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## **100 religious gather in Dakar to meet AEFJN**

C. Fouarge

On 10th February, about 100 religious took part in the meeting about AEFJN and economic justice in Africa that was held at the St Dominic Fraternity in Dakar. They had come for the World Social Forum 2011 from Senegal, Zambia, Uganda, the DRC, Mali, Guinea Bissau, Guinea Conakry, Burkina Faso, Ivory Coast, Gabon, Sudan and Ethiopia and also from the United States and Brazil.

AEFJN receives its mandate from 48 religious congregations with missions in Africa. After a presentation of the network and its action plan for 2010-2012, participants discussed economic justice issues in their specific context. Three points surfaced:

- The importance of religious communities committing themselves to economic justice: the Christian faith and Gospel values uphold the need to improve the capacity of those they work with by giving them access to knowledge about their rights and responsibilities, about how to analyse events and how to stand up for themselves in the presence of their elected leaders.
- The advantages of working in networks whether within a country, within a region or between Africa and Europe, so as to improve the potential and effectiveness of religious and associated groups.
- To take the trouble to keep up-to-date with what is happening in the world of economic justice and to pass on this information to members of their congregation and to the people where they work.

Speaking of the working context, participants confirmed their interest in the AEFJN's chosen subjects: Food Sovereignty (land-grabbing and access to drinking water), Quality Medicines, Social Responsibility of Businesses, Climate and the fight against the proliferation of Small Arms. Other subjects relating to economic justice were mentioned such as migration, human trafficking and prostitution, fishing agreements and access to new technology (for the development of Africa)

Twenty-four wrote of their intention to raise the awareness of small groups (religious or lay) about economic justice where they are and to learn more about AEFJN.

Twenty-five others said they wanted to become involved in the AEFJN network, some committing themselves to sharing information, others wanting to set up a group. Several were going to talk to their superiors about it.

Religious in Africa are asking members in Europe to send them information that is hard to obtain in Africa and to correct false information they receive. Similarly, the members in Europe are asking those in Africa (1) to send them concrete, trustworthy news of what is happening in their country, and (2) to let them know how these issues of economic justice are affecting the people they know. They can launch campaigns in the South and the North together and so improve their effectiveness. What topic should be chosen? Land-grabbing? Quality medicines?

If this link with missionaries in Africa is strengthened, the European AEFJN antennae will be able to encourage their religious to become active, to uncover the hidden causes of economic injustice and lobby governments and the European institutions for greater economic justice in Europe.

Father Ngoyi (CICM, Dir. JPIC Nigeria) encouraged congregations to give one member per country a full-time commitment to work for greater economic justice; they could be the specialist and coordinate the involvement of the congregation's members.

Fr. Berilengar (s.j. Dir. Gen. CEFOD, Chad) stressed that religious in Africa can benefit from being closely involved with AEFJN, primarily by receiving information from Europe that corrects the misinformation received in Africa, e.g. "We are taking these lands from you in order to feed you."

The meeting – but not the discussions - ended at 18.10.

## Arab revolts

Begoña Iñarra

The Western world has watched with wonder the revolt in the Arab countries, the fearless youth and population asking for freedom, basic rights and democracy. The revolts have also caused confusion about the future in the countries where the regimes have fallen, to say nothing of the consequences for the whole world. But what has come out clearly is the inconsistency in the policies of most "outsider" governments. While defending democracy in words, they have dealt with corrupt and dictatorial regimes and, what is worse, they have sold them quantities of sophisticated weapons that are being used to attack the peaceful populations, causing death and suffering. Now, those governments and defence industries say they are worried about the impact on those arms.

This article surveys the spirit of the Arab revolts, the root causes of these revolts and possibilities for a better future. The sale of weapons to these countries is currently having tragic consequences for those participating in the revolts and for the population in general, as in the case of Libya. Details are given of the money spent by the Arab countries on weapons, of the exporter countries that have benefited from this trade and of the weak response and support of the so called "international community"

### 1. A tsunami invades the Arab countries

The wave of civil unrest against dictatorships in the Arab world is like an "anti-cluster bomb" that exploded in millions of strong protests, overwhelming the police state, and the military, and succeeding in displacing the Tunisian and Egyptian dictator-presidents that ruled them. A disillusioned new generation is taking the initiative to live in a real democracy. The uprisings are supported by the

whole spectrum of society have spread to other towns and countries: Yemen, Libya, Bahrain, and, to a lesser extent, to Jordan, Syria, Morocco, Iran... leading to numerous deaths and injuries. The new social networks such as Facebook, Twitter and others have played a decisive role, providing space for young people and adults to talk, organize, send information around and prevent any attempt to shut down public political forums. For many of this young generation, the social media provide ways of connecting and giving information that the previous generation could find only in the mosque.

In Tunisia and Egypt, after attacking the protestors and killing a number of them, the police disappeared. The Army refused to shoot at the citizens and sided with the protestors, maintaining public order, and protecting state and private property. In both cases, it became obvious that the Army would not allow police brutality or mob anarchy. In Bahrain, the army first attacked them but then disappeared, probably under pressure from the USA.

### ***1.1. The situation before the revolts***

As the regimes persisted, their legitimacy ebbed away and the power of Arab dictators rested increasingly on a strong police state that crushed all political dissent. The army, though very influential - as most political leaders emerged from its ranks- has been politically neutralized. In that situation, the only space that could escape the police was the mosque. Thus in the last decades mosques became centres of political activism.

In recent years, the political power of the mosque has declined. The weakening of Islamism has opened up the space for the democracy movements. What seems to be clear in the revolts is the willingness of the protestors to separate personal religious beliefs from collective political demands. If this secular trend continues, it may be a turning point for the future of Islamist movements who for almost three decades have dominated the opposition to the established Arab order and foreign domination. Regardless of the outcome of the revolts, they reveal how the Arab political and religious landscape has irrevocably changed and their lasting political and cultural impact.

The revolts are challenging many assumptions about Muslims. The demand of the Arab people for democracy puts down the belief that democracy was not appropriate for Arab culture. The demands of the people refute the principle that Arab countries were opposed to secularism and that any political change in Muslim-majority nations would inevitably provide a platform for Islamists.

### ***1.2. The reason for the revolts***

Unemployment and the rise of food prices was the trigger of Tunisia's revolts. In Egypt the refusal of Mubarak to follow the court decision in November 2010 to raise the minimum wage from \$70 a month to \$207 a month led to trade unions protests and worker and activist demonstrations. Neo-liberal policies have in recent years transformed the economy of Arab states. The result has been economic growth but also growing unemployment, low salaries, and an increasing gap between rich and poor. These reforms fuelled great resentment among the middle and lower classes. The corruption of the regime and the huge fortunes built up by the dictators contributed to the impoverishment of the population. Many Arab countries have diversified their economy, but it relies heavily upon rent income (remittances from migrants, oil and gas exports, tourism revenues, payment for privatisation). The brutal response to the revolts of some rulers shows the desperation of old tyrants clinging to power.

### ***1.3. The future***

What happens in the coming months and years in the region is crucial for the whole world. Not only is the organization of free and fair parliamentary and presidential elections important – and this will surely will occur in many countries - but it is imperative to put in place a fair constitution, democratic

institutions and a security establishment (police and army) that will be subordinate to the state. The revolts have irreversibly transformed the political landscape of the Arab world.

Foreign powers are heavily involved in the Arab region. The main one is the United States, followed by Iran. The others - Turkey, France, Great Britain, Russia, China - are less important but nonetheless relevant. Their excuse for supporting dictatorships and dealing with corrupt regimes was and still is "the search for stability" in the region. They chose to ignore that this was done at the cost of the freedom and basic rights of the population.

## **2. The response of outside governments**

The position of foreign powers in the face of the revolts has evolved but doubts persist in the mind of the population in the Maghreb and Middle East. The United States tried to be on the side of the winner, vacillating a long time before siding with the protestors, in the case of Egypt, although lately it has called publicly for more "democracy," no violence, and negotiations. Behind the scenes, they press the regime to limit their response and to listen to some of the demands of the protestors. In Bahrain, the USA is not ready to let go of a regime that supports US policy and allows the presence of the 5<sup>th</sup> fleet in its waters. A Shi'a government would certainly not allow this presence. Saudi Arabia a repressive regime has the unconditional support of the USA. The last sale of weapons, the greatest ever USA weapons deal confirms this.

Even faced with the hard reality of Gadaffi's attacks on his people, the UN struggles to take robust action to establish an *Air Exclusion Zone in order* to stop the aerial bombardment of civilians.

## **The selling of arms "kill" in the Arab countries**

Begoña Iñarra

### ***1. Arms kill and its trade is not "ordinary business"***

In most Arab countries where the revolts have taken place security forces attacked unarmed demonstrators killing and injuring many. In Libya the government is using warplanes and tanks to bomb civilians. TV has shown security forces and civilians using Belgian guns. Where do these arms used to attack, kill and injure peaceful demonstrators come from?

Many countries that call themselves "defenders" of democracy have not only supported those dictators' regimes but have also done business with them and sold them great quantities of weapons. The separation between ethics and values on the one hand and economic and political interests on the other is one of the main "inconsistencies" of these countries. When these come into conflict, business and political interests usually override ethical standards. This is particularly scandalous and dangerous in the case of arms sales. Business and employment may be important for the countries where the arms are produced, but ethics are also significant for many of its citizens.

Governments are responsible for the selling of arms. To legally export arms and defence-related articles and services from country A to country B, the exporting company needs an export license from the exporting country A's government. The governmental body responsible for issuing exporting arms licenses decides if country B complies with a series of security measures. What the security forces can do with these weapons should be considered. In some cases "conditions" are attached to the contracts, but the reality is that, once the arms are in a country, the seller has no means to control its use or destination.

The French government continued to allow exports of equipment used to maintain public order, explosive material, mostly tear gas grenades to Tunisia even after the uprising. However, at the beginning of February France suspended sales of arms and equipment for riot police to Egypt.

## 2. Arms imports in Arab states

In these protests, revolts or revolutions, police and army are playing an important role, either to fight the protestors or to defend the people.

Though in recent years the danger of a war between neighbours has diminished in North Africa, the countries of the region have been excellent clients for arms producers. During the period 2005-2009, Algeria, Morocco, Libya, and to a lesser extent, Egypt and Tunisia were the largest arms importers in Africa, with Algeria at the forefront. Everybody knew what Gaddafi had done in the past and what he would be able to do in the future. But since 2003 when he was “restored” to the international community, because of the Libyan oil and the business resulting from it, many governments decided to deal with him and gave licenses for weapons destined for Libya.

### Libya a big arms market

Libya dominates the Maghreb in terms of weapon numbers but lacks meaningful military capability because of its limited active manpower, poor training and technical skills, weak support system and infrastructure and poorly organized mobilization base. This explains Gaddafi’s use of mercenaries.

Today, faced with the use of weapons against the people of Libya, most exporting governments play innocent. But the facts are clear.

Although according to the SIPRI report Libya spent only US\$ 17million on weapons from 2005 to 2009: (\$1m. to France and \$16 m. to Italy, with the latter selling six helicopters and France signing a contract to refurbish Libya's Mirage combat jets) the actual expenditure is much bigger.

According to the 2009 European Union (EU) report on arms exports, in 2009 alone EU countries granted €687.6 million worth of licenses for exports to Libya. Italy sold 6 light helicopters and granted licenses for military aircraft, including assault craft, and associated equipment, as well as for bomb fuses, including some for

improvised-type devices. France sold 100 anti-tank missiles and Portugal granted permits for drones. Malta shipped small arms to the regime. Belgian gave permits for anti-personnel chemicals used to quell riots and of Italian licenses. Germany sold electronic jamming devices. Romania sold Gaddafi 100,000 Kalashnikovs.

The arms and ammunition delivered to Libya from Belgium in 2009 came from Wallonia and Flanders. Those from FN Herstal in Wallonia were worth 11.5 million euro and consisted of hundreds of assault rifles, submachine guns, handguns, light machine guns, rifle grenades, compressed-air guns that can be used to stop hostile but unarmed individuals or groups, and 1.134 million rounds of ammunition among other things. These arms were delivered to the army and the security forces. Flanders sold very sophisticated material.

Libya was one of 53 countries invited by to the 2009 DSEi arms fair in London. In 2005 BAE-UK gained some of Libya’s military spending — forecast to rise to \$730 million in 2010.

In 2009 Russia sold 96 Libya anti-ship missiles for \$100m. and USA 8 Hercules aircraft for \$70m. Even South Africa had supplied Libya with more than 100 sniper rifles and more than 50 000 rounds of 40mm ammunition, multiple grenades launches, Hercules C130 aircraft and armoured personnel carriers in late 2010.

In January 2010 Moscow struck a deal with Libya to sell Russian arms worth \$1.8bn. More than one billion dollars of the deal was for combat aircraft such as SU-35s, SU-30s and Yak-130s. The deal also included two divisions of air defence systems and several dozen Russian tanks to modernize the old Libyan tanks and other weapons.

The table on page 7 shows the spending in weapons of the Arab countries together with the countries that provided such weapons, and the total amounts of Arab expenditure and Western export revenues from those arms.

WEAPONS PURCHASED BY LIBYA	
SUPPLIERS	Millions of Euros
Belgium	22,4
Bulgaria	3,7
France	185,5
Germany	43,2
Italy	191,3
Malta	79,7
Portugal	19,1
Russie	100,0
United Kingdom	20,7
United States	70,0
<b>TOTAUX</b>	<b>735,6</b>
Data taken from the 2009 EU Report on Arms Exports	

### ***3. Some control exercised by Western countries***

After the hard response of Gaddafi to the protests, most governments have decided an 'immediate' review of export licenses, concerned that they might be used by Gaddafi's regime to fight protesters.

As response to NGO complaints for the selling of arms from Belgium to Libya, in 2009 Belgium overturned a licence for FN Herstal to supply €11.5 million of small arms - including 367 rifles, 367 handguns, 50 "luxury" pistols and 22,000 grenades - for Gaddafi's elite army and police units.

In February 2010, the UK revoked a series of export licences to Libya and Bahrain covering tear gas and gun components following violence in both countries. As early as 2008, the UK had blocked York Guns from shipping 130,000 Kalashnikovs to Libya because it feared they would be resold to warlords in Sudan. Yet despite the later decisions the selling of arms continues to feature on the "agenda" of most governments, even to "problematic countries". The United Kingdom and United States were the first two countries to pay a visit to the new leaders, but their interest raises questions... David Cameron, UK Prime Minister, in his recent tour of the Middle East was accompanied by 20 businessmen of whom 8 were arms manufacturers from defence and aerospace firms – BAe, Thales and others. The fact that the UK is ready to continue selling weapons to undemocratic Gulf states, despite the people of the Arab region's cry for democracy and respect for human rights, shows that UK cares about its business more than about these human values. The reason given by Cameron, "the equipment sold is used to defend the country's borders", is not valid today.

ARMES ACHETEES PAR LES PAYS ARABES DE 2005 A 2009: VALEURS EN MILLIONS DE DOLLARS															
FOURNISSEURS	Libye	Algérie	Ar.séoudite	Bahreïn	Emirats AU	Egypte	Jordanie	Koweït	Liban	Maroc	Oman	Tunisie	Qatar	Yemen	TOTAUX
Afrique du S.		18,0	10,0		11,0		31,0								70,0
Allemagne			1,0		61,0		8,0					168,0			238,0
Australie							1,0							50,0	51,0
Autriche					8,0										8,0
Belgique			7,0	16,0			206,0		7,0	17,0					253,0
Canada		12,0	26,0								4,0				42,0
Chine		61,0	73,0			85,0	8,0								227,0
Emirats ar.							9,0		9,0		7,0				25,0
Espagne		78,0					7,0								85,0
Etats-Unis	70,0		455,0	98,0	3.880,0	1.862,0	228,0	286,0	13,0	16,0	478,0	18,0	280,0	7,0	7.691,0
Finlande					2,0	68,0									70,0
France	1,0	57,0	42,0		2.309,0		7,0	9,0			93,0				2.518,0
Italie	16,0		15,0		30,0			20,0					5,0	83,0	169,0
Jordanie									28,0						28,0
Libye					24,0										24,0
Montenegro						180,0									180,0
Oman				1,0											1,0
Pakistan			3,0												3,0
Pays-Bas						161,0	103,0								264,0
Roumanie					40,0										40,0
Royaume-Uni	730,0	18,0	474,0	60,0							25,0				1.307,0
Russie	100,0	3.119,0			124,0	128,0	12,0			171,0				235,0	3.889,0
Singapour					2,0										2,0
Suède					1,0										1,0
Suisse			30,0							16,0					46,0
Turquie			2,0	4,0	23,0										29,0
Ukraine		31,0				30,0	11,0							197,0	269,0
<b>TOTAUX</b>	<b>917,0</b>	<b>3.394,0</b>	<b>1.138,0</b>	<b>179,0</b>	<b>6.515,0</b>	<b>2.514,0</b>	<b>631,0</b>	<b>315,0</b>	<b>57,0</b>	<b>220,0</b>	<b>607,0</b>	<b>186,0</b>	<b>285,0</b>	<b>572,0</b>	<b>17.530,0</b>

## The Resource Curse

Thomas Lazzeri & Carleigh Rixon

How is it a country so rich in resources, like the Democratic Republic of Congo (DRC), can face social, political, and economic turmoil? Endowed with large amounts of diamonds, gold, copper, cobalt, coltan and tin, DRC faces today what is known as the *resource curse*.

According to the resource curse, resource-dependent countries are subject to the following curses: an increase in corruption, larger likelihood of an authoritarian government and a higher risk of civil war. With an excess of wealth coming from one sector of the industry, the state fails to promote other parts of the economy. The sole reliance on resource extraction revenue incurs the risk of the nation becoming a “*rentier state*”. This is a country in which élites buy support rather than invest in good economic performance. With resource revenues quickly rising, multinational companies increasingly align with the government.

Resource extraction and revenue distribution begin to trump all other sectors of institutional development. Society begins to value ownership more greatly than representation, weakening the state’s ties towards democracy. Everyone wants a piece of the prosperity. Economic agendas play a pivotal role in creating violent conflicts. Civil war is much more likely in a state of resource wealth.

### Mining Funds Armed Groups

The United Nations has estimated that in many parts of the provinces of North and South Kivu in DRC armed groups control the trade of minerals. The control over the mines is the main source of revenue for the warlords and often the only reason keeping these groups going. In 2002, for example, the United Nations estimated that no coltan was leaving the Eastern DRC without benefiting either the rebel groups or foreign armies. Estimates are that the *Forces Démocratiques pour la Libération du Rwanda* (FDLR) reap millions of dollars each year from the illegal trade in minerals in Eastern DRC. As long as this trade remains profitable for them such rebel groups have no interest at all in putting an end to the armed conflict.

Despite this evidence many Western companies continue to buy minerals originating from these regions. The British mineral trading company Afrimex and its Congolese subsidiary Société Kotecha, for example, paid taxes to rebel groups in order to be able to continue exporting coltan from South Kivu, thereby supporting their military activities. AngloGold Ashanti mined gold in Mongbwalu which was under the control of an armed group named *Front des Nationalistes et Intégrationnistes* (FNI). In fact, AngloGold asked FNI for permission to start mining gold there. AngloGold paid levies to FNI for each kilogram of gold which was flown out of Mongbwalu and also provided assistance with logistics and transport, for example allowing FNI to use the company's 4X4 vehicles.

### The Tenke Fungurume Mining (TFM) project in Katanga- *An Example of Corruption and Civil War*

Tenke Fungurume in Southern Katanga, DRC, was one of the largest untouched deposits of copper and cobalt in the world. In 1996 the Swedish Lundin Holding was awarded the exploitation rights. Serious problems of transparency and corruption surround the signing of the contract.

The negotiations for the contract took place in total secrecy. Moreover, Lundin owner Adolf Lundin offered to finance Congo's then president Mobutu’s upcoming election campaign. The final outcome was an unfair deal favouring Lundin and damaging Congolese interests. In May 1997, Mobutu was overthrown and replaced by Laurent-Désiré Kabila. Shortly after, Lundin Holding made the payment of \$50 million as a deposit, as foreseen by the contract, but half of that money was transferred to the accounts of a company partially owned by Kabila.

In 1999 Lundin froze its activities due to the civil war in Congo. In 2005 a new contract was signed with the provisional government. The negotiations for the contract again took place in secrecy. An independent external evaluation of existing mining contracts was under way at the time the new

contract was signed but its conclusions were not awaited. According to various analysts, the terms of the 2005 agreements were tilted even more in favour of Lundin than those of the 1996 agreement.

In 2007 an independent commission established by the Congolese mining ministry concluded that the contract should be renegotiated. Nonetheless the mining project went ahead as scheduled and the exploitation began in 2009. In October 2010 the renegotiations ended with only minor concessions from the investors' side to the Congolese government and leaving, for example, the fiscal terms of the original contract untouched.

## **Oil Extraction in the Niger Delta**

DRC is not the only country in Africa suffering from the resource curse. Another example is Nigeria. Following the military rule in 1966, the federal government gained control of the Nigerian oil sector. Commercial oil exploitation had started in 1956 with an institutional structure favouring the three majority groups of the country. Developmental outcomes were compromised and the government was undermined by the increase of new sub-national state units.

The people living within the Niger Delta, an ethnic minority, began to feel excluded from the governance process due to a lack of transparency. Land ownership issues, environmental degradation, lack of compensation, and loss of livelihoods are all still prominent issues today. Violence became a greater issue when a wave of youth mobilization began, local thugs were being armed for election purposes, and the adverse response of both the oil companies and Nigerian government to legitimate complaints led to a further escalation of violence. While the local population suffered the negative consequences of the oil extraction - at least 400.000 tons of oil have spilled in the soil of the Delta over the last decades - they have not seen anything of the wealth the oil generates. While in 1980 28% of the population were living below poverty line in 2000 the figure had risen to 60%.

In October 2009, in conjunction with the Movement for Emancipation of the Niger Delta, militant leaders accepted the amnesty offered by Nigerian President Yar'Adua. The area remains very fragile. The violent conflict is a result of accumulated grievances related to the control of the resources.

## **Conclusion**

The resource curse has befallen many resource rich countries like DRC or Nigeria. This is fuelled by a lethal mix of corrupt and incompetent authorities, rebel groups wanting their share of the revenue from the natural resources and Western companies shamelessly making deals with both of them to secure access to these precious resources, impervious to the impact of their action on the local population. A change of attitude from all three these actors is needed to put an end to the curse. An important way the West can contribute to this is by holding companies accountable for the consequences of their action. The Dodd-Frank Act<sup>1</sup> is a first important step in the right direction, but further steps are needed including legislation which permits companies to be held accountable before European courts of justice for their crimes committed in Africa.

## **Church denounces as illegitimate so-called 'legal' land acquisition**

C. Fouarge

The term "land-grabbing" covers the very large scale transfer of land belonging to local communities (i.e. small farmers and family farmers, livestock farmers, fisher people and local groups) to an individual and/or businesses with local or foreign interests.

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<sup>1</sup> The Dodd-Frank Act requires multinationals quoted on Wall Street to disclose their payments to foreign governments and purchasers of minerals originating from conflict zones to prove that this did not contribute to the enrichment of armed groups. For more information on Dodd-Frank see also *CSR State of Play - October 2010* available at <http://www.aefjn.org/index.php/369/articles/csr-state-of-play-october-2010.html>

In Africa, since 2006 almost 30 million hectares of land have been acquired by foreign investors for projects exceeding 1000 hectares. In addition, there are the small-scale transfers often boosting the assets of the country's *nouveaux riches*. The good farm land and forests – and access to water – that is involved is chiefly exploited for the production of agrofuels and other crops for export, for extraction of natural resources and the expansion of tourist or urban zones, but it is also used for financial speculation and the obtaining of capital via the carbon trading.

A report published in February 2011 by IIED<sup>2</sup> reveals that none of the 12 land acquisition contracts studied was an example of “win-win” as the people do not have rights to land security nor any control over decisions that affect them.

## 1. Catholic development organisations analysis land grabbing in Africa

About 50 members of the Church, religious and representatives of Catholic development organisations and other networks (farmers, human rights workers ...) met for three days to analyse this phenomenon and to consider possible networks for combating this plague. Experts from Latin America and Asia were also invited to compare the situation in different continents. (“Land-grabbing in Africa – Dangers and Challenges” at M’bour near Dakar, 6-9 February 2011 <http://www.aefjn.org/index.php/resources.html> )

They produced evidence of two conflicting concepts of land: (1) a commodity, for profit, and (2) a means of livelihood. This clash generated legal, social, economic and environmental conflicts. They also showed that many legal acquisitions are not legitimate. In fact, most of them do not take into account the ‘ancestral’ right of occupation nor the circumstances and needs of the local community. Moreover, there is a lack of information and consultation together with abuse of power on the part of the authorities, influential people and foreign companies. It does not stop there: compensation is non-existent or minimal; biodiversity and the eco-system suffer (often irreversibly); the competition for water increases.

All these practices violate the right to food<sup>3</sup> and the economic, social and cultural<sup>4</sup> rights of land users. In fact, access to land is linked to the right to sufficient food, with each country being obliged (i) to respect, (ii) to protect from all assault by third parties and (iii) to try and strengthen the people’s access to and use of resources and means that assure their livelihood. The social and cultural functions of land are also affected, for example religious shrines and burial grounds, common heritage, homes and social and cultural infrastructure. These functions, of particular relevance in Africa, are noted in the African Union’s document: “Framework and Guidelines on Land Policy in Africa”.

The problem is that there is no sanctioning body, such as exists for the WTO’s rules, to protect these rights where necessary. The legal yet illegitimate basis for seizing land, which has accelerated and grown in recent years, was prepared over 10-15 years by legal framework put into place in response to pressure from the World Bank, e.g. the opening of borders. What is needed, then, is a set of coherent laws that protect the citizens from being dispossessed of their land and the resources it contains.

Traditional rights have coexisted with the ‘modern’ rights inherited from colonial days and set down in the constitution of a country. This is because they respond to the way society functions: the collective management of a shared land which has several users, all with rights to use the land in different ways (farming, hunting, gathering of natural produce). Property deeds do not allow for this kind of management. For this reason, the participants at M’bour are asking their governments to

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<sup>2</sup> International Institute for Environment and Development, [Land deals in Africa: What is in the contracts?](#) By Lorenzo Cotula

<sup>3</sup> right to sufficient food recognised in article 25 of the Universal Declaration of Human Rights

<sup>4</sup> article 11 of the international agreement relating to economic, social and cultural rights

guarantee legal recognition and protection of the peoples' traditional rights concerning land and natural resources.

They are also recommending that the Church should (i) denounce land contracts that violate human rights and are both illegal and illegitimate, (ii) prioritise land issues in its pastoral work, (iii) support communities in difficulty and (iv) disseminate the implementation of proposals concerning land from the Bishops' Synod for Africa. To read the complete declaration, see : <http://www.aefjn.org/index.php/info-345/articles/aefjn-at-wsf-2011-declaration-on-land-grabbing.html>

## 2. The teaching of the Church

« Land occupation is often an expression of an intolerable and morally indefensible state of affairs, and is an alarm bell calling for the implementation of effective and equitable solutions on the social and political level. » (Pontifical Commission for Justice & Peace, November 1997, §44). The Church clearly states that land is a common good given by the Creator for the needs of all, now and in the future. The right to use of land is natural and primordial; it is a universal value that applies to every human being and that may not be overridden by any other economic right. The social doctrine of the Church supports private property as a means of achieving autonomy and freedom, a means, however, which is subordinate to the first social function of property: to enable each and every person to live. The encyclical '*Caritas in Veritate*' (June 2009) reminds us that the loss of land is an obstacle to development and gives two criteria for analysis: justice and the common good.

## 3. The call of the Bishops in Africa

« Since large stretches of fertile land and water resources are unscrupulously exploited by foreign and local investors in many African countries, causing the displacement and dispossession of poor persons and their communities, who are often powerless to oppose this "assault", this [African] Synod urgently calls upon all governments to ensure that its citizens are protected from the unjust alienation of their land and access to water, which are essential goods of the human person.» The Synod Fathers urge that « traditional land rights be respected and recognized by the law » (*proposio* 30 on Land and Water, October 2009), and "the Church in Africa seek information and learn about land and water issues in local churches in order to educate the People of God and enable them to challenge unjust decisions in these matters" (p.30). "We highly recommend to the Church Family of God in Africa to press our governments to adopt a suitable juridical framework which takes into account the interests of our countries and their populations." (*proposio* 29 on Natural Resources).

## 4. Towards action

Success is possible. Here are two interesting examples:

In 2008, the Ghanaian NGO, RAINS, brought the activities of Biofuel Africa (a subsidiary of Norway's Biofuels Ltd.) to a stop, legally, with a view to recommencing the negotiations in the presence of all the villagers of Alipe. They also ensured the transparency of the villagers' and the company's objectives, of the terms and the potential impacts of the contract and of the rights and responsibilities of each party.

In Nigeria, parliament publishes on the internet any land contracts that have been ratified. Those with political responsibility draw on assistance from legal experts and sign short-term contracts which clearly show the commitments of the investors.

The [Declaration of the workshop at M'bour](#) on land-grabbing can be used for lobbying, for working in the Church context and with networks of civil society organisations. The participants at the workshop also contributed to the [Dakar Appeal against Land-Grabbing](#) which was produced by a group of organisations present at the World Social Forum in Dakar. For more information and to sign up, see :

[http://www.aefjn.org/index.php/resources/articles/Dakar\\_Appeal\\_against\\_the\\_land\\_grab.html](http://www.aefjn.org/index.php/resources/articles/Dakar_Appeal_against_the_land_grab.html)

# Towards a malaria-free Africa?

Begoña Iñarra

## 1. Malaria in Africa

Malaria is an infectious disease spread by mosquitoes that threatens up to 3.3 billion people in 109 countries - more than half the world's population. Each year, there are more than 225 million cases of malaria of which nearly 1 million are fatal, 90% of them in Sub-Saharan Africa where children and pregnant women are the main victims. Survivors may suffer brain damage. Malaria has a heavy cost in human lives, work hours and economic development. Most people buy their medicines from local chemists and street kiosks rather than from government clinics and hospitals.

Africa still has the highest burden of malaria cases and deaths in the world. 50 African countries have malarious areas, but 30<sup>5</sup> bear the brunt of 95% of all malaria deaths and 96% of malaria cases worldwide. In sub-Saharan Africa, approximately 365 million cases occurred in 2002 and 963,000 deaths in 2000. Almost 1 in 5 deaths of children under 5 in Africa is due to malaria. In addition, malaria during pregnancy often contributes to maternal anaemia, premature delivery and low birth weight which lead to increased child mortality. Severe maternal malaria infection contributes significantly to maternal deaths in sub-Saharan Africa, while countries in North Africa have only a few imported malaria cases and no deaths.

The average medicine course can cost between \$6 and \$10 in many African countries, while 60% of Africans earn less than \$2 per day. Most of these cannot afford the treatment they need and therefore go without.

Several factors have made malaria control difficult and led to substantial increases in cases on the continent during the 1980s and 1990s. Firstly, there was the widespread emergence of resistance of *P. falciparum* to chloroquine, then the most commonly used anti-malarial drug. Secondly, the effectiveness of malaria control is limited by weak socioeconomic development, poverty, poor quality of housing and limited access to health care. At national level, inadequate financial resources for malaria control have led to fragmented implementation, limited in both scale and the populations targeted. The societal and health burden of the HIV/AIDS pandemic and numerous humanitarian crises in the past decades have also contributed to the difficulty of controlling malaria.

## 2. New opportunities for fighting malaria

In recent years the opportunities for fighting and containing malaria have increased. The Global Fund to fight AIDS, TB and malaria has offered free malaria treatments to many countries in Africa and currently directs part of its help to strengthening national health systems, an important factor in the fight against malaria.

The resistance problem has been solved by changing to artemisinin-based combination therapies (ACT) in most sub-Saharan African countries. Artemisinin is a plant which quickly kills the plasmodium parasites that cause malaria.

Severe malaria is treated with intravenous or intramuscular quinine or, increasingly, with the artemisinin derivative artesunate which is superior to quinine in both children and adults. Lately in South East Asia a new strain of artemisinin resistant malaria has appeared. Scientists believe that fake and substandard malarial medicines are a major factor in the development of new malaria drug-resistant strains. History has shown that once resistance to anti-malarial treatment emerges it is only a question of time before it spreads.

The development of rapid tests that can diagnose malaria in 15 minutes is helping full recovery. The recruitment and training of village health workers equipped with rapid diagnostic tests is an important aspect in the fight against malaria.

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<sup>5</sup> Nigeria, Democratic Republic of Congo, Uganda, Ethiopia, Tanzania, Sudan, Niger, Kenya, Burkina Faso, Ghana, Mali, Cameroon, Angola, Côte d'Ivoire, Mozambique, Chad, Guinea, Zambia, Malawi, Benin, Senegal, Sierra Leone, Burundi, Togo, Liberia, Rwanda, Congo, Central African Republic, Somalia, and Guinea-Bissau

Access to long-lasting insecticide-treated nets protects children during their sleep when mosquitoes are active. Insecticides for indoor spraying and insecticide spray pumps are also effective in keeping the insects at bay.

Global Health intervention to fight malaria has had a positive impact in Africa and the number of malaria infections has declined since 2008. In the 2010 World Health Organisation (WHO) report, the annual death toll due to malaria on the continent had decreased from 1 million to 781,000.

Today there are effective tools to treat malaria but only a limited number of patients have access to them. Many pregnant women and, above all, children still do not get the treatment they need. The two main barriers for people suffering from malaria in Africa are: costs of tests and of treatment (cocktail of ACT drugs), and difficulties of reaching health centres.

### **3. Towards a malaria-free world**

In recent years there has been significant progress in the fight against malaria. The cost of its elimination has been estimated at US \$5,300 millions in 2009, \$6.2 billion in 2010 and \$5.1 billion annually from 2011 to 2020, but even greater is the actual cost in human lives and to the economy.

To meet the 2015 UN target of ending deaths from malaria and dramatically reverse the disease in Africa, in 1998 the United Nations, in partnership with the WHO, UNICEF, the WB and UNDP, launched the initiative "Roll Back Malaria", and specifically the 2001 - 2010 decade to Roll Back Malaria in Africa.

A number of medical organizations and NGOs joined the UN's efforts. They called for a series of crucial measures such as free treatment, expanding use of free quick tests, training villagers to identify and treat simple cases of malaria in home based care centres and distribution of treated bed-nets. These measures save many lives in poor developing countries and regions.

An MSF study has shown that making tests and treatment for malaria free dramatically increases the number of people who seek treatment. After free tests and drugs were introduced in a region in Chad, the number of malaria patients increased in one year from 10,000 to 100,000. This created other kind of problems as the existing clinics and medical staff could not absorb all the increase. But a positive side effect of free malaria medication is that patients do not rely any more on counterfeit and substandard malarial medications, thus reducing the possibility of resistance.

As the vast majority of drugs and other products used to fight malaria are imported from overseas, the WHO proposed dropping all taxes and tariffs on medicines, bed-nets and other anti-malaria tools as a means to lowering the cost of treatment and life-saving products. Despite the promise from 40 African leaders 10 years ago to do so, only six countries - Guinea, Kenya, Mauritius, Tanzania and Uganda in Africa and Papua New Guinea in Asia - have completely removed tariffs on products used to fight malaria. This is despite the fact that taxes and tariffs on anti-malaria products provide only minimal revenues and these gains are often offset by health costs and lost productivity from preventable malaria illnesses. Taxes and tariffs raise the price thus preventing the poor from access to malaria treatment.

To reach the MDGs on malaria mortality and bring about a real change, greater efforts at national and international level are needed. Political support at country level, and new strategies and funding at international level are two essential requirements. Only through real cooperation between countries and international partners will the MDGs be reached by 2015.

### **4. Towards free malaria treatment**

Many governments in Africa have prioritized malaria and place it high on their health agendas. A few African countries have made commitments towards free malaria treatment and prevention for certain category of patients.

In **Cameroon**, where malaria accounts for 2/3 of hospital admissions and for 40% of deaths among children aged 0-5 years, a third of the family budget is spent on malaria treatment. From February 2011 there is free treatment for "uncomplicated malaria" for children under five in public and private

hospitals. This includes also the medical test kit and treatment. But the qualification of "uncomplicated malaria" raises concerns in the population because eligibility for this category could lead to scams in hospitals and health centres. The government has announced the distribution of 8 million impregnated bed nets.

**Ghana** will offer free malaria treatment in all public health institutions once the law has been passed.

In **Mozambique**, malaria is the largest cause of hospital admissions, with 5.9 million reported cases of malaria, 4,209 malaria deaths in 2005 and over three million reported cases in the first three months of 2010 alone. Mozambicans have access to free malaria treatment in all public hospitals and clinics in the country. The distribution of free mosquito nets, house-to-house spraying campaigns, eliminating stagnant water where mosquitoes reproduce and raising general awareness about the disease are other measures they use to fight malaria.

In **Mali** the prevention and treatment of malaria in children under five years and pregnant women has been free in public hospitals, reference and community Health Centres since November 2010. This includes the drugs for treatment and prevention by sulfadoxine-pyrimethamine tablets as well as mosquito nets treated with insecticide.

**Namibia, Botswana, South Africa and Swaziland** are building a comprehensive approach that includes using bed-nets, improving diagnosis, and making available safe, effective treatment. But the cornerstone of this highly successful campaign is the spraying of small amounts of insecticide, including DDT, inside houses.

**Senegal** has made a great effort to combat malaria. The introduction of the ACT and of the rapid diagnostic test, together with the distribution of 3 million bed nets to children, has decreased the number of deaths due to malaria from 1,678 in 2006, to 577 by end 2009. The prevalence rate of malaria has gone down from 30% in 2,000 to 5.7%, currently. USAID Senegal expects to provide 450,000 doses of treatment against malaria and one million bed nets. Since May 2010 **Senegal** has been offering free malaria treatment ( ACT only). Some doctors believe that the doses of ACT available will be insufficient for the current needs, especially during the rainy season.

In **Chad** since January 2011 malaria diagnosis and treatment, as well as bed nets for mothers and children have been free. The fight against malaria will cost between 15 and 20 billion FCFA per year. In 2010, 600 million CFA francs (915,000 euros) were spent on free care for all severe cases of malaria.

## EPAs and the European Raw Materials Initiative <sup>6</sup>

Thomas Lazzeri

The EU and its member states are increasingly worried about securing access to raw materials for European companies. The EU has to rely on the import of several critical raw materials from third countries. In fact the EU is the world's largest importer of natural resources, accounting for 23% of the global imports of natural resources. The EU's import dependency rate for minerals ranges from 46% for chromium, 54% for copper ore, 95% for bauxite to 100% for materials such as cobalt, platinum, titanium and vanadium.

The rise of China, and also of India and Brazil, set the alarm bells off. Therefore the Commission launched its Raw Materials Initiative in 2008. The main focus of the Initiative was to secure European access to raw materials in third countries. In February 2011 a new report was released, which confirmed the Commission's approach. In particular the Commission wants to improve the EU's security of supply through multilateral trade agreements at World Trade Organisation (WTO) level

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<sup>6</sup> Le contenu de cet article se base largement sur les rapports suivants: Amis de la terre, 2008, *Affaiblir l'Afrique – Accords de partenariat économique, forêts et la quête de l'Union Européenne pour les matières premières d'Afrique*; Tradecraft et al., 2010, *La nouvelle saisie des ressources: comment la politique commerciale de l'UE sur les matières premières est en train de miner le développement*; Gregov, K., 2010, *La course aux matières premières – comment l'UE utilise les accords commerciaux pour s'emparer de ressources en Afrique*; Ramdoo, I., 2011, *Faire des achats de matières premières – L'Afrique doit-elle s'inquiéter de l'Initiative de l'UE pour les matières premières?* ECDPM.

and bilateral trade agreements such as the Economic Partnership Agreements (EPAs). The objective is to use these trade agreements to remove obstacles - like export restrictions or limits on investments - which hinder Europe's access to raw materials in third countries.

## 1. Export restrictions

Export restrictions can take many different forms, such as export taxes, quotas, subsidies, or mandatory minimum export prices.

Export taxes are a common policy instrument in many developing countries. Export taxes are allowed under WTO rules. They are used to promote value-added domestic processing, to protect the environment and natural resources and/or as a source of government revenue. By levying a tax on the export of a certain raw material, it can provide an incentive for the development of domestic manufacturing or processing industries with higher value-added exports, as processing the raw material in loco becomes less expensive than exporting it for processing in Europe.

The EU is of the view that export taxes distort trade. For several years, the EU has tried to ban the use of export taxes in the WTO. In 2006, it submitted a proposal to the WTO on disciplines for a new WTO agreement on export taxes as a non-tariff barriers. The EU proposed that all WTO members should commit to eliminating export taxes. The proposal was rejected by other WTO members and criticised by developing countries. Namibia, for example, strongly resisted the EU's attempts to ban export taxes. In 2008 the EU submitted a revised proposal which again failed to attract consensus and since then there has been no further movement on the issue in the WTO.

Developing countries, consider export taxes to be legitimate economic and industrial development tools. They want to continue to be able to use export taxes as a policy instrument in different situations, where they consider them appropriate. The trade ministers from the world's poorest countries called upon the WTO members to agree "not to impose any discipline on export taxes, as these are legitimate tools for development"<sup>7</sup>

Since the EU had not succeeded in getting its way on export taxes in the WTO, it shifted its efforts to bilateral trade negotiations, such as the EPA negotiations with the ACP countries. In the original EPA negotiations, export taxes had not been on the agenda, but suddenly, when the 2007 deadline was approaching<sup>8</sup>, the EU inserted them in the negotiation text.

The clause on export taxes that the EU managed to push into the interim EPAs prohibits the African countries from introducing any new export taxes, as well as from increasing those currently applied. In exceptional circumstances and only subject to agreement by the European Commission, export duties can be temporarily introduced.

African countries have repeatedly raised the issue of export taxes in the ongoing EPA negotiations. The East African Geneva-based ambassadors to the WTO have demanded that the clause on export taxes in the interim EPAs should be deleted. The African Union Commission presented a paper to the European Commission at a joint meeting in June 2010, stating the following on export taxes:

*"The European Commission's proposal to prohibit the use of export taxes and quantitative restrictions under EPA is an unnecessary WTO-plus requirement that would limit the policy space to use these measures for value-addition, diversification, infant industry promotion, food security, revenue and environmental considerations."*<sup>9</sup>

For many developing countries, export taxes are one of the few remaining trade policy tools, since the domestic policy space to support industrial development has been significantly reduced by the liberalisation enforced by the Structural Adjustment Programs imposed by the International Monetary Fund (IMF) and the World Bank in the 1980s and 1990s and the WTO negotiations. When the EU tries to prevent African countries from introducing new export taxes, it denies them their policy space to decide on tools to promote local value-addition and pursue industrial development.

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<sup>7</sup> WTO, Sixth LDC Trade Ministers Meeting, October 2009, Dar El Salaam Declaration

<sup>8</sup> EPA negotiations were originally set to end at the end of 2007.

<sup>9</sup> Julian, M (2010), *EPA Update*, Trade Negotiations Insight, July/August 2010

For African countries, in order to attain sustainable development, it is critical to break away from their commodity dependence and export tariffs are an incredibly valuable means to convince foreign investors to process raw materials locally, instead of exporting them. With the exception of some oil producers, no country relying on primary commodity exports is found among high-income economies. Only those countries that moved into skill-intensive and technology-based industries or incorporated value-adding processes into their primary sectors were able to achieve higher income levels. Promoting manufacturing is critical if African countries are to escape dependence on commodity exports.

The Kenyan government for example raised the export tax payable on exports of raw hides and skins to 20% in 2006 and the following June doubled it to 40%, with the aim of encouraging the leather processing industry in the country. Research shows that these taxes have brought a number of major benefits to the local leather industry. They have drastically reduced the exports of raw hides and skins and boosted leather processing. According to the government, nearly 98% of skins produced in the country are now semi-processed or finished leather compared to 56% in 2004. In 2007, Kenya produced 20,000 metric tonnes of leather compared to around 5,000 in 2003. Total earnings from the leather industry, according to government figures, rose by 21% between 2005 and 2008. It is estimated that around 1,000 direct jobs and 6,000 indirect jobs have been created since the introduction of the export duty.

Also, Africa's tropical forests would come under threat, if EPAs were implemented and export restrictions removed as this would open up to unrestricted logging of Africa's forests. In particular the tropical forest in the Congo basin and the Guinean Forest in West Africa would be menaced. These ecosystems are not only vital for the local population, but are relevant globally as they are some of the world's most significant green lungs and important for climate regulation.

## 2. Investments

In the Raw Materials Initiative, the EU lists 'restrictive' investment rules among government measures in developing countries and emerging economies that, in the view of the EU, distort international trade in raw materials.

Developing countries have long resisted an agreement on investments at WTO level and they finally managed to remove them from the Doha agenda in 2004. If the EU has its way a chapter on investments will be included in the final EPAs. The EPA with Caribbean countries, which is the only final EPA hitherto signed, contains a chapter on investments. An investment agreement with liberalisation commitments in the EPAs could severely restrict African governments' policy space to regulate foreign investment so that the investment can benefit the local economy and stimulate development.

The chapter on investment that the EU wants to include foresees *inter alia* 'National treatment' and 'Investor protection'. National treatment means that foreign investors have to be accorded the same rights as domestic investors thereby curbing developing countries' ability to give preferential treatment to domestic investors, such as small or infant enterprises, or their ability to ban foreign investment in certain sectors or provide favourable treatment to regional investors to help foster regional integration. Moreover, giving 'equal treatment' to foreign investors often in practice means giving them greater influence and rights than domestic investors, given their larger size and power. Investor protection, which establishes minimum standards of treatment of investors and the free flow of capital movements between countries which secures the right of investors to repatriate profits, restrict the ability of developing countries to impose controls on capital movements.

Liberalisation of investment in natural resources sectors would hand over more rights to foreign companies to exploit forests, minerals, oil and gas. This would tie African governments' hands and limit their ability to require foreign investors, for example, to re-invest part of the profit or to employ local staff. Other regulations that would be threatened by an investment agreement include requirements that foreign investors enter into joint ventures with residents and/or the government, restrictions on land ownership and restrictions on non-residents establishing subsidiaries or branches in the country.

Many African countries have certain restrictions on foreign investment in natural resources sectors in place, even if in many cases, in the hope of attracting more investment, they have been forced to introduce fairly liberal investment regimes. These regulations are often restrictions on foreign ownership, local participation or joint venture requirements, restrictions on land ownership or reserving small-scale mining for local citizens and citizen-owned companies. African countries' abilities to use such regulations in the interest of development would be under threat if the EU succeeds in pushing through an investment agreement in the EPAs.

For instance, in South Africa the Mining Charter in the Mineral and Petroleum Resources Development Act sets out the rules governing the application for and issue or transfer of mining rights. It includes statutory provisions for Black Economic Empowerment and the increased participation of historically disadvantaged South Africans in the mining industry. The Charter calls for black South Africans to control 15% of mines within 5 years, and 26% within 10 years. The government set a target to transfer 26% of mining assets to black-owned companies, and to ensure that 51% of future mining projects are controlled by black-owned firms. The law empowers the government to give preference to applications from historically disadvantaged people.

South Africa is the world's largest supplier of two of the raw materials which are considered by the EU as particularly critical - rhodium and platinum - and has already been identified by the EU as one of the countries which apply trade restrictions on raw materials. Were South Africa to sign an EPA which includes a chapter on investments, it would no longer be able to give preference to historically disadvantaged people. As the former World Bank Chief Economist and Nobel laureate Joseph Stiglitz said *'If you're from a developing country, try to make sure that your government doesn't sign a bilateral investment treaty.'*