

Who gets what, when and how?

“Who gets what, when and how?” That, political scientist Harold Lasswell declared, is one of the most fundamental of political questions.

It’s a good one to ask now, as columnist E.J. Dionne, Jr., pointed out the other day in the *Post* (January 7, 2003). That may well be the question President Bush wants to avoid, accusing those who do of “class warfare.” But it’s crucial, not least for Africa.

Over here, it’s fairly easy to answer. Who gets “it”? The wealthy. What do they get? Money. (We’ll stick with that, though the freedom to pollute without scrutiny, and the opportunity to undermine the rights of labor, to threaten the needs of women, to disregard the realities of racism, those are good answers too.) When do they get it? First. How do they get it? Through obscene tax cuts is the current preferred, though not only, avenue of choice.

The wealthiest 10% of Americans will get 60% of the benefits of the tax cuts Bush proposed in January; the lowest 40%, slightly over 2% (Citizens for Tax

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Where are we as the 108th Congress begins?

The status of WOA’s Millennial Campaign for Africa

The Congress has adjourned. The Bush administration has named its priorities. Where are we, then, on the priorities we at the Washington Office on Africa identified for our Millennial Campaign? In this issue of *Washington Notes on Africa*, we provide an update on each of the following:

Economic justice

- Debt cancellation
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Peace and reconciliation

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Health and human welfare

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Who gets what, when and how?

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Justice, January 10, 2003, in the *Post*). The chairman and chief executive of Citigroup alone should save about \$6.9 million in taxes under Bush's plan (*Washington Post*, January 12, 2003).

This has a lot to do with us as American citizens, of course, but it also has a great deal to do with Africa. In Africa's relations to the US, we need to ask: What do Africans get, and when, and how?

- ❖ What they *don't* get is a respected place at the table. Witness the President's cancellation of his trip to Africa in January. His enthusiasm for war cancels an opportunity to talk with Africans *in* Africa about the destructiveness of HIV/AIDS, the need for debt cancellation, the concern for basic human needs to be met by a society, not by a company intent on profit.
- ❖ What they don't get is US support to end the tragedy of landmines, or meaningful controls over the trade in conflict diamonds, or peace taking precedence over oil, or public health taking precedence over pharmaceutical profits.
- ❖ What they certainly don't get is money. Consider that Bush's tax cut package in 2001 amounted to \$1.35 trillion, and his proposal now will total \$674 billion. Consider that he has no qualms – barely even talks about – the cost of war, estimated to be at least \$200 billion. Now consider that our national deficit is heading to new records, requiring legislation to raise the ceiling. And now... *now*... consider that the US cannot provide \$2.5 billion to help the world fight HIV/AIDS. It seems small by comparison, doesn't it?

When do they *not* get it? Now. If our African brothers and sisters *do* get assistance to address glaring inequities in the world order... well, it's not a priority for us, unless it serves our narrow self-interest. Note the Secretary of State's visits to African countries after the World Summit on Sustainable Development last year: All oil producers. Some high-ranking officials at the White House are promising announcements of significant US support in the near future. Maybe. But *when* remains a critical question. Promising "meaningful" contributions a few years from now doesn't assuage the tragedy now.

How? With strings. Very definite strings. And it runs the gamut from acceptance of US interpretations of

intellectual property rights to unfettered access of US multinational companies to African markets. The agenda – *that* we control. And our government wields a heavy club.



I was part of a faith-based discussion recently about global justice and US policy. Joe Volk, of the Friends Committee on National Legislation, was there. He had two thoughts which I find very helpful. The first was this: "Americans judge ourselves by our values," he said, "and judge others by their actions." For Africa this translates into a view that we care – about health, about children, about the tragedy of war, about hope itself. Seeing ourselves as generous and compassionate, we presume policies based upon generosity and compassion. And, we still have a longing to be able to trust our President and our elected leaders. Those are our instincts, and they are endearing. As a people we *are*, at our better moments – and they are many – a caring, generous, compassionate and trusting people....

We also need to admit that we grasp at stories of the *actions* of others. Uganda's admittedly poor judgment over purchase of a presidential jet a few years back somehow *proved* that debt cancellation was a dubious proposition. Examples of African mismanagement and corruption *proved* that development assistance was unjustified. Certainly those incidents need to be addressed, but the dominance of these stories in US discussions of Africa policy affirm the wisdom of Joe Volk's insights: Our values, their actions.

The second thought of Joe Volk's that I appreciated was this: Americans have, he argued, "a *radical center*" – concern for justice and peace and so on – and *when* the evidence shows that our actions are out of keeping with our values, American civil society supports alternatives.

That, I believe, is where hope must lie. Our finer instincts – our values, our principles – are stunningly at odds with what we as a nation *do* in Africa. Our task – yours and mine – is to provide the evidence, outline alternatives *together*, and energize that "radical center." Perhaps this status report on our Campaign will help.

Leon Spencer
Executive Director



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AIDS: Still a quest for funds and affordable medicine

edited by Sylvia Stern, Associate for Advocacy

“The United States has worked intensively to find a solution that will provide life-saving drugs to those truly in need,” US Trade Representative Robert Zoellick declared after negotiations over access to affordable medicines collapsed in December. It’s quite a remarkable thing for him to have said. If, instead, he had candidly stated that “the United States has worked intensively to protect pharmaceutical corporations while seeking to appear concerned about providing life-saving drugs to those truly in need,” he would have been much closer to the truth.

The World Trade Organization (WTO), meeting in

for which there is no treatment or for which drugs are already generic). The meeting ended without agreement.

Negotiations resumed in mid-December, where the US remained alone in blocking a Mexican-brokered deal which the rest of the world was prepared to endorse. The tally: 143-1. The deadline for resolution was the end of 2002.

We at WOA were not enthusiasts for the “solution” supported by the rest of the world, largely because, in the interest of compromise, other nations had already acceded to many of the US’s concerns. The process would certainly have been cumbersome. But as the *New York Times*

*It’s a crime [that] so few people have access to these drugs.
In Africa, almost 30 million people are living with HIV/AIDS,
but fewer than 30,000 are receiving antiretroviral drugs.
That’s one person who counts for every 999 who do not.*

Joseph Fedora, “Everybody Counts!,” Maryknoll Magazine, December 2002

Doha in 2001, had agreed that public health should take precedence over pharmaceutical patents. But what was left unresolved was how African nations lacking capacity to manufacture their own “generic” drugs could obtain them from others more cheaply. (Here *generic* means the compulsory licensing of drugs still under patent.) This problem required further negotiations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

While the Declaration on the TRIPS Agreement and Public Health (the “Doha declaration”) lacked the legal force African nations had sought, it nevertheless represented a commitment to which the US subscribed: Public health before patents. This commitment was underscored in Congress, which passed the Bipartisan Trade Promotion Authority Act (HR 3009) this fall. The bill specifically includes respect for the Doha declaration as one of the principal negotiating objectives of the US.

At the TRIPS Council in Geneva in November, the US opposed a permanent waiver against bringing disputes to the WTO in cases where generics are imported to least developed countries. The US also sought to limit the number of countries to whom such a waiver would apply, arguing that only the poorest developing countries should be helped. The US also wanted to limit the qualifying diseases to HIV/AIDS, tuberculosis, and malaria, and “other infectious epidemics of comparable gravity and scale that may arise in the future” (interestingly naming diseases

editorialized, “Washington’s position is wrong and so obviously influenced by the drug companies that America is alienating nations whose support it needs on other trade issues” (January 6, 2003).

Shortly after this “debacle,” the Bush administration pledged not to take any actions “against countries that export certain generic drugs to low-income [countries] to fight public health crises” (Reuters, January 7, 2003). But this is hardly satisfactory. It certainly carries with it no legal foundation, which the Doha declaration sought. A US official called this promise of a moratorium on using the WTO dispute procedures “a good unilateral solution.” Well, it’s really no solution, and the unilateralist tendency of the Bush administration is alive and well.

Moreover, the administration’s determination to serve the interests of drug companies remains transparent. Never mind that, as the *New York Times* observes, “the companies make their profits in rich nations. They will not stop work if poor nations, which can’t buy their drugs anyway, begin to import generics.” One US trade official said it was “unlikely” that the US would change its stance (Reuters).

The money isn’t there either

Money, which so often remains at the center of HIV/AIDS debate, was not forthcoming in the last Congress at anything remotely approaching the levels

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HEALTH AND HUMAN WELFARE

AIDS money isn't there

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required. The Bush administration had a lot to say about its generosity, but the figures just don't add up. Yes, the US contributed more than any other nation in terms of totals (though not GNP), but that is a condemnation of both the US and the international community, not something to celebrate.

The Global Fund to Fight AIDS, TB and Malaria – the key multilateral initiative – is now up and running, has made grants to a number of African countries, and... has already exhausted its funds. Within three months in 2002 its Board committed \$616 million to 40 countries over two years, with further commitment pending program performance and fund availability.

Donor nations had quickly pledged \$2.1 billion (over a period of years) after UN Secretary General Kofi Annan proposed the creation of the Global Fund in 2001. US appropriations eventually totalled \$500 million. Decisions on a second round of proposals, which seek \$5.2 billion, will be made in January 2003, and the funds aren't there.

The AIDS and Health Care Working Group of the Advocacy Network for Africa (of which the Washington Office on Africa is an active part) had urged President Bush, on his now-postponed January trip to Africa, to announce a bold new US initiative that would include *at least* \$2.5 billion to combat the disease in 2004, with at least \$1.2 billion of that for the Global Fund. He had planned to focus on HIV/AIDS on one of his stops, and AIDS remains an agenda item at the US-Africa Economic Forum in Mauritius in January – Bush's State of the Union and the launch of the administration's 2004 budget are also occasions for announcements – but whether there will be substance to any US commitment remains to be seen. Dr. Jendayi Frazer, Bush's National Security Advisor on African affairs, recently suggested there will be. We shall see.

The money we seek is not an arbitrary figure. We analyzed the figures and explained our rationale in detail in our fall issue of *Notes* (pp. 4-6). What deserves emphasis here is that the "ask" of the US is based upon a global needs-based figure and the proportion the US frequently contributes to international endeavors (25%). There are other perhaps more justifiable ways to calculate the percentage, principally basing it on US wealth in relation to the rest of the world (that would make it around 35%). But for the moment we've stuck with the 25%.

The significance is that we are and will continue to seek funds based upon financial need, and figures that we accept as valid will continue to climb. Thus our ongoing appeal is for a fair US contribution to the global need to confront AIDS, not a specific figure over time. We made a

case, now widely-accepted, for \$2.5 billion in 2003. Now the Global Fund indicates that it will need \$7.9 billion in 2003 and 2004, and has asked the US for \$2.5 to \$3 billion for the two years. That fits comfortably with our *annual* appeal for \$2.5 billion for 2003 and *at least* that for 2004.

This point deserves emphasis: These are *annual* figures. If the US government dramatically fails to make a meaningful contribution in 2003 – and thus far it has come up with only \$200 million for the Global Fund – then should we in advocacy write off that year and carry on as if this glaring failure to contribute meaningfully to confront global AIDS didn't happen? Or should we call for the US to make up for this failure, either in a 2003 supplemental appropriation or in the 2004 budget? We think the latter, and we are tentatively looking at \$1.8 billion for the Global Fund, \$1.2 billion in bilateral assistance, and a half billion for the 2003 shortfall to the Global Fund, in the 2004 appropriation. Together with the \$200 million for the Fund in 2003, there would thus be \$2.5 billion for the Global Fund over the two years. This would require \$3.5 billion total for fiscal year 2004.

Congressional legislation fails over... abortion?

Meanwhile, the Bush administration highlighted the mother-to-child transmission as its key global AIDS initiative. Sen. Jesse Helms (D-NC) sought \$500 million for it in an emergency supplemental appropriations bill. Under pressure from the administration, that figure was reduced to \$200 million. Bush then vetoed the bill.

The foreign operations appropriations bill never passed the 107th Congress, so no additional funds have actually been appropriated for fiscal year 2003. That will be addressed by the new Congress.

Congress did consider AIDS bills that would have authorized a significant increase in global AIDS funding. The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act (S 2525) passed the Senate unanimously in July 2002. It called for \$1 billion for the Global Fund and \$800 million for bilateral assistance for AIDS in 2003, with some increase for 2004, which together with other funds would have brought the total close to our call for \$2.5 billion.

Its companion – Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act (HR 2069) – called for a total of \$1.3 billion, including \$750 million for the Global Fund (though only for one year). It passed in the House in December 2001.

Sadly – given these positive figures – Congress adjourned without final action. On the final day, several Senate Republicans placed "holds" on the bill on grounds quite unrelated to AIDS: "Mexico City" abortion non-issues.



Development assistance: Update on the Challenge Account

Since the commencement of our Millennium Campaign for Africa, the most substantial and significant change in development aid has been the Bush administration's announcement of the Millennium Challenge Account (MCA). Reported in our last issue of *Notes*, it called for an increase in development assistance of "\$5 billion over the next three budget cycles" (i.e., by 2006).

Here's what we've learned in recent months:

- ❖ The MCA will be handled by a newly created agency called the Millennium Challenge Corporation, with cabinet-level officials as its board, and with the Secretary of State its chairman.
- ❖ The number of countries eligible to compete for funding will increase over the three years 2004-2006, based principally upon per capita incomes and their ability to borrow from the International Development Association, the concessionary loan program for poorest countries within the international financial institutions structures.
- ❖ Performance indicators have now been identified under the three rubrics, Governing justly, Investing in people, and Promoting economic freedom. For example, they will judge how justly a country governs in terms of civil liberties, using data from Freedom House, or how well a country "invests in people" by looking at public primary education spending as a percentage of GDP, using data from the World Bank.
- ❖ To become an MCA country, a nation would have to score above the median on half of the sixteen indicators in each of the three

policy areas. Failure to score above the median on corruption renders a country ineligible.

- ❖ The number of African countries likely to make it into the list of first recipients is four. A first analysis of qualifying countries seems to include the Gambia, Ghana, Malawi and Senegal.

We give you all these details because there are good reasons to welcome this initiative, and good reasons to be very wary indeed.

The MCA should be welcomed if it truly addresses poverty reduction issues, embraces a process that identifies the poorest countries that seem most likely to use this aid effectively, and does not undermine existing development assistance.

But there is wariness as well. As the *Washington Post* writes, creating a new agency risks undercutting USAID, "creating the impression that [USAID's] programs are unlikely to be as effective as those funded by the new corporation" (November 26, 2002). This new development could also splinter US development assistance and decrease USAID's ability to attract good staff and develop much needed programs to other countries.

Moreover, providing such large amounts to a small number of countries may well overwhelm them, with more aid that they can effectively absorb. And four countries out of the entire continent – how do we manage *not* to ignore the needs and hopes of the rest?

But the most nagging concern to us at WOA, given the appalling Bush administration stance on a variety of economic justice issues – from debt cancellation to access to affordable medicines – is the rubric, "promoting economic freedom." This worry is underscored by the naming of the

right-wing Heritage Foundation to provide the data about whether a country's trade policy meets MCA criteria. Will we care about the right of labor to organize, or about gender inequities in African economies, or about environmental destruction as an acceptable price to pay for economic growth? If Bush doesn't domestically, shall we count on his administration to care in Africa?

The dominant view of US policymakers has been that "economic freedom" embodies African nations' doing what we want them to do, and we claim the right to demand it. The Bush administration reportedly threatened both South Africa and Mauritius with loss of aid in November 2002 when their two governments were taking stands on the likely war with Iraq that our government did not like.

We've concerns, too, with the administration's popular phrase, "public-private partnerships." As Nancy Alexander of the Citizens' Network on Essential Services argues, "a primary goal of the MCA is to increase the delivery of water, health and education services through public-private partnerships." She concludes by saying that "the increasingly aggressive campaign to privatize essential services... may constitute an unprecedented assault on sovereignty and democracy." She may be right.

In short, our defining an African nation's economic priorities is unacceptable as a criteria for MCA, and that just may be the MCA agenda.

Add to this mix the current deteriorating fiscal situation in the US, and one may legitimately ask whether we will truly see *new* money for Africa.



Sudan: Peace agreement raises hope, concern

edited by Sylvia Stern, Associate for Advocacy

As the Machakos negotiations continue, Sudanese wait in hope that this will be the process that finally brings peace. Events in recent months have given rise to hopes and concerns, while the enactment of the Sudan Peace Act here in the US has offered a conflicting message in US policy. We gratefully acknowledge analyses by Emily Gish and Kathy McNeely, whose articles in Maryknoll NewsNotes we have adapted. The Maryknoll Office for Global Concerns is a sponsor of the Washington Office on Africa.

As we go to press, the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) – amidst arguments over agenda, military clashes, and risky provocations by the Khartoum government – are scheduled to resume peace negotiations in mid-January.

The parties to the civil war met in the small town of Machakos, east of Nairobi, during 2002, and in July they

signed a Protocol establishing a list of steps that must be taken to reach a peace in this almost 40-year old conflict. Many believed that this agreement marked the best chance for peace in over a decade. However, not long after the signing of the protocol, the GOS withdrew from the peace negotiations. Fighting increased in the South and humanitarian aid was completely cut off bringing a new threat of famine to the area.

Nevertheless, negotiations resumed in October, and though by their mid-November recess they had not resolved major issues, they strengthened commitments to a ceasefire and humanitarian access.

In December the US invited both parties to Washington for what was described as a “workshop,” the principal goal apparently being to reduce tensions between the two prior to the January negotiations. They focused especially upon the crucial

outstanding issues of power-sharing and wealth-sharing.

The recent tensions over the January agenda mainly related to proposed negotiations over the administration of the contested areas of Abyei, the Nuba Mountains and Southern Blue Nile. These are regions currently under the control of the Khartoum government but are seen by the SPLM/A as being “southern.”

Also on the agenda are details about religious freedom – essentially how the constitution can ensure Islamic law in the north without infringing on the rights of non-Muslims in north and south.

Former Senator John Danforth, President Bush's special envoy to Sudan, is reportedly scheduled to hold talks with both sides in mid-January.

The mediators are hoping for a settlement by May or June.

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The Congo (DRC): Hope, too, for peace

edited by Lia Testa, Associate for Advocacy

For the first time, all warring factions have signing a peace agreement in Pretoria to end the brutal four-year war in the Congo (DRC).

The “one plus four agreement” provides for a transitional government that will combine current President Joseph Kabila as president with four vice presidents, each from a prominent warring faction. The agreement is expected to go into effect in January and to continue for two years, after which multi-party elections will be held – the first since 1960.

With the successful withdrawal of 23,400 Rwandan troops in late October, and the earlier withdrawals by Uganda, Zimbabwe and Angola, the prospects for peace look more likely than with the previous Lusaka

accord. Nonetheless, the troop withdrawals have left a power vacuum that will need to be filled quickly. Strikingly, development workers recently returned from the Congo stress that as the prospects for peace increase around the negotiating tables, violence escalates on the ground.

In December the UN Security Council unanimously authorized the expansion of the UN peacekeeping forces in the DRC (MONUC), from around 4,300 to over 8,700.

The international community has done little to end the war, which tragically has killed 2.5 million people, mostly through starvation and disease. US-based advocates, sadly, have never found the advocacy strategy to be as fully engaged as we would have liked.

Exploitation of the Congo's natural resources

In October the UN released a report detailing the pillaging of DRC's natural resources since the war broke out in 1998. All the countries involved in the war – Angola, Namibia, Zimbabwe, Burundi, Rwanda and Uganda – have benefited to varying degrees from the DRC's enormous natural wealth in diamonds, copper, cobalt, germanium and coltan.

The UN report named 54 people, including military and political officials from the DRC, Rwanda, Uganda and Zimbabwe, as leaders in the network to exploit the DRC's wealth.



Bush review points toward US refusal to support landmine treaty

by Lia Testa, Associate for Advocacy

The Bush administration seems poised to abandon President Clinton's commitment that the US would cease to use antipersonnel mines by 2003 (except those contained in "mixed" systems and except for Korea). Indeed, as we go to press, there are reports that the Pentagon is preparing to use anti-personnel landmines in a war with Iraq. The US military has already stored landmines in six nearby countries.

Clinton had also committed the US to join the Mine Ban Treaty by 2006, if alternatives to the weapon had been found. But President Bush authorized a review of US policy on landmines, and indications are that he may decide to remain outside the treaty and indefinitely retain this weapon in the US arsenal. As part of the review, last year the Defense Department recommended that the US abandon efforts to ban the weapon. The State Department and National Security Council are now reviewing the issue, with a final presidential decision expected soon.

Even if the review leads to a Bush acceptance of the Clinton policy, the US will still be approximately ten years behind its allies and most of the world in banning landmines. If, however, Bush follows the Defense Department's recommendations, the US will move even farther away from NATO allies – and virtually the whole world – on this issue.

Critical for making the landmine treaty acceptable to the military was to identify alternatives. In November 2001, however, *Inside the Army* reported that the Army would be eliminating all funds for alternative landmine technology between 2003

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US ratifies child soldiers protocol

by Lia Testa, Associate for Advocacy

The Senate ratified, and President Bush has now signed, the child soldiers protocol, and it was duly deposited with the United Nations on December 23rd. It marks the end of a long-standing campaign to enlist the US in the struggle against the tragic use of children as soldiers, in Africa and elsewhere.

The Protocol states that countries must "take all feasible measures"...

- ❖ *To ensure that members of their armed forces under the age of 18 years do not participate in hostilities;*
- ❖ *To prohibit the conscription of anyone under the age of 18 into the armed forces;*
- ❖ *To require states to raise the age of voluntary recruitment from 15 and to deposit a binding declaration of the minimum age for recruitment in its armed forces; and*
- ❖ *To prohibit the recruitment or use in hostilities of children under the age of 18 by rebel or other non-governmental armed groups, and requires states to make such practices criminal.*

The US also identified its conditions and understandings of the protocol. These include the definition of "feasible measures" to mean those that are "practical or practically possible taking into account all the circumstances ruling at the time, including humanitarian and military considerations," the definition of

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Kimberley Process on conflict diamonds inaugurated

Beginning on January 1st, the US joined 47 other countries in implementing a diamond certification system. The effort, known as the Kimberley Process, involves issuing certificates that diamonds are "clean," i.e., that they did not come onto the market illicitly, profits from which have fuelled conflicts especially in Angola, the DRC and Sierra Leone.

It's a start, certainly. But there remain serious shortcomings to the Kimberley Process. We regret that it excludes polished diamonds and jewelry. But principally, it contains no meaningful provision for regular independent monitoring.

Some governments saw in monitoring a threat to sovereignty; industry saw a threat to data confidentiality. Since Kimberley is a voluntary system to begin with, the absence of effective monitoring leaves us with little confidence that the diamond in our jewelry stores is, in fact, *not* a "blood diamond."

Note this striking data: The difference between official rough diamonds exports from five West African countries – Sierra Leone, Cote d'Ivoire, Liberia, Guinea, and the Gambia – and imports into Belgium – a key diamond importer – during the 1994-99 period averages about \$663 million per year. There are only two conclusions: Smuggling, or produced elsewhere and falsely imported.

(Partnership Africa Canada, *The Kimberley Process* by Ian Smilie, 2002.)

The point is that we cannot be asked to "trust" in a voluntary system with ineffective monitoring.

The inadequate Clean Diamond Trade Act (HR 2722) failed to pass the 107th Congress. We await legislation in the new.



PEACE AND RECONCILIATION

Peace in Sudan?

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A voice for civil society

Even if an agreement is reached through the negotiations in Machakos, building a just and lasting peace, and true self-determination, will require the full participation of civil society in free and fair elections. Critics point out that while the negotiations may reduce the hostilities between the government of Sudan and the SPLM, neither of these parties negotiating for control of Sudan were freely or democratically elected.

Religious leaders and other members of civil society deeply committed to the People-to-People grassroots effort welcomed the Machakos protocol, but they expressed some concerns – at a conference in Uganda facilitated by the Sudanese churches in October – about safeguards for human rights and democratic freedom. They also called for an independent constitutional committee to review the Machakos process.

Sudan Peace Act finally passed

In October a compromise version of the Sudan Peace Act (HR 5531) passed the House (359-8), and two days later it passed the Senate by unanimous consent.

Both the Senate and House versions had passed by mid-summer 2001, but they languished in Congress awaiting a conference committee to settle the differences. The most controversial provision was the House amendment which barred foreign companies that participate in oil operations in Sudan from raising capital in the US. The Bush administration threatened to veto the bill if capital market sanctions appeared in the final version. The Senate version passed without it.

The Sudan Peace Act as enacted dropped the sanctions language. It

called for the President to determine if the Khartoum government is engaged in good faith negotiations to reach a peace agreement; if not, the US (1) will veto all new IMF and World Bank loans to Sudan; (2) may downgrade or suspend diplomatic relations; (3) will take steps to deny Khartoum access to oil revenues (although there are no guidelines for how to do this), and (4) will seek a UN Security Council resolution to impose an arms embargo. If the President determines that the SPLM/A also does not engage in good faith negotiations, the actions named above will not be applied to the Sudanese government.

The Act draws heavily on previous House language, where a resolution condemned the Government of the Sudan for its “genocidal war in Southern Sudan.” Since the United States is party to the UN convention on genocide, such definitions require actions on the part of the US government. The Senate never passed Sudan legislation with such a direct definition, so its inclusion here, although contained in the non-binding sections of the bill, is a significant congressional statement.

The law also authorizes \$100 million to be spent on assistance programs in SPLA-controlled areas.

The Sudan Peace Act is a strong message to the Sudanese government that the US Congress intends to watch the Khartoum government’s behavior closely as the peace negotiations continue, with punitive action when negotiations are not carried out in good faith. This approach seems to differ from that of Sen. Danforth, who proposed to the government of Sudan a number of “carrots and sticks” for continuing with the peace negotiations. Seemingly under Danforth’s initiatives US held more “carrots” and fewer “sticks.” The Sudan Peace Act makes it clear that US Congress wants to wave the stick.

Landmines

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and 2007. Within weeks 124 members of Congress, led by Reps. James McGovern (D-MA), Jack Quinn (R-NY) and Lane Evans (D-IL), protested the decision. The Office of the Secretary of Defense has ordered the Army to reverse itself, but at the same time the Secretary is trying to persuade President Bush to discard all efforts to ban antipersonnel landmines.

This past September the Senate – but not the House – passed the International Disability and Victims of Landmines and Civil Strife and Warfare Assistance Act (S 1777; House counterpart, HR 3169). It authorized the US Department of Health and Human Services to conduct programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare; and to provide grants to nongovernmental organizations (NGOs) for carrying out programs for such individuals. Reportedly, the US currently spends more than \$100 million in mine action programs annually, but only about ten percent of these funds directly aid landmine victims. The bill, introduced by Sen. Hilary Clinton (D-NY), authorized “necessary” funds for victims without specifying the amount.

The Landmines Elimination and Victim Assistance Act of 2001 [HR 948, introduced by Rep. Lane Evans (D-IL); the Senate companion, introduced by Sen. Patrick Leahy (D-VT), was S 497] called for the US to join the international community in endorsing the treaty itself, but this bill never made it out of committee. Neither did the Roots of Peace Act (HR 5497), introduced by Rep. Lynn Woolsey (D-CA), dealing with mine disposal.

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Landmines

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Meanwhile, the US declined to attend Mine Ban Treaty-related meetings in 2001 or 2002. The US also decreased its funding of mine action programs by 20%.

Despite the absence of the US, the treaty has already resulted in a significant decrease in landmine injuries and deaths, from 26,000 lives lost per year in the early nineties to 15,000-20,000 per year now. The treaty has also resulted in the destruction of over 34 million stockpiled weapons, and the number of countries producing landmines has dropped from 54 to 14.

Internationally, the 1997 treaty – officially known as the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction – is widely accepted as the only viable and comprehensive **framework for achieving a mine-free world.**

The Mine Ban Treaty opened for signature in December 1997. It requires that all of its signatories cease use of anti-personnel mines, or

develop, produce, stockpile, retain or transfer to anyone anti-personnel mines. Reaching the required ratification of 40 states in 1998, it entered into force on March 1, 1999. By July 31, 2002, 144 countries have legally committed to the Convention's expressed goals and regulations.

The landmines issue remains critical for Africa. Innocent civilians around the continent are especially hard hit, with Angola, finally emerging from decades of war, the most devastated by landmines. Millions of landmines are estimated to be under Angola's soil, and more than 86,000 Angolans have been maimed or killed by landmines. Cultivating land, getting water, grazing animals, or trying to build a home are now life-threatening activities.

Here the US needs to move from being part of the problem to being part of the solution. The Washington Office on Africa has joined in the US Campaign to Ban the Use of Landmines and has issued action alerts to urge President Bush to support the treaty (see our website for details).



“I joined Kabila’s army when I was 13,” said Dieudonné, age 16, “because my home had been pillaged and my parents were gone. When I found myself alone, I decided to become a soldier. Usually I was at the front-line. I’ve fought a lot... It is hard. I’m only a little soldier, I should return to school.”

AFP, “Dieudonné, 16 ans, soldat rebelle et vétéran”, 8 October 1998

Child soldiers

continued from page 7

“direct hostilities” to included actual action on the battlefield that is likely to cause harm, and to not include “gathering and transmitting of weapons, munitions, or other supplies,” and finally, the admission of voluntary recruitment into the US military of 17 year old minors.

In September Congress also passed the Foreign Relations Authorization Act, where it added child soldiers as a criteria for annual human rights reporting (HR 1646).

As in the past, the US has made it clear that it has not signed the Convention on the Rights of the Child, to which the protocol is attached – making it one of only two (Somalia the other) – who have refused to do so. Even so, US ratification is a sign that the US is concerned.

While we can celebrate ratification, there is more to the issue of child soldiers than the Optional Protocol. We need to look into options to rehabilitate child soldiers.

Demobilization and unification with families members is beginning in some African countries, notably Angola, Congo, Rwanda, Sierra Leone, and Uganda.

Refugees International recommends that increased international resources be made available

- ❖ for local organizations involved in tracing missing children who may have been recruited or forced into the army, and
- ❖ for larger reintegration programs for former child soldiers, including follow up to ensure that former child soldiers are not re-recruited.

The Patrick J. Leahy War Victims Fund and the Displaced Children and Orphans Fund are major US avenues to assist. These funds have supported programs in Angola, Liberia, Ethiopia, Mozambique, and Sierra Leone, among others. Advocacy for US contributions continues to deserve attention.



Debt cancellation: We're not even close to being there

The Debt Relief Enhancement Act (HR 4524 and S 2210) failed to pass the House as the 107th Congress came to an end. The legislation would have provided another \$1 billion in debt relief from the World Bank, IMF and G-8 countries (involving \$43 million from the US) for countries already in the Heavily Indebted Poor Countries Initiative (HIPC).

Significantly, it would have altered the standard by which debt is gauged to be "sustainable." It declared debt unsustainable if countries spent more than 10% of revenue on debt service or, for countries with a severe health crisis, such as AIDS, more than 5%. It requested the Secretary of the Treasury to conclude an agreement within the Paris Club of Official Creditors and the World Bank and International Monetary Fund to that effect.

How "sustainability" is measured is a critical point. Even by its own standards, the World Bank reported last year that 31 of the 42 HIPC countries are not on track for sustainable debt.

This language on debt relief was incorporated into the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act (S 2525) because most highly indebted poor countries pay so much to debt servicing that they can no longer care for their sick. Budgetary spending on healthcare has fallen in many of the world's poorest and most highly indebted countries since the 1980s. This cut in spending means that the poorest cannot afford healthcare and simply go without. The number of children who die before the age of five has risen in many deeply indebted countries, including Zimbabwe and Zambia.

The aids legislation containing the debt provision unanimously passed the Senate in July 2002 (see p. 4). In the House version (HR 2069), Rep. Doug Bereuter (R-NE) blocked efforts to reach agreement on deeper debt relief, and the sustainability criteria had to be cut.

Among our congressional supporters it was thought that the debt section stood a good chance of being revisited in the new Congress, and that the AIDS bill did not. Therefore, by sacrificing the debt language it appeared that the passage of the AIDS bill might have been secure. However, even with the debt language removed, the AIDS legislation failed to become law.

Meanwhile on the economic front...

Nestle, the multinational corporation, is demanding that Ethiopia pay them \$6 million as compensation for the 1975 nationalization of a company it bought in 1986. The government offered to pay \$1.5 million to settle the claim, but the company rejected the offer.

It was, they said, a "matter of principle." Ethiopia has the lowest per capita income on earth, and some six million people need food aid. Nestle made \$5.5 billion in profits in 2001.

Bankruptcy and arbitration

There has been considerable international debate about arbitration, and activists are not of the same mind about it. Essentially the argument is that decisions about debt cancellation reside solely with creditors. Do what they want, and you *may* receive debt relief. Don't and you won't. And if you are ever truly bankrupt, you can't declare it.

What is being proposed by some in the campaign goes under the name of the Fair and Transparent Arbitration Process. It is a bankruptcy

mechanism for poor countries to resolve their debt problems. It would be binding on creditors and debtors, and it would be independent of both creditor and debtor. One variation on this theme creates a third party panel under UN authority. These "judges" would determine if debt is "legitimate." If so, they would determine if it would be cancelled or how it was to be repaid. If it were "illegitimate," it would immediately be annulled. Plans call for heavy involvement by civil society.

There is an alternative, known as the Sovereign Debt Restructuring Mechanism, more dominated by the IMF.

The advantage of an arbitration process is that it would make African countries seeking debt cancellation a full participant in the process – which is sadly lacking now. The disadvantage is that it may well divert attention from the goal of definitive debt cancellation.

Given the reality of debt and the current Western climate regarding debt, there is something appealing about having Africans at the table when decisions are made. But no decisions have been reached by the campaign, and no legislative vehicles presently exist to advance this agenda.

Visionary legislation

The Jubilee USA Network, of which the Washington Office on Africa is a part, has begun drafting alternative legislation, a "visionary" Jubilee bill that reflects our ideas. This is a longer-term – and important – effort for definitive debt cancellation, given the realities of this Congress and administration. (For further information, visit the Jubilee website at www.jubileeusa.org.)



Africa Advocacy Days

February 23-26, 2003

*An Educational and Advocacy Event for People of Faith
Committed to Working for Just US Policies toward Africa*

Sunday, February 23rd

US premiere of "Judgement Day," a film by South African filmmaker Kevin Harris

Monday, February 24th

*Keynote address on justice issues facing Africa, by Rogate Mshana
of the Economic Justice Unit at the World Council of Churches*

Panel discussion with Bill Fletcher of TransAfrica and Yao Graham of the Third World Network

Workshops on

AIDS: Funding to confront the pandemic, and access to affordable medicines

Debt: An unfinished agenda

Conflict resolution: Focus on the exploitation of natural resources in times of conflict

Sudan: After Machakos, what?

Economic justice: African development vs. the US trade agenda

Development assistance and the Millennium Challenge Account

Terrorism and US policy toward the Global South

*Worship, with the Revd John McCullough, Executive Director of Church World Service, preaching,
and music from the St. Camillus Multicultural Choir*

Tuesday, February 25th

*Plenary discussion on alternative visions of US Africa policy, with
Imani Countess of the American Friends Service Committee and
Rep. Maxine Waters (invited)*

Briefings on the status of Africa issues before Congress and in the administration

Capitol Hill reception

Wednesday, February 26th

Lobby visits to Congress

Workshops on

Engaging the media, and

Grassroots organizing

Register now!
Africa Advocacy Days
February 23-26, 2003

***An Educational and Advocacy Event for People of Faith
Committed to Working for Just US Policies toward Africa***

You are invited to participate in an ecumenical gathering in Washington, DC, that begins Sunday evening, February 23rd, and ends Wednesday afternoon, February 26th.

The Washington Office on Africa, the Africa Faith and Justice Network, and the Lutheran Stand with Africa Campaign are joining with Church World Service and Churches for Middle East Peace in a gathering that offers two distinct learning and advocacy tracks, one focused on Africa, the other on the Middle East.

Each track will provide challenging speakers, issue briefings, and advocacy training workshops. For details, see page 10. There will be opportunities to speak with your Senators and Representatives in the US Congress, or their key foreign policy staff, regarding Africa. There will also be common times for fellowship and networking, a keynote address and Capitol Hill reception, and a special ecumenical service of worship for participants and the public.

For registration and other information,

- ❖ go to our website, www.woaafrica.org and click on *Africa Advocacy Event*, or
- ❖ contact our WOA office at 202/547-7503 or at woa@igc.org.



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