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Preface

The main objective of the seventh edition of Studium was to produce a journal that displays quality student writing and artwork on political issues. The types of papers selected include research papers, legal briefs, opinion pieces, and position papers produced for CSU, Chico’s award winning Model United Nations program. We also include a selection of political cartoons, artwork, and photographs.

The Studium staff is comprised of diligent and accomplished members of the CSU, Chico student community. They are involved with every aspect of producing the journal, beginning with the call for papers and advertising the journal, to collaborating with the student authors and editing each paper, then choosing the cover design and formatting the journal, and finally, hosting a reception to present the finished journal.

Studium is not only made possible by a dedicated staff of students, but also by many other supportive individuals, organizations, and classes at CSU, Chico. In particular, we would like to thank Professor Gregg Berryman of the Department of Communication Design. His Visual Communication students have designed the Studium cover for the last six editions, offering many outstanding cover designs each year from which we choose. This year’s prevailing design was submitted by Katelyn Hampton, whom we also thank. In addition, we must thank the students in Professor Berryman’s course who designed and submitted many creative political cartoons; we have selected and published ten of them in a special section of the journal.

As always, we are grateful for the efforts of Laura Kling in the Instructional Media Center and Tammara Askea, who formatted the journal. We also greatly appreciate the Instructionally Related Activity board and the Dean of the College of Behavioral and Social Sciences, who provided the funding that made the publication of the journal possible. Finally, we would like to thank all those members of the Department of Political Science who assisted the journal staff in a wide variety of ways, and, most importantly, encouraged their own students to submit their papers for publication consideration.
Flag

*Lani Shapton*
The History, Goals, And Failures Of The Neo-Conservative Movement
And The Project For A New American Century

By Ken Knirck

Introduction

Many historians and political scientists have referred to the 20th century as “the American Century.” This period saw the United States emerge as a true global superpower. With the fall of the Soviet Union in the 1990s, the turn of the 21st century found the U.S. as the sole global superpower. But as the Soviets, the old nemesis of the American conservative movement, faded a new superpower was emerging in the East. China’s economic growth over the last twenty-five years has eroded the global power market share from both the United States and the European Union. This growth, and the accompanying appetite for raw material and fuel, has made China a mounting threat to America’s status as the sole superpower. With this in mind, a cadre of noted conservative politicians, journalists, publishers, and strategists came together to compile a list of goals and policies that are intended to maintain and preserve America’s preeminent position on the world stage throughout the “New American Century.”

Published in June of 1997 as an open letter, “The Project for a New American Century” (PNAC) details the goals and strategies of the foundational members and architects of the “neo-conservative” movement in American politics. The writers and signatories of this treatise on the future of American hegemony refer to themselves as neo-conservatives, when in fact their practices indicate an ideology more accurately defined as neo-fascism. With backgrounds firmly established in the “military industrial complex,” the authors and followers of PNAC strongly believe that America’s strength lies in its military might and its use of that might to spread American-style democracy. The result is a plan that keeps America, and the rest of the world, in a constant state of war. The goal of PNAC is for America to not only maintain its status as the world leader in economic and political power, but expanded its reach and influence (Kristol 2006).

The stated goals and demonstrated tactics of the PNAC neo-cons (including, but not limited to, the Iraq war) impede the progress of America as a world leader by weakening its strong ties with traditional allies and alienating the rest of the world to the point where economic, political, and military cooperation between America and the world could be difficult, if not impossible.
This paper will identify the hegemonic goals of the neo-conservative movement and the means for achieving those goals, as stated in the “Project for a New American Century” and executed by the George W. Bush administration. These goals and the execution of their means will be shown to be counterproductive to the progress of America as the sole superpower and the prime example of liberal democracy in the world.

The Background of Neo-Conservatism

The roots and the motivation of the neo-conservative movement can be traced back to the post-World War II Truman Doctrine. Wary of the growing threat of the Soviet Union, the Truman Doctrine was a strategy and policy of containment, and not outright aggression towards the Soviet Union and its satellites. During this “Cold War,” the U.S. used proxy fights in Korea and Vietnam to actively stem the tide of Soviet expansion. With the 1980s came the end of the Cold War and a period of détente, which could be characterized as seeking balance and avoiding, or at least minimizing, direct confrontation between the United States, its allies, and the Soviet sphere of influence. The cornerstone of détente was active diplomacy. Firm believers in détente were President Richard M. Nixon and his National Security Advisor/Secretary of State Henry Kissinger (Caron 2005).

As Gerald R. Ford took over the presidency following Richard Nixon’s resignation in 1975, he filled his staff and cabinet with far-right ideologues who were not true believers in the policy of détente. Ford installed Dick Cheney as Chief of Staff, Donald Rumsfeld as the National Security Advisor, and George H. W. Bush as the new head of the Central Intelligence Agency. Their fear and loathing of the Soviets inspired a more aggressive and active stand against Soviet expansion, to the point where an American nuclear first-strike scenario was not far off of the table. Paul Wolfowitz, I. Lewis (Scooter) Libby, Paul Nitze, and a few other select members of the President’s Foreign Intelligence Advisory Board (PFIAB)—an organization set up by President Dwight Eisenhower—formed a group which called themselves “Team B.” This cadre of anti-communist zealots worked to influence the Ford administration as well as the media, to promote an extremist policy of nationalism and an aggressive buildup of American military strength to fight the perceived Soviet threat. These men were the vanguard of the neo-conservative movement. This group stayed in place through the Reagan presidency and was instrumental in reinforcing Reagan’s strong anti-communist views and policies. It was at this time that Reagan began using the phrase “the Evil Empire” to describe the Soviets (Caron 2005).
The collapse of the Soviet Union in 1989 should have signaled the end of this group and their way of thinking, but nothing could be further from the truth. When President Bill Clinton took office in 1993, he cleaned house, removed all of the cold war dinosaurs and replaced them with progressive foreign policy people. But the “Team B” group didn’t just fade away. Most of them, along with Weekly Standard magazine editor William Kristol, Richard Perle, and Dick Cheney formed or were put on the boards of various right-wing think tanks and defense contracting companies.

The connection between the neo-cons and the defense industry is no coincidence. It is a naturally symbiotic relationship. The PNAC neo-cons strongly advocate the increase and use of military might. This policy builds up the market for military hardware, and defense contractors benefit by supplying the product. In his farewell address, President Dwight D. Eisenhower predicted the rise, and warned of the danger of this military industrial complex:

Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together (Eisenhower 1961).
In 1997, this collection of ideologues got together to form the 40-member foreign policy think tank known as the “Project for a New American Century” (PNAC). The policies of this group advocated a massive military defense buildup, as well as an active policy of regime change to spread American-style democracy around the world. On their website, PNAC posts editorials that advocate their policies. The opening page of the website displays the following as their credo:

The Project for the New American Century is a non-profit educational organization dedicated to a few fundamental propositions: that American leadership is good both for America and for the world; and that such leadership requires military strength, diplomatic energy and commitment to moral principle. The Project for the New American Century intends, through issue briefs, research papers, advocacy journalism, conferences, and seminars, to explain what American world leadership entails. It will also strive to rally support for a vigorous and principled policy of American international involvement and to stimulate useful public debate on foreign and defense policy and America’s role in the world (Kristol 2003).

The Neo-Conservative Agenda in Action

Much to the disappointment of the PNAC neo-cons, the “Evil Empire” is no longer the mortal threat that it once was. However, the neo-cons found a new threat to the global superiority of the United States in China. With its monumental economic growth and appetite for raw materials, the threat to the status of America as the sole superpower is real. But the neo-con hegemonic agenda goes well beyond Asia. In 1998, PNAC sent an open letter to President Clinton urging the overthrow of Iraqi President Saddam Hussein. This policy recommendation was rejected by the Clinton administration, which favored a drawdown of the military and a hands-off approach to regime change and nation building. However, the Clinton administration did actively pursue peacekeeping missions in the Balkans and several rigorous cruise missile attacks on sites in Iraq that were suspected of the manufacturing and storing weapons of mass destruction.

When George W. Bush took over the Presidency in 2001, he quickly reconstituted the “Team B” crowd, now known as PNAC, and installed many of them into his cabinet and White House staff. Donald Rumsfeld became the new Secretary of Defense, with Paul Wolfowitz as his deputy and Richard Perle as the Assistant Secretary of Defense. Vice President Dick Cheney took on I. Lewis (Scooter) Libby as his Chief of Staff. The George W. Bush adminis-
tration was now well-stocked with neo-conservative policy makers. And in his 2002 National Security Strategy, President Bush echoed the goals of the PNAC neo-cons. These included a massive military buildup, aggressively pushing American interests throughout the world, a willingness to ignore traditional alliances and “go it alone,” and the not-so-veiled threat of preemptory attacks on potentially hostile countries. This carbon copy of the PNAC/neo-con agenda became known as the “Bush Doctrine” (Fukuyama 2006). The PNAC/neo-con agenda found its home in the George W. Bush administration. The Bush administration is the embodiment of PNAC.

**Iraq: The Neo-Con’s Big Blunder**

Much as the Bush administration will be known as the first neo-conservative administration, the war in Iraq will always be known as the first war waged by the neo-conservatives. To give them credit, the Bush neo-cons didn't only talk the talk, they walked the walk. When the opportunity arose, the neo-con war machine jumped into action. With shaky and apparently cherry-picked military intelligence, the Bush administration wasted little time in convincing itself, if not the United Nations and the rest of the world, that Saddam Hussein possessed weapons of mass destruction and that he intended to use them on the United States, the U.K., and/or Israel. The administration also frequently implied that Saddam Hussein was in some way connected to the terrorist attacks of September 11, 2001. However, the ulterior motive for regime change, as unabashedly promoted by PNAC, was not immediately mentioned by the Bush administration as a reason for the invasion. So in March of 2003, the United States military and “the coalition of the willing” swept into Iraq with the stated intent of finding and destroying Saddam Hussein's WMD capability. Early on, the war went well for the U.S. military. In a matter of a few weeks they swept across the desert and took military control of all the major Iraqi cities, including the capital city of Baghdad. Unfortunately the war planners, namely Secretary of Defense Donald Rumsfeld, decided to mount the assault on Iraq with just over 150,000 troops, well below the 350,000-500,000 troops recommended by many of the general staff. By doing the war “on the cheap” and rushing to Baghdad, many critical sites in Iraq were passed over and left unsecured. These sites included weapons caches of artillery shells, high explosives, and mortars. Many of these weapons fell into the hands of insurgents in Iraq and are being used against the occupying American forces today. This is just one example of the poor planning and lack of foresight that was displayed by the neo-con brain trust regarding the execution of the war and especially the post-war occupation and reestablishment of the Iraqi
government. By all accounts, the Iraqi people are worse off today than they were under Saddam’s rule. Following a forum on post-Saddam life in Iraq, U.S. Representative Lynn Woolsey issued a statement that included accounts of some of the Iraqi civilians who took part in the forum:

Dahlia Wasfi, a doctor who is half-Jewish and half-Iraqi, offered a powerful historical analogy. She spoke of her mother’s relatives being driven from their native Austria to avoid Nazi concentration camps. ‘Never again’ is the refrain we use when talking about the Holocaust. She then spoke of her father’s relatives, who are, quote, ‘not living, but dying, under the occupation of this administration’s deadly foray in Iraq....From the lack of security to the lack of basic supplies, to the lack of electricity to the lack of potable water to the lack of jobs to the lack of reconstruction to the lack of life, liberty, and the pursuit of happiness, they are worse off now than before we invaded. ‘Never again’ should apply to them, too.... An Iraqi civil engineer named Faiza Al-Araji also spoke to us. She fled occupied Iraq last summer after her son, a student, was detained for several days by the Ministry of the Interior without any charges being filed. ‘He has a beard, so he was a suspected terrorist!’ is the way she put it. Although they said he had committed no crimes, his family had to pay thousands of dollars to secure his release. How’s that for the transformational power of freedom?...Now she and her family are living as exiles in Jordan, driven away from everything that was once familiar to them. But the only other choice was to live in a country whose infrastructure has been completely torn down but never rebuilt.... Mr. Speaker, in the name of these three brave souls...for the sake of human decency if nothing else...it is time to end this war, bring our troops home, and give Iraq back to the Iraqi people (Woolsey 2006).

Not having found Hussein’s WMD, the Bush administration then restated their motivation for the Iraq invasion as regime change to free the Iraqi people from the dictatorial reign of Saddam Hussein. To date, more that 2,400 American service people have lost their lives in Iraq and more than 15,000 have sustained serious injuries. Putting aside the poor pre-war and post-war planning that has turned George Bush’s foray in Iraq into a colossal military and political failure, one must examine what the neo-cons’ war has done to undermine the respect and credibility of the United States in the eyes of the world.
Dissent Against the Iraq War at Home

Since the run-up to the war in Iraq, there has been much disagreement and dissent from the American people and their political representatives about the reasons for the war and its execution. “Gold star” mother Cindy Sheehan has become one of the more outspoken symbols of dissent. Having lost her 24-year-old son in the war, Sheehan has helped rally millions of anti-war activists and protesters.

George W. Bush ran for president in 2000 as a “uniter, not a divider.” But the symbol of his neo-con agenda, the war in Iraq, has done more to divide Americans than anything since the equally controversial war in Vietnam four decades earlier. On Saturday, April 29, 2006, Cindy Sheehan, fellow activists Susan Sarandon, Rev. Jesse Jackson, and approximately 350,000 protesters marched through New York from Union Square to rally in Foley Square, all united in their quest to end the war (United for Peace and Justice 2006). This rally is said to be the largest anti-war protest in American history. It included veterans’ groups, labor unions, women’s rights groups, environmental advocacy groups, and many others, all coming together for their single cause (Butler 2006). Peace rallies like this one are reminiscent of those during the Vietnam era. And the similarities of these two unpopular and divisive wars are striking.

Even though Senator John Kerry ran unsuccessfully against Bush in the 2004 Presidential election as an anti-war candidate who himself had served in Vietnam, Senator Kerry has continued to fight for that cause. In an op-ed piece for the Boston Globe, Senator Kerry made the comparison to the wars and expressed his concern that the war in Iraq will, like Vietnam, divide and weaken the U.S.:

Thirty-five years ago today, I testified before the United States Senate. I was a 27-year-old Vietnam veteran who believed the war had to come to an end. It was 1971. Three years earlier, Richard Nixon had been elected president with a secret plan for peace—a plan he kept secret from the American people as young Americans continued to die for a mission high-ranking officials of two administrations had decided was unwinnable. We would watch the Nixon administration lie, break the law, and work overtime to squash dissent - all the while claiming absurdly they were prolonging war to protect our troops as they withdrew. We were a country deeply divided. World War II fathers split with Vietnam generation sons over a war that was tearing us apart—and split, particularly, over our responsibilities during a time of war.
Many people did not understand or agree with my act of public dissent. To them, supporting the troops meant continuing to support the war, or at least keeping my mouth shut. But I couldn’t remain silent. I felt compelled to speak out about what was happening in Vietnam, where the children of America were pulled from front porches and living rooms and plunged almost overnight into a world of sniper fire, ambushes, rockets, booby traps, body bags, explosions, sleeplessness, and the confusion created by an enemy who was sometimes invisible and firing at us, and sometimes right next to us and smiling. It was clear that thousands of Americans were losing their lives in Vietnam while politicians in Washington schemed to save their political reputations.

Thirty-five years later, in another war gone off course, I see history repeating itself. It is both a right and an obligation for Americans today to disagree with a president who is wrong, a policy that is wrong, and a course in Iraq that weakens the nation. Again, we must refuse to sit quietly and watch our troops sacrificed for a policy that isn’t working while Americans who dissent and ask tough questions are branded unpatriotic (Kerry 2006).

The war in Vietnam was a tremendous diversion from President Lyndon Johnson’s efforts to build “the Great Society” in the 1960s. His dream to end poverty and educate the poor was stifled politically and fiscally by the war. With job approval ratings hovering between 30 and 40 percent, Johnson lost much of the political capital he needed to implement his programs. Real capital was also being siphoned off to pay for the war. Much like Johnson and his progressive agenda, George Bush, mired by sub-40 percent approval ratings and never-ending war debt, has lost virtually all of his political capital and much of his ability to carry out his neo-conservative agenda.

The “Enduring” U.S. Presence in Iraq

One of the major concerns of the people of America and the world is the specter of a continuing and permanent American military presence in Iraq. Part of the PNAC/neo-conservative strategy for continued American control of Middle Eastern oil and shipping is the projection of power from forward military bases in the region. The plans for the expansion of the existing bases and the intent to build new bases in Iraq are details that the Bush administration is not eager to divulge. The administration often uses semantic distinctions to disguise their plans. While not referring to the bases as “permanent,” they instead use the term “enduring” to skirt the issue. Although they may try their
best to conceal these plans, the paper trail, and more specifically the money trail, have given the United States Congress cause for concern. Appropriations bills have been introduced in Congress and President Bush has made budgetary requests for tens of billions of dollars in “emergency” spending for the Iraq Theater. In March of 2006, the House of Representatives passed a $67.6 billion military spending bill, and the Bush administration has requested an additional $348 million for base construction. Of the 110 forward-operating bases in the theater, the administration has stated that it has turned 34 of them over to the Iraqi military. Due to the obfuscation of the administration and the Pentagon, the exact plans for the other bases are not known, although it’s believed that there are approximately 14 bases which the administration is funding in hopes that they will “endure” in Iraq after the current hostilities are over. These include bases in Balad ($228.7 million spent, $17.8 million requested), Al Asad air base (spending unknown, $46.3 million requested), Camp Taji ($49.6 million in spending, request unknown), and Tallil air base ($10.8 million spent, $110.3 million requested) (Spiegel 2006).

Besides the possibility of permanent military bases from which the neo-conservative agenda can be projected, a massive United States Embassy is being constructed near Baghdad. This not-so-secret project has been under construction since mid-2005. The expected completion date is June of 2007. The site is on 104 acres and will have 21 buildings which will include six apartment buildings for the embassy staff, a swimming pool, commissary, and food court. This gargantuan embassy is six times the size of the United Nations in New York and nearly ten times the size of the typical American embassy. This self-contained city will have its own independent well-water supply, electrical generating station, and wastewater treatment facility. The Marine Corp security detail will be housed in a hardened facility that is built to 2.5 times the norm. This project was originally budgeted at more than one billion dollars. To date, it has been funded for about half that amount (Hanley 2006). Between the forward military bases and the new American Embassy, there should be no doubt as to the intentions for a permanent American presence in Iraq.

The Reach of the PNAC/Neo-Con Agenda

The American presence in Southeast Asia lasted for more than ten years. In the 1960s and 1970s, the concern of the American anti-communists was the “domino theory.” This held that if Vietnam fell to the communists, the entire region would also fall. In an interesting twist of historical fate, it is the progressive toppling of Middle Eastern states by PNAC/neo-conservatives that is of concern to the rest of the world, transforming the United States into the
global bad guy and undermining the political, military, and diplomatic effectiveness of the United States. By overreaching militarily, the Bush administration has spread the military resources of the U.S. dangerously thin. Should our presence be needed to cool a hot spot such as Iran, Korea or Taiwan, the U.S. military would lack the effectiveness necessary to quell the situation.

In recent months, it has been disclosed that Iran has successfully enriched a small amount of uranium. Even though most intelligence estimates felt that Iran is more than ten years away from developing a nuclear weapons capability, the Bush administration has turned up the rhetoric and not-so-subtly hinted that they would not hesitate to preemptively strike the Iranian atomic infrastructure. There is a great deal of speculation that the use of thermonuclear “bunker-buster” bombs would not be out of the question. The exaggeration by the administration of the Iranian threat is right out of the PNAC/neo-con playbook: hype the threat so you can justify your aggression. In an April, 2006 Los Angeles Times op-ed, Zbigniew Brzezinski (National Security Advisor to President Jimmy Carter) indicated that this type of strategy, similar to that used to justify the invasion of Iraq, was counter-productive to global peace and the interests of the United States:

Even if the United States is not planning an imminent military strike on Iran, persistent hints by official spokesmen that “the military option is on the table” impede the kind of negotiations that could make that option unnecessary. Such threats are likely to unite Iranian nationalists and Shiite fundamentalists because most Iranians are proud of their nuclear program. Military threats also reinforce growing international suspicions that the U.S. might be deliberately encouraging greater Iranian intransigence. Sadly, one has to wonder whether, in fact, such suspicions may not be partly justified. How else to explain the current U.S. “negotiating” stance: refusing to participate in the ongoing negotiations with Iran and insisting on dealing only through proxies. (That stands in sharp contrast with the simultaneous U.S. negotiations with North Korea.) The U.S. is already allocating funds for the destabilization of the Iranian regime and reportedly sending Special Forces teams into Iran to stir up non-Iranian ethnic minorities in order to fragment the Iranian state (in the name of democratization!). And there are clearly people in the Bush administration who do not wish for any negotiated solution, abetted by outside drum-beaters for military action and egged on by full-page ads hyping the Iranian threat. There is unintended irony in a situation in which the outrageous language of Iranian President
Mahmoud Ahmadinejad (whose powers are much more limited than his title implies) helps to justify threats by administration figures, which in turn help Ahmadinejad to exploit his intransigence further, gaining more fervent domestic support for himself as well as for the Iranian nuclear program. It is therefore high time for the administration to sober up and think strategically, with a historic perspective and the U.S. national interest primarily in mind. It’s time to cool the rhetoric. The United States should not be guided by emotions or a sense of a religiously inspired mission. Nor should it lose sight of the fact that deterrence has worked in U.S.-Soviet relations, in U.S.-Chinese relations and in Indo-Pakistani relations (Brzezinski 2006).

The hyperbole surrounding the Iranian nuclear capability has escalated tensions as well as speculation about the ramifications of another American military strike on this not yet threatening Muslim country. Former Clinton and Bush administration counterterrorism head Richard Clarke agreed with Brzezinski in his concern that an American military incursion into Iran would be devastating to American interests. He said that Iran’s response would most likely be to “use its terrorist network to strike American targets around the world, including inside the United States” (Heinrich 2006).

**Ideology Over National Interest and the Law**

One of the unfortunate characteristics of the PNAC neo-conservative is the willingness to place ideology over national interest. Their overly-simplistic and myopic vision of global issues and the ramifications of their ham-handed attempts to seize and hold power have become obvious to America and the world. The “over-reach and bungle” method has not worked well for them. America and the world bought into the justification for the invasion of Afghanistan as a retaliatory move against the Taliban and the attacks of September 11. But the redeployment and redistribution of the American military assets from Afghanistan to Iraq has shown that they have their eyes on a different prize. Though they may feign good intentions and patriotism, they are narrowly focused on their own agenda of power, and the perpetuation of the military industrial complex.

The war in Iraq has come to be the defining symbol of the ambitions and the ineptitude of the neo-conservative Bush administration (as well as the millstone around their neck). For some reason, politicians love to use football metaphors. Perhaps it is the “forcefully advancing into enemy territory” image that comedian George Carlin so eloquently described in his comparison of the militarily-precise nature of football compared to the pastoral qualities of
baseball. However, the unwillingness of the Bush administration to change their game plan when they’re down 35-0 at halftime is astounding. By “staying the course,” the administration has demonstrated that without competent players, an unwavering ideological game plan is a sure loser. The world and the American people have recognized this fact.

Unfortunately, we have also come to understand that part of the PNAC/neo-conservative playbook is a willingness to circumvent, rewrite, reinterpret, or flat out ignore American and international law. Indifference to the environment, basic human rights, human dignity, and legal due process has become the well known trademarks of the neo-conservative movement.

Amnesty International reported evidence of widespread mistreatment of “detainees” in American-operated prisons in Iraq, Afghanistan, and Cuba. Because they are not classified as prisoners of war by the Bush administration, but as “enemy combatants”—a legally ambiguous term coined by the administration—these uncharged and often undocumented prisoners are afforded none of the legal due process or basic human rights that are guaranteed them under the United States Constitution or the Geneva Conventions. Unlike other wars, the “war on terrorism” is undefined, undeclared, and never-ending. In past wars, prisoners were held for “the duration” of the war. In this case, the duration means forever. In his report, Amnesty International U.S.A. Senior Deputy Director-General Curt Goering noted:

Evidence continues to emerge of widespread torture and other cruel, inhumane or degrading treatment of detainees held in U.S. custody. The U.S. government is not only failing to take steps to eradicate torture, it is actually creating a climate in which torture and other ill-treatment can flourish. Although the U.S. government continues to assert its condemnation of torture and ill-treatment, these statements contradict what is happening in practice. Like other wars, when they start, we do not know when they will end. Still, we may detain combatants until the end of the war (Waddington 2006).

Under the Freedom of Information Act, the Associated Press acquired a list of detainees who are currently being held at the Guantanamo Bay prison in Cuba. The names of approximately 490 prisoners from 40 countries held on the island were known to the Red Cross, but the Bush administration did not give them permission to release the list (Garwood 2006). Donald Rumsfeld characterized the prisoners at Guantanamo Bay as “the worst of the worst.” At a Defense Department briefing, referring to the prisoners Rumsfeld said: “If you think of the people down there, these are people, all of whom were captured on a battlefield...They’re terrorists, trainers, bomb makers, recruit-
ers, financiers, [Osama bin Laden’s] bodyguards, would-be suicide bombers, probably the 20th 9/11 hijacker.” And Air Force General Richard Myers added: “They were so vicious, if given the chance they would gnaw through the hydraulic lines of a C-17 while they were being flown to Cuba. These are the people that don’t know any moral values…and the threat they pose is real—at least 12 former detainees have been killed or captured on the battlefield after their release” (Fisher 2006). One has to wonder why, then, of the 760 prisoners who have been sent to Guantanamo, the administration has chosen to quietly release 180, with 141 more scheduled to be released. And another 76 have been transferred to other counties (Fisher 2006). Either the staff at Guantanamo is doing a great job rehabilitating these prisoners, or the administration has mistakenly incarcerated hundreds of innocent people.

During Saddam Hussein’s rule, the prison at Abu Ghraib was infamous with the people of Iraq for its brutal conditions and harsh treatment of its prisoners. Torture was commonplace at Abu Ghraib. But before the war, this place was only known to the Iraqis. Since the fall of Baghdad, the prison has been taken over by U.S. forces. It is the same prison with the same conditions, and the same systematic abuse and torture. It’s just under new management. It has come to light in the international press that the American military, with the help of the CIA, has been running the prison like a gulag. Most of these prisoners, like those at Guantanamo, have not been formally arrested or charged with crimes, other than that of being accused by their rivals or sold out for bounty. The administration’s line has always been that the abuse and killing at Abu Ghraib was the work of “a few bad apples” and not a systemic or command problem. A handful of low-level staff at the prison have been tried for their crimes, and a few have been convicted. But upper-level staff and higher-ranking management have been immune from prosecution. They have, until recently, simply been transferred to different duty stations. Now, Lt. Colonel Steven Jordan, formerly the manager of Abu Ghraib’s interrogation center, will soon be charged by the Army with “conduct unbecoming an officer,” “lying to investigators,” and “dereliction of duty” (Schmitt 2006). If he is charged and convicted, Jordan will be the highest-ranking officer to be implicated in the torturous practices at Abu Ghraib or any other U.S. prison. Although slow in coming, holding the officers and managers of the prison to account for their actions is a good start at exposing the scandalous behavior and cleaning up the system. But the responsibility for the abuses at American-run prisons may go all the way to the top of the command chain. It has been reported that while being interrogated at Guantanamo Bay, Muhammad al-Qahtani, sometimes referred to as “the twentieth hijacker,” was systematically abused and humiliated in numerous illegal and quasi-legal ways. In an investigation conducted by
Lt. General Randall Schmidt, the abuses were confirmed by the commander of Guantanamo Bay, Major General Geoffrey Miller. General Miller also admitted that al-Qahtani was their “number one” prisoner and that Secretary of Defense Donald Rumsfeld was aware of, and condoned, the interrogation tactics. Much of this interrogation was in accordance with a Rumsfeld directive (later rescinded) that approved sixteen questionable interrogation techniques. In testimony about the investigation, General Schmidt reported: “this is approved to be used in special circumstances which I [Rumsfeld] will approve, and it’s for Mister Khatani, number one.” Continued Schmidt: “The Secretary of Defense is personally involved in the interrogation…and the Secretary of Defense is personally being briefed on this” (Rothschild 2006). Stated Joanne Mariner of Human Rights Watch: “The question at this point is not whether Secretary Rumsfeld should resign, it’s whether he should be indicted” (Rothschild 2006).

In upper management positions, neo-conservatives like Donald Rumsfeld have proven to be ineffective and incompetent. Far worse than that, they’ve shown a blatant disregard for the rule of law—the very thing that used to be the hallmark of freedom and democracy in the world. In a well-publicized trial, would be highjacker Zacarias Moussaoui was convicted (mainly on his confession) and sentenced to life in prison for his possible role in planning and carrying out the September 11 terror attacks. But because of the manner in which Muhammad al-Qahtani was interrogated at Guantanamo Bay, the likelihood of convicting him in a court of law is low. A coerced confession is inadmissible. So by once again putting ideology over national interest, the implementation of the neo-con agenda has proven to be counterproductive.

**Neo-Conservative or Neo-Fascist?**

The failures of the neo-conservative movement under the Bush administration have undermined the power and reach of the movement domestically and done long-term damage to the American economy by creating record debt and budget deficits. The neo-cons of the Bush administration have shown themselves to be very un-Reaganesque. Besides spending the public’s tax dollars like a drunken sailor and amassing astronomical public debt to foreign countries, the Bush neo-conservatives have increased the size and reach of the federal government in a way that must have Ronald Reagan and Barry Goldwater spinning in their graves. Members of the Democratic Party, as well as many in the Republican Party (traditional Reagan/Goldwater conservatives), are concerned about the neo-conservative movement and its resemblance to fascism. In a 2003 article entitled “Fascism Anyone?”, political scientist Dr. Lawrence Brit (2003) compared the fascist regimes of the twentieth century, which
included the regimes of Hitler, Mussolini, Franco, Suharto, and Pinochet. He compiled a list of the characteristics that are common to these regimes. In reading his list, one cannot help but recognize the similarities between the policies and practices of fascism with those of neo-conservatism, as demonstrated by the George W. Bush administration.

These fourteen characteristics are:

**Powerful and Continuing Nationalism**—Fascist regimes tend to make constant use of patriotic mottos, slogans, symbols, songs, and other paraphernalia. Flags are seen everywhere, as are flag symbols on clothing and in public displays.

**Disdain for the Recognition of Human Rights**—Because of fear of enemies and the need for security, the people in fascist regimes are persuaded that human rights can be ignored in certain cases because of “need.” The people tend to look the other way or even approve of torture, summary executions, assassinations, long incarcerations of prisoners, etc.

**Identification of Enemies/Scapegoats as a Unifying Cause**—The people are rallied into a unifying patriotic frenzy over the need to eliminate a perceived common threat or foe: racial, ethnic or religious minorities; liberals; communists; socialists, terrorists, etc.

**Supremacy of the Military**—Even when there are widespread domestic problems, the military is given a disproportionate amount of government funding, and the domestic agenda is neglected. Soldiers and military service are glamorized.

**Rampant Sexism**—The governments of fascist nations tend to be almost exclusively male-dominated. Under fascist regimes, traditional gender roles are made more rigid. Opposition to abortion is high, as is homophobia and anti-gay legislation and national policy.

**Controlled Mass Media**—Sometimes the media is directly controlled by the government; but in other cases, the media is indirectly controlled by government regulation, or sympathetic media spokespeople and executives. Censorship, especially in wartime, is very common.

**Obsession with National Security**—Fear is used as a motivational tool by the government over the masses.

**Religion and Government are Intertwined**—Governments in fascist nations tend to use the most common religion in the nation as a tool to manipulate public opinion. Religious rhetoric and terminology is common from government leaders, even when the major tenets of the religion are diametrically opposed to the government’s policies or actions.
Corporate Power is Protected—The industrial and business aristocracy of a fascist nation often are the ones who put the government leaders into power, creating a mutually beneficial business/government relationship and power elite.

Labor Power is Suppressed—Because the organizing power of labor is the only real threat to a fascist government, labor unions are either eliminated entirely, or are severely suppressed.

Disdain for Intellectuals and the Arts—Fascist nations tend to promote and tolerate open hostility to higher education and academia. It is not uncommon for professors and other academics to be censored or even arrested. Free expression in the arts is openly attacked, and governments often refuse to fund the arts.

Obsession with Crime and Punishment—Under fascist regimes, the police are given almost limitless power to enforce laws. The people are often willing to overlook police abuses and even forego civil liberties in the name of patriotism. There is often a national police force with virtually unlimited power in fascist nations.

Rampant Cronyism and Corruption—Fascist regimes almost always are governed by groups of friends and associates who appoint each other to government positions and use governmental power and authority to protect their friends from accountability. It is not uncommon in fascist regimes for national resources and even treasures to be appropriated or even outright stolen by government leaders.

Fraudulent Elections—Sometimes elections in fascist nations are a complete sham. Other times elections are manipulated by smear campaigns against or even assassination of opposition candidates, use of legislation to control voting numbers or political district boundaries, and manipulation of the media. Fascist nations also typically use their judiciaries to manipulate or control elections (Britt 2003).

Because of the growing dictatorial tone and the fiscally irresponsible policies of the Bush administration, many loyal members of the Republican Party, fearful of a loss of their majorities in Congress in the 2006 midterm elections, are distancing themselves from the failures of the President and the neo-con movement.

The Undermining of U.S. Credibility

Besides the loss of support domestically, the neo-con-driven Bush administration has managed to alienate partners throughout the world. Traditional allies
in Europe, marginalized by the Bush administration as being “old Europe” and insignificant, have shown reluctance and in some cases outright defiance of the United States under the Bush administration. Association with George W. Bush has proven to be political poison to foreign leaders. Recent elections in Spain, Germany, Italy, and England have been referenda on the candidate’s ties to President Bush. The invasion and subsequent occupation of Iraq demonstrated a flagrant disregard for state sovereignty and human rights—things that our allies look to us to support. In their quest for hegemony, the PNAC neo-cons have given little consideration to the plight of millions of impoverished and victimized people in areas of the world that are not strategically or economically beneficial to the neo-conservative/ PNAC agenda. Many of these areas are in Sub-Saharan Africa. A prime example is the genocide that is occurring in Darfur.

The Imminent Failure of the Neo-Conservative Movement

The neo-conservative movement, the PNAC agenda, and the Bush administration, have become intertwined and synonymous. With the Bush administration as their executor, the neo-cons have succeeded in undermining their own power by turning the rest of the world against the United States through their policies and their actions. The neo-conservative movement is on the verge of collapsing upon itself under the weight of its own ambition, short-sightedness, incompetence, and flagrant imperialism. Undoubtedly, the neo-conservative movement was very hopeful of their success in 2000 when the first true neo-con president was elected. President Bush and his administration became the embodiment of the neo-con movement. One of the goals of the movement and PNAC was the control, or the attempt to gain control of oil in the Middle East, mainly to keep the oil out of the hands of China. The illegal, immoral, unjustified, and mishandled war in Iraq has become the symbol of neo-conservative failure. Of the failure of the war in Iraq and the Bush administration’s foreign policy blunders regarding the rest of the “Axis of Evil,” well-known conservative columnist George Will said: “Today, with all three components of the “axis of evil”—Iraq, Iran, North Korea—more dangerous than they were when that phrase was coined in 2002, the country would welcome, and Iraq’s political class needs to hear, as a glimpse into the abyss, presidential words as realistic as those Britain heard on June 4, 1940” (Will 2006).

In February of 2006 Francis Fukuyama, one of the primary architects of the neo-con/PNAC agenda, stated in no uncertain terms that the movement has proven to be a colossal failure, saying that it has “evolved into something I can no longer support,” and that it is an example of “the danger of good inten-
tions carried to extremes.” Fukuyama referred to the neo-cons as Leninists who “believed that history can be pushed along with the right application of power and will. Leninism was a tragedy in its Bolshevik version, and it has returned as farce when practiced by the United States” (Wright 2006).

The George W. Bush administration will go down in history as the first true neo-conservative administration—and possibly the last. They have outreached their grasp and fallen short in their ideological goal of reshaping the Middle-East using the mold of Western-style democracy. But the world saw through the veil of benevolent democratic values and recognized that the ultimate goal of the administration and its followers was much more self-serving and jingoistic. Staffed with PNAC ideologues, the Bush administration has been astonishingly successful in dividing America, and uniting the world against it. The American people, and the world in general, should learn the lesson of the neo-conservative’s soon-to-be failed exercise. The lesson of that exercise is that an extreme ideological agenda, coupled with extreme power, will eventually result in spectacular failure—if the plan is implemented with unprecedented hubris and incompetence.

References


About the Author

Ken Knirck is a graduate of the CSU, Chico Legal Studies program and is currently working toward his Master of Arts in Political Science. He reentered college after a nearly twenty year hiatus to pursue his goal of teaching political science at the community college or university level. His Studium paper was originally written for Dr. Jacob’s international relations seminar and reflects his concern for the state of American politics and the future role that the United States will play on the international geopolitical stage.
Freedom

Blake Christopher Britton
Introduction

In numerous aspects of the American social and political condition, the lives of lesbian, gay, bisexual, and transgender individuals (LGBT) have been rendered virtually invisible.\(^1\) For centuries, legal and cultural prohibitions on homosexuality have forced the LGBT population to live hidden lives. Even within their own families, they may remain hidden, experiencing childhood socialization processes that portray homosexuality as deviant or immoral (Sherrill 1996).

Unfortunately, the invisibility of the LGBT culture may actually contribute to the perpetuation and maintenance of negative attitudes toward homosexuality and gay rights issues. As a segment of the population that is frequently the subject of perceived disdain, as reflected in public opinion polls, they are often politically powerless and disenfranchised by discriminatory laws, and lack of political allies, and experience enormous social stigma (American National Election Studies 1984, 1988, 1992, 1994). As long as such attitudes are pervasive, LGBT individuals continue an uphill battle toward equality in the American political and social arena.

It would be hard for any group to fight against such discrimination and stigmatization, but the battle is made more difficult if the members of a group are not easily identifiable or recognizable—even to themselves. The quest for a viable spot at the political table is dependent upon the development of a large, cohesive, and visible community. Such a community will only fully develop when LGBT citizens feel confident that their involvement in public matters will not make them targets of violence or reprisals. Like all citizens, LGBT individuals require a sense of safety by which to confidently drop the cloak of invisibility so that they can demand full equality.

In order for the LGBT population to drop the cloak of invisibility, and develop the confidence and willingness to participate more thoroughly in the political process, a deeper understanding of their shared cultural attitudes and behavior are needed. In this paper, I discuss two potential factors that could

\(^1\) The acronyms LGBT and GLBT are interchangeable and both widely used to identify the lesbian, gay, bisexual, and transgender population. For the purposes and consistency of this paper, I have chosen to use only LGBT to identify the group.
increase visibility, confidence, and willingness to participate among LGBT individuals. First, I argue that such an increase could occur if demographers and scholars work harder to define, identify, and measure the number, prevalence, and attitudes of LGBT individuals in the United States. As with other American subcultures, local governments and economies may be affected by the collective political and buying choices of the LGBT population. Accurate measurements of their voting behavior, civic participation, and economic choices could increase their visibility.

Second, acknowledgement and protection of LGBT citizens by state and local governments could also increase their visibility, confidence, and willingness to participate in the political process. I argue that ignoring or alienating LGBT individuals undermines the success of local governments and economies. Political and economic choices of the collective LGBT population, based upon shared cultural attitudes and behavior, could stimulate civic participation and regional economies in communities with a visible and active LGBT population.

**Lifting the Cloak of Invisibility: Accurately Identifying the LGBT Population**

Even though public policy debates about LGBT issues are incredibly heated, and often high-profile, nationally representative surveys that attempt to shed light on the LGBT phenomenon are remarkably rare. Even reliable surveys present a significant challenge for assessing how many individuals in the nation are LGBT. Definitions can range from counting only those who identify as homosexual, to those who participate in same-sex relations but do not identify as LGBT, to those that admit sexual attraction to someone of the same sex regardless of their sexual behavior. With each definition different estimates of the size of the population are attained (Gates and Ost 2004). An additional challenge to obtaining authentic empirical data about the LGBT population is the social stigma that hobbles homosexual individuals with a fear of reprisal. Some individuals may simply be too scared or embarrassed to disclose their sexual orientation.

Regardless of all of these challenges, a maiden step towards a deeper understanding of the unique LGBT phenomenon was taken through the 2000 Census process. The United States Census Bureau, after significant lobbying by demographers and advocacy groups, challenged same-sex households to come forward and be counted. This has provided the first empirical confirmation that the LGBT population is in fact a significant voting bloc and an increasingly visible constituency in the United States (Smith and Gates 2001).

However, this data is far from complete. Although the 2000 Census data on same-sex partners represents the most comprehensive source of data for
same-sex couples in the United States, it does not provide a clear picture of the actual size of the entire LGBT population. A major defect of the 2000 Census, for the purposes of a more accurate count, is that it excludes questions regarding sexual orientation, sexual attraction, and sexual behavior, which are the three most common identifiers of LGBT individuals in surveys (Laumann et al. 1994).

Instead, the Census forms for 2000 only included relationship categories that define how individuals in a particular household are related to other individuals living under the same roof. Estimates suggest that only 23.5 percent of gay men and 42.7 percent of lesbians are coupled (Black et al. 2000). The most significant omission to the 2000 Census tally are single gay men, single lesbians, most bisexuals and most transgender individuals, who as a whole make up the majority of the LGBT population.

Nonetheless, some important information can be pulled from the 2000 Census data in order to begin to understand the LGBT phenomenon. For instance, it allows us to ascertain that statistically, states with more gay and lesbian supportive laws, such as adoption policies, sexual orientation discrimination statues, and hate crime laws that include both sexual orientation and gender identity, have higher concentrations of gay and lesbian couples (Gates and Ost 2004). However, there is no way to easily interpret this correlation. Perhaps gay and lesbian couples migrate to states with more congenial legal and political climates. On the other hand, perhaps more favorable laws are the direct consequence of a state’s larger population of gays and lesbians. What is evident from the 2000 Census estimates, as well as similar surveys, is that even though LGBT individuals are born dispersed throughout the nation, many do choose to concentrate in particular regions.

What is also evident through the Census data is that the LGBT population makes up a non-trivial part of the overall national population. The 2000 Census figures suggest that nearly 4 million Americans are a part of a same-sex partnership, or approximately 2 percent of all adults (Sevetson 2002). As I’ve mentioned earlier, this count does not include single gay men, single lesbians, bisexuals, or transgender individuals. Additionally, it does not include those LGBT individuals that are coupled but do not live in the same household, those who are not “out,” or ethnic minorities whose first language is not English and therefore may not have completed the Census forms accurately (Gates and Ost 2004).

If we assume that at least one half of the LGBT population was not counted in the 2000 Census, a conservative estimate, that would put the total percentage of LGBT individuals at 4 percent of the entire population, a similar figure to what has been found in exit polls in some state and national
elections. The 2003 California gubernatorial recall election exit polls counted 4 percent of voters that identified as gay, lesbian, or bisexual. This is a similar figure to what has been found in the national polls for the 1996 and 2000 presidential elections (Gates and Ost 2004).

Whatever the actual percentage of LGBT individuals, there is no doubt that this population is dispersed throughout the country. The 2000 Census found that same-sex partners were present in 99.3 percent of all counties (Sevetson 2002). Although this count is only representative of coupled partners, it serves to illustrate the wide dispersion of the LGBT population. Additional research by demographers and scholars could increase the visibility, and therefore the political influence of the LGBT population.

Social Stigmatization of Homosexuality Contributes to Invisibility

Contributing to the invisibility of the LGBT population is widespread social stigmatization of homosexuality. There still exists a considerable level of animosity toward the LGBT population. The American National Election Study frequently asks respondents to rate their feelings toward particular groups of individuals in what they refer to as a “Feeling Thermometer.” The warmest possible feeling is ranked at one hundred and the coldest possible ranking is zero. These studies have revealed that the LGBT population is overwhelmingly the object of cold feelings by the American public. Only illegal immigrants contend with homosexuals for the coldest possible feelings. Even so, Americans are more likely to place their feelings towards the LGBT population at zero than they are illegal immigrants (American National Election Studies 1984, 1988, 1992, 1994).

These kinds of studies addressing attitudes toward the LGBT population are important in ascertaining who their social and political allies may be. Other than Corporate America, who has been a front-runner in embracing the homosexual culture, primarily for economic purposes, very few other groups have sided with the LGBT population in their pursuit of equality. Even many other cultural minorities who have battled for equality in the U.S. social and political arena in recent decades do not support LGBT equality. In fact, the African American population has traditionally been one of the staunchest objectors to homosexuality and gay rights. According to a California Field Poll, only 12.2 percent of all African Americans polled report having positive attitudes towards homosexuality (Gossett 2006). Understanding this phenomenon could provide a unique perspective into discrimination based on sexual orientation by groups who have faced racial discrimination.

Interestingly, with the success of such television shows as NBC’s Will and Grace, Bravo’s Queer Eye for the Straight Guy, Showtime’s Queer as Folk and
The L Word, and HBO’s Six Feet Under, as well as recent Hollywood blockbusters such as Brokeback Mountain, Monster, Boys Don’t Cry and Capote, the tide of public sentiment may be turning. Certainly, Corporate America and the entertainment industry may be influencing this transformation significantly.

Recent public opinion polls may be reflective of this public attitudinal change. A number of public opinion studies have indicated that the trend over the last thirty years has been an increased tolerance of homosexuality. Some have argued that this change may be generational. However, one recent survey indicates that the public may simply be changing their minds about homosexuality (Gossett 2006). As part of a California Field Poll conducted in February 2006, a number of questions were asked about attitudes towards homosexuality and certain gay rights policy issues. Additionally, the survey asked respondents whether they knew any homosexual individuals personally and whether or not the respondent had changed their mind about homosexuality since becoming an adult (Gossett 2006). The survey indicated that many Californians have changed their minds about homosexuality and gay rights issues in recent years. Most changed their attitudes toward to a more favorable impression (Gossett 2006).

Demographic and Scholarly Measurements Could Increase LGBT Visibility

There are many steps that must be taken before the LGBT population can reach full equality and visible political power. One such step would be for the U.S. Census Bureau to ask specific questions about an individual’s sexual and gender identity in the 2010 Census, such as sexual orientation, sexual attraction, and sexual behavior, in order to attain a more comprehensive count. Additionally, other comprehensive research conducted by demographers and scholars would shed greater light on the attitudes and behavior of LGBT individuals. Such information could provide state and local governments with data to assist in creating LGBT favorable laws.

Without comprehensive and reliable research, measuring the shared attitudes and behavior of the LGBT population, there is no simple way to determine its size, nor the potential social and political muscle these individuals may utilize to advance their rights. The current lack of empirical data handicaps the ability of the LGBT population to hold political leverage on policies that affect their lives. They are often placed on the defensive, fighting legislation and ballot initiatives that deny protection against discrimination, as well as limiting full participation. Kenneth Sherrill (1996) argues that groups that are continuously placed on the defensive are fettered, unable to focus their energy upon initiating proposals to improve their condition.
Protection of LGBT Citizens by Regional Governments Could Increase Visibility

By acknowledging and protecting LGBT citizens, state and local governments could increase LGBT visibility, confidence, and willingness to participate in the political process. Through the advancement of anti-discrimination legislation, regional governments could increase civic participation in their communities. If LGBT citizens feel that their public participation will not target them for violence or other reprisals, they will more likely be active and valuable citizens.

Additionally, advancing anti-discrimination legislation could also stimulate regional economic growth. According to Florida (2002), creativity is what constitutes the driving force for success in America's contemporary economy. He claims that regions must be able to attract and retain the Creative Class in order to secure a vibrant economic future. The creative individuals that make up the Creative Class thrive in an atmosphere that is tolerant and accepting of diverse backgrounds and viewpoints. The presence of a large LGBT population serves as a potential beacon of high levels of community diversity, tolerance, and acceptance for people who are different and creative (Florida and Gates 2002).

If Florida (2002) is correct in his assertions about the relationship between the Creative Class and Corporate America, communities hoping to attract companies to their region in order to stimulate their economy, might find it in their best interest to support their existing LGBT population by adopting anti-discriminatory laws, or by adopting those laws, in order to attract the diversity that Corporate America is seeking from a region.

Corporate America has become increasingly aware of the significance of the LGBT population, not only in attracting creative and innovative employees, but also as an important component in American economics. The LGBT population has a buying power estimated at $485 billion (Brown et al. 2002). By incorporating LGBT friendly policies into their workplace, business are not only recruiting employment from the highly sought after Creative Class, but also capitalizing on the considerable buying power of the LGBT population. If state and local government take their cue from Corporate America, their regions could also profit from the migration choices of the Creative Class, as well as the civic participation and purchasing power of LGBT citizens.

Conclusion

It is important that any American citizen feel confident that their public participation will not target them for violence or other reprisals. LGBT indi-
Individuals require a sense of safety in order to drop the cloak of invisibility and develop the confidence and willingness to participate more thoroughly in the political process. Comprehensive research by demographers and scholars will demonstrate the size and prevalence of the LGBT population, therefore increasing their visibility and willingness to politically participate in efforts to advance policies that affect their lives. Additionally, acknowledgement and protection of LGBT citizens by state and local governments could further increase their visibility, confidence and willingness to participate, in turn boosting regional civic participation and local economies.

References


Liberty

Lani Shapton
STATE OF REPUBLIC SUPREME COURT

No. 12-3-456789-1

Mason Cedar,
Appellant,

v.

Superior Court in and for the State of Republic,
Respondent,

ON APPEAL FROM THE
SUPERIOR COURT
OF THE STATE OF REPUBLIC

BRIEF FOR RESPONDENT

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QUESTIONS PRESENTED

ISSUE 1: Did Linda Bunter-Cedar have common authority over the couple’s residence to give consent to the search?

SUB ISSUE: Did the police officers have reasonable certainty that Linda Bunter-Cedar had common authority to accept her consent for the search?

ISSUE 2: Did Mason Cedar, the defendant, have a reasonable expectation of privacy by growing his marijuana plants in the bedroom closet shared by his co-inhabitant, Linda Bunter-Cedar?
ISSUE 3: Does the consent of one spouse invalidate the objection of the other spouse?

STATEMENT OF FACTS

Mason Cedar and Linda Bunter-Cedar are married and, own their own home together in the State of Republic. Mason began growing marijuana in the closet of the bedroom both he and Linda were sharing. Weeks of arguing led Mason and Linda to an “altercation” on the front lawn. This public display caused a concerned neighbor to call the police in efforts to prevent the argument from progressing into physical aggression. Four police officers arrived at the Cedar home and Mason and Linda were still outside on the lawn.

During their efforts to talk to the couple, Linda informed the police officers that Mason was growing marijuana in their bedroom closet. The officers asked for Linda’s consent to search the house. Linda replied with “No I don’t mind, go ahead.” Mason objected to Linda’s consent, informing the officers that it was also his house and he did not want it searched. Knowing his objections, the officers turned to Linda and asked, “Are you asking us to search the house?” Linda replied, “That’s right, I want you to.” Upon hearing Linda’s request to search the house, the officers searched Mason and Linda’s house, bedrooms and closets, and found six marijuana plants along with a Grow-Lux Lamp in the couple’s master bedroom closet. With these findings, the police officers arrested Mason and charged him with the cultivation of marijuana under the State of Republic’s Health and Safety Code Section 11358. The trial court denied Mason’s motion for suppressing the evidence, stating that Linda’s request to search the home was the only consent necessary to conduct the search. The Court of Appeals affirmed the trial court’s opinion and Mason appealed to the Supreme Court of the State of Republic.
ARGUMENT

ISSUE 1: Did Linda Bunter-Cedar have common authority over the couple’s residence to give consent to the search?

In *U.S. v. Matlock* (1974) 415 U.S. 164 [94 S.Ct. 988], the concept of common authority was addressed. Gayle Graff and William Matlock lived together in a house where they slept in the same bedroom out of wedlock. Mrs. Graff had many of her belongings within the house as well as the bedroom and the couple had been seen together at the house on numerous occasions to the point where the average person would conclude that they were co-inhabitants of the bedroom. The court ruled in this case that with Mrs. Graff’s belongings and time spent at the dwelling, she had established joint occupancy, resulting in a level of common authority. With the common authority she had, Mrs. Graff could consent to a search of the shared house.

In our case, Linda Bunter-Cedar is married to Mason Cedar, shares a home with him, sleeps in the same bedroom and has joint access to their closet. These facts are stronger than the facts of *U.S. v. Matlock* and therefore secure the concept of Linda Bunter-Cedar having a common authority of her shared residence. The rule from *U.S. v. Matlock* should be upheld.

In *Silva v. State of Florida* (1977) 344 So. 2D 559, where Mrs. Brandon consented to the search of Mr. Silva’s gun closet, the court ruled that the relationship between Mr. Silva and Mrs. Brandon did not constitute common authority based on the fact that Mrs. Brandon did not have regular access to the closet. The gun closet contained no belongings of Mrs. Brandon and it was strictly designated for Mr. Silva’s use. Common authority relies on joint access, which was not present in Silva’s case, however joint access is present in our case. Mrs. Bunter-Cedar’s joint access to the bedroom closet establishes common authority. Through the use of *U.S. v. Matlock* and *Silva v. State of Florida*, common authority needs joint access, which is present in our case, thus Mrs. Bunter-Cedar has common authority.
SUB ISSUE: Did the police officers have reasonable certainty that Linda Bunter-Cedar had common authority to accept her consent for the search?

Since it is difficult to prove actual common authority at the time of a search when consent is needed, the court ruled in *Illinois v. Rodriguez* (1990) 497 U.S. 117 [110 S.Ct. 2793] that the officers must believe with reasonable certainty that the third party giving consent has common authority. In *Illinois v. Rodriguez*, the police responded to a call by Gale Fischer’s mother claiming Gale had been beaten by her boyfriend. Gale consented to a search of Rodriguez’s apartment so the police could arrest him for battery. She commonly referred to the apartment as “our apartment” and also had belongings there. Based on the information Gale provided to the officers, they accepted her consent with a reasonable belief that she had common authority over the apartment. Although the court ruled that Gale had no common authority based on her being an infrequent visitor, the general rule of police officers relying on reasonable certainty to accept consent was maintained. Using the rule from *Illinois v. Rodriguez*, the police officers in our case used reasonable certainty that Mrs. Bunter-Cedar had common authority based on her statement that the marijuana was being grown in their "own bedroom closet."

ISSUE 2: Did Mason Cedar, the defendant, have a reasonable expectation of privacy by growing his marijuana plants in the bedroom closet shared by his co-inhabitant, Linda Bunter-Cedar?

In *Minnesota v. Olson* (1990) 495 U.S. 91 [110 S.Ct. 1684], Robert Olson became a houseguest at the duplex of two women after fleeing from a bank robbery pursuit. After discovering where Olson was located, the police arrived at the duplex and arrested Olson. The court ruled that Olson had a reasonable expectation of privacy as a houseguest and should not have been arrested without consent of entry or a warrant. In this case, Olson had a reasonable expectation of privacy because he was a houseguest who was the sole occupant of one room; however in our case, Mr. Cedar has no expectation of privacy because the closet is jointly accessible with his co-inhabitant.
Therefore, Mr. Cedar has no expectation of privacy in his shared closet, which is also supported by Silva v. State of Florida and U.S. v. Matlock. In Silva v. State of Florida, the court ruled that Silva’s gun closet, specifically designated for him only, warranted a reasonable expectation of privacy. In U.S. v. Matlock, the court ruled that Matlock could not assume an expectation of privacy because Mrs. Graff inhabited the bedroom as well. Mr. Cedar could only assume a reasonable expectation of privacy if the closet where he was growing marijuana plants was solely designated for him and not used by others. This was not the case; Mr. Cedar and Mrs. Bunter-Cedar shared the room and shared the closet, providing no expectation of privacy for Mr. Cedar.

**ISSUE 3:** Does the consent of one spouse invalidate the objection of the other spouse?

In People v. Haskett (1982) 30 Cal. 3d 841 [640 P.2d 776], the police entered the house of Mr. and Mrs. Haskett after consent provided by Mrs. Haskett. It was only after Mrs. Haskett gave consent that Mr. Haskett objected to the search. The police officers continued their search only in areas that were commonly occupied by both inhabitants. The court ruled that within co-occupancy, there is an assumed risk that one inhabitant will consent to a search without the permission of the other. This assumed risk was taken into account and therefore Mrs. Haskett’s consent was considered valid. In our case, by living together, Mr. Cedar assumed the risk that his co-occupant, Mrs. Bunter-Cedar, could consent to a search of their shared home. Based on the rule of assumed risk in People v. Haskett, Mrs. Bunter-Cedar’s consent to the search was valid.

In Randolph v. State (2003) 264 GA. App 396 [590 S.E. 2d 834], the police responded to a domestic disturbance call between Mr. and Mrs. Randolph. Mrs. Randolph accused Mr. Randolph of cocaine use to which the police asked for Mr. Randolph’s consent to search the house. When he replied
no, the police asked the wife who answered yes, so they began the search.

The court narrowly ruled on rights afforded by the Fourth Amendment that Mrs. Randolph's consent could not overrule the objection made by her spouse. This case is distinguished from ours because Mrs. Randolph had left for over a month, taking a large amount of clothing with her. In our case, Mr. Cedar and Mrs. Bunter-Cedar still lived together, and therefore a common authority had been established. As ruled in Illinois v. Rodriguez, Gale Fischer had no common authority to consent to a search based on the evidence that she had not recently occupied the residence. Therefore, Rodriguez's Fourth Amendment rights were upheld.

CONCLUSION

Based on the common authority rulings of U.S. v. Matlock and Illinois v. Rodriguez, Mrs. Bunter-Cedar made a valid consent to allow the police officers to search the home. Minnesota v. Olson and Silva v. State of Florida established a reasonable expectation of privacy in un-shared areas. Mr. Cedar has no reasonable expectation of privacy in a shared area of the home. People v. Haskett ruled that there is an assumed risk with co-occupying a residence and that the other occupant can consent to searches of shared space. Mr. Cedar assumed the risk of consent by his wife when both were allowed joint access to the closet. The consent given by Mrs. Bunter-Cedar was valid under her common authority, lack of a reasonable expectation of privacy in shared spaces, and Mr. Cedar’s assumed risk.

Respectfully Submitted on April 27, 2006,

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Untitled
Laura Bowers
Genocide In Darfur:
How The United Nations Is Responding To The Crisis In Sudan

By Ian McFarren

Recently, I had the privilege of competing in a Model United Nations tournament in Las Vegas, Nevada. Along with several other Chico State students, I represented the People’s Republic of China and became very familiar with Chinese foreign policy. I also had the privilege of being a member of the Security Council, which has the important task of attempting to resolve the most pressing international issues. One of the issues we discussed at the conference was the situation in Darfur. I was deeply disturbed by what I learned. I thought that genocide was a horror of the past, and that the world learned from the disaster of World War Two. I was wrong.

A major humanitarian and political crisis is occurring in Sudan. Death is omnipresent in Western Sudan's Darfur region. The government and its allies are ruthlessly suppressing ethnic groups, hoping to annihilate African tribes in the region. The death toll is estimated by most to be around 400,000 and is currently rising. (The Miami Herald 2006; Lor 2006). In addition, as many as 2.2 million people are thought to have been displaced or significantly affected by this horrible situation (Cook 2005). Although government officials often deny their role in the situation, eyewitness accounts suggest the government’s complicity. For example, Brian Steidle (2005), a former U.S. marine, witnessed a rebel group burn down Labado, a village of 20,000. At the edge of the village he found a Sudanese general who admitted to doing nothing about the looting and burning. He said his mission was to keep the road open to commercial traffic and that his men were not participating in the attack. Then a group of uniformed men drove by and the general explained they were going to get water. However, Steidle saw the uniformed men stop about 75 yards away, jump out, loot and burn a hut, and drive away (Steidle 2005).

The Sudanese government has primarily targeted the civilian population of the Fur, Zaghawa, and Masaalit ethnic groups, sometimes referred to as “Africans.” The government unofficially sponsors the Janjaweed Arab militia, which is drawn from some of Darfur’s “Arab” tribes. The government arms the Janjaweed, participates in joint military ventures with them, and uses them as a puppet to carry out their ethnic cleansing (United States Holocaust Memorial Museum Alert 2006). They are among the many armed groups in Sudan that recruit and use children in the conflict (Sudan Tribune 2006).
In response, rebel groups from Chad cross over the border to defend the African tribes as the turmoil spills into other countries. For example, thousands of refugees are crossing into Chad and other border states as families search for a safe place to hide. The situation in Sudan is thus affecting internal, regional, and global stability.

The UN is alarmed by this internal and external conflict, including the ethnic cleansing and state-sponsored terrorism. In fact, most countries have labeled the situation genocide, including the United States. Despite widespread support, however, the Security Council has not come to a consensus on genocide, with such countries as China and Russia refusing to do so. Because China and Russia are two of five countries that have the power to veto these kinds of UN resolutions, they are able to stall the peace process by threatening to veto the efforts to label the crisis in Darfur “genocide.” Unfortunately, until the Darfur situation has been labeled as a genocide by means of a Security Council resolution, the UN is limited in steps it can take to prevent further killings.

China and Russia are letting their economic and political agenda block efforts to save millions of lives in this genocide. For example, China has strong petroleum interests in the region. China is also Sudan’s number one import and export partner, as Sudan imports 20.7 percent of its goods from China, and exports 71.1 percent (CIA World Factbook 2007). China’s foreign policy is also one of restraint; it aims to avoid involvement in other countries’ internal affairs. Russia’s concerns are somewhat different. Russia is worried that if this situation is labeled genocide it would be a stepping stone to labeling the treatment of the Chechnyan people by the Russian government genocide as well. Both countries are also worried about intruding on the Sudanese government’s sovereignty by sending UN peacekeeping troops into the region against the wishes of the sovereign Sudanese government.

So, until countries such as Russia and China go along with a Security Council resolution labeling the situation in Sudan genocide, the UN and other countries cannot take more decisive action. If, on the other hand, the UN were able to pass a resolution, it and its member countries would be much more likely and would have more credibility to take “action” in Darfur, which means direct military intervention, either by UN troops or individual countries.

Due to the resistance of countries like China and Russia to the passage of any new UN resolutions to act in Sudan, the last resolution that the Security Council passed on the Darfur situation at the time of this writing was Resolution 1714 (Sudan Tribune 2006). It was passed on October 6, 2006. It recognizes the sovereignty of Sudan and calls for it to implement their Comprehensive Peace Agreement accepted in January 9, 2005. It established the United Nations Mission in Sudan (UNMIS) with troops coming from vari-
ous countries. It also notes that the UNMIS has not been able to carry out its full mandate because the “sovereign” Sudanese government has restricted it. This is a major problem because the UN troops cannot get to key areas. Resolution 1714 also expresses the Security Council’s grave concern over the recruitment and use of children in the conflict in Sudan.

While this last resolution is better than nothing, it still is not enough. Until the Security Council labels the situation a genocide, the Sudanese government’s sovereignty will not be in jeopardy and its actions against its own people cannot be thwarted.

What has and can be done? A major effort by U.S. citizens was a program called “Save the Night” where students everywhere in the U.S. marched in support of Sudanese people who are dying at the hands of their government. Although the U.S. government responded to the pressure from its citizens to label the situation in Darfur genocide, it is stretched thin militarily with high troop deployment in both Iraq and Afghanistan, and is resisting the call to take unilateral action in Sudan. Besides, unilateral action is probably not the solution; UN coalition forces taking action in Sudan would be a more powerful and a more viable option. However, until China and Russia agree to go along with the resolution, no multilateral action is possible and the peace process is stalled.

It is a shame that countries such as China and Russia put their economic gain and political agenda ahead of stopping genocide. The UN should put more pressure on China and Russia to help rather than stall the peace process in Darfur. Ethnic cleansing is occurring in Darfur, and millions of civilians, including women and children, are dying. And, we should put more pressure on our government to take even more action, especially in joining in the efforts to pressure China and Russia to cooperate.

You can go to www.savedarfur.org for more information. The Students Taking Action Now in Darfur (STAND) is a Chico State group dedicated to getting the genocide message out, and offers a great way of getting involved. Spreading the word and getting involved will help stop the biggest humanitarian crisis in our world today.

References


Projections
Blake Christopher Britton
The Perpetuation Of Patriarchal Power: The Afghanistan Case

By Amanda Flanders

Patriarchy is a distinct power system where men function as authority figures and hold privileged and powerful positions in the political, religious, military, educational, and cultural institutions within societies. It ultimately enables a small percentage of men to control the vast majority of women’s lives. Consequently, this control is used to enhance the status of men, thus enhancing the power of men.

Patriarchal power is used both covertly and overtly. It is achieved through a subtle socialization process, militant process, or the implementation of laws, religious practices, and/or social customs that debase women while they simultaneously uplift men. The overt assault against women manifests itself in several forms: assault, battery, infanticide, rape, trafficking for slavery or prostitution, and murder. On the other hand, covert assaults against women are perpetuated by social, religious, and political customs and traditions. Some results of these assaults include high poverty rates due to a lack of educational and job opportunities, limited levels of formal political participation, and the geographical displacement of disproportionately large numbers of women and children as refugees (Enloe 2000). By examining the agendas that undermine women—including the implementation of fear tactics, violence, and the enforcement of repressive social and traditional customs—we come to understand how patriarchal power is insidiously customized within societies. It thus becomes clear why most women across the world continue to lack basic human rights.

Because most countries reflect the patriarchal model, it is virtually impossible to overestimate patriarchy’s influence on the lives of women. Although examples of patriarchal power affect women worldwide, this paper argues that perhaps one of the most devastating illustrations can be witnessed in Afghanistan as a war continues and Afghan women are still struggling for their fundamental rights. Although one of the United States’ goals in waging war in Afghanistan was to liberate the Afghan women from the tyranny of the Taliban, conditions for women have not really improved. But before I turn to a discussion of why and how Afghan women continue to lack basic fundamental rights, I will first turn to a more general discussion of two of the most overt forms of patriarchal oppression—rape and murder—used against women worldwide. This will help to set the context for a discussion of oppression of women in Afghanistan and its perpetuation there.
Overt Perpetuation of Patriarchal Power: The Use of Rape and Murder

One manifestation of overt patriarchal power against women is rape. The act of rape or the fear of rape is an “omnipresent terror” that transcends borders, socioeconomic status, ethnicity, and caste (Morgan 1984, 20). Rape permeates the lives of women and negatively affects their emotional, mental, and physical health. Yet rape is pervasive across the world, particularly countries experiencing war. For example, during wartime, rape by soldiers is categorized as recreational rape, mass-scale rape, and national security rape (Enloe 2000). It has occurred most recently in Bosnia, Rwanda, South Korea, Afghanistan, and Iraq. In fact, Iraq serves as an example of how significant rape, and the fear of rape, is in oppressing women.

We might have expected that after the fall of Saddam Hussein and the extensive public discourse about the widespread sexual violence committed against Iraqi women during his regime, incidences of rape would have diminished. That is not, however, the case. Instead, the abolishment of “rape rooms,” an overt indication of violence against women used by the Hussein regime, has been substituted by covert abuse towards women through the implementation of fear tactics. Currently, Iraqi women are afraid to go outside of their homes because of the pervasiveness of abductions and rapes in the cities (Gabriels 2004). Because Iraqi women are fearful and isolated, their ability to hold positions of power in political or social institutions is adversely affected. Iraqi women fear for their safety if they dance in public or in state-sponsored shows; the stark reality is that there is no more public dancing, “only walking as invisibly as possible” (Lou 2006). The practice of rape is, therefore, an effective and powerful political and social tool to subvert women through the use of fear and silence, resulting in the “invisibility” of women.

Murder of women is another manifestation of patriarchal power, and surely its most overt forms of oppression. One of the underlying themes of murder around the world is that women are valued less than men and are therefore easily disposed. This notion rationalizes outright murder: murder for honor, dowry murder, and the practice of sati burning to name a few. Firstly, in some Islamic countries a husband is not punished if he kills his wife on their wedding night because of her failure to bleed—an assumption that she is unclean and unchaste. Secondly, dowry murder is prevalent in Southeast Asia where a woman can be killed if her full dowry price is not paid. Similarly, a woman can face an “accidental” death after her dowry is paid, which allows the husband to remarry and receive another dowry payment from his new bride. Finally, the practice of sati burning still continues in India. The patriarchal mentality that widows are valueless and invisible without the presence of hus-
bands reinforces the rationale that it is acceptable to kill them (Morgan 1984, 20). Although these examples focus on Southeast Asia and the Middle East, Western countries are not exempt, as many wives and girlfriends are killed by their husbands and boyfriends.

The Perpetuation of Patriarchal Power in Afghanistan

Although patriarchal power and its adverse effects on women are clearly evident via worldwide cases of murder and rape, it is important to look at a current example of how patriarchal power is used, which can be clearly illustrated by examining Afghanistan. Shah stresses that “In Afghanistan women’s rights are breached with impunity, regardless of who governs and whether or not a there is a Constitution” (2005, 256).

From the beginning, concerns for Afghan women’s issues were touted as legitimate reasons for the United States to intervene in the country (Brunet 2003). The Bush administration claimed the war had two objectives: to fight the War on Terror after September 11, 2001, and to liberate Afghan women (Goodman 2006). Unfortunately, the latter objective has not been fully achieved. It is important to recognize the factors that influence the continuation of patriarchal power within the country, which include the deterioration of Afghan’s women’s rights, the effects that wars have on women, the continued overt violence against women, and lack of funding to women. These four factors will help to explain why women in Afghanistan continue to lack basic fundamental rights.

The first factor is the deterioration of Afghan women’s rights depending on the government in power. According to Khattak (2002), there had been a slow progression in women’s rights in Afghanistan, although it was not until the 1964 Constitution that women were granted suffrage and access to equal pay. Women did make significant progress following the Constitutional changes. For example, until the early 1990s, women were active in public life: 50 percent of university students, 40 percent of doctors, 70 percent of teachers, and 30 percent of civil servants were women (Stabile and Kumar 2005, 768). Unfortunately, women’s rights provisions from the 1964 Constitution and the rights women gained since then were halted when the U.S. supported the anti-Soviet force called the Mujahideen that gained power in 1992 (after beginning their fundamentalist attacks on women starting in 1989) (Khattak 2002, 19). Stable and Kumar (2005) define the ‘Mujahideen’ as ‘holy warriors’ or conservative Islamic groups that set up a resistance movement to curb the pro-Soviet forces that were vying for regional power during and shortly after the Cold War. The Mujahideen, which then transformed into a coalition of
seven parties, ruled from 1992 until the Taliban came into power in 1996. The Mujahideen instituted several religious decrees that hindered women's rights and suppressed their involvement in governmental jobs. The wearing of the veil, which most women did not wear prior to the religious decree, was also instituted (Stabile and Kumar 2005).

Khattak (2002) argues that the Taliban lifted some of the constraints that halted women's rights that were put into effect by the Mujahideen, yet Stabile and Kumar (2005) assert that the four-part decree ordered by the Taliban regarding the oppression of women only made women's rights worse by ordering restrictions on free movement, the wearing of burqas, no education of school-aged girls until appropriate Taliban-approved instruction was instituted, and obligatory escorting of women by male relatives outside the home.

After the fall of the Taliban, in 2004 a new constitution under the U.S.-backed government was instituted with articles supposedly aimed at enhancing women's rights and abolishing the four-part religious decrees that the Taliban instituted.

According to Shah (2005), the 2004 Constitution attempted to reverse the deterioration of women's rights, yet several faults within the document need to be corrected in order for an improvement in women's rights to occur. Currently, the document is comprised of neutral, protective and discriminatory provisions regarding women's rights. In order for the Constitution to be effective, three requirements need to be implemented in order to correct some of the mistakes within the three provisions. The first includes reforming Islamic law to encompass gender equality. Next, political stability within the country needs to be created through the enforcement of the rule of law. Finally, Constitutional provisions need to be added in order to end discrimination against women thus giving women proper representation in all of Afghanistan's elected bodies of government (Shah 2005, 256). Therefore, in order for women to legally gain greater fundamental rights—gender equality; health, safety, and security based on political stability; and political participation—the 2004 Constitution needs to be revamped (Shah 2005).

Besides legal limitations, another factor that is inhibiting political stability and the effective enforcement of the rule of law is the ongoing wars in Afghanistan. In the 1990s, wars and a prolonged drought within the country forced many women and children off their lands and into refugee camps in order to survive. As women were isolated within 324 of these refugee camps, anti-women postures such as the ultra-conservative religious control and distorted teachings of Afghan traditions and culture emerged (Khattak 2002). The influence of conservative patriarchal views was pervasive, affecting more than 100,000 Afghan women and children. This further translates into Afghan
women having limited social, political, and religious voices within their country to stand up against the overt and covert violence against them because they are being taught that they cannot stand up for their rights or that they simply do not have any rights. Thus, Afghan women continue to be disproportionately affected by war, whether or not they are in refugee camps, and they have to cope with the possibilities of overt violence being committed against them such as domestic violence, murder, rape, and sexual abuse.

There continues to be outright violence committed against women in Afghanistan. Soldiers harass women and girls to the point that they are fearful of leaving their homes to go to school or to work because of the threat of violence against them. In addition, women are afraid to take off their veils in public because they feel safer with them. Forced marriages to settle tribal blood feuds continue, and domestic violence remains widespread (Shah 2005). In essence, having ineffective law enforcement creates an atmosphere where sexual assault, looting in cities and the outright murder of women continues without punishment. Furthermore, women are becoming assassination targets when they endorse women’s rights in public policy and decision making (Headlines 2006). This outright violence or the fear of becoming a target of outright violence makes it difficult for women to be active in the country’s reconstruction (Shah 2005, 241).

Furthering the violence against women, the U.S. decided that they knew how to help Afghans; Afghans needed to be bombed to be liberated (Khattak 2002). The prevailing assumption was that eliminating the Taliban through extensive bombing would automatically make women free (Goodman 2006). Continuing with this assumption, First Lady Laura Bush stated that the fight on terrorism is also the fight for the freedom and dignity of women. Her 2001 speech “put a feminist glow on some of the most brutal bombing of the 2001 campaign” (Flanders 2005, 276). For instance, during the first month of the campaign more than half a million tons of bombs were dropped (Khattak 2002, 19). Stabile and Kumar (2005) suggest that while the bombings took place under the guise of protecting women, the intervention had imperialistic undertones which include the protectionist scenario, Orientalism, and the white man’s burden. The U.S. action thus embodied the basic imperialistic notion that white men can correctly and justly save the brown women from real or imagined oppression, an assumption which flies in the face of the fact that “militarism by the world’s imperialist powers never improves the lives of women and children” (Stabile and Kumar 2005, 769-70).

One factor that could help improve the lives of women and children, besides ending the violence against them, would be to fund projects to help them regain their rights. The disenfranchisement of Afghan women continues
due to the lack of both funding and of jobs made available to them. This lack of funding continues despite monetary support from the World Bank and the U.N High Commission for Refugees (Khattak 2002). Unfortunately, when looking at the power dynamics within the country it becomes clear that men are controlling the funding decisions, which equates to no monetary consideration for women. If the Afghan political, religious, and social status quo suggests that women are not worthy of funding (once again visibility, value, and status are the core factors influencing a patriarchal mentality), then it becomes clear why their funding needs are not being considered. Yet even when President Bush signed the 2001 Afghan Women and Children Relief Act, he did not include a funding provision within the act; nor did he include one in his 2003 budget (Flanders 2005). He apparently wanted to symbolically demonstrate that he supported Afghan women and children, yet did not actually demonstrate his support through a funding provision. Therefore a few powerful men in the world are determining the funding, and in essence the destinies, of Afghan women.

Conclusion

The implementation of rape and murder policies as methods of power to control women further affect women’s levels of formal political and social participation within countries. Patriarchal power reinforces itself in a vicious cycle. As women grapple with the factors of visibility, status, and value, men continue to exert their power in overt and covert ways. It is important to examine Afghanistan because it brilliantly demonstrates how overt and covert uses of power create a climate of fear for women and further demonstrates the perpetuation of global patriarchy. For instance, raping and murdering women are overt ways men exercise their power over women in Afghanistan. On the other hand, men covertly exercise their power by not directly funding educational programs for Afghan girls or by not protecting the fundamental rights of Afghan women through appropriate provisions within the 2004 Constitution. Furthermore, there is an intimate connection between power and politics. As women wrestle to become power-holding participants within societies, men struggle to hold on to their power. Unfortunately, this power shift cannot occur without an attitudinal shift away from traditional patriarchal mentalities by Eastern and Western countries. Finally, there must be a relinquishment of some of the power that men hold over women, which is most notably political and religious. Only when shifts in attitudes and power dynamics occur will the dismemberment of the global patriarchal giant begin.
References


The Golden State

Michael Kuker
Security Or Demography?
The West Bank Barrier As A Demographic Tool

By Kristofer J. Petersen-Overton
San Diego State University

Introduction: The West Bank Barrier

On June 16, 2002, Israel began to construct an elaborately designed barrier around the West Bank.¹ Such an endeavor was not unusual, nor was it a new policy practice for Israel.² Yet, the West Bank Barrier (WBB) has become the most expensive domestic project ever undertaken by the Israeli government, comprising a complex network of electronically sensitive fencing, stacked barbed-wire coils, concrete walls, watchtowers, ditches, patrol roads, and trace roads for detecting footprints.³ The WBB's path has inevitably undergone a range of modifications, though it differs significantly from the Gaza barrier in one respect: it is built on the Palestinian side of the 1949 Green Line. This difference has arguably been the most important legal nuance of the project and has led to a massive swell of opposition, from both the resident Palestinian population and the international community. Yet, after much debate, including attention from the High Court of Israel, the International Court of Justice, the United Nations, and the United States, the planned 681 kilometers of barrier is virtually complete.

Plans for physical separation from the occupied territories have been considered occasionally throughout Israeli history for a variety of reasons, though Israel has maintained self-defense concerns as the sole motive for the WBB. The barrier, it is argued, serves temporary needs for the security of Israeli citizens in the midst of Palestinian militant attacks. Indeed, construction of the barrier began within two years of the al-Aqsa Intifada’s explosive outbreak and has been consistently hailed by the Israeli Defense Forces (IDF) as an effective deterrent to militant attacks. Furthermore, Israeli representatives often mention the ease with which they plan to dismantle the WBB once “final status” is negotiated and peace finally brokered.

Much research has already been contributed to the debate regarding the international legality of the WBB, whether or not the barrier violates the human rights of the occupied Palestinian population, and whether it is an effective annexation of Palestinian land. While I will deal with these issues, the overall purpose of this study is not to question the barrier’s legality, nor is it to launch general accusations. Rather, I will examine a specific benefit Israel enjoys as a result of the WBB—namely the demographic benefit. When the
International Court of Justice at the Hague (ICJ) ruled on the WBB in 2004, it raised compelling issues of demography and especially the clear effects the barrier was having on the population balance—issues the High Court of Israel (HCI) did not consider in its own analysis. Yet, the demographic implications of the WBB are significant, and this paper is an attempt to give due consideration to such consequences. The first section reviews rulings by the HCI and the ICJ, respectively, and examines the legal justifications both for and against the WBB. The second section examines the self-defense argument offered to justify the WBB. Given the contextual and unfolding consequences of the WBB, it is clear that demographic, rather than security concerns, provide a better explanation for Israel’s drive to construct the WBB.

International Law and the Politics of Self-Defense

To identify potential political factors leading to the construction of the WBB, it is first necessary to consider the viability of Israel’s national security justification for the project itself, according to international law and the legal rights and obligations Israel has as an occupying power. This section considers the legal questions raised by Israel’s decision to build a physical barrier in the West Bank. I will focus primarily on international laws pertaining to the WBB and will rely on two separate rulings by the ICJ and the HCI as my main guides. I will identify the primary legal citations used by the two courts to determine their respective opinions on the matter and point out controversial aspects. In defense of the WBB before the HCI, representatives of the state of Israel cited Article 51 of the United Nations Charter: the “inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.” This argument is both morally sustainable and relatively safe from criticism. Yet, the degree to which Palestinian attacks necessitated the WBB, as Israel claims, remains to be seen.

Before anything else, it must be understood that both the ICJ and the HCI have officially recognized the West Bank as an occupied territory, and despite the unusual nature of the occupation (especially Israel’s complicated relationship with the fourth Geneva Convention), international law assumes jurisdiction. Israel denies the de jure applicability of the fourth Geneva Convention to the West Bank and often cites the laws of belligerent occupation instead, which implicitly acknowledge a legal relationship between both the occupant and the occupied (Israel and the West Bank Palestinian population respectively). These laws afford Israel a range of ambiguous powers without explicit regard to the humanitarian concerns of the occupied Palestinian population. When such humanitarian concerns have been raised in the past, the HCI has
generally applied the principle of proportionality, which is the right of a state to restrict the liberty of an occupied population only if such restriction is deemed proportional to security needs.\textsuperscript{7}

In 2004, the local village council of Beit Sourik, a small Palestinian village in the West Bank, petitioned the HCI in response to the WBB. They challenged the right of the IDF to seize Palestinian property, as it had done in some cases, and decried the de facto annexation of portions of the West Bank to Israel as a breach of international law.\textsuperscript{8} Israel’s sole justification for the WBB rested upon a platform of self-defense, adhering to the precept that security demands necessitated such measures and that the fourth Geneva Convention even condoned Israel’s actions.\textsuperscript{9} Moreover, the HCI specifically noted that Israel

\begin{quote}

cannot order the construction of the separation fence if [the] reasons are political. The separation fence cannot be motivated by a desire to ‘annex’ territories to the state of Israel. The purpose of the separation fence cannot be to draw a political border.\textsuperscript{10}
\end{quote}

If questions of demography figured at all into Israel’s decision to build the WBB, they would have been impossible to present before the Court. Self-defense was the most convincing reason Israel could have possibly cited. However, it would be prudent to carefully scrutinize this argument considering Israel’s past relationship with the fourth Geneva Convention.

International law, according to the fourth Geneva Convention, is very clearly opposed to the development of settlements in an occupied territory by citizens of the occupying power.\textsuperscript{11} The ICJ has long condemned Israel’s policy of establishing Jewish settlements in the West Bank, and for the purposes of this study, all such settlements will be regarded as illegal.\textsuperscript{12} Because Israel’s continued encouragement of such settlement is a clear violation of the fourth Geneva Convention, the enthusiasm with which Israeli representatives cited passages from the Convention in the Beit Sourik case raises legitimate suspicions. It is also significant that the HCI, ruling in the same case, did not once consider the political concerns of the petitioners beyond flatly denying that demographic issues were at stake or even relevant. The Court proceeded to uphold Israel’s right to seize Palestinian land and to construct the WBB insofar as the damage inflicted upon the occupied population remained proportional to the security concerns of the IDF. This ruling led to a few minor alterations of the barrier’s proposed route and monetary compensation for seized land, yet the barrier was ultimately approved. Through arguing self-defense as a singular concern before the HCI, Israel was able to gain domestic legal legitimacy for the WBB—a significant achievement.
Nine days after the HCI issued its ruling on the WBB, the ICJ at the Hague began considering arguments at the request of the United Nations General Assembly as part of an advisory hearing to rule on the “legal consequences of the construction of a wall in Palestinian territory.” Although Israel declined to participate in the hearings, the Court reviewed Israel’s official argument: Israel possesses the inherent right to protect its own citizens based equally on Article 51 of the U.N. Charter and Article VIII of the Oslo Accords, which requires Israel to maintain jurisdiction of all matters of defense in the occupied territories. Those opposed to the WBB focused on de facto annexation by stressing the difficulties incurred by Palestinian attempts at self-determination since the barrier’s construction had commenced in 2002. The ICJ issued a harsh blow to Israel’s position by interpreting Article 51 of the U.N. Charter, the so-called self-defense clause, as irrelevant to the case. It was reasoned that because Palestinian militants do not act on behalf of a state actor per se, Israel was not authorized to retaliate against the collective Palestinian population of the West Bank. It is this position that has been so hotly debated by international lawyers. Many rationalize that because the United States was granted authority by the Security Council to invade Afghanistan in response to attacks by non-state actors on September 11, 2001, Israel equally deserves the right to protect itself from the actions of non-state actors (Palestinian militants, for example). On September 12, 2001, the Security Council passed Resolution 1386, which upheld the right to “combat by all means” the “threats to international peace and security caused by terrorist acts.” Israel cited the Resolution in defense of the WBB, yet there are significant differences between Israel’s barrier and the American response to 9/11. The attacks against Israeli targets during the al-Aqsa Intifada all originated from within territory occupied by Israel, thus the campaign of violence prosecuted by Palestinian militants cannot be imputed to a foreign state—as was the case with the al-Qaeda attacks against the United States in 2001. This implies that an occupying power is not required to maintain an occupation and whatever resistance it encounters as a consequence is thereby provoked. The ICJ reasoned that Article 51 can be invoked against a state actor and only against non-state actors if the aggression can be imputed to another state.

There has also been a great deal of controversy in light of the fact that Israel did not exist when the Fourth Hague Convention was ratified in 1907 and is not then bound by its authority. Upon review, this argument falls apart. In 1946, the International Military Tribunal at Nuremberg, while trying Nazi leaders for war crimes, determined that “rules laid down in the [Fourth Hague] Convention were recognized by all civilized nations, and were regarded as
being declaratory of the laws and customs of war.” Moreover, as recently as 2004, the High Court of Israel itself found,

The military operations of the IDF in Rafah, to the extent they affect civilians, are governed by Hague Convention IV Respecting the Laws and Customs of War on Land 1907 ... and the Geneva Convention Relative To the Protection of Civilian Persons in Time of War 1949.

It is unclear how far these rights were meant to extend, but certainly Israel’s refusal to regard the West Bank occupation with the same legal deference suggests an alternate perception of the West Bank—allowing it to be treated as a separate entity. Because the Fourth Geneva Convention was applied as a supplement to The Hague Convention of 1907, Israel has often tried to circumvent the doctrine. Thus, the recent recognition of the fourth Geneva Convention and, along with it, the Fourth Hague Convention in its entirety, represents a significant step forward for Israel’s legal stance on the occupation. The decision came only after decades of ignoring pleas from the international community. Moreover, three U.S.-vetoed Security Council resolutions formally called for Israel to apply the Conventions. Thus, for Israel to now argue against adopting the same standards for the West Bank occupation seems churlish at best.

Aside from such various technicalities of international law, the ICJ adopted a very different approach from the HCI. The ICJ examined an important facet of the case more carefully—one the HCI had almost entirely ignored—the question of demography. Compelled to measure the proportional defense benefits of the barrier against Palestinian humanitarian concerns, the ICJ considered the number of Palestinians forced to depart from land seized by the Israeli government in relation to the defense benefits of the WBB. In doing so, the Court discovered a trend of forced eviction or direct isolation of Palestinians from land in the path of the WBB, occurring with greater frequency near urban industrial areas. International law tolerates such confiscation of property only when there is an absolute defense motive, yet the non-function of U.N. Charter Article 51 in the case had virtually castrated Israel’s legal argument. Legally, Article 51 was Israel’s strongest defense for the barrier and, had the ICJ agreed to its applicability in this case, may have dramatically altered the Court’s final decision. The proportionality of self-defense to Palestinian human rights, as realized via the WBB, was found to heavily favor Israel to the peril of Palestinian self-determination, economic growth, and hopes for future peace. Moreover, the final advisory opinion noted that the route of the barrier, with all its topographical peculiarities, “gives expression
in loco to the illegal measures taken by Israel with regard to Jerusalem and the [West Bank Jewish] settlements as deplored by the Security Council.”\textsuperscript{10} Most relevant to this study, the Court found discomfort in knowing that the massive abandonment of requisitioned land by Palestinian residents, coupled with the further encroachment of Jewish settlements, “is tending to alter the demographic composition of the Occupied Palestinian Territory.”\textsuperscript{21} Based on these demographic concerns, the Court ultimately found the WBB to exist in fundamental breach of international law and ordered the immediate cessation of its construction. It was also decided that Israel should dismantle what sections of the barrier were already in place and provide ample monetary compensation to those individuals displaced by the construction. Although fourteen of the fifteen judges serving on the Court voted in favor of this outcome, Israel has not yet complied.

It must be noted that an advisory opinion issued by the ICJ is not binding; such a ruling is merely a recommendation. The Court’s advisory ruling is more significant symbolically than it has been practically. Thus, reactions to the ICJ’s decision have been necessarily mixed. The United States rejected the advisory opinion of the ICJ. Moreover, American disdain for the ICJ in this particular case was universally bipartisan.\textsuperscript{22} White House spokesman Scott McClellan noted, “We do not believe that [the ICJ] is the appropriate forum to resolve what is a political issue.”\textsuperscript{23} Senator John Kerry, simultaneously campaigning for the Presidency, mentioned that he was “deeply disappointed by [the] International Court of Justice ruling related to Israel’s security fence” and that “the fence is not a matter for the ICJ.” Furthermore, the U.S. Congress voted 361-45 in opposition to the ICJ’s decision. House Deputy Assistant Majority Leader Mike Pence declared that when the Court “described Israel as an occupying power in Occupied Palestinian Territory, it was most assuredly a dark day and a day of disgrace for the International Court of Justice.”\textsuperscript{24} Erstwhile, House Majority Leader Tom Delay, recalling a recent trip to the West Bank, stated, “I did not see occupied territory; I saw Israel.”\textsuperscript{25} Israel also expressed outrage over the ICJ’s opinion. Raanan Gissin, a senior aide to the Prime Minister stated, “I believe that after all this rancor dies, this resolution will find its place in the garbage can of history.”\textsuperscript{26} Israeli Prime Minister Ariel Sharon also made the point, albeit in less poetic terms: “The State of Israel absolutely rejects the ruling of the International Court of Justice in The Hague.”\textsuperscript{27} Many of the nations in support of the ICJ’s opinion, however, viewed the outcome as a moral victory over Israel. They observed that the HCI is too often able to skirt international law by maintaining a safe level of detachment from the occupation. In the past, when the HCI has ruled on issues challenging Israel’s hegemony in the region, it has overwhelmingly sided with the state.\textsuperscript{28}
Examples of this deference include seminal judgments that have permitted the building of settler roads, the deportation of Palestinian prisoners outside of the occupied territories, administrative detentions, house demolitions and collective punishment, the denial or revocation of residency status and family reunification, and, until recently, torture.\textsuperscript{29}

The HCI has expressed general apathy towards Israel’s “separation cum discrimination” laws, which govern the civil rights of individuals according to ethnic and religious background.\textsuperscript{30} Moreover, the Court has simply avoided deciding whether the Fourth Geneva Convention can be applied \textit{de jure} to the West Bank occupation. Some have suggested that such an acceptance of the Convention would oblige the Court to finally consider the legality of Jewish settlements in the West Bank, something it has not yet done and probably will never do.

Without dwelling entirely on the minutiae of relevant passages of international law, one can also search for potential patterns of judicial bias by reviewing the past records of both courts on matters concerning Israel’s occupation of the West Bank. While the HCI is well known for maintaining a socially liberal position on individual rights, sexual orientation and freedom of expression, its record on the occupation seems almost to exclusively favor state consolidation of Israeli dominance in the West Bank.\textsuperscript{31} Such a tendency leads one to question the Court’s capacity for governmental oversight on the matter. Contrarily, the ICJ does not have a particularly obvious record of opposition to Israel—let alone evidence for inane accusations of anti-Semitism.\textsuperscript{32} Apart from the advisory opinion in question, there has been only one other time the Court has even formally addressed issues involving Israel.\textsuperscript{33} Moreover, even though it was the Jewish-American judge on the Court, Thomas Buergenthal, who cast the dissenting vote, his views did not conflict with the Court’s to such a degree that he was prepared to submit a formal dissenting opinion. Instead, he chose to summarize his decision as a separate declaration, in which he states,

My negative votes with regard to the remaining items of the dis-positif should not be seen as reflecting my view that the construction of the wall by Israel on the Occupied Palestinian Territory does not raise serious questions as a matter of international law. I believe it does, and there is much in the Opinion with which I agree.\textsuperscript{34}

Judge Buergenthal proceeded to uphold the Court’s position on the Israeli government’s tolerance of Israeli settlement in the West Bank, describing such settlements as “\textit{ipso facto} in violation of international law.”\textsuperscript{35}
Regardless of Israel’s motive for building the WBB, it seems very likely that the project violates international law. Israel has been inconsistent in its own defense, applying and denying the Fourth Geneva Convention at leisure. As mentioned earlier, this inconsistency leads one to question Israel's motives. I believe there is a connection between the HCI’s recognition of the Fourth Geneva Convention in Rafah and the withdrawal from Gaza less than three months later. I also believe that Israel’s reticence to apply the same standard to the West Bank is tantamount to recognition of a demographic vulnerability in the West Bank. Applying the Convention would seem to imply an independent Palestinian state or at least a level of Palestinian autonomy Israel is not willing to accept. The very fact that the WBB extends deep into Palestinian territory to include 80 percent of the Jewish settlements is more evidence that demographic considerations should not be ignored. Therefore, I conclude this section with serious misgivings about the sustainability of Israel’s legal argument for the WBB. However, it is still possible that the barrier, regardless of international legality, does achieve significant defense results. I will consider this possibility in the following section.

**Defense Versus Demography: Two Justifications**

While Israel was able to gain legal credibility for the WBB domestically, the international community overwhelmingly supported the clear decision of the ICJ. The UN General Assembly voted 150-6 in favor of enforcing the Court’s opinion. Acting against this consensus, Israel chose to continue construction and today the wall is virtually complete, apart from a few disputed extensions. Yet, to step away from international law for a moment, it is relevant to analyze the barrier according to its purported intent: self-defense. I will examine the efficacy of the barrier as a self-defense mechanism, regardless of international legality, insofar as it has allowed Israel to thwart terrorist attacks. I will systematically dissect key points of the security argument, and consider possible external factors that might have been incorrectly attributed to the WBB. Finally, I will further scrutinize the HCI Beit Sourik ruling, revealing inconsistencies and problems underscoring the Court’s general passivity on matters regarding the occupation.

There has been a range of official reports highlighting the curb in terrorist activities since construction of the WBB began. Unfortunately, it seems that the only relevant studies have been conducted either by the Israeli government or by the IDF. Thus, for a lack of more neutral sources and without the means to personally verify the results, I have no way of knowing the accuracy of such information. The challenge for the independent researcher is to view
such information in the context of a range of external factors, which may have collectively contributed to the results. A superficial review of these studies leads one to a quick and singular conclusion: the WBB works—at least for the purposes Israel claims to have built it. Stage A of the WBB, the most northwestern section of the barrier, was completed in July 2003. During the first half of 2004, the IDF managed to prevent every suicide bomb attack from this region, especially attacks originating from the Nablus and Jenin regions. From the beginning of the al-Aqsa Intifada in 2000 until the completion of Stage A, a total of 35 Palestinian suicide bomb attacks were successfully detonated in Israel, killing 156 and injuring hundreds more. Now, because of the disadvantage for militant strikes, the central hub for the Palestinian offensive has moved from Nablus and Jenin to East Jerusalem, where the barrier is still undergoing changes. Rather than increasing such attacks in Jerusalem, it is argued that with fewer borders to patrol, the IDF is now more likely to intercept would-be attackers. The IDF’s data seemingly corresponds. From the beginning of 2004, more than 2000 Palestinians have been apprehended while trying to enter Israel, of whom 58 were attempting to detonate a bomb. This trend has led many to herald the security benefits of such a barrier. Yet, such statistics are not entirely relevant until put in context.

During the first Intifada, from 1987 until the Peace process began in the early 1990s, the frequency of Palestinian attacks resembled something of a bell curve. Once the Intifada began, the intensity of attacks escalated quickly and correspondingly diminished after the peak of heavy violence had passed. Overall, there were rises and dips in the violence (Saddam Hussein’s 1990 invasion of Kuwait reinvigorated the Intifada, for example). However, from the climax to the nadir, a gradual, downward trend was apparent. Interestingly, Israeli retaliation during the first Intifada grew increasingly more severe, despite such lulls. It has been suggested that, with or without the WBB, Palestinian attacks would have naturally decreased during the al-Aqsa Intifada faced with steadily mounting Israeli retaliation. Indeed, over 3,000 Palestinians were killed by the IDF between December 2000 and the cease-fire negotiation of February 8, 2005—more than half of whom were not involved in the fighting and more than six times the number killed during the first Intifada. Yet, the number of Israeli civilians killed by Palestinian militants in Israel peaked in 2002 even before completion of the first stage. A sort of bell curve also appears in the fatalities suffered by Israel during the al-Aqsa Intifada. In this case, Israeli retaliation also became increasingly harsh as the Palestinian offensive waned. During 2004 alone, the year Israel cites as an example of the apparent decline in Palestinian attacks, the IDF killed 812 Palestinians—even more than in 2003, when Palestinian attacks were significantly more frequent.
Thus, to automatically attribute the decrease in attacks to the WBB discounts another possible explanation. It is also possible that a steadily increasing Israeli retaliation in the face of waning Palestinian violence, both in the first and the al-Aqsa Intifadas, has helped to prevent militant attacks.

There is no dispute that the WBB has provided at least some compelling self-defense results, yet whether or not a similar barrier, built on the Israeli side of the Green Line, could have achieved these results is an uncertain and highly contentious point. In the Beit Sourik case, security experts on both sides argued over the necessity of the proposed route. The Beit Sourik petitioners argued that because the planned route wove intrusively deep into Palestinian land and often very close to Palestinian villages, Israel could not presume to cite security as a sole concern. They argued that the very proximity of the barrier to Palestinian villages would further incite hostility from the occupied population while simultaneously making it easier to attack patrolling IDF soldiers. According to the official record,

Distancing the planned route from Israeli towns in order to seize distant hilltops with topographical control is unnecessary, and has serious consequences for the length of the separation fence, its functionality, and for attacks on it.⁴³

This implies that the Beit Sourik petitioners would have withheld such fervid opposition to a barrier built on the Israeli side of the 1949 so called “Green Line.” This fence around Gaza, built closely along the 1948 borders, and the mild outcry was cited as an example of Palestinian tolerance of legal barriers. Israeli respondents claimed, sparking a hypothetical debate among security experts on both sides, that a barrier on the Green Line would be a political border and not a security border, thereby defeating the purpose.⁴⁴ The HCI went along with this argument and, having already stated that a political barrier would be forbidden, appeared to make an indirect comment on the matter. To build the barrier on the Green Line—since it is allegedly political—would have been forbidden. This notion of the Green Line as a purely political border, possessing inferior defensibility options has since become a sort of pro-barrier mantra across the Israeli political spectrum. Further stressing this point, Israel argued, “The [current] fence is not a border and has no political significance. It does not change the legal status of the territory in any way.”⁴⁵ In reality, such an assertion has proven more difficult to ensure, even if avoiding “political significance” was an Israeli objective.⁴⁶

The WBB has undergone a series of metamorphoses since the prospect of physical separation was formally adopted by the Sharon government. At the 2000 Herzliya Conference, Dr. Arnon Sofer of Haifa University, an outspoken
proponent of permanent Israel-Palestinian separation, delivered a presentation outlining his plan to prevent the eventual demographic “end of the Jewish state of Israel.” Speaking at the conference, Sofer suggested a plan to isolate the occupied Palestinian population into three geographically separate cantons. The first would encapsulate land from Jenin to Ramallah, the second, from Bethlehem to Hebron (without access to Jerusalem), and the third would surround the city of Jericho. Ariel Sharon had attended the conference and was apparently interested in Sofer’s plan. Historically against physical separation, as it seemed to conflict with the Greater Israel vision, Sharon had already begun to flirt with the idea by the time he attended the conference. Despite the idea having traditionally been espoused by the Israeli left, it is possible to trace Sharon’s motivation to endorse a barrier. Whereas the Labor party, most notably under the leadership of Yitzhak Rabin, had considered the benefits of a barrier along the Green Line, Sharon’s intent was to encourage further Israeli settlement while isolating the Palestinian population centers of the West Bank. Hence, on February 6, 2001, the day Sharon was elected Israeli prime minister, Dr. Sofer received a telephone call from the new prime minister’s representatives “and they asked [him] to bring the maps.” The route that emerged was approved by the Israeli cabinet in October 2003. This manifestation of the WBB “would have effectively annexed around 16 percent of the West Bank, while leaving scores of settlements, outposts, military areas, and 700 kilometers of Jewish-only roads beyond the wall to the east.” This was, to use Sharon’s own description, the “Bantustan” plan that both the ICJ and the HCI ruled on in 2004.

The original WBB route was virtually indistinguishable from Dr. Sofer’s vision, effectively imprisoning the majority of the West Bank Palestinian population in three strongly militarized enclaves. In February 2005, Sharon changed the path of the wall into its modern manifestation, more or less. Why did Sharon change his mind? In contrast to the original plan, the present barrier does not create such conspicuous Palestinian cantons. It follows the Green Line more than the original plan, albeit on the Palestinian side, and annexes far less land in its attempt to include as many Israeli settlements as possible. Though less sweeping in scope, the remaining similarity between the original plan and the current barrier is the physical reinforcement of Israel’s annexation of East Jerusalem and the other 10 percent of the West Bank now on the Israeli side of the WBB. The approximately 49,000 Palestinians on this land, caught between the WBB and the Green Line, have either been forcibly removed or have been granted only temporary permission to remain on the land. Israel has not expressed any intention to assimilate these people into the Israeli population, and it would seem that “through settlement expansion, restrictions on entry
into Israel, and isolation from PA [Palestinian Authority] services, the likelihood is that these enclaves will wither away." Israeli citizens, including settlers, are authorized to move freely throughout these areas without a permit. It is in such an outcome that one is afforded a glimpse at Sharon’s intent. Incidentally, such an outcome also verifies one of the central concerns expressed by the ICJ in its advisory opinion of the matter—specifically that the WBB is altering region’s demography. According to Shaul Arieli, an Israeli cartographer and former military advisor to Ehud Barak, “The rationale is to create the conditions for voluntary transfer so that the Palestinians will abandon their homes and go [east] to the big Palestinian cities.” Such conditions make it “possible to expand the borders of Israel without paying the demographic price, because if you change the demography, you change the geography.” Therefore, demography was a factor. Under the original route, 400,000 Palestinians would have been caught in the “seam-line” between the WBB and the Green Line. 400,000 refugees would have created a problem for Israel tactically, especially under the scrutiny of the international community; Forty-nine thousand was more manageable number. Sharon’s logic is then easier to follow, deftly summarized by Dr. Sofer’s response when asked to explain the percentage of his separation plan directed by demography and the percentage directed by security when he said, “One hundred percent demography.”

Many of the changes the WBB route has undergone can be attributed to Israeli settlements in the West Bank, another point the ICJ found unacceptable given the illegal status of such settlements. Israel maintains that it is “ready and able, at tremendous cost, to adjust or dismantle [the] fence if so required.” Israel, it is argued, has demonstrated its willingness in the past to alter the WBB’s course with regard to Palestinian humanitarian concerns. In early 2004, Israel dismantled and summarily reconstructed sections of the barrier near the town of Bakal al-Sharkiya. In the Beit Sourik case, the HCI obliged Israel to alter the WBB’s route where the hardship wrought upon the local Palestinian population was deemed unnecessarily disproportionate to Israel’s defense needs. Again, this time to comply with the HCI’s ruling, Israel dismantled and rebuilt sections of the barrier outside a town near Jerusalem. Yet, apart from complying with the HCI’s demands and coordinating other minor changes, the route adopted in February 2005 has diverged from the original plan only insofar as it has not created three separate Palestinian cantons. Thus, apart from the “cantonization” of the West Bank, the western face of the barrier has maintained every other intrusive element, even provoking criticism from the United States regarding the especially intrusive inclusion of Ariel. For the barrier to include Ariel, the sixth largest of the Israeli settlements, it now cuts more than 17 miles into the West Bank. Israel has certainly
proven that it is “willing and able to...adjust or dismantle [the] fence,” but this has typically applied to the WBB’s further intrusion of the West Bank.

Many of the WBB’s modifications have been crafted around carefully coordinated settler lobbies. For example, the Alfei Menashe settlement of 5,000 residents, located outside the Palestinian city of Qalqiliya, was not originally set for inclusion on the Israeli side of the barrier. The Israeli residents were understandably concerned with the prospect of being cut off from Israel, and when they discovered this, the dismayed town council took action. After petitioning the government and discussing with Ariel Sharon himself, it was suggested that a separate barrier be erected around the settlement, independent from the WBB. The residents were unhappy with this outcome, concerned about entering hostile Palestinian territory upon leaving the settlement and continued to petition for inclusion. Ultimately, through their actions, the Israeli Defense Ministry decided to include Alfei Menashe within the greater barrier, thereby physically preventing the Palestinian towns of Qalqiliya and Halba from growing into one another (an outcome the settlers had feared).

The decision was devastating for the Palestinian cities, especially for Qalqiliya, which now finds itself entirely surrounded by the WBB, sealed off from the rest of the West Bank, except for a single military checkpoint. Consequently, 600 of Qalqiliya’s businesses have closed and 20 percent of the population has left the city. The entire endeavor, on Israel’s part, added an additional NIS 130 million to the overall cost of the barrier. In light of so many other costly modifications, some have questioned Israel’s assertion that the barrier is a temporary measure. Asked about his role in petitioning the Israeli government to isolate Qalqiliya and Habla, Eliezer Hasdai, head of the Alfei Menashe local council boasted, “We’ve moved the Green Line.”

In 2004, when the HCI ruled on the Beit Sourik case, all arguments of demography were dismissed by the Court. Although the Court declared that Israel could not build a barrier with political intentions, it went to great lengths to avoid determining whether or not the barrier was political in practice. After hearing arguments put forward by the IDF, the Court found that “these are security concerns par excellence. In an additional affidavit, Major General Kaplinsky testified that ‘it is not a permanent Fence, but rather a temporary Fence erected for security needs.’ We have no reason not to give this testimony less than full weight, and we have no reason not to believe the sincerity of the military commander.” Once the Court had established this tentative basis for the security argument to proceed, it could proceed to trivialize Palestinian petitions based on the applicability of proportionality. Yet, proportionality is an inherently subjective notion of measurement. It has been observed that, in weighing comparative benefits between military security and
humanitarian concerns, the Court has most often accepted strong military allowances. For instance, based on the proportionality model and without confirming evidence, the HCI controversially upheld Israel’s policy of house demolitions as a deterrent to Palestinian resistance. Ironically, the HCI continued to reject petitions seeking to prevent house demolition even as the IDF independently ceased such operations in February 2005. A government study had found the practice of house demolition provided only marginal benefits compared to the deeper resentment and hatred it fostered in the Palestinian population. The Court’s position on the WBB has similarly failed to fully consider the long-term implications of the WBB. As Israeli journalist Tom Segev has written, “When it comes to the occupation, the court has been far from its image as the stronghold for the defense of human rights.”

To allow the confiscation of private land to proceed in Beit Sourik, the HCI referred to its own legal corpus, rife with affirmative rulings that have allowed the construction of “roads, settlements, barriers, administrative offices, and military facilities in the name of occupation.” The temporary nature of such construction is questionable, however. In 2002, when the IDF first began to confiscate Palestinian property to make way for the WBB, it was issued seizure warrants valid until the end of 2005. The military regime governing the occupied territories, however, allows for the indefinite extension of such permission and has thereby rendered these seizures effectively indefinite. As Michael Lynk has written, “the HCI ignored the historical record of the conflict that there is nothing so permanent as a temporary Israeli installation on occupied lands.” Another insufficiency with the HCI ruling was its lack of scrutiny towards the barrier’s inclusion of Israeli settlements. Against all evidence, the HCI rejected the claims that the WBB was a political barrier in this respect. Offering no argument to support its decision, the Court was then able to entirely avoid addressing the inclusion of settlements like Ariel and Alfei Menashe. To do so would have jeopardized the security argument, as the Court would have been forced to consider the de jure applicability of the Fourth Geneva Convention in the West Bank.

In order to fully grasp the HCI’s reasoning in the Beit Sourik case, one must review the process of determining proportionality. Justice Barak discussed this concept at considerable length given its importance to the case. Essentially, the Court was confronted with the simple question of determining whether the means reasonably justified the ends. In other words, could the WBB be justified by increased security benefits, and was this a reasonable justification? To arrive at this decision, the IDF also had to assess whether the amount of suffering inflicted upon the Palestinian population was the least possible under the proposed plan. Last, and most important, was the relation-
ship between the WBB and Palestinian suffering proportional? To address the first question, the Court heard from both sides, for which the arguments were naturally polarized. Ultimately, because a reasonable relationship between the WBB and security seemed natural, the Court found this requirement satisfied. Whether or not the WBB was built so as to inflict the least amount of suffering was more subjective. According to B’Tselem, “Israel is once again relying on security arguments to unilaterally establish facts on the ground that will affect any future agreement between Israel and the Palestinians,” and that the WBB “is the most extreme solution that causes the greatest harm to the local population.” Unbelievably, despite the number of alternative and less-restrictive measures that could have been pursued by Israel to increase security, the Court found the WBB to be the least injurious. As discussed earlier, the question regarding proportionality of Palestinian suffering led the Court to order the IDF to dismantle approximately ten kilometers of the barrier, where the intrusion was especially offensive. Yet, this is where the Court ended its legal analysis. According to Graham Usher, the HCI failed to review an additional two factors required by international law: “(1) Is the occupying power facing an actual and pressing state of necessity? and (2) does the measure in question violate an absolute prohibition in international humanitarian law?” If not dramatically altering the Court’s decision, these two additional considerations would have at least expanded the range of considerations one typically expects from a democratic court of law. By solely examining the latter question, the Court would have been forced to address the question of Israeli settlements and, through that, the de jure applicability of the Fourth Geneva Convention. Ultimately, it is the Court’s hesitancy to rule on this applicability that has historically skewed decisions regarding the occupation heavily in favor of the Israeli military regime.

This section has attempted to place Israel’s self-defense argument into a relative analytical context. I conclude that although the WBB has provided some credible security results, the chronological proximity of the 2005 ceasefire agreement to the barrier’s completion has prevented serious analysis of any derived security benefits. Yet, the noticeable decrease in Palestinian violence prior the completion of the first stage suggests at least some alternative factors, such as waning popular interest in the Intifada faced with steadily increasing Israeli retaliation. Israel has repeatedly argued that the present route has been entirely determined by security concerns and that, had the barrier been built on the Green Line, it would have violated the HCI’s demand for the wall to remain apolitical. Furthermore, Israel has attempted to argue its willingness to remove offensive sections of the wall in order to diminish any negative impact on the lives of West Bank Palestinians. Yet, this has not
been the reality. Israel contradicts itself by claiming the barrier has been built entirely around security needs, while the vast majority of the alterations have been clearly aimed at including more settlements on the Israeli side of the WBB. Thus, Israel is both unrealistic in assuming a singular security purpose for the barrier and in maintaining the barrier’s political neutrality. By forcing thousands of Palestinians to relocate as it carves deeply into the West Bank, the WBB’s very nature is political. The HCI, being historically averse to addressing the issue, declined to seriously consider the possibility that the barrier was built to encompass Israeli settlements within its protection. These points lend further credence to the implicit demographic undertones of the WBB, a legitimate consideration that should have been addressed by the HCI but was dismissed based on an incomplete and skewed method of measuring proportionality.

Conclusion

This study has been confronted with the uncertain task of arguing a point heavily reliant upon current, unfolding events. While any research involving such developing issues faces the potential threat of quick and merciless invalidation, it is perhaps even more difficult when applied to the rapidly changing political environment of Israel. Any qualms of this nature were quickly replaced with further confidence in my conclusion, however, as I closely followed Israeli politics, parallel to my research. When I began, the WBB’s future seemed further solidified with the rise of Hamas and Israel continued to maintain the self-defense argument. Yet now, newly-elected prime minister Ehud Olmert speaks freely of his “convergence plan” to unilaterally draw Israel’s permanent borders along the WBB. The eventuality predicted by the WBB’s opponents seems to have become mainstream political rhetoric. Olmert is beginning to realize the long-term benefits of the WBB and speaks less of security than he does of permanent borders and of unilateral withdrawal.

Though Israel has been able to successfully avert a number of potential militant attacks since the construction of the WBB, the demographic implications are serious enough to warrant concern. That Israel has applied separate legal standards to the West Bank raises suspicions—especially with regard to the WBB’s justification. The WBB’s path has frequently altered with respect to Israeli settlements and without consideration for the potentially increased hatred this may inspire in the Palestinian population, which seems to undermine the security argument. Furthermore, thousands of Palestinians caught within the seam-line have been stripped of their land and sent east, leading the ICJ to express concern over the demographic toll the WBB was taking in the
West Bank. Moreover, the HCI’s failure to address the political implications of the WBB in the context of Israeli settlement renders their ruling on the barrier incomplete and lends further credence to the notion that security may not be the primary intent. Despite the relative security benefits, it is clear that the WBB allows Israel to more easily annex Palestinian land, strengthen the occupation through the forced removal of Palestinian Arabs and to continue to exercise hegemony in the West Bank.

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Endnotes

1 There has been much controversy surrounding the legal status of this barrier and various arguments raised regarding its status as a wall or a fence. In practice, it is both, though for the sake of convenience (and neutrality), I have chosen to refer to this particular project as the West Bank Barrier (hereafter WBB).

2 A similar barrier was built around Gaza in 1994.


4 The original study, written as my senior thesis, contained a final chapter of the importance of demography to Israeli policy from 1948 until today. I have shortened this paper by removing the last chapter.


7 Israel, High Court of Justice, *Beit Sourik Village Council vs. the State of Israel*, HCJ 2056/04 (30 June 2004): par.32.

8 See Geneva Convention IV, Art. 53: “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.” [emphasis added].
9 Israel, High Court of Justice, Beit Sourik Village Council vs. the State of Israel, par. 12.
10 Ibid, par. 27.
11 See Geneva Convention IV, Art. 49: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”
12 United Nations, International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, par. 99.
13 Ibid.
15 United Nations, International Court of Justice, par. 122.
17 United Nations, International Military Tribunal of Nuremberg, 30 September & 1 October 1946.
18 Israel, High Court of Justice, Physicians For Human Rights, Etc. vs. IDF, HCJ 4764/04 (30 May 2004): par. 10.
19 See Security Council Resolutions 446, 471, and 607.
20 It should be noted that Judge Buergenthal, in his separate declaration, argued that the ICJ was not provided with ample evidence of the barrier’s security benefits and the Court, therefore, should not have ruled on the matter.
21 United Nations, International Court of Justice, par. 122.
29 Ibid.
32 Charges of anti-Semitism have sometimes been leveled at the United Nations and the International Court of Justice by strongly Zionist individuals. While I have not reviewed the possibility of such a bias within the General Assembly, I have no reason to suspect such bigotry of the ICJ after having examined a great deal of the court’s past decisions.
35 Ibid. Moreover, having survived the Jewish ghetto of Kielce in Poland and both the Sachsenhausen and Auschwitz death-camps, one can hardly ascribe Judge Buergenthal’s sentiment to covert anti-Semitism. Such accusations are quite entirely baseless.
36 United Nations, International Court of Justice, par. 119.


Israel, High Court of Justice, Beit Sourik Village Council vs. the State of Israel, par.18.

United Nations, International Court of Justice, par. 116.; Based on Israel’s response to the ICJ’s Legal Consequences, I take it for granted that such a statement refers only to requirements imposed by the HCI.


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Eliezer Hasdai cited in Meron Rappaport.

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CSU, Chico Student Services

Katelyn Hampton
Introduction: The Model United Nations Position Papers

Much like its namesake, the National Model United Nations found its roots in the League of Nations as the Model League of Nations formed in 1923. As the world emerged from World War II, the United Nations was formed in 1946 and its youth-oriented simulation followed suit. Currently a non-governmental organization of the United Nations, the National Model United Nations formally incorporated as a 501c3 nonprofit of the United States under the name National Collegiate Conference Association in 1968.

Each year, students from universities around the world attend National Model United Nations Conferences. In the fall, all Chico State members in good standing are encouraged to attend the American West regional conference in Las Vegas. Those who are deemed most successful in advancing their country’s foreign policy are invited to continue with the team in the spring semester. The team’s culminating event involves traveling to New York and competing in the world’s largest collegiate conference. The 2007 National Model United Nations Conference marks the conclusion of months and often years of preparation. During this annual five-day conference, more than 3,000 students, representing over 200 universities, convene to research, debate, compromise, and vote. Conducted only blocks from the headquarters of the United Nations, this simulation mirrors the form of the United Nations, which requires participants to function within the rules of diplomacy. Each delegate is required to research the foreign policy of a given country, and then apply it to a variety of specialized topics. In addition, delegates are required to give formal and informal speeches, work in small and large groups, and draft technical documents. Finally, the delegates vote on policy as prescribed by the foreign policy of their particular country or organization.

The Model United Nations delegation at California State University, Chico is a student based academic organization that studies many aspects of the United Nations, as well as other significant international organizations. This multi-discipline approach to the teaching of international relations educates students on the goals and functions of the UN, and quite often propels students into a lifetime of involvement in world affairs. To accurately represent the assigned countries, the CSU, Chico delegation prides itself on thoroughly researching the background of a topic, as well as staying up-to-date on developments which affect the substance of the issues assigned for discussion. Students work diligently, knowing that these documents serve not only as a
guide for the team’s delegates in their respective committees, but are also forwarded along to the conference organizers, as well as to members of the permanent missions of the United Nations.

For six years running, the CSU, Chico delegation has been awarded outstanding achievement awards for position papers. The delegation takes great pride in these awards because it reflects the dedication and discipline practiced by its members. The following position papers represent the 2006-2007 Chico State delegation.

In order to prepare the position papers, each student is asked to participate in certain skill building exercises. First, each student researches a country’s policy on a given issue or issues. After collecting the information, each student writes the country’s policy and objectives into a position paper. This paper is used later as a reference and resource in some of the later activities. After writing the position paper, students engage in a variety of public speaking activities, including most importantly, giving speeches presenting and promoting the policy of the government they are representing.

Hand-in-hand with the speeches are the caucuses. These are informal discussions where students, again, attempt to advance their country’s policy through the arts of negotiation and persuasion. Lastly, our students collaborate to create a working paper, which is a collection of ideas from a group of countries, that represent their proposed solutions and ideas on the topic before them. After this, they are voted on, and if passed, they become UN resolutions.

This is a year-long process, and, as our students will attest, an academically challenging one. The biggest building blocks, and the part we are going to share with you here in Studium, are the position papers. In preparation for the New York Conference, our students have been researching a variety of topics from Venezuela’s point of view. Following, you will find some of the most thoroughly researched and best presented papers our students have to offer this year.
The issues before the International Hydrological Programme are: the impact of Climate Change on Water Resources, Water as an Agent of Cooperation, and Urbanization and Water Management Challenges. The Bolivarian Republic of Venezuela validates the undeniable importance of water accessibility and distribution to the developing world, and we are eager to work with the global community to ensure long lasting cooperation among Member States as well as to create a system that will be free of discrimination and decontaminated of neo-liberalism.

I. The Impact of Climate Change on Water Resources

The Bolivarian Republic of Venezuela is deeply alarmed by the negative consequences of Climate Change on Water Resources given that clean drinking water is the most essential source of life and its scarcity is a pressing socio-economic issue. Venezuela acknowledges that although global efforts have been made to mitigate the negative impacts of climate change, they fall short when compared to the degree of danger that climate change poses to mother earth and her peoples. Venezuela is eager to contribute to the creation of systems that will empower sovereign nations and create concrete socialist results where water is not seen as an economic commodity, rather as an inalienable human right. Venezuela has maintained an undeniable commitment to the Universal Declaration of Human Rights (UDHR), specifically Article 25, paragraph 1, stating that “Everyone has the right to a standard of living adequate for their health and well-being of himself and his family.” Furthermore, in line with our prior commitments, Venezuela supports A/RES/54/175, which states that “The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the International Community.” In the Bolivarian Republic of Venezuela we are treating 100,000 liters of water each second in order to provide the 26 million inhabitants of Venezuela with drinking water. By now 94 percent of all inhabitants in the cities receive treated tap water and in the countryside, this percentage is up to 78 percent. With this data, the Bolivarian Republic of Venezuela has already reached the Millennium Development Goals, which states that the number of people without sustainable access to safe drinking water should
be cut in half by the year 2015, and we fully support other nations on this achievement. It is under the Bolivarian government that Venezuela has increased the number of people receiving treated drinking water by 3.5 million. This has been possible through the Mesas Técnicas, which are community-led committees that negotiate national water policies with the water company. Furthermore, the Bolivarian Republic of Venezuela acknowledges that the first step to ensure water accessibility to all inhabitants is to nationalize the water systems in order to improve infrastructure and populace participation, therefore, we encourage all Member States, especially those in the southern hemisphere, to adopt similar socialist reforms. Aware that fresh water resources are vital for the continuation of life for the Southern hemisphere as well as planet earth, we believe that nations must see climate change as the most pressing issue facing the world today due to its promises of extreme catastrophes, and with international compromises we can mitigate the negative consequences for future generations. As it is recognized by the United Nations Framework Convention on Climate Change (UNFCCC) and previously agreed upon with A/RES/56/199, countries must continue their commitment to implement the principles of “common but differentiated responsibilities,” and Venezuela strongly condemns developed nations who are historically responsible for more than 60 percent of the greenhouse gases (GHGs) added to the environment in the last hundred years, especially those Member States who have failed to fulfill the requirements of other international treaties such as the which Venezuela signed on February 18, 2006. Specific actions have been outlined for Member States in the Kyoto Protocol in order to reduce the environmental impact of human activities and reach the goal of the reduction of GHGs emissions by 5.2 percent below the 1990 levels, in which progress has yet to be seen. Venezuela recalls A/RES/60/197, which urges Member States to ratify the Kyoto Protocol in a timely manner and notes the global threat of their failure to do so. Given the world’s previous agreement that “climate change is a common concern of mankind requiring immediate global action,” as set forth in A/RES/42/53, Venezuela also reminds Member States of previous commitments set by this body in the Millennium Development Goals, Agenda 21, and at the World Summit on Sustainable Development in regards to the importance of water access. Noting with concern the acknowledgment made in A/RES/58/215 which stipulates the extreme vulnerability of poor nations to the negative consequences of climate change, and how they will experience the harsh consequences first, Venezuela once again urges developed nations to assume responsibility of their industrial actions as they create a threat to the survival of rest of the world. Our strong commitment is to provide every inhabitant with the necessary water accessibility sufficient for their health and
development and to not allow the inactions of certain countries to further jeopardize our survival and progress. Thus, Venezuela further recommends the creation of systems that will not hinder national sovereignty and that will promote water accessibility to all peoples, especially those that have been continuously oppressed by the neo-colonial powers.

II. Water as an Agent of Cooperation

The Bolivarian Republic of Venezuela is extremely concerned by the threat of armed conflict due to the shortage and deterioration of both ground and surface water resources in regard to future consumption. Stressing the importance of Article 25, paragraph 1, of the Universal Declaration of Human Rights, “everyone is entitled to an adequate standard of living,” the Bolivarian government views water as a catalyst for peace and unity among fellow Latin American countries. Guided by A/RES/58/10 which acknowledges a zone of peace and cooperation in the South Atlantic, this delegation reminds this body of our commitment to the creation of a Latin American alliance that will further expand our ability to provide fresh water resources to all of our people, as well as to our brothers and sisters in Latin America. Emphasizing A/RES/45/36, in which we reaffirmed “the determination of the states of the zone to enhance and accelerate their cooperation in the political, scientific, cultural, and other spheres,” Venezuela underlines the importance of a centrally unified South America in the fight for potable water for the future. We invite all Latin American leaders to entertain the manifestation of a shared water community, where there will be no place for water commercialization. We strongly emphasize the fact that, “water is a birthright [and] if commercialization continues, the 21st century will be plagued by armed conflict.”

Venezuela encourages all Member States to nationalize their water resources and to shift away from privatization or all other forms of water commercialization. The Bolivarian Republic recalls General Comment No. 15, which emphasizes the right to water as the cornerstone for realizing all other human rights and calls for water to be treated as a social and cultural good, not primarily an economic good. Under the Bolivarian government, we have been able to provide clean water taps within 100 meters of rural homes, resulting in a 70 percent increase in rural water availability; therefore, we strongly recommend all Member States to adopt mechanisms similar to the Venezuelan Social Reform. Currently, eight countries—Brazil, Bolivia, Peru, Ecuador, Colombia, Suriname, Guyana, and the Bolivarian Republic—share the Amazon River Basin, which is the longest, widest, and deepest freshwater course, discharging approximately 210,000 m³ of water a second, representing about 20 percent
of the world’s total freshwater resources, making it an area of potential water related conflict. The Bolivarian government pays tribute to the unity that a shared river basin generates and applauds the work that has been undertaken in the prevention of armed conflict in our region. The people of Bolivar reaffirm the importance of the Amazon Cooperation Treaty Organization (ACTO), ensuring that the Amazon region is one of the main pillars to our identity as a country and a region. Venezuela and the other members of ACTO “have highlighted the importance of continuing the interlocution process about issues of mutual interest, to serve as baseline to future actions pertaining to water resources.” Venezuela supports A/RES/58/60, which continues the support of the ACTO that “underlines the revitalization of a regional center for efforts made for the implementation of regional initiatives and has intensified its contributions to the coordination of United Nations efforts towards peace and security.” Recurring issues of constant national sovereignty have brought to our attention the concern of boundary conflicts within the Amazon River Basin. The Bolivarian government believes that the pursuit of achieving freshwater resources for all Member States is concomitant with the unification of a Latin American Union. Moreover, the creation of a Latin American Union facilitates the idea of infrastructure sharing, technology transfer among regions, and encourages mutually beneficial relations between all Member States. Affirming A/RES/53/24, Venezuela encourages all Member States to take actions for the promotion of a culture of peace through the sharing of information among actors on all relevant hydrological initiatives. Our constant commitment to the peaceful uses of regional hydrologic wealth and the realization that such shared resources will always serve as a catalyst for relations among states, encourages the development of a Latin American Union and future regional cooperation.

III. Urbanization and Water Management Challenges

Currently, more than one billion people do not have access to water and 2.6 billion inhabitants lack adequate sanitation, most of whom live in the developing world. Before the International Development Committee produces its report in April 2007, a census will show that more people will be living in cities rather than rural areas. This rapid growth of urbanization is threatening the large majority of people that lack proper access to water and sanitation since they will reside in these urban areas, leading to a rapid rise of urban poverty and waterborne diseases. As previously agreed upon in A/RES/46/121, extreme poverty is a violation of human dignity, and such dignity includes the access to safe drinking water, therefore, the Bolivarian Republic of Venezuela
is restless to address the water challenges which include water scarcity, sanitation, decentralization, population growth, gender equality, and economic limitations. Moreover, “water is critical for sustainable development” as set forth in A/RES/58/157, hence it is in the interest of this body to comply with the global compromise of reducing the number of people that lack access to water by half, as outlined in the UDHR. Furthermore, this delegation reiterates its commitment to stop the systematic violation of the right to water for every human being as the developing world finds its way to development. The Bolivarian Republic of Venezuela proudly reminds this body of the important step forward to meet the challenges of urbanization when the UN Commission on Sustainable Development at the 2005 summit embraced public-public partnerships as part of the list of measures to be implemented. The people of Bolivar in cooperation with a number of countries have already developed different models of partnerships between the public water operations and the communities. The Bolivarian Republic of Venezuela proudly announces the creation of a Communitarian Water Delivery program where the local communities, the water utilities and elected officials, cooperate in communal water councils to identify needs and priorities for infrastructure improvements. Together, they allocate available funds and develop joint work plans.

Furthermore, the Bolivarian Republic of Venezuela endorses a Social Control Mechanism as the avenue to resolve the urbanization challenges in regards to this precious “blue gold.” Venezuela encourages other Member States to adopt similar programs which have proven successful after being implemented in countries such as Brazil, Bolivia, Ghana, and Argentina. It has been under this communitarian approach that the Bolivarian Government has been able to reach such astonishing results. The national coverage of drinking water has increased from 81.2 percent in 1998 to 89.3 percent in 2003, whereas sewage collection went from 63.8 percent to 71.7 percent. This success has been possible by allowing civil society to monitor and control allocated fresh water resources, and by improving capacity building activities such as information dissemination. It is the belief of this delegation that, “without the commitment of everyone around a water system, there is no solution.”

Calling attention to the horrific fact that 1.8 million children die as a result of diarrhea and waterborne diseases, Venezuela urges Member States to recognize that sanitation is parallel to water accessibility, and it must be central to the projects of urbanization. Venezuela recognizes that women and children, mostly poor, are systematically excluded by policies that limit their access to clean water and are thus relegated to tolerate the largest health and social burdens. It is only through local empowerment that we will be able to see global change; therefore, Venezuela encourages Member States to target subsides to end structural
inequalities where the rich benefit and where the poor do not obtain even minimum amounts of clean water. It is the belief of this delegation that water inequality is not due to physical unavailability, but caused by the systematic injustices which have been structuralized and perpetuated through political processes that disadvantage the poor and only benefit private companies. Therefore, the Bolivarian Republic of Venezuela encourages all Member States to create State-owned operations that will provide the necessary infrastructure to empower those in need and that will ensure citizen participation and accountability to the inalienable human right of access to water.
Position Paper For The Joint OPEC-IEA Workshop

By Ian McFarren and Tanner Songer

The topics before the Joint OPEC-IEA Workshop are: Challenges in Assessing Global Oil Demand Prospects, The Impact of Energy and Environmental Practices on Oil Demand and Evolving Oil Consumption Patterns and Structures in Key Oil Demand Growth Regions. The Bolivarian Republic of Venezuela realizes the significance of all subjects on the current agenda for our mutual economic, social, and technological development and will work toward greater equality, transparency, and efficiency in the global petroleum market.

I. Challenges in Assessing Global Oil Demand Prospects

The Bolivarian Republic of Venezuela is fully aware of the implications growing global oil demand will have for the economies of producer and consumer states alike, given the fact that petroleum and its associated products are non-renewable sources of energy. The key to this dilemma being that information regarding global oil reserve supplies is not available to Members of the OPEC and the IEA in a fully accurate, transparent, and efficient manner, thus inhibiting accurate prediction of future demand in relation to available future supply. As outlined in the OPEC report *Oil Outlook to 2025*, Venezuela is worried by the prospect that future petroleum demand predictions, in conjunction with rapid economic growth, mainly in regard to China and India establishing themselves as economic superpowers, are potentially based on imperfect statistical measures which could lead to global economic recession should global oil demand outpace diminishing oil availability. The negative consequences of such a crisis would irreversibly and negatively affect both petroleum consumer states and OPEC Member States. Fortunately there are clear expectations that the global oil resource base is sufficient to meet demand growth rates of 1.5 mb/d or a 1.8 percent increase per annum as figured using the OPEC *World Energy Model*. Venezuela supports efforts made by the IEA to be a primary repository of petroleum related data and seeks to work closely with the Members of the European Union (EU), many of which are also IEA members, through initiatives such as the *EU-OPEC Energy Dialogue*. Venezuela reminds Members of both organizations that we are all collectively and largely unwillingly affected by petroleum market speculation and huge “paper” crude
volumes negotiated in global futures markets which distort per barrel pricing as well as oil reserve data. We view these practices as unacceptable anomalies of the free market global order and therefore have begun to nationalize our own petroleum production and as a result have a majority stake in all new oil extraction and infrastructure development ventures. Through this process the government will have a strong and vested role in ensuring that production estimates and remaining reserve estimates are accurate in order to maintain stability in oil markets and domestic economic growth. Producers and consumers alike must acknowledge that international oil companies (IOC’s) and their respective governments (consumer states), who seek guarantees of access and pricing, must in turn accept that we (producers) have no obligation to meet their demands without fair and evenhanded acceptance of our demands. As delineated in A/RES/1803 XVII, OPEC Members have the sovereign right to exploit national oil reserves as they see fit as our peoples are the sole owners of our subsoil. So long as foreign companies accept without reservation our petroleum funded development aspirations, they will be welcome to operate in our country. In support of this position, the government of Venezuela has enacted the Hydrocarbon Law in order to ensure that production by the Venezuelan national oil company (PDVSA) and its foreign affiliates meet current energy demand without oversupplying global petroleum stocks. While Member States continue to develop measures which further enhance understanding of demand trends, we must simultaneously ensure that new reserves are being sought out and developed. Venezuela stands ready to both accept foreign investment in our national petroleum development and work cooperatively through PDVSA in order to exploit the huge oil reserves which still lie in our largely undeveloped Orinoco belt region. Our Orinoco Magna Reserva project will place our nation in the position of having the largest global, heavy crude oil stocks in the world, with current estimates of around 316 billion barrels of future extraction capacity. We hope to work cooperatively with the IEA to ensure that this data is available to all nations by encouraging all Members of this workshop, and all other nations for that matter, to provide regular and fully disclosed monthly production and consumption data to the Joint Oil Data Initiative (JODI). Only when all Members of the United Nations (UN) have access to fully transparent oil market data projections, through the United Nations Industry and Energy Statistics Section and the other affiliates of the JODI, will we truly create a global petroleum market that is informed in character, efficient in practice, and reliable in the future.
II. The Impact of Energy and Environmental Policies on Oil Demand

The Bolivarian Republic of Venezuela recognizes the potential impacts that mutual energy and environmental policy adaptations can have on petroleum consumer and producer states alike. As producer states we, the Members of OPEC, face a paradoxical situation in which our economies are tightly bound to the health of global oil markets while many industrialized nations (many belonging to the IEA) are increasingly unsure of the geopolitical stability of the oil producing regions of the world and are thus seeking alternative energy sources. The industrialized nations of the world face a bittersweet situation in that petroleum is and will remain an easily available and relatively cheap source of energy (especially in terms of personal transportation) though it is inherently polluting and limited. With the rise of purchasing power in China and India and therefore a rise in personal automobile ownership, gasoline and diesel consumption will continue to rise in disregard of the fact that carbon dioxide emissions are irreversibly warming the global biosphere. As a party to the 1972 Conference on the Human Environment, Venezuela fully recognizes the danger of both current and future carbon dioxide emissions projections, thus we have worked to decrease our domestic usage of fossil fuels. We currently use large quantities of domestically produced, clean burning natural gas and renewable hydroelectricity, 43 percent and 21 percent of national electricity production respectively. Though we are a non-Annex I country under the Kyoto Protocol and thus not required to reduce greenhouse gas (GHG) emissions, we have voluntarily enacted measures to reduce GHGs, and currently we have three new hydroelectric plants under construction. Alternative energy utilization is a costly venture which we have funded largely through our oil revenues. While the industrialized nations move slowly to protect the environment, the Bolivarian people, under the leadership of our President Hugo Chavez, have sought to utilize oil profits to increase social spending, improve infrastructure and make more efficient all aspects of our society. We realize that in the long-term oil demand will eventually come to a halt as supplies are eventually depleted and environmental degradation worsens. The industrialized nations will then be forced to diversify their energy usage and/or sourcing. However, as long as there is demand for oil, we will sell it for the simple reason that it is necessary for the diversification of our economy which suffered greatly under the neo-liberal regimes of the past. International oil companies (IOC’s) from the neo-imperialist states of the North and their policy of “apertura” (opening) with regard to Venezuelan oil, robbed our people of the profits that are rightfully Venezuelan. Currently, there is no viable economic alternative to the sale of petroleum and its associated products in order for the Venezuelan economy to flourish, and we know full well that the greed
of certain northern, industrialized nations will not allow them to enact truly effective environmental and alternative energy policies. Therefore, oil demand will continue to grow among the Organization for Economic Cooperation and Development (OECD) states from 49.3 mb/d in 2005 to 55.8 mb/d in 2025 according to OPEC’s report Oil Outlook to 2025. Being already in the process of renewable energy diversification we also plan to use oil revenue to diversify our domestic economy in a way which steers us away from single export dependence. We know full well the ramifications that single export reliance portends and thus we encourage all petroleum dependent economies to begin diversifying their export orientation in order for an eventual shift away from petroleum reliance. Petroleum is a limited financial blessing, and though we plan to exploit this source of profit in the short term, we know it will not provide our people with a long-term sustainable future. By using oil revenue to improve public health, education, and infrastructure and to diversify energy resources and export activities now, we will be economically and industrially equal to the OECD states when the petroleum based global economy comes to an end. Until such time Venezuela wishes to stress that as an OPEC nation we are in the unique position of being largely disconnected from the social chaos and turmoil which currently embroils the Middle East and North African (MENA) region. With our huge and largely untapped heavy crude deposits in the Orinoco Belt region (~316 billion barrels), which is also one of the most bio-diverse regions in our nation, we welcome long term, environmentally friendly petroleum industry investment. For this project we have teamed almost exclusively with foreign national oil companies—Petropars (Iran), Petrobras (Brazil), CNPC (China) and ONGC (India)—with first production slated for 2008. Simultaneously, we are working to increase refinery capacity in order to accommodate the large amounts of heavy crude we will soon be producing for the world. In the words of our President Hugo Chavez, and in line with the OPEC Statute, Venezuela seeks to ensure an adequate supply and just supply [of petroleum] for the necessary development of the world, preservation of our natural resources, and the necessary resources for the development of all peoples.

III. Evolving Oil Consumption Patterns and Structures in Key Oil Demand Growth Regions

The Bolivarian Republic of Venezuela realizes that certain countries’ economic growth and development will affect future oil markets within expanding growth regions with developing and/or industrializing countries having the largest effect on constantly evolving oil consumption patterns. Given
the projected demand of these states’ energy needs and resulting market impacts, an adequate assessment of future oil demands and consumption patterns is imperative for future stability within the market. Analysis of producer-consumer relationships has proven imperative, hence the need for close dialogue between OPEC and the IEA. Venezuela is gravely concerned by the uncertainty surrounding future demand for OPEC oil, which stems from world economic growth, the alternative energy policies of consuming countries, technology development, and the supply capability of non-OPEC producers. Venezuela knows full well the needs of all developing countries, especially considering the rise of China and India and their resulting impacts on ever-evolving oil markets. We believe that the most accurate information and statistics on these countries, as well as other oil importing, developing countries will increase the confidence of investors and assist in market stabilization. Venezuela stresses the importance of sharing reliable information between the IEA and OPEC, along with other organizations such as the EU, in order to make the most accurate predictions of future oil market activity, thus we are moving quickly to enhance our own participation in the Joint Oil Data Initiative (JODI). Further, Venezuela encourages increased research into the economic prospects of key countries such as India and China as well as industrial growth transparency among developing countries who will account for 80 percent of the future increase in world crude oil demand. Given that OPEC Member States are developing nations, we know how to assist our fellow developing economies and provide just rates. We support OPEC Member efforts to do all that we can to keep prices at reasonable levels, including increasing production by some 4.5 million b/d since 2002. Venezuela believes that many oil importing developing states that require expanded energy services for their continued development should be monitored to ensure that their economic activities do not cause global economic or environmental instability. Venezuela has and will continue to serve as a model for developing countries, as we use our oil revenue to improve every aspect of society benefiting our future economy and the Venezuelan people, while simultaneously ensuring that industrialization does not cause extreme environmental or social degradation. We also recognize the importance of the ability to access much needed investment, capacity building, and technology transfers into developing countries. According to Mr. Mohammed Barkindo, these transfers of knowledge and expertise would: pave the way for these countries to explore cleaner, more environmentally friendly ways to develop, while continuing to further the advancement of the three pillars of sustainable development, namely economic growth, social progress, and environmental protection, at both the local and global levels. Considering that the World Energy and
Economic Outlook projects a 71 percent increase in energy consumption over the 2003 to 2030 period, with much of the growth in energy demand occurring in non-OECD Asia (China and India), the impact of their governmental policies on energy demand is extremely important and must be closely monitored in the years to come. Therefore, Venezuela seeks a good understanding of policy developments and their potential impacts on the major demand growth regions as they will prove essential for providing a realistic outlook for demand. The World Marketed Energy Consumption “by Country” Grouping lists Asia as having the largest average annual percent change of 3.7 percent, a shift from 83.1 to 223.6 quadrillion BTU’s, between the 2003-2030 period. According to this outlook for world energy consumption, worldwide oil consumption will rise from 80 million barrels per day in 2003 to 111 million barrels per day in 2025. Producers and consumers alike must be cognizant of the fact that since 1993, China has been a net importer of oil, a large portion of which comes from the Middle East with net imports expected to rise to 3.5 million barrels per day by 2010. Ever watchful of energy development, Venezuela is seeking to assist China by working bilaterally with Colombia to develop plans for downstream activities in order to eventually supply China with Venezuelan crude. For their part, China has shown interest in diversifying its sources of oil imports and has invested in oil fields around the world with a significant portion of funds allotted to CNPC (the Chinese national oil company) for the multi-national development of our Orinoco Basin Magna Reserva Project. By allowing oil stocks to expand to five-year highs in 2006, the OPEC Members have prepared for future demand in the global market. Although Russia is currently raising its oil output and is a top non-OPEC oil supplier, the country is known for its uncertain economic future and troubled oil sector. We are encouraged by current projections that non-OPEC producers will not be able to match the demand growth forecast over the next 20 years and OPEC Members will increasingly be expected to supply the enormous demand surge. By 2025 OPEC production, including natural gas liquids, could be as high as 54 mb/d, compared with 30 mb/d now. Given that OPEC nations control two-thirds of the world’s crude oil reserves, the Organization has the level of resource base capable of comfortably meeting projected demand. Given that the IEA estimates Chinese and Indian demand will grow 970,000 barrels per day (bpd) this year, which is nearly 40 percent of total world growth, Venezuela has been working with both ONGC and CNPC for the development of heavy crude stocks, of which we are the largest holder in the world with an estimated 316 billion barrels. As Members we have already expanded our production capacity—a process that is ongoing and will be adjusted as needs dictate. Current plans should see OPEC Members
output capability rising to around 38 mb/d by 2010 (5 mb/d more than today) in order to meet demand without causing a drop in per barrel pricing which would cripple OPEC economies. Reiterating the words of the OPEC Secretary General, Venezuela supports actions that attest “to the level of responsibility the Organization attaches to satisfying consumers’ needs, as well as helping to ensure that global economic growth remains on track and is not derailed by any shortage of energy.”
Position Paper For The United Nations Committee For The Exercise Of The Inalienable Rights Of The Palestinian People

By Lia Wrightsmith and Anne Barker

The issues before the United Nations Committee for the Exercise of the Inalienable Rights of the Palestinian People are: the Impact of Israel’s Separation Barrier on Palestinian Livelihoods, Palestinian Women in Public Life and Decision Making, and the Right to Basic Human Rights of the Palestinian Child. The Bolivarian Republic of Venezuela, a fierce defender of human rights and experienced ambassador for the oppressed, recognizes the extreme detriment that the Occupying Power of Israel has upon the livelihoods of all Palestinians and is eager to sponsor dialogue with the hope of fostering future generations of peaceful relations between Israel and the Occupied Palestinian Territory.

I. The Impact of Israel’s Separation Barrier on Palestinian Livelihoods

The Bolivarian Republic of Venezuela recognizes the rapidly increasing necessity for prompt and peaceful resolution of the conflict which continues to rage between Israel and the Palestinian people. We refuse to condone further victimization or marginalization of the Palestinian people through the construction of Israel’s separation barrier. Venezuela, incensed by the government of Israel’s neglect of S/RES/471 calling it to “provide the victims with adequate compensation for the damages suffered as a result of [the] crimes [committed].” In building a separation barrier, Israel ensures its domination and exploitation of the Palestinian people, an antagonistic strategy motivated by nothing less than hatred and racism. Venezuela, a country continuously plagued by the economic domination of the hegemonic empire, extends its solidarity to a people oppressed by a military appendage of the United States. We respect the legitimacy of seeking security for one’s people; however, in accord with Article 27 of the Fourth Geneva Convention, Venezuela does not recognize the construction of a separation barrier to be proportionate to the existing threat, nor is it a lawful approach to this objective. Venezuela is appalled that 99 percent of the wall is illegally constructed, breaching the Green Line as indicated in the 1949 Israel-Jordan Armistice Agreement. The detrimental impacts of the barrier are by no means justifiable under the pretext of acquiring security. In accordance with S/RES/446, United Nations Special Rapporteur John Dugard states “[the wall] is a cover-up for annexation of land and the establishment of
new borders for the Israeli state which will incorporate illegal settlements and Palestinian land necessary to protect those settlements.” Venezuela strongly condemns the disregard of conventions 46 and 23 of the Hague Regulations, in that Israel’s demand for Palestinian territory, based on the current state of hostilities alone, does not justify military seizure of private property. Venezuela views the wall as an explicit violation of numerous human rights, as stipulated in the Universal Declaration of Human Rights (UDHR), Article 3, to which all Members of the international community have resolved to observe. The Bolivarian Republic of Venezuela is alarmed and disheartened by Israel’s complete disregard of innumerable legally-binding agreements such as Article 1 of the United Nations Charter as well as A/RES/3236, stressing the importance of the respect for self-determination of peoples which strengthens universal peace. The construction of the separation barrier—now only a symbol of colonial dictatorship, is not only unlawful, but also responsible for the loss of countless lives and unpardonable devastation brought upon Palestinian society. Noting Article 1 of S/RES/237, Venezuela is profoundly disturbed that 850 Palestinian schools have been closed, and all refugee camps set up for medical aid and shelter have been attacked. Furthermore, countless families have been denied their religious freedom, as laid out in the UDHR, Article 2. Venezuela is deeply concerned for the general welfare of the Palestinians who suffer under the neglect of Hague Regulation 43, demanding that Israel respect its obligation to protect the general welfare of the people in the Occupied Palestinian Territories (OPT). Under Articles 38, 39 and 55 of the Fourth Geneva Convention, Israel is obligated to provide Palestinians access to medical aid, the free practice of religion, the protection of human rights, and to make available equal employment opportunities to the same extent guaranteed to Israeli citizens. Venezuela deems the current treatment of the Palestinian people to be racist and discriminatory collective punishment, reflective of previous horrors of the holocaust. Furthermore, collective punishment is unequivocally contrary to Article 33 of the Fourth Geneva Convention. The Bolivarian Republic of Venezuela adamantly maintains that the division of Israel and the OPT through construction of this neo-colonialist separation barrier does not, in fact, eliminate grievances, but instead, perpetuates the detriment of the livelihoods of the Palestinian people. The wall acts not only as an intrusion on Palestinian territory, but also as a divisive and damaging symbol of imperialistic aggression. Venezuela is distressed by the freedom with which Israel vigorously advances toward its destructive ends. We encourage all Member States to sever all unnecessary diplomatic ties as well as economic and political cooperation with a state which arrogantly disregards our resolution as a community to uphold humanitarian and international law. As it stands, the United States’
involvement in the Israeli-Palestinian conflict serves as a grave obstruction of justice. We implore all Member States to critically evaluate their cooperation with the US, a nation that consistently counteracts the laudable efforts of the International Court of Justice (ICJ) through its manipulation of the Security Council. Let us unify as one body in our efforts to dissolve the problem at its core; the ICJ is powerless in protecting a people raped of its sovereignty. We have infinite faith in humankind and its capacity in fostering a people as they strive toward statehood. Venezuela believes that in helping to cultivate this nation, we place due authority into the hands of those trusted to effectively uphold international law, the ICJ. Venezuela will not passively allow these atrocities afflicting the Palestinian people to continue unchallenged.

II. Palestinian Women in Public Life and Decision Making

The Bolivarian Republic of Venezuela refuses to overlook the vital role that Palestinian women play in working toward the ultimate goal of a peaceful resolution of the Palestinian-Israeli conflict. We emphasize S/RES/1325 which “reaffirms the important role of women in the prevention and resolution of conflicts and peace-building, and [stresses] equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision making.” In denying the right of Palestinian women to take part in public life and decision making, we, the international community, dedicated to responsible international law, are excluding a powerfully influential body that would be of tremendous support in our mission for peace. Venezuela is currently the only Latin American country which officially recognizes the value of housework as an economically progressive activity by incorporating these principles into the very framework of our Constitution. In providing women with social security benefits for their housework, we are actively challenging the capitalistic norms established by the United States in the international arena and reinforced in the Middle East by Israel, norms which exploit and overlook the value and contribution of women worldwide. Venezuela regrettably recalls E/RES/2002/25 which states that “Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, self-reliance, and integration into the development planning of their society.” The allowance of the trends of sexist suppression of Palestinian women to continue will thwart any opportunity the population has of advancement toward reform and legitimacy, vital steps toward peaceful resolution of this violent conflict. The Bolivarian Republic of Venezuela strongly supports A/RES/58/142 in that women make up 49 percent of the refugee population, providing vital leadership and substantially
contributing to the economic development of a society heavily reliant on their involvement. To disregard the worth of one half of an entire population, and, in the same breath, preach of our continued support to an oppressed people, would be an indecent act of hypocrisy that is simply not in our character as a committee, and would only prolong human suffering. Cognizant of the hardships that women face globally due to the reinforcement of their traditional roles in society as mother and caretaker, Venezuela conscientiously reminds this body of the added horrors that life under Israeli extremist oppression brings to Palestinian women. The women of the Palestinian community must not only be wife and mother, caretaker and nurse, but father and sole source of income for their families due to the capture, imprisonment or murder of their husbands, sons, fathers and brothers. Israeli armed forces are in direct violation of S/RES/242 and not only endanger the livelihoods of thousands of women, but threaten future generations, attacking the very stability of both Israel and the Palestinian Authority themselves. The CEIRPP cannot ignore Palestinian women’s extraordinary impact in “peacemaking, peacekeeping, and peace-building” as stated in A/RES/58/148, or the fact that Palestinian women continue to be a monumental force in protesting the atrocities committed by the Occupying Power of Israel and Venezuela deplores the current attitude of passive acceptance of the status quo. Acting as influential leaders in the organization of peace-process committees, in which young women are respected as leaders by men and women alike, Palestinian women justifiably defend their basic rights, as stipulated in A/RES/56/155 which states “women should not be deprived of shelter, food, medical aid, or [any] other inalienable right.” Furthermore, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict emphasizes that women’s inalienable rights are seriously jeopardized by the “grave attacks being made on the fundamental freedoms [by] colonial and racist domination powers [which] continue to violate international humanitarian law.” The Bolivarian Republic of Venezuela argues that the increased involvement of Palestinian women in public life and decision making, as well as the improvement of their political, social, and economic situation is paramount in achieving peace. We call on the international community to shoulder the burden these women bear, and to intensify support of effective non-governmental organizations, such as the United Nations Development Fund for Women (UNIFEM), which further develop the role of Palestinian women in political and public life. Venezuela strongly supports Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), wherein it states women shall have full and equal “participation in the formulation of government policy, as well as in non-governmental organizations and associations concerned with public and political
By educating Palestinian women socially, politically, and economically through influential organizations such as the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), and Sunbula, which as widely respected non-profit organizations, provide women with vital economic opportunities through income generating projects. We applaud the political and educational focus of the Young Women's Christian Association (YWCA), which has long been dedicated to “[the] empower[ment] of women through educational, cultural and training opportunities” and through the social and healthcare projects of the Women’s Child Care Society (WCCS) we may soon set in motion a new generation thirsty for peace. The Bolivarian Republic of Venezuela strongly urges all Member States to recognize the remarkable progress that can be achieved by lifting up Palestinian women; in empowering them we employ their immutable dynamism for an achievable peace.

III. The Right to Basic Human Rights of the Palestinian Child

The Bolivarian Republic of Venezuela recognizes that the protection of basic human rights, a founding principle of which has inspired noteworthy reform on behalf of men and women worldwide, must now defend the rights of the child with equal fervor. Echoing the Geneva Declaration of the Rights of the Child of 1924, we seek to ensure a stable foundation for the peaceful interactions among future generations, as well as for the elimination of the terrible suffering experienced by countless children today. Venezuela believes that “the child that is hungry must be fed; the child that is sick must be nursed; and the orphan and the waif must be sheltered and succored.” The children of Palestine, however, are being ignored, and their rights so endowed to them under Articles 100, 104 and 105 of the Charter of the United Nations and within the Convention on the Rights of the Child, continue to be grossly violated. Venezuela is increasingly disturbed by the aggressive occupation of Israel and the resulting fear, instability, and destruction Palestinian children continue to live and grow with on a daily basis. Under Principle 8 of the Declaration of the Rights of the Child of 1959, it states that “the child shall in all circumstances be among the first to receive protection and relief,” but according to the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally, there are a staggering number of children “who are abandoned or become orphans owing to violence, internal disturbance, [and] armed conflict.” In considering the tragic reality of daily life in the Occupied Territory, Palestinian children are the greatest casualties in
the neo-imperialist quest for world domination. The Bolivarian Republic of Venezuela is deeply disturbed that the rights bestowed upon the Palestinian children under the Convention on the Rights of the Child are repeatedly trampled by the presence of the Israeli power in the OPT. Venezuela recalls Article 27, proclaiming that States Parties shall ensure the “right of the child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” We commend efforts made by the United Nations Children’s Fund (UNICEF) in the areas of health, education, child protection and adolescent support. Great achievements are being made in conjunction with the Palestinian Youth Association for Leadership and Rights Activation (PYALARA) through the establishment of Children’s Municipality Councils (CMCs) influencing policy makers in their drafting of legislation in the best interests of the children. Some of the most notable work of PYALARA and the CMCs is educating children of their rights during times of conflict under international humanitarian law and providing them with peaceful means of ending war. A proud supporter and advocate of the Education for All program, as well as the Bolivarian Project to ensure that all children have access to free primary education, Venezuela is encouraged by programmes such as UNRWA, recently reaffirmed in A/RES/60/102, which provides free and accessible schooling for all Palestinian refugee children, a step toward a greater realization of the rights of the child in times of turmoil. The People of Bolivar stress the urgency in addressing the immediate physiological needs of Palestinian children, and encourage this body to invest further in the long-term well-being of Palestinian children through education. We acknowledge Article 28, which reaffirms the “right of the child to education...with a view to achieving this right on the basis of equal opportunity.” Believing that children truly are the voice of the future, Venezuela implores the CEIRPP, and all Member States to take an active role in guaranteeing that no Palestinian child, without means to defend himself, will go without care, without shelter, or without food—a right guaranteed in A/RES/56/155. Venezuela does not take lightly the stripping of children’s rights for the imperialistic conquest of land and strongly highlights the importance of enforcing the UDHR. We encourage the support and restructuring of such bodies as UNRWA, the United Nations Commission on Human Rights, and Education for All programs that not only protect the defenseless, but also create a foundation for peace and in turn, give all peace-makers hope for the future.
Laura Bowers, Untitled

I am a twenty-one year-old art studio major with an emphasis in drawing and electronic art and a communication design minor. During my time at Chico I’ve been involved in the General Education Honors Program where I participated in General Studies Thematic (GST) my freshman year. The past one and a half years, I’ve been involved with the Summer Orientation program where we advise new incoming freshmen and transfer students. Through Summer Orientation, I’ve been able to attend conferences and participate in other campus activities, like the Fun Without Alcohol Fair and Up Til’ Dawn. This year I participated in the Executive Board of Up Til’ Dawn. For the past two years I’ve been working as a student assistant in the School of Social Work office. I’m also a member of the Golden Key International Honor Society and Phi Kappa Phi, an Honor Society.

This image was for my Intermediate Electronic Art course and created using Photoshop. It was an open assignment, so I used information I had gained from the GE theme class I’m currently taking called “Genocide and Mass Persuasion.” I was directly influenced by the genocide that happened in Rwanda in 1994 and a book that we had to read for class entitled, We Wish To Inform You That Tomorrow We Will Be Killed With Our Families, by Philip Gourevitch (1999). The image idea came from a quote in the book (170-171):

“I hear you’re interested in genocide,” the American at the bar said. “Do you know what genocide is?”

I asked him to tell me.

“A cheese sandwich,” he said. “Write it down. Genocide is a cheese sandwich.”

I asked him how he figured that.


I said I had.

“That convention,” the American at the bar said, “makes a nice wrapping for a cheese sandwich.”
Historically, the international community has failed to adequately prevent, stop, and punish genocide. It’s going on right now in Darfur, yet the UN refuses to call the events happening there genocide. Numerous countries, including the US, have acknowledged it as genocide, but the UN as a whole does not. I want to encourage people to look further into the subject of genocide so that in the future if enough people care, we’ll have enough hope to possibly stop genocide from happening again. Don’t let politics get in the way of what’s best for humanity.

**Blake Christopher Britton, “Freedom” and “Projection”**

Blake Britton has been making art seriously since early 2001. This has resulted in a decidedly political focus of his concepts on the potency and importance of art making in these times. Quietly encouraging a dialogue with viewers, the works compel an awareness of present situations and hint toward activist mentality without necessitating a large stick to convey their message. The understandings and examples of masculine attitudes have been the primary conceptual influence of the imagery he creates. Shaped around ideas of social and political influence, particularly within the radically evolving global predicaments unfolding around us, these works focus on his own remembrances of primal and learned masculinity and relate them to the social and political landscape we live in today.

**Michael Kuker “Golden State”**

Michael Kuker, of Redding, California, is a graduating senior with a degree in public administration. Kuker, who is thirty-three years-old, is a re-entry student who originally enrolled at CSU, Chico as a freshman in the General Studies Thematic in 1992. He returned to Chico State in spring of 2005, where he decided to make a career of public service by majoring in public administration. His interests include music, history, and photography.

**Lillie Pickering, “American Dream”**

I am an art student at CSU, Chico with an emphasis in photography. This last semester I took a non-silver gelatin photography class that focused on alternative methods to photography. For example, the process represented in my piece is called “solvent transfer.” With this process, the selected image is laid face down in contact with the surface of the object onto which the image is to be transferred. Once in place, the back of the image is saturated with solvent of various kinds (lacquer thinner, Citrisol, etc.), and a brayer or a smooth hard surface is rubbed on the image until the image transfers as desired.
My imagery in this piece is very much influenced by multimedia artist Robert Rauschenberg, and is a direct statement about the American government, and the effects of the events of 9/11. It represents the use of fear to maintain power, manipulate, and dominate the freedoms afforded by the Constitution and the Bill of Rights. It scares me a little bit more every day how this country is paralleling Hitler’s....

Lani Shapton, “Liberty” and “Flag”

In my work I analyze and relate the role of a U.S. soldier to the role of a child. My interest in this subject stems from my relationship with my brother, as I have watched him develop from a child into a staff sergeant in the U.S. Army. He is one of the strongest individuals that I know, and one of the most vulnerable due to the situations he deals with daily. I am exploring the dichotomy of the strength and vulnerability of the soldier. I pursue this by comparing the soldier’s image, pictures, and objects that relate to the time period of elementary school.

Children are great symbols of innocence and individuality, and possess a remarkable amount of strength. In my work, I focus on the loss of those characteristics in the transition from childhood to adulthood. Through childhood memorabilia, I reference an innocent time in our lives when we are taught to find our individuality and are sheltered from the realities of war. This sentiment is then contrasted with harsh imagery that exemplifies the United States and its current conflicts throughout the world.

Although my brother is the primary influence, I am also influenced by Christian Boltanski’s installations, which focus on the testimony to human experience and suffering. His Holocaust installations of found-photographs of 1930s school children, with piles of clothing and other objects belonging to the dead, create powerful evocations of memory, loss, and death. I brought this notion of the object as representation and found imagery into my work to exemplify the presence of the individual and absence of the object through loss.
About The Editors

Anna Ball left her hometown in southern California for the University of Iowa, where she received a Bachelor of Arts in Communication Studies. After spending nine months of the year layered in long-johns, she traded all things Midwestern—including Amish buggies, pickled pork feet, and Hawkeye basketball—to return west for a job with the outdoor clothing company Patagonia in order to ward off future frostbite. Anna spent four years at Patagonia in a variety of positions including the coordination of advertising and email promotions. Later, she accepted a position as the development director of a nonprofit environmental organization in Nevada, where she had a firsthand view of how activist organizations influence elected officials. It was from this experience that Anna became intrigued (some say obsessed) with the American political system. She is now a second-year graduate student of political science at CSU, Chico. Her research emphasis focuses on gay rights issues.

Sheila Crawford is a senior at CSU, Chico. She is majoring in both political science and women’s studies and wants to pursue a career in law. She is a member of the Phi Eta Sigma honor society and the Phi Kappa Phi honor society. During her academic career at CSU, Chico she has earned a place on the Dean’s List each semester. During the spring 2006 semester, Sheila was the president of her sorority, which has given her leadership experience and the ability to be active in various community services. Her passion for political activism and women’s studies has directed her life towards political science and a continual love for politics.

Amanda Flanders is a senior at CSU, Chico. She will be graduating in May 2007 with a degree in political science, a minor in European studies, Honors in General Education, and is hoping to graduate with distinction. Amanda is part of the Honors Program and the Educational Opportunity Program on campus. During the spring 2006 semester, she traveled to England for the Humanities and Fine Art’s London Semester with the help of a State Department scholarship through the Institute of International Education. As an art, dance, theatre, and public speaking enthusiast, Amanda looks forward to participating in the arts, not only at CSU, Chico, but also in graduate school, where she hopes to study political science with an emphasis on women in politics.

Elizabeth L. Graham is an “old” re-entry student. She is a political science student, and when she graduates in 2008, it will be twenty-five years from the
time she graduated from high school. While raising her children, Elizabeth was very involved in community service, serving as the Governmental Affairs Program Manager for the Georgia Junior Chamber of Commerce (Jaycees), and winning many awards, some related to their Model Legislature, including Top Freshman Senator and #1 Bill. She also served as President Pro Tempore and President of the Senate. Since returning to college, she has twice been honored on the National Dean’s List. At CSU, Chico she has served on the A.S. Legislative Affairs Committee and has a work study job through Disability Support Services, where she is an educational assistant for disabled students. Elizabeth received a 4.0 GPA for the spring of 2006, her first semester at CSU, Chico. She has decided to merge her political interests with her interests working with the disabled, and would like to research and lobby for the disabled. She believes that her work with Studium was an exceptional learning experience for her future aspirations.

Katrina Taylor is a senior majoring in communication studies with an option in organizational communications and a minor in leadership studies. For as long as Katrina can remember she has been passionate about politics and what young people think about it. She believes that young people should take an active role in the world around them. Since she has been in college she has been active in the Associate Students as a member on various councils, such as Environmental Affairs and Legislative Affairs. She was also appointed to be the Special Projects coordinator for the Associated Student government. Katrina really took the opportunity to express her opinions on the CSU, Chico Debate Team last year, taking home many trophies including first place at a national debate tournament at University of California, Berkeley, in the novice division. After graduating from CSU, Chico, Katrina plans to attend graduate school and earn her Ph.D. in Communication Studies and hopes to become a professor some day. She is honored to be able to give other students the opportunity to express their opinions by being part of the Studium editorial team.

About The Assistant Editors

Sean Cogan is a twenty-one year-old senior currently pursuing a political science degree, as well as a minor in criminal justice. He is an intern at the Community Legal Information Center in the Student Legal Services and Juvenile Rights program. After graduation, Sean intends to enroll in law school where he hopes to learn how to become a successful attorney. Studium has given Sean the opportunity to become increasingly involved in the Department of Political Science.
Nick Ramos is a political science major at CSU, Chico. He was born on St. Patrick’s Day, 1984, and for this reason alone Nick considers green his favorite color. He has spent equal parts of his life in Southern and Northern California—he is a Californian-American. Nick enjoys his food spicy, his sleep continuous, and his coffee caffeinated. We are also told he maintains regular shower habits. What does he do for fun? Well, when he is not fighting allergies, he is probably losing a game of ping-pong to one of his roommates. But he is practicing, trust him, and his game is improving. After graduation in December, Nick plans on saving up some money and moving to the Czech Republic for a couple of years to teach English as a foreign language. He does not know what will happen after that, and this does not bother him.