

Global Matters

The Newsletter of the Global Understanding Project at Monmouth University

December 2007

Opening Address from Global Understanding Convention, 2007

Congressman Donald M. Payne

Good morning. I would like to recognize and thank President Paul Gaffney, Provost Thomas Pearson, administrators, faculty, and students of Monmouth University.

It is a pleasure to be here on the occasion of the Global Understanding Convention titled, "*Global Solutions: Sharing Resources, Shaping Peace,*" and I commend Monmouth for convening such an event. I understand the weeklong convention will feature a wide array of events and activities that are designed to provoke discussion and raise awareness of critical issues facing our world today.

My name is Congressman Donald Payne and I represent the 10th district of New Jersey. I was elected in 1998 and it has been an honor to serve the people of New Jersey. As it has been mentioned, I am the new Chairman of the Subcommittee on Africa and Global Health within the House Committee on Foreign Affairs. In my capacity as chairman and throughout my last 19 years in Congress; I have been able to witness, first hand the impact of globalization.

Everyday the world is becoming a global village. Though globalization is certainly not a new phenomenon or concept, technological advancement over the recent years, have caused quantum leaps in the rate of globalization. We can now connect with people on opposite ends of the globe, instantly via the internet. What does this mean? Essentially, all humans are drawn closer together in a large series of interconnections. What happens in one part of the world—for instance, the policies of one country tend to have an impact on the lives of people in other countries around the world in ways that are not always readily apparent. Even beyond policies, humans are increasingly becoming connected through the products we produce and consume.

Through, the course of my remarks I will touch on three (3) main issues of concern: trade, health, and genocide.

Trade

We must stop thinking of poverty as an abstract issue, and generate new solutions that work. The majority of people on the continent of Africa live in poverty. Trade can be the key that opens the door to international development for many developing coun-



Congressman Donald Payne, addresses audience at opening of Global Understanding Convention, 2007. Photo by Jim Reme.

tries; particularly those on the African continent, by providing a level playing field in the global market.

Currently, African trade constitutes 2% of global market share. Two-percent! That's down from 6% in the 1970s. For a continent that holds 10% of the world's population and most likely has the greatest wealth of natural resources, 2% of the world's market share is inexcusable.

Many things need to be done to end this appalling discrepancy. The goods that Africa has to offer are limitless. Oil, diamonds, and gold are the obvious few. However, an overlooked commodity that should be dusted off and revived is agriculture. Many African countries have the capability to feed themselves and the world; but they must return to their agricultural pre-eminence by investing in the agricultural sector; and end their reliance on foreign assistance.

Agricultural subsidies in western nations exceed \$300 billion a year; and approximately 80% of this goes to large agro-corporation and not the so-called small farmers for which it was originally intended. These subsidies drive down world prices and make it virtually impossible for African farmer to get by. Therefore, we must take an active role in ending agricultural subsidies.

The food we eat, the clothes we wear, the things we use each day—all have a global impact and connect us to people whom we have never met who most

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likely live in poor countries. So the question is not whether we are all a part of or affected by these changing and increasingly global dynamics. Rather, the question is what this relationship means to us, the role each of us plays, and the responsibilities that come along with this.

It will take a partnership of nations to eradicate poverty. Rich nations must ensure a global market price, better working condition for laborers, and put an end to subsidies in order to provide fair trade to developing nations.

Global Health

Many had hoped the new millennium would be the turning point that would usher in a new era of peace and prosperity for Africa, and the poorest of the poor worldwide—a new era free of poverty, hunger, and disease, and one with better educated children and equal opportunities for African women and men.

This was the common vision to which world leaders had committed in partnership, when they met six years ago to craft the Millennium Development Goals. The most recent Millennium Development Goals report, issued earlier this year, shows that while some progress has been made, African countries still lag behind.

Many African countries continue to grapple with abject poverty, chronic food insecurity, and staggeringly high child and maternal mortality rates—problems exacerbated by the scourge of the HIV/AIDS pandemic.

I will not go into the many challenges that remain throughout the continent including major threats to peace and democracy right next door in Ethiopia and Somalia since the focus of today's event is HIV/AIDS, and in the interest of time.

I must say that no matter what advances are made in the areas of peace, democracy, development, or otherwise, if the entire world community does not act urgently and decisively against HIV/AIDS in Africa, all the progress made will be undone by AIDS and we will lose complete control of this situation at the expense of all humanity.

In the words of Washington-based advocacy organization "Africa-Action," Africa is "ground-zero" of the global AIDS pandemic.

According to the UNAIDS annual "AIDS Epidemic Update" report released last week, 72% of the global death toll from HIV/AIDS occurred in Africa this year—2.1 million deaths. Not only that—the situation is worsening. Infection rates are rising sharply and

life expectancy rates are shrinking throughout the continent.

Right now in Africa, an estimated 24.7 million people are living with HIV in Africa this year. Though the provision of AIDS treatment has expanded, still less than ¼ of those who need AIDS treatment have access to it.

Let me say that treatment is not an option. In fact, it is an absolute necessity to stem HIV/AIDS. I think the President's Emergency Plan for AIDS Relief (PEPFAR) should be commended for its work to combat HIV/AIDS in Africa and the Caribbean. By next year, over \$15 billion will have been allocated toward this end. At the same time, PEPFAR must be not only continued, but also increased and expanded to include nutrition and agricultural development, so we can ensure that the antiretroviral (AIDS) drugs we provide to people living with AIDS are effective.

Genocide/Darfur

Poverty, economic hardship, and marginalization almost always underlie chronic violence and conflict. Especially over the past couple of decades, war and civil strife have plunged numerous African countries into even deeper levels of poverty and suffering. Likewise, violent crime continues to persist in our inner cities here in the US and increasingly in urban areas in Africa and elsewhere in the African Diaspora. It is important, therefore, that we aim to understand and address the root causes, i.e., poverty and marginalization in their particular local contexts, if we are to find lasting solutions to these challenges.

One of the issues that I have worked on constantly over the last three years is the ongoing genocide in Darfur, Sudan.

I, with Madam Speaker of the House Nancy Pelosi and other Congressional Black Caucus members, declared that situation in Darfur genocide; yet two years later, the genocide continues today unabated. An estimated 400,000 have already died from murder, starvation, diarrhea, and other preventable causes. Nearly 3 million were forced from their homes into other parts of the region or into Chad. Now the security nightmare has spilled over into Chad as well.

I have visited the Darfur refugee camps several times now and I cannot begin to describe how awful the impact has been.

An entire society has been ripped apart. Cultural traditions, customs, and norms, family structures and networks have been simply destroyed.

My first visit to the Darfur refugee camps took place in August 2004, just after the Congress declared genocide and just before the Administration did the same. At that time, the U.S. State Department was near wrapping up the more than 1100 interviews along the Chad/Darfur border conducted by

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a team made up of human rights lawyers under the auspices of the State Department and the US Agency for International Development.

I had the opportunity to interview a woman in Camp Iridimi on the Chad side of the border who told me the story of when the Janjaweed came to her village. They beat her in the chest with the butt of their rifles. They told her she deserved to die because she had given birth to black males.

They spared her life but she could not locate her children who were separated from her during the violence.

She told me that she then saw other Janjaweed soldiers round up a group of small boys, shove them into a hut, lock the door, and set the structure on fire with the boys inside.

This story is absolutely horrible. But it is not an isolated case. Rather, it is the *modus operandi* of the government and its proxies, the Janjaweed.

The international community has not done enough to end this human catastrophe unfolding before our eyes. Then again, the international community has a terrible record when it comes to stepping in to stop genocide. We had the *Armenian genocide* from 1915-1923; *the Holocaust* from 1933-1945; *the Cambodian genocide* from 1976 to 1979; and *the Rwandan genocide* in 1994. The world has failed its history and its future by allowing genocide to go on, not once, but time and time again.

The international community starting with the Bush Administration must put an end to President Bashir's stalling tactics. There must be an international peace keeping force in Darfur to relieve the struggling African Union troops and to protect civilian from the continuing brutal attacks by the government and the Janjaweed. I will continue to do my part to push for this so that we can bring an end to the genocide and to live up to our words, "never again."

In conclusion, I hope I have done a good job of laying out what I see as some of the major challenges facing our world today. I pledge to you that I will work, not only with my colleagues on my own committee, but also raise the profile of Africa throughout the Congress with committees such as Education, Agriculture, Financial Services, Energy and Commerce, Transportation, and Homeland Security.



Dr. Golam M. Mathbor, Dr. Amirtya Sen, and Dr. Abey Tasse, President of IASSW (International Association of Schools of Social Work) during the ICSD Conference in Hong Kong.

Seeking Harmony and Promoting Social Development in a World of Conflict

Golam Mathbor

Associate Dean, School of Humanities and Social Sciences

This summer has been an enlightening one for me gathering cutting edge knowledge in human-centered development paradigms that are being practiced in different regions of the world. The opportunity came to me by attending and learning from an international symposium that took place July 16-20, 2007 in Hong Kong, China, organized by the International Consortium for Social Development (ICSD). Being an Associate Secretary-General of ICSD, I was one of the organizers of this international symposium. The main theme of the conference was "seeking harmony and promoting social development in a world of conflict." There were many sub-themes that clustered around social, political, environmental, human rights and social justice, spiritual, and psychological issues affecting world humanity.

The keynote address was given by Dr. Amirtya Sen, a Nobel Laureate in Economics (1998), Lamont University Professor, and Professor of Economics and Philosophy at Harvard University and was, until recently, the Master of Trinity College, Cambridge. Pro-

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Seeking Harmony and Promoting Social Development

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Professor Sen titled his keynote lecture "Unity and Discord in Social Development." He argued both for the need to recognize the significance of social development and the necessity of considerable sophistication in pursuing the connections that make social development so important. Professor Sen further noted that we have to avoid the twin danger of assuming, if only implicitly, that (1) economic development is all that ultimately matters in advancing human lives and freedoms, and that (2) the connections in social development are obvious enough to be invoked without adequate empirical examination. The Nobel winner concluded his lecture by saying that the world has suffered a little from putting too much emphasis on economic development, detached from social development, and there is a remedying that is needed in the making of policies and in the fostering of social relations.

Today, we all agree that economic growth is vital for any development. However, the question remains unanswered as to who benefits from the derived benefits of these development projects. Poorer people could hardly establish their rights in getting a fairer share in either direct or indirect benefits of these economic growth led development projects taking place in their own communities. This means that despite all these human rights and social justice enforcement agendas, the world community has failed to safeguard the interests of vulnerable constituents of our global population. Therefore, solidarity among civil society organizations throughout the world needs to be fomented in order to hold the violators accountable for their misdeeds that are causing deprivation among billions of people in the world.

To conclude, Dr. Sen's strong argument for a balanced connection between social and economic aspects of development throughout his keynote definitely met the expectations of the conference title "seeking harmony and promoting social development in a world of conflict."

7th Annual Global Understanding Convention

Beyond Borders: Individual Responsibility, Collective Action

April 7-10, 2008



The Turning Point

Kenneth Stunkel

Professor, History & Anthropology Department

Two mostly unacknowledged, irreconcilable forces are colliding on planet earth. The first might be called Business as Usual. The second might be called The Reckoning. Business as Usual means that most of the world's 6.6 billion people and their governments push along from day to day with familiar routines, agendas, problems, and worries. The Reckoning is a network of unfolding difficulties sure to cripple Business as Usual if not addressed in ways both timely and large-scale. When accumulated evidence of The Reckoning is noted, the threat to Business as Usual is alarmingly obvious. A parallel insight crystallizes that human habits, attitudes, and institutions are not inclined or equipped to adapt except in ways that are fruitlessly piecemeal, uneven, and incremental.

Business as Usual is cloaked by a noise level that blots out or dulls awareness and judgment about The Reckoning. On a public level, events and problems that monopolize attention can be sampled in most daily papers, local or national television news, speeches by politicians, and stock market reports. The common fare is battles over social issues like abortion, faith-based this or that, gun laws, taxes, and immigration. On a private level, still more energy and thought are drained off by worries over insecure jobs, unpaid bills, troubled domestic life, fragile relationships, imperatives of sex, weight gain, and getting through the day. Escape and forgetfulness are sought in sports spectacles and pop culture as we amuse ourselves to death. Nearly swamping these distractions is the isolating sound of cell phones going off as millions picture themselves "connected" while the world shifts under their feet.

The Reckoning can be sampled in the decline of ecosystem services and irrational energy consumption. The word "services" is meant to stress the usefulness and necessity of natural systems to human well being as opposed to sentimental environmentalism focused on the welfare of polar bears, seal cubs, and penguins (although I empathize with these and other creatures). Ecosystems do three big things for us free of charge. First, *provision* supplies food, genetic material, and medicine. Second, *regulation* controls floods, the advance of deserts, and purifies water. Third, *support* replenishes fertile soils, fresh water, and pollination for plants. Economists have put a dollar value on these services. Their collective worth

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far exceeds the combined gross domestic products of all countries. Meantime, the United Nations Millennium Ecosystem Assessment, staffed by 1300 impartial scientists, finds that all ecosystem services are in decline and being used unsustainably. In other words, the free lunch is coming to an end.

Only two percent of the energy consumed by nations comes from renewable sources (sun, wind, geothermal, etc.). Nuclear accounts for more than half in France to produce electricity but is negligible elsewhere. The overwhelming source is fossil fuels (oil, coal, gas). Modern industrial states cannot function without oil. Here are problems defying solution. First, demand has outstripped supply in the past 30 years and the two lines, demand going up, supply going down, are steeper by the month. The evidence is higher prices and intense international competition for existing reserves, both sure to increase. Second, consumption in relation to population is radically skewed. America has five percent of the world's people, three percent of oil reserves, and consumes twenty-five percent of available petroleum each year to support "the American way of life." China (not to mention India) with about twenty percent of the world's people, consumes about ten percent. This disproportion is unlikely to continue. Third, burning fossil fuel not only wastes a resource with other uses, it produces carbon dioxide scientists agree is the main cause of rapid climate change, which is expected further to undermine ecosystem services. Fourth, nothing significant is being done to develop and implement energy alternatives on a scale and within a time frame that are realistic. In short, folks are unwilling to change their ways and get off oil even though their welfare is on the chopping block.

How does one account for such blindness and inertia? It seems mankind is not equipped culturally or biologically to look very far ahead. Most eyes are fixed on the horizon of tomorrow, next week, or next month. Unless rough events are more or less a painful knock on the head, there is little incentive for behavior to change in a major way. Until large-scale, unpleasant trends become irreversible, most people and their institutions will seek comfort in Business as Usual, reinforced by denial and wishful thinking.



Gift to Library's Media Collection

Lisa Coats

Librarian, Monmouth University Library

The Monmouth University Library has a new collection of audio-visual materials. This newly blossoming Media Collection was recently enhanced by a generous donation of nearly 40 films from the Global Understanding Project and the Saliba Sarsar Collection. Many of the films in the gift are directly related to class curriculum and some can be shown at more public events on campus (if we own the proper rights). There is a five part VHS series from the United Nations on peacekeeping and international conflict. Several documentaries are now available such as "The Atomic Café" about the promotion of the atomic bomb in the U.S., and "Black Gold: Wake up and Smell the Coffee" about the coffee industry. The first feature film made in Afghanistan in the post-Taliban era, "Osama", was also part of the gift. And the foreign films "Rabbit-Proof Fence", "Bread & Roses" and "Together" are a part of the Media Collection now, thanks to this donation.

You can find all the audio-visual materials at the Circulation Desk as you enter the Library. Students can check out DVDs or VHS tapes for viewing, and CDs for listening to in the library. There are televisions for viewing both VHS and DVD formats on the Lower Level, and all the computers in the Library will play CDs and show DVDs. You can ask for a headset at the Circulation Desk when you check out your material or bring your own.

Faculty can check out media materials for a week at a time to show in their classrooms, or in some cases, for other events and meetings on campus. If you know of media that would be useful to the curriculum of your department or school, please contact Lisa Coats (lcoats@monmouth.edu or 732-923-4537) or go to "Faculty Services" on the Library website (www.library.monmouth.edu) and fill out the Media Purchase Request Form. Provide as much information as possible so that we can find the best source. Shortly, we will have a form for donations and more information available on the Library website.

If you would like to see a listing of all the media material, go to the library catalog (<http://millenium.monmouth.edu/search.html>) and do a "Subject Heading" search for "media collection". This will bring up all the materials that are now a part of the Media Collection at Monmouth University Library. We hope you will enjoy these new additions.

PARIS CALLS!

Dr. Steven Pressman, professor of Economics and Finance at Monmouth, traveled to Paris in December 2007 to address the newly constituted government of French President Sarkozy -- a conservative who, in a run-off election last May, only narrowly defeated Socialist Segolene Royal, whose candidacy was groundbreaking for French feminists. Professor Gwen Alexis (G.A.), interviewed Dr. Pressman for *GLOBAL MATTERS*:

Post-Keynesian Macro Economist

G.A.: You describe yourself as a "Post-Keynesian economist". Exactly, what does that mean?

S.P.: Essentially, it means that I do not subscribe to the *rational* economic actor thesis that says, "If I do what is best for me and you do what is best for you, then the best possible outcome in terms of the economy will be the result." Post-Keynesian economists argue that people are just not that rational--that both "herd behavior" and imperfect knowledge need to be factored in. Game theory disproves the notion that people behaving in their own self-interest yields the best possible outcome at the macro level. I have relied on the work of Steven Pinker and evolutionary psychology to develop a theory of human behavior that is far more credible than the rational man theory; it embodies the concept of "social rationality". As I see it, the collective has always been important. If the caveman had only focused on his own self-interest, the human species would not have survived -- let alone evolved!

G.A.: You also say that your focus is macro-level economics. However, your concern with the dwindling middle class seems to imply a certain micro-level concern too. Would you speak to that?

S.P.: My focus is on the importance of government policies in improving the overall performance of the economy; that is, not leaving everything to the invisible hand. The market economy does lots of things well, but it also does lots of things badly. Income distribution is one of the things that it does poorly. Left alone, the market always leads to gross inequalities in income. The government must support the incomes of the poor and the middle-class segments of the population. Macro-level economic policies have an undeniable impact on micro-level concerns such as income disparity. So, it is not an either or proposition for me; I am a macro economist whose work involves poverty and income distribution.

The Dark Side of the Market

G.A.: There was a remarkable voter turnout for the runoff election which President Sarkozy won by a narrow margin -- 84% of the registered voters voted in the election. The fact that this was the greatest voter turnout in a French election in 40 years indi-

cates that the voters "have issues" as we say here in the U.S. Can you identify these issues and tie them in with your invitation to address the new French Government?

S.P.: One of the major emphases of any government is a concern with the middle class. I have been invited to France to express my views on what is happening to their middle class. Sarkozy, who politically is to the right of the Center Party in France, won the run-off election against a Socialist Party candidate by a very slim margin. In order to get re-elected, he must do something about the middle class. But what is middle class? Adam Smith defined middle class as, "people being able to appear in public without shame." There is a decidedly economic aspect to this definition; despite the fact that what is middle class varies from country to country. Working with this definition, it is useful to look at what we know has happened in the U.S. in terms of people desperately trying to hang onto a middle-class lifestyle (i.e., the ability to appear in public without shame) even when it has required them to send more family members into the work force. Note that most of our students here at Monmouth are holding down jobs while attending college. Once families exhausted their supply of family members to send into the workplace, they began borrowing to maintain a lifestyle that allows them to hold up their heads as middle-class Americans. For many, this meant taking out second and third mortgages on their homes. However, with rising interest rates, the variable loan rates on these home equity loans begin to skyrocket. And, the need to make hefty monthly loan payments decreased the amount of disposable income available for maintaining the coveted middle-class lifestyle.

We have seen this crisis of the middle class in the U.S. Of course, in the global economy, what goes on in the U.S. filters through to the rest of the world. In this era of outsourcing to less developed nations, much of the Western world (including France) is seeing the same pressures on the middle class as are evident in the U.S. Advanced technology has made the outsourcing of services as prevalent as offshoring of production, compounding the loss of jobs to places like India with skilled technicians who earn one-tenth of the salaries of their Western counter-



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PARIS CALLS!

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parts. The question throughout the Western World has become: "Can the Middle Class survive the Free Market or Free Trade economy?" Sarkozy made a campaign promise to revitalize France's stagnating economy; this cannot be done without stopping middle-class bleeding. I believe this is why my article struck a nerve with Sarkozy. Indeed, I suspect that his advisers did a Google search of the term "Middle Class" and my article was one of the few that came up. There is not a lot of scholarly work or economic analysis being done on the subject of the dwindling middle class so it won't break the bank for Sarkozy to bring all of us who are doing scholarship in this area to Paris.

The Need For a Government Safety Net

G.A.: In arguing that government intervention is the most likely explanation for the fact that some countries (like Canada) have not experienced declines in their middle class population, you dismiss the importance of demographic factors. Yet, immigration was not included among the demographic factors noted in your paper. All of the immigrant host nations of the West received large influxes of non-Western, non-Christian immigrants during the last quartile of the 20th Century and few of these immigrants have landed in the middle classes of Europe and North-America. Is this a glaring omission from the studies you examine in your paper, one that serves to undermine your conclusion that demographics is not an important factor in explaining the decline of the middle class?

S.P.: To the extent you are referring to *illegal* immigration in the U.S., perhaps it is a critical omission from the studies. However, with respect to legal immigration, it was included in the data sets I studied although it was not included in my analysis in the paper. For example, Canada has a sizable legal immigrant population and it is the country with the best results in my paper's international comparison of the middle class. However, the steady growth of the middle class in Canada is clearly attributable to government transfer payments that were made to offset income declines among the middle class. When one factors out government transfer payments, the middle class contingent in Canada actually declined over the period studied. Hence, we can conclude that the impact of legal immigration (a demographic factor) is not nearly as important as the impact of government transfer payments (i.e., enlightened fiscal policy) on the size of the middle class.

G.A.: Are the conclusions you make based upon the studies you mention in your paper applicable to

non-market based economies in the Third World? In other words, can countries outside of the Western Geopolitical region (many of which hold tight reigns on fiscal policy) take comfort in your conclusion that "fiscal policy must be used for redistributive purposes" where the market cannot be relied upon to develop and maintain a middle class – either because the market is nonexistent or it is functioning poorly?

S.P.: Fiscal policy has always got to be part of the solution of income inequality or else the result is likely to be similar to what happened in Cuba, with the military overthrowing the government and then decreeing more equitable income distribution. Of course, I do not advocate a military takeover; what I am advocating for is enlightened fiscal policy.

G.A.: Sociologists believe that Globalization has resulted in a "global culture" in terms of consumption patterns (taste in clothing, music, and entertainment are merging). Doesn't this make whether people identify themselves as middle class more relevant than an economic definition of middle class that invariably leads to a thesis such as yours which advocates government intervention in the economy to ensure income equality?

S.P.: Indeed, a useful definition of middle class involves more than income comparisons. There is a decidedly psychological aspect to being middle class; it involves having a feeling of security. At a minimum being middle class entails being free from the fear that a fortuitous event such as an illness that results in major hospital bills will mean financial ruin for a family. *Feeling* middle class also implies not having to worry about getting kicked out of your house or going bankrupt due to loss of income because your employer is having difficulties competing in the global marketplace. In the U.S., up until 2001, people were relatively optimistic about the future. However, since then things have gotten worse and the downturn has lasted so long that people have started thinking that things are not going to get better. For instance, Americans are worried about health care, retirement, and the ability to pay for the education of their children. And, these are not worries that are unique to the U.S. middle class. Think of the U.S. as a microcosm of what is happening to the middle class on a global scale. That is why my paper has transnational appeal; it speaks to a global problem; namely, the declining ranks of the middle class.



Global Accountability: MNCs, NGOs, and the Alien Claims Tort Act

Gwendolyn Yvonne Alexis

Assistant Professor, Management & Marketing

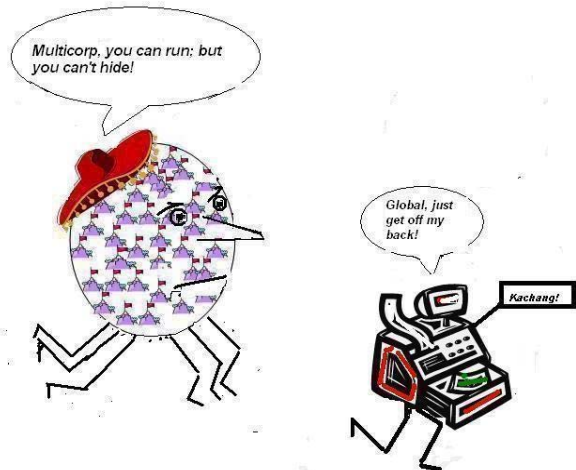
The Alien Tort Claims Act (ATCA) was enacted in the 18th Century to give a fledgling U.S. court system the long-arm jurisdiction necessary for it to bring pirates on the high seas to justice in the U.S. Today, ATCA is being used to hold multinational corporations (MNCs) accountable for the abominable working conditions and callous environmental degradation that abound in the Third World outposts where cost-cutting MNCs have set up shop. Attracted to distant shores by the lure of cheap labor and by the absence of environmental protection laws, these MNCs are in essence the pirates of the present day. And, nongovernmental organizations (NGOs) are pursuing these miscreants around the globe by hauling them into U.S. courts as defendants in class action lawsuits filed under ATCA. The legal theory is that the foreign plaintiffs (under whose name the NGOs sue) have suffered harm as a result of the offshore operations of the dastardly MNCs named as defendants in the lawsuits.

For a law that gives new meaning to "long-arm jurisdiction," the Alien Tort Claims Act (ATCA) is amazingly short on words. Here it is, in its entirety:

The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.

Note that ATCA provides a global community with access to the federal court system of the United States -- the land of the multimillion dollar jury verdicts and home to the most litigious population known to mankind. Add to this explosive mix a plaintiffs' bar that has never seen a lawsuit that it didn't like and you have the makings for class action litigation on a scale previously unknown -- even in the Ninth Circuit (California) where the judiciary has never hesitated to give the plaintiffs' bar extensive leeway in redressing emerging *wrongs*. And, that is the definition of a "tort" -- a *civil wrong* or injury.

The first use of ATCA in modern times occurred in 1980 when two Paraguayan citizens were the named plaintiffs in a lawsuit filed in a U.S. District Court to compensate the plaintiffs for the torture and murder of their seventeen-year old relative while he was in the custody of the Paraguayan Police. Yes, both the plaintiffs and the defendants were Paraguayan and



the wrongs alleged (torture and murder) occurred in Paraguay! Nonetheless, torture and murder are a violation of both "the law of nations" and "a treaty of the United States" in that these crimes violate the United Nations Universal Declaration of Human Rights, to which the U.S. was an inaugural signatory.

Several U.S.-based NGOs joined together to file the lawsuit -- *Filártiga v. Peña-Irala* -- in a U.S. District Court on behalf of the two Paraguayan nationals. The plaintiffs won a judgment for \$10.4 million, which has yet to be paid by the defendants. However, the plaintiffs gained an immeasurable moral victory by shaming the defendants in the court of world opinion. Moreover, *Filártiga* is a landmark decision in human rights law as well as a watershed event for NGOs as it established a precedent for using U.S. courts to redress crimes against humanity occurring anywhere in the world. On the other hand, for MNCs affiliated with sweatshop production facilities, no matter how remote the outpost, *Filártiga* was their Waterloo. ATCA has become the preferred method for bringing renegade MNCs before the court of world opinion and forcing them to own up to the sullied labor-rights histories of their overseas affiliates.

Moreover, unlike the perpetrators in *Filártiga*, MNCs have deep pockets--a fact that is not lost on the plaintiffs' bar in the U.S.. Thus, there are many plaintiffs' law firms eager to represent NGOs and other activist groups who are desirous of filing class action ATCA lawsuits against MNCs for the human suffering (and environmental degradation, which is also an assault on humanity) that is occurring at the

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Global Accountability: MNCs, NGOs, and the Alien Claims Tort Act

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overseas operations of these MNCs, with their knowledge and/or complacency. And, more often than not, there is a quick out-of-court settlement when ATCA lawsuits are brought against MNCs. MNCs just don't need the bad publicity generated by having their names dragged through court; nor do they want the headache of having to *fully* disclose in their financial filings with the U.S. Securities and Exchange Commission the fact that they have been named as a defendant in an ATCA class action lawsuit with all that this may entail in the way of "impairment of goodwill" and weakening of the brand name.

It is perhaps not coincidental that ATCA lawsuits are becoming the weapon of choice for NGOs and other activist groups at a time when the Sarbanes-Oxley Act of 2002 (SARBOX) is requiring greater transparency on the part of publicly traded corporations. SARBOX has made it imperative for MNCs to clearly delineate in their financial reports any and all risks of falling income from operations (abroad and at home) -- such as might result from an impairment of goodwill or the diminishment in value of a trade name. And, today's rapid-fire communications technology together with an aggressive global media ensure that Myanmar's use of conscripted labor in the morning to clear a corridor for the multi-million dollar pipeline project of a U.S.-based MNC will be televised in homes all across the U.S. by evening!

Globalization has not only led to a unification of markets and of the means of production, it has resulted in a global communications network that enables like-minded individuals to unite around the causes that resonate in their hearts. The ATCA lawsuit is *the* lawsuit for a global age; its global reach reflects the underlying theme of globalization - a time when we are all connected, or can be with the click of a mouse. Moreover, it is the lawsuit that definitively signals the arrival of a time when MNCs have nowhere to run, no place to hide.

¹ Now codified at 28 U.S.C. §1350 (1994).

² *Black's Law Dictionary*, 4th Ed. (1968), 1660.

³ *Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980).

⁴ It should come as no surprise that ATCA has cropped up as a possible means of holding the U.S. accountable for the conditions under which prisoners are being detained at Guantanamo Bay. *Sosa v. Alvarez-Machain*, 03-339, (03-339) 542 U.S. 692 (2004).

Through Her Eyes - Rape as a Tool of War

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Although necessary, it is often quite difficult to explicate any depth of understanding regarding issues that are seemingly unrelated to any given society. Rape in times of armed conflict is one of these issues that, while not directly experienced by individuals inhabiting legitimate, sovereign states, is still very much alive and ferociously thriving in failed states around the world.

Ethnic conflict and weak legal mechanisms of control within a given state produce deadly consequences that are often fundamentally gender-related. Sexual violence, nominally rape, is utilized for a variety of reasons, including: intimidation, humiliation, political terror, extracting information, rewarding soldiers, and ethnic cleansing. Rape has often been mischaracterized as a commonplace activity, thus qualifying it for dismissal by political and military leaders. Women are the symbol of honor in a community; therefore, a brutal attack on a woman's honor becomes a microcosm of a larger attack on an ethnic group.

Where are instances of this atrocious behavior seen in the context of ethnic conflict? The former Yugoslavia, for instance, produced a need for Bosnian independence in 1992, of which not all Bosnian Serbs were in agreement.² Having waged genocide on ethnic groups, including the Bosnian Croats and Muslims, the federal army created rape camps out of small towns within which women and children were held in houses and schools that were turned into military brothels. These women were brutally subject to torture, abuse, and even the responsibility to become pregnant. A Bosnian rape victim explicated her experience with one Serb soldier in particular who looked her in the eyes and stated that his intent was to impregnate her with a Serbian child.³ By 1993, 20,000 women had been sexually abused by Serbian soldiers.¹

Nonetheless, multiple instances of rape as a tool of war are currently surfacing in Darfur. There have been 200 documented cases of rape in only one camp in Darfur, grossly miscalculated as the number truly ranges in the several thousand.⁴ Most women do not report instances of rape due to the societal stigmas and familial abandonment that comprise the consequences of such actions. The Sudanese government has employed the Janjawid to *control* large groups of civilians that are working to end the marginalization of Darfur's resources. In many cases, women are

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Through Her Eyes - Rape as a Tool of War

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raped by the Janjawid out in public view, in front of their husbands, relatives, or the wider community.⁵ Women and children, as young as 5, are raped and systematically forced to watch their loved ones thrown into blazing fires. Resistance is not an option. Women that choose to resist suffer severe punishment including having nails pulled right out of their beds, flogging, and severe brutal abuse. Pregnancy is considered a nonentity to the aggressor. Women in Darfur have been killed simply because they were pregnant.¹ Through her eyes, the world is a dangerous horrifying chain of inexplicable events.

Is there a solution? In 1993, the UN established the Declaration on the Elimination of Violence against Women. Article I reads as follows: "The term violence against women means any act of gender-based violence that results in sexual or psychological harm or suffering to women. Article II reads as follows: "Violence shall encompass sexual abuse, dowry-related violence, marital rape, female genital mutilation, general *rape*, *forced prostitution*, physical, sexual, and psychological violence, *perpetuated by the state*, wherever it occurs."⁶ With no unimpeded humanitarian access to these states, how can we ensure that even the most basic liberties are being guaranteed to all civilians?

While accurate in purpose and scope, legislation such as this applies in times of international conflict and has little to do with conflict that occurs within state borders. Within the borders of a failed state, there is no mechanism of control to ensure that all members of society, regardless of gender or cultural differences, are guaranteed protection. By failed state, it is implied that the state has little or no internal authority and a weak, if not nonexistent, government. This poses severe human development limitations on underrepresented and isolated groups of a given society or culture, nominally women. To begin to work towards a solution, these states need to be led in the direction of re-establishing lost mechanisms of control, whether through UN legislation that applies to human rights violations whether they occur, multilateral action, or even unilateral pursuit. To ensure that human development establishes a stronghold in the future, all members of society must be guaranteed protection, equally and permanently.

¹ "Stop Violence against Women." [Amnesty International](http://www.amnestyusa.org/women/rapeinwartime.html). <<http://www.amnestyusa.org/women/rapeinwartime.html>>.

² "History of the War in Bosnia." [Center for Balkan Development](http://www.friendsofbosnia.org/edu_bos.html). <http://www.friendsofbosnia.org/edu_bos.html>.



Rajiv Chandrasekaran, National Editor of the Washington Post and author, signs copies of his book, Imperial Life in the Emerald City after his talk at the GUC of 2007.



Poet Brian Turner reads from his book Here, Bullet at the 2007 Global Understanding Convention.

³ Booth, Cheri. "The Spoils of War." [Peacewomen.org](http://www.peacewomen.org/news/International/March06/Rape_tool_of_war.html) <http://www.peacewomen.org/news/International/March06/Rape_tool_of_war.html>.

⁴ "Report: Over 200 Sudanese Women Sexually Assaulted in Darfur Camp over 5-week period." [Democracynow.org](http://www.democracynow.org/article.pl?sid=06/08/25/143202). <<http://www.democracynow.org/article.pl?sid=06/08/25/143202>>.

⁵ Glick, Beth. "Help Stop Violence against Women in Darfur." [Women's eNews.org](http://www.womensenews.org/article.cfm/dyn/aid/1953/). <<http://www.womensenews.org/article.cfm/dyn/aid/1953/>>.

⁶ "Declaration on the Elimination of Violence against Women." [Office of UN High Commissioner for Human Rights](http://www.ohchr.org/english/law/eliminationvaw.htm). <<http://www.ohchr.org/english/law/eliminationvaw.htm>>.

How Globalization Is Impacting Higher Education

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Globalization is changing the paradigms defining higher education throughout the world. The academy is giving way to a knowledge industry where colleges and universities are not the only providers of educational opportunities (Padró, 2007; Peterson, 1998). The restructuring of the world economic system based on a knowledge economy and new dependencies in the periphery created to meet the needs of that economy have challenged the conventional modes of higher education in many ways while creating huge opportunities (Van Damme, 2002a). A *knowledge industry* is characterized as employing high proportions of educated people as measured by standard levels of individual qualification (Schuler, 2005), which is why dissemination of knowledge needs to increasingly emphasize the vocational aspects of learning in order to determine benefits (Scott, 2003). Also, the creation of knowledge should be linked to national purpose and ascertainable profit (and that includes colleges and universities themselves under guise of institutional entrepreneurship). Disinterested scholarly inquiry is a quaint notion that can no longer really be afforded due to the need to generate useful "intellectual capital" as stated in the 2006 report, *A test of leadership: Charting the future of higher education – A report of the Commission appointed by Secretary of Education Margaret Spellings*.

In short, higher education is now treated as a commodity, albeit one bounded by notions of social responsibility as stated in the *World Declaration on Higher Education for the Twenty-first century: Vision and action* (1998). Higher education is essential to reach the necessary level of sustainable and environmentally sound economic and social development based on human rights, democracy, tolerance, and mutual respect (Protocol 5). Outsourcing opportunities have created demands on national educational systems to provide well-trained employees. These demands add pressure on governments to increase resource allocations and, because these resources are limited, there is a return-on-investment perspective and an emphasis on accrued benefits to society as well as individuals. Knowledge is a large part of labor and capital; hence, the acquisition and dissemination of knowledge are investments in future economic growth (Machlup, 1962; Schultz, 1963). Specifically, "[t]he ability of a society to produce, select, adapt, commercialize, and use knowledge is critical for sustained economic growth and improved living standards." (World Bank, 2002, p. 7)



Winners of the GUC Poster Contest in 2007, Dalia Cohen and Kim Wessels, students in Art and Graphic Design.

"In its broadest terms, accountability in higher education refers, first to the relations of colleges and universities to the people, groups, and institutions in the society that support them and, second, to the relations of the members of a particular college or university to one another." (Trow, 1998, p. 15) Accountability, as can be seen, is more important than ever because of the interest in the bottom-line. This is why "quality assurance has become a central objective of governmental policies and an important steering mechanism in higher education systems worldwide" (Van Damme, 2002b, p. 7). There are three basic forms of quality assurance used to evaluate higher education systems throughout the world: accreditation, assessment, and audit (Kis, 2005). The differences between the three are based on process and the measuring sticks used. At present, the big push is to formulate external, prescriptive standards to be used at the institutional level and to consider program-level accreditation as a means of imposing disciplinary-based standards (as these are accepted by governmental agencies).

Oceania (Australia and New Zealand) is considered to be in the forefront of the quality assurance movement. They are working closely with the Organization for Economic Cooperation and Development (OECD) in developing best practices for institutional review. The European Union (EU) is also assiduously working on shoring up its accreditation mechanisms as decreed by the *Bologna Protocols* in order to enhance degree standardization, set qualifications in terms of learner outcomes, streamline transferability of credits, improve quality assurance, encourage cooperation and networking, and generate transparency. They too are closely cooperating with the OECD as they move to create a more competitive higher education system.

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How Globalization Is Impacting Higher Education

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Quality assurance is also an issue here in the USA as exemplified in the issues surrounding the failure to pass the reauthorization of the Higher Education Act from 2002 to the present. Traditionally, accreditation has been the accepted form of quality assurance. There are pressures from a number of disciplinary movements such from the fields of accountability and assessment (Ewell, 2002) as well as quality. There is a demand to transition from looking at what Birnbaum (2000) calls *Ur-Management* to student learning through learner outcomes assessment. There is also a demand for increased external review using external yardsticks to measure performance. In all, we are facing many of the same issues other countries are facing in terms of redefining the nature of higher education and what is expected from colleges, universities, faculties, and students (whether they graduate or not).

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Study Abroad in Australia, Spring 2007

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"Good morning ladies and gentlemen, we will be descending into Kingsford Smith Airport now, hope you enjoyed flying with Qantas, and enjoy your stay in Sydney!" Hearing the pilot say these words over the loud speaker on February 15th, 2007, was the sentence that finally made me realize, 'I'm in Australia!' All fourteen Monmouth students grabbed our bags from the overhead and pushed and shoved to get off the plane. Walking in the airport terminal seemed surreal. Friendly "g'day's" were being said our way and we could feel the intense heat from outside radiating in from the huge glass windows. This was real: I was living in Australia for the next five months of my life.

On the drive to our new home at Macquarie University, we drove over the Sydney Harbour Bridge and saw the most amazing view of the famous landmark, the Sydney Opera House. I was in awe of its beauty and perfection in its unique architecture and design. I felt like I was living in a dream, like I was in a world over in a different universe. It all seemed so perfect and beautiful.

After getting settled into our new home at the Village of Macquarie University, Crescent Head was our destination for a long weekend. The Mojo Surf bus picked up about sixty kids and we headed up the coast for an amazing weekend of surfing in the crystal clear waters of the Pacific, and relaxing on a beautiful, pristine beach with sand so fine it actually squeaks when you walk on it. At night, the entire camp and crew headed down to the beach to hang by the fire pit, play games, and go night swimming. Joe, a new Aussie friend I had made that day had pointed out to me the Southern Cross and the Milky Way in the clearest sky I had ever seen. I was in such a euphoric state; everything was so new and perfect. This weekend foreshadowed the rest of my adventure in the land down under. I knew from then on that my fears and worries invested in leaving home could be put to rest because of the comfort and excitement I felt in this new foreign country.

Returning back home to the Village, classes started and friendships with students from all over the world had become my new addiction. It was so interesting to meet kids around the village and in class who had a different cultural identity. With all our differences in location on the globe, language, religion, and daily rituals, I noticed how we were really all so similar. Every day and every night was a new experience. Classes were filled with 400 students in huge lecture halls, the supermarkets had products



we had to guess what they were, and Aussies used words we didn't even know existed! The Australian dialect of English was one of my favorite learning experiences out there. Their lax lifestyle mirrored the way they spoke; every word was shortened. Breakfast was 'brekky', cookies were 'bickies', university was 'uni', and thank you was 'cheers'! For some reason their language just

reflected their happy go lucky way of life.

My first big trip I took was in mid March, to Tokyo Japan! I went to visit a friend in the navy who is stationed out there and stayed for 2 weeks to travel the flashy city. I definitely experienced culture shock there, but in a good way! English wasn't too prominent, and everything was so different: the food, the clothes, the trains, and the people! I went to the Imperial Palace, went to a shrine and caught a traditional wedding while I was there, ate their extra raw sushi, and learned some of the language. It was a great kick-start to my traveling experiences, especially having to fly by myself for the first time to Thailand and Singapore as a stopover!

After a month and a half of attending classes at Uni, a 2-week break was in store! One Fish, Two Fish was the next destination of my travels in Oz. This trip was the best and most outrageous trip of my life! Traveling by bus from Brisbane all the way up the east coast to Cairns, myself and about 65 other kids had the experience of a lifetime. Each morning we were up by 6am to do some sort of extreme sport or experience something new and fresh. First stop was Steve Irwin's, Australian Zoo. It was beautiful, filled with exotic animals, and I even got to hold a koala! We then visited Fraser Island, the largest sand island in the world where I flew in a 7-passenger plane around the island to see the amazing views of inland sand dunes and fresh water lakes. Each day was a new experience that included ocean rafting, banana boating, bush walking, sailing, and snorkeling in the Great Barrier Reef all just in the Whitsunday Islands. While bussing up the coast we stopped to go white water rafting and fought against nature to not fall overboard into the dangerous currents!

Cairns was the final destination on One Fish, Two Fish, but the most adventurous! On Friday the 13th of April, it was then and there that I left out all inhibi-

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Study Abroad in Australia, Spring 2007

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tions and went sky diving 14,000 feet over the rainforest and Great Barrier Reef! That wasn't the end of my day either: that night, it was a trip into the very rainforest that I had dove over just hours before, that I then jumped off a ledge suspended 170 feet over water, attached only to a bungee cord. It was the most extreme day of my life!

After our trip was over, and Uni was back in session, traveling around Sydney was amazing. I felt so proud to navigate around a foreign city and not be a lost tourist, but instead a traveler. I went to Marti Gras, the Italian Festival, went to the weekend markets, tanned on the beautiful beaches, rode the monorail, walked around Circular Quay by the Opera House, and explored the city to make sure I got out everything it had to offer.

My next weekend trip I took with a few "mates" was a 3-day tour to Melbourne. We bussed it down there; 12 hours total over night, with a group of about 60 other students. While we were there we drove along the Great Ocean Road, where many amazing rock formations stand as well as Bells Beach, a famous wave that most surfers refer to as their Mecca. The 12 Apostles was an astonishing rock formation in the ocean that we were able to visit. Seeing them in person was breath taking. Every trip I took never seemed to disappoint.

After major traveling was done, my mates and I really wanted to explore Sydney. We went to Footy games, went to the aquarium, went to all the different districts in the city, enjoyed a ballet at the Opera House, rode on rollercoaster's at Luna Park, climbed the Sydney Harbour Bridge, and basically just celebrated our traveling freedom. I was never home sick because as soon as I arrived in Sydney, I felt like it had automatically become my new home. The Village was not just a residence but it really became home to me. My roommates were amazing and we bonded like family instantly.

As Uni was wrapping up, and the final weeks were approaching, the entire population of the village would go out together. There would be groups of 70 kids waiting to get on the bus to head to the city for a night of dancing, laughing, and fun. Macquarie had thrown many events in the city for us to do: kayaking and costume themed cruises in the Harbour, parties at bars downtown, and parties at the University Pub.

The last week in June had sprung up so quickly. Saying goodbyes were approaching and it was the hardest thing. I wasn't going to let it spoil my extended stay though, so I packed my bags and went

to the Fiji Islands with my two roommates! Being spontaneous, we didn't really have exact plans when we got there. We had contacted a few people about accommodation, but left not knowing what was final. Next thing I knew we were staying in a village with a family! It was the most beautiful place I've ever been in my life and culturally, the most interesting. Living with a family in their 3rd world country was shocking. We learned so much about their culture, daily lifestyles and rituals, that it became one of my favourite experiences over seas.

They danced and sang songs of their Fijian culture, and allowed us to sit in on traditional ceremonies. We were even allowed to visit the children in school and walk in the classrooms and communicate with the students during their class time. It all felt really rewarding and special to experience this.

Returning back to Sydney a few days later, I had to pack my bags and head back to the U.S. that I left exactly 5 months earlier. As I was packing up, being one of the last to leave, it all hit me again. "I just lived in Australia! I can do anything now!" Leaving Australia was much harder than leaving home to go out there initially. I had met so many amazing people, who I now consider my close friends, from all different spots on the globe. I knew that I would never have an experience like that ever again, but I'm more than happy that I took the risk and did it.

The city always sparkled to me, the opera house made my jaw drop every time I saw it, and the Southern Cross above us was amazing each night to stare at. With every trip I took, and even every step I walked in Australia, I constantly reminded myself how lucky I was to be there and that it was the best decision of my life. Australia has become my faultless place of paradise, and I cannot wait for the day to move back again.

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