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AND MANAGEMENT TRAINING TO YOUNG
SOCIAL ENTREPRENEURS

THE WAGNER REVIEW

NEW YORK UNIVERSITY
ROBERT F. WAGNER GRADUATE SCHOOL
OF PUBLIC SERVICE

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The Wagner Review is the student-run academic journal of the Robert F. Wagner Graduate School of Public Service at New York University. *The Wagner Review* promotes dialogue on a wide range of issues related to public service, by publishing original research from a diverse group of students and alumni that reflects the academic programs offered and scholarly research conducted at NYU Wagner.

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EDITOR'S NOTE:

In the year since the historic election of President Barack Obama, the political mood in the United States has gone from wildly optimistic to, at best, guardedly hopeful. Many of the president's supporters have been disappointed at the slow rate of political change. Weighed down by legislative and bureaucratic processes and timetables, the progressive momentum that swept Obama into office has slowed to a steady plod. With the protracted partisan debate over public health insurance and the loss of the Democrats' 60-seat Senate majority, Washington appears to be returning to business as usual.

As students and scholars of public service, we know better than to give in to those who would argue that real change is impossible. It is possible, and more than that, it is inexorable—but it will take more than one year to accomplish, and it will require the efforts of many people rather than one great man. So in the meantime, and in the spirit of public service, we must roll up our sleeves and get to work. The articles in this edition of *The Wagner Review* follow this theme of public service in action, focusing on clearly defined problems and offering concrete suggestions for how to fix them or alleviate their negative effects.

Building on the discussion of water scarcity in the special Water Section of the 2008–2009 *Review*, our first article addresses what to do when there is too much of it. **Claire TzuHsin Hsieh, Suvi Hynynen, Arya Iranpour, Michelle Murray Bhattacharyya, Jennifer Perrone, and Nick Prigo** examine the plight of small island developing states in the face of climate change and rising sea levels, and offer a unique, technology-based plan of action to help marshal the resources the states need to save their lands. The dearth of resources and basic infrastructure is also a key problem in Nicaragua, where reliable access to clean, potable water and sanitation is difficult to establish in rural districts. **Matthew Looney, Diane Nosseir, Andrew Quinn, and Elizabeth Van Dyke** discuss how local water and sanitation committees can save lives, and provide recommendations for strengthening these grassroots groups. **Ariana Karamallis MacPherson's** analysis of the Cape Town Spatial Development Framework makes it clear that even in developed countries, lack of access to infrastructure and transportation can be a problem for residents at the margins of society. At the far end of the development spectrum, **Galin Brooks, Gwendolyn Litvak, and Julie Simon** point out how a deceptively simple initiative to increase pedestrian space has improved quality of life for residents in a highly concentrated urban area.

Commitment to helping people traditionally underrepresented in the halls of power is an important responsibility of public service. **Allison M. Ecung** argues that microcredit can help indigent women in Latin America escape sex work and the cycle of poverty by lending these women the resources they need to build financial capital. **ZIA** discusses building capital of a different kind—the social and political capital necessary to secure basic human rights for persecuted LGBT individuals in Iran. Here in the U.S., discrimination may be more subtle, but as **Timothy Farrell** points out, 40 years after Stonewall, lesbian and gay couples still struggle to obtain the right to marry. On a more hopeful note, **Rosemary Linares** traces the progress toward political empowerment and participation in policymaking for the U.S. immigrant community over the last decade.

Leaders in public service must know how to guide their sector through the challenges of an increasingly global and technology-oriented society. **Breann Peterson** analyzes the rule of law in the context of globalization, and its uses and abuses in both the developing and developed world. **Michaella Holden** discusses the important role that cultural diplomacy could play in international relations under the Obama administration. As our world becomes more interconnected, **Sean Capperis, Yael Kalban, and Sabine Khoury** examine the possibilities and problems posed

by the use of electronic records in education and medicine. And as the nonprofit sector grows more willing to take risks, **Micah Goldfus** responds with a program to improve leadership and management skills among budding social entrepreneurs.

This year's *Wagner Review* would not have been possible without the talent and dedication of our 32 student staff members. In particular, Managing Editor **Moschell A. Coffey** is to be commended for her sharp eyes and keen sense of judgment. Our Business Manager, **Adam Morris**, deserves special thanks for his ability to make every dollar stretch as far as possible. We are sincerely grateful to **Lisa A. Taylor** and to our outgoing and incoming faculty advisors, **John Gershman** and **Michael Doran**, for their guidance.

Finally, I would like to thank **Deans Ellen Schall, Rogan Kersh**, and **Tyra Liebmann** for supporting this edition of *The Wagner Review*. In a year when budgets have been slashed to the bone, this journal might easily have been seen as a luxury that NYU Wagner could not afford. But our school recognizes that the *Review* promotes a greater level of academic rigor and interdisciplinary dialogue among our diverse student body, and that these contributions add incalculable value to the Wagner community. Having a student-run academic journal demonstrates Wagner's continuing commitment to preparing its students for the responsibilities they will face as future leaders in the government and non-profit sectors. In 2010 and beyond, *The Wagner Review* will strive to be worthy of your support, promoting public service by inspiring our readers not just to think, but to act on their good ideas and best intentions.

Melissa A. Husby
Editor-in-Chief

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CLIMATE CHANGE AND SMALL ISLAND DEVELOPING STATES USING TECHNOLOGY TO PROMOTE CHANGE

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CLAIRE TZUHSIN HSIEH

SUVI HYNYNEN

ARYA IRANPOUR

JENNIFER PERRONE

AND NICK PRIGO

ABSTRACT Though the effects of climate change cannot be forecast perfectly, there is great cause for concern for the future of Small Island Developing States (SIDS). As rising sea levels threaten to submerge their land completely, these low-lying island nations face an impending crisis, and generally lack the resources and capacity to effectively confront this problem. This article proposes a project to raise worldwide awareness about the effect of climate change on SIDS using the common technology created by Google and social media. In the long run, we believe that increased awareness will translate into greater action by the global community.

INTRODUCTION

Climate change is a serious issue facing many different nations and communities across the planet. Small Island Developing States (SIDS) are among the countries experiencing the most severe effects of climate change. The very existence of these nations is in peril due to rising sea levels, coral bleaching, and myriad environmental and economic issues connected to climate change. Despite the real danger facing these nations, previous efforts have proven ineffective in averting this current course toward disaster. Mechanisms such as the United Nations Convention on Climate Change are in place to reach global consensus on steps to mitigate and adapt to climate change. However, if the last Summit in Copenhagen in December 2009 was any indication, agreement will be difficult to achieve.¹

This paper explores the sustainability of SIDS in the face of climate change, and proposes an educational awareness campaign as a viable solution to push SIDS to the top of the global climate change agenda. This proposed campaign hinges on a partnership between Islands First, a non-governmental organization (NGO) committed to promoting the cause of SIDS worldwide, and the Internet behemoth Google.

We begin by examining the ways in which climate change presents a challenge to sustainability in SIDS, detailing examples of the current and theorized effects of climate change in the small island developing countries of the Pacific. We then review current paths to addressing the challenges of climate change as it affects SIDS, and identify the stakeholders involved in enacting change on behalf of these countries. In the last section, we provide a clear guide to action for Islands First by explaining the reasoning behind a partnership between Google Earth and Islands First, briefly describing the specifics of the technology that will help raise the awareness of SIDS, and identifying how this project can be funded and marketed.

A BRIEF LOOK AT CLIMATE CHANGE

Since 1750, carbon dioxide (CO₂) levels have risen from 280 to 380 parts per million (ppm).² According to the Intergovernmental Panel on Climate Change (IPCC), a United Nations-sponsored international

scientific body that evaluates the realities of climate change, this intense increase in CO₂ has contributed to a warming of the planet, as anthropogenic particles trap heat from the sun's rays in the earth's atmosphere, producing the "greenhouse effect."³ Many scientific experts calculate that, in order for the earth to successfully avoid catastrophic climate change, the level of carbon saturation in the atmosphere must not exceed 450 ppm.⁴ However, to avoid global warming and maintain the current environment, maximum levels must be set even lower; CO₂ levels should not exceed 350 ppm for an extended period of time.⁵

According to the IPCC, an increase in global temperatures will cause the melting and disintegration of ice sheets in the Arctic, Antarctic, and Greenland. What makes the situation particularly dangerous is that the process is non-linear; that is, a tipping point that will cause the ice caps to melt abruptly, and once this threshold has been passed, the damage will become irreversible. Melting ice causes rising sea levels, an effect of global warming that is particularly detrimental to people in coastal or island communities, including SIDS.⁶

Experts have made widely varying predictions in their attempts to estimate the exact impact of climate change. On one hand, a leading climate scientist at NASA, Dr. James Hansen, estimates that catastrophic change could be as close as ten years away, irreversibly causing up to six or more meters of sea level rise in the coming decades, perhaps at the rate of 0.5 to 1 meter per decade.⁷ A more conservative estimate comes from the IPCC, which, in its 2007 Fourth Assessment Report, states that the maximum rise in sea level would be closer to 59 centimeters.⁸

CLIMATE CHANGE AND SIDS

Sea level rise will have a drastic impact on SIDS.⁹ In the Pacific, rising waters may submerge many island nations, displacing their populations. One such case can be seen in the Marshall Islands, which has an approximate population of 60,000. Because the country is made up of 1,225 islets in 29 atolls scattered over 750,000 square miles, the Marshall Islands is at a greater geographic disadvantage than many of the other SIDS. The atolls' average height above sea level is 0.5 meters, with the highest land area on Likiep Atoll, where the elevation reaches a maximum altitude of only four meters.¹⁰ With such low elevations, it is con-

ceivable that the Marshall Islands could be completely submerged within decades, according to some of the projected worst-case scenarios for climate change.¹¹

The difficulty of predicting the exact impact of climate change exacerbates this situation, leaving governments unsure how to act and residents even more vulnerable to disaster. In Ebeye, a city with 23,500 people per square kilometer—known as the “Slum of the Pacific” because of its extreme density and poverty—climate change could displace some or all of the urban population.¹² An evacuation of such a dense city with so few resources is logistically daunting. Considering that over half of the population of the Marshall Islands is under the age of 14, displacement of this community becomes even more difficult.

A neighboring island nation, Palau, represents a case study of the complex consequences beyond sea level rise that climate change has already had on SIDS. Alongside the melting of the ice caps, climate change is increasing sea surface temperatures. In 1997 and 1998, a seemingly insignificant increase of three degrees Celcius caused a massive coral-bleaching event, killing one-third of Palau’s reefs and causing an array of additional problems, including coastal erosion.¹³ Coral reefs act as natural barriers to coastal erosion, so as the coral dies due to climate change, the impact of sea level rise is exacerbated by the lack of natural coastal protection provided by the coral.

In addition to causing environmental damage, rising sea surface temperatures have also had a negative impact on Palau’s economy and its residents’ way of life:

- **Fishing** is the mainstay of Palauan society, a primary source of the inhabitants’ protein intake, and a mainstay of the country’s economy. A 2003 survey of subsistence fisheries indicated that 87 percent of households include a member who fishes for subsistence or commercial purposes, and often for both.¹⁴ Without the reefs to act as rich feeding grounds for fish, this livelihood is in danger.

- **Agriculture and food security** were also harmed as one-third of Palau’s population was affected by a 100 percent loss of taro crops (the country’s main agricultural product).¹⁵ This massive agricultural disaster was caused by saltwater intrusion into the low-lying areas where taro must be grown.

- **Tourism**, the country’s main source of income, has also been impacted by climate change. The diving industry in Palau lost as much as 20 percent of its revenue due to a decrease in divers each year following the coral bleaching event.¹⁶ In a country with a GDP of US\$145 million, this has had major repercussions for the economy.

As the Marshall Islands and Palau illustrate, the sustainability of entire nation-states is at risk; their societies, traditions, and economies that may soon face devastating challenges.

A STAKEHOLDER ANALYSIS OF SIDS

A stakeholder analysis helps identify the decision-making entities that have the authority and willingness to act on behalf of SIDS and implement change. There are five important stakeholders in this issue: private-sector local industries, residents of SIDS, businesses in other countries, NGOs, and governments.

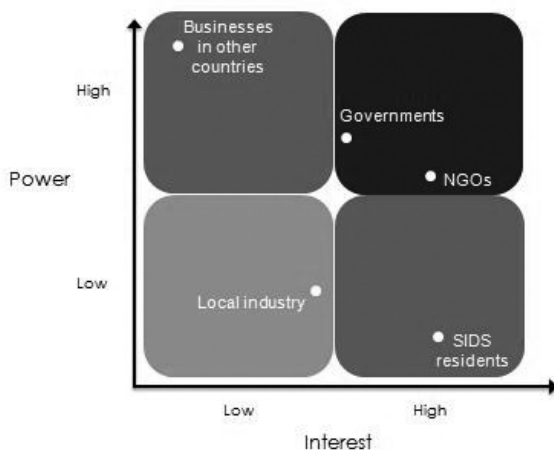


Figure 1. SIDS Stakeholders

Figure 1 shows the traditional stakeholder map in regard to climate change and SIDS. On a global scale, private-sector players with an interest in saving the SIDS (local industry, for the most part) generally lack the influence to solve the crises of the sinking islands. The agricultural and tourism industries, for example, have a major stake in preserving the islands for further tourism and saving crops such as taro, which are suffering from over-salinization associated with rising sea

levels. And yet, these industries are comparatively tiny on a global scale, and the mostly localized players interested in saving the industries have a small global voice.

In contrast, businesses and major institutions in non-SIDS countries are responsible for the majority of CO₂ emissions worldwide. These are the stakeholders with the greatest potential to affect the trajectory of climate change. However, there are many obstacles to engaging them in the welfare of SIDS, as the island nations are not necessarily a high priority for institutions based far away. Also, there is little motivation for profit-making corporations to alter their behavior, since decreasing their emissions would lead to higher production costs. Nonetheless, this community needs to be educated about the consequences of such unsustainable business practices. The right outreach strategy could raise their awareness of the far-reaching effects of CO₂ emissions, and appeal to proponents of corporate social responsibility. While the plight of SIDS may not be a driving force for change in a company based in New York, outreach techniques that show local impacts may serve as a step in the right direction toward corporate accountability for global warming.

Public-sector stakeholders may help to nudge the private sector toward that step. A small number of NGOs focus on the threat that CO₂ emissions pose to SIDS. These players are extremely motivated to bring about change, but currently lack the power and funding to do so. Islands First and the Australian Youth Climate Coalition are two such organizations. With the right tools, these organizations could become powerful players in the fight to save SIDS from the effects of climate change. Their potential power lies in their ability to rouse grassroots support, which by force of sheer numbers could push the destruction of SIDS to the forefront of the climate change debate.

According to basic stakeholder analysis, the following approaches should be used to engage the aforementioned players:¹⁷

- **High power, high interest (upper right):** Engage with them fully, and make an effort to collaborate.
- **High power, less interested (upper left):** Keep engaged and stimulated.

- **Low power, high interest (lower right):** Keep informed, and utilize their enthusiasm and knowledge.

- **Low power, less interest (lower left):** Keep informed on the periphery about the impacts of this projects.

Based on this analysis, we recommend engaging fully with government institutions and NGOs, keeping the corporate and local business communities informed, and engaging with SIDS residents. Moreover, an effective awareness campaign could shift the interests of large businesses into the “high” category. Awareness is the first step in creating incentives to change behavior for those with power.

CAUSES OF INACTION

SIDS face three limitations that, when combined, interact in a vicious cycle of inaction: awareness, resources, and capacity. A lack of awareness about the issue leads to a dearth of resources available to invest in SIDS, which in turn impedes the capacity of SIDS to promote their causes, resulting in more ignorance on the issue.

LACK OF AWARENESS

SIDS are geographically and politically isolated, with too few resources to advocate for themselves on an international scale. While climate change has become an area of increased political interest and action worldwide, there is no comprehensive, integrated public awareness campaign focused on the impact of climate change on SIDS.

This does not mean, however, that the international community is ignoring this important issue. Currently there are several organizations and coalitions advocating for SIDS. Through the United Nations Framework Convention on Climate Change (UNFCCC), SIDS have formed the Association of Small Island States (AOSIS), which voices strong support for combating climate change during international negotiations. Also, SIDS have been joined by some 60 other nations within the UN in an attempt to place climate change on the agenda of the Security Council as a matter of peace and security. This is especially important since the submergence of land will make entire nations uninhabitable and could result in waves of

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A lack of awareness about the issue leads to a dearth of resources available to invest in SIDS, which in turn impedes the capacity of SIDS to promote their causes, resulting in more ignorance on the issue.”

environmental refugees.¹⁸ Other forms of awareness-building outside of these diplomatic channels have been pursued by individual NGOs such as Tuvalu Overview, Climate Change Litigation, and the World Wildlife Federation’s Climate Witness in Action program. These organizations promote the cause through newspapers, blogs, documentaries, and similar outlets. For example, Tuvalu Overview’s “10000 Tuvaluan” project was featured on CNN in 2007.¹⁹

Despite all of this, and despite the fact that SIDS represent an astonishing one-quarter of the votes within the United Nations, they do not have much political clout. Campaigns to raise awareness are few and far between, and face many obstacles. For example, the People’s Republic of China has resisted the incorporation of climate change into the UN Security Council’s agenda, to the point of threatening to veto the petition. Furthermore, there has been very limited global media exposure on the plight of SIDS. All of these factors lead to an overall lack of awareness about the issue in developed nations.

LACK OF RESOURCES

One factor that both results from and further perpetuates the lack of international awareness is the limited pool of resources available to promote the SIDS cause. The few organizations devoted to fighting climate change on behalf of SIDS have been unable to raise sufficient funds. On the islands, the impacts of climate change become further exacerbated when taking into account their limited abilities to adequately respond to the crisis at hand. Many SIDS lack rescue boats, levy and seawall technology, and capable professionals like scientists, economists, and negotiators to

advocate for their causes on the international level.²⁰ Some countries have given up hope of ever finding a solution to climate change, and have begun looking at grim alternatives. For example, New Zealand has agreed to absorb Tuvalu’s entire population of 15,000 when the country submerges. Additionally, the Maldives recently began a sovereignty fund with its tourism revenue in the hope that enough money will be saved to purchase land for future resettlement.²¹

LACK OF CAPACITY

The lack of awareness and resources therefore impedes the capacity of SIDS to take action. Without critical resources, engaged stakeholders are unable to hire staff and conduct advocacy and awareness campaigns. As a result, the cycle of inadequate action continues.

USING TECHNOLOGY TO CREATE AWARENESS

Increased awareness of the plight of SIDS could lead to greater access to resources and assist these nations in building financial, adaptive, and diplomatic capacities. By helping Islands First to demonstrate the predicted effects of climate change on SIDS using technology and visual aids, we hope to effectively link the social cost and reality of climate change to abstract scientific theories. We propose that Islands First use Google’s Internet platform Google Earth to create a tool that displays information, links, and action items on SIDS, as well as an interactive sea level program to allow individuals to explore how rising sea levels caused by climate change will affect SIDS in the future.

WHY ISLANDS FIRST?

Islands First’s mission is perfectly aligned with the proposed technology. Founded in New York by a number of representatives from SIDS, it aims to provide diplomatic, academic, and professional support to promote the cause of island states in the UN:

Islands First aims to empower the small island states to influence environmental policy through the use of some of the methods wielded so effectively by the wealthy nations. Islands First will assist the small island states by (1) building the capacity of their UN missions by providing highly trained, professional advisors, (2) creating and sustaining

strategic networks of scientific, environmental, and policy experts in order to share information and coordinate activities, and (3) devising comprehensive political strategies for advancing their environmental agenda.²²

Islands First believes in the necessity of building sustained relationships, disseminating information, and developing a public media presence in order to raise public awareness of the plight of SIDS.

WHY GOOGLE?

We recommend Google as the private sector actor to create change because Google Earth—a popular, free product from Google that provides a Geographic Information System (GIS) in the form of a virtual globe—can help Islands First achieve its mission. Google Earth has the potential to be a powerful tool for public education, as it conveys data in an easy-to-understand visual format. Additionally, it can go even further than visuals alone with its ability to model interactive predictions of future climate change effects.

Google Earth has several features that can help Islands First fulfill its goal of raising awareness about SIDS. First, Google Earth creates visuals that can be supported by actual scientific data on sea levels rising. Images are often more powerful than words, and thus are a useful tool for public education. This issue of communication was addressed by Dr. Walter Leal Fihlo, a leading expert of climate change education, who said that “. . . even though climate change is a matter of great scientific relevance and of broad general interest, there are many problems related to its communication. Climate change is often regarded as too broad in scope, as too abstract in respect of its implementation, too complex and therefore too difficult to understand.”²³ When communication is conveyed only through text or tables, the interest level of the public is limited. This lack of interest is compounded by the current lack of knowledge about SIDS. It is necessary to have a simple yet powerful communication tool in order to overcome these barriers. Google Earth products can be transferred to various media, and therefore facilitate information-sharing and public presentation. The program is interactive and engaging, allowing users to create maps and images, embed links on websites, and create videos. By applying this up-to-date and popular technology, Islands First can raise public awareness and extend its outreach.

LOGISTICS: CREATING THE TOOLS TO PROMOTE CHANGE

Google Earth will demonstrate the impact of sea level rise easily and efficiently. It will allow individuals around the world to view demonstrations of how climate change will impact not only their own homes, but also SIDS. Additionally, since many of these islands will submerge with even slight sea level increases, we expect this tool to provide compelling evidence to inspire immediate action. When combined with a point layer—digital topography that can be placed on top of Google Earth's existing maps to show pictures and facts about the islands—the impact will be stronger and the path to action easier.

DEMONSTRATING THE EFFECTS OF SEA LEVEL RISE

There currently exists a downloadable layer for Google Earth that allows users to explore sea level rise at different intervals. The tool was created by a Geographic Information Systems specialist, Zoltan Buki, and uploaded in the Google Earth download page for others to use. According to Buki, the tool was created primarily to show the impact of sea level rise on major cities such as New York and San Francisco. Unfortunately, the tool does not work accurately for SIDS due to topographic issues in Google Earth. Nevertheless, by obtaining the accurate and specific topography, it is possible to recreate the tool with sufficient detail to capture sea level rise on those islands.²⁴ The bulk of the proposed project's expertise and funding will go toward this part of the project.

CONSTRUCTING THE POINT LAYER

The goal of the point layer is to raise awareness specifically about SIDS, give precise ways in which climate change will impact them, display pictures and captivating stories, and provide users with the information necessary to take action. The process to create the point layer is relatively simple. This step-by-step guide describes the workflow for designing and creating the example of a point layer for Palau.

1. Compile Master Island List. The first step in creating the point layer is to determine the islands and island groups to be included. There are several important things to keep in mind when constructing this list:

Impact of climate change: Islands that will be most impacted by climate change should be chosen.

Geographic location: Islands that are closer together will create a more powerful point layer map. If islands thousands of miles away from each other are chosen, it may be difficult for people to find all of the points on the map.

Awareness: At least some of the islands chosen for the point layer map should be islands with general name recognition for the target audience.

2. Compile Principal Point List. The second step is to choose which effects of climate change to include on the final map. Some suggestions include agriculture/fishing, water level, coral reefs, and economy/tourism. For each island included in the final product there should be at least one point dedicated to the impact of climate change on each of area chosen.

3. Research Islands. The third step is to research the impact of climate change on each island included in the master list. During this phase, Islands First could find general background information for each island and data for each principal point layer determined from the second step.

4. Format Points. This step involves creating the short text blurbs that will be viewable from Google Maps or Google Earth. In the simplest format it will involve a short write-up for each point, a relevant image, and formatting the content in html (the programming language used on the Web).

5. Create Map. When the content is ready, the formatted information will need to be placed into Google Earth. For each of these applications the user will need to create an account on the system, create a point layer, find the correct island, and place pre-formatted points on the map.

6. Distribution. More information on the intended distribution of this project is below. Additionally, anyone who searches for SIDS, “sea level rise,” or other similar key words on Google Earth will see the point layer come up in the search results.

FINANCING AND PROMOTION

Islands First has limited resources with which to advance its mission, making it important for this endeavor to require minimal financial support from them. Luckily, there are three grants available for this project from Google.org, Google’s philanthropic arm. First, a Geo Challenge grant could provide the funding and technical expertise for the project. Furthermore, Google Earth Pro and SketchUp Pro grants could provide free access to the software necessary to create and maintain the project’s interface. For Google.org, the proposed project addresses one of its core initiatives: it displays the negative environmental effects of climate change and can be used to promote clean energy.²⁵

Once the tool is created, Islands First will be able to reach numerous audiences. Google Earth is estimated to have 200 million users.²⁶ Everyone who has downloaded this software is part of the potential audience for this awareness application. More importantly, Google provides a Google Earth discussion forum to enhance dialogue among users, which can be used as another platform for Islands First to reach the public. Islands First can also collaborate with other organizations that have already adopted Google Earth to promote their causes. A few examples include the United Nations Environment Programme (UNEP), the Jane Goodall Institute, and Greenpeace International. In addition, Google Earth has a featured webpage that showcases public issues. Through this channel, Islands First can share its Google Earth files and increase exposure among the public service community. Moreover, if properly marketed, the organization can reach beyond Google Earth users. For example, there is the potential for this tool to be highlighted by the media, exposing new audiences to the product. Finally, applying a new technology like Google Earth and starting a new communication campaign both provide good opportunities to reengage Islands First’s current networks and supporters.

The next elements in the communication plan are the key messages. A focused message is crucial when using Google Earth as a communication tool. Especially when the technology (and issue) is new and complex, framing all communication around a well-constructed central idea prevents message dilution.

tion. We suggest three main messages to serve as the framework for necessary communications about this project:

1. Small Island Developing States are sinking as a result of climate change.
2. This is causing detrimental and possibly catastrophic effects for the inhabitants of these nations.
3. There are simple actions that everyone can take to help SIDS.

The last step of the communication plan is to use specific tactics to publicize the final product. Once the Google Earth Layers and other applications are finished, it is critical to promote them to the general public. Islands First can do this on its website and popular social networking sites. The organization can also make a video using the program, and put it on YouTube and any other film-sharing websites. We also suggest Islands First include its Google Earth product in presentations at press conferences, networking sessions, and special events.

In the long term when the organization has a greater capacity to create change, it can seek cooperation with other organizations and put Google Earth links and images on these partners' websites. Islands First can target websites with high traffic to reach a wider base of audiences, and it can target sites promoting similar issues to attract audiences who are more likely to be interested.

RAISING AWARENESS AND ACTION THROUGH SOCIAL NETWORKING

As the final step in the proposed Islands First project, we suggest the creation of an action toolkit that individuals can use once they have viewed the effects of rising sea levels via Google Earth. This toolkit will be posted on the social networking site Facebook as a fan page that people can join named "Save the SIDS." This page will be linked from and to Google Earth. Thus, Facebook serves as a tool of information dissemination as well as marketing for the Google Earth layers. The Facebook page will act as a source of additional information for people who are interested in learning more about the plight of SIDS, providing them with information on action

they can take and facilitating discussion on what can be done for SIDS.

As a social networking site, Facebook is an easy way to connect people from all over the globe. There are a number of different features promoting social change that can be added to the "Save the SIDS" page by Islands First. They may post links to articles and videos about SIDS and climate change. The discussion board feature will allow users to comment on climate change issues and to share ideas. Finally, the page can feature pictures and videos from people in SIDS allowing for updated contributions from the public.

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For Google's philanthropic arm, the proposed project addresses one of its core initiatives: it displays the negative environmental effects of climate change and can be used to promote clean energy.”

Most importantly, the Facebook page will act as a resource for people who are interested in learning more about the plight of SIDS, providing them with clear steps for action and facilitating discussion on what can be done. To do this, the following actions should be highlighted on the Facebook page:

1. **List** concrete actions that individuals can take at home to reduce their carbon footprint, such as changing light bulbs and eating locally. Setting goals and asking individuals to make a commitment are tactics that also can increase voluntary behavioral changes. It is important to connect what individuals do at home with their overall global impact.
2. **Encourage** political action by individuals living in the United States. To do so, Islands First should provide information on how viewers can contact their senators and representatives concerning U.S. policy on climate change.

3. Promote action following international climate change meetings, treaties, and resolutions, such as the UN Climate Summit that took place in Copenhagen in December 2009. This action item should provide information about international outcomes, next steps, and specific recommendations that highlight the impact of climate change on SIDS.

4. Call for financial support. Islands First can raise money by encouraging users to donate in support of adaptation and mitigation efforts.

The Facebook page should help Islands First showcase their work to a new audience. Updating it takes a limited amount of time, and there are currently 200 million active users who can access the page. Additionally, spreading the word about the page on Facebook is also fairly easy. According to Facebook statistics, each user has an average of 120 friends, and four million people become fans of new pages each day. Facebook can be translated into 40 different languages, with 50 more in development, and over 70 percent of Facebook users live outside of the U.S.²⁷ Coupled with Google Earth, this Facebook “Save the SIDS” action page can share additional information with users and mobilize support and awareness of the problems facing SIDS due to climate change. Using social networking is an easy way to create, build, and sustain a network of interested individuals who are able to support the work of Islands First.

These are a few additional steps that can be taken to assist SIDS. Islands First can take additional action, depending on their capacity and desire. There are many innovative options to use technology to promote their cause. They can create partnerships with micro-enterprise organizations that would fund small-scale entrepreneurial projects on the islands created by native residents (such as Kiva and Global Giving). Islands First may also partner with nonprofits such as WITNESS, an organization that creates

documentaries of human rights abuses, to provide cameras to people on the islands to record their experiences as life changes on the islands due to climate change. Finally, they can make the Facebook page and Google Earth site self-funding by using AdSense links on the Web site.

CONCLUSION

Inaction regarding climate change carries with it devastating implications for SIDS. Small island states, like many other coastal communities, could face extinction due to rising sea levels caused by climate change.²⁸ could face extinction due to Compounding the problem is a widespread lack of awareness regarding the serious issues being faced by SIDS. The lack of financial resources and desire for change among powerful key stakeholders further compounds the situation. A major shift in interests must serve as a catalyst for real change.

Google Earth has been identified as a means of promoting this change. This tool can be adapted to support the mission of Islands First, raise awareness about the plight of SIDS, and pressure powerful stakeholders into taking action. Islands First can take advantage of this free program and potential Google.org grants to provide compelling, interactive visuals to millions of Google Earth users. This tool can be used for more than just raising awareness; it can be linked to further information for viewers on how to help the SIDS, and can be used for concrete advocacy and fundraising campaigns. This could be the first of many social networking tools used by Islands First to expand promotion of their mission, raise awareness, foster action, and leverage funding. With some ingenuity and collaboration with engaged individuals and organizations, this project can be expanded upon to mobilize greater action on SIDS and climate change.

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THE IMPACT OF COMMUNITY WATER AND SANITATION COMMITTEES IN RURAL NICARAGUA

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ABSTRACT Despite abundant water resources, many of Nicaragua's rural poor lack access to basic water and sanitation services. Failure to expand existing infrastructure rests with the central government. Nicaragua has been affected by a series of natural disasters and faces extreme poverty; the government's efforts in the last two decades have yielded little expansion of the current system. Non-governmental organizations (NGOs) and international donors have achieved some success here through substantial investment in the water and sanitation sectors, but the lack of government disaster mitigation requires most systems be rebuilt frequently. However, field experience in Nicaragua demonstrated that *Comités de Agua Potable y Saneamiento* (CAPS) could signal change after many years of slow progress in these sectors. CAPS are committees that villages form to construct and maintain rural water and sanitation systems. By working with CAPS and supporting their growing national network, national and international actors can effectively target the most vulnerable populations in the country and ensure that local populations are able to maintain water and sanitation systems in the absence of donor and NGO interventions.

INTRODUCTION

In 1995, only 55.5 percent of the Nicaraguan population had access to safe drinking water through a piped system, while a mere 17.2 percent had access to sanitation services connected to public sewage.¹ In 2000, as part of the United Nation's Millennium Goals project, the Nicaraguan government made a commitment to achieve access to safe water for 90 percent and sanitation for 95 percent of all Nicaraguans by the year 2015.² These goals address a stark need for many Nicaraguans, especially the rural poor, but results have not been realized despite the government's ambitious promises. At present, only 60.7 percent of Nicaraguans currently have access to safe drinking water through a piped system, and 19.2 percent to sanitation services connected to public sewage.³ Furthermore, access to water actually declined among the poorest groups in Nicaragua from 1998 to 2005.⁴

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At present, only 60.7 percent of Nicaraguans currently have access to safe drinking water through a piped system, and 19.2 percent to sanitation services connected to public sewage.”

The rural poor consistently demonstrate the greatest need for clean water and sanitation out of all Nicaraguans; water and sanitation coverage rates tend to decrease as distance from the capital city, Managua, increases. There is growing evidence from regions around the country, however, that interventions involving water committees, or *Comités de Agua Potable y Saneamiento* (CAPS), have successfully developed and maintained basic water and sanitation systems. With the assistance of local non-governmental organizations (NGOs), these community-led rural water committees helped improve access to clean, piped water and basic sanitation services. Systematic evaluations of such programs are scarce, but, based on our visits to communities and interviews with NGOs working in the area, the CAPS model is both the most common and the most successful intervention in rural Nicaragua.

METHODOLOGY

Our assessment of water and sanitation services in Nicaragua, specifically the CAPS model, is based on a literature review, interviews with leading NGOs and government agencies working in Nicaragua, and on-the-ground observation and interviews in communities throughout the country during the summer of 2009.

Before traveling to Nicaragua, our team conducted an extensive literature review. After assessing peer-reviewed articles, government and international donor reports, white papers on the country, and donor databases, we compiled a list of organizations—local, national, and international—currently working in the field on water and sanitation. We also researched available baseline data on the state of water and sanitation services throughout the country and compiled data from the 2005 Census. Following our literature review, we contacted individuals at relevant organizations and government agencies, ultimately yielding 29 contacts and interviewees.

During our fieldwork in Nicaragua, our study consisted of qualitative research, in-person interviews with our contacts, project observation in the field, and further data collection. Although largely unknown to us prior to our visit, CAPS emerged in these interviews as a common and successful model for water and sanitation investment in rural Nicaragua. Some of our contacts were able to take us into villages with active projects, where we met and interviewed roughly 15 community members involved in CAPS projects. While we spoke with individuals working at organizations throughout Nicaragua, our primary fieldwork focused on rural water and sanitation projects.

RURAL COMMUNITIES AND THE CAPS MODEL

Many rural communities in Nicaragua only have access to contaminated surface water and demonstrate inadequate sanitation practices. Urban water and sanitation coverage rates remain insufficient, but the relative well-being of the urban population is far greater than that of rural communities. Basic sanitation, public sewage, and clean, piped water lag significantly for rural and poor households in Nicaragua when compared to all other households, and this access varies from region to region.⁵ As Figure 1 shows, the Atlantic and Central

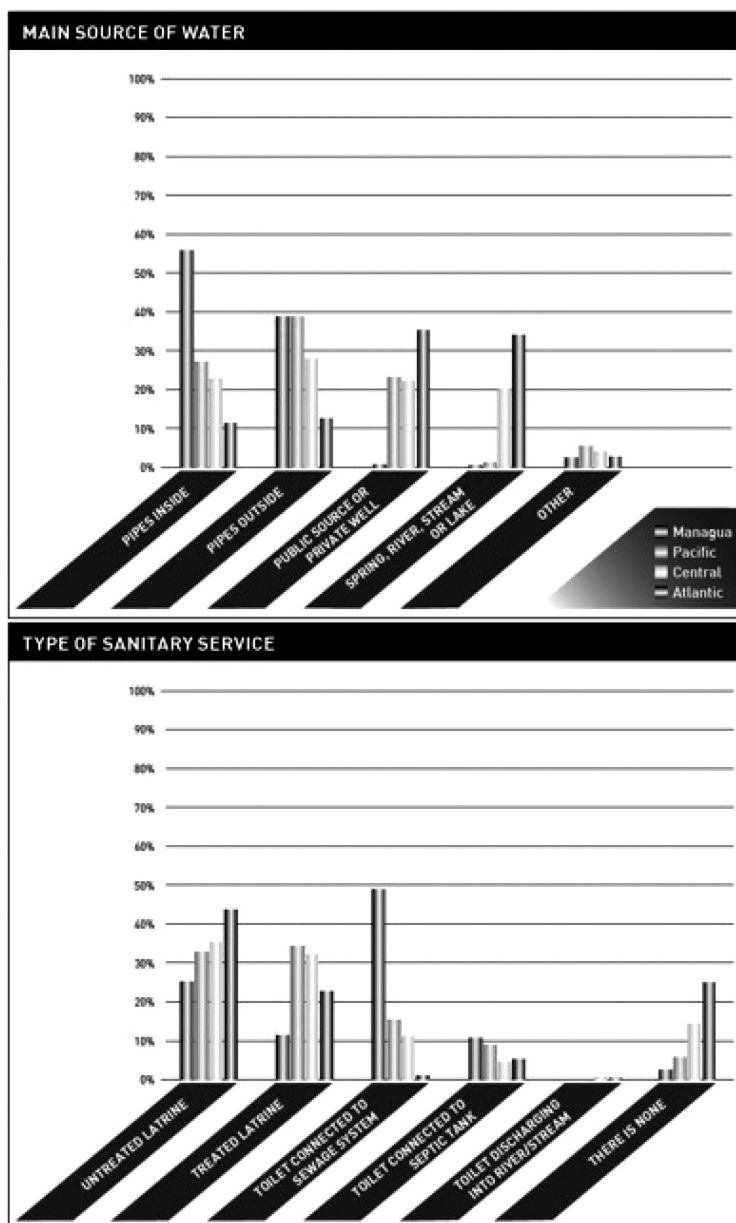


Figure 1. Types of Water and Sanitation Coverage by Region in Nicaragua. Design by Andreas Unteidig.

Regions, especially the rural areas, have far less access to in-house water and sanitation services.

The most common approach to addressing such gaps is a CAPS project. International donors and NGOs have flocked to this model because of its potential to deliver real improvements in the quality of life in isolated rural communities. Though CAPS have demonstrated success, adjustments to the model, described in detail here, would enhance their success.

A CAPS is a group of three to eight community members who manage local water resources with the assistance of a government source, such as the National Social Fund (*Fondo de Inversión Social y Económico*), or FISE, or NGOs working in the area. A CAPS committee generally includes a president, vice president, secretary, and treasurer, as well as people assigned to regular administrative and maintenance duties. CAPS members typically work with organizations and government entities in order to construct

simple gravity pipe systems, which are maintained through collecting and saving small monthly fees from recipient households. While not all water systems are gravity-driven, this method involves the use of a water source located on ground elevated above the community, so that gravity provides the pressure necessary to fill the pipes. An ideal CAPS project will also include basic pit latrines located a safe distance from the water source.

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The degree of success and sustainability of CAPS and their local water project depends on the organization level of the community.”

The degree of success and sustainability of CAPS and their local water project depends on the organization level of the community. Levels of community participation vary widely between villages, and if a committee fails to gain the support and involvement of a critical mass of community members, the project will probably not be sustainable. In order to succeed, community buy-in must be attained in the early stages of the project.

Across the country, community leaders who have participated in CAPS projects vividly described the societal impact of the arrival of piped water, particularly with respect to community health. One topic always mentioned was the health of young children. A leader from a small community outside of San Rafael del Norte stated that he could not believe how quickly the health of the children improved and how noticeable the difference in health was in just a matter of months.⁶ Whereas diarrheal disease had been a serious problem before the water project, since the implementation of the CAPS project it had become practically non-existent.

SHORTCOMINGS OF THE CAPS MODEL

Though the CAPS model has tremendous possibilities for increased access to water and sanitation in rural Nicaragua, there are several key weaknesses in

the model. First, the success of the CAPS model in respect to community health was fully contingent on the success of the model's implementation. Second, many CAPS projects failed to include disaster mitigation efforts, which are necessary for success in a country that is often struck by natural disasters. Finally, CAPS projects often place undue burden on the rural poor and fail to provide services that would meet basic water quality and sanitation standards in more developed countries.

The success of these interventions on community health depended on the success of the implementation of the CAPS project. While some sites our team visited were models of well-executed, comprehensive projects, others lacked well-rounded interventions. For example, although one female-led household in the Diamante, Jinotega Department had seen drastic improvements in water access, the standard of living for that household remained comparatively poor. There was no indoor sanitation access, and the house lacked concrete floors. While Diamante was shown to our team as an example of a site that had clean well water and had also encouraged female participation, it clearly demanded a more comprehensive intervention. Pipes were left in faulty condition and latrines had been filled to capacity for over two years without being replaced. Compared to other communities we visited, the children of Diamante seemed to have poorer health. We saw a lack of dental care, possible parasitic infections, malnutrition, and notable lung congestion.⁷

Furthermore, the CAPS we observed lacked disaster mitigation efforts. The rural poor, already the most vulnerable population in the country, are also the most frequently affected by natural disasters, especially hurricanes. The 2009 Global Climate Risk Index ranked Nicaragua third in a list of countries most vulnerable to severe weather-related events such as hurricanes and floods.⁸ Since 1970, eleven powerful hurricanes and tropical storms have hit Nicaragua with brutal force. In 1998, nearly 20% of Nicaragua's population was affected by Hurricane Mitch, which is considered by the U.S. National Climatic Information Center to be the most deadly hurricane to hit the Western Hemisphere in 200 years.⁹ Mitch destroyed water and sanitation systems in its wake, including pipes and pumping stations, resulting in \$564 million in damage to infrastructure that served 804,000 people.¹⁰

To make matters worse, extensive deforestation and the resulting water pollution continue to magnify the impact of hurricanes on the rural poor. In deforested areas, hurricanes and other natural disasters disrupt existing water systems and cause significant runoff, leading to contamination of surface water. During heavy rains, tree roots and undergrowth stabilize the sloping terrain. Without forest cover, there is no buffer for high winds or runoff. This often leads to devastating landslides like that of Casita Lahar, which killed approximately 2,100 people following Hurricane Mitch in 1998.¹¹ Water sources in Nicaragua are less filtered due to the absence of forests, while increased flows and erosion lead to increased sediment deposits and contaminants in the country's water sources.

Existing water systems are often inadequately constructed to withstand hurricanes and other storms. In a village north of San Rafael del Norte, piping for the community's water system was suspended above a river instead of buried beneath the riverbed. Although it is a more affordable option, suspended pipe is much more likely to be disrupted by violent storms. Despite the fact that simply burying pipes and other infrastructure could increase a system's ability to withstand a hurricane, experienced technicians in rural development projects often felt that this precaution was not necessary.¹² Instead, they decided that systems destroyed or disrupted by a hurricane could easily be rebuilt afterward.¹³ In order to keep construction costs and labor hours down, water and sanitation systems are often constructed above ground with these built-in weaknesses. This approach increases the reliance of these communities on international aid and relief during natural disasters, and seriously threatens the viability of water projects.

Although the CAPS model places a large burden on individual communities, it has proven to be a successful and cost-effective way of bringing water service and basic sanitation to people who otherwise would not have access. However, the cost analysis often fails to account for the opportunity costs associated with community members who donate their time to develop and maintain the systems. The organizational and administrative burden placed on impoverished communities is sometimes prohibitive. Furthermore, many who work for government agencies and NGOs believe it is unreasonable to ask the country's poorest citizens to pay for and maintain the water systems

themselves, and that a CAPS project effectively taxes the poor and isolated for being poor and isolated.¹⁴

Some also wonder whether the level of service provided by a successful CAPS project is sufficient. Why should the developed world expect people in Nicaragua to accept a level of sanitation and water service that would never be acceptable in the developed world? Pipe connections can frequently deteriorate and pit latrines last only two to three years at most. A veteran in the field who was a previous employee of UNICEF mentioned that in mid-afternoon, when the sun is at its peak, the latrines become scalding hot—making their use difficult and exceedingly unpleasant.¹⁵

Another potential problem lies in the payment of a set salary to individuals who have regular duties associated with the system. Small stipends have worked well in some communities, but others have found the practice contrary to the spirit of common ownership of the system. A handful of communities have developed a system of rotating duties in which participants are paid for a day's labor only on the days they are scheduled to work.¹⁶ In these systems there are no set salaries for community members, and the entire community shares the work and is paid piecemeal for the work they do.

Despite these shortcomings, communities that are able to create and support CAPS projects have tremendous potential to improve the lives of local residents. The system is designed to meet the needs of the community, accounting for ten to twenty years of steady population growth. However, much of their success also depends on the support organizations and partners working with a CAPS.

FISE AND DONOR ROLES IN CAPS

According to estimates by the non-governmental rural development organization Mesoamerican Information Service about Sustainable Agriculture (SIMAS), there are approximately 5,000 CAPS in Nicaragua today, operating at widely varying levels of activity.¹⁷ Most communities in Nicaragua organize CAPS with external partners. The most common partners are the National Social Fund (FISE), international donors, and NGOs. Even with the involvement of these groups, Nicaragua struggles to develop a nationwide

CAPS system or a strategy that would expand coverage in a cost-effective way.

Tasked with expanding water and sanitation coverage in rural areas, FISE works with CAPS through financial transfers to municipalities and local governments throughout Nicaragua. FISE's general function is to finance, supervise, and promote the development of human resources and infrastructure in impoverished communities throughout the country. In every municipal department, there are FISE delegates who have direct relationships with central agencies in Managua and community leaders in surrounding villages. The decentralized FISE delegates create CAPS in order to help communities determine sustainable tariffs for water and sanitation services. The CAPS decide the amount of the tariff with the aid of the municipality by assessing the priority placed on clean water, compared the priority of other local needs, as well as the projected maintenance costs, members' ability to pay, and other community-specific criteria.¹⁸ Another important aspect of FISE's work is its engagement of women at the community level—they require that a CAPS include at least two women in order to be eligible for funding.¹⁹

Despite support from FISE, a complicated application process for funding creates significant barriers to rural investment in CAPS projects. One FISE Director asserted that his/her role was to “walk with” the community and provide technical assistance when required.²⁰ Communities are thus viewed as partners and participants in FISE projects, not as clients. This places an administrative burden on rural communities, which often suffer from coordination and organization issues. The municipality itself sets the criteria used in project selection and decides which rural communities to work with, creating another barrier between FISE and CAPS. FISE adds another barrier to funding by requiring that requests be sent first to the municipality and subsequently to FISE itself. To further complicate matters, the community request must include an annual plan (PIA) or a multi-annual plan (PIM) for the project that clearly addresses investment goals and deficiencies in existing infrastructure.²¹

Although the organization aims to serve those most in need, FISE's resources and capacity to provide water and sanitation services are severely constrained. At present, FISE is the only national agency providing

investment for rural water and sanitation, but it is also tasked with a number of other responsibilities. As a result, annual investment in water and sanitation projects accounts for less than ten percent of FISE's annual budget, showing how low a priority rural infrastructure and services are to the central government.²²

Much of the investment in water and sanitation services comes from international donors and NGOs (notably the World Bank and, previously, USAID), which work directly with FISE to make improvements in Nicaragua and other countries. Under the CAPS model, community members organize a CAPS to manage their local water service. Donors then provide engineering expertise and material so that community members can build a basic water pipe distribution system. For these projects, the community members' labor is considered an in-kind contribution.²³ Since many donors do not have experience working

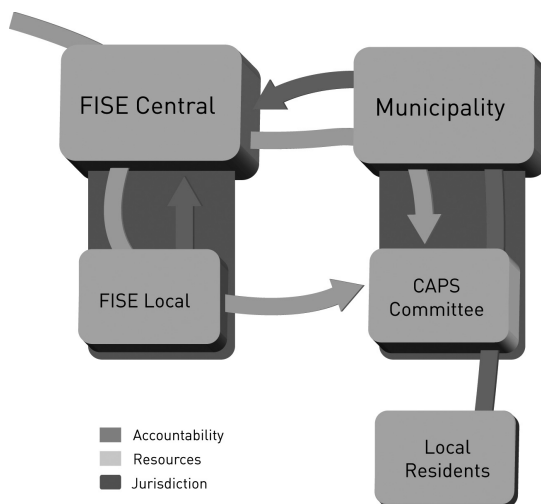


Figure 2. FISE and CAPS Framework. Design by Margaret Moser.

in the field, they seek out NGOs as subcontractors and grantees in order to implement CAPS projects. It is through the CAPS model that NGOs, both Nicaraguan and international, become key players in the water and sanitation sector. NGOs develop their own proposals and project plans in order to apply to donors for funding.²⁴ Because of the complicated nature of the application process and the unique needs of each community, no two CAPS projects are identical. This creates challenges for the coordination of and competition for donor funds, which deter sharing best practices between projects. Because CAPS seek aid from the government and

international donors, they can end up in de facto competition with one another. Such competition constantly increases expectations for the level of organization and funding poor communities must attain before they can receive assistance. The funding requirements imposed by the donors can also create conflicting incentives, and in some cases overwhelm communities as they make efforts to organize. While standardization would clarify expectations, it could also potentially have the adverse effect of creating obstacles to innovative local solutions.

The location of a community in need of a CAPS can influence whether or not it receives support from government institutions and NGOs. Our research showed that FISE and most donors do not invest in the most isolated (primarily Atlantic) regions because of the high costs associated with doing business there. In an interview with Austrian donor agency Horizont3000, a water specialist related that it costs ten times more money on average to transport goods in the Atlantic Region than in the Pacific.²⁵ This increase in cost results from inadequate transportation infrastructure in large parts of the country, particularly in the Central and Atlantic regions. In rural areas, only 26 out of every 100 households have access to a paved road.²⁶ In our experience, even the main roads connecting major cities in the Atlantic and Central Regions are often unpaved and pockmarked with deep potholes, leading to slow travel times. These conditions severely restrict connectivity with the rest of the country and the ability of local communities to obtain materials needed to build water systems.²⁷

Coordination among international donors around CAPS projects remains a problem. Although most key international donors support multiple CAPS projects, it is rare for them to cross-reference their project sites, actively share best practices, or even engage participating communities with one another. Although international donors have supported CAPS projects for years, no comprehensive survey has tallied the number of existing CAPS awaiting financial resources. As a result, an unknown number of organized communities are now simply waiting for donor attention.

Local politics can cause great tension in communities seeking to fund CAPS projects. Municipalities in Nicaragua, with the exception of the three major cities, consist of a small urban core surrounded by

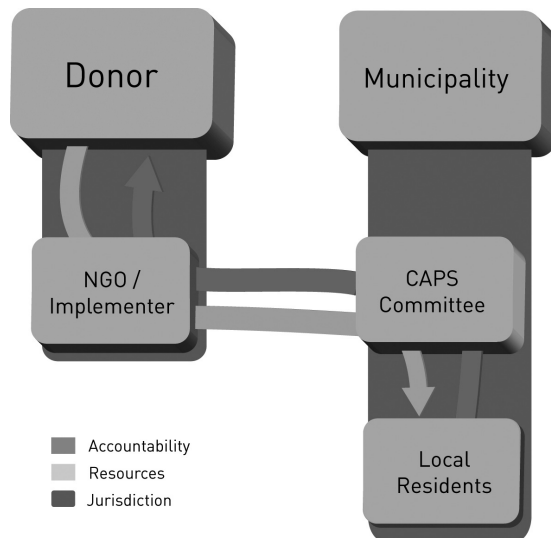


Figure 3. Donor and CAPS Framework. Design by Margaret Moser.

dozens of small, sparsely populated rural communities. Each community has a unique dynamic, and the local potentates may have longstanding relationships with the local leaders of one of the two major political parties. This can have implications for funding for CAPS projects. For example, if leaders of a small rural community fail to support the winner of municipal elections, those leaders may then lack the approval they needed to apply for any support from the central government. Furthermore, it is difficult to foster support for funding and municipal assistance across party lines. There is also a delicate balance between the central government and the handful of municipal governments still controlled by the opposition liberals, the current minority party.²⁸

The CAPS model can also face many additional problems if government and support organizations fail to follow through with their commitments. In our fieldwork, community leaders shared countless stories of the health ministry's failure to fulfill a promise to deliver chlorine every month to allow them to treat their drinking water. In one extreme case, the new Mayor of San Juan del Sur promised a team of engineering students from Engineers without Borders (EWB) at Rice University to assist in building a water system for a community called Pueblo Nuevo, located in the dense forests along the Costa Rican border. Since April of 2009, the local committee has been organized and has collected user fees. The students, with the help of men from the community, dug the

well, provided a working pump, hauled a 10,000 gallon water tank to the top of a hill, and provided the community with its very first working faucet. Meanwhile, the local government, which had agreed to provide equipment and labor to construct a basic distribution network to provide one working faucet for each of the community's sixty homes, has yet to fulfill any of its promises as of this publication.²⁹ Whether the government will honor its promise is still to be determined.

One of the most significant drawbacks of FISE's current approach is the lack of outreach and education programs in rural areas. In multiple interviews with NGOs, funders, and others working on water sanitation and access, we found consensus concerning the need for education about accurate methods for differentiating clean and dirty water. FISE claims to emphasize local capacity building and has begun to roll out a new campaign to educate rural communities about sanitation, hygiene, and other practices that directly impact health outcomes. However, this new campaign has yet to reach many communities in Nicaragua. One community leader in San Martín, Jinotega Department proudly demonstrated his new indoor tap by holding the water up to the light to show its clarity and, by extension, its potability, even though clarity of water is not a reliable test of cleanliness.³⁰ In addition to other ongoing education efforts, communities must be better educated about testing and identifying clean and dirty water.

Disaster mitigation is also crucial for the success of CAPS projects, given the high incidence of hurricanes and landslides in rural communities that have poorly constructed or nonexistent water and sanitation systems. Without these efforts, systems with exposed and poorly constructed infrastructure can be disrupted easily by the powerful storms that frequently hit Nicaragua.

Despite being engaged in efforts to help the government develop the capacity to respond to natural disasters, none of the donors and NGOs that we observed have committed to building projects that could withstand major storms or other natural disasters. A chief consultant on countless donor-funded water and sanitation projects in Nicaragua was surprised when asked about a project that

would involve storm-proof systems.³¹ His astonishment highlights Nicaragua's ongoing infrastructure challenges, since cheap, unskilled labor is plentiful, but expensive, high-quality building materials are scarce.³² However, since Nicaragua experiences a major natural disaster every few years, no real gains in water and sanitation coverage will ever be made if existing community-based systems have to rely on frequent repair.

The relationships between CAPS and funders vary tremendously. Some, such as the Nicaragua-based organization Agua Para La Vida (APLV), have had great success without developing a patron-style relationship with an NGO. In other cases, the relationship between a given NGO and a donor becomes so close that it resembles a patron-client relationship, which is the case with *La Agencia Suiza para el Desarrollo y la Cooperación* (COSUDE), one of the largest donors in the area of water and sanitation. All of COSUDE's CAPS interventions are implemented by one of two groups, CARE or Save the Children, both of which are large international NGOs based in the United States. In contrast, two Nicaragua-based NGOs, El Porvenir and the aforementioned APLV, which also hold 501(c)3 status in the United States, have had significant success without NGO funding or management and have a well-developed CAPS model.³³

During a site visit to APLV's first project in Linda Vista, we observed the CAPS to be one of the most organized and sustainable actors in the water and sanitation sector in Nicaragua. The Linda Vista community seemed to have a higher quality of life than other field sites we visited, and members enjoyed a well, multiple taps, showers, stoves, and several latrines. This site may have enjoyed some benefit from its relatively close proximity to the Rio Blanco office of APLV.³⁴

To date, APLV has completed over 50 projects in the Rio Blanco area, and intends to expand their work not only to other departments, but possibly to other countries in Latin America. APLV uses the CAPS model to help to organize communities, identify a spring for a gravity-flow design, lay down pipeline, and pour cement for *puestos* (tap stands). After a drinking water system is established, APLV

helps to build latrines and showers, and then conducts follow-up health evaluations. APLV also assists with reforestation efforts and watershed protection, an effort few other organizations have made part of their mission.³⁵

While APLV appears to have a comprehensive approach to their work, they are limited geographically to one department in Nicaragua. Given current funding constraints and their desire to expand, it would be prudent for APLV to partner more extensively or merge entirely with other local organizations that have similar interventions, such as El Porvenir. A lack of a unified voice is a serious, ongoing challenge to nonprofits working in the water and sanitation sector in Nicaragua, and results in diminished effectiveness when partnering with or lobbying governmental or international entities.³⁶

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Disaster mitigation is also crucial for the success of CAPS projects. Without these efforts, systems with exposed and poorly constructed infrastructure can be easily disrupted by the powerful storms that frequently hit Nicaragua.”

Overall, governmental efforts with regard to CAPS projects are limited and inconsistent, further highlighting how rural water and sanitation services are not a priority for the government. CAPS advocates, such as SIMAS, were discouraged that the recent *Ley Nacional de Agua* (National Water Law) did not include a provision that legally defined CAPS.³⁷ Because these groups were not given a legal identity, control of their systems and funds could be expropriated by an unfriendly municipal government. As of February 2010, a CAPS could not incorporate or even open a bank account. Although it does not seem like a government priority, CAPS advocates are now seeking a separate law that would allow incor-

poration and bank financing.³⁸ While the prospects of such a law are uncertain, SIMAS continues to be the principal organizing force behind what is being called the Red Nacional de CAPS, or the CAPS National Network. This network seeks to harness the power of thousands of activists associated in some way with a CAPS project as a force for political change and legal recognition.

Despite the potential impact of a national CAPS network, SIMAS' efforts have not yet been fruitful. Perhaps this is because local committees exist in isolated contexts, and CAPS projects have a specific, narrowly-defined goal: piped, potable water for their community. Since CAPS leaders are not united by any broad political goals or principals, a clear political identity for CAPS has not taken shape. This lack of identity restricts their ability to organize nationally and demand significant changes from the central government. SIMAS and its collaborators may be able to synthesize common principles and a political identity, but without a patron or supporting institutions, their efforts will yield uncertain results.

Despite this political instability, SIMAS is clearly attempting to take advantage of community organizing and apply it to broader political goals. The NGOs, government institutions, and the international community must promote this model and improve collaboration with communities throughout Nicaragua to help CAPS reach its full potential.

RECOMMENDATIONS

The current actors in the water and sanitation sector in Nicaragua are not providing for the dire needs of large segments of the population. This is largely the result of the failure of central government, communities, and international donors to find a common framework, with the expressed goal of extending water and sanitation coverage to all citizens. Our recommendations to remedy this situation can be grouped into the following steps: design an intervention around the CAPS model; incorporate a disaster planning and mitigation strategy; improve capacity building and education programs; and create a CAPS statute and institutionalize support for a national network.

1. DESIGN AN INTERVENTION AROUND A MODIFIED CAPS MODEL

A modified CAPS intervention should be designed with attention to the following details:

Provide continued support to the communities.

Implementation of an individual CAPS project must be monitored by the donor or implementing agency from the first organizational meeting through the life of the project, in case a major problem arises with the water system or within the committee itself.

Encourage community commitment. A CAPS project has a far greater chance of success and sustainability when there is widespread interest among community members, initial meetings are well attended, and there are individuals who are ready and able to provide the physical labor to build the system. Many NGOs that work with CAPS projects claim that the communities in which they work were organized in advance and sought the assistance of the NGO on their own.³⁹ Community initiative is important, but a clear explanation of what is necessary to maintain a community water system is critical. A better approach might be one in which the NGO helps explain the costs and benefits of the project to community members, and is present during the formation of the water committee.

Identify roles while recognizing unique local needs. In order for a CAPS project to succeed, the community must determine who will be responsible for regular maintenance and repairs, whether or not there will be a fixed fee for household users, and who will manage and safeguard the money. They must further decide if committee officers with regular responsibilities will be given a regular salary. Our research suggested that granting a small, regular salary to those who maintain and administer the community's water system has proven to be a best practice that contributes to the longevity of CAPS projects. Furthermore, whenever possible, CAPS projects should identify the specific needs of women and promote gender balance among the committee's leadership. At the same time, the makeup of individual communities varies greatly and the model must be adjusted to acknowledge specific needs and circumstances. All key decisions should be made in a community forum after open debate, which NGOs can help to facilitate.

Support cooperation and compromise. Communities and NGOs must work together to identify the community's most viable source of fresh water and secure land rights to the water as well as the rights to the land on which the system will be located. In some cases that we observed, an NGO and community leaders have had to seek support from their municipal government in order to pressure private landowners to cooperate. In other cases, small concessions (such as one or more complimentary faucets connecting to the system, or compensation through building watering troughs for cows) have been enough to secure the support of the owner of the water source.⁴⁰ In any case, a written guarantee of control over the water source and the land immediately surrounding it must be obtained in advance.

2. INCORPORATE DISASTER PLANNING AND MITIGATION STRATEGIES

Donors should take basic preventive measures to ensure that projects are sustainable by estimating risk according to the level of vulnerability and potential for hazard where systems are to be built. There are three basic steps involved in this process:

Vulnerability assessment. Donors should map risks in order to identify hazards specific at each implementation site. Additionally, communities should determine alternative water sources so that supplies can remain uninterrupted following a disaster. Performing baseline assessments of infrastructure and community health allow for more accurate evaluation of the immediate effects of a disaster and any post-intervention improvements. Furthermore, communities should conduct research to determine the results of prior disasters so that effective responses to disaster can be designed in advance.⁴¹

Risk management and prevention. Donors should establish a standard practice to budget and safely store replacement equipment and chemical treatments on-site for use in the event of a disaster.⁴² Depending on the environment, these efforts could be coupled with large-scale reforestation efforts to protect water sources and preserve hillsides from erosion. Trees and brush can help to protect the water tank, filtration system, and any other equipment from damage, and contribute to the natural filtration and replenishment of the water source itself.

Post-disaster response. Communities will also need to prioritize strategic planning for disasters, in order to be prepared. Well-rehearsed procedures to follow before, during, and following a disaster would augment a community's resilience and allow them to return to normalcy quickly in the aftermath of a hurricane or flood.⁴³ Post-disaster response should then seek to strengthen existing design and reduce vulnerabilities.

3. CAPACITY BUILDING AND EDUCATION PROGRAMS

In order to guarantee a positive impact on the quality of life of the community, classes and training programs must accompany a new water access and sanitation system. Comprehensive education for community members, including adults and children, regarding the benefits of latrine use and proper personal hygiene can be the difference between a mediocre project and one that significantly improves the standard of living in a community. Education programs should also include community disaster preparedness and response planning. Such programs would enable community members to anticipate, prepare for, and respond adequately to a disaster.

Communities should also be educated on proper forestry practices to ensure that they do not cut down the trees and undergrowth around their water source. If the project model is adapted to ensure sustainability and guard against the many organizational flaws discussed previously, an education-supported CAPS project has a better chance of providing reliable access to potable water, basic sanitation, knowledge of personal hygiene, and improved resilience during disasters absent any government intervention.

4. CREATION OF CAPS STATUTE AND SUPPORT OF NATIONAL NETWORK

While self-sustaining, successful CAPS projects appear to be the best short-term intervention available, the model must be viewed as a worthwhile stop-gap rather than a long-term solution. These projects can only be successful in the long term if the position of the local committees as owners and operators of local water systems is formalized by government statute. While NGOs, donor institutions, and the central government must support individual CAPS projects, they must also support efforts (like those of SIMAS) to organize and provide legal support to the CAPS to ensure long-term improvements. Given that Nicaragua's 2007 National Water Law guarantees a right to water for all citizens, but does not provide any specific legal recognition for CAPS, supporting organizations must take action to build and endorse these efforts.

CONCLUSION

Faced with Nicaragua's ineffective institutions, extreme poverty, low density, poor environmental practices and vulnerability to natural disasters, any organization attempting to achieve sustainable impacts in that country must carefully evaluate its scope and capacity when developing a water and sanitation project. There are certainly no easy answers and no potential solutions without concomitant challenges. Nevertheless, comprehensive effort is needed to improve the lives of Nicaragua's poorest populations, and CAPS should form the centerpiece of national and international efforts to provide water and sanitation to these groups.

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EVALUATING CAPE TOWN'S SPATIAL DEVELOPMENT FRAMEWORK

URBAN DEVELOPMENT AND INFORMAL SETTLEMENT UPGRADING IN CAPE TOWN, SOUTH AFRICA

ARIANA KARAMALLIS MACPHERSON

ABSTRACT Urban development in South Africa has been largely informed by apartheid policies that prohibited blacks from occupying land within the city center. Those policies set in motion a pattern of development that perpetuated residential segregation and relegated many black residents to informal settlements at the sprawling peripheries of large cities. In 2007, the City of Cape Town Planning Department (CitySpace) responded to urban sprawl with an integrated planning program that provides tools for guiding and managing urban growth, balancing land uses, and creating a sustainable path for the city's long-term structural and spatial development. This article assesses the viability of the Spatial Development Framework (SDF), placing it in the context of parallel efforts to upgrade slums and promote urban development. This article concludes that the SDF will be viable if it secures and retains the support of city government, which in the past has tended to prefer capital-intensive relocation projects to more sustainable incremental approaches.

INTRODUCTION

About one in three city dwellers worldwide live in informal settlements, or slums, defined by Cities Alliance as “neglected parts of cities where housing and living conditions are appallingly poor.”¹ In 2005, the United Nations Human Settlements Program (UN-HABITAT) described “slums” as any area where at least half of all households lack at least one of the following: improved water, improved sanitation, sufficient living area, durable housing, or secure tenure.² Slums are most prevalent in Sub-Saharan Africa, where they are home to 62 percent of the urban population.³

Urban development in South Africa (including the growth of slums) was informed largely by apartheid policies that prevented blacks from occupying land within the city center. Fifteen years after the fall of apartheid, the spatial structures of South African cities remain largely unchanged, with residential segregation characterizing many cities’ established neighborhoods and blacks comprising the vast majority of the population in informal settlements. The government has tried to mitigate the effects of race-based poverty by improving the delivery of basic services such as water, sanitation, electricity, and housing, all of which have successfully improved the quality of life for residents in cities like Cape Town. But informal settlements have continued to expand. Today, an estimated 1.1 million households in South Africa’s nine major cities live in an informal shelter.⁴ And in Cape Town, no integrated spatial development plan guides the continued growth of the informal settlements. Sprawling development pushes the city’s peripheral residents further from the city center. As a result, many of Cape Town’s poorest, primarily black residents are forced into isolated, single-use settlements, far from services, employment centers, and public transport.

In 2007, the City of Cape Town Planning Department (CitySpace) responded to the problems of urban sprawl by creating an integrated planning program that provides tools for guiding and managing urban growth, balancing land uses, and creating a sustainable path for the city’s long-term structural and spatial development. The Spatial Development Framework (SDF), now in its final rounds of public review, was designed to address the issues exacerbating Cape Town’s unsustainable expansion, including

insufficient public transport, difficulty extending infrastructure, heavy reliance on private transport, and segregation of residential and commercial areas. Building on theories of urban growth and sustainability, this article will assess the viability of the SDF, placing it in the context of other efforts to upgrade informal settlements and promote urban development in Cape Town.

PROFILING CAPE TOWN

In 2007, when the SDF was first developed, Cape Town’s estimated population was roughly 3.5 million. Close to one-third of the population lived in extreme poverty, and about as many were either homeless or living in temporary or informal shelters. Twenty-nine percent of Capetonians lacked formal employment. Urban growth in Cape Town followed typical patterns of urban sprawl, with relatively low residential densities, heavy reliance on private transport, and increasing distances between the different spheres of daily life. But distance was not all that separated Cape

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Urban development in South Africa—including the growth of slums—was informed largely by apartheid policies that prevented blacks from occupying land within the city center.”

Town’s classes. Tremendous disparities in standard of living separated the 16 percent of households classified as “elite” in Cape Town and its suburbs, mainly clustered near city centers, from the more dispersed populations identified as “middle class” (31 percent) and “poor” or “working class” (51 percent).⁵

In addition to the socio-economic consequences of sprawl (i.e., the perpetuation of racial and class segregation), some negative environmental and public health outcomes were already evident in Cape Town by 2007, including air pollution, unsustainable water consumption, loss of green space, and deteriorating health. Moreover, resource consumption across the

city of Cape Town was highly unsustainable and unequal. As Mark Swilling, a planning professor at the University of Stellenbosch outside Cape Town, wrote:

It is difficult to see how poverty eradication in Cape Town is a realistic goal if scarce financial resources and free services from nature . . . are wasted on maintaining an ecologically unsustainable system that works in financial terms for the middle- and high-income communities . . . but tends to be too costly for those poor households that are lucky enough to be serviced.⁶

A SUSTAINABLE SOLUTION: THE CAPE TOWN SPATIAL DEVELOPMENT FRAMEWORK

In places like Cape Town, where the poorest residents are the most widely dispersed and are forced to use the most time and money commuting between work and home, urban sprawl is a highly unsustainable and problematic pattern of development. It threatens the city's social, environmental, and economic sustainability.⁷ In 2007, the South African government recognized the need to address economic, spatial, environmental, and social development challenges by replacing ad-hoc improvements to housing and basic services with an integrated spatial development strategy. The Spatial Development model was adopted in 2004–2005, with the adoption of the National Spatial Development Perspective (NSDP). Taking into consideration both economic and social conditions in the area, the aim of this framework was to ensure that infrastructure investment targeted the areas in greatest need.⁸

In 2007, informed by and improving on the NSDP, the city of Cape Town began developing a Spatial Development Framework (SDF) by recruiting and engaging possible stakeholders, including government, civil society, and the private sector. This was followed by the publication of a first draft for comment in 2008. This draft, open for public consultation for the following year, consisted of the vision and principal issues to be addressed by the SDF. In August 2009 the second draft, consisting of the content of the SDF, was published and open for public consultation until the 2010 publication of the SDF final draft.⁹

The SDF addresses interrelated development trends and challenges in the following areas:

- Urban growth: urbanization, infrastructure backlogs, and limited future spatial growth options and resource consumption trends;
- Environmental impacts: natural environment under threat, compromised ecological services, poor-quality open spaces, and possible impacts of climate change;
- Poor accessibility and unbalanced movement patterns: radial transport network limitations, inefficient public transport network and services, and road congestion;
- Economic patterns: regional economy, dynamic economy, and spatial economic marginalization;
- Spatial structure: a spread-out city and spatial fragmentation; and
- Quality of built environment: cultural landscape and urban heritage area under pressure, poor living environments, and inadequate and poorly distributed residences and facilities.¹⁰

The SDF identified three guiding principles as key to addressing these issues. First, the SDF recognized that Cape Town's success hinges on its ability to compete nationally and globally for investment, to increase economic growth, and to promote poverty eradication. The SDF acknowledged that city government must take on coordinated planning, budgeting, and management of the region's natural resources and built infrastructure, as natural features such as Table Mountain drive much of the city's thriving tourist industry. Lastly, the SDF proposed that Cape Town is to become "a city organized around development corridors," facilitating easier access to goods and services for all of the city's residents and promoting social and economic integration.¹¹

In keeping with these principles, the SDF proposed five strategies for future development:

1. Enhance the value of the natural and rural environment and green spaces for the people of Cape Town.

2. Establish an integrated, grid-based movement system.
3. Consolidate and intensify development on the accessibility grid.
4. Direct urban growth and promote compact, integrated development.
5. Develop more great people's places.¹²

The first strategy makes use of the first of five spatially oriented recommendations of the SDF—the development of a Metropolitan Open Space System (MOSS). This continuous, linked, and managed network of natural and developed open space allows for the development of city-wide foot and bicycle paths, in an effort to promote connectivity between green spaces and reduce the need for transport by private vehicle.¹³ While the actual implementation of such a system will likely face many challenges, particularly due to crime and safety concerns, it will serve as a valuable tool for the preservation and increased accessibility of natural resources in the city. Additional measures include the creation of public transportation to increase access to coastal areas, as well as the development of open space areas within walking distance of all residential neighborhoods.

The second strategy, establishment of an integrated grid-based movement system, focuses on the need to “break away from current radial movement pattern that focuses on the historic central business district (CBD) and create a strong network of cross-city roads, public transport and walking and cycling routes that link homes, work places, shops and social facilities.”¹⁴ To do this, the SDF proposes the implementation of an accessibility grid that will make travel to and between all parts of the city more convenient. It will also inform development of the public transport system and economic activity. The most significant development strategy in this section is the creation of an efficient and safe Integrated Rapid Transit (IRT) system that will operate citywide and between suburbs, with the aim of constructing an IRT station within half a kilometer of all residences. In addition, the main hubs of the new public transport system are to be aligned with supportive land use, so that higher-density commercial, industrial, and residential development is located along the accessibility grid.

Closely linked to the second strategy, the third aims “to promote Cape Town’s economic development and encourage a better distribution of economic opportunities, work places, shops and trading areas”¹⁵ through the use of economic opportunity zones. The utilization of corridor and nodal mixed-use development will serve to enhance Cape Town’s economic positioning and to promote investment through easy access to necessary infrastructure such as seaports, airports, communications technology, water, and stable electricity. Mixed-use development will help to limit sprawl as it reduces spatial distance between residential and employment centers. In addition, job creation in low-income communities and the creation of economic opportunity for informal traders will begin to bring together the formal and informal economies, acknowledging the invaluable role informal traders play in Cape Town’s overall economy.

The fourth and most detailed strategy is focused on managing urban growth and promoting integrated, compact development. To facilitate this, the city proposes the creation of growth directions and urban and coastal edge lines to manage urban growth and development.¹⁶ The first portion of this particular strategy, aimed at managing growth, proposes the adoption of development edges and the densification of areas within city limits, with a set target to achieve a “middle path” density level of 25 dwelling units per hectare for the city as a whole, a density level that public transport can efficiently and sustainably provide for.¹⁷ The development of urban growth boundaries and densification strategies are complex tasks; while official policy documents have not yet been published, they are currently in process and are expected to complement the SDF upon finalization.¹⁸ In addition to densification and the use of development edges, new growth will be directed to appropriate locations where infrastructure capacity exists or will soon be provided. In the provision of new infrastructure, eco-friendly technologies are to be used in order to protect natural resources and increase ecological and economic sustainability.¹⁹

The second component of the fourth strategy focuses on the promotion of integrated development, requiring that new development comprise a multitude of uses and cater to racially and economically diverse populations. In addition, the strategy requires that development be close to shops, social facilities, and

work places, as well as be designed to increase the ease of access and social mixing. Large concentrations of subsidized housing are to be avoided; instead, development should incorporate subsidized housing into existing neighborhoods across the city. In addition, the quality of infrastructure, services, housing, amenities, and open space in low-income communities and informal settlements are to be upgraded and improved, transforming these neighborhoods from peripheral residential sites to suburbs. In order to keep better track of available land for upgrading and rehabilitation, a database will be maintained and updated to account for all undeveloped and partially developed land across the metro area.²⁰

The last of the five strategies aims to develop and preserve Cape Town's cultural and natural attractions, including "significant land marks and places with particular history, places with good views, and places where people can socialize and have fun."²¹ These places are integral to the identity and economy of Cape Town. To ensure that Cape Town's landmarks are improved, expanded, and preserved, this strategy aims to: update the Heritage Asset Register of buildings and sites of historical, architectural, and cultural significance; ensure accessibility to all destination places, city wide; and develop high quality destination places in underserved communities.

POTENTIAL CHALLENGES TO IMPLEMENTATION

This article will attempt to assess the viability of the proposed SDF by comparing it to an SDF implemented in another South African city, Durban, and by examining the outcome of the N2 Gateway Project, another recent redevelopment effort in Cape Town.

DURBAN

Cape Town's SDF incorporates lessons learned from cities such as Durban, where an SDF has been in place for more than a decade. Chief among these lessons is the importance of securing buy-in from local officials.²² While planners were able to construct an effective framework in Durban, lack of political will from local officials largely prevented effective implementation.²³ Cape Town's government appears to be trying to avoid this problem by working to secure public support through various phases of public consultation and registration of relevant stakeholders.²⁴

In addition, Durban development officials struggled with conflicting priorities—creating a compact urban center and promoting development in outlying low-income communities. These conflicting priorities undermined attempts to mitigate urban sprawl and instead perpetuated the economic and social isolation of these largely black, low-income communities.²⁵ By promoting development within nodes of activity and along the accessibility grid, Cape Town's SDF promotes development that benefits residents across the city without attracting excess development to peripheral sites. In addition, by proposing that low-income communities develop into mixed-use suburbs, future growth will ultimately increase densities close to economic activity, allowing for infrastructure efficiency and providing incentive and opportunity for residents to locate away from the periphery.

Lastly, one of the major challenges for Durban was its lack of a policy tool that would commit local development to the guidelines of the SDF. As a result, city officials found implementation challenging. In light of this, Durban's planning department developed Spatial Development Plans (SDPs), dividing the metro area into four sub-metropolitan regions. This method has been adopted by Cape Town through the development of eight SDPs at the sub-metropolitan level. While the development of SDPs managed to improve the overall functionality of Durban's SDF, all challenges have not yet been overcome, particularly with regard to insufficient resources and decision-making power on the part of the city's Planning Department.²⁶ The viability of Cape Town's own SDF is strengthened by the fact that the city is attempting to incorporate best practices from other South African cities.

N2 GATEWAY PROJECT

While Cape Town looks to Durban for best practices to strengthen its SDF, Cape Town's own upgrading projects offer lessons for how to make the SDF viable. One instructive example is the N2 Gateway Project, launched in 2007 while the SDF was in its earliest draft stages. The project was intended to provide a mix of higher-density formal housing for residents of informal settlements along a 10-kilometer stretch of the N2 highway between Cape Town International Airport and the city's historic center—an area that would be highly visible to visitors attending the 2010 FIFA Soccer World Cup in Cape Town.²⁷ But the

project has been mired in controversy from the outset, as many shack dwellers have been forced to relocate to remote sites on the city's periphery; onlookers perceived that the projects' poor planning and rushed implementation was informed largely by the desire to complete the project in time for the soccer competition.²⁸ To date, development has continued on the N2 Gateway Project and protests continue to take place in informal settlements; many residents display their dissatisfaction with the city's relocation tactics through protests and social unrest.

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The Spatial Development Framework proposed by Cape Town's City Planning department would be a strong step toward addressing these disparities and putting the city on a sustainable path.”

The N2 Gateway Project highlighted one of the major struggles of urban development in Cape Town. Nick Graham notes the inherent conflict between “the political vision for the City, the governance of informal settlement projects, and the struggle between bureaucrats and politicians over power to shape the city.”²⁹ In this case, Cape Town politicians demonstrated a preference for a one-time, capital-intensive project that aimed to eradicate informal settlements en masse, through the development of new housing on serviced plots. In contrast, academics and city planners tended to support a more incremental approach that would allow residents to remain in their homes as upgrades took place. However, officials felt that this strategy would mean “the shacks will be there for too long to call it a success.”³⁰

The fact that local officials tend to perceive a correlation between immediate access to formalized housing and successful upgrading leads them to prioritize the aesthetics of short-term fixes over long-term, systemic

solutions that support the livelihoods of the poor.³¹ These are important issues to consider as Cape Town moves forward with the SDF. Ultimately, the political support of local government is necessary in order to move forward with successful implementation of the framework. The viability of the SDF will depend on whether it can address systemic issues while generating support through short-term, observable gains favored by local leaders.

CONCLUSION

In the 15 years since the end of the apartheid regime, South Africa has made great strides towards improving the lives of millions of people who lived for decades without access to decent housing, education, basic services, or rights. Cape Town alone has seen major improvements in the provision of basic services to the residents of its informal settlements. The city remains fragmented, however, with the disparities between rich and poor increasing not only with regard to income, but also with regard to resource consumption.

The SDF proposed by Cape Town's City Planning department would go a long way towards addressing these disparities and putting the city on a sustainable path. An integrative approach to urban development, the SDF pulls together efforts at economic, social, and environmental sustainability through improvements to public transportation, preservation of natural and cultural heritage sites, and promotion of development along corridors of economic activity throughout the city. Based upon previous experience in Cape Town, as well as in other South African cities such as Durban, one can see both the challenges and the potential of such a program. Most importantly, the examples of Durban and the N2 Gateway Project demonstrate the need to secure the support of city-elected officials, recognizing their demonstrated preference for capital-intensive relocation projects that do not address the city's long-term development or poverty mitigation challenges. The success of the SDF will depend largely on the ability of city government to resist short-term aesthetic improvements and embrace the incremental upgrading that can ensure Cape Town's sustainable growth.

NOTES

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GREEN LIGHT FOR MIDTOWN

THE IMPLICATIONS OF PEDESTRIANIZING BROADWAY

GALIN BROOKS
GWENDOLYN LITVAK
AND JULIE SIMON

ABSTRACT PlaNYC 2030 calls for infrastructure, environmental, and energy improvements throughout New York City. The Department of Transportation responded to the mayor's call by undertaking a number of innovative transportation programs, including the Green Light for Midtown project, which created pedestrian-only spaces along Broadway from Times Square to Herald Square. Through an examination of how this land-use change was executed, and its preliminary effects on the real estate character of the area, this paper concludes that the Green Light for Midtown Plan will continue to be well-received by users and will establish a new model for shared plaza space in New York City.

INTRODUCTION

Mayor Bloomberg's PlaNYC, released in 2007, calls for new land use and planning initiatives throughout the five boroughs of New York City. These projects are intended to enhance sustainability, improve New Yorkers' quality of life, and promote walkability in the city. In accordance with these goals, Janette Sadik-Khan, commissioner of the New York City Department of Transportation (NYC DOT), announced in 2009 the Green Light for Midtown project, a radical proposal to pedestrianize portions of Broadway from Times Square to Herald Square.¹ The repurposing of this space is meant to alter the previous traffic norms of midtown Manhattan by prioritizing pedestrian and leisure uses over vehicular traffic. In February 2010, Mayor Bloomberg heralded the plan's success and announced the street changes would become permanent.² This paper discusses the positive impact of pedestrianization on the Broadway corridor through

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The goal of Green Light for Midtown is to relieve congestion and improve the quality of public spaces in the area while maintaining the Broadway corridor's distinctive and iconic character.”

its provision of additional public space, reduction in traffic congestion, and increased economic activity. The paper then concludes that the Green Light for Midtown project provides a new model for shared street space in New York City.

BEFORE GREEN LIGHT FOR MIDTOWN: PREVIOUS PILOTS AND CONTEXTUAL HISTORY

Broadway's distinctive history can be traced back to its origin in New York as the only midtown street that predates the 1811 New York street grid plan. The modern notion to pedestrianize Broadway originated in the 1970s, when the New York City Council (then

called the Board of Estimate) passed a plan to shut down the avenue to automobiles from 45th to 47th Streets.³ Traffic would have been rerouted to Seventh Avenue, which was to be widened to accommodate the increased volume in auto traffic. Amid a nationwide climate of failure for similar endeavors, the project never gained political momentum and stalled in the 1980s.⁴ Beginning in 2007, the Bloomberg administration reconsidered this proposal among a host of less successful (and less politically popular) decongestion tactics, ultimately launching the Broadway Boulevard plan, which reduced Broadway from four lanes to two lanes and added a bike lane in summer 2008. Green Light for Midtown builds on the success of this previous initiative.

NYC DOT estimated that Green Light for Midtown street closures would cost \$700,000—a large expenditure for the City, and more costly than decongestion policies that would require consumers to pay for road use during peak transit times (such as the congestion tax).⁵ Despite the high price of Green Light for Midtown, the reconfigured street grid provides the additional benefits of improving pedestrian safety, increasing revenue for the area Business Improvement Districts (BIDs), and converting public plazas into multifunctional, programmed spaces. The new Broadway's popularity stems from the increase in pedestrian space (through traffic mitigation) and redefinition of the built environment's overall capabilities.

THE GREEN LIGHT FOR MIDTOWN PROPOSAL

Planning for the Green Light for Midtown project began in 2007, and the NYC DOT released the final proposal in February 2009. Two years is a remarkably short incubation period for a land use change of this magnitude. The end goal is to relieve congestion and improve the quality of public spaces in the area while maintaining the Broadway corridor's distinctive and iconic character.⁶

Implementation began in May 2009 with the closing of Broadway to vehicles between 33rd and 35th Streets (Herald Square) and between 42nd and 47th Streets (Times Square), while leaving the street open to cross-town traffic. The city created plazas in these closure areas, furnished with moveable chairs, tables with umbrellas, and gravel surfaces. The gravel is primarily

the same color as the landscape, and differences in the intended use of an area are marked with changes in color and materials. For example, the colored epoxy gravel is used to identify pedestrian spaces.⁷ NYC DOT budgeted \$1.5 million for these street changes, which have improved greenery and added a total of three acres of open space at more than 20 midtown locations.

Besides creating additional plaza and open space, the plan combines a bike-pedestrian lane and targeted traffic rerouting to promote walkability. A new bimodal path has been added along Broadway from 23rd to 59th Streets, allowing cyclists and pedestrians to travel alongside cars more safely and efficiently. Efficiency for vehicular traffic has improved as well; Sixth Avenue (northbound) and Seventh Avenue (southbound) have remained open to traffic across Broadway, and green lights at the intersections at Broadway and 34th Street and at Seventh Avenue and 45th Street have been lengthened.

These improvements required zoning changes and therefore were not subject to the Uniform Land Use Review Procedure. The impacted areas are zoned for light manufacturing and commercial uses. In specific areas, some housing is allowed. The Floor Area Ratio (FAR), which is a measure of the allowed building height, compared to lot size, as determined by the zoning, ranges from 1.0 to 15.0 throughout the area, with the highest buildings allowed in the downtown corridor. This zoning is one reason why Herald Square and Times Square have the commercial necessity to support pedestrianization. Extra FAR can be awarded from the Department of City Planning to projects that incorporate public plaza space. Street-side parking is not required in areas zoned for commercial and manufacturing uses, which is one reason why it was relatively easy to convert Broadway to pedestrian-only use.

IMPLICATIONS FOR TRANSPORTATION, TRANSIT, AND PEDESTRIANS

⁸The pedestrianization of Broadway from 42nd to 47th Streets and 33rd to 35th Streets is designed to provide benefits such as reduced traffic congestion, improved transit connectivity, increased walking space, and public plazas for pedestrians. The most

valued asset may be its streamlining of traffic flow for all modes of transit.

The Green Light for Midtown project dismantled the existing, inefficient street configuration by prohibiting traffic from passing directly through Times Square and Herald Square. Previously, traffic was considerably slower on the side closest to Times Square, creating a “pinchpoint effect” (see Figure 1). This new plan improves the efficiency of the street grid in several ways. The first is through increased signal efficiency at intersections on Sixth and Seventh Avenues. Without the need for traffic lights and signaling to Broadway, more cars can pass through the lights at the blocks along Sixth and Seventh Avenues. Redirecting automobile traffic decreased the bottlenecks previously seen south of Times Square and north of Herald Square. Travel times for bus routes along these avenues between 33rd and 47th Streets have also decreased. Shortening the crossing distances across the avenues has reduced the amount of signal time required for pedestrians to cross safely.

The proposal also improved public transportation efficiency. Two of the City’s busiest subway stops are located in the area; in fact, over 39 million passengers enter the Metropolitan Transit Authority’s (MTA) subway network at the Herald Square stop every year.⁹ Increased pedestrian space around these subway stations has made transitions easier for travelers, which encourages greater ridership and helps channel pedestrians through the space more efficiently.

Eight bus lines have been rerouted because of the land use changes, and buses that previously operated on Broadway have been rerouted to Seventh Avenue. Bus priority lanes were added along Sixth and Seventh Avenues to accommodate use changes. This program designates bus-only lanes on busy traffic corridors.¹⁰ Two priority lanes have been successfully implemented near this section of Broadway, and will continue to help absorb the resulting rerouting of buses as the program progresses. The reduction of auto traffic also allows the MTA to place new bus stops in central Times Square intersections, thereby increasing transit access for tourists and workers.¹¹

Although the initial changes seem positive, it remains to be seen how the Green Light project truly affects MTA customers. In the original proposal, the MTA

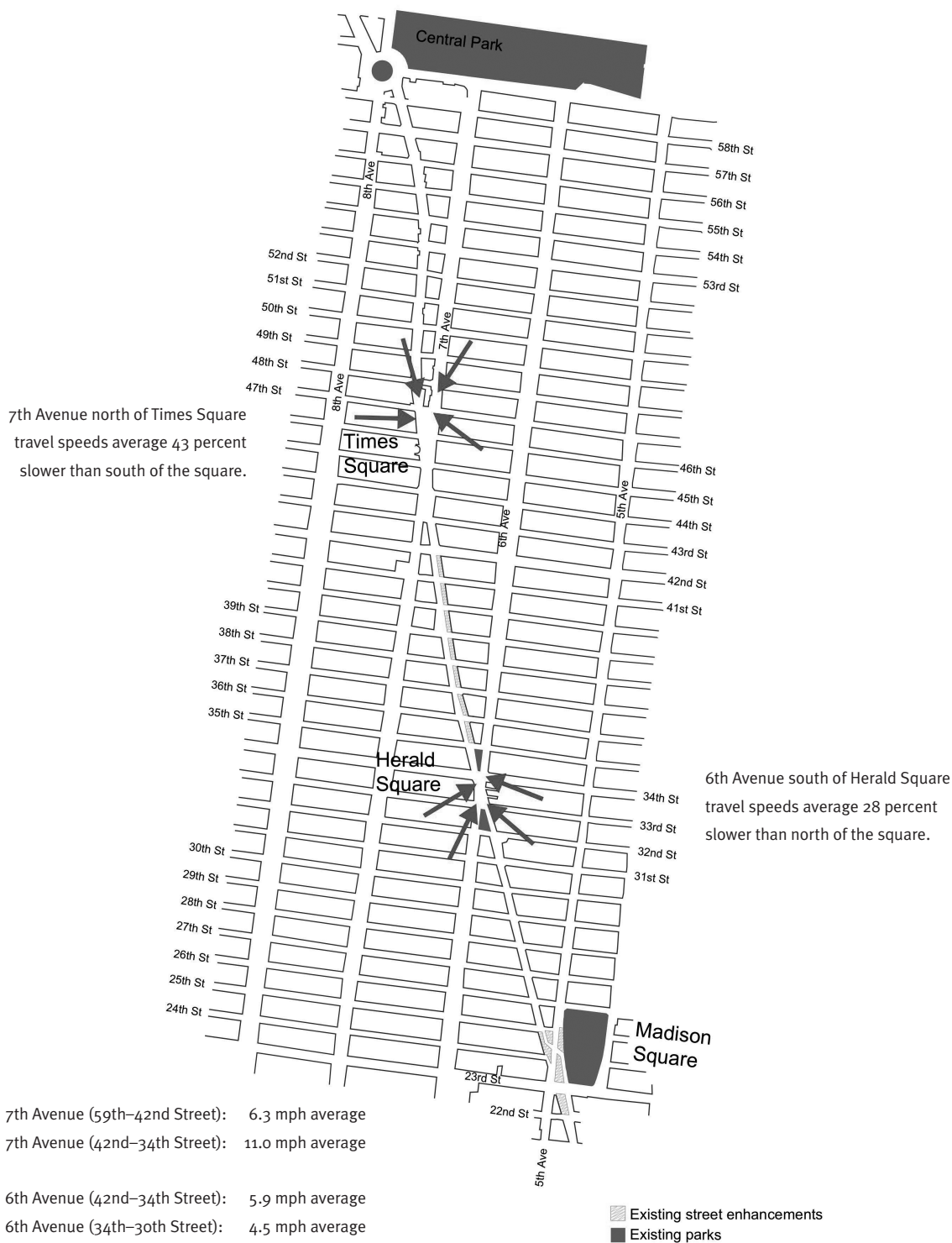


Figure 1. Broadway Pinchpoint Effect

hypothesized that customers would find the midtown bus network easier to navigate, since only one bus will be operating southbound near Times Square; as of February 2010, data about increased use and ease of buses has not been released.

Pedestrian counts around Times and Herald Squares are some of the highest in Manhattan, which has made walking space and public plazas added through the Green Light plan very important. A 2007 report found that Times Square (defined as Broadway and Seventh Avenues at 44th Street) accommodated an average of 118,000 pedestrians on weekdays between 8 a.m. and 8 p.m. This is 116 percent more foot traffic than on the busiest streets of Sydney, Melbourne, Copenhagen, and London.¹²

Additionally, a 2004 study conducted for the Times Square Alliance found that if no changes were made to the street grid by 2030, 60 percent of the pedestrian space in the Times Square area would provide an unacceptable level of service for patrons and businesses.¹³ The study, conducted by ARFK, Inc., reviewed the projected availability of space and ease of movement that would come with increases in use. Claiming these seven blocks for pedestrians enabled the necessary level of service to continue, while enhancing pedestrian safety and providing decongested pathways. In conjunction with New York City's Public Plaza Program, this adapted use has provided new open space for thousands of visitors and New Yorkers.¹⁴

EFFECTS ON LAND USE AND EMPLOYMENT IN THE REPURPOSED AREAS

In considering the effects of the Green Light for Midtown project, it is important to keep in mind how the pedestrianization of Broadway has affected land use and employment rates in Broadway corridor, Herald Square, and Times Square areas, which are key revenue-producing areas. Times Square represents only a portion of the proposed project but generates most of the area's capital and jobs. According to HR&A, an economic development firm, the area is home to 17,000 residents and more than 15,000 hotel rooms, and its economic output totals close to \$90 billion. As of 2007, "Times Square represented 0.1 percent of New York City's land area but 5 percent of the City's

jobs are located there, and the district generates 10 percent of the city's economic output. Times Square also draws in 80 percent of New York City visitors and approximately \$4.9 billion dollars annually."¹⁵ Preserving the successful uses and zoning was critical to continuing to attract businesses to the area, despite initial concerns that pedestrianization would reduce revenues for that neighborhood.

The Broadway corridor is home to many industries and has a complicated history of economic development and redevelopment. The area surrounding Herald Square has experienced fewer changes over the years, thanks to the strong leadership of Macy's flagship department store, which has been an anchor of the neighborhood since 1924. Conversely, Times

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Claiming these seven blocks for pedestrians enabled necessary levels of service to continue, while enhancing pedestrian safety and providing decongested pathways.”

Square has a more tumultuous history, with several boom and bust cycles. Mostly recently, in the late 1980s, developers worked with New York City on a massive revitalization campaign that increased the amount of available office space in Manhattan by 53 million square feet.¹⁶ As available space increased, management companies targeted their rents toward attracting larger firms. Successful leasing of office space led to higher occupancy rates and higher rents per square foot.

Since Green Light for Midtown was implemented so recently, hard data on land use, occupancy, and employment in the areas affected by the project is not yet available, but available reports suggest that these economic factors remain relatively healthy, considering the overall economic downturn. According to CB Richard Ellis, an international real estate firm, only 20 million square feet of new office space has been added to the city since 2000, creating a stable

economic climate over the past 10 years. The firm estimates that in March 2009, the average rent for a sublease space in midtown was \$60.44 per square foot. As of April 2009, Herald Square rents were down from April 2007 levels, which was a period of high demand for the area. On West 32nd Street, between Sixth and Seventh Avenues, property was as low as \$23 per square foot. At 147 35th Street, between Broadway and Seventh Avenue, the rent ranged from \$34.64 to \$46.29 per square foot.¹⁷ In a February 2009 presentation, the Broadway office rental market was said to lag 25 percent behind other prime midtown corridors, such as Sixth Avenue and Park Avenue. In the same February 2009 presentation, NYC DOT reported that Times Square lags behind other Class A office districts, such as Rockefeller Center, which rents for \$11 more per square foot.¹⁸

Tenants affected by the Green Light for Midtown changes may pay vastly different rents depending upon location, building amenities, and existing land use. Due to this variability, an eventual increase in rent from the repurposing may be more costly for some tenants than for others. This, however, has not been the case in other pedestrianization projects in New York City.¹⁹

COMMERCIAL ACTIVITY AND PUBLIC SPACE MANAGEMENT

The commercial activity and public space programming for the newly pedestrianized sections of Broadway are currently managed by three BIDs: the Times Square Alliance, the Fashion Center BID, and the 34th Street Partnership. These organizations work with the City to design, maintain, and put on programming in the new pedestrian plazas.²⁰

The BIDs believe that the Green Light project has benefitted their merchants and are therefore willing to take on this extra responsibility.²¹ BID dollars usually go toward enhancing safety and sanitation. Some larger BIDs also focus on the overall aesthetic of the district and provide programming in open spaces, allowing these BIDs to execute many functions that enhance the appeal and prosperity of the district. Even the larger BIDs, however, spend most of their energy on the day-to-day management of public space, so the Green Light plan required the agencies to reorganize their time and responsibilities.²²

Accordingly, a critical factor in the success of the Green Light project was integrating the twenty-four hour management of the newly created public spaces into the BIDs' daily operating activities. To achieve this task, the Times Square Alliance, the Fashion Center BID, and the 34th Street Partnership worked together to establish a mutually beneficial financial relationship with the NYC DOT. This partnership adds to the Green Light for Midtown's revolutionary place in the land-use landscape. Without the BIDs' financial support, this project would not have been feasible.

BID directors are confident in their ability to continue to fund and program public activities in these plazas, but with this model of management still in its infancy, questions remain about how to ensure the project's long-term sustainability. In the original plan, the BIDs were concerned about the added costs of providing programming for the plazas without established mechanisms for securing additional funding from the City or for generating revenue in winter months, not to mention the mutually recognized responsibility to maintain a complementary aesthetic across the public plazas. So far these issues have not caused significant problems for the BIDs, but they may become more pressing over time and thus require future study.

CONCLUSION

Although numerous American cities are drafting pedestrian and bicycle master plans, few have actually been fully implemented.²³ Most cities do not have the funds, political support, or resources to execute their plans on such a large scale as PlaNYC; of course, few cities have the infrastructure and transportation challenges of New York City. Green Light for Midtown is ambitious in that it addresses transportation, pedestrian, and economic development concerns in one repurposing. The initiative is also notable because it does not require legislative approval; its implementation has been funded entirely by one city agency. It also has almost unanimous support from the Mayor, the Department of Transportation Commissioner, the Director of City Planning, and the former MTA Chief Executive Officer. Although concerns remain regarding the details of agency coordination, off-season plaza programming, and bus re-routing, the Green Light for Midtown plan proved to be a wise reconsideration of a centralized public space.

NOTES

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ESCAPING SEX WORK MICRO-LENDING AS A SOLUTION FOR LATIN AMERICAN WOMEN IN PROSTITUTION

ALLISON M. ECUNG

ABSTRACT This paper prescribes an economic solution to aid impoverished women in Latin America involved in sex work. It will address the historical bias and traditional gender roles of Latin America, established stereotypes, poverty, and dependency that prompt women to turn to sex work. Traditional micro-finance programs can be adapted to end the endemic poverty that leads many women to prostitution. In order to work effectively, these programs should be customized by region to properly improve standards of living.

INTRODUCTION

One of the most important issues facing the international community today is gender inequality and the poverty that results from it. As the number of people suffering from poverty rises worldwide due to warfare, climate change, and displacement, women, in particular, often suffer because gender and international aid organizations do not generally study occupational discrimination in relation to poverty. Women in second-tier nations are more likely to face discrimination in hiring practices and pay.¹ Currently, women provide two-thirds of the world's labor, yet they only receive one-tenth of the world's total income.² The majority of people living below the poverty line in the world are women.³ In many instances, women in poverty turn to prostitution to provide for their families.⁴ This practice has had devastating consequences not only for women but also in perpetuating the cycle of poverty that occurs within much of the Southern Hemisphere.

Traditional micro-lending⁵ programs, when adjusted to an urban environment and applied to women in Latin America, have the potential not only to end income dependency on prostitution, but also to increase economic power and consequently decrease poverty among both women and men. Beginning with a discussion of the regional roots of female poverty and prostitution and the cultural barriers to "female decolonization," this paper will explain the process of micro-lending, along with its successes and failures in both urban and rural environments. It will focus on the major issues hindering women's economic development in Latin America; the historical problems of micro-credit programs in the region; the key transferable benefits of the micro-lending system; the problems working in an urban environment and lending to women previously involved in prostitution; and examples of specific micro-lending programs focusing on women that have succeeded or failed. Finally, this paper will conclude with an outline of how and where these programs could be implemented most successfully.

THE ROLE OF WOMEN IN LATIN AMERICA

Latin America is a strategic area of interest when studying poverty among women, because traditionally many of the indigenous societies of Latin America were matriarchal or distributed rights equally to both men

and women.⁶ When the region was colonized in the seventeenth century, many European powers enforced their concept of female subordination on the indigenous peoples. Over the past 400 years, Latin American women have been oppressed due to colonial prejudices introduced by European empires during their expansions, leading to an entrenched and culturally enforced inferior female status known as "female colonization."⁷ Women in this situation are often described as the "last colony," because the process of colonization brought with it European ideals that stripped women of any autonomy.⁸ They were and still are considered subordinate, even when compared to men in similar economic situations, due to their gender.⁹ Women continue to struggle for equal access to employment and rights previously denied to them because of traditional obstacles to female empowerment like discriminatory religious and political institutions. Male dominance in the Catholic Church and women's limited access to political processes historically have discouraged their participation as engaged citizens, and have enforced traditional domestic roles for women while devaluing their labor.¹⁰ More than one-third of Latin American women work in menial jobs (as servants or street vendors, for example) that increase gender segregation because they often offer no security, benefits, or room for economic growth. In recent years, urban women have formed collective unions in an attempt to create social change within the workplace, but they have had little success in improving the situations of women at the lowest level of poverty.¹¹ Economic empowerment could lead to women's "decolonization," empowering women to be accepted and for society to accept them as equal citizens.

A BRIEF HISTORY OF MICRO-LENDING

Micro-lending is the process of providing small business loans to the poorest percentage of the population. The Grameen Foundation and its offshoots are the most successful and widely known micro-lending organizations in the world. Because of the basic principles they employ when providing loans, these organizations are able to lift people out of poverty by helping them develop capital and economic solvency.¹²

The Grameen project began in Bangladesh as the brainchild of Dr. Muhammad Yunus, a Fulbright scholar in economics. In the 1970s, Yunus theorized that the bottom 20 percent of the population could benefit from

small loans that would trigger jumpstarts in business and break the cycle of poverty.¹³ Yunus's key idea was that the poor are poor not because of illiteracy or lack of training, but because they are unable to retain satisfactory returns for their labor; they do not own capital and are forced to work for other people who control productive assets. Grameen loans give the poor control of their own productivity by allowing them to purchase capital, such as a farm animal or piece of machinery, and start their own small businesses, thereby earning money to repay the loan.¹⁴ In 1984, the Grameen program expanded to include housing loans for borrowers with good prior repayment records; it has since continued to provide loans to the poor around the globe.

The Grameen process maintains a relatively simple structure. Borrowing has specific stipulations, and interested borrowers are required to form collectives of five people. Although each loan is given to an individual, the power of the group provides support for each member and increases loan repayment. The group structure creates a subtle level of peer pressure; if one member of the group does not repay their loan, the entire group becomes ineligible for future loans. As each loan is continually repaid on time, borrowers can consequently receive loans in higher amounts. The collective nature of the micro-lending process is significant because it not only provides stability to the system, but also creates consistency and sustainability for the borrower due to the power of the group, which keeps members from failing.¹⁵

Another key Grameen stipulation is that of interest rates, which are set at market rates for the area in which they are issued. If interest rates are too high, they precipitate a cycle of poverty; if they are too low, people will be less motivated to pay off loans in a timely manner. To encourage long-term financial progress among members, Grameen also mandates the establishment of savings accounts in the amount of five percent of each loan for every borrower, to be used as an emergency fund. The fundamental principles of the lending operations are that loans last one year with weekly installments of two percent each week, repayment starts one week after the loan is given, and the interest rate is stable at 20 percent of the loan amount. In this way, the process remains simple even to the inexperienced borrower.¹⁶ Importantly, people interested in a loan must attend bank policy training and pass an oral exam before they are eligible to receive money.¹⁷

Critics argue that micro-credit is insignificant because it does not fundamentally change the economic structure or development of a country. However, these critics fail to see that improving the quality of life for the poorest members of society is the very essence of development, because it begins to level the playing field between the poor and the wealthy by offering opportunities previously unavailable to the former. All human beings are inherently entrepreneurs, and micro-lending is successful because it empowers the poor to lift themselves out of poverty through their own ingenuity.¹⁸

Of Grameen's more than 2.6 million borrowers worldwide, 95 percent are women.¹⁹ The foundation focuses primarily on lending to women because, as studies have shown, when the economic power of women is improved, the standard of living for the men and children in those women's families is also improved.²⁰ Conversely, an improved economic situation for men does not necessarily result in improved standards of living for their families.

FRAMEWORK FOR THE CRITICAL ISSUES OF SEX WORK

To understand how a micro-finance program specific to improving the economic situation of sex workers in Latin America would be implemented, one must first understand the factors that inform the study of prostitution as well as the driving forces that cause women to turn to prostitution.

According to sociologist Joanna Phoenix, there is a prevailing stereotype embedded within most governmental policies and social programs that implies that women who practice prostitution are inherently or psychologically different from other women.²¹ This perception allows society to think of these women as sub-human and dangerous to societal norms. It also propagates the view that the bodies of prostitutes are sites of abnormal indulgence, establishing a gulf between women engaged in prostitution and women who are not. The typical association is of prostitute and "junkie whore," a drug-dependent woman who trades sex to fund her addiction. More often than not, women sell themselves as a response to their lack of economic power, precipitated by the poverty cycle.²² Even social programs in many first-tier nations perceive prostitution as a threat to the general population; when viewed in this light, their underlying

goal is not to help sex workers, but protect the general population from them. This view of the women involved in prostitution explains why current government, legal, and social programs do not directly aim to help them out of poverty. The Economic Prostitution and Poverty Model, dominant in both the United States and the United Kingdom, suggests that women involved in prostitution are essentially the same as other women, and that prostitution itself is the same as any other economic activity.²³ Women turn to prostitution because sex work provides (or is perceived to provide) a higher income than the other economic activities available to them at the time.

Phoenix's study included the experiences of 21 women currently involved in prostitution. Not surprisingly, she found that all of the women came from impoverished backgrounds and identified poverty as their reason for turning to prostitution. Yet not all impoverished women turn to prostitution. Phoenix addresses this difference by citing the other major factor common to the women in her study: all of them described their situations in terms of dependency, either on government funding or on a ponce.²⁴ The term ponce refers to a man who gains money from requiring a woman to sell herself.²⁵

The poverty that befalls women in prostitution is compounded by many factors. In general, these women have little or no education, requiring them to pursue temporary or low-income jobs. Studies have shown that low-wage jobs with little security create poverty by restricting people from expanding the influence of their capital.²⁶ The (largely inaccurate) perception that wages in sex work are higher than "legitimate" work, have led many women into prostitution.²⁷ Many of the women interviewed had been arrested or fined for prostitution, and felt that other employers would not hire an individual with recorded sex offences.²⁸ The fear of not finding paid employment outside the ring of prostitution contributed to their lack of incentive to leave the trade.

As an illegal occupation, prostitution is unregulated; there are no benefits, compensation, health care, or collateral with which to accumulate wealth. Women involved in prostitution cannot apply for loans, grants, or any public funding, because they have no credit or legal employment. Wages earned through prostitution are falsely inflated because women must pay their operating costs out of pocket, including legal

finer, condoms, doctors' bills, and housing fees. There is no borrowing value or credit attained from money earned in prostitution, allowing women no flexibility in personal finances and no way to establish long-term economic stability. Many women cannot acquire secure housing for the same reasons, and consequently become even more dependent on ponces for survival. Instead of making the women's situations more secure, ponces dramatically increase their poverty, isolate women from their social networks, and crush their belief in their own abilities to attain independence.²⁹

There exists an idea that, within sex work, a woman can always go out and earn more money quickly; therefore, the institution of prostitution encourages rapid consumption. By encouraging the tendency to spend money as quickly as it comes in, prostitution serves to increase women's poverty instead of providing them with independent economic solutions.³⁰

APPLYING MICRO-LENDING PRINCIPLES TO PROSTITUTION

While micro-finance can provide a way out of poverty for Latin American women in general, the micro-lending model can be a means to improve the particular economic condition of women engaged in prostitution. The gender and power issues specific to prostitution exacerbate many of the problems faced by all impoverished women in the region (such as cultural male dominance and prejudice from government-run social programs), and often place women in the sex trade in a worse situation than women living in poverty alone. Women engaged in sex work cannot utilize the capital they earn to create sufficient economic gains because their work is part of the informal economy, undocumented and untaxed.

Why does micro-enterprise credit have the potential to aid women involved in prostitution? By itself, micro-lending is not a panacea for alleviating poverty. But when micro-credit is built into a larger system of support and accountability, such as the Grameen program, it has the potential to create positive change for women in prostitution by allowing them to benefit from the returns of their labor.³¹ The factors that have made the Grameen program so successful—the group process, the system of increasing loan amounts upon successful repayment, insurance benefits, housing loans, and simplified lending processes—were

developed in Bangladesh, but they are all transferable to other regions. In Latin America, this type of micro-lending program can be very successful if implemented with the support of (or at least without negative interference from) governments at the national level. For women in prostitution, it can provide them with the autonomy they have been denied in the past due to historical and cultural factors while freeing them from economic dependency. In this way, women can begin to build credit and become legitimate entrepreneurs.

PREVIOUS CHALLENGES AND MODELS OF SUCCESSFUL IMPLEMENTATION IN LATIN AMERICA

Many different micro-credit lending programs were implemented in Latin America over the last two decades. During the late 1980s and early 1990s, there was a period of economic structural adjustment that shifted the region away from an agricultural society and towards industrialization, causing more men to move to urban areas and seek jobs. This transition caused the rural poor, the majority of whom are female, the most suffering.³² As poverty in rural areas worsened, women poured into urban centers like Guatemala City looking for livelihoods. Micro-lending programs were able to reach out and create jobs for poor men and women.

“*While micro-finance can provide a way out of poverty for Latin American women in general, the micro-lending model can be a means to improve the particular economic condition of women engaged in prostitution.*”

Gender historian Rae Blumberg points out, however, that as these early Latin American micro-lending programs grew, they began to adopt procedures that consistently reduced women's access to their benefits. Once the programs began to receive government funding, they started to require collateral and cosign-

ing on loans, which significantly reduced the number of female applicants. Women interested in borrowing lacked collateral and were often unable to produce a husband or male relative to cosign a loan.³³ Ironically, female micro-lending clients on average have a better repayment record than male clients in the same position. Researchers attribute female clients' timely repayment to the desire to protect their only chance at credit with reasonable interest rates.³⁴

Blumberg studied two separate micro-enterprise credit programs to determine the factors that led to successes and failures within the specific cultures and environment of Latin America. Blumberg discovered that the most significant factors contributing to a successful micro-lending program were low transaction costs that require little paperwork and bureaucracy; minimal collateral or cosigner requirements; streetwise promoters; fast loan turnaround; rewards for on-time payments in the form of larger future loans; and real, market-value interest rates to ensure the solvency of the lender.³⁵ When implemented correctly, micro-credit allowed people existing at the lowest level of poverty (particularly women) to create livelihoods, expand their efforts, and increase their economic effectiveness.

BARRIERS TO IMPLEMENTATION

There are multiple obstacles to consider when implementing micro-lending programs that specifically target female prostitutes in Latin America. One of the biggest problems is that many countries (including the U.S.) and large, international NGOs will not support small organizations or programs that seek to assist women who are engaged in illegal activities such as prostitution. Additionally, many nations fine aid organizations that seek to assist prostitutes, due to national restrictions on illegal activities. The aid programs' lack of funding presents women with little recourse other than to continue prostitution.³⁶ By limiting their access to help and imposing fines upon the organizations seeking to help them, these governments and NGOs make it difficult for women to escape the cycle of poverty that led them to sex work.

Another important barrier to implementation is the cycle of dependency that many women fall into, particularly in cases where they rely on pones for personal safety. Women in these situations are often the victims of physical abuse and do not retain any

autonomy, including control over their earnings. The ponce controls the woman's capital, in addition to maintaining authority over her person and her actions, leaving her dependent on him to pay for housing and other basic necessities.³⁷ Lending to women in these circumstances is complicated because there is no guarantee that the borrower's resources will not end up being controlled by others, perpetuating the cycle of dependency. Yunus posits that small loans allow women to break free of that dependence, but often the process of breaking free results in violence, because ponces treat the women as property.³⁸

The final factor that may affect the applicability of micro-finance programs to Latin American women in prostitution is the difference between urban and rural implementation. Standards of living and operating costs are much higher in urban environments, and while some micro-lending programs have had success in urban areas, urban successes are mostly found in developed nations. Developing nations have a higher probability of government corruption and bureaucracy, which significantly deters the micro-lending process in urban areas.

THE IMPORTANCE OF ECONOMIC EMPOWERMENT

In Latin America, the traditionally subordinate role of women has led to significant economic disparities along the lines of gender and income.³⁹ Economic empowerment at the individual level is key to the success of micro-lending programs for sex workers. Studies have shown that, unlike a man, when an impoverished woman's income level rises, it improves not only her standard of living but also that of her children and extended family.⁴⁰ Over time, micro-loans made to poor women will have ramifications beyond the scope of those individuals and beyond the life of the loan, by increasing women's output, improving the situation and standard of living of their families, and inspiring other women to seek similar help.

The first step toward economically empowering women in prostitution is to establish a strong micro-lending program with an emphasis on low transaction costs, minimal collateral requirements, fast loan turnaround, future loan increases, and interest at market rates. The Grameen-style group pressure should be a critical part of any micro-finance program aimed at

women in sex work. Ensuring access to successive loans and opportunities for job training are additional benefits of these programs. This process will allow Latin American women the opportunity to break out of gender colonization, which subordinates their positions to male counterparts. Moreover, this type of micro-lending will create an opportunity for women involved in prostitution to end their dependency and gain control over the returns of their own labor. While the issues of organizational support, dependency, and program urbanization may create problems initially, they can be overcome by tailoring the program to meet the needs of the individual borrowers.

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Many countries and large international NGOs will not support small organizations or programs that seek to assist women who are engaged in illegal activities such as prostitution.”

Micro-finance affords impoverished people economic freedom through access to the tools of entrepreneurship. It not only stimulates wealth and personal growth, but also helps people build confidence in their own abilities. Without programs like these, economic cleavages from inequalities will continue to fester along gender lines. This, in turn, will broaden the disparity between developed and developing nations. In a world that is increasingly globalized and interdependent, it is imperative to understand that poverty in Latin America has economic and development ripple effects around the world, and deserves international attention. In a similar fashion, prostitution in Latin America is not only a women's issue; the widespread and increasing impoverishment of women around the world means that more desperate women will turn to prostitution seeking independence, only to become trapped in a vicious cycle of poverty. Micro-lending programs offer an opportunity to economically empower both women and men, and provide them with the sustainable quality of life that every human being should receive.

NOTES

1. Muhammad Yunus, *Banker to the Poor: Micro-Lending and the Battle Against World Poverty* (New York: Public Affairs, 2003), 78.
 2. Ibid., 20.
 3. Ibid., 41.
 4. Ibid.
 5. For the purposes of this paper, “micro-lending” and “microfinance” will be used interchangeably, as will “prostitution” and “sex work.”
 6. Edna Acosta-Belen and Christine E. Bose, “Colonialism, Structural Subordination and Empowerment: Women in the Development Process in Latin America and the Caribbean,” in *Women in the Latin American Development Process* (Philadelphia: Temple University Press, 1995), 25.
 7. Ibid., 26.
 8. Ibid., 21.
 9. Ibid., 28.
 10. Ibid., 30.
 11. Ibid., 28.
 12. It is important to distinguish between the type of help offered by micro-credit programs and that offered by charitable organizations. Unlike charity, micro-lending empowers its borrowers to strive for economic growth. Charity locks people into their situation because it is “fast money,” with no focus on expansion. Conversely, micro-lending gives people credit to build a livelihood that then empowers them to repay loans to increase their credit, which in turn leads to increased income level and economic power. By taking out and repaying loans, women trapped in prostitution are able to realize that they can control their economic destiny and build upon it.
 13. Yunus, *Banker to the Poor*, 41.
 14. Ibid., 141.
 15. Ibid., 64.
 16. Ibid., 65.
 17. Ibid., 65.
 18. Ibid., 207.
 19. Ibid., 235.
 20. Ibid., 72.
 21. Joanna Phoenix, *Making Sense of Prostitution* (New York: Palgrave Publishers Ltd., 2001), 29.
 22. Ibid., 31.
 23. Ibid., 53.
 24. Ibid., 76.
 25. This term is used to avoid confusion caused by the multiple definitions of the American slang term “pimp.”
 26. Phoenix, *Making Sense of Prostitution*, 76.
 27. Ibid., 81.
 28. Ibid., 77.
 29. Ibid., 84.
 30. Ibid., 108.
 31. Yunus, *Banker to the Poor*, 142.
 32. Rae Lesser Blumberg, “Gender, Micro-Enterprise, Performance and Power: Case Studies from the Dominican Republic, Ecuador, Guatemala, and Swaziland,” in *Women in the Latin American Development Process* (Philadelphia: Temple University Press, 1995), 195.
 33. Ibid., 196.
 34. Based on information provided in an unpublished October 2008 interview with the director of Project Enterprise (PE), a New York-based Grameen-style micro-loan provider. PE provides loans to groups of both men and women, and discovered early on that female groups were much more successful at loan repayment. In fact, loan groups composed of only male clients were so unsuccessful that PE adjusted its regulations to prohibit men-only groups. It is presumed that the initial group dynamic did not provide adequate pressure on male clients, and it was only with the introduction of female groups that repayment levels subsequently rose.
 35. Blumberg, “Gender, Micro-Enterprise,” 197.
 36. Kamala Kempadoo, *Trafficking and Prostitution Reconsidered: New Perspectives on Migrations, Sex Work, and Human Rights* (Boulder, Co: Paradigm Publishers, 2005), xxii.
 37. Phoenix, *Making Sense of Prostitution*, 120.
 38. Yunus, *Banker to the Poor*, 75.
 39. Acosta-Belen and Bose, “Colonialism,” 27.
 40. Yunus, *Banker to the Poor*, 72.
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A STEEP CLIMB

STRATEGIES FOR PROMOTING LESBIAN, GAY, BISEXUAL, TRANSGENDERED AND QUEER RIGHTS IN IRAN

ZIA

ABSTRACT Since the 1979 Islamic Revolution, lesbian, gay, bisexual, and transgendered (LGBT) individuals have been heavily persecuted in Iran by the country's conservative Islamic ruler. The persecution of LGBT individuals in Iran has become so institutionalized that Iranian queers are left with little choice but to flee the country in hopes of finding safety abroad. This article examines Iranian LGBT individuals' attempts to gain equal rights in Iran, and the potential leverage points and future strategies that can be employed to push this human rights issue forward.

INTRODUCTION

When compared to the United States' trajectory towards lesbian, gay, bisexual, and transgender (LGBT) equality, the Middle East's LGBT movement may appear less persistent. However, contrary to its outward appearance, the LGBT movement in Iran is actively growing, albeit purposely under the radar due to the persecution faced by Iranian LGTB individuals. The way in which the LGBT movement in Iran has progressed is not entirely representative of the beliefs of the region as a whole, and is more a result of Iran's particular circumstances and its theocratic government. Turkey, for example, shares a border with Iran, and its capital city, Istanbul, is famed for its queer nightlife (although the subject of LGBT identity and rights is still taboo in Turkish culture). Attitudes toward LGBT individuals are very different in Iran, where simply being labeled queer can result in intense persecution and even death. While having an active LGBT nightlife is by no means equivalent to social acceptance and equality, the dichotomy between Iran and Turkey raises some interesting questions about how and why LGBT rights in Iran have evolved the way they have. This article focuses on the realities faced by LGBT individuals in Iran, including the obstacles they face in achieving equal rights, the leverage that exists for moving the Iranian government and culture towards an equal rights agenda, and the strategies that proponents of this issue will need to undertake to achieve their goals.

BACKGROUND

When Iranian President Mahmoud Ahmadinejad, speaking in 2007 at Columbia University, claimed that homosexuality was a Western phenomenon and nonexistent in Iran, the audience laughed at him.¹ Contrary to his belief, many LGBT individuals live in Iran—but their situation is hardly laughable. Since the 1979 revolution, homosexuality has become a crime punishable by death under the country's theocratic Islamic government, making any type of sexual activity outside of a heterosexual marriage strictly forbidden. As a result, LGBT individuals have come under constant governmental persecution, with international groups such as Human Rights Watch, Amnesty International, and the International Lesbian and Gay Association reporting torture, rape, public floggings, and executions by hanging, all done for the purpose of punishing social deviance.

Historically, Persian literature has been replete with allusions and even explicit references to homoerotic behavior. Scholars have even made claims that certain famous authors and poets were homosexuals. For example, thirteenth-century poet Jalal al-Din Rumi had many supposedly male lovers, the most famous of them being Shams al-Din of Tabriz. The two would disappear into a house for months at a time. It is believed that Rumi wrote *The Divan of Shams-i-Tabriz* for his lover, titling the piece to indicate that Shams was the author—as if, according to scholars, the two men had become one person. In *Divan*, Rumi does not know exactly how to describe his relationship with another man: “Even friend and beloved are wrong words for this,” he writes.”²

In more recent history, under the rule of Mohammad Reza Shah Pahlavi, the last Iranian monarch, homosexuality was tolerated to some extent, with conditions even allowing Saviz Shafaie, an Iranian LGBT rights pioneer, to give the first gay rights speech on Iranian soil at a university in the city of Shiraz in 1972.³ However, in mainstream society, LGBT orientation remained a taboo topic, and LGBT individuals often lacked the support of their family and friends. As a result, there were no public agencies to assist youth or people who were confused or questioning their sexuality.⁴

During the 1979 Revolution, Iranian law changed to a more conservative interpretation of sharia, or Islamic law, and with it any existing rights for LGBT individuals vanished. Under the new laws, homosexual conduct in Iran became a crime punishable by death, with penetrative sexual acts between men punishable by death on the first conviction, and non-penetrative activity punishable with up to 100 lashes. Lesbian individuals are punished with floggings on the first three convictions, followed by the death penalty. Torturing and killing homosexuals is legal in Iran, as are honor killings by family members to preserve the family's reputation in the face of social deviancy. Establishing guilt for homosexual behavior is not difficult. Iran's penal code requires four reiterated confessions, or an eyewitness testimony of four “righteous men,” to prove sodomy. Yet judges are allowed to guess and infer (especially in cases lacking strong evidentiary support), a privilege they have been known to exercise liberally. Moreover, sometimes the police provide the witnesses by “bringing them along” when they make their arrests.⁵

These laws have led to numerous beatings, arrests, and killings, the most recent and controversial of which happened in July 2005, when the Iranian Student News Agency covered the executions of Mahmoud Asgari and Ayaz Marhoni in a public square in the city of Mashhad. Disturbing photos of the hangings were widely distributed around the internet, drawing international attention to the human rights inequities faced by LGBT individuals in Iran. The initial news report stated that the two were hanged because they were homosexuals, but after the international outcry that followed, the Iranian government stated that the men were hanged for raping a thirteen-year-old boy.⁶ There is reason to doubt these official statements, with many international observers casting the rape charge as an act of homophobia by the regime. However, whether the men were actually charged with rape cannot be verified. Amnesty International, one of the main international organizations covering Iranian child executions, stated that it “is not in a position to make a judgment about the true reason for the execution. It is denied research access to Iran and therefore could not meet those close to the case. No court documents were ever made available, and it is believed that the trial was closed. The case, and the controversy surrounding it, demonstrates the difficulties in gathering and verifying information on Iran.”⁷

While homosexual behavior is punishable by death in Iran, transsexuality has to some extent become accepted. In the mid-1980s, the Iranian government legalized the practice of sex-change operations. This stemmed from a fatwa, or a religiously ordained law, by Ayatollah Khomeini, the leader of Iran’s Islamic Revolution, declaring sex changes permissible for “diagnosed” transsexuals.⁸ As a result, many sex-change clinics have opened in Iran and the government partially subsidizes those who wish to get a sex change, although the operation is still expensive. After the operation, individuals are given new identification documents that reflect their new sex.

Despite relatively tolerant government policies towards transsexual individuals, transsexualism is still a taboo topic of discussion within Iranian society. In some ways, the official religious and governmental support for sex-change operations creates conditions that compel LGBT individuals to undergo this operation, however unwillingly. Many LGBT individuals who do not necessarily want to have a sex change do,

as they see no other way to legally couple with their desired partners. Others are forced into operations by their families or by religious or government authorities once their homosexuality is discovered.

Even after the sex-change is complete, transsexuals still lead an uneasy life. Their families may ignore or disown them, and no laws exist to protect pre- and post-operative transsexuals from discrimination, so employers and schools often deny them work and education. As a result, many are forced into prostitution in order to survive.⁹

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THE CONTEMPORARY FIGHT FOR IRANIAN LGBT RIGHTS

Despite these oppressive circumstances, Iran’s LGBT community continues to exist under the radar. For individuals and couples, the key to living without government interference is to keep a low profile. Even so, Iran’s capital, Tehran, has several famous parks and public areas where LGBT individuals go in order to meet and interact with other homosexuals. Furthermore, gays and lesbians hold social gatherings in public and private spaces on regular occasions.

Iran’s first post-Revolution LGBT rights organization, Rainbow, was established on the Internet in 2001. Sometime between 2001 and 2007, its name changed to the Persian Gay and Lesbian Organization. It was again renamed the Iranian Queer Railroad (IRQR) in 2008, referencing the nineteenth-century network of safe houses that transported black slaves fleeing from the U.S. to Canada.¹⁰ The name-change highlights the secrecy necessary for the movement, stemming from the fact that the organization can neither legally exist in Iran nor build a large membership, since Iranian queers fear persecution if their membership is discovered. In fact, the founder of the group was forced to flee Iran

soon after the organization went online. After appearing in the 2007 Canadian Broadcasting Corporation documentary *Out of Iran: The Persecution of Homosexuals in the Islamic Republic of Iran*, his replacement also chose to flee Iran out of fear of persecution.¹¹

Changing its name to the IRQR also reflects a shift in the organization's strategy to help LGBT individuals escape from persecution in Iran. Helping these individuals claim asylum outside Iran is now the group's main priority, at least in the short term. This is because Iranian queers cannot bring about the changes they want to see domestically for fear of harsh reprisal from the Iranian regime. LGBT individuals are thus forced to flee abroad, where they hope their efforts to organize will be more effective.¹²

Although Iranian LGBTs face a daunting uphill battle, IRQR is doing what it can to organize the LGTB movement internationally. In the long run, the IRQR hopes to achieve four goals: 1) end the systematic abuse of human rights in Iran; 2) raise awareness of queer oppression in Iran; 3) advocate for the Iranian queer population; and 4) end discrimination against sexual minorities in Iran.¹³

In order for the IRQR to successfully work towards ending the persecution of Iranian LGBT individuals, activists face two key challenges: making the Iranian regime live up to its human rights obligations, rather than subverting them, and changing the public perception of what it means to be a LGBT individual in Iran.

Internationally, much attention has been paid to Iran's LGBT human rights record. Major media networks in the West (including the BBC, the Guardian, CBC, CNN, and ABC) have published articles and produced documentaries on the topic, the most provocative and controversial being the CBC's *Out of Iran*, mentioned above. Independent films are also being produced, many by Iranian queers outside Iran; the most recent is a documentary on Iranian transsexuals called *Be Like Others*, produced in 2008.¹⁴ Furthermore, non-governmental organizations such as Human Rights Watch, Amnesty International, and the International Lesbian and Gay Association continue to report on the persecution of Iranian LGBT individuals.

As news coverage of LGBT persecution has increased, many countries (especially those in the West) have

condemned Iran for its record of human rights violations. While their official stances support LGBT rights in Iran, those countries that deny LGBT individuals asylum have indirectly allowed the persecution of LGBT individuals to continue. For example, up until 2006, the Netherlands deported gay men back to Iran, even in the face of certain persecution. The Netherlands reversed this policy after the United Kingdom came under fire for a similar policy, which was documented by news reports of asylum-seekers committing suicide when faced with deportation, or the execution of repatriated Iranian asylum-seekers. Only after pressure from both within and outside the Netherlands did the country change its position and announce that Iranian LGBT individuals would not be deported.¹⁵

OBSTACLES TO ACHIEVING LGBT HUMAN RIGHTS GOALS IN IRAN

Iran has countered international criticisms of its human rights record in the past by emphasizing the religious basis of its policies. As Reza Afshari, a noted critic of Iran's abuse of human rights, points out, the concept of human rights has spurred international debate in which non-Western nations argue that such rights are a Judeo-Christian concept promoted by the West in order to impose their beliefs on the rest of the world. Iran's official religion is Islam, and its social norms and culture have developed differently from those of the West; it appears that Iran sees no reason to subject itself to foreign policies that do not necessarily agree with Islamic law. This argument is referred to as cultural relativism. Iranian theocratic rulers believe that Islam is the supreme cultural principle, more important than "any ethical construct that bases its claim to legitimacy on sources other than revelation."¹⁶ Therefore, although Iran has agreed to abide by the Universal Declaration of Human Rights (UDHR) and similar international covenants, the regime only chooses to follow these covenants insofar as they complement the teachings of Islam. More often than not, the regime condemns the UDHR as a form of Western neo-colonialism.¹⁷

Iranian ideologues further extend their relativist argument to insist that sexual minorities are deviants who threaten Iran's social fabric, and that LGBT individuals must be purged in order to protect Iran's traditional Islamic lifestyle. This argument is based on the Quran, Islam's holy book, and Hadith, narrations of

words and deeds of the Prophet Mohammed, as well as legal and theological edicts passed down throughout Islam's history by the religious establishment. The Quran contains several statements against homosexuality. "If two men among you commit indecency, punish them both," directs one verse.¹⁸ "You lust after men instead of women. Truly, you are a degenerate people," admonishes another.¹⁹ The Hadith is more explicit about punishments, for example: "Kill the one who sodomises and the one who lets it be done to him."²⁰

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Since Islamic prerogatives trump basic universal human rights, including the right to life, Iran's Islamic regime sees itself as justified in the torture and murder of Iranian queers.”

Since Islamic prerogatives trump basic universal human rights, including the right to life, Iran's Islamic regime sees itself as justified in the torture and murder of Iranian queers: "The regime has changed the task of the state to protecting the individual, before everything else, from his own probable religious-moral lapses. This approach is the justification behind the coercive and, more often than not, violent tactics undertaken to help the regime in fulfilling its higher vision of human freedom, one that can be achieved by the true discovery of God."²¹ This claim to morally-justified discrimination creates several practical obstacles, however, including: fear of persecution and death, priorities of family honor, fluid laws and misinformation, weak organizational capacity for activists, and lack of international support.

FEAR OF PERSECUTION AND DEATH

Clearly, one cannot fight for LGBT rights in Iran if one is killed by the government or religious authorities, irrespective of whether one is an Iranian or a human rights activist from the West. There is no specific number of dead when it comes to LGBT killings, as many

of the killings are not public, and families attempt to cover up the reason behind their children's deaths. The Abdorrahman Boroumand Foundation has documented at least 146 individuals charged with a "homosexual act" since the 1979 Islamic Revolution, but even they claim that this is by no means an exhaustive list; the real number could well be in the thousands.²²

PRIORITIES OF FAMILY HONOR

Iranian tradition places the family in the center of Iran's social life. Maintaining and elevating family honor is of the utmost importance to Iranians. Sending children to good schools, marrying into wealthy families, and having family members who live outside Iran are all important indicators of a family's high social standing. Having a queer family member is considered shameful and jeopardizes a family's status. As mentioned earlier, families have the right to purge these cultural deviants from their ranks through actions ranging from disownment to murder through honor killings, which are legal under the current regime's interpretation of Islam. Therefore, LGBT individuals fear persecution in both their public and private lives.

FLUID LAWS AND MISINFORMATION

In its quest to perfect its theocratic hold on Iran, the Iranian government has institutionalized a practice of ignoring the legal and judicial rights and obligations it has under international human rights laws. The execution of Makwan Moloudzadeh in 2007 provides a clear example of this policy. Mouloudzadeh was convicted of anal sex and executed for raping three teenage boys when he was 13 years old, even though all of the witnesses retracted their accusations and Mouloudzadeh had withdrawn his original forced confession, maintaining his innocence throughout the trial.²³ Legal experts inside and outside of Iran have questioned whether Moloudzadeh's alleged homosexuality was the real reason for his execution, as his sexual orientation was never properly established. Despite the international outcry and a nullification of the death sentence by the Iranian Chief Justice, Mouloudzadeh was hanged, and his family and attorney were informed of the execution only after the fact.²⁴

WEAK ORGANIZATIONAL CAPACITY FOR ACTIVISTS

As discussed previously, it is difficult for LGBT activists to organize for LGBT human rights issues in Iran while facing such a high risk of personal persecution.

Iranian activists have had to rely on the Internet as their primary mode of communication, which is a poor substitute for face-to-face contact, especially when attempting to start a grassroots movement. As a result, Iranian queers have been forced to coordinate outside Iran through groups such as the IRQR, making it difficult to raise awareness and advocate for change within the country.

LACK OF INTERNATIONAL SUPPORT

If countries that accuse Iran of human rights violations cannot back up that stance by guaranteeing LGBT rights within their own borders, how can their condemnations be taken seriously by the Iranian government? Intolerance against LGBT individuals exists on a global scale, and securing human rights for them elsewhere is an important step toward bringing about change in Iran.

RECOMMENDATIONS

Iran's LGBT activists have three key points of leverage in overcoming the obstacles they face. The most effective weapon LGBT activists have against intolerance is their ability to document and publicize Iran's human rights violations. While the regime claims to be following Islamic prerogatives in its quest for a moral society, it has failed to institutionalize this in legal practice—defining “social deviancy” remains an arbitrary practice, even today. Iran exemplifies the patterns Afshari observes in other rights-abusive states: “All of them crack down mercilessly and in total disregard of due process of law on their young leftist activists and national minority groups . . . all of them suppress street demonstrations with sufficient ferocity to prevent its spread across the city; all of them level the charge of espionage against anyone deemed to be the enemy of the regime, deserving death.”²⁵

As Afshari further points out, Iranian diplomats have become increasingly embarrassed at having to justify these international human rights violations, as evidenced by their lofty rebuttals in the UN, and many have simply taken to denying that such abuses ever happened.²⁶ At the same time, more Iranian citizens are realizing that too much evidence has accumulated to deny the persecutions. More and more of the regime's defenders are questioning the wisdom of blindly following these tenets, which opens the doors to the possibility of local activists reforming Iran's policies on LGBT human rights.²⁷ A second point of leverage for LGBT activists is

the resistance movement that exists inside and outside Iran, alongside a wide-ranging Iranian diaspora. Its members have extensive connections around the country. For example, satellite television broadcasts, although illegal in Iran, have become a unifying underground social network for Iranians. Such broadcasts circulate news, entertainment, and oppositional viewpoints to those of the regime. Furthermore, given the amalgamation of non-traditional media types, as witnessed in Iran during the recent “Green Movement,” Iranians now widely use social media outlets, including Facebook, Twitter, and YouTube.²⁸ Many people in the diaspora have access to these tools, and can relay what they learn to their relatives still living in Iran. All of these channels provide excellent avenues for organizing and disseminating information about the LGBT movement.

The third point of leverage is the growing international awareness for LGBT individuals throughout the world, highlighted on December 18, 2008, when 66 member states in the UN General Assembly read a statement condemning violations based on sexual orientation and gender identity, with specific mention of Iran's record.²⁹ Even more heartening was when, afterwards, France and the Netherlands endorsed a universal declaration on the decriminalization of homosexuality and a global campaign to raise awareness of violence and discrimination against LGBT individuals.

These points of leverage represent an opportunity to strategically achieve each of the goals outlined by the IRQR. Three strategies might be used in order to achieve these goals: shaming the Iranian government, breaking down Iranian misconceptions, and organizing the Iranian LGBT movement.

STRATEGY 1: SHAME THE IRANIAN GOVERNMENT INTO COMPLIANCE BY HIGHLIGHTING ITS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AGREEMENTS

Iran is a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In its persecution of LGBT persons, it has consistently broken these agreements, specifically their provisions for freedom from torture, discrimination, or arbitrary arrest, and for rights to personal security, equality, privacy, and peaceful assembly.³⁰ By framing Iran's persecution of LGBT

individuals as violations of international human rights norms and international agreements of which Iran is a signatory, the regime can be shamed into accepting that its actions contradict its international obligations. If the regime claims it should be excepted from these agreements, then it must answer why it agreed to these international norms in the first place, and even more, why it inconsistently deviates from these norms.

Drawing international media attention to these LGBT human rights violations is especially important to this strategy because, like many authoritarian regimes, Iran's theocrats rule by repressing information. They fear that if these injustices become widely known in Iran, domestic unrest will erupt as the people become aware of the extent of such unjustified oppression.³¹ This is why the regime attempts to pass misinformation and propaganda to Iranians, and even find ways to silence those who wish to seek the truth.

Given the weak organizational capacity of Iranian individuals to undertake an international media campaign exposing Iran's human rights violations towards the LGBT population, it is imperative that activists cooperate with other human rights and legal advocacy groups outside Iran. For example, Nobel Laureate Shirin Ebadi's NGO, Defenders of Human Rights, provides a potential avenue for support. With its help, cases of persecution against LGBT individuals can be framed as human rights violations and used as ammunition against the regime's illegal practices. However, aligning with such groups will be difficult; mainstream human rights organizations may not want to work with LGBT activists for fear that they will then be labeled queer and will face increased persecution. This is why the next strategy is essential to improving the situation of LGBT individuals in Iran.

STRATEGY 2: BREAK DOWN IRANIAN MISCONCEPTIONS OF LGBT INDIVIDUALS THROUGH AWARENESS- BUILDING AND ADVOCACY

This is a long-term strategy that takes advantage of the growing media attention Iran's LGBT population has been receiving in order to end Iran's negative misconceptions of LGBT individuals. This can be done by giving queers a voice and letting their stories be told, whether they are victims of hate crimes or have managed to escape persecution. Similar to Harvey Milk's strategy for America's gay rights movement, putting

faces to these crimes causes fellow citizens identify LGBT individuals as people they know, as one of their own, regardless of their sexual orientation. The regime fears that domestic unrest will occur if the truth is told about its human rights violations; if the regime is correct, this strategy can be especially powerful.

Disseminating this information to Iranians can be done through satellite TV and online social media networks, as well as by engaging the communities of the Iranian diaspora, which allows for greater person-to-person contact. By disseminating information against LGBT intolerance and providing a space for regular contact between LGBT individuals and the larger Iranian population, activists can break down misinformation and taboos, making a way for social change.

STRATEGY 3: ORGANIZE THE IRANIAN LGBT MOVEMENT BY BUILDING INTERNATIONAL CONSENSUS FOR LGBT RIGHTS

By engaging LGBT organizations around the world, such as the International Lesbian and Gay Association, Iranian queers can overcome their own organizational weaknesses by learning from and partnering with more seasoned activists. An international coalition of LGBT organizations could fight more effectively for an international consensus on LGBT rights through large-scale media campaigns and possibly through the creation of an international convention for LGBT rights. A strong international base of support will help Iranian LGBT activists in the future. When Iran's persecution of queers has ended and its social taboos have begun to break down, an organized Iranian LGBT movement will be able to engage in meaningful dialogue with Iranians, spread a coherent message, and end intolerance against LGBT individuals in the country once and for all.

CONCLUSION

Justice for the victims of queer violence cannot be achieved overnight. Social norms must first change in order for the intolerance to end, not just in Iran, but also on a global scale. Therefore, this analysis provides strategies for sustainable, long-term change based on creating a strong foundation from which LGBT individuals can eventually gain their rights and freedoms in Iran. By framing such persecution as a violation of the human rights agreements already accepted by the Iranian government in sight of the international

community, activists can force Iran to clean up its human rights record. Meanwhile, raising awareness and advocating for queers at the individual and grass-roots levels can break down Iranian society's stereotypes and misconceptions arising about who LGBT individuals are and what it means to be queer. Finally,

by organizing Iranian queers to fight for their rights and help build international consensus that LGBT rights are human rights, activists in Iran will be better able to end the injustices they face once Iran is ready to change. Working concurrently, these strategies can bring sustainable, long-term change.

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THE POLITICS OF SAME-SEX MARRIAGE IN THE UNITED STATES

TIMOTHY FARRELL

ABSTRACT In the past 20 years, same-sex marriage has emerged as a salient policy issue. A handful of states, as well as Washington, D.C., now recognize same-sex marriage, despite considerable opposition from religious interest groups and a federal law denying federal marriage benefits to same-sex couples. Frequently used by the political right as a wedge issue to cleave support from liberal politicians, same-sex marriage has nonetheless continued to gain public support. A stark generational divide suggests that the issue of same-sex marriage will be decided not by politics, but by simple demographic changes, as younger Americans who have grown up supportive of gays and lesbians gain political influence. This paper examines the interplay among politics, interest groups, and public opinion to trace the history of same-sex marriage policy in the United States. Using the courts, legislative bodies, and even public referenda to advance their policy agendas, representatives of both sides of the issue have worked against a changing social and political backdrop. The same-sex marriage movement provides a compelling case study of the formation of politically sensitive policy in the United States.

The President has to choose priorities and he has a lot right now. The gay rights movement and marriage equality is advancing quite nicely without Barack Obama's help.

—Paul Begala, CNN's *The Situation Room*,

May 7, 2009

The push for same-sex marriage is the defining social movement of the early twenty-first century in the United States. Like progressive social movements of the previous hundred years, such as women's liberation and civil rights, same-sex marriage is characterized both by periods of advancement and intense opposition. This friction has resulted in a highly unstable and at times confusing policy environment in which marriage laws differ state by state. A handful of states, as well as Washington, D.C., have legalized same-sex marriage, while others confer spousal benefits to same-sex couples under the terms "domestic partnership" and "civil union." In contrast, 41 states have passed either state constitutional amendments or laws limiting marriage to heterosexual couples.¹ While public opinion continues to shift in favor of expanding spousal rights to same-sex couples, a consistent proportion of Americans strongly believe that the term "marriage" should be reserved for opposite-sex couples.² This complex and evolving environment makes it possible for those on both sides of the issue to lay claim to victory. Gay rights activists argue that demographic changes make it likely that same-sex marriage will become a reality within a generation in all 50 states, while Christian conservatives point to solid and steady opposition to claim that Americans will never accept expanding the definition of marriage to include same-sex couples.

The same-sex marriage movement has progressed considerably since the 1990s despite a lack of support from the legislative and executive branches of the U.S. federal government. No viable candidate for president in 2008 supported same-sex marriage. Barack Obama endorsed civil unions during his 2008 presidential campaign and explicitly opposed same-sex marriage. As political commentator Paul Begala's remarks above suggest, presidential support has not been necessary for same-sex marriage to proceed at the state level. This article explores the interplay of public opinion, politics, and same-sex marriage policy. What accounts for the lack of political support at the national level, and what does this say about

politics and policy formation as they relate to social movements? Who leads on the issue and how has that leadership affected the way in which same-sex marriage has developed in the U.S.?

SAME-SEX MARRIAGE IN HISTORICAL AND INTERNATIONAL CONTEXT

Despite the progress made by the same-sex marriage movement in recent years, few early gay rights activists would have imagined marriage equality as the inevitable consequence of gay liberation. In the 1950s, early gay activists fought for much simpler rights as they faced state anti-sodomy laws (which effectively criminalized homosexual behavior) and frequent arrests of gays and lesbians by local law enforcement. Activists' early efforts focused on gaining the freedom to assemble and the right to publish and distribute gay literature without the fear of invoking obscenity charges. The movement was marked by small, local victories, but faced entrenched opposition from three fronts: the federal government, which banned outright federal hiring of gays and lesbians; Christian doctrine, which strongly condemned homosexuality; and the medical and psychiatric professions, which labeled homosexuality a disease.³ On the other hand, the social dislocations of the 1960s and the rise of feminism aided the movement, as American counter-culture began to question the conservative values of previous decades. As more men and women emerged from the closet and claimed gay identities, the dominant cultural attitudes towards homosexuality became more tolerant.

The idea of same-sex marriage had circulated at least since the 1970s, when a few gay couples unsuccessfully tried to petition for same-sex marriage in several states. However, once the gay rights movement gained strength and political power in the 1970s, its leaders focused their attention more on overturning state anti-sodomy laws and battling the anti-gay legislation that erupted in response to victories gay activists won at the local level. For example, following the inclusion of sexual orientation as a protected status in the civil rights ordinance of Dade County, Florida, activists faced a political adversary in former Miss America finalist Anita Bryant, who led a successful campaign to remove gays and lesbians from the ordinance in 1977.⁴

The AIDS epidemic unfolded in the early 1980s, decimating the gay community and claiming the lives of many of the movement's leaders. Activists fought for federal acknowledgment of the epidemic and agitated for research into a cure for a disease that, until the introduction of protease inhibitors in the mid-1990s, killed tens of thousands of Americans each year.⁵

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The AIDS crisis made evident for the gay movement how vulnerable gay partnerships were without the legal protection that heterosexual couples took for granted.”

Yet the AIDS crisis also contributed to the movement for same-sex marriage, as D’Emilio has argued. Faced with few legal protections, gay men whose partners were dying of the disease confronted difficult obstacles when the issues of hospital visitations, “next-of-kin” discussions, and funeral arrangements arose.⁶ Gay men, who faced hostility from the parents of their dying partners, could be shut out of the decision-making process surrounding their partners’ deaths. The AIDS crisis made evident for the gay movement how vulnerable gay partnerships were without the legal protection afforded to heterosexual couples. Although AIDS did not strike the lesbian community with the same force, lesbian couples faced parallel legal challenges, particularly concerning the issue of child custody. Before state courts’ recognition of “domestic partnerships” and “second parent adoption,” which broadened adoption law to include gay and lesbian parents, lesbian mothers who were not the biological mother of a child risked losing the child in the event of the biological mother’s death or the break-up of the partnership.⁷

Compared to other Western nations, the U.S. appears to lag in its advancement of same-sex marriage policy. Since 2000, when the Netherlands became the first country to legalize same-sex marriage, a number of countries (primarily in Northern Europe, but also including Canada and South Africa) have either

extended the definition of marriage to include gay and lesbian couples or have passed legislation at the national level legalizing same-sex civil unions.⁸ Rayside contrasts the “takeoff” of same-sex marriage in these countries with the relative lack of takeoff in the U.S. He identifies several reasons why same-sex marriage has met with resistance in the U.S., chief among them the relatively high proportion of religious conservatives, who tend to view homosexuality as a moral transgression. Given the large number of religious conservatives in the U.S. and the many well-funded Christian organizations that can mobilize quickly to fight initiatives with which they disagree, same-sex marriage policy has met with fierce opposition. In addition, Rayside points to the unsettled nature of the U.S. economy, which has served to bolster anxieties about social cohesion. In a rapidly changing economic environment, opponents of same-sex marriage can exploit fears of social dislocation to their advantage.⁹

SAME-SEX MARRIAGE AS A POLITICAL WEDGE

The terms of the debate over same-sex marriage were set, to a large degree, during Bill Clinton’s reelection campaign in the summer of 1996. Senator Bob Dole, Clinton’s Republican rival, was the co-lead sponsor of the Defense of Marriage Act (DOMA), a piece of federal legislation that passed overwhelmingly in Congress and was signed by President Clinton in a midnight ceremony. Although DOMA did not outwardly ban states from performing same-sex marriages, the law allowed states to decline to recognize same-sex marriages performed in other states. The law also defined “marriage,” for the purposes of federal benefits, to mean a union between a man and a woman, thereby denying federal marriage benefits (such as the transfer of a deceased spouse’s social security benefits) to same-sex couples. In this way, DOMA gave same-sex marriage opponents the political upper hand, setting the debate in terms of moral values and positioning same-sex marriage as a threat to heterosexual marriage.

Ironically, this “threat” was legal nowhere in the United States at the time. In 1993, the Supreme Court of Hawaii became the first in the nation to recognize the right of same-sex couples to marry in *Baehr v. Anderson*. Although the issue was tied up in Hawaiian courts (and was eventually dropped following the

passage of Hawaii's constitutional amendment banning same-sex marriage in 1998), the specter of same-sex couples flocking to Hawaii to get married and then demanding marital recognition by their home states was the ostensible motivation for the enactment of DOMA.¹⁰ Critics immediately lambasted the legislation as a politically motivated tactic by the Dole campaign to rouse the evangelical Republican base. Elizabeth Birch, then executive director of the Human Rights Campaign, told the New York Times, "The bill is a ploy by the floundering Dole for President campaign to drive a wedge between the gay community and President Clinton."¹¹ In the same article, reporter Todd Purdum quoted activist David Mixner, who said, "[Clinton and his advisers] are beating up and taking away our rights in order to prove that they are not beholden to the gay and lesbian vote. They are participating in a hate-filled and divisive bill for short-term political comfort."¹²

Republican supporters of DOMA (like Dole) had nothing to lose and everything to gain by putting forth the legislation. Support for DOMA simultaneously roused the evangelical base and put Clinton, whose political capital within the gay community had been eroding since the introduction of the "Don't Ask, Don't Tell" policy (DADT), into a defensive position. Indeed, Clinton's experience with the DADT debacle in the early days of his administration very likely informed his and his advisers' reaction to DOMA. The hostility that greeted Clinton's proposal to sign an executive order allowing gay men and lesbians to serve in the military demonstrated to his young administration how forceful a political third rail LGBT issues could be. Much like DADT, which Clinton framed as a compromise that allowed gays and lesbians to serve in the military as long as they remained in the closet, DOMA could be pitched as a compromise, since it would allow states to decide for themselves whether to accept same-sex marriages performed in other states.¹³

Given that the impetus behind DOMA was a decision by a single state court to recognize same-sex marriage and that no state had yet enacted civil union legislation, let alone same-sex marriage, could Clinton have taken a different political position? Would it have been political suicide for Clinton to oppose DOMA? The evidence suggests not. Same-sex marriage in 1996 was a nascent issue; although same-sex

marriage had vocal advocates (such as Evan Wolfson, who worked on the *Baehr* case) as early as the 1980s, the mainstream media had yet to turn its attention in any significant way to the issue. It is likely that the issue, if defended by the left or politicized by the right, would not have resonated enough with voters to change the outcome of the 1996 presidential election. By signing the DOMA legislation, Clinton effectively neutralized whatever traction the same-sex marriage issue might have had with voters at the time and made it more difficult for the proponents of same-sex marriage to achieve their goals. However, the extent to which his endorsement of DOMA can explain his victory by more than eight million votes over Dole remains to be seen. According to David Mixner, Clinton's support of DOMA was nothing more than a "ploy to run up a bigger margin in the weeks before the election. His campaign wasn't in jeopardy."¹⁴ With an economy that was growing and a relatively stable agenda for foreign affairs, the election was Clinton's to lose.¹⁵

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DOMA gave same-sex marriage opponents the political upper-hand, setting the debate in terms of moral values and casting same-sex marriage as a threat to heterosexual marriage.”

Were there policy arguments Clinton could have used to oppose DOMA? An episode from Mixner's past suggests there was. As Mixner recounts in his memoir, *Stranger Among Friends*, sometimes an odd-bedfellows coalition can be formed to defeat a politically sensitive policy. In 1978, Mixner was organizing against the famous Briggs initiative in California, a referendum that would have prohibited gays and lesbians from teaching in public schools. Although Mixner's blend of grassroots organizing and enlistment of sympathetic Hollywood celebrities to campaign against the initiative helped narrow the gap in the polls, by his own account it was the "campaign bombshell" of an endorsement from then-

governor Ronald Reagan that helped defeat the issue. A closeted former Reagan staffer arranged a meeting between Mixner, Mixner's partner, and Reagan, at which Mixner voiced a powerful argument against the initiative: that students would be empowered to level charges of homosexuality against unpopular teachers, thereby sowing "anarchy in the classroom."¹⁶ Reagan reacted strongly to this line of reasoning and went on the record to oppose the Briggs initiative, which lost by a large margin in the election.

Clinton could have pursued a similar strategy in 1996, since DOMA could arguably have set an unhealthy precedent among the states. Legal scholar Cass Sunstein has argued that DOMA is very likely unconstitutional, noting in oral testimony before a Senate Judiciary Committee that "Congress has never passed legislation whose purpose in effect was to negate the application of one state's judgment in other states."¹⁷ At the center of the debate is the Constitution's "full faith and credit clause," which rules that states must recognize the "acts, records, and judicial proceedings" of other states. Sunstein argues that Congress has always acted to extend, rather than nullify, recognition of one state's judgments in other states; if the precedent of DOMA were to be extended, then "California divorces, Idaho punitive damage judgments, Illinois product liability judgments, all of them would be up for grabs."¹⁸ Opponents of DOMA could have made the policy argument that by allowing states to disregard each other's policies concerning same-sex marriage, the door would be open for states to ignore a whole host of judgments made in other states, in contradiction to the full faith and credit clause.

JUDICIAL ACTIVISM AND SAME-SEX MARRIAGE

In the absence of executive or legislative leadership on the issue of same-sex marriage, the courts have often been the only resource for same-sex marriage advocates to effect real change at the state level. Beginning with Hawaii's 1993 *Baehr* decision (which was the first to recognize a same-sex couple's legal right to marry) through the *Goodridge* decision (which catapulted Massachusetts into the vanguard of same-sex marriage in 2003) to the *Varnum* decision in Iowa (which brought the issue into the heartland), the courts have played a crucial role in advancing same-sex marriage policy in the United States. According to law professor

Andrew Koppelman, this strategy reflects a concerted effort on the part of marriage equality advocates to research state constitutions, state supreme courts, and state legislatures in order to focus on bringing test cases in those states where victory is most likely.¹⁹ Court-mandated policy, however, comes with a political price. Denounced by the political right as "activist," courts that rule favorably on a same-sex couple's constitutional right to wed find themselves in the crosshairs of Republican critics, who can claim that unelected judges are "legislating from the bench" and usurping the democratic process.

In this way, advancing same-sex marriage policy through the courts is a double-edged sword for advocates, who reap the benefits of legal victory while stoking opposition that may hinder public acceptance of the issue. Yet advocates remain committed to this strategy, recognizing that the courts often precede public opinion on civil rights issues. Joe Solmonese, executive director of the Human Rights Campaign, told CNN, "On the issue of activist judges, I think we all know that there's a tradition in this country of the courts deciding sweeping civil rights issues sometimes before the American people are there. That certainly was the case of the *Loving* decision that legalized interracial marriage at a time when more than 60 percent of the American people were not there on the issue."²⁰ Faced with an executive branch that is hostile or unwilling to spend political capital on the issue, and a legislature too timid or opposed for action, same-sex marriage advocates have had no other choice but to pursue their aims in court. Weighing the political risks, advocates seem to have concluded that the costs of pursuing a judicial strategy (increased ire from the political and religious right, and further statewide constitutional amendments banning same-sex marriage) are a reasonable price to pay since, as Solmonese suggests, public opinion tends to follow the courts on matters of civil rights eventually.

There is a limit, though, to what the courts can accomplish in the name of advancing same-sex marriage. Although pursuing a strategy of court-mandated same-sex marriage in select states makes sense from a policy perspective, some argue that pushing too hard and pursuing the issue through the U.S. Supreme Court would be a political nightmare for proponents of marriage equality. Columbia law pro-

fessor Nathaniel Persily told the *New York Times*, “The concern about creating another *Roe v. Wade* looms large. At least five members of the court, if not more, would probably be reluctant to weigh in on [gay marriage], especially given the progress that is being made in state legislatures, state courts, and public opinion.”²¹ The political backlash against such a move would be considerable, according to Persily and New York University political scientist Patrick J. Egan. From studying public opinion following the Supreme Court’s decision in *Lawrence v. Texas*, which struck down statutes that criminalized homosexual intercourse, Egan and Persily note that opposition to same-sex marriage escalates immediately following a big court decision, as it did following the *Goodridge* decision in Massachusetts.²² Although many gay rights activists advocate for the repeal of DOMA, they recognize that a Supreme Court battle may not be in the issue’s political best interest, since it is not likely to pass at this time and would only inflame the opposition.²³

Indeed, proponents of same-sex marriage need only look to the political chain reaction caused by the *Goodridge* decision in Massachusetts in 2003 to witness the consequences of judicial action on the issue. After ruling that the due process and equal protection provisions of the state constitution granted gays and lesbians the right to enter into civil marriages, the Massachusetts Supreme Judicial Court ordered the legislature to pass legislation recognizing same-sex unions. The national political fallout from the Massachusetts decision was enormous: more states began to push for statewide constitutional amendments limiting marriage to heterosexual couples, President George W. Bush lobbied for a federal constitutional amendment banning same-sex marriage, and Senator John Kerry’s presidential campaign took fallout from his home state’s decision to be the first in the country to legalize same-sex marriage. Although Bush failed in his efforts to pass a federal constitutional amendment, 13 states (including the battleground state of Ohio) passed constitutional amendments limiting marriage to one man and one woman in 2004. Political commentators immediately pointed to gay marriage as the issue that killed Kerry’s campaign.²⁴ However reductive such an analysis may be, it demonstrates the national political repercussions that court-mandated policy can have in the U.S.

CONCLUSION

Election night 2008 was a bittersweet moment for gay activists who voted for Barack Obama, as the night brought news not only of his historic campaign victory but also of California’s passage of Proposition 8, a state constitutional amendment limiting marriage to heterosexual couples. As a result, the status of 18,000 same-sex marriages performed in the state was temporarily thrown into legal limbo until the California Supreme Court later ruled that the marriages could stand.²⁵

Since the 2008 election, the political and legal landscape surrounding same-sex marriage has continued to shift, with both victories and setbacks for the marriage equality movement. A unanimous state Supreme Court decision in Iowa legalized gay marriage in 2009; legislative action brought same-sex marriage to Vermont and Maine in 2009 and New Hampshire in 2010. The movement experienced setbacks, however, as New York and New Jersey legislatures could not find the votes to pass same-sex marriage bills and a public referendum in Maine overturned its legislature’s passage of a gay marriage bill. The halting fashion with which same-sex marriage policy has proceeded in the states demonstrates the challenges minority groups face in the electoral process. When confronted with the “tyranny of the majority,” supporters of same-sex marriage might find their best hope resides not in any single political actor, but in galvanizing public opinion in their favor and using that support to reach their policy goals.

As support for extending spousal benefits (if not marriage itself) to same-sex couples grows, the negative political consequences for the Republican Party escalate. Among the hazards the GOP will face in the 2012 presidential election is the tendency for the Iowa caucuses to “tilt toward the exclusionary hard right,” as Frank Rich has noted, and the resulting fallout at the national level as Republican candidates play to anti-gay forces within their base.²⁶ Given that a majority of Iowa Republican caucus-goers are evangelical Christians, a 2012 GOP candidate’s success in Iowa may mean playing to the hard right, even if national public opinion on the issue of same-sex marriage is more moderate. Such a strategy would be political suicide, in Rich’s view, for Mitt Romney, Sarah Palin, and Newt Gingrich, who will strive to appear anti-

same-sex marriage before a national audience and, in doing so, may alienate moderates who favor more progressive social policies.

In the end, conventional wisdom suggests that the issue of same-sex marriage will be solved, if not politically, then culturally, as a new generation of Americans comes of age—a generation that views same-sex marriage as a civil rights issue and for which the argument of the right (that same-sex marriage “threatens” traditional marriage) has little weight.²⁷ Already a splintering effect can be seen among the GOP as younger GOP operatives such as Steve

Schmidt, a former aide to John McCain, speak out against the GOP’s position on the issue.²⁸ The use of gay marriage as a wedge issue loses its potency as social changes usher in an era of increasing tolerance towards gays and lesbians. Because states that enacted same-sex marriage demonstrate that same-sex and opposite-sex married couples can coexist with no negative repercussions, the argument that same-sex marriage threatens traditional marriage has further eroded. Like interracial marriage before it, same-sex marriage is likely to evolve from a cultural flash point to an emblem of American society’s tolerance of difference.

NOTES

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2. According to a Washington Post-ABC News poll conducted February 4–8, 2010, roughly two-thirds of Americans believe same-sex couples should be allowed civil unions. Approximately 47 percent of Americans believe same-sex marriage should be legal; approximately 42 percent of Americans, however, strongly oppose expanding marriage to include same-sex couples. See Jennifer Agiesta, “Post-ABC Poll: Views on Gay Marriage Steady, More Back Civil Unions,” *Washington Post*, February 12, 2010, http://voices.washingtonpost.com/behind-the-numbers/2010/02/post-abc_poll_views_on_gay_mar.html (accessed February 12, 2010).
3. For an excellent brief synopsis of the early years of the gay rights movement, see John D’Emilio’s “Will the Courts Set Us Free?” in *The Politics of Same-Sex Marriage*, ed. Craig Rimmerman and Clyde Wilcox (Chicago: University of Chicago Press, 2007), 39–64.
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THE INFLUENCE OF PARTICIPATORY POLICYMAKING IN THE MOVEMENT FOR IMMIGRANTS' RIGHTS AND COMPREHENSIVE IMMIGRATION REFORM

ROSEMARY LINARES

ABSTRACT Participatory policymaking occurs when people in traditionally marginalized communities influence and shape new, more effective policies that address their interests. Over the past 50 years, policymakers have tended to develop and implement immigration policy in the United States in a “top-down” fashion. As the grassroots immigrants’ rights movement grows in capacity and advances its advocacy for comprehensive immigration reform, activists are gaining a place at the table with policymakers to inform new policies in a “bottom-up” manner. As a result of the participatory policymaking process, leaders of the immigrants’ rights movement are becoming key players in the policy arena. This paper describes recent examples of the participatory policymaking process, focusing in particular on the DREAM Act.

INTRODUCTION

Participatory policymaking occurs when people in traditionally marginalized communities are the ones who influence and shape new, more effective policies that address their interests. The collaboration of grassroots organizations, activists, advocates, faith institutions, and civic associations often strengthen participatory policymaking at the local and state levels. Evidence of this kind of policymaking at the national level is harder to find, since the government is still overwhelmingly non-representative of traditionally marginalized communities (including people of color, the poor, women, and those with disabilities, as well as lesbian, gay, bisexual, and transgender individuals). However, through the work of social change organizations and collaborations at the state and national levels, the influence of participatory policymaking is trickling up to the federal branches of government and making a strong impact. A significant example of this trickle-up effect is the movement for comprehensive immigration reform.

This paper will briefly outline current immigration policies in the United States and describe examples of the participatory policymaking process with respect to immigration reform. The first section of this paper will illustrate the history and general framework of current immigration policy in the United States. The second section will highlight the immigrants' rights movement's attempts to reframe the discourse and policy debate. The final section will illustrate how the participatory policymaking process for immigration reform has advanced recently, with particular attention paid to the DREAM Act.

EFFECTS OF RECENT IMMIGRATION POLICY

Keeping in mind the long and incredibly complex history of immigration policy in the United States, this section focuses on several significant developments in immigration policy over the past fifty years. Unlike current reform policies, previous immigration policies were often formulated without the input of constituent communities, resulting in legislation that had unintended and negative consequences for immigrants.

Since the passage of the 1965 Immigration and Nationality Act (INA), policymakers have tended to focus

on one "hot-button" issue at time, which has resulted in a patchwork of laws that pro-reform groups claim are inadequate for the realities of the United States in the twenty-first century.¹ Although the INA removed a national quota system and allowed the U.S. to accept immigrants from countries all over the world, resulting changes in U.S. demographics contributed to a nativist backlash against immigrants. In recent decades, immigration policies became more restrictive and punitive; the number of crimes for which immigrants could be deported was increased, border security expanded, and immigration connected to the threat of terrorism.²

In 1986, during the Reagan administration, Congress passed the Immigration Reform and Control Act (IRCA). It legalized the status of millions of undocumented immigrants while imposing sanctions (including jail time and fines) on employers who violated the law by hiring undocumented workers.³ This policy, however, did not include provisions to allow for future adjustments of the number of available visas depending on the country's increasing or decreasing need for immigrant labor to contribute to the national labor force. In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which barred individuals caught living in the country illegally from re-entry and made some minor offenses (such as forging a check or shoplifting) cause for immediate deportation. The law also permitted the delegation of authority to enforce federal immigration policy to local law enforcement, although this statute was not actually utilized until after September 11, 2001.⁴

After the September 11 attacks, the Bush administration made serious changes to immigration policy, passing policies that focused primarily on national security and enforcement mechanisms. Measures to address security were included in the Patriot Act and the REAL ID Act. The Patriot Act enhanced the discretion of authorities in enforcing, detaining, and deporting immigrants suspected of terrorism. Similarly, the REAL ID Act mandated that all states meet certain standards in issuing identification cards to residents, in an effort to collect individuals' personal information in a national database. In order to be eligible for a driver's license after the REAL ID Act, applicants now had to prove legal status. As a result, a large number of undocumented immigrants became

unable to obtain or renew driver's licenses and were more susceptible to arrest and deportation.⁵

The Bush administration designed programs to enhance the authority of employers and local police in the enforcement of immigration laws as well. To increase the responsibility of employers in enforcing immigration policy, the Bush administration developed the no-match rule, under which the Social Security Administration (SSA) sent out notices to employers when employees' names and social security numbers did not match SSA files.⁶ The Obama administration has decided to stop funding this program because of pending lawsuits filed by civil liberties groups, but the verification system the current administration favors, E-verify, is criticized not only for being highly vulnerable to identity fraud but also for its frequent rejection of U.S. citizens and eligible workers.⁷ Both programs rely on employers to enforce the law; however, most non-complying employers do not face as harsh a punishment for hiring non-eligible workers as the undocumented and eligible workers who are fired from their jobs. This reflects past policy trends of punishing individual immigrants rather than their employers.

Another measure that the Bush administration implemented to address enforcement of immigration laws is a program that works with local law enforcement agencies to target and remove undocumented immigrants convicted of "violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics, smuggling and money laundering."⁸ This program was authorized under provision 287(g) of the IIRAIRA. Currently, there are 63 local partners who have signed Memoranda of Agreement with the government, and more than 840 officers have been trained and certified to enforce federal immigration law at the local level. Through this program, 70,000 people without documentation have been identified as suspects.⁹ Although most of these individuals were identified while in jail, advocacy organizations criticize this program for encouraging racial profiling of people who resemble (primarily) Latinos, South Asians, and Middle Easterners.

One concern critics have about this program is that while federal immigration officers are trained for four to five months, deputized local and state officers are typically trained for only four to five weeks, perhaps leaving them inadequately prepared for their respon-

sibilities. Furthermore, the average cost for the government to partner with local law enforcement is \$17 million per one 287(g) agreement. The burden on state and local agencies is also significant, because they bear the costs of everything besides training and access to computerized information systems.¹⁰

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Finally, the Bush administration attempted to enforce immigration policy through a program of raids under the name "Operation Return to Sender." These raids have financially devastated towns like Postville, Iowa, and have separated families of undocumented immigrants and mixed-status families. Given that there are currently 5.5 million children with at least one parent who is undocumented, programs like this one gravely affect families and the communities in which they live.¹¹ Under the guise of attempting to detain and remove convicted criminals who are already in the system, these programs promote isolationism and fear in immigrant communities.

REFRAMING THE DISCOURSE: THE IMMIGRANTS' RIGHTS MOVEMENT

Immigration laws implemented in the United States often reflect restrictionist and negative societal attitudes towards immigrants (especially undocumented immigrants), as opposed to identifying and addressing the institutional structures that encourage illegal immigration. The way an issue is framed and portrayed in the media significantly influences society's

Former Frame of Immigrants and Immigration Policy	Reframe of Immigrants and Immigration Policy
illegal alien	undocumented worker
dehumanized victim	empowered activist
criminal/terrorist	contributor to society
take of government resources/public charge	participant in economy
individual acts	collective action and leadership
hiding in the shadows	marching in the streets
amnesty	family reunification
policy as a technical issue	policy as a human issue
border control	border safety
assimilation	immigrant integration
citizenship is taken	citizenship is earned

Table 1. Terms Used to Reframe the Immigrants' Rights Discourse

attitudes about the issue and the laws that policymakers subsequently create: "Frames are organizing principles that are socially shared and persistent over time, that work symbolically to meaningfully structure the social world."¹² Policy debates may be reframed and influenced through participatory policymaking, which includes those affected by the legislation in the policymaking process.

In response to increasing anti-immigrant sentiment after the 9/11 attacks, the immigrants' rights movement has grown more organized. Largely local and grassroots in origin, it is now a national movement with a focus on comprehensive immigration reform and protecting the rights of undocumented people already living in the U.S. On April 10, 2006, hundreds of thousands of people participated in pro-immigrant marches and rallies across the nation, demanding immigration reform. Since this event, immigrants take to the streets all over the country every year on May 1, the international date for Labor Day, calling out for comprehensive change to immigration policies.¹³

Over time, immigrants' rights activists have developed and changed their frames and strategies to advocate for affirmative immigration policies and to advance the movement. At the beginning of the movement, activists devised frames and strategies in response to nativist anti-immigrant rhetoric and had to take more defensive positions. As the movement has progressed

and gained political support, activists have been able to develop frames and strategies from a position of power, establishing the terms of the policy debate.

The action of reframing and the growth of the immigrants' rights movement are synchronistic processes that occur simultaneously. These developments are influenced by each other and evolve together. Non-profit organizations and leaders in the immigrants' rights movement have fought previous frames and have successfully reframed the issue of immigration in the public debate. Activists and social change organizations may also need to intentionally reframe an issue when an existing frame marginalizes a group or groups through public policy. As Ospina and Foldy claim, "Social change organizations realize they cannot advance their missions by relying on the same language, images, or cognitive models that disempower and alienate their communities. They work to disrupt established frames, while forming new ones congruent with their vision for the future."¹⁴

Given that a large portion of the immigrants' rights movement consists of undocumented immigrants, members of that community retain a valid fear of engaging in social justice efforts and social change activism. However, through coalition building, partnering with politicians and other political actors, and empowering themselves to mobilize, the immigrants' rights movement has recently become more organized and more powerful than ever before. As a result, the

movement has effectively reframed the issue in the policy debate. Rather than holding individual immigrants responsible for creating the social and economic inequities associated with immigration, the immigrants' rights movement works to develop the opportunity for fair, comprehensive immigration reform focused on family unity for society's overall wellbeing. Additional examples of reframing are present in the terminology used to design policy, as well as the movement's larger discourse and themes. Table 1 provides examples of how the movement has reframed the discussion of immigrants and immigration policy.

One example of reframing is the cooptation of the language of nativist, anti-immigrant organizations. One illustration of this is the 30-year-old organization called the Federation for American Immigration Reform (FAIR), a conservative, nativist nonprofit that calls for strict immigration control and has gained much attention from the media. Interestingly, the Campaign to Reform Immigration for America (RI4A), a national coalition of immigration reform organizations, uses many of the same words as FAIR to symbolize a very different movement. In a similar fashion, the Center for Community Change houses the Fair Immigration Reform Movement (FIRM), again using much of the same language but for a different purpose.

Frames are also significantly influenced by how an issue is portrayed in the media. The theory of agenda maintains that the news media gives more salience to certain events and issues than others, consequently "telling" the public what is important.¹⁶ The Brookings Institute published *A Report on the Media and the Immigration Debate*, which presents research showing that if immigration is associated with controversy or crisis, it makes headlines; otherwise, it receives only token attention. Often, these token reports highlight illegal behavior and political conflict.¹⁷ The report also illustrates three trends of immigration coverage since 1980. The first is that coverage is episodic, conditioning the public to think of immigration as a sudden event (such as the controversy surrounding the case of Elian Gonzales) rather than understanding its deeper social context and long-term trends.¹⁸ Second, the coverage has overwhelmingly focused on issues of illegality, as opposed to reporting on the massive backlogs in processing citizenship applications and family visas that sometimes have delays of up to twenty years.¹⁹ Last, the media's coverage profiles

immigrants, policymakers, and advocates, but leaves out other critical actors, like employers and consumers.²⁰ On the other hand, the report also states that immigration policy was number four in the top ten stories of the year in 2007.²¹

A recent program on CNN challenged these trends with Soledad O'Brien's report on "Latinos in America," a two-part series that looks at "how Latinos are changing America and how America is changing Latinos."²² At the time of this broadcast, CNN also employed Lou Dobbs, who expressed what many believe to be anti-immigrant rhetoric on his evening news show. This controversial juxtaposition of "Latinos in America" and Lou Dobbs demonstrates that the news content and policy perspective presented in the media are often calculated to increase ratings, with consequential effects on the public's perception of immigration and reform policy.²³ The series was preceded by much network promotion, and Soledad O'Brien went on tour to personally promote her show, thus receiving significant media attention and thereby encouraging a more complex analysis of the immigration debate in the public agenda.

The media often seeks information and research from popular, well-known think tanks when reporting on immigration and immigration policy. The previously mentioned Federation for Immigration Reform (FAIR), the Center for Immigration Studies (CIS), and NumbersUSA are all immigration-restrictionist organizations that have been referenced in various media outlets. However, according to the Southern Poverty Law Center, CIS (which used to be a program of FAIR) publishes false and biased information with little or no evidence to support its claims.²⁴ Nonpartisan think tanks that publish more reputable research on immigration include the Pew Hispanic Center, the Migration Policy Institute, the American Immigration Law Foundation's Immigration Policy Center, the Applied Research Center, and the Brookings Institute (through its Immigration Series). Some of these think tanks have also provided testimony before Congress regarding immigration reform.²⁵ Their work has helped to advance the reform movement by providing the media and policymakers with credible information on immigration that does not reflect an anti-immigrant bias, and by reinforcing advocates' work in reframing the terms of the immigration policy debate.

PARTICIPATORY POLICYMAKING AND IMMIGRATION REFORM

Political actors in the executive, judicial, and legislative branches of government who set immigration policies of the past did not seek direct input from some of the key stakeholders, such as undocumented immigrants, children of immigrants, or even U.S. citizens. Thus, immigration policy occurred in a “top-down” fashion and at times did not reflect realistic expectations for the various stakeholders. Because of the increasing power of grassroots movements in support of immigrants’ rights across the nation, advocates and leaders now participate directly with the politicians and policymakers who influence immigration reform. In this way, immigration reform is becoming more participatory, because actual stakeholders are helping to develop and advocate for humane and just federal and state policies.

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Ali Noorani, the executive director of the National Immigration Forum and leader of the Reform Immigration for America Campaign, has led the effort to work directly with politicians to garner their political support for comprehensive immigration reform. Other leaders and organizations, such as Chung-Wha Hong from the New York Immigration Coalition, Gustavo Torres from CASA de Maryland, Deepak Bhargava from the Center for Community Change, and Arturo Rodriguez of the United Farm Workers of America, among many others, have also led advocacy campaigns to build coalitions and network with policymakers.

The marches and rallies that began in 2006 have significantly contributed to the growing immigration reform movement as well as coalition building among politicians, activists, faith-based leaders, and unions. One powerful illustration of this is RI4A, a coalition of more than 500 nonprofit organizations and advocates at the local, state, and national level led by the National Immigration Forum. The Campaign held a rally at the White House in October 2009 to support immigration reform with more than 3,000 demonstrators from at least 17 states. Similar rallies were held in at least 20 other cities around the nation.²⁶ This rally merited a write-up in the *New York Times* and other newspapers around the country. Another important outcome was the collaborative relationship built between social change activists and Representative Luis Gutierrez (D-IL), who participated in the rally and proposed legislation for comprehensive immigration reform this year that he hopes will pass by 2010.

As the example of Representative Gutierrez makes clear, the participatory policymaking aspect of the immigrants’ rights movement is most clearly manifested at the national level when politicians work with local, state, and national organizations to draft comprehensive immigration reform legislation. Politicians who work with these organizations include Gutierrez, Senator Robert Menendez (D-NJ), Senator Richard Durbin (D-IL), Representative Nydia Velazquez (D-NY), Representative Jose Serrano (D-NY), Representative Kristen Gillibrand (D-NY), Representative Mike Honda (D-CA), Cecilia Muñoz (director of Intergovernmental Affairs), and the Congressional Hispanic Caucus with its 23 members in the House of Representatives and one Senate member (some of whom are mentioned above). The late Senator Edward Kennedy also played a key role in the work building up to legislation currently being developed, and the movement deeply felt his passing in 2009.

Through this form of participatory policymaking, immigrants’ rights advocates and experts have gained inclusion in the policy debate, and are thus able to contribute to immigration policy directly at the local, state, and national levels. For instance, participatory policymaking through the executive branch has accelerated with the election of Barack Obama. President Obama and Secretary of Homeland Security Janet Napolitano hosted a meeting at the White House in August 2009 with more than 100 leaders from immi-

grant rights' advocacy organizations. During this meeting, President Obama and Secretary Napolitano listened to the concerns of the immigrants' rights advocates and shared their plans for immigration policy changes. Directly after the meeting ended, Mary Giovagnoli, director of the Immigration Policy Center, said, "Today's White House meeting demonstrated a genuine commitment to engage in a dialogue that will lead to a smart and workable legislative package. . . . We must all remain committed to following through on the dialogue that began today."²⁷

Judicial policy advocacy and participatory policymaking has also recently occurred through several Supreme Court cases in which the American Immigration Lawyer Association and other advocacy groups have worked for more just immigration policy through the judicial branch of government. For example, in May 2009, the Supreme Court decided in *Flores-Figueroa v. United States* that the crime of aggravated identity theft, a felony, is limited to those who knowingly steal another person's Social Security number. This decision saved thousands of detained immigrants from receiving a felony charge, because simply using false documents holds a lesser charge and does not trigger automatic deportation.²⁸

As a result of closer interaction with immigration reform advocates, Congress is also coming closer to enacting comprehensive immigration reform, rather than continuing to draft piecemeal immigration policies at the national and state levels. To accomplish this, some of the independent immigration policies that have already been proposed in Congress will be subsumed within larger, comprehensive legislation, and others may be excluded. Though similar comprehensive bills attempting to overhaul the country's immigration system were proposed to Congress during the Bush administration without success, the immigrants' rights movement has since increased in size and resources to the point where leaders within the movement have gained a place at the table, and are able to inform policymakers' decisions as never before.

Because advocates for immigrants' rights have gained a powerful, more influential reputation in the policymaking arena, they work directly with policymakers to lay out the basic principles for potential future reform. The specifics vary slightly between the two versions of reform legislation in the House of Rep-

resentatives and the Senate, but each emphasizes the following goals: a legal pathway to citizenship for undocumented workers; effective border enforcement; humane policy enforcement for immigrants already in the U.S.; protection for undocumented workers against abuse by their employers; implementation of nondiscriminatory and effective verification systems that do not inadvertently penalize eligible workers; the security of the family unit; the allocation of sufficient visas to close unlawful migration channels; and promoting immigrant integration.²⁹

As a corollary to these key principles for comprehensive immigration reform, policymakers have drafted the Development, Relief, and Education for Alien Minors (DREAM) Act, which would provide legal status and a path to citizenship for students who were brought to the U.S. by their parents as young children. This act would allow undocumented immigrant children the opportunity to participate in higher education or military service within the United States.³⁰ This policy would address Section 505 of the IIRIRA of 1996, which discourages states from offering in-state tuition rates to undocumented students, placing them in the class of international students and denying them state and federal financial assistance. Approximately 65,000 students per year who graduate from high schools in the United States are undocumented and therefore face limited options for higher education.³¹ Additionally, undocumented students who are able to complete college and university programs confront great difficulty obtaining a job after graduation because of their immigration status.

In 2000, Silvia Salguero faced this problem when she tried to pay her university tuition for her freshman year in college in Utah. As an undocumented student, she was only legally entitled to a public education through high school, the result of a 1982 Supreme Court ruling.³² She discovered that in order to legally enroll in the university and receive access to the scholarships she had been granted, she would have had to return to Mexico, get a student visa, re-apply as a foreign student, and then pay non-resident tuition rate (which was approximately three times the rate of in-state tuition). She made her plight known to two influential Utah Republicans, Orrin Hatch in the Senate and Chris Cannon in the House of Representatives, who responded with two proposals for legislation to facilitate the process for undocumented high school graduates to go to college.³³

Senator Hatch cosponsored the DREAM Act with Richard Durbin (D-IL) in the 107th Congress. Representative Cannon introduced similar House legislation, titled the Student Adjustment Act. Both of these policy proposals were supported by a host of national and state immigrant advocacy organizations, including the National Council of La Raza, the National Immigration Law Center, the Mexican American Legal Defense and Educational Fund, and the National Immigration Forum, among others. Ever since the DREAM Act was first brought to the Senate in 2002, these agencies have organized public education campaigns, events, rallies, and other activities in support of the legislation. New advocacy organizations emerged as a result of the bill as well, such as the Coalition of Student Advocates. Although the DREAM Act has not yet been passed in the Senate, these organizations continue to work alongside policymakers to advocate for the passage of this legislation.

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The DREAM Act would provide legal status and a path to citizenship for students who were brought to the U.S. by their parents as young children.”

To increase public involvement in support of the DREAM Act, advocacy organizations developed the National Back to School DREAM Day of Action in 2009, when supporters of the DREAM Act organized awareness-building events simultaneously all over the country. Advocates also created the DREAM Act Portal, an online tool designed to keep individuals and organizations updated about the pending legislation, and to encourage them to lobby state and federal policy makers to pass the bill. Additionally, at the end of 2009, four undocumented students embarked on an advocacy walk, the Trail of DREAMS, in support of the DREAM Act. As of this writing, they are walking

from Miami to Washington D.C. in support of the legislation, working to garner additional support from the communities and policymakers they encounter along their trajectory. Their plan is to engage with local communities along their route to Washington D.C. in order to arrive by May 1, 2010, to attend the annual Immigrants' Rights Rally and March in the Capitol.

The DREAM Act illustrates how participatory policy formation can yield stronger policies that help traditionally marginalized communities and reduce the negative consequences of more “top-down” approaches. It demonstrates that a shift in policymaking paradigms has occurred, providing a place at the table for immigrants' rights advocates, in contrast to previous decades, when advocates were effectively shut out of the process.

CONCLUSION

Examination of the historical context of the current debate regarding immigration reform shows the important role that immigrant groups and social justice activists now play in the policy arena. The immigrants' rights movement has evolved and gained strength over time, and has intentionally shifted the way immigration policy and immigrants are framed within the larger public policy discourse in the United States. As a result of this reframing, activists within the movement have been able to work with politicians to design policy that is inclusive of their interests. These proposed policies, and other policies currently being drafted, have a tremendous potential impact on millions of people in the United States—from undocumented immigrants and their families, friends, employers, and neighbors, to individuals waiting for their visa applications to be approved. By becoming involved in the policymaking process, immigrants' rights advocates have made great strides towards securing social change and human rights for immigrants in this country. With the DREAM Act and other legislation currently being considered in Congress, advocates may potentially see the fruits of their labor in the very near future.

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GLOBALIZATION AND THE RULE OF LAW

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ABSTRACT This paper looks at the concept and practice of the rule of law through the lens of globalization. It explores the various levels of the rule of law, from the local to the global, and discusses the interconnectedness that globalization has caused among these levels. It then examines why the rule of law matters in an increasingly global world and its uses and abuses in both the developing and developed world. This paper then examines the rule of law in the context of U.S. and Canadian anti-terrorism policies. It concludes with a consideration of future directions for the international community.

INTRODUCTION

The concept of globalization has become a dominant paradigm, providing a lens through which leaders now view the challenges associated with international relations, development, conflict, economics, and human rights. In the sense that globalization represents an awareness of interconnectedness and an ease with which people can now communicate and gather information, this phenomenon brings with it certain challenges and suggestions for what states could be doing to better survive and thrive in this context. Among these concerns is the commitment (or lack thereof) to a global understanding of legal practices, the rule of law, and global norms surrounding human rights abuses, terrorism, detention, and trial procedures. The rule of law in particular is a difficult concept to define, let alone come to a consensus about, yet it remains an important goal for states to strive towards in order to function in the contemporary global environment. In order to counter human security challenges in the context of globalization, individual governments must immediately strengthen their commitment to the rule of law. If they do not, they risk the security of their citizens and their credibility in regard to other global issues. Developed and developing states alike stand to greatly benefit from solidifying processes to ensure the rule of law is both present and working as fairly as possible.

This paper will begin with working definitions of the concepts of “globalization” and “rule of law.” The following section will expand on these concepts, illustrating the levels at which the rule of law operates in the context of globalization. The paper will then consider whether the rule of law matters in the context of globalization, explore how developed countries can leverage the rule of law to better lead in the global community, and discuss a case study of the rule of law in the context of global terror networks. Finally, it concludes with a discussion of the rule of law as a tool in developing countries and the opposing view of cultural relativism.

WORKING DEFINITIONS

The blurring of boundaries, breakdown of borders, and spread of ideas is nothing new. Globalization has been taking place for centuries, but framing

and discussing the concept is a modern exercise. A critical point of debate over the definition of globalization is whether it weakens or reinforces boundaries. For example, as Clapham argues, “It may be fair to assume that in at least some contexts the globalization of certain decision-making processes is actually leading to a greater role for the state and for international law and international decision-making processes.”¹ In order to examine the importance of the rule of law, the working definition of globalization in this paper is “the growing integration of economies and societies around the world.”²

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According to Robert Cover of Yale Law School, the state does not hold a monopoly on deciding and articulating norms of behavior. Defining the rule of law should be seen as a “terrain of engagement where different actors in the community debate how they would like people to act within the society that they envision.”³ Additionally, the concept of rule of law represents not only end-goals, such as a fair and just society, but also institutional processes involved where the norms are constructed, agreed upon, and carried out.

THE LEVELS ON WHICH RULE OF LAW OPERATES

In order to illustrate the abstract concept of the rule of law in globalization, this paper will consider how law is constructed and enforced at four levels: local, state, regional, and global. Following this discussion, the paper will analyze how these levels interact with one another and impact populations in the globalized world.

LOCAL

At the most fundamental level, the rule of law comprises practices at the local, geographically-bound level. It is at this level that the rule of law is at its most responsive and dynamic. It is here where many social norms are generated and enforced. Additionally, the rule of law and its attendant formal frameworks are frequently absent.

Paul Schiff Berman of the Sandra Day O'Connor College of Law argues, "Law does not reside solely in the coercive commands of a sovereign power . . . [it] is constantly constructed through the contest among various norm-generating communities."⁴ Examples of such norm-generating communities include village elder councils that meet as local judiciaries to punish unethical behavior and community boards that write local policies about expected neighborhood waste disposal norms. At this level, the rule of law may be in its most organic form, or it may be completely absent or co-opted by corruption.

As Berman suggests, the contest within and among various norm-generating communities does not necessarily lead to consensus. Consensus on rule of law may not emerge despite the fact that this level is highly responsive to its constituent. "Local norms are always contested, even within their communities, and 'local' actors may well invoke 'non-local' norms for strategic or political advantage."⁵ Local leaders do not act in a vacuum, but instead enact and abridge some norms by way of other localities. "In addition, local actors deploying or resisting national and international norms may well subvert or transform them, and the resulting transformation is sure to seep back 'up' so that, over time, the 'international norm' is transformed as well."⁶

STATE

States are often considered distinct political entities with clear boundaries and norms outlined by documents, standards, and leaders. Much like the local level, the state does not, in fact, function as a solid, cohesive unit, and does not speak with a single voice. Numerous historic, cultural, ethnic, and religious traditions lead to the creation of fragmented sources of legal precedents. "Even in modern nation-states, we see a whole range of non-state lawmaking in tribal or ethnic enclaves, religious organizations, corporate bylaws, social customs, private regulatory

bodies, and a wide variety of groups, associations, and non-state institutions."⁷ Diverse interests operate at the state-wide level, but not as official state actors. These interests engender the multiplicity of norms and concerns surrounding the rule of law at the state level.

Many scholars believe that globalization decreases the role of the state. However, in some substantive ways, globalization increases the importance of a state's decision-making and rule-enforcing capabilities. As Clapham argues, "It may be fair to assume that in at least some contexts the globalization of certain decision-making processes is actually leading to a greater role for the state."⁸ Further, in the context of rule of law, the state has a dual role of both exporting and internalizing international and transnational norms.⁹ Not only do states (primarily Western nations) export norms, they also internalize norms from outside their borders if certain practices are seen as beneficial innovations to the legal consciousness. In this sense, the state has decision-making power about whether or not to "domesticate" international norms such as human rights. Further, states are often under coercive pressure from other states and international coalitions and organizations to do so, and may apply pressure outward to push neighbors or weaker states to adopt rule of law norms.¹⁰

REGIONAL

The regional approach to rule of law is a concept that emerged after World War II, and is seen as an effective level at which to hold governments and leaders accountable for rule breaking. At this level, boundaries are abstract and often defined by ethnic communities that transcend political borders, such as West Africa. This regional nature of community and legality allows previously marginalized groups to attain power over bigger players. As Berman argues, "Once the legal form of having trials for crimes against humanity was created, it could be appropriated by other normative communities and used against the powerful."¹¹ This is a way in which rule of law frameworks rise above individual governments and allow for a more legitimate form of holding government officials accountable.

At the state level, there is plenty of room for the rule of law to be (intentionally) misinterpreted to allow for a different rule set for government, military, and

economic leaders. The Nuremberg War Crimes trials are cited as an example where a framework was constructed that could be appropriated and used in a context transcending the state but still focused on a regional dispute, so that corruption at the state level would not impact fairness. Not surprisingly, these constructs seem most popular where states are weak, corrupt, or recovering from governance shortcoming and war. Illustrative of this point is the fact that “of the over 40 permanent judicial and quasi-judicial international and regional courts worldwide, at least 15 are in Africa or limit their jurisdiction to African countries and territories.”¹²

Clapham argues that the move to regional bodies promoting the rule of law and justice are signals of both hope and worry. For example, the creation of regional human rights courts in Africa represents an opportunity to ensure that basic rights are recognized and upheld in a region with a poor track record with the rule of law.¹³ Alternatively, a growing trend of turning towards regional justice systems may suggest that such legal pursuits are not desirable options at the state level, either because of corruption or unreliable courts. This is particularly problematic for the belief that rule of law must be present and occupy some consensus on its legitimacy at the state level in order to be reasonably carried out at the regional and international levels.

GLOBAL

According to Jeffrey Sachs, “The challenges of creating a rule of law fit for global capitalism involve two levels of mystery: that of law at the level of the nation state, and that of international law fit for our global capitalist society.”¹⁴ He says that the rule of law, in the context of globalization, is left with the question of how to create a “strong, but self-limiting state.”¹⁵ In other words, to what extent do norms at the national level coexist and interconnect with norms emerging at the global level? To what extent are states willing to surrender some autonomy for a broader benefit? Berman speaks to these questions without answering them: “Scholars have come to recognize the myriad ways in which the prerogatives of nation-states are cabined by transnational and international actors.”¹⁶ In some cases, such prerogatives drive at “good” endeavors. Others, however, are worth halting because of their abandonment of the rule of law and basic rights.

On a more philosophical note, there are two approaches to international law: the “monist” and the “dualist.” While the concepts are theoretical, both may serve as justifications for ways in which the rule of law is constructed and carried out, and both have an impact on how societies function in the globalized world. The “monist” approach considers international law to be directly applicable to “lower” state and community orders. “Indeed, to monists, international law is superior to national law.”¹⁷ On the other hand, “dualists” operate under the assumption that “for international law to be applicable in the national legal order, it must be received through domestic legislative measures, the effect of which is to transform the international rule into a national one.”¹⁸ In sum, “the relationship determines the extent to which individuals can rely on international law for the vindication of their rights within the national legal system, and has implications for the effectiveness of international law, which generally lacks effective enforcement mechanisms.”¹⁹

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With these dichotomous frameworks and the lack of enforcement in mind, it is not surprising that, at the global/international level, the rule of law manifests in many different ways. As far as institutionalizing processes, The Project on International Courts and Tribunals “has identified approximately 125 international institutions, all issuing decisions that have some effect on state legal authorities, though those effects are sometimes deemed binding, sometimes merely persuasive, and often fall somewhere between the two.”²⁰ In addition, the differences in their power and reach are further complicated by the differing ways in which processes and institutions are con-

structed: “A number of international conventions, though signed by state parties, empower private actors to develop international norms. For example, the Convention on Settlement of Investment Disputes between States and Nationals of Other States permits private creditors to sue debtor states in an international forum.”²¹

Aside from the levels mentioned above, many stakeholders in rule-of-law debates operate outside of a particularly defined level of authority. This category includes policymakers in financial and economic spheres. While their involvement in promoting and undermining the rule of law could be a separate and detailed research topic, it is worth noting that “there is a need for both educational and legal strategies aimed at ensuring that policy makers . . . are aware that their action not only needs to be informed by international human rights law, but also that, in order to operate within the rule of law, the design, construction, and implementation of projects must not violate international human rights law.”²²

WHY DOES RULE OF LAW MATTER IN THE CONTEXT OF GLOBALIZATION?

An important question for rule of law in the context of globalization is whether and to what extent state-level governments rise above national considerations toward global principles. The motivations of state actors must be apparent in order for the world community to create incentives for states to adopt legal policies that benefit a greater population than the people for which the state is immediately responsible. Sachs outlines an optimistic viewpoint of state motivation, giving merit to the idea that “states cooperate in creating a rules-based international environment because cooperation is a positive-sum game.”²³ In other words, he believes that, by adhering to international rule of law standards, adherents, including the reluctant state, win.

The interaction between legal systems of the various levels of authority is worth examining, especially within the context of the validity of rule of law. This applies at both the state and international levels. For example, “in the realm of human rights we have seen criminal defendants convicted in the state courts in the U.S. proceed to the International

Court of Justice (ICJ) to argue they were denied the right to contact their consulate as required by treaty. Although the ICJ judgments are technically unenforceable in the US, at least one state court followed the ICJ’s command anyway.”²⁴ This illustrates a case where state norms bow to broader international norms. On one hand, this concession could represent the monist legal framework, where international standards automatically apply at individual state levels. On the other, it could represent a state’s willingness to accept international norms in good faith that other states would follow those norms in dealing with its citizens abroad. With this example in mind, one may hope that nations with lower legal standards than the U.S. would also adopt such gestures of diplomatic reciprocity. This would mean that U.S. citizens might be afforded the right to contact the consulate for counsel in a similar situation, especially in states hostile to the U.S., where such a right would be critical to a citizen’s survival.

While the above example represents incentives to adhere to international standards in a globalized context, there are other motivations for local leaders to adopt international standards. For example, Berman believes that “we will see non-local actors invoke the jurisdiction of international tribunals in order to avoid the consequences of local legal proceedings. Battles over globalization will often be fought on the terrain of conflict of laws.”²⁵ Alternatively, “courts could acknowledge the importance of participating in an interlocking international legal system, where litigants cannot simply avoid unpleasant judgment by relocating.”²⁶ Relocation to avoid judgment is a frequent occurrence in weak states, such as those emerging from dictatorship or civil conflict. It remains a problem despite the tools globalization offers to better communicate and collaborate to find alleged criminals.

Some scholars and critics call “for harmonization of norms, more treaties, the construction of international governing bodies, and the creation of ‘world law.’”²⁷ While such an outcome is unlikely given the current international legal state of affairs, such calls drive at a more basic point: that the rule of law is easier to maintain when systems work together than when they contradict and play against the consequences of competing systems.

RULE OF LAW AS A TOOL IN THE DEVELOPING WORLD

Fundamentals of the rule of law are thought to be critical in the process of development, and there is a “growing focus on rule of law in aid and development packages.”²⁸ Groups like the World Bank and UN agencies are making rule-of-law indicators part of development packages, and require certain indicator levels as prerequisites for future funding. There are at least four ends driving the desire for rule of law in developing nations, especially those in post-conflict situations: economic development, democratization, poverty reduction, and peace-building.²⁹ Assuming that such ends are worthy, there are various directions the promotion of the rule of law can take, such as mitigating corruption, promoting human rights, creating economic frameworks, establishing judicial systems, and reforming police.³⁰

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In general, the justification for emphasizing the rule of law in developing nations points to the correlation between the rule of law and economic growth, and between the lack of rule of law with corruption, weak governance, poverty, and violence. Rule of law correlates closely with economic growth.³¹ While there are other factors involved, it is not surprising that states such as Azerbaijan, Montenegro, Sierra Leone, Yemen, and Sudan are those that have the least rule of law and most corruption, as ranked by the 2006 Global Integrity Report. These countries are also some of the most unstable with regard to governance, economic stability, and human security.

Different from developed states discussed below, developing states have clearer internal incentives to commit to the rule of law. Often in developing states, basic rule-of-law adherence drives an increase in stability, an end of anarchy or dictatorship, and punishment for human rights criminals who have gone without consequences. It also offers an ethical framework in which to build state institutions and promote economic growth. Additionally, some developing nations may implement rule of law reforms because they want to receive development funding, avoid economic and trade sanctions, or be “left alone” by international watchdog groups. Adherence to the rule of law at the state level would help to achieve these and other development objectives.

The key challenges faced in promoting the rule of law in developing states concern an “emphasis on the formal legal systems over informal and traditional systems.”³² Often it is forgotten that states without strong national governance are accustomed to relying on more local legal frameworks. Without establishing rule of law at these local levels, it is difficult to establish national overarching systems and frameworks. If this hurdle is overcome, however, developing nations stand to benefit from electoral democracies (which may mean less civil unrest from marginalized groups), attractive investment environments (which are fostered by stability in emerging markets), and integration into the global economy (which means more opportunities for citizens, more economic development, and potentially better livelihoods).³³

While the World Bank and other multilateral institutions see the rule of law as a step towards economic development and state sustainability, the incentives for developing states also stem from the goal to be part of international dialog and legitimate stakeholders in shaping global norms. In order to emerge as participating players, instead of players seeking aid, developing states must commit to the rule of law, and rise above local and national considerations to embrace global principals.

RULE OF LAW AS A TOOL IN THE DEVELOPED WORLD

Committing to the rule of law is an important step for developing nations to integrate into the global markets and systems and gain legitimacy on the global stage. Scholars classically link commitment to

the rule of law with trust. Arguably, it is necessary to gain the trust of certain countries before other developed and developing countries are willing to accept said country's leadership on non-rule of law issues. For example, experts believe that in order for states to follow the U.S. on issues of environmental policy or trade policy, other states must inherently have some trust that the U.S. is a nation that respects basic norms and rights for all people, without a one-track determination to advance its own state agenda.

In recent years, this trust has eroded. Some scholars and state actors accuse developed states of confusing (perhaps intentionally) rule of law with rule *by* law. This approach is best termed rule by law, rather than rule of law, as the latter [rule by law] implies that the sovereign or government is also bound by law. Rule by law requires the use of legal rules in order to assure the uniformity and regularity of an existing legal system. Thus, even an authoritarian legal system, or one which does not protect human rights, will qualify as ruling by law if it uses and enforces legal rules routinely through the use of officials and some form of a judiciary, as long as it achieves a relative degree of certainty and predictability.³⁴

While characteristics of rule of law (such as predictability and certainty) are important and present in both forms described, rule by law does not necessarily guarantee that "all persons—ordinary citizens or members of the government—are equally subject to the law: one law for all."³⁵ Instead, rule by law is arbitrary and subject to change at the whim of governmental leadership—a characteristic that is inherently dangerous, and lacks basic democratic checks on power.

CASE STUDY: POST-TERRORISM RULES IN THE U.S. AND CANADA

The U.S. is often cited in discussions of democratic states and rule by law. To many, U.S. policies in an international legal context represent a state that rules by law instead of working within the rule of law. Canada is less frequently discussed, but nevertheless is an interesting state to consider alongside the U.S. While Canada is a developed country, it is especially notable in contrast with the U.S. because it holds less of a leadership role in international decision-making. The case study that follows will look at these two countries and the challenges the rule of law faces in context of the rise in global terrorism.

Globalization provides increased interconnectedness for many groups. Some terror groups have developed strong, secretive networks, which have been able to avoid the rule of law from the local to the global level. Many developed nations view the strengthening of terrorist networks and proliferation of terrorists attacks as threats to society and state.

In response to the perceived increase in the threat of terrorism, actors within the U.S. government made decisions, as outlined below, that arguably changed the rule of law in the U.S. Following the U.S.'s lead, Canada made similar changes to its legal framework. As an explanation for Canada's coordination, some argue that "[a]s globalization becomes more pervasive, the legal regimes of constitutional democracies throughout the world become ever more interdependent."³⁶ This increased interdependence has ramifications for the rule of law at both the national and global levels, especially in the case of terrorist groups. Two such impacts are described below.

Of the first related impact, U.S. Supreme Court Associate Justice Stephen Breyer says, "What happens elsewhere affects us here."³⁷ Terrorism is a prime example of the effect that international groups can have at the state level. The terrorist attacks in New York on September 11, 2001, significantly altered the rule of law in some of the world's most developed and democratic nations, including the U.S. This upheaval undermined the greater need for commitment to the global rule of law. The commitment is necessary because the networks that facilitate terrorism recruit, fundraise, and target victims on a global scale.

Secondly, Breyer points to a "growing similarity of legal regimes—a growing determination, for example, to maintain democratic societies that protect basic human rights. . . . These circumstances do mean that, in shaping our own domestic legal responses to common problems, we can learn from the experiences of others."³⁸ In this case, Canada followed the U.S. in a shared experience and a desire to curb global terrorism, and as a result has deviated from rule of law toward a model of rule by law. For example, Connie Fogal, formerly of the Canadian Action Party, argues that "antiterrorist bills are being passed in various western former 'democracies' including the US, Britain, Australia, and Canada. They do far more than eliminate civil liberties. They eliminate justice."³⁹

In response to the global threat of terrorism, several pieces of legislation were passed in both the U.S. and Canada that are worth noting for their stark contrast to rule of law principles. For example, under a U.S. presidential order reported by the *New York Times* in November 2001, “the president himself is to determine who is an accused terrorist and therefore subject to trial by tribunal . . . the president may ‘determine from time to time in writing that there is reason to believe that an individual is a member of Al Qaeda [the global terrorist network], has engaged in acts of international terrorism or has “knowingly harbored” a terrorist.’”⁴⁰ This order clearly opposes U.S. principles surrounding warrants, evidence, and the right to trial needed to pursue criminal cases. Following the U.S.’s lead in undermining rule of law principles,

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Legal adjustments were made to deal with terrorist threats that contradict or grossly change the states’ norms, which in turn undermined Canada and the U.S.’s legitimacy as trusted leaders and citizens on the world stage.”

“about 800 people arrested and detained as suspects were denied access to lawyers and family”⁴¹ by the Canadian government. Both rights were previously guaranteed by Canadian law. James Bovard contends that such adjustments to previously guaranteed rights represent arbitrary state power, which “means personal subjugation to the bureaucratic and political rulers who can exercise their personal will over the subject.”⁴² Arbitrary rule is contrary to the rule of law, which underpins what developed, democratic societies exemplify. If advanced nations lead by example in the wrong direction, negative consequences are at stake for global rule of law principles. In other words, this “modern interpretation of the term ‘law’ is an invitation to the abuse of power”—a problem that is more commonly associated with corrupt, conflict-ridden, developing states.⁴³

Additionally, adjustments to the rule of law in order to combat terrorism have perpetuated anti-Western sentiments, fueling and antagonizing terrorist groups. For example, in Canada and the U.S., legal adjustments were made to deal with terrorist threats that contradict or grossly change the states’ norms, which in turn undermined Canada and the U.S.’s legitimacy as trusted leaders and citizens on the world stage. This dynamic affected more than simply terrorism and rule of law issues; it undermined the U.S. and Canada’s leadership on a variety of issues. As Breyer notes on the subject of judicial systems, some argue that “American systems seem better suited to protect civil liberties in ordinary times” while the French system “enables it to adjust better to the exigencies of times of crisis with smaller sacrifice in respect to the protection of civil liberties.”⁴⁴ Clearly, as the French system recognizes, extraordinary times are a crucial point at which rights must be upheld to achieve and maintain consistency and order in national and international affairs.

Leaders in both the U.S. and Canada took the position that human security trumps the protection of basic rights. Breyer rejoins that “in many cases these trade-offs are not necessary . . . increased security often goes hand in hand with full and vigorous protection of civil liberties.”⁴⁵ Aside from models of “militant democracy,” examples of such situations are challenging to find. Further, “the more the law is revised, the more that law becomes simply a series of arbitrary political commands that must be obeyed, a grant of unlimited power to government officials.”⁴⁶ Even the most developed democratic societies cannot purely exemplify the rule of law by achieving the ideal. “In all democratic systems, elements of the rule of law are violated—consider for instance the politicization of the appointment of the judiciary in the U.S. or the ongoing debate over the role of racism in the application of the criminal law in many countries.”⁴⁷

Shortcomings will always exist, as no system is perfect. Although one must keep in mind that the rule of law is an ideal, even in situations with the most potential, the shortcomings demonstrated by the U.S. and Canada during the last eight years represent serious concerns about a move away from the rule of law toward arbitrary, top-down, rule-by-law principles that undermine the countries’ potential to move towards that ideal. As seen in the case of terrorism, moving toward a more arbitrary system and away

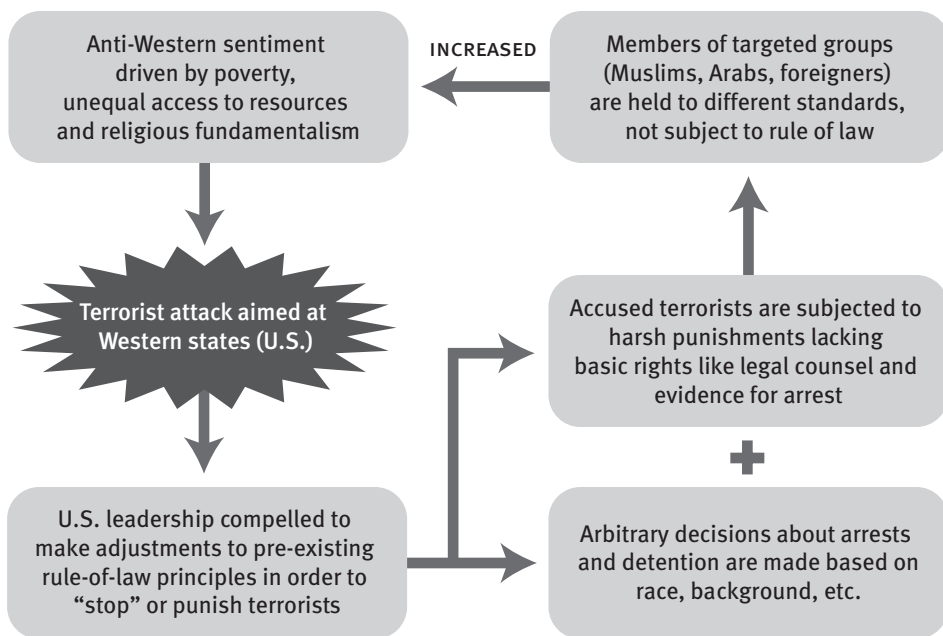


Figure 1. Feedback Loop of U.S. Legal Response to Terrorism Threats

from honest and fair rule of law actually represents a lack of commitment to the rule of law. In turn, this lack of commitment prevents other states from trusting the U.S. and Canada, and may have served to increase hostility toward the U.S. and to fuel terrorism, as represented in Figure 1.

FUTURE OUTLOOK

While globalization remains an unstoppable force, governments must work within their frameworks to rise above state-specific interests and demonstrate true commitment to the rule of law. Incentives to do so are both specific and state-centered (to avoid conflict, provide civil calm, attract investments, and participate in global markets), as well as broad and global (benefitting the general global population with human rights and justice). Yet, regardless of state prerogatives, human security risks associated with not rising above self-interest are evident and critical.

As shown in the example of the U.S., developed states risk human security when they stray from the rule of law, especially if it is replaced with rule by law in an arbitrary fashion. Such actions make states a target for violence and risk international distrust. On the

other hand, developing nations risk violent conflict and government instability that may keep them from fully participating in global markets and allowing their populations access to basic resources for stable livelihoods. If they do not show commitment to the rule of law, they risk the security of their own citizens and their national legitimacy in other global issues.

In the context of “growing integration of economies and societies around the world,” the rule of law is especially important, but it cannot be forgotten that it is also an ideal.⁴⁸ The law is always subject to contradiction and varying processes of construction. Those who operate outside of legitimate legal frameworks will often reject the adoption of rule of law procedures and institutions. Such universal norms are nearly impossible to realize. The problems associated with the absence of rule of law, however, will not become less critical as time goes on. The growing availability of communication technology and the increase of international corporations and organizations will continue to drive integration and make the rule of law easier to examine, debate, manipulate, and construct at local, state, regional, and global levels. By committing to the rule of law, governments have a better chance of operating safely as effective, trusted global actors.

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U.S. CULTURAL DIPLOMACY NOW NEW POSSIBILITIES FOR FOREIGN POLICY AND THE ARTS UNDER THE OBAMA ADMINISTRATION

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ABSTRACT The United States has used cultural diplomacy to foster goodwill and understanding among foreign nations for nearly a century. Nevertheless, federal support for cultural diplomacy has ebbed and flowed with each administration, reaching its peak during the height of the Cold War and declining since the fall of the Berlin Wall. The Obama administration, charting a course that differs from those of its predecessors, has approached both foreign policy and the arts with new perspectives. A review of recommendations that arts organizations made to the Obama administration suggests that top priorities in the area of cultural diplomacy should be to expand support for international artistic exchange, to simplify visa procedures for foreign artists coming to the United States, and to use technology and new media to better coordinate efforts among cultural diplomacy stakeholders.

INTRODUCTION

The United States has used cultural diplomacy—the exchange of ideas, art, culture, and other information among nations to foster mutual understanding—for nearly eighty years, with varying degrees of success.¹ Federal support for cultural diplomacy has depended greatly on the administration in office, reaching its peak during the height of the Cold War and declining since the fall of the Berlin Wall. The Obama administration, charting a different course from its recent predecessors, has taken a new approach to both foreign policy and the arts, and has revived the idea that cultural diplomacy is an important tool that builds understanding between nations.

While campaigning during the 2008 election, Barack Obama claimed to be a “Champion for the Arts” and said that he would make a strategic choice to “promote cultural diplomacy” as a vital piece of U.S. foreign policy.² One of the messages that Obama communicated during his campaign was that the time had come to rebuild America’s legitimacy around the globe, and that the arts could play an important role in that effort. As part of his 2008 presidential campaign’s Platform in Support of the Arts, Obama claimed: “Our resources for cultural diplomacy are at their lowest level in a decade,” and that, as president, he would “work to reverse this trend and improve and expand public-private partnerships to expand cultural and arts exchanges throughout the world.”³ Arts communities across the United States saw this statement as an unprecedented commitment to the nation’s cultural sector and to the international arts community at large.

Now that Obama is president, the arts sector is eager to see how he will fulfill his promise to prioritize cultural diplomacy. Advocacy organizations, such as Americans for the Arts and the American Association of Museums, as well as leaders of regional and national arts organizations across the United States, have been assertive in pressing the Obama administration to create policy in this area. Several organizations made formal recommendations to both the Presidential Transition Team and the new administration concerning how to best use the arts to enhance U.S. foreign policy strategy. A review of these recommendations reveals shared goals and common objectives among creative sector leaders. Despite their varied

perspectives, all believe in the power of the arts to promote mutual understanding among nations and agree that, given the reputation of the United States abroad, it is time to pursue an aggressive new cultural diplomacy agenda. If the administration follows the recommendations in three different reports compiled by more than 30 nationally prominent arts organizations, its top priorities will be to greatly expand support for international artistic exchange, to improve visa procedures for foreign artists coming to the United States, and to use technology and new media to better coordinate efforts among cultural diplomacy stakeholders.

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A HISTORICAL OVERVIEW OF CULTURAL DIPLOMACY

The United States’ first programs in cultural diplomacy in the 1930s originated as a response to Nazi Germany’s cultural offensive in Latin America, which was intended to weaken cultural relationships between the U.S. and countries in the region. In order to counteract the perceived Nazi attempt to discredit U.S. motives and purposes in Latin America, the U.S. delegation at the 1936 Pan American Conference for the Maintenance of Peace (held in Buenos Aires) proposed a Convention for the Promotion of Inter-American Cultural Relations, which the conference delegates approved unanimously.⁴ The convention called for an exchange of professors, teachers, and students among North and South American countries, and encouraged a closer relationship between organizations that influence the formation of public opinion. From the start of World War II through end of the Cold War, U.S. cultural diplomacy efforts developed considerably. The United States established the Fulbright Program to support reciprocal academic exchanges among individuals from the United States and other countries. In addition, the U.S. govern-

ment began to send touring art exhibitions and performing artists overseas in order to “re-educate and reorient [Communist Europeans] in the values of a democratic system.”⁵

In the 1970s, the Carter administration created the United States International Communication Agency to communicate information to the world about American society and politics through pamphlets, press releases, motion pictures, and other initiatives. In the 1980s, the agency operated largely to counter Soviet propaganda. U.S. cultural diplomacy programs declined in the 1990s, as budgets and staffs were reduced by nearly 30 percent over the course of the decade.⁶ In 1999, when it seemed that the U.S. had won the so-called War of Ideas, the agency’s programs were folded back into the State Department.⁷ Staffing has been cut further since then, and is now less than half the size it was at the end of the Cold War.⁸

With the collapse of the Soviet Union, many people saw less need for robust cultural diplomacy. This viewpoint changed dramatically with the attacks on September 11, 2001, which demonstrated that anti-American sentiments continue to run deep in some parts of the world. The Bush administration realized that the United States “needed ‘soft power’ as well as military might” and Washington began “dusting off public diplomacy as a strategy to combat rampant anti-Americanism.”⁹ This included efforts on the cultural side of public diplomacy, most notably the revival of Voice of America and Radio Free Europe as Radio Sawa and Al Hurra satellite television for Arab audiences, as well as Radio Farda for Farsi speakers in Iran and Afghanistan.

PRESENT-DAY SHORTAGE OF CULTURAL DIPLOMACY

In addition to promoting mutual understanding, cultural diplomacy provides a context within which other nations can comprehend U.S. interests and policies.¹⁰ Despite the programs instituted by the Bush administration, many public diplomacy and cultural diplomacy experts do not feel that the government is making enough effort nor allocating enough resources to this aspect of foreign relations. Some critics, such as music journalist Doug Ramsey, argue that cultural diplomacy exists on paper, but has not been thoroughly implemented.¹¹ For example, although English

language teaching and the Art-in-Embassies program are still federally supported, it is not known whether these initiatives achieve measurable impact towards achieving diplomatic goals. A 2007 survey of the United States Information Agency (USIA) Alumni Association revealed that “nearly all (98 percent) the USIA alumni expressed extreme concern about America’s declining image in the world, with similar numbers (95 percent) expressing similar concern about the rise in global anti-Americanism,” attributing these issues to the “collapse of American public diplomacy.”¹² Alan Riding, European Cultural Correspondent for the New York Times, claims that “while the State Department’s Bureau of Educational and Cultural Affairs is stepping up cultural programming, cultural diplomacy still lacks the financing to be more than symbolic.”¹³ Writing in early 2008, U.S. Diplomat William P. Kiehl pointed out that in 2003 there had been near unanimity around the assertion that United States’ public diplomacy was failing, yet five years later nothing had changed to alter its course. He argued that the new administration will have “a narrow window to make [the] fundamental changes” that are necessary to get public diplomacy—including cultural endeavors—back on track.¹⁴ The creative sector in the United States anticipated that window as well, and leaders in the field have produced several reports for the Obama administration’s consideration.

RECOMMENDATIONS TO THE OBAMA ADMINISTRATION

The cultural sector produced several sets of recommendations for the Obama administration, which, despite coming from varied perspectives, have three common themes.

REINVESTMENT IN INTERNATIONAL ARTISTIC EXCHANGE

One of the most prominent appeals in published recommendations to the Obama administration is a call for reinvestment in international artistic exchange. The U.S. Regional Arts Organizations (RAOs)—a consortium of six nonprofit entities¹⁵ created to encourage development of the arts and to support arts programs on a regional basis—advocated for a revitalization of cultural exchange, offering their report, *Global Positioning Strategy for the Arts*, as a resource to the incoming administration for this task.¹⁶ The document focuses on areas in which all of the orga-

nizations have been actively involved internationally, including literature, performing and visual arts, and media. It also draws on a survey of experts in the field, and quotes leaders such as the commissioner of cultural affairs for the City of Chicago, Lois Weisberg; the president of the California Institute of the Arts, Steven Lavine; and former Secretary of State Madeleine Albright. Discussing why international cultural exchange is important, Lavine pointed out that the “core of it is creating artist-to-artist connections that cross borders. Once artists make connections, they make the next thing happen. So you always get a payback that’s beyond the initial investment.”¹⁷

Robert Lynch, president and CEO of Americans for the Arts, agrees:

The opportunity for an individual, organization or community to physically exchange positions . . . between a United States participant and a participant from another country or culture . . . allows the participants to experience another culture, its art, its politics, its business—and allows participants from both sides to make new contacts that lead to longer-term dialogue and connection.¹⁸

In addition to contributing to the RAOs’ report, Lynch led his own organization in developing recommendations for the new administration as well. The perspective of Americans for the Arts is closely aligned with that of the RAOs; however in contrast to the RAOs’ lengthy, comprehensive report, Americans for the Arts offered concise issue briefs that outlined specific, concrete steps that Congress should take. Their *Issue Brief on Cultural Exchanges Through the U.S. Department of State* focused on strengthening connections between the United States and the world, and urged Congress to increase funding for the Cultural Programs Division of the State Department’s Office of Citizen Exchanges by \$10 million in the FY2010 State and Foreign Operations appropriations bill.¹⁹ The RAOs advised Congress to designate the increase for the Professional Exchanges and Cultural Grant Program and the Performing Arts Initiative.²⁰

In advocating for this funding increase, Americans for the Arts used statements from ranking leaders in the Obama administration. The organization cited Obama’s arts policy platform, which noted that many policymakers believe that cultural exchange is critical to U.S. secu-

rity efforts around the world, as well as Secretary of State Hillary Clinton’s Confirmation Hearing Statement, in which she explained that “her proposal of using ‘smart power’ includes culture as a valuable diplomatic tool.” Furthermore, they noted that Vice President Joe Biden has stated: “cultural exchanges can help erase borders of hostility and build a stronger foundation of broader and deeper understanding among peoples.”²¹

Americans for the Arts also pointed out that not only was international cultural exchange declared “a key public diplomacy tool” in a 2005 Congressional Research Service report, it also generates significant economic gain, as detailed in a report by the National Governors Association.²² The RAOs similarly argued that cultural exchange prepares Americans to participate fully in the global economy.²³ Indeed, cultural goods and services have long been vital elements of international trade,²⁴ and taking advantage of the creative sector’s strong presence in the international economy has the potential to strengthen political and economic ties between the United States and other nations.

In another instance, 24 prominent arts advocacy and umbrella organizations across the United States came together to submit a set of recommendations to the Presidential Transition Committee, advocating international cultural exchange.²⁵ Together, the organizations emphasized that, “by reinforcing the commonalities among cultures and illuminating our unique differences, cultural exchanges foster understanding and, at a time when the U.S. image abroad is in dire need of improvement, investing in cultural exchange is essential.”²⁶

IMPROVEMENT OF U.S. VISA PROCEDURES FOR FOREIGN ARTISTS

In addition to the promotion of international artistic exchange, a second common recommendation made by the RAOs, Americans for the Arts, and the 24 arts organizations is a call to improve U.S. visa procedures for foreign guest artists, which “are burdensome and prohibitive.”²⁷ While sending artists abroad is important, it is only half of the equation. As Madeleine Albright has stated, “Cultural diplomacy is about presenting the diversity of your own country and listening to what people are saying to you. It is not one-way. You have to listen as well as talk.”²⁸

Sandra Gibson, president and CEO of the Association of Performing Arts Presenters, has recounted a story

she heard about a dancer from Southeast Asia who came to the U.S. for a performance tour. The dancer arrived at a U.S. Customs desk with a visa in hand, only to be aggressively questioned by the officer about his reason for coming to the United States. His interview was projected over an airport loudspeaker for the entire room to hear.²⁹ Even if foreign artists manage to obtain visas (which currently can take up to several months), they likely will not return if they do not feel welcome upon arrival. Barriers to entry into the United States for artists severely undermine any international cultural exchange efforts of the State Department and other U.S. agencies. Effective use of the arts in foreign policy will include sound visa procedures in addition to well-supported cultural exchange.

USE OF TECHNOLOGY TO STIMULATE INTERACTION AND ENHANCE COORDINATION

While the RAOs, Americans for the Arts, and the 24 national arts associations agree that reinvesting in international artistic exchange and streamlining the visa application process are key steps to rebuilding the United States' cultural diplomacy strategy, one recommendation that was unique to the RAOs' report was to use interactive technologies and web-based media to stimulate interaction and coordinate common efforts. "Interactive technologies offer speed and accessibility, the ability to build online communities of artists, and the opportunity to share and archive live artistic experience," they pointed out.³⁰ They suggest creating a "national online cultural exchange clearinghouse" or database to "provide information about public and private cultural exchange activities and direct interested parties to available networks of artists and arts organizations." Additionally, they stated that this online system "would provide a mechanism for tracking and evaluation."³¹ Not only would such a database coordinate and streamline the efforts of countless arts organizations across the globe, but tracking and evaluating cultural exchange would enable the cultural sector to provide valuable performance measures to the State Department and other government agencies in order to assess the return on investment that each agency-sponsored program provides.

Any technological resource will only reach its full potential if it is established in coordination with all potential stakeholders, whether they are public entities, nonprofit organizations, or private firms. In fact, any initiatives in cultural diplomacy, whether they are technologi-

cal or not, will need dexterous orchestration to achieve maximum impact. The RAOs asserted that strong coordination and presidential leadership "is critical to revitalizing" cultural diplomacy efforts and suggested a "collaborative interagency approach managed in the White House."³²

CONCLUSION

It is in the Obama administration's interest to pay careful attention to recent cultural diplomacy recommendations from arts leaders. While historically the United States' cultural diplomacy has been vigorously deployed in response to a perceived threat or a war, an offensive, proactive approach to intercultural relations will be far more successful in the long term at establishing and strengthening mutual respect and common awareness between Americans and citizens of fellow nations. As Cynthia Schneider, Georgetown University Distinguished Professor in the Practice of Diplomacy, writes in *The Washington Post*, "After the fall of the Iron Curtain . . . public diplomacy was defeated by its own success . . . [and] September 11 found the U.S. public diplomacy apparatus underfunded, undervalued and demoralized. It's time to change that." She asserts that while "cultural diplomacy will never substitute for real changes in policy . . . it could increase understanding of America's core values."³³

As means for achieving increased mutual understanding between the United States and other countries, none of the recommendations outlined above are extreme. In foreign policy, other countries tend to view their language and culture as a valuable public good and do not hesitate to invoke culture as an integrated negotiating tool in aspects of international relations.³⁴ While the U.S. has a recognized history of cultural diplomacy, it is time to move beyond the models established to counter Nazi endeavors in Latin America and Europe and battle Soviet ideology during the Cold War. Reinvesting in cultural exchange, simplifying visa procedures for foreign artists, and taking advantage of advancements in technology and new media would create a model that responds more adequately to the current world order. According to Joel Henning, cultural affairs columnist for *The Wall Street Journal*, cultural diplomacy is "a lot cheaper than wars."³⁵ President Obama clearly recognizes this fact. By increasing the role of the arts in a revamped foreign policy strategy, the United States is better poised to revamp its image abroad.

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MAKING DECISION-SUPPORT TOOLS MATTER

THE EFFECTS OF ELECTRONIC RECORD SYSTEMS ON HEALTH AND EDUCATIONAL OUTCOMES

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Yael Kalban
AND SABINE KHOURY

ABSTRACT As more schools adopt electronic student-data systems, there is a need to better understand how they can be used to advance student achievement. By examining evidence about the efficacy of electronic health records on patient care and managerial outcomes, we find that their success depends on whether they cause an improvement in practitioner behavior. To lead to successful outcomes in care, electronic record systems should include decision-support capabilities and depend on users to act on decision-support recommendations, be implemented with effective training and technical support, and use all available data. Case studies analyze how two organizations in New York City implemented electronic record systems in the fields of health care and K–12 education, with respect to our recommendations.

INTRODUCTION

Major public policy movements in the United States in the last two decades have emphasized the adoption of electronic data systems over paper-based information tracking in health applications and, more recently, in K–12 education. In 1991, the Institute of Medicine called for the universal adoption of electronic health records (EHRs) among healthcare practitioners within 10 years. President George W. Bush established the Office of the National Coordinator for Health Information Technology to oversee a national transition to EHRs by 2014.¹ The U.S. Department of Education has made the development of statewide longitudinal student data systems a key component of its new Race to the Top grant program.² There is an implicit assumption in these policies that electronic record-keeping for health clients and students will lead to improvements in organizational operations and perhaps the outcomes they seek to achieve—healthier patients and students who are more academically successful. Our research shows that this assumption is a half-truth. We find that while electronic records systems can improve service delivery and client outcomes, successful outcomes often require effective decision support tools, which depend on availability of relevant data, the integration of the system with organizational operations, and proper system use.

It is necessary for organizations implementing electronic data systems to understand those systems' benefits and drawbacks as well as the most effective management techniques. This paper considers how electronic record systems used to facilitate management intervention in health care and K–12 educational settings affect the outcomes of the clients they serve.

This article's research methodology consists of a review of scholarly literature and professional evaluations analyzing the structure and use of data systems and their effects on health and student outcomes. We also include case studies of New York City institutions that implemented electronic record keeping systems in both the health and education sectors. The literature review relies mostly on EHR systems' effects on patient care outcomes, due to the relative lack of scholarly research on student data systems. To find points of comparison between health and education, we use a set of criteria developed by DeLone

and McLean.³ The criteria we focus on in this study are information quality, system quality, and information use; other criteria in the DeLone and McLean model include user satisfaction, individual impact, and organizational impact.

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APPLICATIONS: ELECTRONIC DATA SYSTEMS IN HEALTHCARE AND EDUCATION

ELECTRONIC HEALTH RECORDS

The definition and form of an electronic health record (EHR) can vary depending on the user or observer. According to the International Organization for Standardization (ISO) an EHR is “a repository of information regarding the health of a subject of care, in computer processable form.”⁴ According to the Institute of Medicine, EHRs have the potential to benefit caregiving through five major capabilities: comprehensive patient information, entry of orders and medical data, coordination of caregiver communication, provision of external information resources pertinent to the patient, and decision support.⁵ A literature review on EHRs by Häyrynen, Saranto, and Nykänen noted that the common tracking functions and uses of the technology include: “referral, present complaint (e.g. symptoms), past medical history, life style, physical examination, diagnoses, tests, . . . procedures, treatment, medication, and discharge.”⁶

ELECTRONIC STUDENT DATA SYSTEMS

In its report titled *Teachers' Use of Student Data to Improve Instruction: 2005 to 2007*, the U.S. Department of Education defines a student data system simply as “An electronic information system to assist in the organization and management of student data.”⁷ Lacina found that the benefits of electronic student records include the ability to manage many types of information, to provide immediate access to data, and to improve time management for teachers, who are able to spend time planning rather than grading.⁸ The Race to the Top Program (RTP) created by the U.S. Department of Education mandates electronic systems to ensure that student data is accessible to key stakeholders and used to inform instructional and administrative decisions.⁹

By including this requirement in RTP, education policymakers acted on the assumption that the use of electronic data systems supports data-driven instructional and administrative decisions that target the individual needs of students, thereby improving student achievement.¹⁰ However, as Johnson explains in his discussion of educational technology, that goal requires data systems to not simply automate but “informate” the work of educators.¹¹ Johnson argues that education stakeholders must go beyond exporting static data and require system users to interact with and understand the data in a meaningful way if student achievement is to be improved.¹²

ADOPTION AND IMPLEMENTATION OF ELECTRONIC RECORDS SYSTEMS

ELECTRONIC HEALTH RECORDS

Recent estimates of EHR adoption rates vary by time and place. In a survey of U.S. physicians in 2008, Des Rosches et al. found that 14 percent of their subjects used what the authors classify as a “basic” EHR system; the share of physicians using a “fully functional” EHR system (including order entry functions), on the other hand, was only four percent.¹³ In 2006, Ford et al. predicted that the adoption rate for EHRs in small medical practices would not level off until 2024 at a conservative estimate of 86.6 percent.¹⁴ Typically, EHRs have been implemented by department units rather than by larger entities such as hospitals or practices. Furthermore, hospitals often use separate information systems for nurses and physicians.¹⁵

Examining the effects of EHR use, Häyrynen et al. find that filling out EHRs does not require a significantly different amount of time, but can improve documentation quality and retrieval time.¹⁶

ELECTRONIC STUDENT DATA SYSTEMS

Through surveys of teachers and technology directors in 2005 and 2007, the U.S. Department of Education found that student data systems across the country vary greatly.¹⁷ At their most basic, student data systems record attendance and standardized test scores. More sophisticated systems have the capacity to record itemized results of routine assessments and can link educators to resources targeted to individual students' needs, although these capacities are not often tapped. The two most common uses of data were to inform parents (68 percent) and to track student academic progress (65 percent). In 2007, 94 percent of surveyed districts maintained electronic data regarding attendance and 84 percent recorded student scores on standardized tests, but only 52 percent recorded scores on school tests. Additionally, only about half of the districts that record student achievement data electronically maintain longitudinal records for three or more years.¹⁸

Although many districts maintain data electronically, in 2007 only eight percent of districts reported that teachers have access to all data and just 38 percent reported that teachers had access to most data. Of those teachers with access to data, only about half have access to data regarding the achievement of their current students. Fewer than 20 percent of teachers reported having access to decision support tools that promote data-informed decision making, such as online assessments, software that analyzes and interprets test results, or links to instructional resources based on student needs.¹⁹

KEY ELEMENTS OF SUCCESSFUL ELECTRONIC RECORDS SYSTEMS

DECISION-SUPPORT TOOLS

The presence of decision support tools in electronic record systems may positively affect some service outcomes. A study by Menachemi, Saunders, Chukmaïtov, Matthews, Brooks, and Pietrodangelo found that EHR systems reduced medication errors by 55 percent and that the presence of clinical decision support systems was associated with an 83 percent reduction in medical errors.²⁰

In a survey of ambulatory care operations in 2003 and 2004, Linder, Ma, Bates, Middleton, and Stafford found that practices that saw improved patient care outcomes used systems with relatively more sophisticated decision-support tools, and had superior professional support and implementation practices.²¹ An early literature review of EHR effectiveness by Hunt, Haynes, Hanna, and Smith showed that 66 percent of 65 studied articles on EHRs and clinical staff behavior revealed a benefit from decision support tool use, although few studies showed benefits for patient outcomes at that time.²²

SYSTEM QUALITY: INTEGRATION WITH AND SUPPORT OF OPERATIONS

Electronic record systems that do not properly integrate with and support organizational operations may compromise the systems' benefits. In studying the frequency of laboratory testing orders, Garrido, Jamieson, Zhou, Wiesenthal, and Liang expected decreases in laboratory usage with the availability of electronic laboratory data.²³ Instead, they found that redundant testing consistently occurred and use frequency did not consistently decline in either testing region over time. Garrido et al. concluded that new EHR systems may cause temporary difficulties and require adjustments for users to become fully acquainted and comfortable with this new management tactic.²⁴

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Electronic student data systems are most useful when they maintain standardized, student-centered files that can follow the student through his or her school experience, across teachers, schools, and even across districts in a state.”

Failing to act properly on clinical decision support tools presents a problem with system execution. In a randomized experiment in an urban university hospital, Overhage, Tierney, and McDonald studied the

effect of a decision-support tool that indicated when patients were eligible for preventive care and encouraged physicians to schedule the treatments.²⁵ The study found no difference in the number of preventive care orders from physicians who used the support tool compared to those who did not, because many physicians with the decision support ignored it. To prevent this problem, Overhage et al. recommended requiring users to acknowledge reminder-type decision-support tools.²⁶

INFORMATION QUALITY: AVAILABILITY OF STANDARDIZED LONGITUDINAL DATA

In a 2005 article on the barriers to EHR implementation, David W. Bates recommended that EHR systems be designed with standardized information types, so that users can readily accept historical patient data from other sources as they implement and expand their databases.²⁷ Similarly, electronic student data systems are most useful when they maintain standardized, student-centered files that can follow the student through his or her school experience, across teachers, schools, and even across districts in a state. The ability to transfer up-to-date student records in real time would eliminate unnecessary delays in the provision of instructional services that often lead to a loss in instructional time for students when they transfer schools.²⁸

Longitudinal records allow educators to use past and ongoing performance indicators to target instruction to individual students. The U.S. Department of Education argues that, in order for a data system to result in improved student achievement, teachers need to be able to use it to make data-informed decisions.²⁹ For use to be possible, student data systems must provide teachers with achievement data for their current students, preferably longitudinal records of three years or more.

INFORMATION USE: PROFESSIONAL DEVELOPMENT AND TRAINING

The availability and quality of professional development and training may mitigate barriers to successful implementation. Garg and Turtle discovered that, with more intense training sessions, users adapted at a faster pace and assigned decisions on protocol plans with more confidence and speed.³⁰ When implementing new data systems, Garrido et al. recommend that

physicians and staff have access to continued consultation and support, because it is easy for users to revert to old, comfortable behaviors.³¹

In an account of the implementation of a pilot student data system in Wake County, North Carolina, White and Winter identified similar pitfalls in professional development for teachers related to data systems. Wake County used a “train the trainer” model, in which data managers from each school received training and were then expected to train the staff at their schools. However, this resulted in inconsistent teacher training across the district. Additionally, training initially focused on the system’s electronic capabilities, rather than on how teachers could utilize the system to inform instructional decisions and improve their work.³² Similarly, more than half of the teachers surveyed by the U.S. Department of Education reported that they felt they could benefit from further professional development that moved beyond the nuts and bolts of the technology and focused more on how to use the data to inform instruction and improve student outcomes.³³

CASE STUDY: WEILL CORNELL MEDICAL COLLEGE OF NEW YORK-PRESBYTERIAN HOSPITAL

The authors conducted interviews with Eileen Garcia, director of health records at the Center for Reproductive Medicine and Infertility at Weill Cornell Medical Center of New York-Presbyterian Hospital on December 7, 2009, and February 10, 2010. Her responses were used to compile this case study.

BACKGROUND

Weill Cornell Medical College uses an EHR system in its Center for Reproductive Medicine and Infertility (CRMI) department. Zev Rosenwaks, M.D., director of CRMI, established the department at Weill Cornell in the 1980s after serving on the team that performed in vitro fertilization for the first time in the United States. CRMI now performs a wide variety of treatments for infertility beyond in vitro fertilization. When the EHR system was implemented in 1997, CRMI’s patient visits had increased to approximately 20,000 per year. Eileen Garcia articulated the department’s desire to transition to using EHRs: “We needed to stay on top of our game in order to remain

the leading facility in infertility treatment. . . . We were in need of a tool that kept physicians’ care just as efficient as a facility with 5,000 patient visits.”³⁴

Although maintaining accurate care and speed were top priorities, other factors contributed to CRMI’s decision to switch to electronic records. Staff could easily misplace paper copies of records, and they often had to create new spaces to physically accommodate the growing number of charts. In addition, Garcia noted that physicians had complained about the length of time it took to transfer a patient’s medical history.

IMPLEMENTATION

Transitioning from paper records. Recording and organizing information on paper-based charts by hand required a significant amount of effort. Adding new data, such as x-ray or lab results, involved locating the physical chart, which often was not in its regular assigned location (as multiple physicians needed to view it). Once the chart was located, the information needed to be written on the correct portion. The new EHR system includes virtually all of the necessary aspects of paper charts. It provides real-time access to original documents, past and current records of medical illnesses, and scanned images that can be immediately linked to patients’ records. The electronic record system can automatically synchronize the entry of supplemental patient information, such as lab results, even before the patient’s physician is notified. Garcia finds that this dimension of EHRs allows for less human error in locating and entering results.³⁵ This finding fulfills DeLone and McLean’s criteria of system quality and information quality.³⁶ The degree of the system’s integration reduces the amount of transcription and the number of errors that could arise from it. Because there are no physical charts, the records cannot be moved or misplaced; furthermore, the data is available to multiple users in different locations.

The costs of EHRs. While EHRs at CRMI had many advantages, there were growing pains during the system’s introduction. To make the initial investment, CRMI used \$2 million of its own funds. The EHR system also requires more staff and regular services in order to maintain reliable operation. New staff needs include on-site technical support and information security positions. The system contents are regularly

backed up to a secure drive to ensure that older data are preserved. To protect confidentiality, the security team maintains a log of all accesses by physicians and staff to patient records.

Ongoing technical support is a significant component of CRMI's EHR system. The support team provides assistance with any glitches and provides job-appropriate, in-house training for nurses and physicians. In spite of the availability of training, Garcia stated that there has been difficulty ensuring that the older physicians use the systems as often as they should: "There are times when the older doctors prefer to just use the paper-based charts. It's a habit of familiarity, not a question of difficulty."³⁷

ASSESSMENT OF OUTCOMES

The effect of the EHR system at CRMI resulted in outcomes of increased managerial efficiency and improved patient care. To maintain data availability and integrity, the system reminds physicians that patient information cannot be entered until allergies and current medications have been checked, an example of a basic decision support tool. A second decision support tool that tracks prescription decisions for admitted patients has the potential to increase accuracy of care. Garcia explained, "If a doctor decided to place a patient on a particular drug, and let's say it needed to be [administered] daily, for example, the physician would write the order in our system and every day when he or she logged in, a reminder window would pop up asking for assurance that protocol has been followed."³⁸

Consequently, physicians working in the department feel more confident when the same patient returns for a second or third visit, because the system highlights priorities in treatment plans through dialog boxes requiring acknowledgment. Benefits even extend to interdepartmental relations. For example, if a patient has heart problems, a physician could readily communicate with the patient's cardiologist. The system's ability to scan, upload, and transfer documents with the click of a mouse decreased lag time in physician responses and approval. Physician confidence as a result of EHR use reflects the DeLone and McLean criterion of user satisfaction.

In spite of the cost, Garcia claimed that implementing an EHR system was the best management move

the department could have made, noting that the software almost paid for itself within the first year as the increased efficiency of the system accounted for higher revenues in subsequent years.

Weill Cornell Medical Center's CRMI department relates favorably to both our analysis and to DeLone and McLean's framework. The system integrates and unifies different types of clinical data from the hospital system and makes data more readily accessible through its lack of reliance on physical charts, demonstrating improved system quality. Patient data is saved over the long term, and information security staff maintain control over the access to and use of specific patient data, demonstrating improved information quality. The system not only includes decision support tools but also has protections built in to encourage clinical staff to use decision support to positively affect their patient care, demonstrating improved information use. Finally, the administration of the EHR system includes constant on-site technical support for its users, demonstrating improved user satisfaction.

CASE STUDY: NEW YORK CITY DEPARTMENT OF EDUCATION

The authors conducted an interview with Adina Lopatin, Chief of Staff to the Chief Accountability Officer of the New York City Department of Education, and her colleague Laura Persichette, on December 8, 2009, and surveyed eight teachers from public schools across three boroughs December 8–11, 2009. The responses were used to compile this case study.

BACKGROUND

In 2006, the New York City Department of Education (NYC DOE) launched its Accountability Initiative, designed to hold schools accountable for student progress in a revolutionary way. Schools would no longer be assessed solely on how many students were performing at or above grade level at the end of each year; instead, new accountability tools would assess schools based on how much growth their students made, leveling the playing field for those schools whose students often entered far below grade level. This refocusing of educational philosophy required not only new tools to assess school performance, but also new data-collection

tools to support an ongoing cycle of data-driven instruction in the classrooms.

Up to this point, teachers in New York City public schools had little to no access to centralized, uniform data. Teachers designed their own systems of collecting and maintaining data on the students in their classes each year, starting from scratch every September. The NYC DOE did maintain some computerized systems, including Automate the Schools (ATS) and High School Scheduling and Transcripts (HSST), which maintained data on student enrollment, attendance, state test scores, and schedules. However, these systems were designed primarily for administrative purposes rather than for instructional use and were not accessible to teachers.

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Until 2006, teachers in NYC public schools had little to no access to centralized, uniform data. Teachers designed their own systems of collecting and maintaining data on the students in their classes each year, starting from scratch every September.”

THE ARIS SYSTEM

In launching the Accountability Initiative, the NYC DOE proposed to use a system called the Achievement Reporting and Innovation System, or ARIS. This online system would provide teachers and other front-line staff with the relevant data they needed to make data-driven instructional decisions, culled from ATS, HSST, and other information systems. The ARIS data would be student-centered and longitudinal, providing teachers with a history of their students' performance, enrollment, and attendance before they even set foot in the classroom. ARIS would also promote staff collaboration across the city through a communications platform where users could share resources and initiate discussions.

The primary intended output of ARIS was to provide data access for those who need it in a timely and efficient manner, and in such a way that it could be used to inform instructional decisions and assess the effectiveness of instructional strategies. Ultimately, the NYC DOE believed that this would lead to improved student outcomes, as measured by standardized assessment results and high school graduation rates.

IMPLEMENTATION

Following a competitive Request for Proposals (RFP) process, the \$80 million contract for ARIS was awarded to IBM in the spring of 2007. IBM, along with partners that included the educational technology company Wireless Generation, were responsible for creating and implementing this system, which had a rollout date of September 2007.

Initial challenges. In September 2007, ARIS was launched with limited capability to a user base of approximately 7,500 people, including all school principals and members of each school's Inquiry Team.³⁹ However, the system ran slowly and many users found themselves unable to log in at trainings, rendering many sessions unproductive. Trainings were intended to be the primary responsibility of the Senior Achievement Facilitators (SAFs), who were NYC DOE employees assigned to networks of approximately 15–25 schools to provide support to Inquiry Teams for the various new accountability tools. However, as it became clear that the SAFs did not have the time or technological capability to effectively provide such support, Wireless Generation was brought in to supplement their efforts.

At this point, most New York City teachers did not have access to the ARIS system. Developers ran into difficulty linking specific students to specific teachers, a key requirement for the system to function with student-centered files that followed students as they moved through the school system. Existing Human Resources systems contained many duplicate entries as a result of staff movement within school district, making it difficult to identify necessary users and assign them appropriate access. Ultimately, developers chose to use the NYC DOE's budgeting system, Galaxy, for identity management, as this was the only system in which employees could not be duplicated and were reliably recorded with the correct assignments. NYC DOE was able to provide accurate access to the database by all staff in November 2008.

Citywide launch. When it was launched in November 2008 to 90,000 teachers and hundreds of central and support staff, ARIS contained three components: My Students, Connect, and Reports. The My Students section contains detailed individual student profiles, including results of state standardized assessments up to four years prior, enrollment history, high school transcripts, attendance, and emergency contact information. More recently, results of periodic assessments of specific performance indicators have been added to student profiles. These no-stakes assessments, administered throughout the school year, provide teachers with formative data on what skills their students are still struggling with as well as predictive information on how students will perform on the state assessment administered at the end of the year. The Connect component provides a forum for educators to hold discussions, post resources, share documents, and collaborate online. The Reports section allows educators to run various reports showing trends in progress and performance by student, class, school, or group of schools.

Training occurred in phases and primarily utilized a train-the-trainer model. All schools were asked to send two staff members to a series of trainings over the course of the 2008–09 school year, coordinated with the rollout of new capabilities. Those two staff members would become the school’s experts and provide training to the rest of the school staff.

Because of the nature of the train-the-trainer model, the quality of training reaching the majority of teachers was inconsistent. The varying levels of the technological ability of teachers across the city also presented obstacles in getting teachers to log in and use the system. In order to further supplement the potentially uneven in-person training, the Office of Accountability also developed publications and online training tools for all employees.

ASSESSMENT OF OUTCOMES

According to a report by New York City Public Advocate Betsy Gotbaum, similar large-scale technological systems in other school districts have had a history of costly delays and few positive outcomes; for instance, the NC WISE system in North Carolina and IMPACT in Chicago both initially contracted with IBM but have since terminated their contracts.⁴⁰ However, ARIS has had a comparatively speedy

implementation, and NYC DOE officials maintain that expenditures have not exceeded the original \$80 million contract. Furthermore, the contract with IBM included the partnership with Wireless Generation, in order to ensure the instructional focus and capability of project developers.

Although there is not yet any research on the impact of systems like ARIS on student achievement, the NYC DOE was recently awarded grants from the Gates Foundation to evaluate the impact of ARIS on teachers’ instruction and student outcomes, as well as a small grant from the Dell Foundation to enable ARIS usage tracking. Currently, the NYC DOE estimates that over 65,000 of the city’s roughly 90,000 teachers have logged in. Furthermore, on the most recent Principals’ Satisfaction Survey, which is administered to principals twice a year to assess their satisfaction with a broad array of NYC DOE services, satisfaction with ARIS increased from 65 percent in November 2007 to 87 percent in April 2009.⁴¹ Additionally, the district saw a large boost in logins around parent-teacher conferences, when, as many teachers reported, principals encouraged teachers to use ARIS to show parents how their children were performing. Approximately 180,000 parents logged into the Parent Link component of ARIS in the period following conferences, which provides access to their children’s profiles.⁴²

Preliminarily, the NYC DOE seems to have achieved its desired output of making relevant data accessible to teachers in real time, although the system still warrants some improvements and further training on all components for teachers. According to NYC DOE officials and teacher feedback, many teachers are using the system to examine school, classroom, and student-level data to target instruction to student needs. Inquiry Teams also make extensive use of both the data and the Connect space, in which they can share resources, collaborate around their target population, and publish successful strategies to the wider ARIS community. However, Connect seems to be less popular with non-Inquiry Team members.

Teachers expressed a desire for more interactive capabilities, such as automatic links from data analyses to targeted strategies and resources teachers could use to address student needs. In response, the NYC DOE is working to develop greater input capability, so that teachers will be able to add data from their own assess-

ments to student profiles. A component currently in development, called “So What, Now What,” will provide further decision support for teachers in order that they be able to use individual student data to address student needs through targeted instruction.

After overcoming some significant challenges, ARIS has experienced success with respect to DeLone and McLean’s critical factors of an electronic data system⁴³ as well as our own analysis of electronic health records. All users are now able to log in and access data, demonstrating improved system quality. Student records contain accurate data and are linked to the correct users, demonstrating improved information quality. Teachers are beginning to utilize the data to inform and support their instructional decision, although there is still room for improvement in the teachers’ inability to satisfactorily interact with the data, demonstrating improved information use. User satisfaction, expressed by teachers and principals alike, has also been demonstrated, and is expected to grow with additional improvements to the system’s capabilities and training provisions.

CONCLUSION: ASSESSMENT OF ELECTRONIC DATA SYSTEMS

Based on an outcomes analysis of electronic records systems, we find that the conventional wisdom that assumes their wide-ranging benefits does not consis-

tently hold true. Information systems lead to better service outcomes only when those systems cause an improvement in a practitioner’s behavior. If the practitioner’s behavior does not change, or if the system reinforces undesirable behaviors, service quality will not necessarily improve. These systems of information and human decision-making break down when users cannot access tools that improve their decision-making, when there is no data for those tools to analyze, when the advice these systems give is irrelevant to the user, or when the user fails to act on that advice.

EHR systems’ impact on service quality appears to be associated with the use of decision support tools, which lose their effectiveness when they are not used as intended or are ignored.⁴⁴ This indicates a failure of the users, and not of the systems themselves. Training and support, particularly beyond the initial implementation of electronic records systems, appear to have value as a function of effective use and user satisfaction.⁴⁵

Our results align with the existing literature on student data systems. While the rate of adoption and use of systems with decision support tools is low,⁴⁶ their use could benefit educators’ instruction and possibly student achievement.⁴⁷ As policies promote the continued implementation of student data systems, researchers and practitioners will have increased opportunities to learn more about and improve the use of information systems in education.

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GET SET AND GO

PROVIDING LEADERSHIP AND MANAGEMENT TRAINING TO YOUNG SOCIAL ENTREPRENEURS

MICAH GOLDFUS

ABSTRACT Surveys have shown that the majority of people entering the field of social entrepreneurship are young and have limited professional experience. This trend ties into numerous studies showing that an executive director's leadership and management experience and expertise correlates directly with the success of a social entrepreneurial organization. Therefore, it is important to provide leadership and management training to promising young social entrepreneurs who have recently founded organizations with the potential to solve social problems. This paper proposes a unique program for equipping social entrepreneurs with the management tools they need to succeed. The program consists of intensive initial management training, followed by executive coaching and opportunities to network with other social entrepreneurs. Participants will become better leaders with healthier organizational cultures, thus strengthening the entire sector of social entrepreneurship. The long-term outcome will be a generation of more effective social entrepreneurs who are changing the world for the better.

Few themes in the public sector are the subject of more positive attention than the “social entrepreneur,” a heroic figure who relentlessly pursues a worthy cause or social good.¹ While opportunities to support these entrepreneurs’ ideas and organizations monetarily are common, there are considerably fewer options for providing other methods of support (especially for those who lack significant professional experience). This paper describes the need for leadership and management training for young social entrepreneurs to enable them to be more successful in their ventures, and outlines a model for providing such support.

Several key terms that will be discussed in this paper require definition. Social entrepreneurship is “an individual, group, network, organization, or alliance of organizations that seek sustainable, large-scale change with pattern-breaking ideas in what or how governments, nonprofits, and businesses do to address significant social problems.”² Leadership, in the context of this paper, is internally-focused, referring to executive directors’ use of influence to achieve set goals within their organizations.³ The term management refers to the action planning of leadership; its focus is to effectively organize resources toward productivity and achievement.⁴ Finally, the premise of this paper is that social entrepreneurs need to be both leaders and managers of their organizations in order to achieve success.

THE NEED

The need to provide leadership and management support for social entrepreneurs is based on several factors. First, many social entrepreneurs who are new to the field are young and have limited professional experience. For example, in one resource competition for aspiring social entrepreneurs, 63 percent of the applicants were between 18 and 35 years old.⁵ However, studies show that an executive director’s leadership and managerial experience is key to success in social entrepreneurship; those who lack this experience risk facing significant setbacks in running their organizations. John Thompson, a British professor of entrepreneurship, found that management skills in a socially entrepreneurial venture are essential to “ensure resources are deployed and managed both efficiently and effectively.”⁶ Executive directors need to demonstrate leadership capacity (particularly in startup organizations) in order to navigate change successfully. This holds true even for mature orga-

nizations. For example, recent troubles at the Association for Community Organizations for Reform Now were caused in large part by a dearth of leadership and management capacities as the organization expanded.⁷ Executive directors must be equipped to guide their organizations as they change and grow.

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The social entrepreneurial experience—characterized by a large amount of work, few resources, and frequent setbacks—can be highly stressful, especially for individuals who are new to the field.”

Second, the social entrepreneurial experience—characterized by a large amount of work, few resources, and frequent setbacks—can be highly stressful, especially for individuals who are new to the field. Working in the social entrepreneurial sector has been described as an “‘extreme experience’ that tests the limits of entrepreneurship commitment” and could result in poor decision-making or leadership burn-out.⁸ Executive directors who lack the skills to handle this kind of environment are at risk of developing “survival practices,” where they nervously focus on defending their image as a leader, which may also lead to long-term leadership and management deficiencies.⁹ Leadership and management training is a proven way to teach participants how to manage their emotions so that stressful situations will become valuable learning experiences.¹⁰

Successful social entrepreneurs recommend leadership and management training to new entrants to the field. In a survey of 16 social entrepreneurs honored by the Ashoka Foundation for their innovation, creativity, and impact, 13 recommended that the next generation of social entrepreneurs should find mentors in their work. One survey respondent recommended that social entrepreneurs “be taught by practitioners in the field who can really bring . . . out experiences . . . and then really find yourself a network of other people.”¹¹

Finally, while most social entrepreneurs agree that leadership and management training would be beneficial to their organizations, few seek out these opportunities due to the high cost.¹² Newer social entrepreneurial ventures are even more sensitive to this issue because they have already invested a significant amount of money in start-up costs and other non-program expenses. As such, leaders of these ventures are likely to avoid training sessions and coaching, despite being the ideal candidates for help.

THE PROGRAM: GET SET

To fill the described need, an annual leadership and management training program should be created by an organization that seeks to promote social entrepreneurship without providing direct grants to nonprofits. The program, called Get Social Entrepreneur Training (Get SET), would empower executive directors with crucial skills, support, and guidance as they face the leadership and management challenges that come with running a growing social entrepreneurial venture. Get SET would be an ideal opportunity for foundations that already perform high-commitment work with social entrepreneurs, such as the Skoll or Ashoka Foundations. These foundations are already mission-driven to promote social entrepreneurship, so the program would be an opportunity to diversify their services. Alternatively, Get SET could be run by foundations that are looking to make an impact in the social entrepreneurship sector—nonprofit think-tanks that are hoping to discover best practices in social entrepreneurship, or academic institutions that are looking to study social entrepreneurial organizations or leadership. The program could even be a product of a for-profit company's social responsibility program, especially a company that emphasizes the development of management skills and training, such as General Electric.

Participants in Get SET should be chosen competitively and, in order to encourage the widest possible participation, their organizations should incur little to no expense. The program should target executive directors relatively new to the field, with perhaps three to five years of experience in social entrepreneurship. In order to reach the audience most in need of training, participants should belong to an age range often categorized as “young professional,” between 21 and 30. Their organizations should have demonstrated success on a small scale and a plan to actively expand their impact.

For example, an ideal participant for the program would be Kevin Cheung, founder of the British non-profit Foodcycle, which makes nutritious meals for local communities using food that retailers normally discard. Foodcycle has chapters at a handful of college campuses with aspirations to expand across the nation.¹³ Socially entrepreneurial organizations like Foodcycle, which are ambitiously looking to spread their impact, require a “pause that renews,” where leaders take a step back to assess their organizations before moving forward.¹⁴ Get SET could serve as that pause.

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Experience-based learning is a proven method in leadership and management education programs; participants learn best from hearing about and discussing one another's actions, victories, and failures.”

A successful management training program entails three parts: initial training, long-term executive coaching, and networking opportunities.

INITIAL TRAINING

Participants will meet for the first time at a week long, in-person training workshop designed to give them new tools for leadership and management, as well as help them place their personal experiences in the context of best practices for their field. The initial training will be led by experts in leadership and management for entrepreneurs. Instructors and facilitators should come from a variety of professional backgrounds, and might include consultants, academics, and successful social entrepreneurs; two ideal trainers would include Christopher Gergen, director of Duke University's Entrepreneurial Leadership Initiative, and Amber Nystrom, founder of the Social Fusion consulting group. Sample topics to be covered would include: being a change manager, building relationships, developing talent, communicating effectively, managing diversity, and learning from experience.¹⁵

It is important that the training take place in a group setting because experience-based learning is a proven method in leadership and management education programs; participants learn best from hearing about and discussing one another's actions, victories, and failures.¹⁶ Trainees will be encouraged to work collaboratively on the problems they face in their organizations each day, because "the quickest and most enduring learning occurs when people are engaged in finding solutions to real problems."¹⁷ Their facilitators, senior social entrepreneurs who were once in the participants' shoes, can also share best practices and lessons learned, and discuss case studies based on their personal experiences.

LONG-TERM EXECUTIVE COACHING

After the initial training gives participants an educational foundation regarding leadership and management, each participant should also engage in follow-up executive coaching for at least one year (with additional coaching as time and interest allow) with one of the instructors or facilitators from the initial training. Regular one-on-one discussions will allow the program participant to share his or her successes or frustrations with the job. The coach will serve as a mentor and provide individualized feedback, monitor the budding leader's progress, and guide him or her through challenges as they arise. Perhaps more so than the initial training, long-term coaching can be an intense and emotional experience; the intended results of the process will be to improve self-awareness, articulate problems, make "the unsaid said," and make "the unconscious conscious."¹⁸ The executive coaching program should fill the need of many young social entrepreneurs by providing them a consistent and experienced mentor.

NETWORKING OPPORTUNITIES

Finally, Get SET should provide regular networking opportunities for its participants, not only amongst themselves, but with other social entrepreneurs as well. Networking opportunities could take the forms of conferences, roundtable discussions of current issues in the field, informal drop-in receptions, and more. The most important aspect of the networking events will be the opportunity for social entrepreneurs to interact with one another, discuss their work, and build relationships with others in the field. The creation of a strong external network has many proven benefits for organizational leaders, including the exchange of resources, knowledge, and board members.¹⁹

ANTICIPATED RESULTS

A program like the one described will improve the leadership and management skills of the participants, which will in turn benefit their organizations and increase the impact of their work. The primary results of the program are divided into three categories: leadership skills, organizational culture, and networking.

LEADERSHIP SKILLS

Objective studies have consistently shown that leadership development programs improve participants' leadership knowledge and behavior, and lead to the creation of stronger leadership systems within their organizations.²⁰ One study evaluated a training program organized by the National College for School Leadership that is in many ways similar to the one proposed in this paper. The program provided principals who had fewer than three years on the job with an experiential-learning training session, followed by individualized coaching and mentoring.²¹ The self-reporting results demonstrate that the program was beneficial to the participants. Nearly half of those surveyed reported that the program was of "great help" in leading their schools in learning and establishing vision in their schools, while a third noted that the program improved their skills in developing teams and problem-solving in their schools.²²

Employees also notice an improvement in leadership and management capacity when their bosses receive appropriate training. One study collected the views of Information Systems employees regarding their managers' effectiveness. Contrary to expectations, there was no significant positive relationship between formal education and perceived managerial effectiveness, but there was a relationship between managerial training and managerial effectiveness.²³

ORGANIZATIONAL CULTURE

Engaging executive directors in a leadership and management training process leads to two significant improvements in organizational culture. First, the executive director learns to initiate the cycle of self-reflection required for successful leadership. As the executive director develops a commitment to self-understanding and the examination of both successes and failures, he or she sets the tone for the entire

organization to invest in organizational learning. The result is that leaders shift away from asking what happened in the organization to asking why, and then the entire organization commits to making positive changes based on those answers. This emphasis on both individual and organizational learning has been shown to lead to success in socially entrepreneurial ventures.²⁴

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Building organizational trust has been proven to enrich relationships at work and to foster cooperation and commitment from employees.”

The second improvement occurs when executive directors create a culture of trust in their organization. Many new entrepreneurs are on their own because they build their organizations from scratch—from writing grant proposals to designing promotional materials. Often as the organization grows, this self-starter background inadvertently leads the supervisor to set a tone of mistrust by refusing to delegate important tasks to employees or to allow them to share in crucial decision-making processes. This sort of micromanagement leads to serious organizational problems, such as executive director burnout, dissatisfied employees, and incomplete projects. The creation of organizational trust is central in a leadership development program, which encourages participants to consider shared leadership in their organizations. Building organizational trust has been proven to enrich relationships at work and to foster cooperation and commitment from employees.²⁵

NETWORKING

Social entrepreneur scholars have found that “lone” entrepreneurs have higher failure rates than those who work in partnerships, teams, or networks.²⁶ In fact, Israeli professors Moshe Sharira and Miri Lerner identify the social entrepreneur’s social network as the variable that most contributes to the success of a social venture.²⁷ The importance of a strong network

is another reason why participants in this leadership and management-training program will be more likely to succeed in their pursuits, given that participation greatly expands each individual’s professional network.²⁸

OUTCOMES

The most important outcome of a program that develops more thoughtful, reflective, and skilled social entrepreneurs will be organizations that are more robust and ready for the internal challenges of growth. Young social entrepreneurs who have important and creative ideas but lack the knowledge to build an organization that supports these ideas will receive the assistance they need to expand their impact. By investing in management skills and systems that can support organizational growth, participants will be more likely to scale up their operations in a manner that is both effective and lasting.²⁹ These individuals will be stronger leaders and more productive managers, and will initiate organizational improvements that result in decisions that are strategic and sustainable. Importantly, these social entrepreneurs will shake the field’s perceived discomfort by building strong management systems, the lack of which has dragged down many previous organizations.³⁰ Instead, these entrepreneurs will serve as proof of the importance of leadership and management skills and solid infrastructure, which has the potential to influence the entire field of social entrepreneurship for the better.

CONCLUSION

Researchers have found that in order to improve an organization’s effectiveness, the focus should be on improving the management abilities of its most influential leaders.³¹ Often, these leaders have the passion to make their visions a reality, but lack the skills crucial to guiding their organizations through challenging periods of growth. This paper has outlined a thorough program to build the leadership and management skills of young social entrepreneurs to bridge the gap between best and actual practices. Should a third-party organization decide to establish this much-needed program, the long-term result would be a generation of young innovators who have the potential to make a significant impact on difficult social problems.

NOTES

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