innovative techniques that challenge the boundaries of what can be achieved with technology. The Morningside Post (TMP), SIPA’s student-managed community blog, unveiled its newly designed Web site in January and has already doubled its unique visitors. With a renewed focus on video recordings, subscription services, and RSS feeds, the project has made TMP’s content more accessible to readers while providing a central space for student group information and cross posts from other blogs, including The Huffington Post.

Reaching readers in more than 120 countries worldwide, the new TMP has utilized liveblog software to facilitate live discussions among policy students globally on topics such as the impact of the U.S. presidential election. “We’re using the latest Web 2.0 technology to foster debate outside the classroom and provide a view into the talents of students, faculty and alumni right here at SIPA,” said Ben Colmery, SIPA ’09, co-managing editor.

The new TMP is just one illustration of SIPA’s lead in developing the use of new technology, not only as a means of communication, but also of cultivating change. In early January, six students participating in SIPA’s EPD workshop, along with their client UNICEF, won first place in USAID’s Development 2.0 Challenge for their work in finalizing an open-source “RapidSMS” system in Malawi. The “short message service” or text-messaging system enables health workers in the field to utilize mobile phones to collect child nutrition information and transmit it directly to Malawi’s central government, providing for better health care and emergency responses. The team was awarded a $10,000 grant for its work.

Also, several SIPA students participated in the MobileTech4SocialChange conference in New York in February. The forum featured some of the leaders in mobile technology and highlighted ways in which mobile phones can be used, such as aiding peacekeeping operations in conflict zones and increasing fund-raising for nonprofits from among large groups of individual donors.

http://themorningsidepost.com/

Courtney Doggart, MIA ’09, is concentrating in International Energy Management Policy at the Harriman Institute; Kristen Coco, MIA ’10, is concentrating in International Security Policy.

SIPA to Become Independent Professional School within Columbia

Columbia’s School of International and Public Affairs (SIPA) will become an independent professional school on July 1, 2009. “SIPA will maintain close ties to the Arts and Sciences but will have the financial and academic independence to develop in new and exciting ways,” said SIPA dean John Coatsworth.

SIPA will now develop its own priorities in recruiting faculty, setting enrollment targets, and developing new programs. The School will implement a new, more focused curriculum next fall. By the end of 2015, SIPA hopes to move to a new building, designed by Renzo Piano, at the gateway to Columbia’s new Manhattanville campus. “Columbia’s goal,” Coatsworth said, “is to make sure that SIPA is the best global policy school in the world when it moves to its new home.”

SIPA will preserve its strong academic ties to the University’s social science departments and the regional institutes, a long-standing source of SIPA’s academic strength. Joint appointments of faculty with Arts and Sciences departments will remain in place, joint faculty recruitment will continue in the future, and cross-enrollment between SIPA and the Arts and Sciences will be preserved. Reflecting this close relationship, SIPA will continue to provide financial support to the Arts and Sciences in addition to its contributions to University common costs. As the School acquires new resources, its financial support for Arts and Sciences is expected to fall from 15 percent of SIPA’s budget in the coming fiscal year to a smaller share in the future.

Coatsworth credited Columbia president Lee Bollinger for the “vision that moved the new SIPA from a dream to a real goal.” He praised Arts and Sciences vice president Nicholas Dirks for “his flexible and effective leadership in an exceptionally challenging environment.” Without Dirks’s “support and commitment to SIPA’s future,” he said, “Columbia could not have achieved this huge step forward.”
SIPA Implements a New Curriculum

A large number of faculty, staff, students, and alumni worked over the past year on a comprehensive review of SIPA’s MIA and MPA curriculum. A revised curriculum, which will go into effect in fall 2009, will add new managerial courses to the School’s core curriculum, in response to suggestions from our alumni and employers about the skills that are critical for success. These changes create much more cohesiveness in the MIA and MPA cores, defining a skill set of analytical and managerial skills that all graduates will share.

In addition, the School will streamline the number of functional concentrations from nineteen to six. The six new concentrations, which serve as “majors” for MIA and MPA students, define the substantive policy areas in which SIPA already has comparative advantages and expects to focus its energies in the coming years. The reduced number of concentrations will enable the School to deepen the resources it offers its students in these fields and guide the recruitment of outstanding new faculty. The six fields are Economic and Political Development; Energy and Environment; International Security; International Finance and Economic Policy; Human Rights; and Urban and Social Policy.

Faculty and staff are now preparing to implement the new concentrations. Searches are under way to hire the faculty who will teach an expanded set of offerings in public and nonprofit management as well as financial management. The new class that arrives in the fall of 2009 will undertake a curriculum designed to prepare it well for an even more challenging workplace.

Celebrating Outstanding Leadership

Columbia’s School of International and Public Affairs honored Christiane Amanpour, CNN’s chief international correspondent; Dr. Arminio Fraga, former SIPA professor and founding partner of Brazil’s Gávea Investimentos; and the New America Foundation at its Ninth Annual Global Leadership Awards. The awards dinner, held on April 23 at New York’s Mandarin Oriental Hotel, was attended by 300 faculty, alumni, students, and friends of SIPA. SIPA’s annual Global Leadership Awards recognize individuals or organizations that exemplify the qualities and achievements that SIPA seeks to embody. (From left) James Rubin ’84, Christiane Amanpour, Patricia Coatsworth, and SIPA Dean John H. Coatsworth.

Alumnus Endows New Fellowship

In January 2009, Alexander Georgiadis (MIA ’85) generously pledged $150,000, via his company, Krinos Foods Canada, to establish the Georgiadis-Moschialidis fellowship at SIPA. When Alexander was a student at SIPA, he was the president of the Student Council (currently known as SIPASA). “Alexander demonstrated his commitment to the School while he was a student, when he served on the 60th Anniversary committee, and now again with this generous gift. The School, and especially its students, are fortunate to have loyal alumni like Alexander,” said SIPA’s dean John H. Coatsworth. Alexander is also one of the newest members of the SIPA Advisory Board. He and his wife Evee live in Athens, Greece, and have four children. The establishment of an endowed fellowship, which is used to support deserving students, is one of the most meaningful ways alumni can show their support of SIPA and its students.
Your classmates want to know what you’ve been up to, so please send your class note for SIPA News to sipaalum@columbia.edu. You can also log onto Alumni Connection to update your class note. All you need is your UNI and Password. (You can access them at www.alumniconnections.com/sipa.) Post your note today and stay connected with more than 15,000 alumni in 155 countries.

1950
Judith Laikin Elkin, MIA
Judith Laikin Elkin joined the U.S. Foreign Service after receiving her MIA and a Latin American Studies certificate. She was sent to India, Pakistan, Afghanistan, and the former Burma and Ceylon, followed by two years in London. As the Foreign Service at the time prohibited female officers from marrying, she undertook careers as a journalist (Detroit News, Toledo Blade), a college administrator, and a university professor (Wayne State, Albion College, University of Michigan, and Ohio State). Along the way, she married and raised two daughters, earned a PhD in history at the University of Michigan, and wrote several books (including Krishna Smiled: Assignment in South Asia, The Great Lakes Colleges Association, and The Jews of Latin America). She presently makes her home in Ann Arbor, working on the Autobiography of an Independent Scholar and encourages friends to drop by any time.

1966
Stephen Clapp, International Fellow
Stephen Clapp has published Africa Remembered, an illustrated memoir of his Peace Corps tour in Nigeria and travels home through Central and East Africa. The book is based on letters and color slides preserved for over four decades. “I was privileged to witness this time of transition between colonial empires and fledgling nation-states,” he writes in the introduction. Copies of his book are available at www.lulu.com, and an electronic version is free on request from the author at steve.clapp@informa.com.

1957
Peter Ehrenhaft, MIA
After SIPA, Peter Ehrenhaft went to Washington to clerk at the D.C. Circuit and then for Chief Justice Earl Warren at the Supreme Court. During the Carter administration, he served as deputy assistant secretary of the treasury (Tariff Affairs) and from 1958 to 1988 completed 30 years of active reserve duty in the U.S. Air Force, retiring as a judge of the Air Force Court of Military Review. Most of his professional life was spent as a partner in four national law firms advising on transnational business transactions, trade law, and intellectual property. He was active in the International Section of the American Bar Association and last summer received an “Exceptional Service Award.” In 2009, he will take on two new roles: as a member of the National Board of Compassion & Choices and as an international trade law advisor to the American Law Institute.

1976
Michael J. Strauss, International Fellow
Michael J. Strauss has authored The Leasing of Guantanamo Bay (Praeger, May 2009), the first comprehensive account of the bilateral leasing arrangement underlying Guantanamo Bay’s role in U.S. antiterrorism efforts and U.S.-Cuban relations. The book has been praised by Columbia Law School’s Michael Ratner (“an important and unique contribution to justice in the 21st century”), among others. Dr. Strauss is a specialist in territorial leasing and teaches international relations at the Centre d’Etudes Diplomatiques et Stratégiques in Paris.

1978
Kashiyo Enokido, MIA
Kay Enokido, owner’s representative for the Hay-Adams Hotel, was appointed president of its management company in 2008. The Hay-Adams, located across from the White House, opened in 1928 at the site of two houses previously occupied by two families, that of John Hay and Henry Adams. Kay has been closely involved with the hotel for nearly 20 years. During her tenure, it has risen to world prominence and received numerous awards from prestigious hospitality and travel related organizations.

1979
Gabriel Plesea, MIA
Gabriel Plesea recently published another novel, Cast Thy Bread upon the Waters. The novel’s hero, a defector from Ceausescu’s dictatorship in Romania, endeavors to adjust to life in America and earn an America university degree. Life on campus provides an appropriate environment to help overcome both the real and imaginary obstacles he faces in achieving his goal. The biblical prediction of the title—that he would find the bread he had cast upon the waters—is fulfilled. Gabriel’s latest novel is now available from these online sellers: www.barnesandnoble.com, www.amazon.com, and www.iUniverse.com.

1980
Kathryn Hopps, MIA
Kathryn Hopps has been appointed executive director of the Hope Fund, a Virginia-based nonprofit. The Hope Fund solicits scholarships to American colleges for low-income, academically gifted Palestinian refugees living in the West Bank, Gaza, Jordan, Lebanon, and Syria. It provides additional support to selected students during their four years of undergraduate education. Kathryn lives in Silver Spring, Maryland, with her husband and two children.

1983
Paul Berg, MIA
Paul Berg has been named the deputy chief of mission at the
organizations draft new laws and
monitor implementation.

1992
Marc Selverstone, MIA
Marc Selverstone has recently published *Constructing the Monolith: The United States, Great Britain, and International Communism, 1945–1950* (Harvard University Press, 2009), a study that explores Western perceptions of Communist solidarity during the early Cold War. He is currently associate professor at the University of Virginia’s Miller Center of Public Affairs, where he is transcribing and annotating the secret White House tapes of Presidents Kennedy and Johnson. He is also teaching courses on U.S. foreign relations and international history for the history department at the University of Virginia.

1996
Isabelle Rohr, MIA
Isabelle Rohr recently authored *The Spanish Right and the Jews, 1898–1945: Anti-Semitism and Opportunity*. The book investigates “the apparent contradiction between the anti-Semitic discourse of the Spanish right and the allegedly, and much trumpeted, benevolent attitude of the Franco regime towards Jewish refugees during the Holocaust.”

1997
Jeremy Craig, MIA
Jeremy Craig has been in Singapore since 2000, running an education business that provides SAT prep services to the region. Business is still going well (for now), with lots of growth planned in China this year. He also plays golf frequently. If you are passing through the Lion City, please do look him up.

2000
Candice Workman Nonas, MPA
Candice Workman Nonas, founder of Fundamental Credit Capital Partners (FCCP), was recently named managing director of NewOak Capital. In this position, she will market the advisory, asset-management, and capital markets platform and help pension funds, private equity firms, and bank clients value and restructure hard-to-value assets. With her extensive history in mortgage credit and risk management at Moody’s, West LB, Barclays Capital, and, most recently, at Fortis Investments, she brings considerable structured finance knowledge and experience to the position.

2001
Michael Sharpe, MIA
Michael Sharpe has been appointed assistant professor of political science in the Department of Behavioral Sciences at York College of the City University of New York. He holds a PhD from the Graduate School and University Center of the City University of New York. His dissertation is entitled “Globalization and Migration: A Comparative Study of the Political Incorporation of Dutch Caribbean Post-Colonial Immigrants in the Netherlands and Nijkerk.” He is a dual citizen of the U.S. and the Netherlands and is married to Miho Hidaka. They have three children, Mina, Maya, and Minoru.

2003
Sonal Loomba Patney, EMPA
Sonal Loomba Patney and her husband, Arjun Patney (EMBA ’08) had a beautiful baby boy, Cyrus Jai Patney, on November 29, 2008. The family is moving to Minneapolis.

2005
Karine Jean-Pierre, MPA
In January 2009, Karine Jean-Pierre was selected to be the
White House liaison to the United States Department of Labor, Karine was a regional political director for Barack Obama’s presidential campaign, after working on John Edwards’ 2008 presidential campaign in the same capacity. She has also worked at the Center for Community and Corporate Ethics in a program called “Wal-Mart Watch,” an initiative aimed at encouraging the retailer to change its business practices.

2004
Ezra Kover, MIA
Ezra Kover, MIA
Ezra Kover is living in New York with his wife and two post-SIPA editions to his family, twin girls Leela and Jaya, who turned two in February. He is working as an attorney at the firm of Vedder Price PC, where his practice is focused on equipment and aircraft finance transactions.

Herman D. Smith, EMPA
Herman D. Smith has accepted a position at the Wildlife Conservation Society (WCS) in New York City, as vice president of human resources. Prior to this, he was employed at New York City Health and Hospitals Corporation as chief human resources executive. “I have been asked to build a world class HR department at WCS, reflective of the diverse needs of this monumental organization,” he says. Herman credits his prior experience combined with his SIPA education for providing the knowledge and skills needed to support the reconstruction of two large human resources departments in New York’s public health care system. He looks forward to “sharing additional updates with my Columbia colleagues as I travel this remarkable journey.”

2005
Friedrich Rohde, MIA
Friedrich Rohde is currently working as a consultant for Bain & Company in South Africa and would be happy to get together with fellow SIPA alumni for beers and braai.

2006
Tom Glaisyer, MIA
Tom Glaisyer is pleased to announce the birth of a baby boy, Samuel Isaac Glaisyer. He was born on November 23, 2008, in Boston and weighed 9 lb, 2 oz.

Qinghong Zou, MIA
Since graduating from SIPA, Qinghong Zou has moved back to China, where she received an “Outstanding Contribution Award in Media” by the Guangdong government in 2007. Her daily show on economics started airing on GD TV on March 23, 2009. She is happy to be doing something she really enjoys and to which she can apply what she learned from SIPA.

Shagun Mehrotra, MIA
Shagun Mehrotra recently authored Bankruptcy to Billions: How the Indian Railways Transformed (co-written with Sudhir Kumar, advisor to the Minister of Railways). Shagun is a faculty fellow pursuing doctoral studies at Columbia University. The book is a preliminary version of his dissertation, which explores the conditions under which state-owned enterprises improve infrastructure services in developing countries. Before attending SIPA, he worked with the World Bank on infrastructure reforms in Africa. His advice has been sought by the Gates Foundation, among others. With NASA research scientists at the Goddard Institute for Space Studies, Shagun is crafting a global institutional structure for a programmatic approach to incorporate climate risk into city development.

2007
Alexandra Fiorillo, MIA
Alex Fiorillo recently accepted a position as vice president at MicroFinance Transparency, located in Washington, D.C. Prior to this, she was employed at ACCION International as associate director. In her new role, Alex will travel around the world promoting principles of consumer protection and transparent pricing in the microfinance industry. Please visit www.mfttransparency.org for more information or reconnect at alex@mfrasnpn.org.